

November 19, 2025

Brooke Miller
Sheppard Mullin
501 West Broadway, 18th Floor
San Diego, CA 92101-3598

Re: *City of Del Mar Response to November 17, 2025 Notice under Cal.Gov. Code Sec. 65589.5*

Dear Ms. Miller,

I. Introduction and Overview

This letter and its findings are in response to your November 17, 2025 “Notice to cease unlawful course of conduct in violations of the Housing Accountability Act Regarding the Seaside Ridge project” letter (“Notice”) and is required by state housing laws. This letter and the Notice letter have been posted on the City of Del Mar’s website and have been provided to the San Diego County Clerk for posting. It will also be provided to other interested parties.

The City may not ignore this Notice despite its many misrepresentations. This so-called cease and desist letter is representative of a pattern of marginally ethical behavior perpetrated by the Applicant’s development team. Since October 2022 Carol Lazier, the development Applicant, has not advanced the Seaside Ridge housing project while at the same time her development team’s questionable actions have consumed valuable public resources at the expense of the taxpayers. Ms. Lazier is not a developer. Instead, her legal counsel, a former City of Del Mar planner, real estate broker, and communications consultant have served as the development team. Had this team included a professional developer they would have long ago worked with the City to resolve the many environmental and zoning issues associated with the Seaside Ridge project.

The City, acting in good faith, offered to jointly plan and resolve these issues but the response from Ms. Lazier’s legal counsel was nothing short of bad faith. Instead of working with the City, the Lazier team chose to litigate every conceivable issue and make significant misrepresentations to outside governmental agencies.

State housing laws have guardrails to protect sensitive coastal resources. The Seaside Ridge project must adhere to the City’s Local Coastal Program regulations. The “Builders Remedy” does not apply to the Seaside Ridge high density housing project, nor does it allow them to ignore the California Coastal Act and the City’s Local Coastal Program. Despite certain advantages of the State’s new housing laws, the legislature did not abandon the Coastal Act or protection of the environment. Nor, does it allow a developer to self-certify that a project meets the mandates of the Coastal Act or whether it has to comply with the California

Environmental Quality Act. Moreover, the legislation does not allow the builders remedy to apply when a developer enlarges their project by more than 20% from the time of their preliminary development application to their fully submitted application. Which is the case here, the Seaside project grew by more than 28% during this period of time.

As background, state housing law requires cities to develop an affordable housing strategic plan, called a Housing Element. The purpose of the Housing Element is to guide the City in planning for and addressing the City's current and future housing needs for everyone in the community at all income levels. The Housing Element must demonstrate that it can meet the Regional Housing Needs Assessment ("RHNA") allocation which is produced by the San Diego Association of Governments (SANDAG). Housing Element laws require cities to identify sites where affordable housing units can be built. While the Housing Element includes a multifaceted set of strategies, the principal site the City identified to achieve its lower income housing requirements is the State Fairgrounds (22nd District Agricultural Association). The State of California granted the City \$1.5 Million to study the feasibility of placing housing on Fairgrounds land following execution of an Exclusive Negotiating Rights Agreement ("ENRA") with the Fairgrounds. The Seaside Ridge north bluff site is a contingency site should the Fairgrounds site be deemed infeasible. Based on this fact, Lazier and her team told the Fairgrounds Board of Directors ("Board") on multiple occasions that the Seaside project is "shovel ready" and that "the Seaside Ridge Project will meet all of the City's housing needs." Neither is true and these statements were clearly directed at having the Fairgrounds Board abandon their housing efforts with the City.

It is preposterous to state the Seaside Ridge project is "shovel ready" when the team cannot even complete their development application or meet all of the City's housing needs when it does not meet the City's assigned very low-income housing needs. In sum, the Seaside Ridge project team sees the Fairgrounds project as direct competition with their own project and they have no issue making misrepresentations to a governmental agency in order to derail what is seen as a competitive project.

II. Findings:

The following Findings are made pursuant to California Government Code Section 65589.5 (h)(D)(iv):

1. The Seaside Ridge project is a 259-unit high density housing project, which includes building heights that exceed 56', and is located on a sensitive environmental bluff that is subject to significant bluff erosion and is wholly inconsistent with the City's Coastal Commission certified Local Coastal Program.
2. State Housing law does not supersede the California Coastal Act.
3. The Seaside Ridge project is not an urban fill project because it is not surrounded on any side by any urban development and is therefore subject to analysis under the California Environmental Quality Act.
4. The Seaside Ridge Project is not within one half mile of a major transit hub.

