

June 2, 2026

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Submitted via email (housingelement@surfcity-hb.org)

Mayor McKeon and Councilmembers
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Council Chambers
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Submitted via email (SupplementalComm@SurfCity-hb.org)

RE: Initial Comments the City of Huntington Beach's Draft Housing Element dated May 28, 2026; Comments on Agenda Item No. 26-482

City of Huntington Beach Planning Division:

The Kennedy Commission (the "Commission") submits this letter to provide limited public comments regarding the City of Huntington Beach's 2021-2029 draft Housing Element ("Draft") that was purportedly revised or added on the City's website on May 28, 2026. See https://huntingtonbeachca.gov/departments/community_development/planning_zoning/housing_element.php#collapse67401b2. For the first time, this belated Draft includes an entire 1,137 page version of the City's housing element, with new changes that were not previously included in material posted earlier. The Commission already provided comments on portions of the revised Housing Element on February 6, 2026, May 21, 2026, and May 28, 2026. As detailed below, the City has again failed to provide proper notice of its proposed revisions, and the City has failed to post all of its proposed revisions.¹ Further, the City's limited revisions to the Draft Housing Element ("Draft") are not sufficient to address the deficiencies in the prior Draft dated March 10, 2023, or the deficiencies in the City's May 14, 2026 and May 28, 2026 revisions to the Draft. Therefore, the Commission requests that the City further revise the Draft Housing Element so that it substantially complies with Housing Element Law.

The Commission is a broad-based coalition of residents and community organizations that

¹ Shortly before submitting its May 28, 2026 comment, the Commission became aware that the City added a revised Draft Housing Element Update the same day.

advocates for the production of homes affordable for families earning less than \$27,000 annually in Orange County. Formed in 2001, the Commission has been successful in partnering and working with Orange County jurisdictions to create effective housing and land-use policies that have led to the construction of homes affordable to lower-income working families.

The Commission has intervened in the litigation *The People of California ex rel. Rob Bonta v. The City of Huntington Beach*, Case No. 30-2023-01312235-CU-WM-CJC. In this case, the San Diego Superior Court issued an Order on December 19, 2025, directing the City of Huntington Beach to adopt a revised Housing Element that substantially complies with Housing Element Law within 120 days of the Order. Consistent with Government Code section 65754, the Order specifies that the 120-day period shall include the 45-day review period by the Department. On April 24, 2026, the Court revised the City's deadline to adopt a substantially compliant Housing Element to May 28, 2026.

The City's May 28, 2026 Draft does not correct the deficiencies identified by the Commission in its February 6, 2026 letter to Melinda Coy, which the City was copied on, and by HCD in its March 6, 2026 letter to the City. Nor does the Draft address the deficiencies that the Commission detailed in its prior public comments on May 21, 2026, and May 28, 2026. For example:

- The notice of the May 28, 2026 revisions provided by the City does not meet the requirements of Government Code section 65585, subdivision (b)(1), which requires that prior to submitting the Draft, the City must: (1) provide seven days' public notice, (2) post the draft revision to its internet website, and (3) send an email notification to interested individuals. According to the City's website, the draft Housing Element was added on May 28, 2026—less than seven days before the June 2, 2026 City Council meeting. Therefore, the City has again failed to provide the statutorily required seven-day public notice. The proposed consideration of the Draft for adoption by the City Council on June 2, 2026 cannot occur until the City provides the minimum notice required by statute.
- The inventory of sites in the Draft has not been corrected. The sites inventory has not been updated to reflect any changes in circumstances since 2023, including the site availability for development within the planning period and suitability of nonvacant sites. (See March 6, 2026 HCD Letter, p. 2.) The sites inventory must also be updated to comply with Housing Element Law, including Government Code sections 65583, 65583.2, and the Court of Appeal decisions in *New Commune DTLA LLC v. City of Redondo Beach*, issued on October 10, 2025, (see February 6, 2026 Commission Letter, p. 2), and *Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193. The Draft does not provide an updated inventory of sites that address these deficiencies.
 - The detailed deficiencies in the Commission's prior letter of May 28, 2026 have not

been corrected for sites #5, #317, #318, #319 and #320. Furthermore, there has been no change to accommodate the loss of site #4 to reflect the loss of 567 units of capacity on that site.

