

RESOLUTION NO. 2026-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
APPROVING GENERAL PLAN AMENDMENT NO. 21-003 (2021-2029 HOUSING  
ELEMENT UPDATE)

WHEREAS, the City Council of the City of Huntington Beach desires to update the Housing Element of the General Plan in order to facilitate the provision of housing for all economic segments of the community and ensure consistency with state legislative mandates; and

WHEREAS, on March 1, 2021, a joint study session of the Planning Commission and City Council was held and on September 13, 2022, September 27, 2022, and October 11, 2022, study sessions were held with the Planning Commission for consideration of revisions to the adopted Housing Element; and

WHEREAS, from March 2021 through November 2021, public outreach was conducted to gather public input and feedback regarding community needs and objectives of the Housing element; and

WHEREAS, on October 28, 2021, a 30-day public review and comment period was held on the draft Housing Element update for interested parties; and

WHEREAS, the Planning Commission, after giving notice as prescribed by law, held at least one public hearing to consider General Plan Amendment No. 21-003; and

WHEREAS, the Planning Commission found pursuant to the California Environmental Quality Act that General Plan Amendment No. 21-003 may have significant adverse effects on the environment and recommended approval of a statement of overriding considerations; and

WHEREAS, a Subsequent Environmental Impact Report (“SEIR”) No. 2022-002, Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations were prepared for the Project in accordance with the California Environmental Quality Act and the California Environmental Quality Act Guidelines (“CEQA”); and

WHEREAS, thereafter, City staff circulated a Notice of Completion indicating the public comment period and intent to adopt the SEIR as required by law; and

WHEREAS, the public comment period commenced on June 29, 2022, and concluded on August 15, 2022; and

WHEREAS, the Notice of Availability was also sent to the State Clearinghouse (SCH #2021080104), responsible agencies, trustee agencies, and interested parties, and posted on the City’s website for review and comment on the Subsequent Environmental Impact Report for the Project; and

WHEREAS, on November 16, 2022, the Planning Commission conducted a duly noticed public hearing to consider the Project and the Final SEIR, reviewed the staff report, accepted and considered public testimony; and

WHEREAS, after due consideration, the Planning Commission found that agencies and interested members of the public were afforded ample notice and opportunity to comment on the SEIR and the Project and recommending that City Council certify the Final SEIR, adopt findings of fact pursuant to CEQA, adopt as Mitigation Monitoring and Reporting Program, and adopt a Statement of Overriding Considerations for the Project; and

WHEREAS, on March 21, 2023, the City Council, at a duly noticed public hearing, considered the proposed Project and the Final SEIR, at which time the City staff presented its report and interested persons had an opportunity to be heard and to present evidence regarding the proposed Project, the Final SEIR and draft Housing Element; and thereafter the City Council did not approve the proposed Project, Final SEIR and draft Housing Element at that council meeting; and

WHEREAS, on or about March 8, 2023, the People of California Ex Rel. Rob Bonta and the California Department of Housing and Community Development filed a lawsuit against the City of Huntington Beach regarding the City's Housing Element (*People of California ex rel. Rob Bonta v. City of Huntington Beach*, San Diego Superior Court Case No. 30-2023-01312235-CU-WM-CJC); and

WHEREAS, after two years of litigation, on September 11, 2025, the Court of Appeal issued an opinion in *The Kennedy Commission v. Superior Court* (2025) 114 Cal.App.5th 385 (2025), reh'g denied (Oct. 1, 2025), review denied (Dec. 10, 2025) that decided many of the contested issues in the litigation, including the applicable provisions of state housing laws to charter cities, which was a matter of first impression and there was no prior legal precedent that decided that issue before this case; and

WHEREAS, after the Court of Appeal's opinion was issued in this case, in September 2025 the City's outside legal counsel initiated a meet and confer process with the California Attorney General's Office, the California Department of Housing and Community Development ("HCD") and the Kennedy Commission based on a request by the trial court that the parties meet and confer in light of the Court of Appeal decision; and

WHEREAS, during this meet and confer process, the City's outside counsel sought clarity from HCD about its position as to what additional steps HCD was requesting that the City take to bring its housing element into compliance; and

WHEREAS, on December 19, 2025, the trial court issued an Order Granting Petitioners' First Amended Petition for Writ of Mandate based on the Court of Appeal's decision in the case; and

WHEREAS, as part of the December 19, 2025, order, the Court required that the City “[a]dopt, 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”; and

