

**Council Date: August 11, 2009**

**SUBJECT: A Resolution Adopting a Negative Declaration and Amending the General Plan by Revising the Housing and Community Revitalization Sub-Element (continued from the July 14, 2009 Meeting)**

**REPORT IN BRIEF**

All cities and counties in California are required to update the housing element of their General Plans every five years, pursuant to Government Code §65580-65589.8. The intent of state housing element law is to ensure that all localities are doing their fair share to provide adequate development sites for sufficient new housing to be built to meet their proportion of regional housing needs, as determined by the State and regional Councils of Government, in consultation with local governments. The law requires local governments to analyze local “constraints to housing development,” if any, and describe in the housing element the local zoning and land use designations that provide adequate sites for housing to be built.

Cities and counties who fail to prove the adequacy of their residential zoning by adopting state-certified housing elements may be faced with legal challenges pursuant to housing element law and/or fair housing laws. In addition, many state housing, transportation and infrastructure funding programs available to local governments require a certified housing element as one of the eligibility criteria, or as a scoring factor.

In Sunnyvale, the housing element is called the “Housing and Community Revitalization Sub-Element” and is a part of the Community Development Element of the General Plan. For brevity’s sake, and to be consistent with terms used in State law, this Report will refer to Sunnyvale’s Sub-Element as the Housing Element.

**BACKGROUND**

The Housing Element Update process began with a series of public outreach meetings held by Housing Division staff beginning in December of 2008. Staff met with residents, housing advocates, developers and other stakeholders interested in local housing issues. On March 10, 2009, Council held a Joint Study Session with the Planning and Housing and Human Services Commissions on the 2009-2014 Housing Element Update, and the proposed policies and programs contained therein. Following those meetings, the comments received were summarized and incorporated into the Draft Housing Element, which was posted at City Hall, on the City’s website, and mailed to

the State Department of Housing and Community Development (HCD) for its review and comment, as required under State law. Staff received a letter from HCD dated May 22, 2009 reviewing the first Draft. The response letter was generally positive, and requested relatively few revisions compared to what many jurisdictions typically receive. Staff modified the first Draft in response to HCD's requests, and submitted a slightly revised Draft in June. Staff received a letter from HCD in July confirming that the revised Draft would be certified by HCD if adopted by Council in the same form. The Draft Housing Element and Initial Study and Negative Declaration are provided in Attachments B and C. Both letters from HCD are provided in Attachment D. The Housing and Human Services and Planning Commissions held public hearings on the Draft on June 24 and July 13, respectively, and recommended its approval (Minutes attached).

### **EXISTING POLICY**

Existing policy guiding this action consists primarily of the State law cited above. In addition, the City's Legislative Management policies support timely updates of the General Plan elements.

### **Legislative Management Sub-Element**

**POLICY A.1** Utilize the General Plan as the City's principal long-range planning tool; utilize the Resource Allocation Plan and Program Outcome Statements as the City's principal mid-range planning tool; and utilize the Council Study Calendar as the City's principal short-range planning tool.

***Action Statement A.1c*** Review and update each General Plan sub-element every 5-10 years.

### **DISCUSSION**

The Draft Housing Element does not require any rezoning of City areas from one zone to another (e.g., from Open Space to Housing, or Commercial to Housing), because the City already had adequate developable land zoned for residential uses to meet its share of the Regional Housing Needs Allocation (RHNA) assigned by the Association of Bay Area Governments (ABAG) for the 2009-2014 housing element cycle under its current zoning and General Plan Land Use and Transportation Element. Therefore the changes to the Element consists primarily of updating data within the Housing Element regarding current real estate market conditions, local demographics, availability of residential financing, special needs groups such as the elderly, disabled, and large families, development trends, and so on. In addition, the Draft includes an updated analysis of any constraints to housing development, which may consist of governmental or market constraints, an inventory of adequate sites,

and a list of programs to support the provision of housing affordable to lower- and moderate-income households in the City.

The Goals and Policies within the Draft remain essentially the same as those in the current Element, with only minor additions or changes pursuant to several comments received. The Implementation Program sets forth a number of actions the City intends to take during the upcoming cycle (2009-2014) to ensure that it can meet the goals and “quantified objectives” it has set for that cycle. Most of these actions will require further public hearings, funding commitments, code amendments, and/or review by Commissions and/or Council prior to implementation. Several of these actions are required for state certification of the Element this cycle, due to recent state legislation and/or requirements to mitigate governmental constraints on housing production, including:

1. Modify Title 19 of the Municipal Code to comply with Senate Bill 2 (Cedillo), Statutes of 2007, as follows:
  - *Add definitions of transitional housing and supportive housing, and include both housing types as permitted uses in the multi-family zoning districts.* The code currently allows such uses in these zones, as they are not distinguished from other types of multi-family rental housing; however state law now requires the code to explicitly state that transitional and supportive housing projects are permitted uses in multi-family residential zones.
  - *Identify emergency shelters as a permitted use in the Industrial-Services/Place of Assembly (MS/POA) zones and develop objective written standards to regulate operational issues, site standards, and security measures as set forth in SB 2, in addition to the other development standards required in the MS/POA zone.* Residential and single-room occupancy hotel (SRO) uses are currently allowed in this zone with a use permit.
2. Modify the City’s current permit procedure for multi-family development in multi-family residential and mixed-use zones to replace the conditional use permit requirement with an administrative design and site review hearing for projects with fewer than 50 units.
3. Adopt written policies regarding reasonable accommodation for the disabled to comply with Senate Bill 520 (Chesbro), Statutes of 2001:
  - *Develop written procedures for reasonable accommodation requests related to zoning, permit processing, and building codes. Procedures should specify who qualifies for accommodation, a time period for decision-making, and modification provisions.*

4. Facilitate the development of special needs and multi-family projects by reducing parking requirements for senior, special needs, and/or transit-oriented housing projects.

### **FISCAL IMPACT**

The recommended action would not have a fiscal impact. The Housing Element is a general policy document to guide future City decisions related to housing. Any future expenditure of City funds contemplated in the Housing Element but not already included in the budget would require additional Council action. A portion of the cost already expended to prepare the Housing Element can be recovered from the State as a state-funded mandate.

### **PUBLIC CONTACT**

Public Contact was made through posting of the Housing and Human Services Commission and Planning Commission agendas on the City's official-notice bulletin board, on the City's Web site, and the availability of the agendas and report in the Office of the City Clerk. Notice of the public hearings was published in the *Sun* newspaper. On June 24, 2009, the Housing Commission held a public hearing and voted 4-0 to recommend Council approval of Alternative 1. On July 13, 2009, the Planning Commission held a public hearing and voted 6-1 to recommend Council approval of Alternative 1. (Attachments E and F).

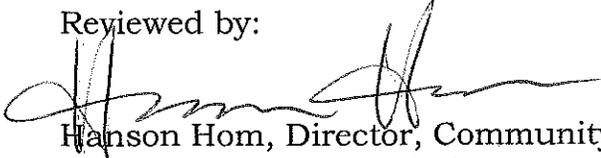
### **ALTERNATIVES**

1. Adopt a resolution of the City Council of the City of Sunnyvale adopting a Negative Declaration and amending the General Plan by revising the Housing and Community Revitalization Sub-Element.
2. Do not adopt the resolution.

### **RECOMMENDATION**

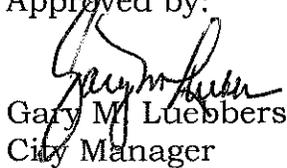
Staff recommends Alternative 1: adopt a resolution adopting a Negative Declaration and amending the General Plan by revising the current Housing Sub-Element by replacing it with the Draft Sub-Element as shown in Attachment B. The Draft has been prepared with adequate public review and significant staff research. HCD has indicated that the current draft is compliant with State law and will be certified by HCD if adopted in its current form. With adoption and state certification, the City will have earned the presumption of adequacy under any legal challenges to the Element, and will maintain its eligibility for various grant funding opportunities from the State. Failure to adopt a compliant element in a timely manner could create legal liabilities and additional compliance costs for the City in the future.

