

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