



# City of Sunnyvale

## Notice and Agenda - Revised City Council

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Tuesday, December 16, 2014

5:45 PM

Council Chambers and West Conference  
Room, City Hall, 456 W. Olive Ave.,  
Sunnyvale, CA 94086

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**Special Meetings- Closed Session-5:45 PM | Study Session-6:45 PM | Regular  
Meeting-7 PM**

### **5:45 P.M. SPECIAL COUNCIL MEETING (Closed Session)**

#### **1 Call to Order in the West Conference Room**

#### **2 Roll Call**

#### **3 Public Comment**

*The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*

#### **4 Convene to Closed Session**

[14-0497](#)

Closed Session held pursuant to California Government Code  
Section 54957: PUBLIC EMPLOYEE PERFORMANCE  
EVALUATION  
Title: City Attorney

Closed Session held pursuant to California Government Code  
Section 54957.6: CONFERENCE WITH LABOR  
NEGOTIATORS  
Agency designated representatives: City Council  
Compensation Subcommittee  
Unrepresented Employee: City Attorney

#### **5 Adjourn Special Meeting**

### **6:45 P.M. SPECIAL COUNCIL MEETING (Study Session)**

#### **1 Call to Order in the West Conference Room (Open to the Public)**

**2 Roll Call****3 Public Comment****4 Study Session**[14-0627](#)

Discussion of Upcoming Selection of 2015 Vice Mayor

**5 Adjourn Special Meeting****7 P.M. COUNCIL MEETING**

*Pursuant to Council Policy, City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein is subject to change from date of printing of the agenda to the date of the meeting.*

**CALL TO ORDER**

*Call to Order in the Council Chambers (Open to the Public)*

**SALUTE TO THE FLAG****ROLL CALL****CLOSED SESSION REPORT****PUBLIC ANNOUNCEMENTS**

*Each speaker is limited to three minutes for announcements of community events, programs, or recognition.*

**CONSENT CALENDAR**

*All matters listed on the consent calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion of these items. If a member of the public would like a consent calendar item pulled and discussed separately, please submit a speaker card to the City Clerk prior to the start of the meeting or before approval of the consent calendar.*

- 1.A [14-0986](#) Approve City Council Meeting Minutes of December 9, 2014

**Recommendation:** Approve the City Council Meeting Minutes of December 9, 2014 as submitted.

- 1.B [14-1138](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

**Recommendation:** Approve the list(s) of claims and bills.

- 1.C [14-0331](#) Approve Budget Modification No. 33 to Appropriate \$25,000 Donation from Kilroy Realty Corporation for Tree Planting and Maintenance in a Target Area within the SNAIL Neighborhood

**Recommendation:** Approve Budget Modification No. 33 to appropriate a \$25,000 donation from Kilroy Realty Corporation for tree planting and maintenance in a target area within the SNAIL Neighborhood.

- 1.D [14-1085](#) Approve Budget Modification No. 30 to Appropriate \$18,000 of Sourcewise Grant Funds for Care Management Services

**Recommendation:** Approve Budget Modification No. 30 to appropriate Sourcewise grant funds in the amount of \$18,000 to Project 829640 - Care Management Enhancement.

- 1.E [14-1102](#) Approve Budget Modification No. 31 to Increase the Budgeted Amount to Purchase Water Meters for New Developments

**Recommendation:** Approve Budget Modification No. 31 to Increase the Current Year Budgeted Amount for the Water Meters for New Development Project by \$191,590.

- 1.F [14-1104](#) Award of Contract for Management of the Sunnyvale Government Access and Public Access Channels (F15-05)

**Recommendation:** 1) Award a three-year contract to Mountain View Community Television, in substantially the same form as the attached Consultant Services Agreement, not to exceed \$195,000, for management of the Sunnyvale government access and public access channels, and 2) Authorize the City Manager to renew the contract for up to two additional years, provided that funding is available and service remains acceptable.

- 1.G [14-1105](#) Award of Contract for Nine Police Interceptor Vehicles (F15-25)

**Recommendation:** 1) Award a contract in the amount of \$227,827 to Serramonte Ford for nine police Interceptor vehicles in substantially the same form as the attached draft purchase order.

- 1.H [14-1018](#) Award Bid No. PW15-09 for Orchard Gardens Park Expansion and Demolition of Structure at 775 Dona Avenue, Adopt a Resolution to Execute a PG&E Easement, and Approve Budget Modification No. 24; and Related CEQA Actions: Adoption of Mitigated Negative Declaration and Finding of Categorical Exemption

**Recommendation:** 1) Adopt a CEQA Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Orchard Gardens Park Expansion Project, 2) Make a finding of CEQA categorical exemption pursuant to Section 15301(l)(4) for demolition of the structure located at 775 Dona Avenue; 2) Adopt a resolution authorizing the City manager or her designee to execute an Easement Deed with PG&E; 3) Award a contract, in substantially the same format as Attachment 4 and in the amount of \$798,400 for the subject project and authorize the City Manager to execute the contract when all the necessary conditions have been met, 4) Approve a 10% construction contingency in the amount of \$79,840; and 5) Approve Budget Modification No. 24 to provide additional funding for the project.

- 1.I [14-1077](#) Adopt a Resolution to Summarily Vacate a Public Utility Easement at 435 Toyama Drive

**Recommendation:** Adopt the resolution to summarily vacate a public utility easement at 435 Toyama Drive; and to authorize the City Clerk to submit a certified copy of the resolution to the Santa Clara County Recorder's office.

- 1.J [14-0145](#) Adopt Ordinance No. 3051-14 to Amend Chapter 2.08 of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code to Amend the City Manager's Rejection Authority for Goods and Services Procurements

**Recommendation:** Adopt Ordinance No. 3051-15.



- 1.K     [14-0199](#)     Adopt Ordinance No. 3052-14 to add a New Section to Chapter 2.09 of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code to Require the Payment of Prevailing Wages on Public Works Projects

**Recommendation:** Adopt Ordinance No. 3052-14.

## **PUBLIC COMMENTS**

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a maximum of three minutes per speaker. If your subject is not on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.*

## **PUBLIC HEARINGS/GENERAL BUSINESS**

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the City Clerk. You will be recognized at the time the item is being considered by Council. Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 5 minutes for closing comments.*

- 2        [14-0286](#)     Approve Design Guidelines for Multi-Family Residential Projects to Address Size, Bulk and Scale; Find that the Project is Exempt Under CEQA Pursuant to Guideline 15061(b)(3). (Study Issue original title: City Policies Governing Housing Density)

**Recommendation:** Alternatives 1, 2 and 4: Find that the project is exempt from CEQA pursuant to CEQA Guideline 15061(b)(3), approve design guidelines (Attachment 2) for high density multi-family residential and mixed use projects in the R-4, R-5, C-1, C-2 and DSP zoning districts, and direct staff to return within three years with data collected from upcoming planning applications to further evaluate appropriate zoning tools to address the issue.

- 3      [14-0594](#)      Approve a Funding Agreement with the Santa Clara Valley Water District for CEQA Review and Design Costs to Retain a Membrane Bioreactor Option at the Water Pollution Control Plant, Approve an Amendment to an Existing Contract with Carollo Engineers for the Additional Services, and Approve Budget Modification No. 32

**Recommendation:** Alternatives 1, 2, 3 and 4: 1) Authorize the City Manager to execute the MBR Agreement with the Santa Clara Valley Water District, in substantially the same format as Attachment 3 to the report, regarding funding of CEQA review and design costs to retain MBR option at the WPCP; 2) Approve Budget Modification No. 32 to appropriate additional funding of \$618,735 to Capital Project No. 830250 (WPCP Master Plan) as required for the project; 3) Authorize the City Manager to execute an amendment with Carollo Engineers, in substantially the same format as Attachment 4, in an amount not to exceed \$583,234; and 4) Approve a 15% contract contingency in the amount of \$76,074.

- 4      [14-0790](#)      Adopt Resolution to Amend the General Plan by Adopting the 2015-2023 Housing Element  
CEQA Review: Negative Declaration

**Recommendation:** Alternative 1: a) Adopt the Negative Declaration and b) adopt a resolution to amend the General Plan by replacing the 2009 Housing Sub-Element with the 2015-2023 Housing Element as provided in Attachment 2.

#### **COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

#### **NON-AGENDA ITEMS & COMMENTS**

-Council

-City Manager

#### **INFORMATION ONLY REPORTS/ITEMS**

- [14-0141](#)      Tentative Council Meeting Agenda Calendar

- [14-1048](#) Information/Action Items
- [14-1123](#) Timeline for Drafting Local Hiring Program/Ordinance (Information Only)
- [14-0079](#) Study Session Summary of December 9, 2014 - How the City Council Works Together
- [14-0514](#) Board/Commission Meeting Minutes

## **ADJOURNMENT**

### **NOTICE TO THE PUBLIC**

*The agenda reports to council (RTCs) may be viewed on the City's Web site at [sunnyvale.ca.gov](http://sunnyvale.ca.gov) after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, California during normal business hours and in the Council Chamber on the evening of the Council Meeting, pursuant to Government Code §54957.5. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.*

*PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.*

*Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.106 ADA Title II).*

### **Planning a presentation for a City Council meeting?**

*To help you prepare and deliver your public comments, please review the "Making Public Comments During City Council or Planning Commission Meetings" document available at [Presentations.inSunnyvale.com](http://Presentations.inSunnyvale.com).*

**Planning to provide materials to Council?**

*If you wish to provide the City Council with copies of your presentation materials, please provide 12 copies of the materials to the City Clerk (located to the left of the Council dais). The City Clerk will distribute your items to the Council.*

**Upcoming Meetings**

*Visit [CouncilMeetings.inSunnyvale.com](http://CouncilMeetings.inSunnyvale.com) for upcoming Council meeting information.*

*Visit [BoardsandCommissions.inSunnyvale.com](http://BoardsandCommissions.inSunnyvale.com) for upcoming board and commission meeting information.*

*For a complete schedule of KSUN-15 Council meeting broadcasts, visit [KSUN.insunnyvale.com](http://KSUN.insunnyvale.com).*



# City of Sunnyvale

## Agenda Item

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**14-0497**

**Agenda Date:** 12/16/2014

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Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: City Council Compensation Subcommittee

Unrepresented Employee: City Attorney



# City of Sunnyvale

## Agenda Item

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**14-0627**

**Agenda Date:** 12/16/2014

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Discussion of Upcoming Selection of 2015 Vice Mayor



# City of Sunnyvale

## Agenda Item

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**14-0986**

**Agenda Date:** 12/16/2014

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**SUBJECT**

Approve City Council Meeting Minutes of December 9, 2014

**RECOMMENDATION**

Approve the City Council Meeting Minutes of December 9, 2014 as submitted.