- The City's adequate sites analysis in Appendix B is deficient, inconsistent, and incomplete. For example, the City proposes to amend Table B-3, Summary of Pipeline Projects, but fails to provide an amended Figure B-2, Projects in the Pipeline. The City's proposed revision has added and removed projects from the pipeline in the March 2023 Draft (cf. March 2023 Table B-3, pp. B-8 to B-11, with the City's May 21, 2026 proposed revisions to Table B-3); therefore, Figure B-2 in the March 2023 Draft is no longer accurate and must be revised. Similarly, the City has proposed some revisions to the sites to accommodate its RHNA (see the City's May 21, 2026 proposed revisions to Table B-14), yet has not provided a revised Figure B-1, which provides a map of the sites designated to accommodate its RHNA. (March 2023 Draft, p. B-5.)
- As noted in the Commission's May 21, 2026 public comment, instead of an Affordable Housing Overlay, the City now proposes an Affordable Housing Focus Area ("AHFA") zone to accommodate a majority of its RHNA. (See proposed Programs 2A & 2B.) The minimal revisions to Programs 2A and 2B suggest that this is merely a repackaged version of the Overlay, and is not sufficient to satisfy *New Commune* and *Martinez*. Indeed, the City proposes to revise Appendix B, Section 3 on Selection of Sites by "[r]eplac[ing] all references to Residential Overlay zoning to Affordable Housing Focus Area zoning." (See also proposed May 21, 2026 revisions to Appendix B, Section 4 on Rezone Strategy ["Replace all references to Residential Overlays to Affordable Housing Focus Area, which will be a new zoning district."].)
- As noted in the Commission's public comments on May 21, 2026 and May 28, 2026, the Draft Programs 8A-9E do not address HCD recommendations to include significant and meaningful place-based strategies that will increase affordable housing opportunities in lower-economic areas of the City. (See March 6, 2026 HCD Letter, pp. 6-7.)
- While the Draft now includes a constraints analysis that addresses Measure U, the City has not included a program to mitigate its effect. As explained in the Commission's February 6, 2026 letter and public comments on May 21, 2026, and May 28, 2026, the Draft should include program measures to mitigate the effect of Measure U on the City's ability to comply with Housing Element Law.
- As demonstrated through the examples above, the City's approach to revisions has resulted in a Draft that is incomplete and inconsistent. The City still must revise its Draft so that it is internally consistent and compliant with California law, and publish the Draft in its entirety for

public comment, in accordance with the notice required by law.

Because the City did not comply with the required seven-day public review period, the Commission did not have the opportunity to provide comprehensive comments; the Commission reserves the right to identify additional deficiencies in subsequent comments. Nonetheless, because of the above-described deficiencies, the Draft Housing Element with the revisions proposed by the City fails to substantially comply with Housing Element Law. The Commission, therefore, requests the City make the revisions necessary to bring its Draft into compliance with the law.

The Commission remains deeply concerned by the lack of progress the City has made in meeting its RHNA for low and very low income housing, more than halfway into the planning period. After accounting for permits issued through December 31, 2025, middle income housing conversion, and pending projects, the City is projecting that 89% of its RHNA for very low income remains unmet. In contrast, it projects that 53% of its above-moderate RHNA remains unmet. (May 21, 2026 Revised Table B-2.) The Commission looks forward to partnering with the City of Huntington Beach to create opportunities to increase affordable homes for lower income households in the city. If you have any questions, please feel free to contact me at (949) 250-0909 or cesarc@kennedycommission.org.

Sincerely,



Cesar Covarrubius
Executive Director

cc: Melinda Coy, Housing Accountability Chief, Land Use and Local Government Relations
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