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September 23, 2019

VIA E-MAIL & U.S. MAIL

Momoko Ishijima
Associate Planner
Community Development Department
City of Sunnyvale
456 W. Olive Ave.
Sunnyvale, CA 94086
mIshijima@sunnyvale.ca.gov

Re: SummerHill Homes Project 925 S. Wolfe Road
Our File No.: 09427.075

Dear Ms. Ishijima:

This office represents SummerHill Homes, the applicant on the above-referenced project. This letter is written in response to that certain letter dated June 10, 2019 from Ms. Sonja Trauss, Co-Executive Director of the California Renters Legal Advocacy and Education Fund ("Trauss Letter") addressed to the Planning Commission.

The Trauss Letter quotes a portion of subdivision (j) of the Housing Accountability Act, Government Code Section 65589.5. Subdivision (j) of the Housing Accountability Act states that a housing development project such as SummerHill's proposed project at 925 S. Wolfe Road cannot be disapproved unless the City makes written findings, supported by a preponderance of evidence on the record, that the project would have a specific, adverse impact upon public health or safety, and that there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact other than denying the project or approving it at a lower density.

The term "specific, adverse impact" is defined in the Housing Accountability Act to mean "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified

Momoko Ishijima
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written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.”

The Trauss Letter alleges that displacement of the current residents of the existing apartment complex at 925 S. Wolfe Road constitutes a “clear threat to public health and safety,” citing to a study published in a medical journal. It is not the purpose of this letter to debate the merits of the cited study. We note, however, that the study did not include any data from California while including data on foreclosure-related impacts which are not relevant here. It is important to note that the Trauss Letter is referring simply to one article published in a medical journal. Neither the study cited in the Trauss Letter nor the letter itself identify any objective written public health or safety standards, policies, or conditions, as required by subdivision (j) of the Housing Accountability Act. There simply is no such objective, identified written public health or safety standard, policy or condition relating to this issue.

Furthermore, SummerHill Homes as part of its application, is proposing to provide extensive relocation packages to affected tenants and will comply with all City Ordinances and any other laws that may apply thereto. Thus, SummerHill has proactively and voluntarily put in place a robust program to assist the tenants. Tenants will be notified at least six months in advance of the end of their lease or month-to-month rental, which will give tenants time to find replacement housing. In addition, SummerHill will voluntarily provide extensive relocation benefits to affected tenants — up to \$10,725 for eligible Low- and Moderate-Income households. Finally, SummerHill will voluntarily commit up to \$30,000 to make relocation-assistance counseling available to tenants. Thus, implementation of this program will mitigate any impact to the current tenants.

In conclusion, the suggestion that the project application should be denied for the reasons mentioned in the Trauss Letter is without merit. In fact, such a denial would violate the City’s obligations under the Housing Accountability Act. If you need further information on this subject, don’t hesitate to contact the undersigned or Kevin Ebrahimi of SummerHill Homes.

Very truly yours,

BERLINER COHEN, LLP



ANDREW L. FABER

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cc: John A. Nagel, Esq., City Attorney
Kevin Ebrahimi
John Hickey
Justin Hu