



May 28, 2026

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City of Huntington Beach
Planning Administration
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Submitted via email (housingelement@surfcity-hb.org)

RE: Initial Comments to the Proposed May 21, 2026 Revisions to the City of Huntington Beach's Draft Housing Element

City of Huntington Beach Planning Division:

The Kennedy Commission (the "Commission") submits this letter to provide public comments regarding the proposed revisions to the City of Huntington Beach's 2021-2029 draft Housing Element that were purportedly revised or added on the City's website on May 21, 2026; more specifically, (i) "Section 3 Revisions – Charter Section 807 (Added 5/21/2026)"; (ii) "Appendix B Revisions – Table 3 Summary of Pipeline Projects (Revised 5/21/2026)"; and (iii) Appendix B Revisions – Table B-2 Rezone Strategy and Table B-14 (Added 5/21/2026)." See

https://huntingtonbeachca.gov/departments/community_development/planning_zoning/housing_element.php#collapse67401b2. As detailed below, the City has failed to provide proper notice of these proposed revisions, and the City has failed to post all of its proposed revisions, or a completed draft Housing Element.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 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 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.

¹ Shortly before submitting this comment, the Commission became aware that the City added a revised Draft Housing Element Update on May 28, 2026 that is 1,173 pages. To the extent this May 28 Draft does not address the deficiencies raised herein, that Draft is deficient and must be revised so that it substantially complies with Housing Element Law. The Commission reserves the right to submit an additional comment on this new Draft at a later date.

The Commission has intervened in the litigation *The People of California ex rel. Rob Banta 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 21, 2026 revisions do not fully address the deficiencies of the Draft Housing Element 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 do they address the deficiencies in the City's May 14, 2026 proposed revisions to the Draft Housing Element that the Commission detailed in its May 21, 2026 public comment. For example:

- The notice of the May 21, 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. While the Commission was notified via email that the City had made additional revisions to its Housing Element, the website link to those revisions was inaccessible during at least one business day of the seven-day notice period, preventing public review of the proposed revisions. Therefore, the City has failed to provide the statutorily required seven-day public notice.²
- The City's notice is also deficient because it has failed to post publicly all proposed changes to the Draft 6th Cycle Housing Element and a complete version of its proposed updated Draft Housing Element. (Gov. Code, § 65585, subd. (b).) The seven-day public notice and comment period cannot begin to run until the City publicly posts all proposed changes.
- The City's inventory of sites remains deficient. The sites inventory must be updated to reflect any changes in circumstances since 2023, such as 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 City has not provided an updated inventory of sites that address these deficiencies.
 - The City proposes to remove the strike through of site #5 in Table B-14, Adequate

² The City's notice of the June 2, 2026 City Council hearing is similarly deficient.

Sites to Accommodate the RHNA. The existing use analysis for that site that was stricken in the March 2023 Draft states that “[t]he City has met with a residential developer to discuss residential development [sic] a potential 20- du/ac residential project on the site.” (March 2023 Draft, p. B-56.) The City has not indicated whether—three years later—the developer’s interest remains and does not explain what circumstances have changed that prompted the City to re-include the site in the inventory. Nor does the City indicate whether developer interest remains on any of the other sites that are in its inventory.

- The City also proposes to strike through sites #317, #318, and #319. Sites #317, #318, and #319 are all a part of Golden West College. This proposed revision may reflect the City’s May 14, 2026 proposed revision to remove Program 2I on Golden West College. However, site #320 in Table B-14, which the City does not address, is also a part of Golden West College. (March 2023 Draft, p. B-72.) It is unclear whether this site remains available, in light of the City’s proposed removal of Program 2I.

Moreover, references to the development of housing within Golden West College remain in the Draft. (See, e.g., March 2023 Draft, p. 3-128 [asserting, in the City’s fair housing assessment, that “development of housing on the Golden West College property on Edinger Ave. will provide lower income households access to education, technical certificates to increase household income and improve labor market engagement, and high-quality jobs on the college campus.”]; *id.* at pp. B-33 to B-34 [educational/school sites]; *id.* at p. B-46 [large site analysis].) If the City is no longer including the Golden West College sites in its Housing Element inventory, the Element should be revised accordingly.

- The City also proposes to strike through site #4, which the City projected could accommodate a total net of 567 units. (March 2023 Draft, p. B-56.) Such a large loss of sites without identifying alternatives to accommodate the same number would significantly decrease the City’s surplus sites, creating a greater risk that the City will have difficulty complying with the No Net Loss Law.
- 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 May 21, 2026 public comment, the City’s May 14, 2026 revisions to 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.) From the Analysis of Impediments conducted, the neighborhood identified the following key issues as needs in their communities:
 - Developable Space
 - Development Standards
 - Affordability
 - Housing fees
 - Access to housing
 - Access to funding
 - Information availability and lack of resources.

(See March 2023 Draft Housing Element, p. 3-55.)

The City’s May 14, 2026 revisions to Programs 8A-9E only address the last issue—information availability and lack of resources. The revisions to the programs do not identify any place-based strategies to increase access to housing or lower the cost of housing fees, and do not address affordability, development standards, or access to funding. (See AFFH HCD Guidance Memo rev’d. April 2021, p. 15 [discussing place-based strategy examples to transform R/ECAPs to areas of opportunities], pp. 54, 56 [discussing conserving and improving existing affordable housing stock as place-based strategies].) The City needs to revise the Draft and include specific place-based strategies that address the housing needs of the communities, including efforts employed or to be employed by the City on how it will improve the existing affordable housing stock and make it available to those in need of it. The City’s May 21, 2026 revisions do not

address these deficiencies.

- While the City's proposed revisions now include a constraints analysis that addresses Measure U, the City has not included a program to mitigate its effect. Measure U was placed on the ballot by the City Council and passed by the voters in November 2024; it amended the City's Charter to require an affirmative vote of the people before any City initiated general plan amendment may be approved. As explained in the Commission's February 6, 2026 letter and May 21, 2026 public comment, the Draft should include program measures to mitigate the effect of Measure U on the City's ability to comply with Housing Element Law. Instead of providing program measures to mitigate Measure U's effects on the City's ability to comply with the law, the City summarily concludes that Measure U is not a constraint, and therefore, no programmatic actions are necessary to address its impact on the City's ability to comply with the Housing Element Law. The City is incorrect. Even if the City has enough sites to address its housing needs, local growth control measures such as Measure U can present significant barriers to the development of affordable housing in the City, including housing for special needs populations such as people living with disabilities, seniors, female-headed households, and unhoused persons. As such, Government Code section 65583(a)(5) requires the City to analyze all governmental barriers, such as Measure U, to the City's housing supply to demonstrate compliance with its obligations under Housing Element Law. Accordingly, the City should clearly state that Measure U will not require voter approval of a revised Housing Element and corresponding implementing measures (such as zoning changes) or identify the circumstances under which voter approval might be necessary, and designate a program to mitigate that constraint.
- As demonstrated through the examples above, the City's approach to revisions has resulted in a piecemeal Draft that is incomplete and inconsistent. The City must revise its March 2023 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 provide a complete revised draft or 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 Housing Element into compliance with the law.

The Commission is 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.³ After accounting for

³ Indeed, Mr. Matthew Struhar, Deputy Attorney General, sent a letter on May 27, 2026 to Mr. Michael Vigliotta, City Attorney, notifying the City that it has violated the Court's December 19, 2025 order by

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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
(Melinda.coy@hcd.ca.gov)

failing to approve an affordable housing development project at 19432 Beach Blvd. The State also notified the City that the City's treatment of the project violates state housing laws.