Reviewed by:



Hanson Hom, Director, Community Development Department  
Trudi Ryan, Planning Officer  
Prepared by: Suzanne Isé, Housing Officer

Approved by:



Gary M. Luebbers  
City Manager

**Attachments**

- A. Resolution Adopting a Negative Declaration and Amending the General Plan by Revising the Housing and Community Revitalization Sub-Element
- B. Draft 2009-2014 Housing and Community Revitalization Sub-Element
- C. Initial Study and Negative Declaration
- D. Letters from the California Housing and Community Development Department dated May 22, 2009 and July 3, 2009
- E. Minutes of the Housing and Human Services Commission Meeting of June 24, 2009
- F. Minutes of the Planning Commission Meeting of July 13, 2009

# **ATTACHMENT A**

## **RESOLUTION AMENDING THE GENERAL PLAN BY REVISING THE HOUSING AND COMMUNITY REVITALIZATION SUB-ELEMENT**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SUNNYVALE AMENDING THE GENERAL PLAN  
BY REVISING THE HOUSING AND COMMUNITY  
REVITALIZATION SUB-ELEMENT**

WHEREAS, the Department of Community Development has proposed an amendment to the 1972 General Plan of the City of Sunnyvale, as amended, by revising the Housing and Community Revitalization Sub-Element, which proposed Sub-Element is set forth in Report to Council No. \_\_\_\_\_ dated August 11, 2009; and

WHEREAS, an initial study and a Negative Declaration have been prepared in compliance with the California Environmental Quality Act of 1970 (CEQA), as amended, and City Council Resolution No. 193-86; and

WHEREAS, the Planning Commission held a noticed public hearing on the proposed amendments on July 13, 2009, after which the Planning Commission recommended that the City Council adopt the amendment; and

WHEREAS, the City Council held a noticed public hearing to consider adoption of the amendment on August 11, 2009, at which time certain amendments to the Sub-element were approved;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. The City Council finds that the Negative Declaration is in compliance with the requirements of CEQA and hereby adopts the Negative Declaration;
2. The City Council finds and determines that the proposed amendment conforms with the requirements provided for in the Sunnyvale Municipal Code, that it is a suitable and logical change of the General Plan for the development of the City of Sunnyvale, and that it is in the public interest.
3. The revised Housing and Community Revitalization Sub-element as adopted, a copy of which is on file in the Office of the City Clerk of the City of Sunnyvale, is hereby incorporated into the 1972 General Plan of the City of Sunnyvale.
4. The Mayor and City Clerk are directed to endorse the amendment to the 1972 General Plan of the City of Sunnyvale and to show that the same has been adopted by the City Council.
5. The City Clerk is directed to file a certified copy of the amendment to the General Plan of the City of Sunnyvale, as amended, with the Board of Supervisors and the Planning Commission of the County of Santa Clara and the planning agency of each city within the County of Santa Clara. The City Clerk is directed further to file a certified copy of the update with the legislative body of each city, the land of which may be included in said plan.

Adopted by the City Council at a regular meeting held on August 11, 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

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City Clerk  
(SEAL)

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Mayor

APPROVED AS TO FORM AND LEGALITY:

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David Kahn, City Attorney

# **ATTACHMENT B**

## **DRAFT 2009-2014 HOUSING AND COMMUNITY REVITALIZATION SUB-ELEMENT**

(BOUND SEPARATELY AND ATTACHED)

# **ATTACHMENT C**

## **INITIAL STUDY AND NEGATIVE DECLARATION**

# California Environmental Quality Act

## Initial Study

(As required by Sec. 15063 of the Public Resources Code)

### To be completed by the lead agency

1. **Project Title:** City of Sunnyvale General Plan Amendment: 2009–2014 Housing and Community Revitalization Sub-element Update
2. **Lead Agency Name and Address:** City of Sunnyvale Community Development Department, 456 W. Olive Avenue, PO Box 3707, Sunnyvale, CA 94088-3707
3. **Contact Person and Phone Number:** Trudi Ryan, Planning Officer  
(408) 730-7435
4. **Project Location:** City of Sunnyvale (please refer to Figure 1)
5. **Project Sponsor's Name and Address:** City of Sunnyvale
6. **General Plan Designation:** N/A (City-wide policy document)
7. **Zoning:** N/A (City-wide policy document)
8. **Description of Project:**

The Project consists of an amendment to the City of Sunnyvale General Plan to update the housing element pursuant to California Government Code Section 65588. Sunnyvale's housing element is entitled the *Housing and Community Revitalization Sub-element* ("Housing Sub-element") and is part of the Community Development Element of the Sunnyvale General Plan. The Housing Sub-element is solely a policy document and does not modify the zoning or land-use designations of any land within the city, nor does it modify the land use element of the General Plan or the City's Zoning Ordinance. It does not provide discretionary approval of any development project within the City. Any development or other action anticipated under the Housing Sub-element is either already allowed under the current zoning and General Plan, or would require additional CEQA review and discretionary land use approvals prior to any formal action.

The Housing and Community Revitalization Sub-element identifies and assesses projected housing needs and provides an inventory of constraints and resources relevant to meeting these needs, as required under state law. Components of the Sub-element include: a housing needs assessment with population and household characteristics; identification of constraints to providing housing; an inventory of available sites for the provision of housing for all economic segments of the community; and a statement of goals, policies and programs for meeting the City's housing needs.

The Element's goals focus on:

- i. Preserving and improving housing and neighborhoods;
- ii. Maintaining adequate housing sites for its regional housing needs allocation (RHNA);
- iii. Assisting in the provision of affordable housing;
- iv. Removing governmental and other constraints to housing production and/or preservation; and
- v. Promoting fair and equal housing opportunities.

The City of Sunnyvale has been allocated a share of regional housing needs (RHNA) by the Association of Bay Area Governments (ABAG) consisting of 4,426 new residential units for the 2009-2014 planning period. The Sub-element describes how the City's current zoning designations provides adequate sites for 7,026 residential units on vacant or underutilized residential and commercial properties, as well as in the Downtown Specific Plan (DSP) Area and the Industrial to Residential (ITR) Combining Districts (Refer to Figures 2, 3 and 4). Therefore, Sunnyvale has sufficient zoned capacity to accommodate the overall RHNA allocation and there is no need to rezone any land to provide additional housing sites.

The Sub-element includes policies and programs to eliminate constraints to the development of housing in the community and to facilitate and encourage the development of affordable housing options.

Analysis in this document is limited to the review of potential environmental impacts that may result from adoption of the Housing Sub-element. The impacts of the currently zoned densities and capacities have been previously analyzed in several Environmental Impact Reports and other CEQA documents adopted previously by the City of Sunnyvale and listed in the Appendix to this Initial Study. The specific environmental effects of any proposed development will be evaluated to the extent required under CEQA prior to issuance of land use approvals for a particular project. Any potential impacts related to hazards (such as flood, geology and noise), resources, services or utilities, beyond those already assessed as part of the General Plan elements and sub-elements, would be site-specific, and the impacts would be analyzed in conjunction with the review of a particular project.

**9. Surrounding Land Uses and Setting: Briefly describe the project's surroundings:**

N/A: General Plan Amendment: Housing Element update. City-wide policy document; no physical development project proposed.

**10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement).**

The Sub-element must be approved for compliance with State law by the California Department of Housing and Community Development (HCD).

Figure 1 – Location Map (City of Sunnyvale)

