

PMM
PC Meeting 8/12/26
RTC 26-727
Item 3

From: [Planning Public Comment](#)
To: [Kayoko Akabori](#); [Meha Patel](#); [Planning Public Comment](#)
Cc: [Kunio Akabori](#)
Subject: RE: Comments re PLN24-00665
Date: Wednesday, August 12, 2026 9:11:48 AM
Attachments: [image001.png](#)

Good Morning Kunio Akabori,
Your email has been received in the Planning Division and will be part of the public record on this item.

Thank you for taking time to provide your comments.

Regards,

Elizabeth Elliott
Staff Aide II | Community Development Department
Planning Division
1500 Warburton Avenue Santa Clara, CA 95050
O: 408.615.2450 | D: 408.615.2474
www.SantaClaraCA.gov



From: Kayoko Akabori <kakabori@gmail.com>
Sent: Tuesday, August 11, 2026 9:11 PM
To: Meha Patel <mpatel@santaclaraca.gov>; Planning Public Comment <PlanningPublicComment@santaclaraca.gov>
Cc: Kunio Akabori <kunioakabori@gmail.com>
Subject: Comments re PLN24-00665

You don't often get email from kakabori@gmail.com. [Learn why this is important](#)

Hello Mr. Patel et al.,

My name is Kunio Akabori, I own a three unit apartment complex at 856 Gallatin Dr (on the corner of Lochinvar Ave) in San Jose. I am writing today in regards to file PLN24-00665, the new complex going up at 3521 and 3591 Homestead Rd. This new development PLN24-00665 would be directly behind my complex at [856 Gallatin](#).

Here are our concerns about this impending development complex:

1. Street parking will be overflowing: there is already a lack of street parking since most of the housing on this street are apartment complexes.

Currently, the street parking around the existing apartments is overflowing with cars, making it very difficult to find a spot. If this new development only provides 341 parking spaces, it will create a major problem for the residents of the nearby apartments facing Burbank Dr, Brookdale Dr, Gallatin Dr, and Bing Dr.

For instance, the 3 bedroom unit I rent out, the tenants use a total of four parking spaces, a combination of garage and carports. Compared to that, the planned capacity of 341 parking spaces here seems completely inadequate. We request that the number of parking spaces be increased.

2. Can you please ensure that the building on the side facing Lochinvar Avenue is a 3 story structure (a low rise building). We would also like to see trees planted along that side to address concerns regarding sunlight and privacy.

3. Where will loading zones and garbage be? Noise from this will be very disruptive, can it be facing Homestead Rd?

Thank you for your time and consideration.

Kunio Akabori
Neighbor and Citizen
T: 408-306-2420

From: Planning Public Comment

Sent: Wednesday, August 12, 2026 4:45 PM

To: 'James Lloyd' <james@calhdf.org>; Lesley Xavier <LXavier@santaclaraca.gov>; Meha Patel <mpatel@Santaclaraca.gov>; Alexander Abbe <aabbe@SantaClaraCA.gov>

Cc: City Attorney <CityAttorney@SantaClaraCA.gov>; Manager <Manager@santaclaraca.gov>; Clerk <Clerk@santaclaraca.gov>

Subject: public comment re item 3 for tonight's Planning Commission meeting

Thank you. Your email has been received in the Planning Division and will be part of the public record on this item.

Regards,

ELIZABETH ELLIOTT | Staff Aide II

Community Development Department | Planning Division

1500 Warburton Avenue | Santa Clara, CA 95050

O : 408.615.2450 Direct : 408.615.2474



From: James Lloyd <james@calhdf.org>

Sent: Wednesday, August 12, 2026 2:35 PM

To: Planning Public Comment <PlanningPublicComment@santaclaraca.gov>

Cc: City Attorney <CityAttorney@SantaClaraCA.gov>; Manager Manager@santaclaraca.gov; Planning Planning@santaclaraca.gov; Clerk <Clerk@santaclaraca.gov>

Subject: public comment re item 3 for tonight's Planning Commission meeting

You don't often get email from james@calhdf.org. [Learn why this is important](#)

Dear Santa Clara Planning Commission,

The California Housing Defense Fund (CalHDF) submits the attached public comment re item 3 for tonight's Planning Commission meeting, the proposed 147-unit housing development project at 3521-3591 Homestead Rd, which includes 15 low-income and 7 moderate-income units.

Sincerely,

James M. Lloyd
Director of Planning and Investigations
California Housing Defense Fund
james@calhdf.org
CalHDF is grant & donation funded
Donate today - <https://calhdf.org/donate/>



Aug 12, 2026

City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Re: Proposed Housing Development Project at 3521 - 3591 Homestead Rd

To: planningpubliccomment@santaclaraca.gov;

**Cc: clerk@santaclaraca.gov; CityAttorney@santaclaraca.gov;
manager@santaclaraca.gov; planning@santaclaraca.gov**

Dear Santa Clara 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 147-unit housing development project at 3521-3591 Homestead Rd, which includes 15 low-income and 7 moderate-income units. These laws include the Housing Accountability Act (HAA), the Density Bonus Law (DBL), and AB 130.

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).) 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 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 and the City's general plan. Increased density, concessions, and waivers that a project is entitled to under the DBL (Gov. Code, § 65915) do not render the project noncompliant with the zoning code or general plan, for purposes of the HAA (Gov. Code, § 65589.5, subd. (j)(3)). 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).)

CalHDF also writes to emphasize that the DBL offers the proposed development certain protections. The City must respect these protections. In addition to granting the increase in residential units allowed by the DBL, the City must not deny the project the proposed waivers and concessions with respect to multi-story step-backs; 45-degree daylight plane requirement; increase in number of stories; height increase; and reducing the commercial Floor Area Ratio (FAR) requirement by 20%. If the City wishes to deny requested waivers, Government Code section 65915, subdivision (e)(1) requires findings that the waivers would have a specific, adverse impact upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. If the City wishes to deny requested concessions, Government Code section 65915, subdivision (d)(1) requires findings that the concessions would not result in identifiable and actual cost reductions, that the concessions would have a specific, adverse impact on public health or safety, or that the concessions are contrary to state or federal law. The City, if it makes any such findings, bears the burden of proof. (Gov. Code, § 65915, subd. (d)(4).) Of note, the DBL specifically allows for a reduction in required accessory parking in addition to the allowable waivers and concessions. (*Id.* at subd. (p).) Additionally, the California Court of Appeal has ruled that when an applicant has requested one or more waivers and/or concessions pursuant to the DBL, the City “may not apply any development standard that would physically preclude construction of that project as designed, even if the building includes ‘amenities’ beyond the bare minimum of building components.” (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 775.)

Furthermore, the project is eligible for a statutory exemption from CEQA pursuant to AB 130. (Pub. Res. Code, § 21080.66.) 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.)

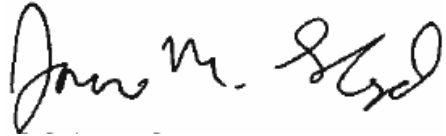
As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: by providing affordable housing, it will mitigate the state’s homelessness crisis; it will increase the city’s tax base; it will bring new customers to local businesses; 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 be 'Dylan Casey', with a long horizontal stroke extending to the right.

Dylan Casey
CalHDF Executive Director

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

James M. Lloyd
CalHDF Director of Planning and Investigations