# City of Sunnyvale

## Meeting Minutes - Draft City Council

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Tuesday, December 9, 2014

5:00 PM

Council Chambers and West Conference  
Room, City Hall, 456 W. Olive Ave.,  
Sunnyvale, CA 94086

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**Special Meeting- Closed Session-5 PM | Study Session-6 PM | Regular Meeting-7 PM**

### **7 P.M. COUNCIL MEETING**

#### **CALL TO ORDER**

Mayor Griffith called the meeting to order in Council Chambers.

#### **SALUTE TO THE FLAG**

Mayor Griffith led the salute to the flag.

#### **ROLL CALL**

**Present:** 7 - Mayor Jim Griffith  
Vice Mayor Jim Davis  
Councilmember David Whittum  
Councilmember Pat Meyering  
Councilmember Tara Martin-Milius  
Councilmember Glenn Hendricks  
Councilmember Gustav Larsson

#### **CLOSED SESSION REPORT**

Vice Mayor Davis reported Council met in Closed Session pursuant to California Government Code Section 54957: Public Employee Performance Evaluation, Title: City Manager; no action was taken.

#### **SPECIAL ORDER OF THE DAY**

[14-0950](#) SPECIAL ORDER OF THE DAY - Recognition of Sunnyvale  
Library Centennial

Mayor Griffith presented a certificate of congratulations to Director of Library and Community Services Lisa Rosenblum in recognition of the Sunnyvale Library Centennial.

#### **PUBLIC ANNOUNCEMENTS**



Councilmember Meyering spoke regarding the closure of the Sunnyvale homeless shelter and the need for a shelter.

Councilmember Martin-Milius encouraged visiting downtown Sunnyvale for dining and holiday shopping and reminded residents to shop local.

Stephen Hazel addressed the Council regarding multiple topics.

Jeanine Stanek, Sunnyvale Historical Society and Museum, announced the upcoming Sunnyvale Library Centennial celebration and displays at the museum.

### **PRESENTATION**

None.

### **CONSENT CALENDAR**

Councilmember Meyering requested to pull Items 1.A, 1.B, 1.C, 1.D and 1.E and requested a no vote be recorded on Item 1.F.

Councilmember Whittum requested to record a no vote on Item 1.F.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to Approve the Consent Calendar with the exception of Items 1.A, 1.B, 1.C, 1.D and 1.E. The motion carried by the following vote:

**Yes: 5 -** Mayor Griffith  
Vice Mayor Davis  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

**No: 2 -** Councilmember Whittum  
Councilmember Meyering

**1.A**     [14-0976](#)     Approve City Council Meeting Minutes of November 25, 2014

Public Hearing opened at 11:14 p.m.

No speakers.

Public Hearing closed at 11:14 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to approve the City Council Meeting Minutes of November 25, 2014 as

submitted. The motion carried by the following vote:

**Yes:** 6 - Mayor Griffith  
Vice Mayor Davis  
Councilmember Whittum  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

**No:** 1 - Councilmember Meyering

**1.B**      [14-1122](#)      Approve the List(s) of Claims and Bills Approved for Payment  
by the City Manager

Public Hearing opened at 11:14 p.m.

No speakers.

Public Hearing closed at 11:14 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to approve the list(s) of claims and bills. The motion carried by the following vote:

**Yes:** 6 - Mayor Griffith  
Vice Mayor Davis  
Councilmember Whittum  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

**No:** 1 - Councilmember Meyering

**1.C**      [14-0974](#)      Authorization to Accept a Metropolitan Transportation  
Commission Priority Development Area Planning Grant and  
Approval of Budget Modification No. 23 to Appropriate Funds  
for the Comprehensive Update of the Precise Plan for El  
Camino Real

Public hearing opened at 11:28 p.m.

No speakers.

Public hearing closed at 11:28 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Martin-Milius seconded

the motion to authorize acceptance of the MTC PDA Planning Grant in the amount of \$587,000 and authorize the City Manager to execute the Funding Agreement (Attachment 2); and approve Budget Modification No. 23 to appropriate grant funding received for the Comprehensive Update of the Precise Plan for El Camino Real.

**FRIENDLY AMENDMENT:** Councilmember Whittum offered a friendly amendment to include school districts in the technical advisory committee.  
Vice Mayor Davis accepted the friendly amendment.

**AMENDMENT:** Councilmember Whittum moved an amendment and Councilmember Meyering seconded to state that in pursuing this study, Council is not expressing support for increasing density on El Camino Real beyond the present El Camino Real Precise Plan.

**MODIFIED AMENDMENT:** Councilmember Whittum modified the amendment to state that Council does not support increasing height limits or reducing setbacks as they are presently expressed in the El Camino Precise Plan.  
Councilmember Meyering accepted the modified amendment.

The motion to amend failed by the following vote:

**Yes:** 2 - Councilmember Whittum  
Councilmember Meyering

**No:** 5 - Mayor Griffith  
Vice Mayor Davis  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

**AMENDMENT:** Councilmember Meyering moved to amend the motion to require that the two different committees that will be formed require membership by one person from the organization called "Save Sunnyvale Schools and Open Spaces".  
Motion to amend died due to lack of a second.

The vote on the main motion as amended by friendly amendment carried by the following vote:

**Yes:** 5 - Mayor Griffith  
Vice Mayor Davis  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

**No: 2 -** Councilmember Whittum  
Councilmember Meyering

- 1.D**      [14-0989](#)      Receive and File FY 2013/14 Annual Status Report on Receipt and Use of Development Impact Fees and Adopt a Resolution Approving Findings Regarding Unspent Transportation Impact and Sense of Place Fees

Public hearing opened at 11:38 p.m.

No speakers.

Public hearing closed at 11:38 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to receive and file the FY 2013/14 Annual Status Report on receipt and use of development impact fees and Adopt a resolution approving findings regarding unspent Transportation Impact and Sense of Place Fees. The motion carried by the following vote:

**Yes: 7 -** Mayor Griffith  
Vice Mayor Davis  
Councilmember Whittum  
Councilmember Meyering  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

**No: 0**

- 1.E**      [14-1091](#)      Amend the Schedule of Pay of the Salary Resolution: Salary Adjustment for Pay Plan Category C (applies to Classified Public Safety Officers and Lieutenants) and Pay Plan Category D/E (applies to Public Safety Captains and Public Safety Deputy Chiefs) and Approve Budget Modification No. 27

Public hearing opened at 11:02 p.m.

No speakers.

Public hearing closed at 11:02 p.m.

MOTION: Councilmember Whittum moved and Vice Mayor Davis seconded the

motion to amend Pay Plan Category C and D/E of the Schedule of Pay of the Salary Resolution to reflect the new pay rates pursuant to the City's current MOUs with the PSOA and PSMA, effective retroactive to July 6, 2014 and Approve Budget Modification No. 27. The motion carried by the following vote:

**Yes:** 6 - Mayor Griffith  
Vice Mayor Davis  
Councilmember Whittum  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

**No:** 1 - Councilmember Meyering

**1.F**      [14-1132](#)      Adopt Ordinance No. 3050-14 Amending Title 19 (Zoning)  
Regarding the Appeal Process for Land Use Projects

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to adopt Ordinance No. 3050 14. The motion carried by the following vote:

**Yes:** 5 - Mayor Griffith  
Vice Mayor Davis  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

**No:** 2 - Councilmember Whittum  
Councilmember Meyering

### **PUBLIC COMMENTS**

Qin Min Ji expressed concerns regarding perceived global control of the internet and submitted written materials.

Stephen Hazel addressed the Council regarding multiple topics.

### **PUBLIC HEARINGS/GENERAL BUSINESS**

**2**      [14-0673](#)      Consideration of Housing Mitigation Fee Nexus Study  
Findings and Alternatives

Housing Officer Suzanne Ise presented the staff report. Director of Community Development Hanson Hom and City Manager Deanna Santana provided additional information.

Public Hearing opened at 8:05 p.m.

Pat Sausedo, Executive Director, NAIOP Silicon Valley, expressed concerns regarding some of the conclusions in the study and recommended a fee of \$12 per square foot if there is a need for a commercial fee and encouraged Council to look at the issue countywide.

James Zahradka, Law Foundation of Silicon Valley, recommended a fee of \$20 per square foot.

Shaunn Cartwright spoke in support of increasing opportunities for affordable housing and recommended a fee of \$20 per square foot.

Marie Bernard spoke in support of a Housing Mitigation Fee of \$20 per square foot.

Charisse Ma Lebron, Director of Community Development, Working Partnerships, recommended adoption of a fee of no less than \$12 per square foot to as high as \$20.

Kevin Zwick, CEO, Housing Trust Silicon Valley, recommended a fee of \$20 per square foot.

Kerry Haywood, Moffett Park Business Group, spoke in support of a fee for new development and in opposition to increasing the fee.

Iman Novin, Director of Acquisitions, MidPen Housing, spoke in support of the fee.

Dora Arias spoke in support of a fee of \$30 per square foot.

Janette D'Elia, Jay Paul Company, spoke in support of a fee of \$12 per square foot.

Andrew Boone spoke in support of a mitigation fee higher than \$12 per square foot.

Chrichelle McCloud spoke in support of a mitigation fee higher than \$20 per square foot.

Public Hearing closed at 8:39 p.m.