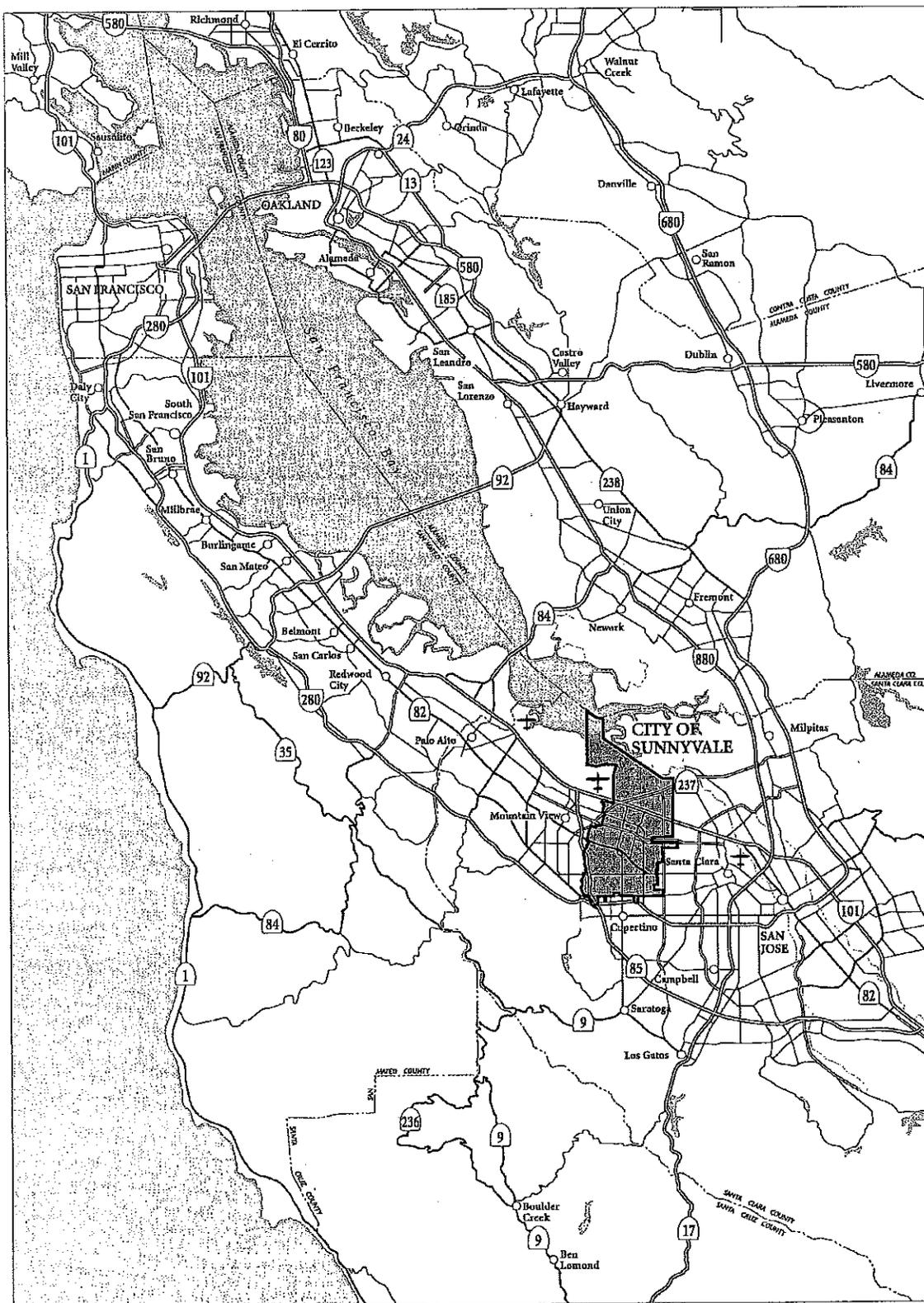
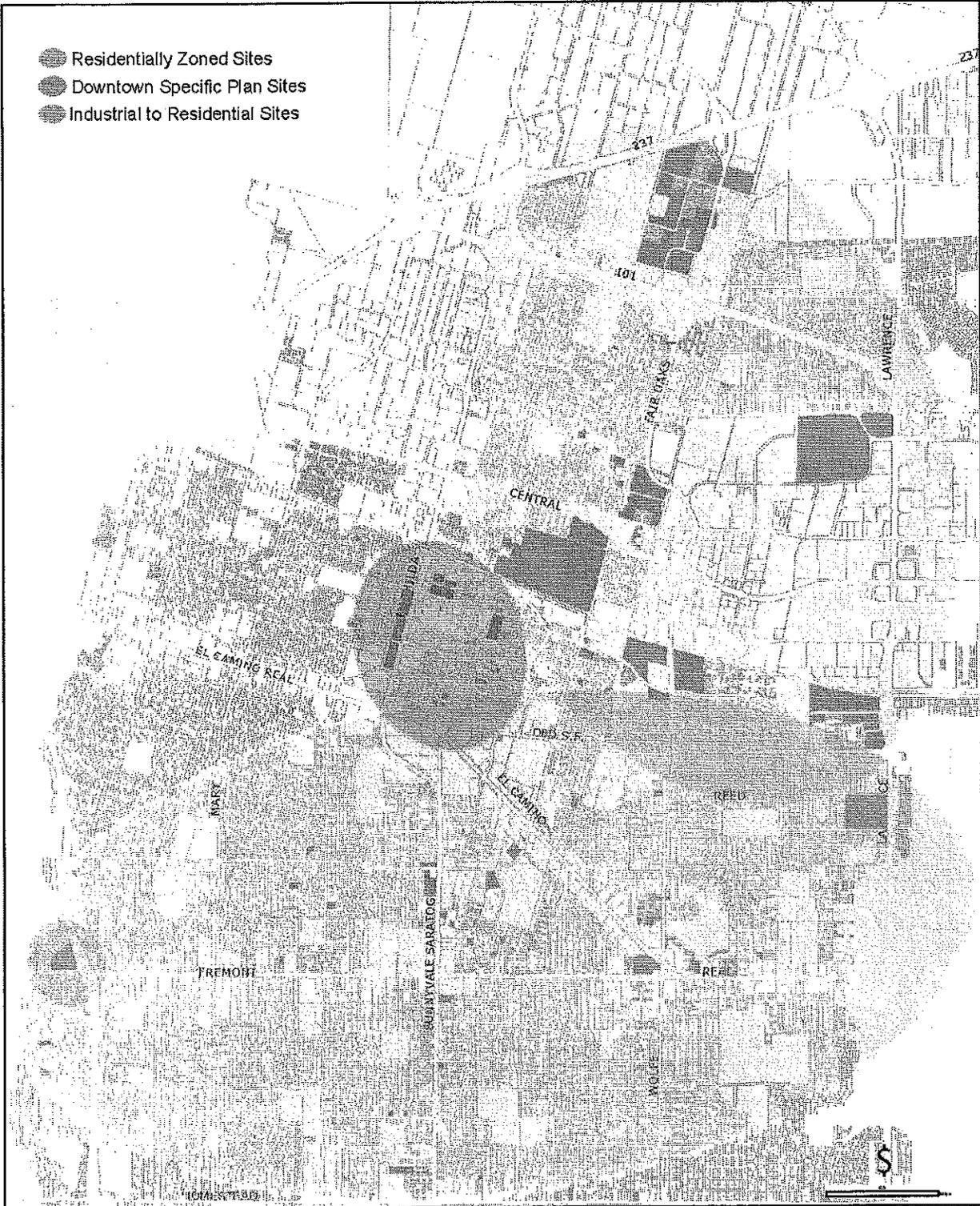


Figure 2 – Residential Opportunity Sites Inventory



City of Sunnyvale  
Residential Sites Inventory



March 2009

Figure 3 – Downtown Specific Plan (DSP) Area Map (City of Sunnyvale)