5. The Seaside Ridge project requires a long-term encroachment permit from the City of Del Mar to gain permanent access to the site and the granting of an encroachment permit is not subject to state housing laws.
6. The project based on substantial evidence is more likely than not to generate significant environmental impacts to coastal resources, traffic, coastal parking, public safety, and is inconsistent with the City's Local Coastal Program and its resource protective Overlay Zones.
7. The City adopted its 6th Cycle Housing Element March 25, 2021, prior to the April 15, 2021 deadline; and re-adopted the Housing Element on December 13, 2021 and April 3, 2023 to incorporate modifications required by the State Department of Housing and Community Development ("HCD").
8. None of the subsequent deficiencies identified by HCD for certification required any changes to the sites relied upon to meet RHNA. They were focused on compliance with new "Affirmatively Furthering Fair Housing" standards where the State guidance was not even published until after the April 2021 deadline for the San Diego region to adopt Housing Elements.
9. The City's Housing Element was formally certified on May 31, 2023, when HCD determined the City's Housing Element to be in substantial compliance with State Housing Element Law.
10. The City has consistently demonstrated it has adequate sites to meet its 6th Cycle RHNA. HCD has inquired and confirmed this on multiple occasions. The HE Program 1E contingency rezone continues to be not applicable and not required.
11. The City and 22nd Agricultural District timely satisfied the agreement milestone in HE Program 3A through execution of an ENRA in March 2024 that took effect on April 15, 2024.
12. Implementation of the ENRA remains in process and has involved substantial investment by the City and the State, including 1) \$121,500 Cycle 1 HAP grant funds spent in 2022 to 2023 to produce architectural/site design concepts and economic feasibility studies to demonstrate the feasibility of lower income housing on the State Fairgrounds; and 2) \$1.5 million in Cycle 2 HAP Grant funds to conduct due diligence and feasibility studies to develop at least 61 lower income units on the State Fairgrounds in Del Mar.
13. A contingency rezone (i.e., HE Program 1E) will not be necessary unless the State Fairgrounds Affordable Housing Plan is determined to be infeasible.
14. The City on four separate occasions determined that the application of the Seaside Ridge project was incomplete because Ms. Lazier, acting through her counsel, steadfastly refused to follow state housing laws. They failed to provide six critical application materials:
 - A. Rezone Application
 - B. Local Coastal Program Amendment
 - C. General Plan Amendment
 - D. Environmental Assessment

- E. Design Review Permit; and
 - F. Bluff, Slope, and Canyon Overlay Zone, Coastal Bluff Overlay Zone, Lagoon Overlay Zone, and Land Conservation (grading) related permits.
15. The City of Del Mar Planning and Community Development Director provided on four separate occasions incomplete application letters to Ms. Lazier's representatives on:
- April 27, 2023
 - June 30, 2023
 - September 26, 2023; and
 - December 20, 2023

Each of these letters explained in detail the reasons why the application was found incomplete and what the Applicant needed to provide to complete their application.

16. The fundamental flaw in the Applicant's legal posture is that the "Builder's Remedy" applies and the Coastal Act does not. Neither is the case. Instead of recognizing this fact, counsel for Ms. Lazier submitted five legal treatises on housing law which have served to delay the application process. These unpersuasive law review type letters are not a substitution for the Applicant's obligation to respond to the deficient areas identified in the City's four incomplete application determinations.

The Applicant's counsel relies on Ca Gov Code Sec 65583.2 in asserting that the City had an obligation to rezone the Seaside Ridge site. However, this assumes that the Seaside Ridge site was needed to meet the City's RHNA which is not the case, and Section 65583.2 clearly states what is required and what is not required:

"If a local government fails to complete the rezoning by the deadline provided in subparagraph (A) of paragraph (1) of subdivision (c), as it may be extended pursuant to subdivision (f), except as provided in paragraph (2), a local government may not disapprove a housing development project, nor require a conditional use permit, planned unit development permit, or other locally imposed discretionary permit, or impose a condition that would render the project infeasible, if the housing development project, (A) is proposed to be located on a site required to be rezoned pursuant to the program action required by that subparagraph and, (B) complies with applicable, objective general plan and zoning standards and criteria, including design review standards, described in the program action required by that subparagraph. Any subdivision of sites shall be subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)). Design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. (Emphasis added). (CA Gov. Code Sec 65583.2 (g)(1)).