MOTION: Councilmember Hendricks moved to approve Alternatives 1, 2, 4 and add an Alternative 7: 1) Direct staff to prepare an ordinance to expand the Housing Mitigation Fee to all net new square footage of all office/R&D, industrial, retail, and lodging development projects in any zone; and 2) Direct staff to set the initial fee rate in the draft ordinance at \$12 per square foot for office/R&D/industrial projects

(\$6 per square foot for first 25,000 square feet), and \$6 per square foot for retail and lodging projects, both adjusted annually for inflation as part of the annual fee schedule adoption; 4) Include a provision to clarify that the new fee rates shall apply to all covered projects for which a complete planning application is submitted on or after the effective date of the ordinance; and 7) the City would re-evaluate the fee 24 months from implementation.

Motion died due to lack of a second.

MOTION: Councilmember Whittum moved and Councilmember Meyering seconded the motion to approved Alternatives 1, 2 (modified), 4 and add Alternative 7: 1) Direct staff to prepare an ordinance to expand the Housing Mitigation Fee to all net new square footage of all office/R&D, industrial, retail, and lodging development projects in any zone; and 2) Direct staff to set the initial fee rate in the draft ordinance at \$20 per square foot for office/R&D/industrial projects (\$20 per square foot for first 25,000 square feet), and \$20 per square foot for retail and lodging projects, both adjusted annually for inflation as part of the annual fee schedule adoption; 4) Include a provision to clarify that the new fee rates shall apply to all covered projects for which a complete planning application is submitted on or after the effective date of the ordinance; and 7) the City would re-evaluate the fee 24 months from implementation.

AMENDMENT: Councilmember Hendricks moved an amendment and Councilmember Martin-Milius seconded to change the Housing Mitigation Fee from \$20 to \$15 per square foot.

**Yes:** 5 - Mayor Griffith  
Councilmember Whittum  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

**No:** 2 - Vice Mayor Davis  
Councilmember Meyering

FRIENDLY AMENDMENT: Mayor Griffith offered a friendly amendment to charge a stepped rate of \$7.50 for the first 25,000 square feet per staff's original recommendation.

Councilmember Whittum declined to accept the friendly amendment.

AMENDMENT: Mayor Griffith moved and Councilmember Hendricks seconded to charge a stepped rate of \$7.50 for the first 25,000 square feet.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to the amendment to make it Alternative 3: Direct staff to set the initial fee rate in

the draft ordinance at \$15 per square foot for office/R&D/industrial projects (\$7.50 per square foot for first 25,000 square feet), and \$7.50 per square foot for retail and lodging projects, both adjusted annually for inflation as part of the annual fee schedule adoption.

Mayor Griffith accepted the friendly amendment.

The vote on the amendment carried by the following vote:

**Yes: 5 -** Mayor Griffith  
Councilmember Whittum  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

**No: 2 -** Vice Mayor Davis  
Councilmember Meyering

The main motion as amended carried by the following vote:

**Yes: 6 -** Mayor Griffith  
Councilmember Whittum  
Councilmember Meyering  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

**No: 1 -** Vice Mayor Davis

Council recessed at 9:23 p.m.

Council reconvened at 9:33 p.m. with all Councilmembers present.

**3**      [14-1076](#)      2014 4th Quarterly Consideration of GENERAL PLAN  
AMENDMENT INITIATION REQUEST

File #:                    2014-7958  
Location:                690 E. Arques Avenue (APN: 201-31-005)  
Proposed Project:      Request to study a General Plan Land  
Use Designation change from Industrial to Schools,  
Residential High Density, or other designation that would  
accommodate a middle and high school. This Study may  
include other properties in the vicinity and evaluate other  
General Plan designations.  
Applicant / Owner:      Summit Public Schools / 690 East  
Arques LLC

Community Development Director Hanson Hom presented the staff report.



Public Hearing opened at 9:43 p.m.

Clint Sholl, Summit Public Schools, provided information regarding the proposal.

Public Hearing closed at 9:52 p.m.

MOTION: Councilmember Meyering moved and Councilmember Whittum seconded the motion to approve Alternative 2: Initiate a General Plan Study solely for the site at 690 E. Arques Avenue with the analysis being solely of the designation SCH.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment that the GPA study also consider the suggestion that the future for the East Channel segment might include a trail.  
Councilmember Meyering accepted the friendly amendment.

AMENDMENT: Councilmember Larsson moved an amendment and Councilmember Hendricks seconded to add Residential High Density to the General Plan designations to be considered.

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment to include Residential Medium Density.  
Councilmember Larsson accepted the friendly amendment.

The motion to amend carried by the following vote:

**Yes: 4 -** Mayor Griffith  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

**No: 3 -** Vice Mayor Davis  
Councilmember Whittum  
Councilmember Meyering

MOTION: Councilmember Meyering moved to take a separate vote on the amended main motion on each designation so the Councilmembers can express their views on SCH versus RHI.  
Mayor Griffith ruled the motion out of order.

AMENDMENT: Councilmember Whittum moved an amendment and Councilmember Meyering seconded to remove Residential High from the motion as it was just amended, leaving Residential Medium.

The motion to amend failed by the following vote:

**Yes:** 2 - Councilmember Whittum  
Councilmember Meyering

**No:** 5 - Mayor Griffith  
Vice Mayor Davis  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to come back to Council if staff gets to a certain point and realizes there is significantly more work with one direction than the other. Councilmember Meyering accepted the friendly amendment.

The main motion as amended carried by the following vote:

**Yes:** 6 - Mayor Griffith  
Vice Mayor Davis  
Councilmember Whittum  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

**No:** 1 - Councilmember Meyering

- 4      [14-1003](#)      Update to the Status of Department of Public Safety  
Recruitment and Staffing and Approval of Budget  
Modification No. 28

Director of Public Safety Frank Grgurina presented the staff report.

Public Hearing opened at 10:49 p.m.

No speakers.

Public Hearing closed at 10:49 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to approve Alternatives 1, 2 and 3: 1) Approve Budget Modification No. 28 to appropriate \$3,228,391 to fund current recruitment projects; 2) Approve the addition of a full time Public Safety Specialist to the Recruitment Unit; and 3) Approve the addition of three PSO IIs to the Public Safety authorized sworn level in the FY 2016/17 Budget for the purpose of staffing Fire

Station 5 and include recruitment project funding for consideration in the FY 2015/16 Recruitment Project. The motion carried by the following vote:

**Yes: 7 -** Mayor Griffith  
Vice Mayor Davis  
Councilmember Whittum  
Councilmember Meyering  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

**No: 0**

- 5**      [14-1111](#)      Adopt Memorandum of Understanding between the City of Sunnyvale and the Sunnyvale Managers Association (SMA) and the corresponding Resolution to Amend the City's Salary Resolution and the Resolution for Paying and Reporting the Value of Employer Paid Member Contributions for CalPERS Retirement

Director of Human Resources Teri Silva presented the staff report.

Public Hearing opened at 10:54 p.m.

No speakers.

Public Hearing closed at 10:54 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Davis seconded the motion to approve Alternative 1: Adopt the Memorandum of Understanding between the City of Sunnyvale and the Sunnyvale Managers Association, presented as Attachment 3, and the corresponding Resolution Amending the City's Salary Resolution, presented as Attachment 4, and the Resolution for Paying and Reporting the Value of Employer Paid Member Contributions, presented as Attachment 5 to the report. The motion carried by the following vote:

**Yes: 5 -** Mayor Griffith  
Vice Mayor Davis  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

**No: 2 -** Councilmember Whittum  
Councilmember Meyering

- 6**      [14-1007](#)      Introduce Ordinances to Amend the Sunnyvale Municipal Code by Adding Section 2.09.220 to Comply with New State Law for the Payment of Prevailing Wages for Infrastructure Work, and by Modifying Chapter 2.08 to Increase the City Manager's Bid Rejection Threshold

Purchasing Officer Pete Gonda presented the staff report.

Public Hearing opened at 11:05 p.m.

No speakers.

Public Hearing closed at 11:05 p.m.

MOTION: Councilmember Meyering moved and Councilmember Hendricks seconded the motion to approve Alternative 2) Introduce an Ordinance adding Section 2.09.220 to Chapter 2.09 of the Sunnyvale Municipal Code (Public Works Contracting) to require the payment of prevailing wages on public works projects.

City Clerk Kathleen Franco Simmons read the ordinance title.

The motion carried by the following vote:

**Yes: 7 -**    Mayor Griffith  
                 Vice Mayor Davis  
                 Councilmember Whittum  
                 Councilmember Meyering  
                 Councilmember Martin-Milius  
                 Councilmember Hendricks  
                 Councilmember Larsson

**No: 0**

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1) Introduce an Ordinance Amending Chapter 2.08 of the Sunnyvale Municipal Code (Purchases of Goods and Services) to modify the City Manager's rejection authority for goods and services procurements.

City Clerk Kathleen Franco Simmons read the ordinance title.

The motion carried by the following vote:

**Yes: 6 -** Mayor Griffith  
Vice Mayor Davis  
Councilmember Whittum  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

**No: 1 -** Councilmember Meyering

- 7**      [14-0953](#)      Receive and File the FY 2013/14 Budgetary Year-End Financial Report, Comprehensive Annual Financial Report, and Sunnyvale Financing Authority Financial Report; and Approve Budget Modification No. 26

Director of Finance Grace Leung presented the staff report.

Public Hearing opened at 11:11 p.m.

No speakers.

Public Hearing closed at 11:11 p.m.

MOTION: Councilmember Meyering moved to place on the next Council meeting agenda consideration of cancelling last July's rate increases for water, sewer and garbage fees given that each one of the fund balances ended \$1-3 million higher than budgeted.

Motion died due to lack of a second.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1: Receive and file the budgetary Year End Financial Report, the audited Comprehensive Annual Financial Report, the Report to the City Council issued by the independent auditors, and the Sunnyvale Financing Authority Financial Report and approve Budget Modification No. 26. The motion carried by the following vote:

**Yes: 7 -** Mayor Griffith  
Vice Mayor Davis  
Councilmember Whittum  
Councilmember Meyering  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

**No: 0**

**COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS****NON-AGENDA ITEMS & COMMENTS****-Council**

Councilmember Whittum reported the comment period for the Bus Rapid Transit DEIR was extended to mid-January and suggested a study session to hear comments from staff on the DEIR.

