



CITY of LAGUNA NIGUEL

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CITY COUNCIL

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Council Member Sandy Rains
Council Member Rischi Paul Sharma

June 3, 2021

The Honorable Jesse Gabriel
Assembly Member, California State Assembly
State Capitol Building, Room 4117
Sacramento, CA 95814

Letter of Opposition AB 989 Appeals- Housing Accountability Committee

Dear Assembly Member Gabriel,

The City of Laguna Niguel must respectfully oppose AB 989, which would create a new state appeals committee within the California Department of Housing and Community Development (HCD) comprised of five members appointed by the Governor.

Housing affordability and homelessness are among the most critical issues facing California cities and counties. Unfortunately, homes are out of reach for many people, and housing is not being built fast enough to meet the current or projected needs of people living in the state. Cities and counties lay the groundwork for housing production by planning and zoning in their communities based on extensive public input and engagement, state housing laws, and the needs of the building industry. Importantly, local jurisdictions must also approve housing projects that are consistent with local zoning and design standards.

Current law allows a city or county under the Housing Accountability Act (HAA) to impose conditions to mitigate the environmental impact of projects under CEQA; and require compliance with objective, quantifiable, written development standards, conditions, and policies. AB 989 will allow a single hearing officer to overturn either of these actions if a developer argues they make the project "infeasible" following procedures that are not subject to public review and comment. Thus, AB 989 allows a single hearing officer to substitute their judgment about the public health or safety of a community and overturn the denial following procedures that are not subject to public review and comment. By doing so, AB 989 circumvents the public hearing process and allows state appointees to make decisions that impact distance communities.

The HAA already has an established appeals process in place, and by adding another layer, the review process will only be further lengthened. This will slow development, increase conflict, and add time to the entire housing development process. For these reasons, the City of Laguna Niguel must respectfully oppose AB 989.

Sincerely,

Fred Minagar
Mayor

Cc: Senate Committee on Appropriations
Senate Committee on Housing and Community Development
Senate Committee on Local Government
Tony Cardenas, Public Affairs Manager LCC- Orange County