

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: 293973</p> <p>NAME: Matthew T. Struhar</p> <p>FIRM NAME: California Department of Justice</p> <p>STREET ADDRESS: 1300 I Street</p> <p>CITY: Sacramento STATE: CA ZIP CODE: 95814</p> <p>TELEPHONE NO.: (916) 210-7246 FAX NO.:</p> <p>EMAIL ADDRESS: Matthew.Struhar@doj.ca.gov</p> <p>ATTORNEY FOR (name): Petitioners People of California, ex rel. Rob Bonta, and CA HCD</p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</p> <p>STREET ADDRESS: 330 West Broadway</p> <p>MAILING ADDRESS: 330 West Broadway</p> <p>CITY AND ZIP CODE: San Diego, CA 92101</p> <p>BRANCH NAME: Hall of Justice</p>	<p>FOR COURT USE ONLY</p> <p>ELECTRONICALLY FILED</p> <p>Superior Court of California,</p> <p>County of San Diego</p> <p>3/10/2026 5:24:49 PM</p> <p>Clerk of the Superior Court</p> <p>By E. SDCourt, Deputy Clerk</p>
<p>PLAINTIFF/PETITIONER: People of California, ex rel. Rob Bonta, and CA HCD</p> <p>DEFENDANT/RESPONDENT: Huntington Beach, Huntington Beach City Council, Al Zelinka</p>	
<p style="text-align: center;">NOTICE OF ENTRY OF JUDGMENT OR ORDER</p> <p>(Check one): <input checked="" type="checkbox"/> UNLIMITED CASE <input type="checkbox"/> LIMITED CASE</p> <p>(Amount demanded exceeded \$35,000) (Amount demanded was \$35,000 or less)</p> <p style="text-align: right;">CASE NUMBER: 30-2023-01312235-CU-WM-CJC</p>	

TO ALL PARTIES :

1. A judgment, decree, or order was entered in this action on (date): **December 19, 2025**
2. A copy of the judgment, decree, or order is attached to this notice.

Date: March 10, 2026

Matthew T. Struhar
(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)


(SIGNATURE)

DEC 19 2025

Clerk of the Superior Court
By: A. Yim, Deputy

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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-

1 Petitioner The Kennedy Commission and Respondents the City of Huntington Beach (the “City”),
2 the City Council of Huntington Beach, and Al Zelinka. In their First Cause of Action in the First
3 Amended Petition for Writ of Mandate, brought pursuant to Government Code Section 65751,
4 Petitioners sought an order compelling the City to bring its sixth cycle housing element into
5 substantial compliance with the Housing Element Law¹ within 120 days.

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

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

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

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

19 1. The June 20th Order is vacated except insofar as it required the City to substantially
20 comply with the Housing Element Law within 12 months of June 20, 2024. (See Gov. Code, §
21 65585, subd. (I)(1).) As this Court has already lifted its stay, nothing further needs to be done as
22 to the October 15th Order.

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

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

27 ¹ The Housing Element Law is Article 10.6 of Chapter 3 of Division 1 of Title 7 of the
28 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.

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

8 b. Within 120 days of completing the actions required by subsection (a) above, in
9 accordance with Government Code Sections 65754(b) and 65860, adopt all
10 zoning code changes required for the City’s zoning ordinances to be consistent
11 with the City’s housing element. Gov. Code, § 65754, subd. (b). Because the
12 City failed to timely update its housing element in accordance with Section
13 65588, the City’s housing element shall remain out of compliance until it
14 completes this requirement. See Gov. Code, § 65588, subd. (e)(4)(C)(iii).

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

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

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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

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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

DECLARATION OF SERVICE BY E-MAIL

Case Name: The People of California ex rel. Rob Bonta, et al. v. City of Huntington Beach, et al.
Case Number: 30-2023-01312235-CU-WM-CJC

Declaration of Electronic Service

1. I am at least 18 years of age and not a party to this matter.
2. I am employed in the Office of the Attorney General of the State of California. My business address is 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, County of San Francisco.
3. My electronic service address is Giomara.Guardado@doj.ca.gov.
4. On March 10, 2026, I electronically served the following document[s]:
 - a. **NOTICE OF ENTRY OF DECEMBER 19, 2025 ORDER**
5. I electronically served the aforementioned document[s] by emailing them to the following individual[s]:

Michael Vigliotta, City Attorney
OFFICE OF THE CITY ATTORNEY

Email Addresses:

mvigliotta@surfcity-hb.org; michele.hoffman@surfcity-hb.org; Chris@surfcity-hb.org
Attorneys for Defendants City of Huntington Beach, City Council of Huntington Beach and Al Zelinka

Ryan M. Kendall
COMMUNITY LEGAL AID SOCAL

Email Addresses:

rkendall@clsocal.org
Attorneys for Intervenor and Real Party in Interest The Kennedy Commission

Daniel A. Sasse
Danielle P. Richards
Kari G. Ferver
CROWELL & MORING LLP

Email Addresses:

DSasse@crowell.com; DRichards@crowell.com; KFerver@crowell.com
Attorneys for Intervenor and Real Party in Interest The Kennedy Commission

Sanaz Khalifeh Soltani, Esq.
Anthony R. Taylor, Esq.
ALESHIRE & WYNDER LLP

Email Addresses:

ssoltani@awattorneys.com; ataylor@awattorneys.com

Attorneys for Defendants City of Huntington Beach, City Council of Huntington Beach and Al Zelinka

Timothy Kowal
KOWAL LAW GROUP

Email Address: Tim@KowalLawGroup.com

Attorneys for Defendants City of Huntington Beach, City Council of Huntington Beach and Al Zelinka

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct, and that this declaration was executed on March 10, 2026.

G. Guardado
Declarant

/s/ Guardado
Signature

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