City Manager Deanna Santana reported a presentation will be scheduled on January 13.

Councilmember Whittum reported the second community workshop regarding Peery Park was held.

Councilmember Whittum reported a VTA press release regarding the completion of ridership projections for North South bus service concepts.

Councilmember Hendricks stated he would like VTA to come back with options based on their study.

Councilmember Whittum suggested a study issue regarding scoping of a project for completion of pedestrian facilities on Tasman between Vienna Drive and the East Channel.

Councilmember Meyering co-sponsored the study issue.

Councilmember Meyering questioned whether a mobile home park can be purchased and the vacancy rate allowed to increase to such a point that the new owner can apply for conversion of the mobile home park. Director of Community Development Hanson Hom provided a response.

Councilmember Meyering proposed a study issue to have the City write and adopt a conflict of interest ordinance in which Councilmembers who accept contributions from companies or individuals would be required to recuse themselves from voting on proposals by the individual or company.

Councilmember Whittum co-sponsored the study issue. Mayor Griffith stated the study issue is not eligible since it was dropped in 2014.

Councilmember Meyering proposed a study issue to have the City make public the proposals and counter proposals that have been made by the City and its bargaining units during negotiation.

Councilmember Whittum co-sponsored the study issue.

Councilmember Meyering proposed a study issue that the City video record negotiations that take place and make those videos accessible to Councilmembers after 10 days.

Councilmember Meyering requested the meeting be closed with a moment of silence in remembrance of long-term Sunnyvale resident Jean Lee.

Mayor Griffith reported his attendance at Java with Jerry, the annual Lakewood Village parade and the annual holiday tree lighting.

**-City Manager**

None.

**INFORMATION ONLY REPORTS/ITEMS**

- |                                |   |
|--------------------------------|---|
| <a href="#"><u>14-0103</u></a> | Tentative Council Meeting Agenda Calendar   |
| <a href="#"><u>14-1099</u></a> | Study Session Summary of November 11, 2014 - El Camino Real Bus Rapid Transit                                   |
| <a href="#"><u>14-0822</u></a> | Study Session Summary of November 25, 2014 - Discussion of Council 2015 Intergovernmental Relations Assignments |
| <a href="#"><u>14-1047</u></a> | Information/Action Items  |

**ADJOURNMENT**

Mayor Griffith adjourned the meeting at 11:50 p.m.



# City of Sunnyvale

## Agenda Item

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14-1138

Agenda Date: 12/16/2014

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### REPORT TO COUNCIL

#### **SUBJECT**

Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

#### **BACKGROUND**

Pursuant to Sunnyvale Charter Section 802(6), the City Manager has approved for payment claims and bills on the following list(s); and checks have been issued.

List No.	Date	Total Disbursements
741	11/30/14 through 12/06/14	\$1,872,462.38

#### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

#### **RECOMMENDATION**

Approve the list(s) of claims and bills.

Prepared by: Pete Gonda, Purchasing Officer  
Reviewed by: Grace K. Leung, Director of Finance  
Reviewed by: Robert A. Walker, Assistant City Manager  
Approved by: Deanna J. Santana, City Manager

#### **ATTACHMENTS**

1. List(s) of Claims and Bills Approved for Payment



12/8/2014

City of Sunnyvale

LIST #741

Page 1

**List of All Claims and Bills Approved for Payment**

For Checks Dated 11/30/14 through 12/06/14

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount	Taken	Amount Paid	Payment Total
100263635	12/3/14	3M	UM24160	Library Periodicals/Databases	3,043.40		0.00	3,043.40	<b>\$3,043.40</b>
100263636	12/3/14	A T & T	OCT2014	Utilities - Telephone	94.66		0.00	94.66	<b>\$94.66</b>
100263637	12/3/14	AWS INC	24709	General Supplies	3,291.78		0.00	3,291.78	<b>\$3,291.78</b>
100263638	12/3/14	ADAMSON POLICE PRODUCTS	INV158697	Miscellaneous Equipment	4,388.06		0.00	4,388.06	<b>\$4,388.06</b>
100263639	12/3/14	AEGIS ITS INC	11954	Services Maintain Land Improv	5,880.00		0.00	5,880.00	<b>\$45,688.43</b>
			11957	Services Maintain Land Improv	2,965.92		0.00	2,965.92	
			11958	Services Maintain Land Improv	4,198.80		0.00	4,198.80	
			11960	Services Maintain Land Improv	630.00		0.00	630.00	
			11966	Services Maintain Land Improv	7,725.10		0.00	7,725.10	
			11973	Services Maintain Land Improv	3,547.13		0.00	3,547.13	
			11974	Services Maintain Land Improv	2,435.44		0.00	2,435.44	
			12021	Services Maintain Land Improv	8,591.06		0.00	8,591.06	
			12027	Services Maintain Land Improv	9,714.98		0.00	9,714.98	
100263640	12/3/14	ANDREA JERIS.COM LLC	Q-1248	Graphics Services	800.00		0.00	800.00	<b>\$800.00</b>
100263641	12/3/14	B & A FRICTION MATERIALS INC	533684	Inventory Purchase	34.28		0.69	33.59	<b>\$33.59</b>
100263642	12/3/14	BACIAA	2014-PMESSIER	Membership Fees	50.00		0.00	50.00	<b>\$50.00</b>
100263643	12/3/14	BADGER METER INC	1021657	Water Meters	20,485.76		0.00	20,485.76	<b>\$20,485.76</b>
100263644	12/3/14	BAY AREA NEWS GROUP DIGITAL FIRST MEDIA	0005310005	Advertising Services	313.00		0.00	313.00	<b>\$538.00</b>
			0005323845	Advertising Services	225.00		0.00	225.00	
100263645	12/3/14	BIBLIOTHECA ITG LLC	SI0007468-US	Misc Equip Maint & Repair - Labor	10,475.66		0.00	10,475.66	<b>\$10,475.66</b>
100263646	12/3/14	BOUND TREE MEDICAL LLC	70201716	Inventory Purchase	-11.42		0.00	-11.42	<b>\$3,084.26</b>
			81587630	Inventory Purchase	39.69		0.00	39.69	
			81616250	Inventory Purchase	79.61		0.00	79.61	
			81620835	Inventory Purchase	2,976.38		0.00	2,976.38	
100263647	12/3/14	CALIFORNIA COOKING INC	5094	Miscellaneous Services	120.06		0.00	120.06	<b>\$120.06</b>
100263648	12/3/14	CALIFORNIA SPORTS CENTER	CSC1111	Rec Instructors/Officials	48,352.28		0.00	48,352.28	<b>\$48,352.28</b>
100263649	12/3/14	CALTEST ANALYTICAL LABORATORY	533852	Water Lab Services	65.60		0.00	65.60	<b>\$65.60</b>
100263650	12/3/14	CENTURY GRAPHICS	40080	Clothing, Uniforms & Access	2,123.41		0.00	2,123.41	<b>\$16,088.35</b>
			40081	Clothing, Uniforms & Access	11,583.82		0.00	11,583.82	
			40096	Clothing, Uniforms & Access	164.81		0.00	164.81	
			40098	Clothing, Uniforms & Access	1,383.07		0.00	1,383.07	
			40099	Clothing, Uniforms & Access	564.49		0.00	564.49	
			40100	Clothing, Uniforms & Access	268.75		0.00	268.75	
100263651	12/3/14	CHALLENGE WORKS INC	2209	Facilities Maint & Repair - Labor	851.56		0.00	851.56	<b>\$851.56</b>
100263652	12/3/14	COLORMASTERS CUSTOM PAINTING & DECORATING	3072	Misc Equip Maint & Repair - Materials	350.00		0.00	350.00	<b>\$2,300.00</b>
			3072	Facilities Maint & Repair - Labor	1,950.00		0.00	1,950.00	
100263653	12/3/14	CORIX WATER PRODUCTS (US) INC	1741330213	Inventory Purchase	1,848.75		17.00	1,831.75	<b>\$2,122.68</b>
			1741330792	Inventory Purchase	293.63		2.70	290.93	
100263654	12/3/14	CUBE SOLUTIONS	16151	Workers' Compensation - Claims	590.35		0.00	590.35	<b>\$590.35</b>
100263655	12/3/14	CUNNINGHAM ELECTRIC INC	8027	Misc Equip Maint & Repair - Labor	1,300.00		0.00	1,300.00	<b>\$3,160.00</b>
			8027	Misc Equip Maint & Repair - Materials	1,860.00		0.00	1,860.00	
100263656	12/3/14	D P NICOLI INC	IS00764	Construction Services	3,401.66		0.00	3,401.66	<b>\$3,401.66</b>
100263657	12/3/14	DAVID GRUGETT	66350000291690	Miscellaneous Equipment Parts & Supplies	100.00		0.00	100.00	<b>\$100.00</b>
100263658	12/3/14	DAVID HEFFERNAN	393154-7671433	Miscellaneous Equipment Parts & Supplies	100.00		0.00	100.00	<b>\$100.00</b>
100263659	12/3/14	DAVID J POWERS & ASSOC INC	9412	Consulting Services	17,042.53		0.00	17,042.53	<b>\$17,042.53</b>
100263660	12/3/14	ESA	111083	Consulting Services	1,351.88		0.00	1,351.88	<b>\$1,351.88</b>
100263661	12/3/14	ENVIRONMENTAL RESOURCE ASSOC	738693	General Supplies	801.56		0.00	801.56	<b>\$801.56</b>
100263662	12/3/14	ERLER & KALINOWSKI INC	38	Consultants	13,740.68		0.00	13,740.68	<b>\$13,740.68</b>