WHEREAS, per the Court’s December 19, 2025 order, the City re-submitted its draft housing element update to HCD; and the City did not make any further revisions to the same because the City did not receive direction from HCD after the September 2025 meet and confer process about how HCD wanted the City’s housing element revised and the City was under a short deadline based on the December 19, 2025 court order and had to act expeditiously; and

WHEREAS, on or about February 17, 2026, city staff attended a virtual meeting with HCD’s staff to discuss HCD’s review of the City’s draft housing element; and

WHEREAS, on March 6, 2026, HCD sent the City its determination letter regarding the City’s draft housing element; and

WHEREAS, HCD’s March 6, 2026 determination letter included numerous revisions to the City’s draft housing element that could not be completed within the deadline set forth in the Court’s December 19, 2025 order; HCD did not provide the City with these revisions previously when the September 2025 meet and confer process occurred as described above, and HCD did not provide its revisions until its communications with City staff occurred verbally in February 2026 and then were first made in writing to the City through HCD’s March 6, 2026 determination letter; and

WHEREAS, through further court proceedings the City requested an extension of up to 240 days to complete its draft housing element and the trial court issued an order on April 23, 2026, extending the City’s compliance deadline to bring its housing element into substantial compliance with state housing laws to May 28, 2026; and

WHEREAS, on or about May 7, 2026, the City’s outside counsel requested to the California Attorney General’s Office that HCD provide an extension to the May 28, 2026 compliance deadline to allow sufficient time for City staff and HCD staff to prepare revisions to the draft housing element and for the City to respond to the matters described in HCD’s March 6, 2026 determination letter; however, the California Attorney General and HCD rejected the City’s request for the above extension; and

WHEREAS, the City has worked as expeditiously as possible to make revisions to its draft housing element, including by preparing revisions to the draft housing element in April/May 2026 and circulating those revisions for public comments on May 14, 2026, and May 21, 2026, and by thoroughly considering all public comments; and

WHEREAS, Government Code section 65585(f)(2), provides that where a city council does not make the changes required by HCD when adopting a housing element, a city council “shall include in its resolution of adoption written findings that explain the reasons the legislative body believes that the draft element or draft amendment substantially complies with this article

despite the findings of the department”, which are set forth above in these recitals, in the findings below and in the housing element; and

WHEREAS, the City Council has thoroughly considered all comments received by members of the public and interested parties.

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

SECTION 1. The recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. CEQA Findings: CEQA is satisfied for this matter based on court orders in the *People of California ex rel. Rob Bonta v. City of Huntington Beach*, San Diego Superior Court Case No. 30-2023-01312235-CU-WM-CJC that include, as provided by Government Code section 65759, that CEQA does not apply to the City’s actions that are necessary to comply with the orders of the court. The City Council finds that the actions taken herein are necessary to comply with the Court’s orders, and are being taken to fully comply with the Court’s orders.

SECTION 3. The City Council does hereby approve General Plan Amendment No. 2021-003 adopting the 6th Cycle Housing Element covering the period 2021-2029 which is attached hereto as Exhibit “A,” and incorporated herein by reference, based on the recitals above, the findings made herein and for the reasons set forth below.

SECTION 4. The City Council finds that since March 2021, the City engaged in a robust discussion with the public regarding the Draft 6<sup>th</sup> Cycle Housing Element including, holding three community workshops, an online survey, a Spanish Language input session, one joint Planning Commission and City Council study session, three Planning Commission study sessions, one Planning Commission public hearing, and two City Council public hearings where the 6th Cycle Housing Element was publicly reviewed and discussed, and made two additional revisions to the 6<sup>th</sup> Cycle Housing Element available for public review and comment on May 14, 2026 and May 21, 2026 by posting to the City’s website and notifying by email interested parties including the development community, public agencies, housing advocate and faith-based groups. The City Council finds that no additional review by the Planning Commission is required as explained above and based on the Court’s orders in this matter.

SECTION 5. In compliance with Government Code Sections 65585(e) and 65754, the City Council considered the findings and recommendations set forth in HCD’s letter dated March 6, 2026, which determined, in part, that the Draft 6<sup>th</sup> Cycle Housing Element required revision to substantially comply with State Housing Element law.