The north bluff property was not required to be rezoned because it is not needed for the City to meet its obligations under RHNA or the 6th Cycle Housing Element. This is because the Seaside Ridge

site is only a “contingency” site in case the Del Mar Fairgrounds site does not materialize. The City and the 22nd District Agricultural Association have an Exclusive Negotiating Rights Agreement in place (effective April 15, 2024) and that remains in full force and effect today.

This fact is identified in Chapter 3 and Appendix B of the City’s certified 6th Cycle Housing Element which explicitly identifies the specific sites that the City is relying on to meet its RHNA allocation. The Seaside Ridge site is not one of the sites being relied upon to meet RHNA. The sites relied upon to meet lower income RHNA in all adopted versions of the Housing Element, including the final certified 6th Cycle Housing Element were as follows:

Professional Commercial (PC)-	3 lower income units, two sites
North Commercial (NC) (without Watermark)-	22 lower income units, six sites
Rezoned Watermark Lots (NC)-	6 low, 2 very low, 2 extremely low-income units
Public Facilities (PF)- City Owned Properties-	4 lower income 10 th Street site
941 Camino Del Mar Specific Plan-	2 low income units
Existing Residentially Zoned Properties-	3 lower income units 28 th Street site
Accessory Dwelling Unit Production-	15 low income units
State Fairgrounds Property-	54 lower income units

The determination that the Seaside Ridge site is only listed as a “contingency site” is found in the City’s 6th Cycle Housing Element Chapter 3 “Sites Suitable for Lower Income Housing” analysis on pages 3-66 to 3-68 and Appendix B Vacant Sites Analysis in the Section C.1 Analysis of State Fairgrounds Sites and Contingency Rezone and Table B-3 on page B-31 where it references sites to be considered if necessary to implement the Program 1E contingency rezone.

17. The City was not required to rezone the seaside Ridge project site because it was only a contingency site in the City’s 6th Cycle Housing Element.
18. The Builders Remedy does not apply to the Seaside Ridge project because at the time of submittal of their preliminary application (Oct. 4, 2022) HCD did not formally certify the City’s Housing Element. That formal HCD certification letter occurred on May 31, 2023. Ms. Lazier submitted her completed application on March 30, 2023 by which time the project grew by 28%, which voided the ability of Ms. Lazier to assert the benefits of the Builders Remedy.

This growth change is important because State housing laws recognize the consequences of a project growing beyond the preliminary application with the result being that preliminary application is now considered “deemed not being submitted:”

“After submittal of all of the information required by subdivision (a), if the development proponent revises the project such that the number of residential units or square footage of construction changes by 20 percent

or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, the housing development project shall not be deemed to have submitted a preliminary application that satisfies this section until the development proponent resubmits the information required by subdivision (a) so that it reflects the revisions.

For purposes of this subdivision, "square footage of construction" means the building area, as defined by the California Building Standards Code (Title 24 of the California Code of Regulations)." (CA Gov. Code Sec. 65941.1(c)).

Ms. Lazier claims the growth of the project did not exceed 20% because it was a result of a clerical calculation error that City staff had an affirmative obligation to locate and correct. Now, Ms. Lazier asserts the project only grew by 17.1%. Both these arguments fail because no city has an obligation to do the work of the Applicant and secondarily, by comparing the square footage summaries of the preliminary application and the full application, there is a clear growth of 28%.

The first chart that was provided by the Applicant shows, even with errors corrected, that the project has a total of 308,968SF.

AREA SUMMARY						
SITE AREA:		300,921 SF	6.9 ACRES			
SITE COVERAGE:		69,212	+/- 23%			
BUILDING AREA:						
LEVEL	RESIDENTIAL	AMENITY	CIRCULATION	TOTAL	UNITS	COMMENTS
L(-1)	5,545	7,729	---	13,274	8	54,040 SF UNDERGROUND PARKING
L(+1)	53,170	1,124	2,807	57,101	67	42,676 SF PARTIAL UNDERGROUND PARKING
L(+2)	74,7785	---	7453	82,238	88	
L(+3)	54,000	---	7453	43,453	70	
L(+4)	22,712	---	2,730	25,442	26	
TOTAL	22,232 SF	8,853 SF	20,443 SF	241,528 SF	259	
FAR	.7					

However, the Application of March 2023 (Architect Drawings Pg. 4) shows a total square footage of 396,259.

