

From: [Elizabeth Elliott](#)
To: [Kiran Singh](#); [Lucy Garcia](#)
Subject: FW: Letter of Support for 3141-3155 El Camino Road
Date: Friday, June 17, 2022 9:29:21 AM
Attachments: [3141-3155 El Camino Road - Letter of Support.pdf](#)
[image001.png](#)
[image003.png](#)

From: PlanningCommission
Sent: Friday, June 17, 2022 9:28 AM
To: [REDACTED] Debby Fernandez
<DFernandez@santaclaraca.gov>
Cc: Reena Brilliot <RBrilliot@SantaClaraCA.gov>; Lesley Xavier <LXavier@santaclaraca.gov>
Subject: FW: Letter of Support for 3141-3155 El Camino Road

Good Morning Reed,
Your letter was received in the Planning Division and by way of this reply I am including the appropriate staff for their information. The item was approved with an unanimous vote at the meeting.
Please note, your correspondence will part of the public record on this item.

Thank you.

Elizabeth Elliott
Community Development Department | Planning Division
1500 Warburton Avenue | Santa Clara, CA 95050
O: 408.615.2450 | D: 408.615.2474

www.SantaClaraCA.gov

From: Reed Schwartz [REDACTED]
Sent: Wednesday, June 15, 2022 6:11 PM
To: PlanningCommission <PLANNINGCOMMISSION@santaclaraca.gov>
Subject: Letter of Support for 3141-3155 El Camino Road

Hi,

Attached is a letter of support for the project at 3141-3155 El Camino Road.

Thanks!

--

Reed Schwartz

YIMBY Law Intern

Wesleyan University '24



6/1/2022

Santa Clara Planning Commission
1500 Warburton Avenue
Santa Clara, CA 95050

PlanningCommission@santaclaraca.gov
Via Email

Re: 3141-3155 El Camino Road

Dear Santa Clara Planning Commission,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA). As you know, the Area Planning Commission has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the HAA. Should the City fail to follow the law, YIMBY Law will not hesitate to ensure that the law is enforced.

The applicant proposes to create 60 new units, 40 three-story townhomes and 20 flats, with nine units designated as affordable. The application and approval also include a proposed Zone Change for density from CT to PD.

California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety.

The City has erroneously determined that the applicant must submit a request for a rezoning, even though the HAA strictly prohibits local governments from requiring a rezoning when, as here, the general plan and zoning are inconsistent. In this case, the zoning is inconsistent with the general plan; while zoned for commercial use, General Plan policies allow an entirely residential use for sites along El Camino Real.

In 2018 AB 3194 set out to close a loophole that local governments have exploited to avoid compliance with the HAA: maintaining low zoning densities to force projects into discretionary rezoning processes. AB 3194 fixed this problem in two ways. First, this bill specifically prohibits local governments from requiring rezoning in cases where the zoning is inconsistent with the general plan. Second, in cases where a local government argues that zoning is consistent with the general plan, the bill requires local governments to facilitate the density allowed under the

general plan rather than the zoning. The amendment added Section (j)(4), which states:

For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, *and shall not require a rezoning*, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, *the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan* and proposed by the proposed housing development project. (Emphasis added.)

The above captioned proposal is general plan compliant, and must be approved at the density allowed on the site by the general plan and proposed by the housing development project (PD), therefore, your local agency must approve the application regardless of whether a zoning change is granted, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above. Should the City fail to comply with the law, YIMBY Law will not hesitate to take legal action to ensure that the law is enforced.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,

A handwritten signature in black ink that reads "Sonja Trauss". The signature is written in a cursive, flowing style.

Sonja Trauss
Executive Director
YIMBY Law