From: Mike Regus
To: Kelley, Jason
Subject: magnolia tank farm subdivision
Date: Tuesday, January 27, 2026 9:23:56 AM

Jason,

I received your notice regarding tonight's hearing at 6pm for the Magnolia Tank Farm Subdivision.

As the owner of 21841 Kiowa Lane, which backs up to Magnolia, I STRONGLY OBJECT to the import of 133,425 cubic yards of imported soil.

This translates into approximately 8000 truck/transfers, and/or bottom dump trucks. Assuming 200 truck loads per day, is this to go on for 8 weeks?

My Concerns:
Trucking Routes, before and after delivery.
Eader Elementary/Edison High School, are these schools on the trucking route, considered safety for the children.
Noise by trucks/street sweepers/personnel.
Working hours and daily time frames.
Street/Road Conditions before and after trucking.
Weight Limitations on streets/roads/bridges.
Heavy Load driving Vibrations on Magnolia. We can feel the City Buses when they drive by, and a fully loaded truck/transfer weighs much more.

I am unable to attend the meeting tonight. Please voice my concerns as STRONGLY OBJECTING to the import of 133,425 cubic yards of soil.

Thank you,

Mike Regus
hobie2626@yahoo.com
714-334-1641

From: Lydell Lauro
To: Kelley, Jason
Subject: Magnolia coast CUP 25-005
Date: Tuesday, January 27, 2026 1:35:12 PM

Jason
I'm a resident at 21771 Kiowa Lane. Directly across the street and at the intersection of Bermuda and Magnolia.

I'm concerned about
1) traffic control at the intersection once 500+ residents are actively accessing/exiting at the intersection.
2) the grading plan is disappointing in that it is going to blade a nice hill feature and simultaneously take out beautiful older growth trees.

Does the Coastal Commission approval allow for so much of the open space along Magnolia to be wiped out?

Please take my concerns to the Planning Commission for consideration

Thank you
Lydell Lauro
21771 Kiowa Lane
Huntington Beach, CA 92646

CA DRE# 02049915
NV RED# B.56671
AZ DRE# SA627553000

Shashi Hanuman
Executive Director

Michael Rawson
Director of Litigation & Advocacy

Ugochi Anaebere-Nicholson
Staff Attorney

Emily Bach
Legal & Administrative Assistant

Palmer Buchholz
Staff Attorney

Craig Castellanet
Staff Attorney

Subir Das
HR & Finance Manager

Lauren Hansen
Staff Attorney

Noah Kirshbaum-Ray
Grants & Program Support Manager

Melissa A. Morris
Staff Attorney

Melody Osuna
Staff Attorney

Deborah Collins
(Retired)

Judith Gold
(1952 - 2016)

Stephen E. Ronfeldt
(1942 - 2018)

Via Email to planning.commission@surfcity-hb.org
January 27, 2026

Huntington Beach Planning Commission
2000 Main Street
Huntington Beach, California 92648

RE: Public Hearing Item No. 26-034—TENTATIVE TRACT MAP (TTM) NO. 19331/CONDITIONAL USE PERMIT (CUP) NO. 25-005/COASTAL DEVELOPMENT PERMIT (CDP) NO. 25-003 (MAGNOLIA COAST) REQUEST: TTM – **LETTER OF OPPOSITION**

Dear Chair Brian Thienes, Vice-Chair Brett Bush, and Members of the Huntington Beach Planning Commission:

On behalf of The Kennedy Commission (Commission), we write to oppose Public Hearing Item No. 26-034, and ask that the Huntington Beach Planning Commission deny the proposal to subdivide a 29-acre Regional Housing Needs Allocation (RHNA) site, known as the Magnolia Tank Farm Project (MTF Project) because if the Planning Commission approves this Project, it would violate the December 19, 2025 court order (December 19th Order) issued by the San Diego County Superior Court (Court) in *The People of California ex rel. Rob Bonta, et al. v. The City of Huntington Beach*, San Diego Superior Court Case No. 30-2023-01312235-CU-WM-CJC. The Commission is represented by Public Law Center, the Public Interest Law Project, Community Legal Aid So Cal, and Crowell & Moring LLP.

On May 25, 2024, the Court found that Huntington Beach violated state law by refusing to adopt a timely housing element. The ruling has been upheld in every court since, including the California Supreme Court. Despite the court rulings and orders, Huntington Beach has not adopted a compliant housing element, which has resulted in a substantial shortage of affordable housing in the city.