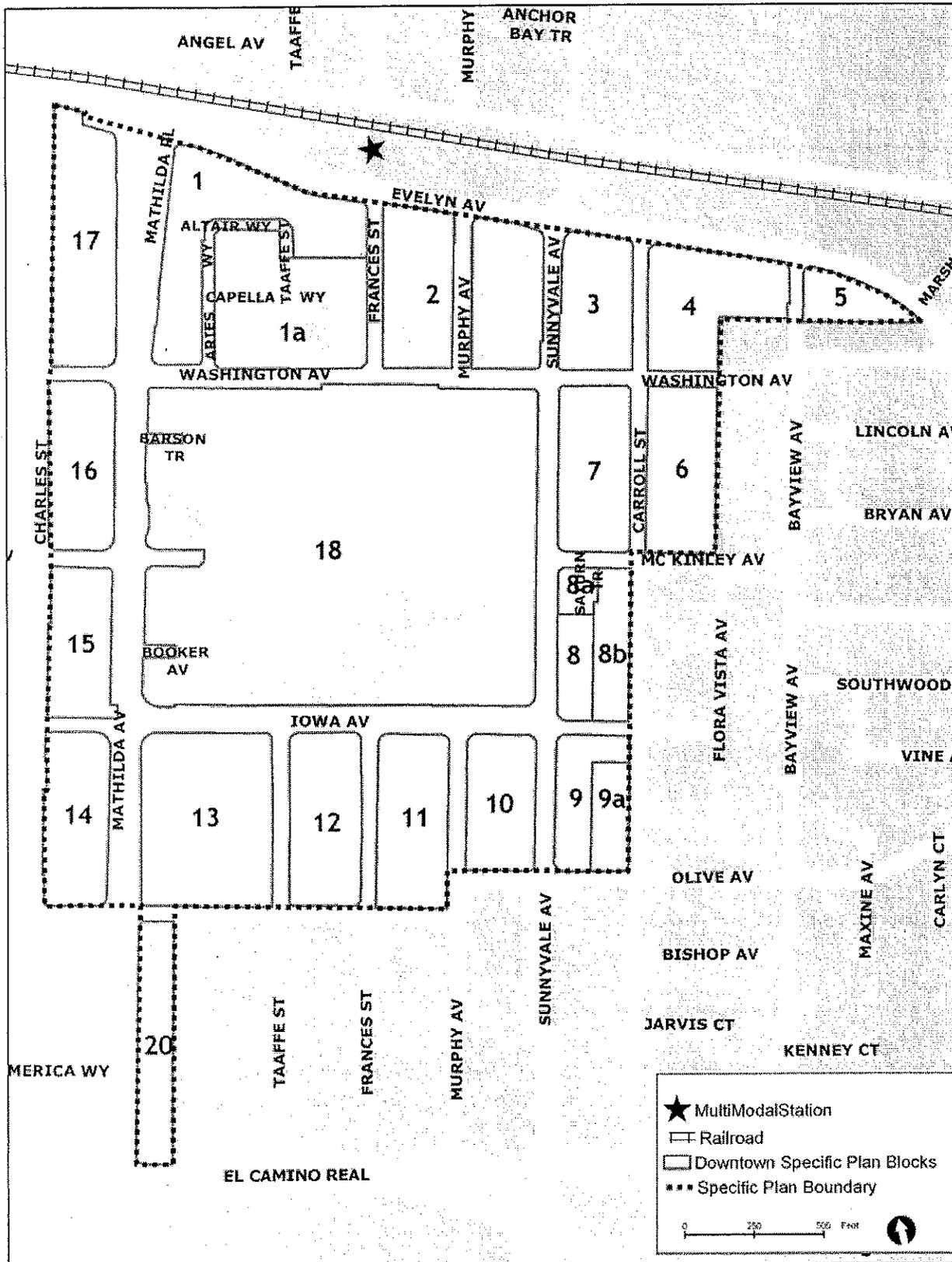
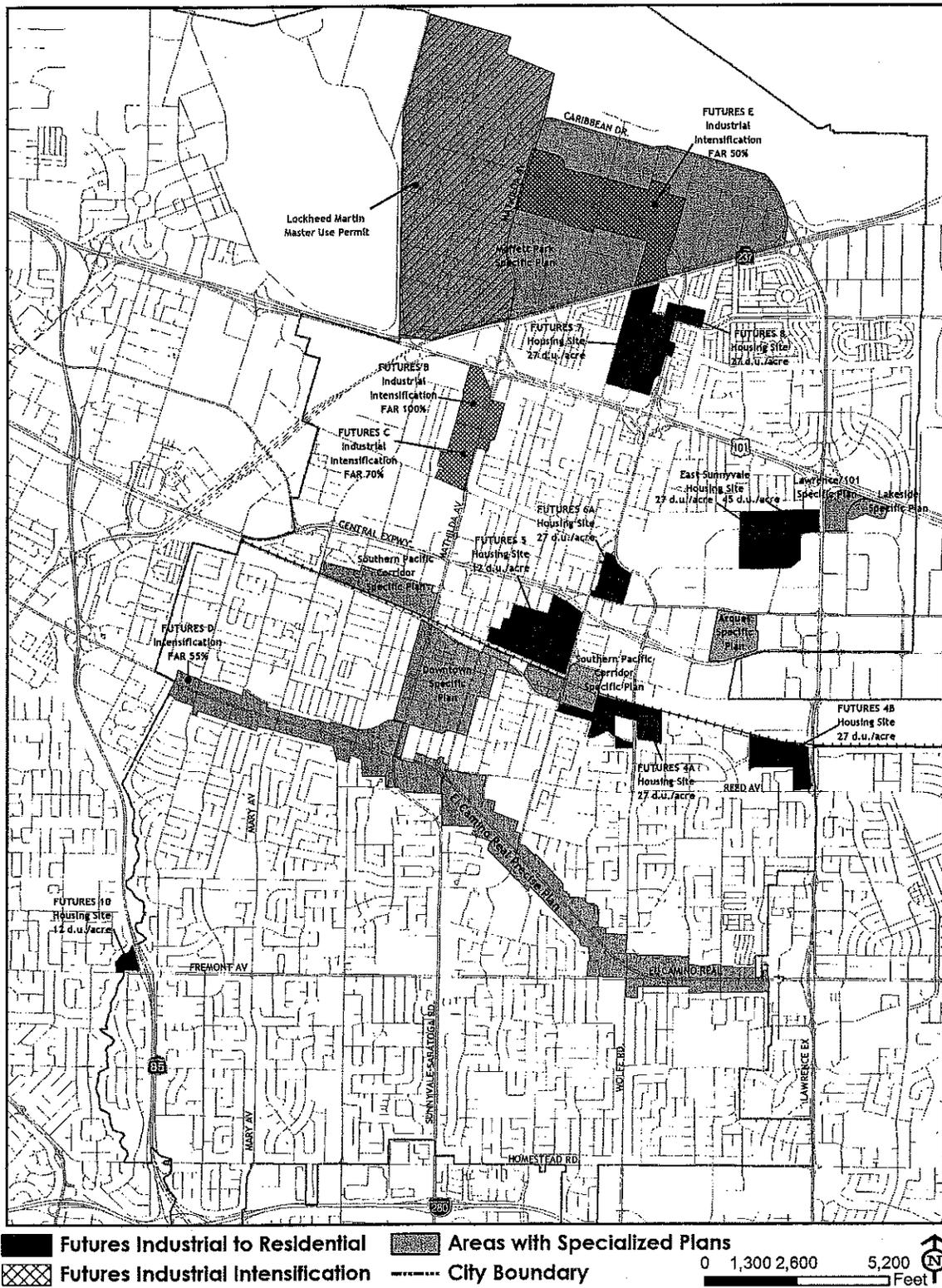


Figure 4 - Industrial to Residential (ITR) Combining Districts Map (City of Sunnyvale)



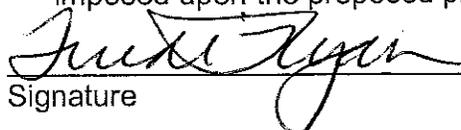
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Aesthetics            | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Hydrology / Water Quality     | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Air Quality           | <input type="checkbox"/> Land Use / Planning           | <input type="checkbox"/> Storm Water                        |
| <input type="checkbox"/> Biological Resources  | <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Transportation / Traffic           |
| <input type="checkbox"/> Cultural Resources    | <input type="checkbox"/> Noise                         | <input type="checkbox"/> Utilities / Service Systems        |
| <input type="checkbox"/> Geology / Soils       | <input type="checkbox"/> Population / Housing          | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

 6/16/09  
 Signature Date

**Trudi Ryan, Planning Officer** City of Sunnyvale, Community Development Department  
 Printed name For (Lead Agency)

## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

I. AESTHETICS: Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2iv, 3,4
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2v
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2v, 2iv, 3,4
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

No state scenic highways are located within the City, therefore, the Sub-element will not have a substantial adverse effect on a scenic vista.

The Project does not allow any development not already allowed under the City's current zoning and land use designations, therefore no change to the physical environment is caused by the Project. The Land Use and Transportation and Community Development elements of the General Plan, in conjunction with adopted design guidelines require all new developments to be of high quality and compatible with their surroundings

<b>II. AGRICULTURAL RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.  Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2v, 4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2v, 4
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2v, 4

Currently there is no land zoned for agriculture within the City, nor any commercially-viable farmland, therefore the Project will not have a negative impact on agricultural resources.

<b>III. AIR QUALITY --</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.  Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2i
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2i

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2i
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2i
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

The City of Sunnyvale is located in the San Francisco Air Basin, and is part of nine-county Bay Area Air Quality Management District (BAAQMD). Air quality goals and policies are noted in the City's Air Quality Sub-element of the General Plan. The CEQA Guidelines prepared by BAAQMD are used to establish the significance criteria to judge the impacts caused by the project.

<b>IV. BIOLOGICAL RESOURCES –</b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Source</b>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

- |  |                          |                          |                          |                                     |  |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|--|
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |  |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |  |

The Project does not impact Biological Resources as it does not involve any physical development that is not already permitted under current city land use designations and zoning. There are no federally protected wetlands, wildlife movement corridor or migration corridor impacted by existing areas zoned for residential use. Therefore, adoption of the Housing and Community Revitalization Sub-element will not have a negative impact on biological resources.

V. CULTURAL RESOURCES – Would the project:	Potential ly Significa nt Impact	Less Than Significant With Mitigation Incorporated	Less Than Significa nt Impact	No Impact	Source
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2iv
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2iv
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2iv
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2iv

Sunnyvale has a number of local Landmarks and Cultural Resource structures as noted in the Heritage Preservation Sub-element (1995), however, according to the City's *Cultural Resources Inventory*, there are no architecturally or historically significant structures, landmarks or points of interest that are known that would be affected by development of the housing sites inventoried in the Sub-Element. There are no recorded archaeological sites in Sunnyvale listed or eligible for inclusion in the National Register of Historic Places, the California Register of Historic Places. Future development sites will be evaluated for archaeological and cultural impacts if located in areas of the City near past sites or where geographical and soil studies indicate resources may be evident.

VI. GEOLOGY AND SOILS – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2x
ii. Strong seismic ground shaking?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2x, 15
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2x
iv. Landslides?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2x
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2x, 2xiv
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2x, 15
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2x, 15
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2x, 15

The City's Safety and Seismic Safety Sub-element (2008), as part of the General Plan, includes information on the geological hazards that are present in Sunnyvale. While no Alquist-Priolo Earthquake Faults have been designated in the City, seismically, the City sits between two active earthquake fault systems, the San Andreas to the west, and the Hayward/Calaveras to the east. The Safety and Seismic Safety Sub-element includes several policies and programs to address potential geologic hazards.

