

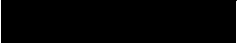
From: [James Lloyd](#)
To: [PlanningCommission AP](#)
Cc: [CDD-Admin AP](#); [OCM AP](#); [CityClerk AP](#); [CityAttorney AP](#); [Momoko Ishijima](#)
Subject: CalHDF comment re 777 Sunnyvale Saratoga Rd for 1/27/25 Planning Commission meeting
Date: Monday, January 27, 2025 4:16:00 PM
Attachments: [Sunnyvale - 777 Sunnyvale Saratoga Road - HAA Letter.pdf](#)

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Dear Sunnyvale Planning Commission:

The California Housing Defense Fund (“CalHDF”) submits the attached public comment regarding the proposed 242-unit housing development project at 777 Sunnyvale Saratoga Road for tonight's Planning Commission meeting.

Sincerely,

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




Jan 27, 2025

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

Re: Proposed Housing Development Project at 777 Sunnyvale Saratoga Road

By email: planningcommission@sunnyvale.ca.gov

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

Dear Sunnyvale Planning Commission:

The California Housing Defense Fund (“CalHDF”) submits this letter to remind the Commission of its obligation to abide by all relevant state housing laws when evaluating the proposed 242-unit housing development project at 777 Sunnyvale Saratoga Road. These laws include the Housing Accountability Act (“HAA”) 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, subd. (j)(1).) 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 project 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 HAA’s protections therefore apply, and the City must not reject the project, except based on health and safety standards, as outlined above.

Additionally, the project is exempt from state environmental review pursuant to CEQA Guidelines section 15183, consistency with the General Plan, given that potential environmental impacts were evaluated as part of the environmental review of the El Camino Real Specific Plan. 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.).

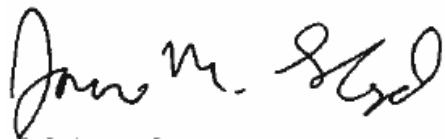
As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: it will bring new customers to local businesses; it will grow the City's tax base; and it will reduce displacement of existing residents by reducing competition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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dylan Casey', with a long horizontal line extending to the right.

Dylan Casey
CalHDF Executive Director

A handwritten signature in black ink, appearing to read 'James M. Lloyd', with a long horizontal line extending to the right.

James M. Lloyd
CalHDF Director of Planning and Investigations