SECTION 6. In accordance with Government Code Section 65585(f)(2), the 6th Cycle Housing Element was revised to incorporate changes required for the City’s draft Housing Element to substantially comply with housing element law, and based on the facts as set forth in the above recitals, the findings in this resolution and as set forth in the revised draft Housing Element, the City Council hereby finds that the revised draft Housing Element substantially

complies with housing element law despite the findings of HCD based on the evidence provided herein and that this finding by the City Council satisfies the requirements of Government Code Section 65585(f)(2). Additionally, pursuant to Government Code Section 65585(e), if HCD's findings are not available within the time limits set by applicable housing laws, the legislative body may act without them. The City Council finds that further revisions to the revised draft Housing Element cannot be made given the time constraints per the Court's orders and given HCD's refusal to agree to extend the City's compliance deadline to allow for sufficient time for City staff to make any additional revisions to the City's revised draft Housing Element to the extent required by HCD, then make those revisions available for adequate public review and comment and to thereafter conduct another public hearing concerning the same.

SECTION 7. The City Council finds that pursuant to Government Code Section 65583.2(g)(2), based on substantial evidence that the existing uses on the sites identified in the site inventory to accommodate the lower income RHNA are likely to be discontinued during the planning period, and therefore do not constitute an impediment to additional residential development during the planning period covered by the Housing Element. This finding is based, in part, upon the following which sets forth the comprehensive review of all possible opportunities for additional residential development that can accommodate the lower income RHNA during the planning period considered by the City including, but not limited to, review of past performance of residential development at maximum density, past performance of redevelopment of non-vacant sites, and analysis of market demand, economic conditions, and past residential development trends in the City. In reviewing the possible residential development opportunities, considerations included each of the areas and their individual traits that support a likelihood for redevelopment, as noted below.

- A. Beach and Edinger Corridor Specific Plan Affordable Housing Focus Area Sites
- B. Affordable Housing Focus Area Sites

SECTION 8. The City Council finds that the revised housing element is in compliance with the statutory requirements governing Emergency Shelters as per AB 2339 and other relevant state statutory requirements governing Emergency Shelters.

SECTION 9. The City Council finds that the revised housing element has been updated to reflect the current status of projects as identified in the revised housing element.

SECTION 10. The City Council finds that the revised housing element contains a complete site analysis that analyzes the adequacy of sites identified and appropriate zoning designations.

SECTION 11. The City Council finds that the constraints analysis prepared for the housing element including, without limitation, for Measure U substantially complies with all applicable housing laws, and takes into account the constraints under the California Constitution and applicable law as set forth the constraints analysis given that Measure U can only be changed by a vote of the people as a matter of law.

SECTION 12. The City Council further finds that all other requirements under state housing laws and regulations have been satisfied by the adoption of the revised housing element.

SECTION 13. The Court's December 19, 2025, order also requires that within 120 days of the City adopting a substantially compliant sixth cycle housing element under state housing laws that the City adopt all zoning code changes required for the City's zoning ordinances to be consistent with the City's housing element. Nothing in this resolution shall limit the City Council's authority concerning any future zoning matters, and nothing herein shall be construed as a waiver of the City's ability to seek an extension from the Court to the 120-day deadline for rezoning based on the adoption of the City's housing element.

SECTION 14. If any section, subsection, sentence, clause, or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of the resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 15. Nothing herein shall limit the City's rights and defenses in litigation, or be construed as a waiver of any of the City's legal rights and defenses. The City reserves all of its legal rights and defenses, and does not intend to waive any legal rights and defenses through the adoption of this resolution and the actions being taken concerning the City's housing element as required by the Court.

SECTION 16. The City Council hereby authorizes the City Manager (or his designee) and hereby delegates its authority to the City Manager (or his designee) to make all necessary technical changes or clerical revisions to the Housing Element Update as may be necessary for the City to obtain a finding of substantial compliance from HCD and without further action being required by the City Council to approve the same.

[SIGNATURE PAGE FOLLOWS]

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_ 2026.

\_\_\_\_\_  
Mayor

INITIATED AND APPROVED:

  
\_\_\_\_\_  
Director of Community Development

REVIEWED AND APPROVED:

\_\_\_\_\_  
City Manager

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney 

EXHIBIT A – 2021-2029 Housing Element Update

# **EXHIBIT A**

## **2021-2029 Housing Element Update**

**[https://www.huntingtonbeachca.gov/departments/community development/planning zoning/housing element.php#collapse67401b2](https://www.huntingtonbeachca.gov/departments/community%20development/planning%20zoning/housing%20element.php#collapse67401b2)**