

Becerra, Alexis

From: James Lloyd <james@calhdf.org>
Sent: Monday, April 14, 2025 6:03 PM
To: eComment
Cc: Carvalho, Sonia R.; !City Clerk; Planning; Nunez, Alvaro
Subject: public comment re item 24 for 4/15/25 Council meeting
Attachments: Santa Ana - 2020 East First Street - HAA Letter.pdf

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Dear Santa Ana City Council,

The California Housing Defense Fund ("CalHDF") submits the attached public comment for the 4/15/25 Council meeting regarding agenda item 24, the proposed 86-unit housing development project at 2020 East First Street, which includes five very low-income units.

Sincerely,

James M. Lloyd
Director of Planning and Investigations
California Housing Defense Fund
james@calhdf.org
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Apr 14, 2025

**City of Santa Ana
20 Civic Center Plaza
Santa Ana, CA 92701**

Re: Proposed Housing Development Project at 2020 East First Street

By email: eComment@santa-ana.org

**CC: scarvalho@santa-ana.org; cityclerk@santa-ana.org; Planning@santa-ana.org;
ANunez@santa-ana.org**

Dear Santa Ana 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 proposed 86-unit housing development project at 2020 East First Street, which includes five very low-income units. These laws include the Housing Accountability Act (“HAA”), the Density Bonus Law (“DBL”), 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 City must therefore approve the project unless it makes written findings regarding health and safety as mentioned above – which it cannot do since the preponderance of the evidence in the record does not support such findings. (*Ibid.*) Increased density, concessions, and waivers that a project is entitled to under the DBL (Gov. Code, § 65915) do not render the project noncompliant with the zoning code or general plan, for purposes of the HAA. (Gov. Code, § 65589.5, subd. (j)(3).)

CalHDF also writes to emphasize that the DBL offers the proposed development certain protections. The City must respect these protections. In addition to granting the increase in residential units allowed by the DBL, the City must not deny the project the proposed waivers

and concessions with respect to open space, unless it makes written findings as required by Government Code, section 65915, subdivision (e)(1) that the waivers would have a specific, adverse impact upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, or as required by Government Code, section 65915, subdivision (d)(1) that the concessions would not result in identifiable and actual cost reductions, that the concessions would have a specific, adverse impact on public health or safety, or that the concessions are contrary to state or federal law. The City, if it makes any such findings, bears the burden of proof. (Gov. Code, § 65915, subd. (d)(4).) Of note, the DBL specifically allows for a reduction in required accessory parking in addition to the allowable waivers and concessions. (*Id.* at subd. (p).) Additionally, the California Court of Appeal has ruled that when an applicant has requested one or more waivers and/or concessions pursuant to the DBL, the City “may not apply any development standard that would physically preclude construction of that project as designed, even if the building includes ‘amenities’ beyond the bare minimum of building components.” (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 775.)

Finally, the project is exempt from state environmental review pursuant to Section 15168 (Program EIR). 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.)

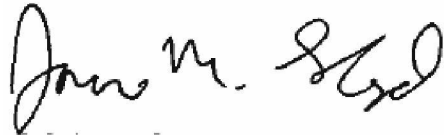
As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: it will provide badly needed affordable housing; it will bring new customers to local businesses; it will expand the city’s tax base; and it will reduce displacement of existing residents by reducing competition for existing housing. CalHDF therefore strongly urges the City to approve the project as proposed, consistent with its obligations under state law.

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,



Dylan Casey
CalHDF Executive Director

A handwritten signature in black ink, appearing to read "James M. Lloyd". The signature is written in a cursive, flowing style.

James M. Lloyd
CalHDF Director of Planning and Investigations