Site Area	300,921	6.9 Acres	
Site Coverage	112,510	37.4%	
Building Area	235,002	(FAR 0.78)	
Parking Garage	161,257	(FAR 0.54)	

Level	Residential	Amenity	Circulation	Total	Units	Parking Garage
L-2	0	0	0	0	0	60,488 (Underground Parking)
L-1	6,857	10,055	2,448	19,158	11	57,061 (Underground Parking)
L+1	49,187	552	4,846	54,585	65	43,708 (Partial Underground Parking)
L+2	84,387	3,285	8,169	73,821	82	
L+3	50,679	0	7,250	57,929	65	
L+4	27,073	0	2,437	29,510	36	
Total	197,963	13,892	23,147**	235,002	259	161,257

FAR Total 1.32 (Building 0.78 & Garage 0.54)

Parking	Standard	Compact	ADA	Motorcycle	Tandem	Bicycle	Clean Air Designated	Charging Station (E)
Outside	8	11	4	8	0	15	2	2
L-2	129	1	1	8	0	8	10	5
L-1	105	1	2	6	32	0	12	8
L+1	90	0	2	6	8	0	12	8
Total	330	13	9*	26	38	23	36	23
Car Parking Spaces Total	449							

The preliminary application showed a total square footage of 308,968SF and the completed application, submitted after the City's Housing Element was formally certified, was 396,259SF. This established that the project grew by 87,291 SF amounting to a change from the preliminary application to the completed application of 28%. As a result, under state housing law the Seaside Ridge preliminary application was deemed not submitted and by the time they submitted their completed application the City received formal certification of their Housing element from HCD.

19. The Builders Remedy and its benefits do not apply to the Seaside Ridge development project due to the growth of the project.
20. Ms. Lazier's development team made misleading statements to the 22nd Agricultural District Board of Directors, a governmental agency, by stating on several occasions and via correspondence that the Seaside project is shovel ready and will meet all of the City's affordable housing needs.
21. On June 13, 2025 the Court dismissed the Lazier petition for writ of mandate for failure to exhaust their administrative remedies.
22. As a courtesy to the Applicant, the City on August 7, 2025 allowed the Applicant to appeal the Incomplete determination made by the City's Planning and Community Development Director. And per the Del Mar Municipal Code Section 1.12.020 the City Council did not find grounds to continue to a De Novo hearing. The Applicant failed to timely appeal the Director's determination of

incompleteness within ten days following the April 27, 2023, June 30, 2023, September 26, 2023, or the December 20, 2023 incomplete application determination.

23. In August 2025 the Del Mar City Manager made direct contact with Ms. Lazier to offer her the ability to enter into informal discussions with the City to attempt to resolve the development issues with the Seaside Ridge project. This was a good faith attempt by the City to produce a development plan for the Lazier north bluff property that would meet the City's low-income housing goals while also reasonably meeting the Lazier development goals. This effort was soon derailed when a series of untenable demands were submitted by Lazier's legal counsel which quickly ended these discussions.
24. The Seaside Ridge development team continues to provide misleading information to the Fairgrounds Board in an effort to derail the City's housing goals.
25. The legal strategies and baseless litigation have consumed valuable City resources to the detriment of the taxpayer.

III. Direction to the Applicant

The City directs the Applicant to provide the following information and pay the processing fees associated with these application materials:

1. Rezone Application Has Not Been Submitted.

A rezone application is needed because the Seaside Ridge project is inconsistent with the Community Plan. The subject parcels are not eligible for "by right" housing development. The required fee of \$10,925 was also not paid by Ms. Lazier.

2. Local Coastal Program Amendment (LCPA) Has Not Been Submitted

Rezoning and modifying the land use designation of the north bluff property requires a Local Coastal Program amendment ("LCPA") because the project is wholly inconsistent with the density, heights, setbacks, and many other elements of City's Coastal Commission certified LCP. The Applicant is directed to submit an LCP amendment application.

3. General Plan (Community Plan) Amendment Has Not Been Submitted

An amendment of the City's General Plan (Community Plan) is required for any change to the Very Low Residential Density Land Use Designation (located in the North Bluff District) to allow multi-unit development on lots identified with the Assessor's Parcel Numbers 298-241-06, 298-241-07, and 299-030-14. Proposed/revised land use maps and Community Plan text revisions are required with the application submittal.