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100263663	12/3/14	FITGUARD INC	0000093046	Misc Equip Maint & Repair - Labor	279.00		0.00	279.00	<b>\$613.95</b>
			0000093046	Misc Equip Maint & Repair - Materials	334.95		0.00	334.95	
100263664	12/3/14	FOOTHILL COLLEGE CENTER FOR TRAINING &	TS15NV02	City Training Program	1,300.00		0.00	1,300.00	<b>\$1,300.00</b>
100263665	12/3/14	GEORGE HILLS CO INC	INV1008082	Liability Claims Adjustor	3,876.10		0.00	3,876.10	<b>\$3,876.10</b>
100263666	12/3/14	GOLDFARB LIPMAN ATTORNEYS	114119	Legal Services	385.00		0.00	385.00	<b>\$7,812.00</b>
			114120	Legal Services	82.50		0.00	82.50	
			114141	Legal Services	4,345.00		0.00	4,345.00	
			114155	Legal Services	2,999.50		0.00	2,999.50	
100263667	12/3/14	GROUND ZERO ANALYSIS INC	25632	Consultants	542.50		0.00	542.50	<b>\$542.50</b>
100263668	12/3/14	HARRIS DESIGN	14.02.03	Graphics Services	500.00		0.00	500.00	<b>\$500.00</b>
100263669	12/3/14	HOWARD ROME MARTIN & RIDLEY LLP	32571	Legal Services	340.78		0.00	340.78	<b>\$340.78</b>
100263670	12/3/14	IMPERIAL SPRINKLER SUPPLY	2128981-01	Materials - Land Improve	1,701.31		0.00	1,701.31	<b>\$1,701.31</b>
100263671	12/3/14	INSIGHT PUBLIC SECTOR INC	1100393853	Computer Hardware	5,415.15		0.00	5,415.15	<b>\$5,415.15</b>
100263672	12/3/14	INTEGRATED ARCHIVE SYSTEMS INC	0076928-IN	Software Licensing & Support	5,040.73		0.00	5,040.73	<b>\$5,040.73</b>
100263673	12/3/14	IRVINE & JACHENS INC	9619	Clothing, Uniforms & Access	2,251.88		0.00	2,251.88	<b>\$8,312.19</b>
			9647	Clothing, Uniforms & Access	1,189.94		0.00	1,189.94	
			9648	Clothing, Uniforms & Access	943.95		0.00	943.95	
			9649	Clothing, Uniforms & Access	3,926.42		0.00	3,926.42	
100263674	12/3/14	KOHLWEISS AUTO PARTS INC	01NT8815	Parts, Vehicles & Motor Equip	-1,074.29		0.00	-1,074.29	<b>\$2,184.23</b>
			01NW0355	Parts, Vehicles & Motor Equip	20.09		0.00	20.09	
			01NX6468	Parts, Vehicles & Motor Equip	27.45		0.00	27.45	
			01NY0222	Parts, Vehicles & Motor Equip	18.07		0.00	18.07	
			01NY0944	Parts, Vehicles & Motor Equip	6.34		0.00	6.34	
			01NY1075	Parts, Vehicles & Motor Equip	41.98		0.00	41.98	
			01NY1765	Parts, Vehicles & Motor Equip	15.71		0.00	15.71	
			01NY1778	Parts, Vehicles & Motor Equip	26.96		0.00	26.96	
			01NY4479	Parts, Vehicles & Motor Equip	8.65		0.00	8.65	
			01NY5906	Inventory Purchase	744.81	14.90		729.91	
			01NY7758	Inventory Purchase	141.84	2.84		139.00	
			01NY8320	Parts, Vehicles & Motor Equip	5.24		0.00	5.24	
			01NY8482	Parts, Vehicles & Motor Equip	-5.24		0.00	-5.24	
			01NY8483	Parts, Vehicles & Motor Equip	5.14		0.00	5.14	
			01NY8508	Parts, Vehicles & Motor Equip	53.97		0.00	53.97	
			01NY9677	Parts, Vehicles & Motor Equip	24.62		0.00	24.62	
			01NY9898	Parts, Vehicles & Motor Equip	20.24		0.00	20.24	
			01NY9992	Parts, Vehicles & Motor Equip	35.44		0.00	35.44	
			01NZ0772	Parts, Vehicles & Motor Equip	8.65		0.00	8.65	
			01NZ1283	Parts, Vehicles & Motor Equip	11.47		0.00	11.47	
			01NZ1437	Parts, Vehicles & Motor Equip	58.28		0.00	58.28	
			01NZ1720	Inventory Purchase	1,081.05	21.62		1,059.43	
			01NZ2003	Inventory Purchase	47.81	0.96		46.85	
			01NZ2736	Inventory Purchase	80.48	1.61		78.87	
			01NZ3054	Inventory Purchase	108.66	2.17		106.49	
			01NZ3332	Parts, Vehicles & Motor Equip	9.96		0.00	9.96	
			01NZ3556	Parts, Vehicles & Motor Equip	60.22		0.00	60.22	
			01NZ3880	Inventory Purchase	848.86	16.98		831.88	
			1NZ2004	Inventory Purchase	-190.97	-3.82		-187.15	
100263677	12/3/14	LC ACTION POLICE SUPPLY	320237	Clothing, Uniforms & Access	170.13		0.00	170.13	<b>\$591.21</b>
			321267	Clothing, Uniforms & Access	304.50		0.00	304.50	

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Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount	Taken	Amount Paid	Payment Total
			321736	Clothing, Uniforms & Access	116.58		0.00	116.58	
100263678	12/3/14	LAW ENFORCEMENT PSYCHOLOGICAL SERV INC	1410425	Investigation Expense	375.00		0.00	375.00	<b>\$3,750.00</b>
			1410426	Investigation Expense	750.00		0.00	750.00	
			1411490	Investigation Expense	375.00		0.00	375.00	
			1411491	Investigation Expense	1,875.00		0.00	1,875.00	
			1411495	Investigation Expense	375.00		0.00	375.00	
100263679	12/3/14	LAWSON PRODUCTS INC	9302895246	Miscellaneous Equipment Parts & Supplies	1,040.24		0.00	1,040.24	<b>\$1,040.24</b>
100263680	12/3/14	LIFETIME TENNIS INC	NSUTHAR090214	Refund Recreation Fees	109.00		0.00	109.00	<b>\$109.00</b>
100263681	12/3/14	LINDA LUPCO	11172014BOOK	DED Services/Training - Books	43.99		0.00	43.99	<b>\$43.99</b>
100263682	12/3/14	LYNGSO GARDEN MATERIALS INC	887103	Materials - Land Improve	2,582.81		0.00	2,582.81	<b>\$2,582.81</b>
100263683	12/3/14	MIDWEST TAPE	92345523	Library Acquis, Audio/Visual	4,771.96		0.00	4,771.96	<b>\$4,837.19</b>
			92350892	Library Acquis, Audio/Visual	65.23		0.00	65.23	
100263684	12/3/14	MISSION LINEN SERVICE	470220417	Laundry & Cleaning Services	53.39		0.00	53.39	<b>\$294.72</b>
			470221378	Laundry & Cleaning Services	20.29		0.00	20.29	
			470221934	Laundry & Cleaning Services	53.39		0.00	53.39	
			470222910	Laundry & Cleaning Services	16.93		0.00	16.93	
			470223462	Laundry & Cleaning Services	53.39		0.00	53.39	
			470224431	Laundry & Cleaning Services	20.29		0.00	20.29	
			470224987	Laundry & Cleaning Services	53.39		0.00	53.39	
			470225966	Laundry & Cleaning Services	23.65		0.00	23.65	
100263685	12/3/14	MY FIRST ART CLASS	085	Rec Instructors/Officials	540.00		0.00	540.00	<b>\$540.00</b>
100263686	12/3/14	NEXTEL COMMUNICATIONS	399952037-116	Utilities - Mobile Phones - City Mobile Phones	42.50		0.00	42.50	<b>\$42.50</b>
100263687	12/3/14	NEXTEL COMMUNICATIONS	194062036-116	Utilities - Mobile Phones - City Mobile Phones	70.18		0.00	70.18	<b>\$70.18</b>
100263688	12/3/14	NEXTEL COMMUNICATIONS	223865314-156	Utilities - Mobile Phones - City Mobile Phones	1,030.34		0.00	1,030.34	<b>\$1,030.34</b>
100263689	12/3/14	OMEGA ENGRAVING	025429	General Supplies	19.50		0.00	19.50	<b>\$19.50</b>
100263690	12/3/14	ORACLE AMERICA INC	42524151	Software Licensing & Support	10,025.15		0.00	10,025.15	<b>\$10,025.15</b>
100263691	12/3/14	P&R PAPER SUPPLY CO INC	30015354-00	Inventory Purchase	1,747.62		0.00	1,747.62	<b>\$2,829.25</b>
			30016181-00	Inventory Purchase	1,081.63		0.00	1,081.63	
100263692	12/3/14	PAYFLEX SYSTEMS USA INC	128934-599928	Insurances - Depend Care & Health Care Rmb Admin Fees	618.50		0.00	618.50	<b>\$618.50</b>
100263693	12/3/14	PMC	41584	Professional Services	160.00		0.00	160.00	<b>\$160.00</b>
100263694	12/3/14	PACIFIC WEST SECURITY INC	0974352	Alarm Services	79.00		0.00	79.00	<b>\$904.00</b>
			0974417	Facilities Maint & Repair - Labor	116.00		0.00	116.00	
			0974418	Facilities Maint & Repair - Labor	199.00		0.00	199.00	
			0974419	Facilities Maint & Repair - Labor	121.00		0.00	121.00	
			0974420	Facilities Maint & Repair - Labor	167.00		0.00	167.00	
			0974421	Facilities Maint & Repair - Labor	89.00		0.00	89.00	
			0974442	Alarm Services	133.00		0.00	133.00	
100263695	12/3/14	PENINSULA BATTERY INC	109954	Inventory Purchase	219.24		0.00	219.24	<b>\$219.24</b>
100263696	12/3/14	PINE CONE LUMBER CO INC	567168	Inventory Purchase	627.26		6.27	620.99	<b>\$620.99</b>
100263697	12/3/14	PORTNOV COMPUTER SCHOOL	10-08-14	DED Services/Training - Training	598.00		0.00	598.00	<b>\$1,196.00</b>
			11-07-14	DED Services/Training - Training	598.00		0.00	598.00	
100263698	12/3/14	PUBLIC SAFETY DATA SYSTEMS LLC	473	Professional Services	2,000.00		0.00	2,000.00	<b>\$2,000.00</b>
100263699	12/3/14	RAHA BOOKS	B-SNV-151	Library Acquisitions, Books	663.27		0.00	663.27	<b>\$663.27</b>
100263700	12/3/14	RAYVERN LIGHTING SUPPLY CO INC	30399-0	Inventory Purchase	1,938.52		0.00	1,938.52	<b>\$1,938.52</b>
100263701	12/3/14	REFRIGERATION SUPPLIES DISTRIBUTOR	38283021-00	Bldg Maint Matls & Supplies	382.55		0.00	382.55	<b>\$382.55</b>

