


From: [James Lloyd](#)
To: [PlanningCommission AP](#)
Cc: [CityAttorney AP](#); [OCM AP](#); [CityClerk AP](#); [CDD-Admin AP](#); [Planning AP](#)
Subject: public comment re item 1A for tonight's Planning Commission meeting
Date: Monday, August 11, 2025 4:12:45 PM
Attachments: [Sunnyvale - 838 Azure Street - HAA letter.pdf](#)

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Dear Sunnyvale Planning Commission,

The California Housing Defense Fund ("CalHDF") submits the attached public comment re item 1A for tonight's Planning Commission meeting, the proposed 4-unit housing development project at 838 Azure Street.

Sincerely,

James M. Lloyd
Director of Planning and Investigations
California Housing Defense Fund


CalHDF is grant & donation funded
Donate today - <https://calhdf.org/donate/>



Aug 11, 2025

**City of Sunnyvale
456 W. Olive Ave
Sunnyvale, CA 94086**

Re: Proposed Housing Development Project at 838 Azure Street

To: PlanningCommission@sunnyvale.ca.gov

**Cc: cityatty@sunnyvale.ca.gov; citymgr@sunnyvale.ca.gov;
cityclerk@sunnyvale.ca.gov; comdev@sunnyvale.ca.gov;
planning@sunnyvale.ca.gov;**

Dear Sunnyvale Planning Commission,

The California Housing Defense Fund (“CalHDF”) submits this letter to remind the City of its obligation to abide by all relevant state laws when evaluating the proposed 4-unit housing development project at 838 Azure Street. These laws include the Housing Accountability Act (“HAA”), AB 130, 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, subds. (d), (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would render the project infeasible (*id.* at subd. (d)) or reduce the project’s density (*id.* at subd. (j)) unless, again, such written findings are made. 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 (with the Special Development Permit) and the City’s general plan. The HAA’s protections therefore apply, and the City may not reject the project except based on health and safety standards, as outlined above. 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).)

Furthermore, the project may be eligible for a statutory exemption from CEQA review pursuant to either the Class 32 Infill Exemption (section 15332 of the CEQA guidelines) or AB 130 (Pub. Res. Code, § 21080.66), which was signed into law on June 30, 2025 and was effective immediately (Assembly Bill No. 130, 2025-2026 Regular Session, Sec. 74, available

**2201 Broadway, PH1, Oakland, CA 94612
www.calhdf.org**

[here](#)). 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.)

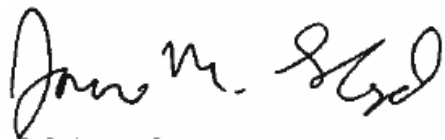
As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: it will bring new customers to local businesses; it will increase the city's tax revenue; and it will reduce displacement of existing residents by reducing competition for existing housing. It will also help cut down on transportation-related greenhouse gas emissions by providing housing in denser, more urban areas, as opposed to farther-flung regions in the state (and out of state). 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,

A handwritten signature in blue ink, appearing to read 'Dylan Casey', with a stylized, flowing script.

Dylan Casey
CalHDF Executive Director

A handwritten signature in black ink, appearing to read 'James M. Lloyd', with a stylized, flowing script.

James M. Lloyd
CalHDF Director of Planning and Investigations