
From: James Lloyd <james@calhdf.org>
Sent: Monday, April 28, 2025 3:47 PM
To: PC Public Comments
Cc: CITY CLERK; YEAGER, CHRISTOPHER; BARLOW, KIMBERLY HALL; FARRELL HARRISON, LORI ANN
Subject: public comment re Public Hearing item 1 for 4/28/25 Planning Commission meeting
Attachments: Costa Mesa - 2205 Harbor Boulevard - HAA letter.pdf

Dear Costa Mesa Planning Commission:

The California Housing Defense Fund ("CalHDF") submits the attached public comment re re Public Hearing item 1 for 4/28/25 Planning Commission meeting, the proposed 47-unit, 100% affordable housing development project at 2205 Harbor Boulevard.

Sincerely,

James M. Lloyd
Director of Planning and Investigations
California Housing Defense Fund
james@calhdf.org
CalHDF is grant & donation funded
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Apr 28, 2025

**City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626**

Re: Proposed Housing Development Project at 2205 Harbor Boulevard

By email: PCPublicComments@costamesaca.gov

**Cc: cityclerk@costamesaca.gov, Christopher.Yeager@costamesaca.gov,
kimberly.barlow@costamesaca.gov, loriann.farrellharrison@costamesaca.gov,**

Dear Costa Mesa Planning Commission:

The California Housing Defense Fund (“CalHDF”) submits this letter to remind the Commission of its obligation to abide by all relevant state laws when evaluating the proposed 47-unit, 100% affordable housing development project at 2205 Harbor Boulevard. These laws include the Housing Accountability Act (“HAA”) and California Environmental Quality Act (“CEQA”) regulations.

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, subs. (d), (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would render the project infeasible or reduce the project’s density unless, again, such written findings are made. (*Id.* at subd. (d).) 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.*)

Additionally, the project is exempt from state environmental review pursuant to Section 15301 (Class 1) Existing Facilities. 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.)

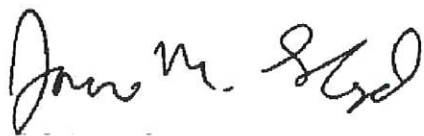
As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit; it will provide badly needed affordable housing for our most vulnerable; it will bring new customers to local businesses; and it will reduce displacement of existing residents by reducing competition for existing housing. While no one project will solve the statewide housing crisis, the proposed development is a step in the right direction. CalHDF urges the City to approve it, 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



James M. Lloyd
CalHDF Director of Planning and Investigations