**List of All Claims and Bills Approved for Payment**

For Checks Dated 11/30/14 through 12/06/14

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount	Taken	Amount Paid	Payment Total
100263702	12/3/14	SC FUELS	0202310-IN	Inventory Purchase	1,233.38		0.00	1,233.38	<b>\$687.00</b>
			202310C-CM	Inventory Purchase	-546.38		0.00	-546.38	
100263703	12/3/14	SAFEWAY INC	430686-111914	Food Products	18.96		0.00	18.96	<b>\$54.91</b>
			720954-111714	Food Products	25.98		0.00	25.98	
			803334-112114	Food Products	9.97		0.00	9.97	
100263704	12/3/14	SAGE SOFTWARE INC	2001207709	Software Licensing & Support	2,234.40		0.00	2,234.40	<b>\$2,234.40</b>
100263705	12/3/14	SANDERSON SAFETY SUPPLY CO	8083367-06	Inventory Purchase	243.39		2.24	241.15	<b>\$989.79</b>
			8083560-02	Inventory Purchase	563.76		0.00	563.76	
			8083693-02	Inventory Purchase	184.88		0.00	184.88	
100263706	12/3/14	SANTA CLARA COUNTY TAX COLLECTOR	2745198	Taxes & Licenses - Misc	362.34		0.00	362.34	<b>\$724.68</b>
			2745199	Taxes & Licenses - Misc	362.34		0.00	362.34	
100263707	12/3/14	SANTA CLARA VLY TRANSPORTATION AUTHORITY	PERMITOP0525	Training and Conferences	975.00		0.00	975.00	<b>\$2,565.00</b>
			PERMITOP0525	Taxes & Licenses - Misc	1,590.00		0.00	1,590.00	
100263708	12/3/14	SHIN SHIN TRAINING CENTER	W20140109	DED Services/Training - Training	495.00		0.00	495.00	<b>\$2,475.00</b>
			W20140111	DED Services/Training - Training	495.00		0.00	495.00	
			W20140113	DED Services/Training - Training	495.00		0.00	495.00	
			W20140114	DED Services/Training - Training	495.00		0.00	495.00	
			W20140115	DED Services/Training - Training	495.00		0.00	495.00	
100263709	12/3/14	SIGN WIZ	11425	General Supplies	161.97		0.00	161.97	<b>\$161.97</b>
100263710	12/3/14	SPARTAN TOOL LLC	474650	Inventory Purchase	274.18		0.00	274.18	<b>\$822.93</b>
			475167	Miscellaneous Equipment Parts & Supplies	548.75		0.00	548.75	
100263711	12/3/14	SPECTRATEK LAW ENFORCEMENT TECHNOLOGY	0141535	Misc Equip Maint & Repair - Labor	340.00		0.00	340.00	<b>\$3,779.87</b>
			0141535	Misc Equip Maint & Repair - Materials	3,439.87		0.00	3,439.87	
100263712	12/3/14	STATE WATER RESOURCES CONTROL BOARD	WD-0101828	Taxes & Licenses - Misc	11,195.00		0.00	11,195.00	<b>\$11,195.00</b>
100263713	12/3/14	SUNNYVALE COMMUNITY PLAYERS	111014-111614	Short Term Agency Fund Assets Payable	1,236.00		0.00	1,236.00	<b>\$1,236.00</b>
100263714	12/3/14	SUNNYVALE FORD	429517	Inventory Purchase	850.16		0.00	850.16	<b>\$850.16</b>
100263715	12/3/14	SUNNYVALE WINDUSTRIAL CO INC	634689 00	Hand Tools	90.85		0.00	90.85	<b>\$90.85</b>
100263716	12/3/14	SUSTAINABLE LANDSCAPE DESIGNS	20141120	Services Maintain Land Improv	218.75		0.00	218.75	<b>\$218.75</b>
100263717	12/3/14	TJKM	0043826	Engineering Services	547.50		0.00	547.50	<b>\$547.50</b>
100263718	12/3/14	THOMAS PLUMBING INC	89829	Facilities Maint & Repair - Labor	186.00		0.00	186.00	<b>\$789.00</b>
			89933	Facilities Maint & Repair - Labor	392.00		0.00	392.00	
			89935	Facilities Maint & Repair - Labor	0.00		0.00	0.00	
			89935	Facilities Equipment	211.00		0.00	211.00	
100263719	12/3/14	TINT OF CLASS	141114	Bldg Maint Matls & Supplies	494.48		0.00	494.48	<b>\$494.48</b>
100263721	12/3/14	TURF & INDUSTRIAL EQUIPMENT CO	IV09301	Inventory Purchase	239.79		0.00	239.79	<b>\$239.79</b>
100263722	12/3/14	UNIVERSITY OF CALIFORNIA SANTA CRUZ	56126	DED Services/Training - Training	600.00		0.00	600.00	<b>\$1,656.00</b>
			56274	DED Services/Training - Training	1,056.00		0.00	1,056.00	
100263723	12/3/14	WECK LABORATORIES INC	W4K1073	Water Lab Services	1,487.15		0.00	1,487.15	<b>\$1,487.15</b>
100263724	12/3/14	WEST VALLEY STAFFING GROUP	124264	Professional Services	1,476.56		0.00	1,476.56	<b>\$1,476.56</b>
100263725	12/3/14	YOUNG CHEFS ACADEMY	111214	Rec Instructors/Officials	980.00		0.00	980.00	<b>\$980.00</b>
100263726	12/3/14	DEPT OF FORESTRY & FIRE PROTECTION	122741	Training and Conferences	268.00		0.00	268.00	<b>\$268.00</b>
100263727	12/3/14	DEPT OF FORESTRY & FIRE PROTECTION	122742	Training and Conferences	268.00		0.00	268.00	<b>\$268.00</b>
100263728	12/3/14	G&K SERVICES	1083633864	Laundry & Cleaning Services	12.80		0.00	12.80	<b>\$7,732.96</b>
			1083633865	Laundry & Cleaning Services	17.88		0.00	17.88	
			1083633866	Laundry & Cleaning Services	32.58		0.00	32.58	
			1083633867	Laundry & Cleaning Services	19.62		0.00	19.62	
			1083633868	Laundry & Cleaning Services	33.46		0.00	33.46	

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Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount	Taken	Amount Paid	Payment Total
			1083633869	Laundry & Cleaning Services	41.60		0.00	41.60	
			1083633870	Laundry & Cleaning Services	6.02		0.00	6.02	
			1083633871	Laundry & Cleaning Services	37.84		0.00	37.84	
			1083633872	Laundry & Cleaning Services	65.06		0.00	65.06	
			1083633873	Laundry & Cleaning Services	347.56		0.00	347.56	
			1083633874	Laundry & Cleaning Services	159.89		0.00	159.89	
			1083633875	Laundry & Cleaning Services	65.76		0.00	65.76	
			1083633876	Laundry & Cleaning Services	206.13		0.00	206.13	
			1083633877	Laundry & Cleaning Services	17.60		0.00	17.60	
			1083633878	Laundry & Cleaning Services	8.97		0.00	8.97	
			1083633879	Laundry & Cleaning Services	134.64		0.00	134.64	
			1083633880	Laundry & Cleaning Services	202.52		0.00	202.52	
			1083633881	Laundry & Cleaning Services	11.73		0.00	11.73	
			1083633882	Laundry & Cleaning Services	1.70		0.00	1.70	
			1083633883	Laundry & Cleaning Services	69.30		0.00	69.30	
			1083633884	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083633885	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083633886	Laundry & Cleaning Services	5.12		0.00	5.12	
			1083633887	Laundry & Cleaning Services	8.74		0.00	8.74	
			1083633888	Laundry & Cleaning Services	30.84		0.00	30.84	
			1083633889	Laundry & Cleaning Services	13.42		0.00	13.42	
			1083633890	Laundry & Cleaning Services	12.54		0.00	12.54	
			1083633891	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083633892	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083633893	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083633894	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083635683	Laundry & Cleaning Services	12.80		0.00	12.80	
			1083635684	Laundry & Cleaning Services	17.88		0.00	17.88	
			1083635685	Laundry & Cleaning Services	32.58		0.00	32.58	
			1083635686	Laundry & Cleaning Services	19.62		0.00	19.62	
			1083635687	Laundry & Cleaning Services	33.46		0.00	33.46	
			1083635688	Laundry & Cleaning Services	41.60		0.00	41.60	
			1083635689	Laundry & Cleaning Services	6.02		0.00	6.02	
			1083635690	Laundry & Cleaning Services	37.84		0.00	37.84	
			1083635691	Laundry & Cleaning Services	65.06		0.00	65.06	
			1083635692	Laundry & Cleaning Services	286.04		0.00	286.04	
			1083635693	Laundry & Cleaning Services	158.55		0.00	158.55	
			1083635694	Laundry & Cleaning Services	65.76		0.00	65.76	
			1083635695	Laundry & Cleaning Services	144.61		0.00	144.61	
			1083635696	Laundry & Cleaning Services	17.60		0.00	17.60	
			1083635697	Laundry & Cleaning Services	8.97		0.00	8.97	
			1083635698	Laundry & Cleaning Services	134.64		0.00	134.64	
			1083635699	Laundry & Cleaning Services	201.24		0.00	201.24	
			1083635700	Laundry & Cleaning Services	11.73		0.00	11.73	
			1083635701	Laundry & Cleaning Services	1.70		0.00	1.70	
			1083635702	Laundry & Cleaning Services	69.30		0.00	69.30	
			1083635703	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083635704	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083635705	Laundry & Cleaning Services	5.12		0.00	5.12	
			1083635706	Laundry & Cleaning Services	8.74		0.00	8.74	
			1083635707	Laundry & Cleaning Services	30.84		0.00	30.84	

