



CITY OF HUNTINGTON BEACH
CITY COUNCIL MEETING – COUNCIL MEMBER ITEMS REPORT

TO: THE HONORABLE MAYOR AND CITY COUNCIL

FROM: DAN KALMICK, CITY COUNCILMEMBER

DATE: MARCH 7, 2023

SUBJECT: CONTINUE PROCESSING SB9 AND ADU APPLICATIONS TO AVOID CONFLICT WITH STATE LAW

On February 22, 2023, the City of Huntington Beach received a notice of violation from the California Department of Housing and Community Development (HCD) stating that because of Councilmember Burns' item regarding SB9 and ADUs and the direction of the Council to staff to stop processing applications for ADUs and SB9 type lot subdivisions, we were in violation of State Housing Law and that we have until March 8, 2023 to rectify and respond.

While I disagree with suing the State on these housing policies, if we must, we should do so under protest, and in compliance with State Law, not directing staff to violate State Law.

I therefore recommend that the City Council direct the City Manager to forthwith continue processing SB9 type lot subdivisions (of which we have had zero applications) and applications for ADUs to remedy the conflict with State Law while continuing pursue its already established direction to find a legal remedy.

It might be worth noting that the City derived approximately \$350,000 in revenue from ADU applications in 2022.

RECOMMENDED ACTION

Direct the City Manager to process SB9 type lot subdivision applications and ADU applications while litigation proceeds to come back into compliance with State Law.