

**Zuniga, Diana**

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**From:** James Lloyd <james@calhdf.org>  
**Sent:** Tuesday, June 03, 2025 1:40 PM  
**To:** eComment  
**Cc:** Carvalho, Sonia R.; !City Clerk; Planning; Nunez, Alvaro  
**Subject:** public comment re item 19 for 6/3/25 Council meeting  
**Attachments:** Santa Ana - 125 and 205 South Harbor Boulevard - HAA Letter.pdf

**Attention:** This email originated from outside of City of Santa Ana. Use caution when opening attachments or links.

Dear Santa Ana City Council,

The California Housing Defense Fund ("CalHDF") submits the attached public comment re item 19 for tonight's Council meeting, the proposed 36-unit housing development project at 125 and 205 South Harbor Boulevard, which includes four moderate-income units.

Sincerely,

James M. Lloyd  
Director of Planning and Investigations  
California Housing Defense Fund  
[james@calhdf.org](mailto:james@calhdf.org)  
CalHDF is grant & donation funded  
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Jun 3, 2025

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

**Re: Proposed Housing Development Project at 125 and 205 South Harbor Boulevard**

**By email: [eComment@santa-ana.org](mailto:eComment@santa-ana.org)**

**CC: [scarvalho@santa-ana.org](mailto:scarvalho@santa-ana.org); [cityclerk@santa-ana.org](mailto:cityclerk@santa-ana.org); [Planning@santa-ana.org](mailto:Planning@santa-ana.org); [ANunez@santa-ana.org](mailto: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 36-unit housing development project at 125 and 205 South Harbor Boulevard, which includes four moderate-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).) Furthermore, if the City rejects the project or impairs its feasibility, it must conduct “a thorough analysis of the economic, social, and environmental effects of the action.” (*Id.* at subd. (b).)

**360 Grand Ave #323, Oakland 94610**  
**[www.calhdf.org](http://www.calhdf.org)**

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 vehicular access, width of symmetrical entry, public street setback, common open space, private open space, and private open space dimensions. If the City were to deny the requested waivers, Government Code section 65915, subdivision (e)(1) requires findings 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. If the City were to deny the requested requested concessions, Government Code section 65915, subdivision (d)(1) requires findings 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 CEQA Guidelines section 15192 (Threshold Requirements for Exemptions) and section 15195 (Residential Infill Exemption). 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.)

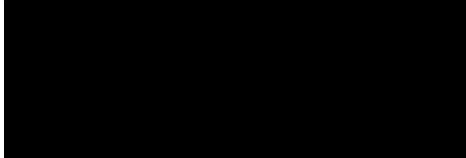
As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: it will provide badly needed homeownership opportunities; it will bring new customers to local businesses; it will expand the city’s tax base; and it will 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](http://www.calhdf.org).

Sincerely,



Dylan Casey  
CalHDF Executive Director



James M. Lloyd  
CalHDF Director of Planning and Investigations