4. Environmental Assessment Application Has Not Been Submitted

The proposed project is subject to compliance with the California Environmental Quality Act (CEQA). The recent changes to CEQA do not apply because the project is inconsistent with the City's Community Plan, LCP, Overlay zones, and is not needed to meet the City's obligations under its RHNA. Pay the required deposit of \$1,090.

5. Design Review Permit Application

A discretionary Design Review Permit approval is required for all development in the City of Del Mar, not otherwise exempted. Because the City determined that the subject Housing Development Project is not subject to the provisions of AB 1398, discretionary development applications and approvals are required in accordance with Del Mar Municipal Code (DMMC) Chapter 23.08. Submit an unaltered City of Del Mar Design Review Permit Application and Submittal Checklist and pay the application fee of \$11,380.

6. LCP Environmentally Protective Overlay Zones Apply to the Project Site

Because the project site is located in the Coastal Commission approved Coastal Bluff Overlay Zone, the Bluff, Slope and Canyon Overlay Zone, and Lagoon Overlay Zone, as well as the proposed grading that would be required to adequately access the housing units, the City requires that the following discretionary permit applications be provided:

- i. Conditional Use Permit Application required application fee: \$2,595.
- ii. Coastal Development Application –the required application fee: \$3,185.
- iii. Land Conservation Permit Application \$3,185 is the required fee.

These items have been missing from the Application since April 2023, and these requested materials are consistent with state housing law, the Coastal Act, environmental regulations, and the City's Local Coastal Program and the Del Mar Community Plan.

The City stands ready to process Seaside's application as soon as the required documents have been submitted and related fees have been paid.

Sincerely,



Ralph T. Hicks
Assistant City Attorney
City of Del Mar

ATTACHMENT



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November 17, 2025

File Number: 47WF-387822

VIA HAND DELIVERY AND EMAIL

Ashley Jones
Planning Director
c/o City Clerk
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014
Email: ajones@delmar.ca.us

Re: **NOTICE TO CEASE UNLAWFUL COURSE OF CONDUCT IN VIOLATION OF THE HOUSING ACCOUNTABILITY ACT (GOVERNMENT CODE § 65589.5) REGARDING SEASIDE RIDGE, PDA 22-01/ CDP 23-008**

Dear Ms. Jones:

This letter serves as a formal notice to the City of Del Mar (the "City") to immediately cease an unlawful course of conduct that constitutes an effective disapproval of the proposed housing development project known as Seaside Ridge, PDA 22-001/ CDP 23-008 (the "Project"), located on vacant property at 929 Border Avenue in the City of Del Mar, in violation of the Housing Accountability Act ("HAA"), Government Code section 65589.5, *et seq.*

1. Description of the Housing Development Project

The Project proposes the development of 259 housing units, of which 85 units are designated for extremely low, very low-, low- and moderate-income households. A Preliminary Application for the Project was submitted on October 4, 2022, and a full application was submitted March 30, 2023. The Housing Element was not certified by the California Department of Housing and Community Development (HCD) until two months later, on May 31, 2023. Both applications were submitted prior to the City having a certified 6th Cycle Housing Element.

2. Description of the Unlawful Course of Conduct

The City is engaging in a course of conduct undertaken for an improper purpose, such as to harass or to cause unnecessary delay or needless increases in the cost of the proposed housing development project, that effectively disapproves the proposed housing development without taking final administrative action.

This conduct includes, but is not limited to, the following specific actions/inactions:

