

Sheree Kansas

Subject: FW: Corner of Third Avenue and K Street File No. 20-0188, Agenda Item 12
Attachments: Corner of Third Avenue and K Street, CC Agenda item 12.pdf

From: Ben Libbey <[REDACTED]>
Sent: Tuesday, May 26, 2020 2:22 PM
Cc: CityClerk <CityClerk@chulavistaca.gov>
Subject: Corner of Third Avenue and K Street File No. 20-0188, Agenda Item 12

**Warning:
External
Email**

5/26/2020

Chula Vista City Council
276 Fourth Avenue
Chula Vista, CA 91910

cityclerk@chulavistaca.gov;
Via Email

Re: Corner of Third Avenue and K Street
File No. 20-0188

Dear Chula Vista City Council,

YIMBY Law submits this letter to inform you that the City Council has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the Housing Accountability Act (HAA).

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 most relevant section is copied below:

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

...

(4) 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.


The applicant proposes to construct a 142 unit Density Bonus project at the corner of Third Avenue and K Street.

The above captioned proposal is zoning compliant and general plan compliant, therefore, your local agency must approve the application, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above.

Yimby Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California.

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 with a large initial 'S'.

Sonja Trauss
Executive Director
YIMBY Law

YIMBY Law

1260 Mission St
San Francisco, CA 94103
hello@yimbylaw.org



YIMBY LAW

5/26/2020

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