VII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2x
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2x
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12, 13
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 4
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 4
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 4

As described in the 2008 Safety and Seismic Safety Sub-element and the 1997 Land Use and Transportation Sub-element, the City has many programs and ordinances in place related to hazardous materials. In 2001, the California Environmental Protection Agency (EPA) certified the City as a "Unified Program", allowing for the local enforcement of State codes governing hazardous materials storage, treatment, and disposal of hazardous wastes and emergency planning for releases at high hazard facilities. The City's Department of

Public Safety implements a comprehensive environmental regulatory program which includes permitting, inspection, enforcement, and educational elements.

The City of Sunnyvale is entirely urbanized and is surrounded on all sides by other urbanized areas (cities) or the southern waterfront of the San Francisco Bay. No forested or fire-prone wildlands are located within or adjacent to the City. Therefore there are no risks related to exposure to wildland fires.

VIII. HYDROLOGY AND WATER QUALITY – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2xv
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2xvi
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2xvi, 3, 4
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2xvi, 3, 4
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2xvi
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2xvi
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	15, 16

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	15, 16
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	15, 16
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

The Environmental Management Element of the City's General Plan addresses hydrology and water quality, specifically the Water Resources Sub-element (1996), the Solid Waste Management Sub-element (1996), the Wastewater Management Sub-element (1996) and the Surface Runoff Sub-element (1993). The City has adopted specific thresholds to analyze potential storm water and erosion impacts and requires construction activities to comply with the National Pollutant Discharge Elimination System (NPDES), as described in the Surface Runoff Sub-element. The City is not located within a groundwater storage or recharge area, and due to its mostly inland location, with just very small strip of waterfront on the southern interior of the Bay, is not subject to seiches or tsunamis. The 1993 Surface Runoff Sub-element analyses the impacts of development in areas which are located within a 100-year flood hazard area.

The 1996 Water Resources Sub-element is currently being updated. Recent analyses undertaken for that update concluded that the City currently has an adequate amount of water supply to accommodate development on the existing housing sites described in the Housing Sub-element.

IX. LAND USE AND PLANNING – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 4
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2v, 3, 4
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

The City of Sunnyvale is essentially built out. The City's land use pattern was established primarily during the post-war era (1950's), with virtually all of the remaining orchards

developed into housing by the late 1980's. The city consists of large neighborhoods of single-family and multi-family housing, primarily in the southern part of town, as well as large commercial and industrial zones, primarily in the northern part of the City, along the Bay and Moffett Air Field. Several major highways and expressways, as well as the Caltrain railroad right-of-way, divide the City into various segments, such as Highways 101, 280, 85, 237, 82 (El Camino Real), Lawrence and Central Expressways. Sunnyvale does not have any habitat conservation plans or natural community conservation plans.

<b>X. MINERAL RESOURCES –</b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The City does not have any sites of known mineral resources of value to the region or the state, or identified on any local land use plans. No sites used for the production of mineral resources would be impacted by the Project, therefore it will not have a negative impact on mineral resources.

<b>XI. NOISE –</b> <b>Would the project result in:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Source</b>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2viii
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2viii
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2viii

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity due to construction activities above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2viii
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2viii, 3, 4
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2viii, 3, 4

Sunnyvale has a Noise Sub-element (1997) that provides acceptable ranges of noise levels, and guidelines, regulations, and policies designed to limit noise exposure at noise sensitive land uses. Sources of high noise currently impacting the City are the transportation hubs and corridors: highways, the Moffett Federal Airfield, the Caltrain Corridor, and San Jose International Airport. High noise exposure areas are those that are impacted by noise above levels of 75 dBA Ldn. Noise-sensitive land uses, including residences and schools, are considered incompatible with high noise exposure areas, and are discouraged. Any new residences in these high noise areas must be designed to prevent the intrusion of exterior noises.

The Noise Sub-element determines that acceptable interior noise levels for single family homes close to major roadways is 60-75 dBA Ldn. As per the Noise Sub-element (1997), current and forecasted noise levels for Moffet federal Airfield and San Jose International Airport are below state limits, and none of the opportunity sites identified in the Housing and Community Revitalization Sub-element are located within the high exposure area.

The opportunity sites identified in the Downtown Specific Plan are closest to the Caltrain Station. The Noise Sub-element as well as the Downtown Improvement Program EIR, and the Futures Study EIR have done previous analyses on acceptable noise levels, and their corresponding mitigations for the community.

<b>XII. POPULATION AND HOUSING –</b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Source</b>
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2v, 3, 4

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2v, 3, 4
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2v, 3, 4

The Project consists of adoption of a policy document that identifies and assesses projected housing needs and provides an inventory of currently available sites. It does not include any land use changes, rezoning, or development approvals. The intent of the Project is to show how the City can accommodate the very modest population growth rate of 1.14 percent per year projected by the State to occur due to statewide demographic trends (i.e., with or without the Project

<b>XIII. PUBLIC SERVICES</b> Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					2iii, 2vi, 2vii, 2ix
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2iii
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2vi
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2ix
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

The General Plan and Municipal Code set forth a mechanisms for developers of residential and various commercial and industrial projects to pay development impact fees to fund public services and/or facilities, such as parks, and other infrastructure. The public school system is funded primarily with school impact fees and property taxes, which are collected at the time of construction, and upon annual payment of property taxes.

<b>XIV. RECREATION</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Source</b>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2ix
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2ix

The City's municipal parks and recreational facilities are distributed throughout the City. Projected future requirements for parks and recreation facilities and open space in the City have been described in the Land Use and Transportation Element and the Open Space and Recreation Sub-element (2006). These elements provide standards and processes for provision of the open space and recreational facilities to be for the community as future development allowed under the General Plan occurs. The City collects park in-lieu fees as part of new residential development unless park land is dedicated.

<b>XV. TRANSPORTATION/TRAFFIC –</b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Source</b>
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2v
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2v
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2v
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2iii, 2v, 18
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2v

The City's Land Use and Transportation Element describes the linkages between the different land uses in the City through its transportation network, and includes policies requiring new development to pay for the cost of transportation infrastructure improvements. The potential traffic and transportation impacts of new development accommodated by the current General Plan have been analyzed, and system mitigations identified by the Mitigated Negative Declaration for the Land Use and Transportation Element, the EIRs for the Downtown Specific Plan Area and the Future ITR Sites areas

<b>XVI. UTILITIES AND SERVICE SYSTEMS –</b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Source</b>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2xv
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2xv
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2xvi
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2xv

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?     2xii

g) Comply with federal, state, and local statutes and regulations related to solid waste?     2xii

The Santa Clara Valley Water District, Pacific Gas and Electric, and the Sunnyvale Department of Public Works provide utility services to the City. In planning for future growth, these departments and districts have utilized the effective residential build out of the City described in the existing Land Use and Transportation Sub-element (1997).

Public utility capacities are also analyzed in the Wastewater Management Sub-element, Solid Waste Management Sub-element, and the Water Resources Sub-element and these documents confirm that there is sufficient capacity in these systems to service the amount of new development allowed under the General Plan. The Land Use and Transportation Sub-element requires new development to be consistent with the capacities of the utility systems.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

As described throughout this document, the Project consists of an update of the Housing Sub-element of the City of Sunnyvale General Plan for the 2009-2014 planning period,

pursuant to California Government Code Section 65588. The Housing Sub-element is a policy document that describes the City's share of regional housing needs, as projected by the State, and provides an inventory of existing residential sites and other resources currently available to meet these needs.

ABAG has determined the City of Sunnyvale's share of regional housing need (RHNA) to be 4,426 housing units for the 2009-2014 planning period. The Housing Sub-element describes how the City's current zoning and land use designations have existing capacity to accommodate these units on underutilized or vacant sites in various zones which currently allow residential and/or mixed use development.

The Housing and Community Revitalization Sub-element does not change the City's current land use designations or zoning, and does not allow or require any additional residential development beyond that currently allowed. It simply describes the sites that are currently available for development. Any potential site-specific environmental impacts of particular development proposals mentioned or anticipated in the Sub-element are evaluated when those projects are proposed and reviewed for permitting purposes, and mitigation measures are required when needed. Therefore, adoption of the Housing and Community Revitalization Sub-element will not degrade the quality of the environment, result in cumulatively considerable impacts, or cause substantial adverse effects on human beings.