In its December 19th Order, the Court suspended Huntington Beach's authority to approve certain land uses, including subdivisions. We have attached a copy of the December 19th Order as Exhibit A. Specifically, Paragraph 4, subsections (a)-(d) state the following:

State law requires this Court to "include, in the order or judgment rendered pursuant to Section 65754, one or more of [certain] provisions for any or all types or classes of developments for any or all geographic segments of the" the City until the City "has substantially complied with the requirements of Article 5[.]" Gov. Code, § 65755, subd. (a). Pursuant to Section 65755(a) and 65009.1(a)(3), the Court orders as follows, and these provisions shall take effect upon entry of this order:

> (a) The City shall not enforce its planning and zoning laws to disapprove or reduce the density of any proposed housing development meeting the minimum densities under Section 65583.2 of the Government Code on the sites identified by the City to satisfy its obligation to accommodate its regional housing needs allocation ("RHNA sites") for the sixth planning period. For the purposes of this order, the "RHNA sites" are those that the City identified for housing development in its adequate sites analysis of its draft housing element revision dated March 10, 2023, and heard by the Huntington Beach City Council on March 21, 2023, as part of Item 23-224. For any such project, the City may not, as a basis of disapproval or reducing density, issue findings of noncompliance, inconsistency, or nonconformity pursuant to Government Code Section 65589.5(j)(2).
>
> (b) The Court, pursuant to Government Code Section 65755(a)(1), hereby suspends the City's authority to permit any new development on any RHNA site that would not satisfy the minimum residential density requirements under Government Code section 65583.2.
>
> (c) The Court, pursuant to Government Code Section 65755(a)(2), hereby suspends the City's authority to grant zoning changes or variances on any of the RHNA sites except as necessary to comply with section 3 of this order.
>
> (d) The Court, pursuant to Government Code Section 65755(a)(3), hereby suspends the City's authority to grant subdivision map approvals for any of the RHNA sites except as necessary to comply with section 3 of this order.

The Order accordingly suspends Huntington Beach's ability to take certain actions on RHNA sites, which is defined as "those that the City identified for housing development in its draft housing element revision dated March 10, 2023, and heard by the Huntington Beach City Council on March 21, 2023, as part of Item 23-224." (*Id*. at ¶4.a.) Subsection (d) specifically "suspends the City's authority to grant subdivision map approvals of any of the RHNA sites except as necessary to comply with Section 3 of this order." Section 3 of the December 19th Order refers to the requirement that the City bring its Sixth Cycle Housing Element Update into substantial compliance with the Housing Element Law. (*Id*. at ¶3.) The City has made no determination that the subdivision of the MTF Project is necessary to comply with section 3 of the Order. Further, these provisions of the December 19th Order remain in effect until the City "has substantially complied with the requirements of Article 5." (*Id*. at ¶4.)

The Court issued the December 19th Order to prevent Huntington Beach from moving further out of compliance with state law, as it works to produce a plan to zone for more than 5,845 affordable housing units. The MTF Project is a housing development in Huntington Beach's pipeline that is included in Huntington Beach's March 2023 Housing Draft Element. (See Huntington Beach March 2023 Draft Housing Element, Appendix B, Adequate Sites Analysis, Page B-9, a true and correct copy of which is attached as Ex. B.) It is therefore a site Huntington Beach is relying upon to satisfy Huntington Beach's RHNA and is thus encompassed by the December 19th Order. The MTF Project, in its current form, is problematic because it proposes to include a large hotel, a 19,000-square-foot retail space, and over two hundred single-family luxury homes, with no reference to affordability. Though the Coastal

Commission required that the project include fifty-one affordable units, it is a comparatively small portion of the development and the city's overall need. Approving the MTF Project, therefore, violates Paragraphs 4.d. of the Court's Order.

Huntington Beach's decision to approve a luxury development project follows a years-long pattern of refusing to comply with state affordable housing law at the expense of low-income households in the region. Huntington Beach must take immediate steps to expand affordable housing by adopting a compliant housing element, as required by the rulings in the Kennedy Commission lawsuit. We request that Huntington Beach comply with the Court's orders and that the Planning Commission vote to disapprove subdivision of the MTF Project.