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			1083635708	Laundry & Cleaning Services	13.42		0.00	13.42	
			1083635709	Laundry & Cleaning Services	12.54		0.00	12.54	
			1083635710	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083635711	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083635712	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083635713	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083637528	Laundry & Cleaning Services	12.80		0.00	12.80	
			1083637529	Laundry & Cleaning Services	17.88		0.00	17.88	
			1083637530	Laundry & Cleaning Services	32.58		0.00	32.58	
			1083637531	Laundry & Cleaning Services	19.62		0.00	19.62	
			1083637532	Laundry & Cleaning Services	33.46		0.00	33.46	
			1083637533	Laundry & Cleaning Services	41.60		0.00	41.60	
			1083637534	Laundry & Cleaning Services	6.02		0.00	6.02	
			1083637535	Laundry & Cleaning Services	37.84		0.00	37.84	
			1083637536	Laundry & Cleaning Services	65.06		0.00	65.06	
			1083637537	Laundry & Cleaning Services	286.04		0.00	286.04	
			1083637538	Laundry & Cleaning Services	158.55		0.00	158.55	
			1083637539	Laundry & Cleaning Services	65.76		0.00	65.76	
			1083637540	Laundry & Cleaning Services	137.89		0.00	137.89	
			1083637541	Laundry & Cleaning Services	17.60		0.00	17.60	
			1083637542	Laundry & Cleaning Services	9.83		0.00	9.83	
			1083637543	Laundry & Cleaning Services	134.64		0.00	134.64	
			1083637544	Laundry & Cleaning Services	202.52		0.00	202.52	
			1083637545	Laundry & Cleaning Services	11.73		0.00	11.73	
			1083637546	Laundry & Cleaning Services	1.70		0.00	1.70	
			1083637547	Laundry & Cleaning Services	69.30		0.00	69.30	
			1083637548	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083637549	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083637550	Laundry & Cleaning Services	5.12		0.00	5.12	
			1083637551	Laundry & Cleaning Services	8.74		0.00	8.74	
			1083637552	Laundry & Cleaning Services	30.84		0.00	30.84	
			1083637553	Laundry & Cleaning Services	13.42		0.00	13.42	
			1083637554	Laundry & Cleaning Services	12.54		0.00	12.54	
			1083637555	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083637556	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083637557	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083637558	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083639357	Laundry & Cleaning Services	12.80		0.00	12.80	
			1083639358	Laundry & Cleaning Services	17.88		0.00	17.88	
			1083639359	Laundry & Cleaning Services	32.58		0.00	32.58	
			1083639360	Laundry & Cleaning Services	19.62		0.00	19.62	
			1083639361	Laundry & Cleaning Services	33.46		0.00	33.46	
			1083639362	Laundry & Cleaning Services	41.60		0.00	41.60	
			1083639363	Laundry & Cleaning Services	6.02		0.00	6.02	
			1083639364	Laundry & Cleaning Services	37.84		0.00	37.84	
			1083639365	Laundry & Cleaning Services	65.06		0.00	65.06	
			1083639366	Laundry & Cleaning Services	286.04		0.00	286.04	
			1083639367	Laundry & Cleaning Services	163.22		0.00	163.22	
			1083639368	Laundry & Cleaning Services	65.76		0.00	65.76	
			1083639369	Laundry & Cleaning Services	137.89		0.00	137.89	
			1083639370	Laundry & Cleaning Services	17.60		0.00	17.60	

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			1083639371	Laundry & Cleaning Services	9.83		0.00	9.83	
			1083639372	Laundry & Cleaning Services	134.64		0.00	134.64	
			1083639373	Laundry & Cleaning Services	202.52		0.00	202.52	
			1083639374	Laundry & Cleaning Services	11.73		0.00	11.73	
			1083639375	Laundry & Cleaning Services	1.70		0.00	1.70	
			1083639376	Laundry & Cleaning Services	69.30		0.00	69.30	
			1083639377	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083639378	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083639379	Laundry & Cleaning Services	5.12		0.00	5.12	
			1083639380	Laundry & Cleaning Services	8.74		0.00	8.74	
			1083639381	Laundry & Cleaning Services	30.84		0.00	30.84	
			1083639382	Laundry & Cleaning Services	13.42		0.00	13.42	
			1083639383	Laundry & Cleaning Services	12.54		0.00	12.54	
			1083639384	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083639385	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083639386	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083639387	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083641218	Laundry & Cleaning Services	12.80		0.00	12.80	
			1083641219	Laundry & Cleaning Services	17.88		0.00	17.88	
			1083641220	Laundry & Cleaning Services	32.58		0.00	32.58	
			1083641221	Laundry & Cleaning Services	19.62		0.00	19.62	
			1083641222	Laundry & Cleaning Services	33.46		0.00	33.46	
			1083641223	Laundry & Cleaning Services	41.60		0.00	41.60	
			1083641224	Laundry & Cleaning Services	6.02		0.00	6.02	
			1083641225	Laundry & Cleaning Services	38.70		0.00	38.70	
			1083641226	Laundry & Cleaning Services	90.63		0.00	90.63	
			1083641227	Laundry & Cleaning Services	311.69		0.00	311.69	
			1083641228	Laundry & Cleaning Services	163.22		0.00	163.22	
			1083641229	Laundry & Cleaning Services	65.76		0.00	65.76	
			1083641230	Laundry & Cleaning Services	137.89		0.00	137.89	
			1083641231	Laundry & Cleaning Services	17.60		0.00	17.60	
			1083641232	Laundry & Cleaning Services	9.83		0.00	9.83	
			1083641233	Laundry & Cleaning Services	134.64		0.00	134.64	
			1083641234	Laundry & Cleaning Services	202.52		0.00	202.52	
			1083641235	Laundry & Cleaning Services	11.73		0.00	11.73	
			1083641236	Laundry & Cleaning Services	1.70		0.00	1.70	
			1083641237	Laundry & Cleaning Services	69.30		0.00	69.30	
			1083641238	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083641239	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083641240	Laundry & Cleaning Services	5.12		0.00	5.12	
			1083641241	Laundry & Cleaning Services	8.74		0.00	8.74	
			1083641242	Laundry & Cleaning Services	30.84		0.00	30.84	
			1083641243	Laundry & Cleaning Services	13.42		0.00	13.42	
			1083641244	Laundry & Cleaning Services	12.54		0.00	12.54	
			1083641245	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083641246	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083641247	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083641248	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083906196	Laundry & Cleaning Services	-24.18		0.00	-24.18	
			1083906199	Laundry & Cleaning Services	-72.80		0.00	-72.80	
100263742	12/3/14	MCMaster CARR SUPPLY CO	17792884	Miscellaneous Equipment Parts & Supplies	68.78		0.00	68.78	<b>\$160.91</b>