- Repeatedly determining that the development application for the Project was incomplete for failure to include applications for discretionary approvals, including a conditional use permit, design review permit based on subjective findings (not objective standards), rezoning and a General Plan amendment, that are not required for a Housing Development Project that includes affordable units for which a Preliminary Application and regular development application were submitted before HCD certified the City's Housing Element. This conduct occurred on or about October 14, 2023; April 27, 2023; June 30, 2023; September 26, 2023; December 20, 2023; July 18, 2025; and September 22, 2025.
- Repeatedly determining that the Preliminary Application was "deemed not submitted" and that therefore the Project application was not "deemed complete" on the pretext that the City determined, based entirely on textual errors in the Preliminary Application, that the Applicant revised the Project such that the square footage of construction changed by more than 20% between the Preliminary Application and the development application. An objective comparison of the Project plans as proposed in the Preliminary Application and the development application demonstrates that the actual change in square footage is 17.1%, well below the 20% limit. This conduct occurred on or about April 27, 2023; June 30, 2023; September 26, 2023; December 20, 2023; July 18, 2025; and September 22, 2025.
- Failing to provide an applicable procedure to appeal staff's incomplete determination, failing to notify to the Applicant of any such procedure, failing to hear the Applicant's appeal of the incomplete determination and failing to provide a timely written determination of appeal within 60 days of the Applicant's appeal filed July 31, 2025, as required by Gov. Code § 65943. This conduct occurred on or about April 27, 2023; June 30, 2023; September 26, 2023; December 20, 2023; July 18, 2025; and September 22, 2025.
- Failing to process the Project application notwithstanding that it was deemed complete due to the City's failure to make a final written determination within 60 days of the Applicant's appeal filed July 31, 2025, pursuant to Gov. Code § 65943(c). This conduct has been ongoing since September 29, 2025, to the present.
- Failing to demonstrate in accordance with the holding in *New Commune DTLA v. City of Redondo Beach*, 2025 Cal. App. LEXIS 657 (Oct. 10, 2025) that existing uses on nonvacant sites in the City's Housing Element sites inventory will not impede development of additional residential development, that there is substantial evidence that existing uses are "likely to be discontinued" during the 6th Housing Element Cycle and that the sites identified for lower income housing are "designated for residential use" and do not permit nonresidential use, including the Fairgrounds, which is proposed to accommodate more than 50% of the City's share of "lower income" housing.
- Failing to proceed with rezoning the Project site pursuant to the City's Housing Element Program 1E, notwithstanding that the City failed to meet the requirements of Housing Element Program 3A to secure a binding agreement with the 22nd DAA for the siting of housing on the Fairgrounds property by April 2024 and has failed to proceed with the effective implementation of Program 3A because a ground lease with the 22nd DAA has

not been approved by October 2025. This conduct has been ongoing since at least October 31, 2025.

- Failing to process the Project, which includes at least forty-nine percent (49%) of the housing units for very low-, low-, and moderate-income households proposed for two vacant candidate sites identified for rezoning in the City's Housing Element, as a by-right project as required by the Housing Element Law. (Govt. Code § 65583(g)(1).) This conduct has been ongoing since at least April 15, 2022.

These actions demonstrate an intent to effectively deny the Project without adhering to the HAA's strict requirements for formal disapproval and necessary findings.

3. Demand to Cease and Desist

On behalf of owner and Applicant Carol Lazier, we hereby demand that the City immediately **CEASE** the identified course of conduct and proceed with the Project's review and approval in compliance with the HAA and other applicable state housing laws.

4. Requirements Upon Receipt of this Notice

Pursuant to the HAA, Government Code section 65589.5 subdivision (h)(6)(D), please be advised that the City is required by law to do all of the following:

Within five working days of receiving this written notice, the City shall post this notice on its website, provide a copy of this notice to any person who has made a written request for notices pursuant to subdivision (f) of Section 21167 of the Public Resources Code, and file this notice with the county clerk of San Diego County. The county clerk shall post this notice and make it available for public inspection in the manner set forth in subdivision (c) of Section 21152 of the Public Resources Code.

The City shall consider all objections, comments, evidence, and concerns about the Project or this written notice and shall not make a determination until at least 60 days after this written notice was given.

Within 90 days of receipt of this notice, the City shall issue a written statement that it will immediately cease the challenged conduct or issue written findings that comply with both of the following requirements:

(I) The findings articulate an objective basis for why the challenged course of conduct is necessary; and

(II) The findings provide clear instructions on what the Applicant must submit or supplement so that the City can make a final determination regarding the next necessary approval or set the date and time of the next hearing.

SheppardMullin

Ashley Jones
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5. Potential Legal Consequences

If the City fails to cease this unlawful conduct and continues to delay processing the Project as required by applicable law, we intend to pursue all available legal remedies to enforce compliance with Government Code § 65589.5. This may include seeking a court order, including an injunction, and potentially recovering associated costs and attorney's fees, as permitted by the HAA.

The owner's intent for this project is to help the City meet its 6th Cycle RHNA obligations and produce housing units for the San Diego region in every income category.

We anticipate your prompt cooperation in resolving this matter without the need for formal legal action.

Sincerely,



Brooke Miller
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

cc: Carol Lazier

SMRH:4936-9929-6376.3