## ATTACHMENT A

### City of Sunnyvale 2009-2014 Housing and Community Revitalization Sub-element

**References:** These documents are available at the City of Sunnyvale Planning Division

1. City of Sunnyvale General Plan, "2009-2014 Housing and Community Revitalization Sub-element - HCD Review Draft", March 20, 2009.
2. City of Sunnyvale General Plan's Sub-elements:
  - i. Air Quality Sub-element (1993)
  - ii. Community Design Sub-element (1990)
  - iii. Fire Services Sub-element (1995)
  - iv. Heritage Preservation Sub-element (1995)
  - v. Land Use & Transportation Sub-element (1997)
  - vi. Law Enforcement Sub-element (1995)
  - vii. Library Sub-element (2003)
  - viii. Noise Sub-element (1997)
  - ix. Open Space and Recreation Sub-element (2006)
  - x. Safety & Seismic Safety Sub-element (2008)
  - xi. Socio-Economic Sub-element (1989)
  - xii. Solid Waste Management Sub-element (1996)
  - xiii. Support Services Sub-element (1988)
  - xiv. Surface Runoff Sub-element (1996)
  - xv. Wastewater Management Sub-element (1996)
  - xvi. Water Resources Sub-element (1996)
3. City of Sunnyvale "General Plan Land Use Map," Sunnyvale, California
4. City of Sunnyvale "Zoning Map," Sunnyvale, California
5. City of Sunnyvale, "Downtown Specific Plan," Updated October 14, 2003.
6. City of Sunnyvale, Final Environmental Impact Report for the Downtown Improvement Program (May 29, 2003)
7. City of Sunnyvale, Final Environmental Impact Report for Sunnyvale Futures Study (June 1993)
8. City of Sunnyvale, East Sunnyvale ITR Project Environmental Impact Report (February 2007)
9. City of Sunnyvale, Cultural Resources Inventory List
10. City of Sunnyvale, Heritage Landmark Designation List
11. City of Sunnyvale, Santa Clara County Heritage Resource Inventory

12. City of Sunnyvale, Hazardous Waste & Substances Sites List (State of California)
13. City of Sunnyvale, List of Known Contaminants in Sunnyvale
14. State of California, Department of Conservation California Geological Survey, Alquist-Priolo Earthquake Fault Zones website:  
<http://www.conservation.ca.gov/cgs/rghm/ap/Pages/Index.aspx>
15. California Building Code
16. FEMA Maps
17. Title 19 Sunnyvale Municipal Code (SMC) Zoning
18. Title 16 SMC Buildings and Construction



PLANNING DIVISION  
CITY OF SUNNYVALE  
P.O. BOX 3707  
SUNNYVALE, CALIFORNIA 94088-3707

File Number: 2008-0489  
No. 09-08

**NOTICE OF INTENT TO ADOPT  
NEGATIVE DECLARATION**

This form is provided as a notification of an intent to adopt a Negative Declaration which has been prepared in compliance with the provisions of the California Environmental Quality Act of 1970, as amended, and Resolution #193-86.

**PROJECT TITLE:**

Application for a **Study Issue** (Update of the Housing and Community Revitalization Sub-Element of the General Plan) by **The City of Sunnyvale**.

**PROJECT DESCRIPTION AND LOCATION (APN):**

**2008-0489: Update of the Housing and Community Revitalization Sub-Element of the General Plan (2009-2014) and adoption of the Negative Declaration under CEQA.**

**WHERE TO VIEW THIS DOCUMENT:**

The **Negative Declaration**, its supporting documentation and details relating to the project are on file and available for review and comment in the Office of the Secretary of the Planning Commission, City Hall, 456 West Olive Avenue, Sunnyvale.

This **Negative Declaration** may be protested in writing by any person prior to 5:00 p.m. on **Tuesday, July 14, 2009**. Protest shall be filed in the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. A protest of a **Negative Declaration** will be considered by the adopting authority, whose action on the protest may be appealed.

**HEARING INFORMATION:**

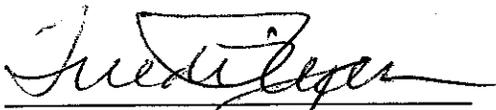
A public hearing on the project is scheduled for:

Tuesday, July 14, 2009 at 7:00 p.m. in the Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale.

**TOXIC SITE INFORMATION:**

(No) listed toxic sites are present at the project location.

Circulated On June 17, 2009

Signed:   
Trudi Ryan, Planning Officer

# **ATTACHMENT D**

**LETTERS FROM THE  
CALIFORNIA HOUSING AND  
COMMUNITY DEVELOPMENT  
DEPARTMENT DATED MAY 22,  
2009 AND JULY 3, 2009**

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

1800 Third Street, Suite 430  
P. O. Box 952053  
Sacramento, CA 94252-2053  
(916) 323-3177  
FAX (916) 327-2643



July 3, 2009

Mr. Hanson Hom, Director  
Community Development Department  
City of Sunnyvale  
P.O. Box 3707  
Sunnyvale, CA 93041

Dear Mr. Hom:

**RE: Review of Draft Revisions to the City of Sunnyvale's Housing Element**

Thank you for submitting draft revisions to the City of Sunnyvale's housing element received for review on June 17, 2009 along with additional revisions on July 1, 2009. As you know, the Department is required to review housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). Several conversations with Ms. Karen Warner, the City's consultant, facilitated the review.

The revised draft housing element addresses the statutory requirements described in the Department's May 22, 2009 review. For example, the element now includes a complete analysis of sites and zoning for a variety of housing types. The revised draft element will comply with State housing element law (Article 10.6 of the Government Code) when adopted and submitted to the Department, pursuant to Government Code Section 65585(g).

The Department applauds Sunnyvale's commitment and leadership in addressing its housing needs through the implementation and continuation of its Downtown Specific Plan Program identifying and targeting areas of strategically located property to provide housing affordable to low- and moderate-income households. The Department also commends the City for the approval of 920 units affordable to lower- and moderate-income households in its industrial to residential areas.

The Department looks forward to receiving Sunnyvale's adopted housing element. If you have any additional questions, please contact Raquel Medina, of our staff, at (916) 324-9629.

Sincerely,

A handwritten signature in cursive script that reads "Cathy E. Creswell".

Cathy E. Creswell  
Deputy Director

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

1800 Third Street, Suite 430  
P. O. Box 952053  
Sacramento, CA 94252-2053  
(916) 323-3177  
FAX (916) 327-2643



May 22, 2009

Mr. Hanson Hom, Director  
Community Development Department  
City of Sunnyvale  
P.O. Box 3707  
Sunnyvale, CA 93041

Dear Mr. Hom:

**RE: Review of the City of Sunnyvale's Draft Housing Element Update**

Thank you for submitting the City of Sunnyvale's draft housing element received for review on March 26, 2009 along with additional revisions on May 19 and 20, 2009. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). Communications with Ms. Trudy Ryan, Planning Officer, Ms. Susan Ise, Housing Manager, and your consultants, Ms. Karen Warner and Ms. Ruchita Kadakia, facilitated the review.

The Department commends Sunnyvale's success in addressing its housing needs, including the approval and construction of 1,869 units, of which 502 units are affordable to lower-income households since January 2007. While the draft element addresses most of the statutory requirements, revisions will be necessary to comply with State housing element law (Article 10.6 of the Government Code). For example, the element must analyze the suitability of nonvacant sites and the realistic capacity of sites allowing non-residential uses. The Appendix describes these and other revisions needed to comply with State housing element law.

The Department is committed to assist Sunnyvale in addressing the statutory requirements of housing element law. If you have any questions or would like to schedule a meeting in Sunnyvale or Sacramento, please contact Raquel Medina, of our staff, at (916) 324-9629.

Sincerely,

A handwritten signature in cursive script that reads "Cathy E. Creswell".

Cathy E. Creswell  
Deputy Director

## APPENDIX CITY OF SUNNYVALE

The following changes would bring the City of Sunnyvale's housing element into compliance with Article 10.6 of the Government Code. The pertinent Government Code Section is cited for each recommended change.

Housing element technical assistance information is available on the Department's website at [www.hcd.ca.gov](http://www.hcd.ca.gov). Refer to the Division of Housing Policy Development and the section pertaining to State Housing Planning. Among other resources, please refer to the Department's latest technical assistance tool *Building Blocks for Effective Housing Elements (Building Blocks)* at [www.hcd.ca.gov/hpd/housing\\_element/index.html](http://www.hcd.ca.gov/hpd/housing_element/index.html).

### **A. Housing Needs, Resources, and Constraints**

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

**Non-Vacant Sites:** The element must specifically describe the existing uses of non-vacant sites and analyze their suitability to accommodate additional residential development. Appendix B only provides general information on existing uses (i.e., Office, Shopping Center). The list of existing uses should be sufficiently detailed to demonstrate the potential for redevelopment on identified sites within the planning period. The element must evaluate the extent to which existing uses may impede additional residential development and include a description, relative to identified sites, of development trends, market conditions and regulatory incentives and standards to facilitate redevelopment or reuse. For sites with residential uses, the inventory should specifically describe structural conditions or other circumstances and trends demonstrating the redevelopment potential to more intense residential uses. For non-residential sites, the inventory should note whether the use is operating, marginal or discontinued, the condition of the structure or expressed interest in redevelopment. Refer to the sample analysis on the *Building Blocks'* website at [http://www.hcd.ca.gov/hpd/housing\\_element2/SIA\\_home.php](http://www.hcd.ca.gov/hpd/housing_element2/SIA_home.php).