Sincerely,

Ugochi Anaebere-Nicholson

Ugochi Anaebere-Nicholson
Staff Attorney

EXHIBIT A

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO, HALL OF JUSTICE COURTHOUSE

THE PEOPLE OF CALIFORNIA EX REL. ROB BONTA, AND THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, Petitioners and Plaintiffs, THE KENNEDY COMMISSION, Intervenor and Petitioner, v. THE CITY OF HUNTINGTON BEACH, A MUNICIPAL CORPORATION; CITY COUNCIL OF HUNTINGTON BEACH; AL ZELINKA, in his official capacity as CITY MANAGER OF HUNTINGTON BEACH; AND DOES 1-50, INCLUSIVE, Respondents and Defendants.	Case No. 30-2023-01312235-CU-WM-CJC **ORDER GRANTING PETITIONERS' FIRST AMENDED PETITION FOR WRIT OF MANDATE** **(Gov. Code, §§ 65009.1, 65754, 65755, subd. (a).)** Dept.: C-63 Judge: Hon. Katherine A. Bacal Trial Date: April 26, 2024 Action Filed: March 8, 2023

This Court considered the briefing and oral arguments on the petition of writ of mandate brought by Petitioners the People of California and the California Department of Housing and Community Development ("HCD"). Petitioners were represented by counsel, as were Intervenor-

Petitioner The Kennedy Commission and Respondents the City of Huntington Beach (the "City"), the City Council of Huntington Beach, and Al Zelinka. In their First Cause of Action in the First Amended Petition for Writ of Mandate, brought pursuant to Government Code Section 65751, Petitioners sought an order compelling the City to bring its sixth cycle housing element into substantial compliance with the Housing Element Law[1] within 120 days.

On May 15, 2024, this Court determined that the City failed to update its housing element in accordance with the Housing Element Law. That rendered the City's housing element inadequate. For that reason, this Court determined that the City is required to bring its housing element into substantial compliance with the requirements of state law.

On June 20, 2024, this Court entered an order (the "June 20th Order") granting Petitioners' First Amended Petition for Writ of Mandate in part. ROA # 427.

On September 11, 2025, the Court of Appeal issued its opinion deciding *The Kennedy Commission v. Superior Court*, Case No. D085237, and *The People of California ex rel. Rob Bonta, et al. v. Superior Court*, Case No. D085238, in which it instructed this Court to vacate the June 20th Order, enter a new order satisfying the requirements of Sections 65754 and 65755 of the Government Code and to vacate that portion of the trial court's October 15, 2024 order (the "October 15th Order") staying the superior court proceedings.

As a result, it is hereby adjudged and decreed that:

1. The June 20th Order is vacated except insofar as it required the City to substantially comply with the Housing Element Law within 12 months of June 20, 2024. (See Gov. Code, § 65585, subd. (*l*)(1).) As this Court has already lifted its stay, nothing further needs to be done as to the October 15th Order.

2. Petitioners' First Amended Petition for Writ of Mandate is GRANTED as set forth in this Court's May 15, 2024 ruling.

3. A peremptory writ of mandate shall issue commanding the City to bring its housing element into substantial compliance with the requirements of Housing Element Law as follows:

[1] The Housing Element Law is Article 10.6 of Chapter 3 of Division 1 of Title 7 of the Government Code. (See Gov. Code, §§ 65580-65589.11.) All further references to articles shall be to articles within Chapter 3 of Division 1 of Title 7 of the Government Code.

a. Adopt, as part of the City's general plan, a sixth cycle housing element revision that substantially complies with the Housing Element Law within 120 days of entry of this order. Gov. Code, § 65754, subd. (a). The draft sixth cycle housing element revision shall be subject to a 45-day HCD review in accordance with Government Code Section 65754, within the 120-day period. *Id.* The adopted sixth cycle housing element shall be subject to HCD review in accordance with Government Code Section 65585.

b. Within 120 days of completing the actions required by subsection (a) above, in accordance with Government Code Sections 65754(b) and 65860, adopt all zoning code changes required for the City's zoning ordinances to be consistent with the City's housing element. Gov. Code, § 65754, subd. (b). Because the City failed to timely update its housing element in accordance with Section 65588, the City's housing element shall remain out of compliance until it completes this requirement. See Gov. Code, § 65588, subd. (e)(4)(C)(iii).

4. State law requires this Court to "include, in the order or judgment rendered pursuant to Section 65754, one or more of [certain] provisions for any or all types or classes of developments for any or all geographic segments of the" the City until the City "has substantially complied with the requirements of Article 5[.]" Gov. Code, § 65755, subd. (a). Pursuant to Section 65755(a) and 65009.1(a)(3), the Court orders as follows, and these provisions shall take effect upon entry of this order:

a. The City shall not enforce its planning and zoning laws to disapprove or reduce the density of any proposed housing development meeting the minimum densities under Section 65583.2 of the Government Code on the sites identified by the City to satisfy its obligation to accommodate its regional housing needs allocation ("RHNA sites") for the sixth planning period. For the purposes of this order, the "RHNA sites" are those that the City identified for housing development in its adequate sites analysis of its draft housing element revision dated March 10, 2023, and heard by the Huntington Beach City Council on

