



Aug 30, 2024

City of Dana Point
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Dana Point, California 92629

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Re: Appeal Against Proposed Subdivision at 35372 Del Rey Unit C

Dear Dana Point City Council,

The California Housing Defense Fund ("CalHDF") submits this letter to remind the Council of its obligation to abide by all relevant state housing laws when evaluating the appeal against the proposed 3-unit housing development project at 135372 Del Rey Unit C. These laws and regulations include the Housing Accountability Act ("HAA") and California Environmental Quality Act ("CEQA") guidelines.

The HAA provides the project legal protections. It requires approval of zoning and general plan compliant housing development projects unless findings can be made regarding specific, objective, written health and safety hazards. (Gov. Code, § 65589.5, subd. (j)). The HAA also bars cities from imposing conditions on the approval of such projects that would reduce the project's density unless, again, such written findings are made. (*Ibid.*) As a development with at least two-thirds of its area devoted to residential uses, the project falls within the HAA's ambit, and it complies with local zoning code and the City's general plan. The Council cannot reject the project without violating the HAA, unless it makes the written findings described above.

Additionally, the project is exempt from state environmental review pursuant to both the Section 15315 (Class 15315 - Minor Land Divisions) CEQA categorical exemption and the Section 15332 (Class 32 - In-Fill Development Projects) CEQA categorical exemption, as the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres

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Agenda Item No. 11
9/3/2024

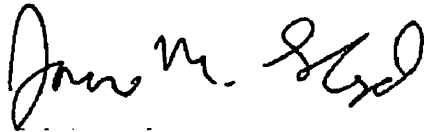
substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. And recent caselaw from the California Court of Appeal affirms that local governments err, and may be sued, when they improperly refuse to grant a project a CEQA exemption or streamlined CEQA review to which it is entitled. (*Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890, 911.).

CalHDF is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dylan Casey', with a long horizontal flourish extending to the right.

Dylan Casey
CalHDF Executive Director

A handwritten signature in black ink, appearing to read 'James M. Lloyd', with a long horizontal flourish extending to the right.

James M. Lloyd
CalHDF Director of Planning and Investigations