**Realistic Capacity:** In estimating residential capacity in zones allowing non-residential uses (i.e., Blocks 1a and 6 of the Downtown Specific Plan), the calculation of capacity must account for the extent to which uses other than residential are allowed. Projected residential development capacity should not, for example, assume residential-only development on all sites allowing non-residential uses.

**Environmental Constraints:** The element did not address this statutory requirement. The element should include a general discussion of any known environmental constraints that may impede the development of sites in the planning period.

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, and development of housing for all income levels, including local processing and permit procedures (Section 65583(a)(5)).*

Permit Procedures: The element describes Sunnyvale requires a conditional use permit (CUP) for multifamily development in multifamily zones (page 61). Additional review and complex discretionary findings in a CUP can add significant time and uncertainty to the approval process and impact the cost and supply of housing, particularly housing affordable to lower-income households. To address the CUP requirement, the element includes a program to establish administrative review for projects with less than 20 units. However, most assisted housing developments utilizing State or federal financial resources typically include 50 to 150 units and would continue to be subject to the use permit requirement. The element should analyze the impact of the CUP requirement on housing development over 20 units and if necessary include program(s) to mitigate the impact as appropriate.

## **B. Housing Programs**

1. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing (Section 65583(c)(1)).*

As noted in finding A1, the element does not include a complete site analysis and therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the element may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

In addition, many sites identified in the Downtown Specific Plan are less than a quarter of an acre in size. The element discusses assemblage is facilitated through ownership patterns, zoning requirements such as minimum lot sizes as well as the City's efforts through financial assistance and land banking. However, given the importance of encouraging development in the Downtown Specific Plan, the element should include a program to continue the City's efforts to facilitate site assemblage and could explore new strategies such as providing density bonuses beyond State density bonus law.

2. *The housing element shall contain programs which "address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (Section 65583(c)(3)).*

As noted in finding A2, the element requires analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

# **ATTACHMENT E**

## **MINUTES OF THE HOUSING AND HUMAN SERVICES COMMISSION MEETING OF JUNE 24, 2009**



## **DRAFT MINUTES**

### **SUNNYVALE HOUSING AND HUMAN SERVICES COMMISSION WEDNESDAY, JUNE 24, 2009**

The Housing & Human Services Commission met in a regular session in the West Conference Room at 456 W. Olive Ave., Sunnyvale City Hall, Sunnyvale, CA 94086 on June 24, 2009 at 7:13 p.m. with Chair Andersen presiding.

#### **ROLL CALL**

Commission Members Present: Ann Andersen, Micki Falk, Charles Keeler, and Jeremy Hubble  
Commission Members Absent: Patrick Meyering.

Staff Present: Hanson Hom, Director of Community Development, Suzanne Isé, Housing Officer, Katrina Ardina, Housing Programs Analyst, and Edith Alanis, Housing Programs Technician.

The Commissioners were advised that Commissioner Meyering had called to let staff know that he was unable to attend the meeting because of work.

#### **SCHEDULED PRESENTATION**

NONE

#### **PUBLIC ANNOUNCEMENTS**

NONE

#### **CONSENT CALENDAR**

1. Draft Minutes of April 29, 2009.

Chair Andersen asked for a motion to approve the minutes of April 29, 2009.

**Commissioner Hubble moved and Vice Chair Falk seconded to approve the minutes of April 29, 2009 as presented.**

**Motion passed unanimously 4-0.**

#### **PUBLIC COMMENTS**

NONE

## **PUBLIC HEARINGS/GENERAL BUSINESS**

### 1. Public Hearing: Recommend Approval of Update of the Housing and Community Revitalization Sub-element of the General Plan

Suzanne Isé, Housing Officer, gave the staff report to the Commission. She explained that State law requires each local government to adopt a housing element as one of seven mandatory elements of their General Plan. In Sunnyvale the housing element is part of the Community Development Element and is referred to as the Housing Sub-Element. The State mandates that housing elements be updated every five years. Due to changes in state law, after this cycle, it will be updated every eight years to match the state and federal transportation planning cycles. As part of the update, the City is required to do public outreach and get input from the community to determine what the current housing needs and community priorities are. For example, one topic that came up at one of the community meetings was the desire to see some co-housing developments in Sunnyvale.

The City has held several community outreach meetings on the Housing Element Update at various times and locations to accommodate as many residents as possible, as well as the joint study session with the Housing and Human Services Commission, City Council, and the Planning Commission.

Office Isé highlighted the main changes to the current Sub-element, most of which were made to comply with recently passed state legislation; and to respond to HCD's requests in the first review letter (Attachment A).

Director Hom pointed out that the City of Sunnyvale's good track record in permit processing accounted for the positive review that the sub-element has received. Additionally, Director Hom pointed out that due to the economic climate it is not likely that the number of units allocated to Sunnyvale will get built during the current cycle.

Staff also explained that some of the changes requested by HCD are intended to make the permitting language in all jurisdictions' codes more consistent. Officer Isé also mentioned that eligibility for many state grants depends on having a state certified adopted housing element.

A negative declaration under CEQA was prepared with no impact findings, because this is strictly a policy document that does not include any rezoning or land use changes.

Chair Andersen opened the Public Hearing period at 7:44pm

There were no members of the public present at this time.

Chair Andersen closed the Public Hearing period at 7:45pm

Chair Anderson asked if there were any comments from the commissioners.

Commissioner Keeler inquired if BMR program residents could be given incentives to increase their incomes in order to move up to a market rate home.

Officer Isé responded that BMR tenants and homeowners are generally fully employed, successful people and the BMR program requires a minimum income to qualify. However, financial literacy education can be used to teach people about the impacts of the housing choices they make, and the advantages of moving to a market rate home if they can. However, although many BMR occupants would like to acquire a market rate home, if current home prices remain steady, for many lower-income households, a market rate home in Sunnyvale may never be affordable.

Commissioner Hubble asked why the lower density neighborhoods are not being rezoned to allow for more housing units near existing parks and good schools. Staff explained that there is no need to rezone at this time to meet the current allocation and that typically residents of such neighborhoods oppose increasing density in their neighborhood, however this option could be considered during the next update in 2014.

Chair Andersen asked for a motion to recommend approval.

**Commissioner Keeler moved and Vice Chair Falk seconded to recommend approval of the update of the Housing and Community Revitalization Sub-element of the General Plan consistent with Alternative 1 in the Report to Council.**

**Motion passed unanimously 4-0.**

Staff requested and the Chair agreed to hold the public hearing on item 4 of the agenda next , because the staff of Mid Peninsula Housing Coalition had arrived for that hearing and no other members of the public were present for the other two items.

2. Public Hearing: Recommend Approval of: Amendment to Action Plans for Fiscal Years 2004-08; Conditional Commitment of a \$1.3 Million Loan of HOME Funds for Rehabilitation of Aster Park; and Budget Modification No. 1

Housing Officer Isé presented this item and explained that the Aster Park property is a 95-unit development built in 1975 to house both families and seniors. It has been owned and managed by Mid-Peninsula since inception. Given the age of the structure it now requires major rehabilitation.

Several weeks ago the City received notice from HUD that the City needed to commit \$700,000 of its HOME funds by July 30, 2009 or the funds would be disencumbered by HUD. Additionally, the City's affordability restrictions on Aster Park expire next year when the City loan on the property becomes due. Mid-Peninsula as well as the City of Sunnyvale would like those units to remain affordable.

Officer Isé briefly reviewed the proposal that was included in their packets and described the rehabilitation work proposed. She highlighted that there were 3 major goals of this project; the addition of solar hot water systems and other energy efficiency upgrades, other needed rehabilitation items, and extending the affordability of these units for a longer term.

Officer Isé explained that the City is able to commit 1.3 million because there will be an additional \$700,000 in HOME funds that must be spent by next July, and finding a feasible project for just that amount would be very difficult.

Chair Andersen opened the Public Hearing period at 8:09pm.

Todd Marans, Director of Asset Management from Mid-Peninsula, was present to answer questions about the project. Commissioners inquired about the green building aspects of the project. He explained that replacing all the windows with dual pane windows will save the tenants a significant amount on their utilities. Furthermore, Mr. Marans clarified that any additional costs beyond the \$1.3 million from the City will be covered by Mid-Peninsula through other funding sources available to them.

There were no members of the public present for questions or input at this time.

Chair Andersen closed the Public Hearing period at 8:19pm.

Chair Andersen asked for a motion to recommend approval.

**Commissioner Keeler moved and Commissioner Hubble seconded to recommend the approval of the Amendment to Action Plans for Fiscal Years 2004-08; Conditional Commitment of a \$1.3 Million Loan of HOME Funds for Rehabilitation of Aster Park; and Budget Modification No. 1**

**Motion passed unanimously 4-0.**

3. Public Hearing: Recommend Approval of First Time Homebuyer Program Guidelines

Chair Andersen opened the Public Hearing period at 8:21pm.

There were no members of the public present at this time for comments or input.

