

California Legislature

February 6, 2018

The Honorable Gavin Newsom
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

The Honorable Erik Peterson
Mayor, City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Dear Governor Newsom and Mayor Peterson:

The purpose of this letter is to express our growing concern regarding recent litigation pursued between the State of California and the City of Huntington Beach. Collectively and individually we have been communicating regularly with the Governor, his staff, and each other as this issue has developed and metastasized.

According to the Newsom Administration and Attorney General Xavier Becerra, Huntington Beach has not only consistently failed to meet the state's affordable housing requirements, but has also deliberately changed local zoning laws to prevent those goals from being met.

The City of Huntington Beach maintains that it is largely in compliance with the state's affordable housing mandate and that there are many other local jurisdictions that are worse, in terms of meeting their goals. At the same time, the City has also pursued two courses of litigation against the State of California to overturn other housing laws *in the last week alone*.

We are mindful that both the Governor and the City of Huntington Beach believe they are acting in the best interests of their constituencies. However, these lawsuits are not the best way to meet the needs of any of our respective constituencies. These three cases alone will cost millions of dollars and take years to resolve. In the meantime, little or no additional housing will be constructed for the populations who need it most. Efforts that add cost and complexity to projects are not the answer to addressing the housing affordability crisis or to reducing traffic.

In order to avoid these costly distractions that do little to address the underlying problem, we, as Huntington Beach legislators, believe the only feasible route forward is to seek the assistance of a neutral, third-party mediator to resolve this current disagreement. Mediation would allow for more frequent and informal conversations, outside-the-box thinking, and would be encouraged and directed by someone who is only invested in the outcome (good public policy) within the

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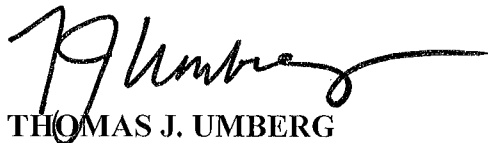
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confines of existing law. Most importantly it would save the taxpayers the time and expense of litigation.

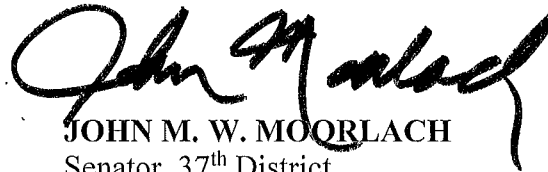
To that end we suggest that Associate Justice David A. Thompson (California Court of Appeal, Fourth Appellate District) be engaged, pro bono, to immediately begin to mediate this disagreement. Justice Thompson is a figure that is well known to both sides. He was originally appointed to the California Bench by Republican Governor Pete Wilson and subsequently appointed to the Court of Appeal by Democratic Governor Jerry Brown, Jr. He is an excellent and well respected jurist who has the ability and experience to resolve this matter.

We stand ready to assist the process and resolution in any way. We respectfully urge you to consider this option as the one that will bring this matter to an expedient close. Please feel free to contact any of us or our Chiefs of Staff if you should have questions.

Sincerely,



THOMAS J. UMBERG
Senator, 34th District
California State Senate



JOHN M. W. MOORLACH
Senator, 37th District
California State Senate



COTTIE PETRIE-NORRIS
Assemblymember, 74th District
California State Assembly



TYLER DIEP
Assemblymember, 72nd District
California State Assembly

cc: The Hon. Xavier Becerra, California Attorney General
The Hon. Lyn Semeta, Mayor Pro Tempore
The Hon. Patrick Brenden, Council Member
The Hon. Kim Carr, Council Member
The Hon. Barbara Delgleize, Council Member
The Hon. Jill Hardy, Council Member
The Hon. Mike Posey, Council Member
The Hon. Michael Gates, City Attorney
Mr. Fred Wilson, City Manager
Ms. Robin Estanislau, City Clerk