March 21, 2023, as part of Item 23-224. For any such project, the City may not, as a basis of disapproval or reducing density, issue findings of noncompliance, inconsistency, or nonconformity pursuant to Government Code Section 65589.5(j)(2).

b. The Court, pursuant to Government Code Section 65755(a)(1), hereby suspends the City's authority to permit any new development on any RHNA site that would not satisfy the minimum residential density requirements under Government Code Section 65583.2.

c. The Court, pursuant to Government Code Section 65755(a)(2), hereby suspends the City's authority to grant zoning changes or variances on any of the RHNA sites except as necessary to comply with section 3 of this order.

d. The Court, pursuant to Government Code Section 65755(a)(3), hereby suspends the City's authority to grant subdivision map approvals for any of the RHNA sites except as necessary to comply with section 3 of this order.

e. The Court, pursuant to Government Code Section 65755(a)(4), hereby mandates that the City approve all applications it receives for builder's remedy projects (as defined in the Housing Accountability Act) within 60 days of submittal of the application if the development contains 150 or fewer units and within 90 days of the submittal of the application if the development contains more than 150 units, if those projects satisfy the objective development standards and affordability requirements for builder's remedy projects in the Housing Accountability Act, unless the City can make one of the findings specified in Government Code Section 65589.5(d)(2)-(4). Failure to adhere to the timelines in this paragraph will result in the project being deemed approved.

f. The Court, pursuant to Government Code Section 65755(a)(4), hereby mandates the review, within 60 days of submittal of the application if the development contains 150 or fewer units and within 90 days of the submittal of the application if the development contains more than 150 units, and approval of all

applications it receives for residential housing development on any of the RHNA sites, so long as those projects meet the minimum density and affordability requirements necessary for by-right treatment under Government Code Section 65583.2(h), unless the City can make the findings specified in Government Code Section 65589.5(j)(1). Failure to adhere to the timelines in this paragraph will result in the project being deemed approved.

5. This order shall not operate to enjoin the approval of any housing development meeting the requirements of Government Code Section 65754.5(a). This order shall not operate to enjoin the development of any housing development that can proceed without impacting the ability of the City to comply with section 3 of this order.

6. Respondents must file a return on the writ of mandate within 30 days of completing the actions required under section 3 of this order. The return shall demonstrate that the City has brought its housing element into substantial compliance with the Housing Element Law, and that it has brought its zoning code into compliance with the City's sixth cycle housing element.

7. No undertaking shall be required by Petitioners to make this order effective. (See Code Civ. Proc., § 529, subd. (b)(3).)

8. This order requires the City to bring its housing element into compliance with a court order under Article 14. Accordingly, as provided in Government Code Section 65759, the California Environmental Quality Act ("CEQA") does not apply to the City's actions necessary to comply with section 3 of this order. To the extent the City conducts any environmental review in accordance with CEQA, it shall still comply with the timelines set forth in section 3 of this order.

IT IS SO ORDERED.

Dated: 12/19/25

The Hon. Katherine A. Bacal
San Diego Superior Court

EXHIBIT B

Huntington Beach Housing Element

2021 - 2029

Table B-3: Summary of Pipeline Projects						
Project Name/Location	**Very Low Income Units**	**Low Income Units**	**Moderate Income Units**	**Above Moderate Income Units**	**Status**	**Determination of Affordability**
					for public hearing	reflect applicant's proposal)
18750 Delaware	-	70	-	276	Ministerial approval 3/16/22 via SP14 Affordable Housing Overlay	20% inclusionary units on-site rental (low) - inclusionary req. 20% low income due to project location within the BECSP Affordable Housing Overlay
7225 Edinger/ Brandywine Townhomes			13	117	Submitted, not scheduled for public hearing	10% on-site deed-restricted moderate income units in compliance with current Citywide inclusionary housing requirements
Georgia Townhomes (910 Georgia St.)				18	PC approved 1-26-2021	
Jamboree Housing Senior Apartments (18431 Beach Blvd.)		43			Under construction	100% affordable development by Jamboree Housing submitted pursuant to SP14 Affordable Housing Overlay
Magnolia Tank Farm (21845 Magnolia Ave.)				250	CC approved 1-21-2021	
Windward Townhomes (17202 Bolsa Chica)				36	Zoning Administrator approved 4-7-2021	
1620 Pacific Coast Hwy Apartments				4	Building permit review phase	