Chair Andersen closed the Public Hearing period at 8:22pm.

Chair Andersen asked if there were any comments from the commissioners.

Staff gave a quick overview of the proposed changes, such as the modification of the loan terms, the new funding source and combining the HPCC Program with the First Time Homebuyer Program.

Commissioners asked additional questions about the loan amounts, where the funds come from, and how the funds are used when the loans are repaid. Officer Isé explained that the loan amount was currently capped at \$50,000 in an effort to help as many homeowners as possible with limited funds, and due to the recent declines in home prices this amount is estimated to be adequate. Furthermore, she explained that the funds are returned to the housing funds when repaid in order to use them again for affordable housing activities.

Chair Andersen asked for a motion to recommend approval of the First Time Home Buyer Program Guidelines.

**Commissioner Hubble moved and Vice Chair Falk seconded to recommend approval of the First Time Homebuyer Program Guidelines per staff's recommendation in the Report to Council.**

**Motion passed unanimously 4-0.**

4. Recommend Approval of Request for Proposals for Homelessness Prevention and Rapid-Re-Housing Program Grants

Katrina Ardina, Housing Programs Analyst gave an overview of the draft Request for Proposals and the requirements, and explained that this was the next step to find service providers to utilize this special-purpose stimulus funding.

There was a brief discussion regarding which agencies have expressed interest in applying for these funds.

Chair Andersen asked for a motion to approve the Request for Proposals.

**Vice Chair Falk moved and Commissioner Keeler seconded to recommend approval of the Request for Proposals for Homelessness Prevention and Rapid Re-Housing Programs Grants.**

**Motion passed unanimously 4-0.**

**NON-AGENDA ITEMS AND COMMENTS**

- BOARDMEMBERS OR COMMISSIONERS ORAL COMMENTS

NONE

- STAFF ORAL COMMENTS

Director Hom expressed his gratitude to the commissioners for their service to the City as Commissioners, as this was their last meeting.

**INFORMATION ONLY ITEMS**

Commissioners were handed a hard copy of the Community Award Nomination packets.

**ADJOURNMENT**

Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Suzanne Isé  
Housing Officer

# **ATTACHMENT F**

## **MINUTES OF THE PLANNING COMMISSION MEETING OF JULY 13, 2009**

**PLANNING COMMISSION MINUTES OF JULY 13, 2009**

**2008-0489:** Update of the Housing and Community Revitalization Sub-Element of the General Plan (2009 through 2014) and adoption of a Negative Declaration under CEQA. SI, SB (*Continued from June 22, 2009.*)

**Suzanne Isé**, Housing Officer, presented the staff report. She said she recently received a response letter from the State accepting the City's revised draft Housing Sub-Element as compliant, assuming it is adopted in the current or substantially its current form. She said it is very good news to have received this letter and unusual to get a response so quickly. She said staff recommends Alternative 1, to adopt the proposed Sub-Element as shown in Attachment B.

**Comm. Klein** discussed with staff the goal of removing Governmental Constraints in the Sub-Element specifically the replacement of the conditional use permit requirement with an administrative hearing for design and site review for multi-family projects with up to 50 units in zones that allow multi-family development. **Trudi Ryan**, Planning Officer, noted that the modification in the number of units is to remove barriers to housing development, and that this proposal would come back to the Commission for their input later. **Comm. Klein** discussed with staff details related to Below Market Rate (BMR) housing including: in-lieu fees, development size thresholds, the current process, and that tentatively this fall the BMR ordinance would be further reviewed, including outreach meetings. **Ms. Isé** said staff would like the BMR requirements to be better defined in the code and that various aspects of the BMR ordinance can be evaluated at that time.

**Comm. Sulser** asked staff about Table 24 on page 32 of the Sub-Element, regarding the current inventory of BMR rental units and a concern about condominium conversions changing the rental units. **Comm. Sulser** also asked staff about manufactured housing and mobile homes and how State law applies to these inventories. **Comm. Sulser** and staff discussed different housing types, zoning districts and housing inventories, and identified a clerical error on page 51 of the Sub-Element. **Comm. Sulser** commented that the proposed process for multi-family housing is a bit terrifying, as he does not think Sunnyvale's process regarding approving multi-family housing is broken. He said he does not understand the State's concern about the current process.

**Comm. Rowe** asked staff about mobile home parks serving as affordable housing, a mobile home park ordinance, two-story mobile homes, and how much emphasis would be put into preserving mobile home parks. **Comm. Rowe** asked staff about parking requirements, senior housing and housing close to alternative transportation. **Comm. Rowe** also asked about controlled growth, and commented that the State's approach seems to be to plan for growth rather than control it.

**Comm. Hungerford** explained his concern about modifying the current permit procedure commenting that the language in the report says "modify". He said modifying something is

a declaration of something the City would have to do and suggested that the language should be changed to articulate a goal and that maybe the word modify should be changed to "evaluate". Staff explained the wording and that State Guidelines require it to be written the way it is. Staff said where it says "modify" or "amend" that it means the City would be evaluating these areas prior to modifying them and changing the wording could result in a non-compliant Sub-Element. Comm. Hungerford commented that Table 24 on page 32 of the Sub-Element shows a depressing view of our affordable housing inventory, with staff commenting regarding various affordable housing definitions and explained the concept of "at-risk" housing.

**Comm. McKenna** recommended that the public take a look at this document on the website as it has good information. She commented that Sunnyvale has done well to meet housing goals which makes it difficult when agencies outside the City try to tell us what we have to do. Comm. McKenna further commented about the Sub-Element being related to other General Plan Elements, and that the housing allocations are not a burden when looking at what the City has decided for other land uses. Comm. McKenna discussed foreclosure rates, global warming, and flooding with staff.

**Comm. Klein** commented that the Sub-Element does not make much mention of mixed-use zoning with staff explaining some of the inventory tables in the appendix that include mixed-use zoning.

**Chair Chang** discussed market constraints with staff, including number of mortgages, and a variety of programs available to expand homeownership.

**Chair Chang opened the public hearing.**

**Barbara Fukumoto**, a Sunnyvale resident, said she thinks this is a good report and will pass it on to others. She congratulated the housing staff on receiving State approval of the draft document. She asked the Commission to consider exceeding the minimum state requirements stating she is concerned about the negative declaration. She said two noteworthy changes have occurred since the previous Housing document revision that she wishes were taken into account. These are a broader understanding of the threat of climate change and the need for urgent action, and that in 2007, the Mayor's Climate Protection Agreement was adopted as official City policy, and it would be logical for the Housing Sub-element to include information to help meet these goals. She said she would hate to miss the opportunity to institutionalize consideration of the affects of housing on greenhouse gas emissions.

**Chair Chang closed the public hearing.**

**Comm. McKenna moved for Alternative 1 to amend the General Plan by adopting the 2009-2014 Housing and Community Revitalization Sub-element as shown in**

**Attachment B, to replace the current Housing and Community Revitalization Sub-element and adopt the Negative Declaration provided in Attachment C. Comm. Sulser seconded the motion.**

**Comm. McKenna** said that this document covers most of the issues, and that there are some issues to still be worked out.

**Comm. Sulser** said he thinks this document addresses what the State wants the City to address in terms of a housing policy. He said he has some concerns about policy goals and understands that there would be opportunity to address those items in the future.

**Comm. Klein** said he agrees that this document covers what the State is requiring and that it is a good addition, however he would not be supporting the motion due to the issue of the multi-family administrative process required by the State. He said the wording "we will modify" the City's current permit procedure for multi-family projects with fewer than 50 housing units, is fixing something that is not broken as Sunnyvale has done its part in the past. He said he also has some issue with the BMR housing and the greatest priority is providing below market goals. He acknowledged that the process is still under development and there would be future opportunity and outreach to improved certain areas. He said he has a few problems with the plan, however the majority of it is correct. He said he thinks there needs to be a negative voice due to some of the terminology.

**Comm. Hungerford** said he does not like to vote for something when he thinks the wording should be better. He said he feels that, unless we want to take on the State, that we do not have a choice. He said he thinks the Planning Officer has articulated the position of the City and he was happy to see the information regarding the BMR units, the density bonus provision.

**ACTION: Comm. McKenna made a motion on 2008-0489 to recommend to City Council to amend the General Plan by adopting the 2009-2014 Housing and Community Revitalization Sub-element as shown in Attachment B, to replace the current Housing and Community Revitalization Sub-element and adopt the Negative Declaration provided in Attachment C. Comm. Sulser seconded. Motion carried 6-1, with Comm. Klein dissenting.**

**APPEAL OPTIONS: This recommendation will be forwarded to City Council and is scheduled to be considered at the August 11, 2009 Council meeting.**

**Ms. Isé** said the website link for the Housing and Community Revitalization Sub-Element is: [housingelement.insunnyvale.com](http://housingelement.insunnyvale.com)