

## ITEM 4

**From:** [Brenda Wisneski](#)  
**To:** [Martha Ochoa](#)  
**Subject:** FW: CalHDF public comments for tonight's Planning Commission meeting  
**Date:** Monday, June 24, 2024 10:53:13 AM  
**Attachments:** [Dana Point - 34101 Calle La Primavera - ADU Support Letter.pdf](#)  
[Dana Point - 35372 Del Rey - HAA Letter.pdf](#)

---

---

**From:** Sea Shelton <[sshelton@danapoint.org](mailto:sshelton@danapoint.org)>  
**Sent:** Monday, June 24, 2024 10:32 AM  
**To:** Brenda Wisneski <[BWisneski@DanaPoint.org](mailto:BWisneski@DanaPoint.org)>  
**Subject:** FW: CalHDF public comments for tonight's Planning Commission meeting

---

**From:** James Lloyd <[james@calhdf.org](mailto:james@calhdf.org)>  
**Sent:** Monday, June 24, 2024 10:30 AM  
**To:** Ashok Dhingra <[adhingra@danapoint.org](mailto:adhingra@danapoint.org)>; Mary Opel <[MOpel@DanaPoint.org](mailto:MOpel@DanaPoint.org)>; Luke Boughen <[L.Boughen@danapoint.org](mailto:L.Boughen@danapoint.org)>; Eric Nelson <[ENelson@DanaPoint.org](mailto:ENelson@DanaPoint.org)>; Deana Christakes <[dchristakes@danapoint.org](mailto:dchristakes@danapoint.org)>  
**Cc:** Alyssa Gonzalez <[agonzalez@danapoint.org](mailto:agonzalez@danapoint.org)>; Johnathan Ciampa <[JCiampa@DanaPoint.org](mailto:JCiampa@DanaPoint.org)>; Sea Shelton <[sshelton@danapoint.org](mailto:sshelton@danapoint.org)>  
**Subject:** CalHDF public comments for tonight's Planning Commission meeting

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Dana Point Planning Commission,

Please see attached CalHDF's public comments re 35372 Del Rey and 34101 Calle La Primavera, calendared as agenda items 4 and 6 respectively for tonight's Planning Commission meeting.

Sincerely,

James M. Lloyd  
Director of Planning and Investigations  
California Housing Defense Fund  
[james@calhdf.org](mailto:james@calhdf.org)



**Jun 24, 2024**

**City of Dana Point  
33282 Golden Lantern St.  
Dana Point, California 92629**

**By Email:** [adhingra@danapoint.org](mailto:adhingra@danapoint.org); [mopel@danapoint.org](mailto:mopel@danapoint.org); [lboughen@danapoint.org](mailto:lboughen@danapoint.org); [enelson@danapoint.org](mailto:enelson@danapoint.org); [dchristakes@danapoint.org](mailto:dchristakes@danapoint.org)

**CC:** [agonzalez@danapoint.org](mailto:agonzalez@danapoint.org); [jciampa@danapoint.org](mailto:jciampa@danapoint.org); [sshelton@danapoint.org](mailto:sshelton@danapoint.org)

**Re:** Proposed Lot Subdivision and Housing Development 35372 Del Rey, Unit C (APN: 691-441-20)

Dear Dana Point Planning Staff and Planning Commission,

The California Housing Defense Fund (“CalHDF”) writes to remind the Commission of its obligations under the Housing Accountability Act (Gov. Code, § 65589.5; the “HAA”) and California Environmental Quality Act (“CEQA”) guidelines when considering the subdivision and housing development at 35372 Del Rey.

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.

As stated in the staff report, the project is exempt from state environmental review under the Class 15 CEQA categorical exemption (Minor Land Divisions) pursuant to § 15315 of the CEQA Guidelines, as the subdivision is consistent with the applicable general plan and zoning rules; the property is zoned for Residential use; services and access to the proposed parcels are available and up to local standards; the parcel was not involved in the division of a larger parcel within the preceding two years; and the parcel does not have an average slope exceeding 20 percent.

Additionally, the project is exempt from state environmental review under the Class 32

**360 Grand Ave #323, Oakland 94610  
[hi@calhdf.org](mailto:hi@calhdf.org)**

CEQA categorical exemption (In-Fill Development Projects) pursuant to § 15332 of the CEQA Guidelines, 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 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.)

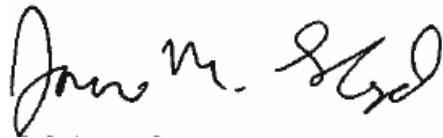
As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: it will bring new customers to local businesses; it will grow the City's tax base; and it will reduce displacement of existing residents by reducing competition 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 Commission 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](http://www.calhdf.org).

Sincerely,



Dylan Casey  
CalHDF Executive Director



James M. Lloyd  
CalHDF Director of Planning and Investigations