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			17792885	Miscellaneous Equipment Parts & Supplies	25.75		0.00	25.75	
			17792886	Miscellaneous Equipment Parts & Supplies	66.38		0.00	66.38	
100263743	12/3/14	SANTA CLARA COUNTY FIRE DEPT	SIPESOKI-0115	Training and Conferences	590.00		0.00	590.00	<b>\$590.00</b>
100263744	12/3/14	SANTA CLARA COUNTY FIRE DEPT	SIPES-022315	Training and Conferences	295.00		0.00	295.00	<b>\$295.00</b>
100263745	12/3/14	SANTA CLARA COUNTY FIRE DEPT	SIPES-020915	Training and Conferences	295.00		0.00	295.00	<b>\$295.00</b>
100263746	12/3/14	STATE WATER RESOURCES CONTROL BOARD	JMURPHEYIII	Membership Fees	300.00		0.00	300.00	<b>\$300.00</b>
100263747	12/3/14	VICTOR HUGO SANTOS	121214EVENT	Professional Services	400.00		0.00	400.00	<b>\$400.00</b>
100263748	12/3/14	ANDREW CHU	IN000058314	Miscellaneous Payment	188.00		0.00	188.00	<b>\$188.00</b>
100263749	12/3/14	AVALONBAY COMMUNITES, INC.	IN000058413	Miscellaneous Payment	750.00		0.00	750.00	<b>\$750.00</b>
100263750	12/3/14	CHITOSE GRUNDLER	257504	Refund Recreation Fees	11.00		0.00	11.00	<b>\$11.00</b>
100263751	12/3/14	DEEPA A. SHARMA	95090	Lib - Lost & Damaged Circulation	17.00		0.00	17.00	<b>\$17.00</b>
100263752	12/3/14	GEORGE AIGELDINGER	257502	Refund Recreation Fees	11.00		0.00	11.00	<b>\$11.00</b>
100263753	12/3/14	KANTHI TANTRY	68995	Lib - Lost & Damaged Circulation	17.00		0.00	17.00	<b>\$17.00</b>
100263754	12/3/14	LOZANO AUTO SERVICE	IN000058151	Miscellaneous Payment	200.00		0.00	200.00	<b>\$200.00</b>
100263755	12/3/14	NEELIMA KOMATINENI	257550	Refund Recreation Fees	11.00		0.00	11.00	<b>\$11.00</b>
100263756	12/3/14	PACIFIWAVE INC	161163-3840	Refund Utility Account Credit	100.22		0.00	100.22	<b>\$100.22</b>
100263757	12/3/14	QUALITY DENTAL	IN000020456	Miscellaneous Payment	208.40		0.00	208.40	<b>\$208.40</b>
100263758	12/3/14	SILICON ANHDRA	IN000061699	Miscellaneous Payment	11.20		0.00	11.20	<b>\$11.20</b>
100263759	12/5/14	AARON'S INDUSTRIAL PUMPING	141125	Facilities Maint & Repair - Labor	150.00		0.00	150.00	<b>\$525.00</b>
			141126	Facilities Maint & Repair - Labor	375.00		0.00	375.00	
100263760	12/5/14	ADVANCED FUEL SERVICES INC	901995RE	Auto Maint & Repair - Labor	2,150.00		0.00	2,150.00	<b>\$2,350.00</b>
			901995REV	Auto Maint & Repair - Labor	-2,200.00		0.00	-2,200.00	
			902039	Auto Maint & Repair - Labor	850.00		0.00	850.00	
			902040	Auto Maint & Repair - Labor	700.00		0.00	700.00	
			902041	Auto Maint & Repair - Labor	850.00		0.00	850.00	
100263761	12/5/14	AIR COOLED ENGINES INC	75595	Parts, Vehicles & Motor Equip	7.69		0.00	7.69	<b>\$7.69</b>
100263762	12/5/14	ALTEC INDUSTRIES INC	10311553	Parts, Vehicles & Motor Equip	63.33		0.00	63.33	<b>\$63.33</b>
100263763	12/5/14	AMFASOFT CORP	GALINAMIKH-02	DED Services/Training - Training	590.00		0.00	590.00	<b>\$4,190.00</b>
			MINHAHUS-01	DED Services/Training - Training	3,600.00		0.00	3,600.00	
100263764	12/5/14	AREA TRUCK DRIVING SCHOOL	6863	DED Services/Training - Training	559.50		0.00	559.50	<b>\$559.50</b>
100263765	12/5/14	ARROWHEAD MOUNTAIN SPRING WATER	14K5727863010	General Supplies	58.84		0.00	58.84	<b>\$117.68</b>
			14K5740142004	General Supplies	58.84		0.00	58.84	
100263766	12/5/14	AUTOTEK SERVICES	25250	Auto Maint & Repair - Labor	1,465.00		0.00	1,465.00	<b>\$1,513.78</b>
			25250	Auto Maint & Repair - Materials	48.78		0.00	48.78	
100263767	12/5/14	AZTEC CONSULTANTS	ANAEROBC123#11	Construction Services	262,457.11		0.00	262,457.11	<b>\$262,457.11</b>
100263768	12/5/14	BSK ASSOCIATES	A424862	General Supplies	245.00		0.00	245.00	<b>\$245.00</b>
100263769	12/5/14	BASCOM TRIM & UPHOLSTERY	163940	Auto Maint & Repair - Labor	212.50		0.00	212.50	<b>\$271.23</b>
			163940	Auto Maint & Repair - Materials	58.73		0.00	58.73	
100263770	12/5/14	BATTERIES USA INC	14856	Parts, Vehicles & Motor Equip	5,578.70		0.00	5,578.70	<b>\$5,578.70</b>
100263771	12/5/14	BUCHANAN AUTO ELECTRIC INC	C49117	Parts, Vehicles & Motor Equip	990.01		0.00	990.01	<b>\$990.01</b>
100263772	12/5/14	BURTONS FIRE INC	S23837	Parts, Vehicles & Motor Equip	165.00		0.00	165.00	<b>\$165.00</b>
100263773	12/5/14	CENTER FOR EMPLOYMENT TRAINING	267460	DED Services/Training - Training	431.30		0.00	431.30	<b>\$431.30</b>
100263774	12/5/14	CLEANSOURCE INC	1562611-00	Inventory Purchase	130.76		0.00	130.76	<b>\$130.76</b>
100263775	12/5/14	COAST PERSONNEL SERVICES INC	238352	Contracts/Service Agreements	801.72		0.00	801.72	<b>\$801.72</b>
100263776	12/5/14	COASTAL TRACTOR	CR24603	Parts, Vehicles & Motor Equip	-297.50		0.00	-297.50	<b>\$1,717.75</b>
			IV60658	Parts, Vehicles & Motor Equip	294.28		0.00	294.28	
			IV60682	Auto Maint & Repair - Labor	0.00		0.00	0.00	
			IV60682	Parts, Vehicles & Motor Equip	54.97		0.00	54.97	
			W048566	Auto Maint & Repair - Labor	460.00		0.00	460.00	



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			W048978	Auto Maint & Repair - Labor	908.50		0.00	908.50	
			WO48230	Parts, Vehicles & Motor Equip	297.50		0.00	297.50	
100263777	12/5/14	CUMMINS PACIFIC LLC	008-8769	Host Fees	493.77		0.00	493.77	<b>\$493.77</b>
100263778	12/5/14	DAPPER TIRE CO INC	41280808	Inventory Purchase	714.48		0.00	714.48	<b>\$2,225.14</b>
			41286401	Inventory Purchase	1,510.66		0.00	1,510.66	
100263779	12/5/14	DEPARTMENT OF JUSTICE	068146	Pre-Employment Testing	32.00		0.00	32.00	<b>\$32.00</b>
100263780	12/5/14	DIANA WILLIAMS	067151813132	Miscellaneous Equipment Parts & Supplies	100.00		0.00	100.00	<b>\$100.00</b>
100263781	12/5/14	EXAMINETICS INC	127767	Occupational Health and Safety Services	5,900.00		0.00	5,900.00	<b>\$5,900.00</b>
100263782	12/5/14	FOSTER BROS SECURITY SYSTEMS INC	264178	Parts, Vehicles & Motor Equip	6.53		0.00	6.53	<b>\$19.58</b>
			264179	Parts, Vehicles & Motor Equip	13.05		0.00	13.05	
100263783	12/5/14	GARDENLAND POWER EQUIPMENT	240714	Misc Equip Maint & Repair - Labor	119.45		0.00	119.45	<b>\$3,326.23</b>
			240714	Misc Equip Maint & Repair - Materials	83.29		0.00	83.29	
			241761	Parts, Vehicles & Motor Equip	54.23		0.00	54.23	
			242151	Misc Equip Maint & Repair - Labor	0.00		0.00	0.00	
			242151	Misc Equip Maint & Repair - Materials	0.00		0.00	0.00	
			242151	Supplies, Safety	570.15		0.00	570.15	
			242151	Hand Tools	43.25		0.00	43.25	
			243663	Parts, Vehicles & Motor Equip	0.00		0.00	0.00	
			243663	Hand Tools	2,455.86		0.00	2,455.86	
100263784	12/5/14	GOLDEN GATE TRUCK CENTER	F005617893:01	Parts, Vehicles & Motor Equip	106.92		0.00	106.92	<b>\$301.33</b>
			F005622222:01	Parts, Vehicles & Motor Equip	183.53		0.00	183.53	
			F005622368:01	Parts, Vehicles & Motor Equip	10.88		0.00	10.88	
100263785	12/5/14	GOODYEAR COMMERCIAL TIRE & SERVICE CTR	189-1085434	Auto Maint & Repair - Labor	75.00		0.00	75.00	<b>\$759.16</b>
			189-1085434	Auto Maint & Repair - Materials	684.16		0.00	684.16	
100263786	12/5/14	GRAINGER	9601212245	Inventory Purchase	482.59		0.00	482.59	<b>\$482.59</b>
100263787	12/5/14	GREENESPORT ASSN	COL112514	Rec Instructors/Officials	900.00		0.00	900.00	<b>\$1,855.00</b>
			SUN112514V	Rec Instructors/Officials	955.00		0.00	955.00	
100263788	12/5/14	HARRIS DESIGN	14.01.03	Engineering Services	2,220.00		0.00	2,220.00	<b>\$2,220.00</b>
100263789	12/5/14	HOUSING AUTHORITY OF THE COUNTY OF	2014-8	Contracts/Service Agreements	928.67		0.00	928.67	<b>\$4,689.67</b>
			2014-8	Outside Group Funding	3,761.00		0.00	3,761.00	
100263790	12/5/14	INFRASTRUCTURE ENGINEERING CORP	7919REV	Engineering Services	10,310.25		0.00	10,310.25	<b>\$10,310.25</b>
100263791	12/5/14	INGRAM LIBRARY SERVICES INC	73962700	Library Acquisitions, Books	-21.43		0.00	-21.43	<b>\$21,619.92</b>
			73962701	Library Acquisitions, Books	-183.51		0.00	-183.51	
			74019992	Library Acquisitions, Books	-104.53		0.00	-104.53	
			74043178	Library Acquisitions, Books	-333.67		0.00	-333.67	
			75994164	Library Acquisitions, Books	-102.73		0.00	-102.73	
			80854214	Library Acquisitions, Books	-19.41		0.00	-19.41	
			80971251	Library Acquisitions, Books	6.53		0.00	6.53	
			81113050	Library Acquisitions, Books	-23.52		0.00	-23.52	
			81113051	Library Acquisitions, Books	-12.04		0.00	-12.04	
			81790734	Library Acquisitions, Books	550.40		0.00	550.40	
			81790735	Library Acquisitions, Books	7,797.01		0.00	7,797.01	
			81790735	Library Materials Preprocessing	564.91		0.00	564.91	
			81790736	Library Acquisitions, Books	5,117.91		0.00	5,117.91	
			81790736	Library Materials Preprocessing	331.18		0.00	331.18	
			81790737	Library Acquisitions, Books	1,667.95		0.00	1,667.95	
			81790737	Library Materials Preprocessing	177.31		0.00	177.31	
			81790738	Library Acquisitions, Books	4,743.86		0.00	4,743.86	
			81790738	Library Materials Preprocessing	488.15		0.00	488.15	

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			81790739	Library Acquisitions, Books	930.12		0.00	930.12	
			81790739	Library Materials Preprocessing	45.43		0.00	45.43	
100263794	12/5/14	JESSE LOPEZ	12032014	Advance Disability Payment	5,456.52		0.00	5,456.52	<b>\$5,456.52</b>
100263795	12/5/14	KOHLWEISS AUTO PARTS INC	01NZ2004	Inventory Purchase	-190.97		0.00	-190.97	<b>\$181.01</b>
			01NZ5431	Inventory Purchase	103.06		2.06	101.00	
			01NZ5518	Inventory Purchase	45.07		0.90	44.17	
			01NZ6142	Inventory Purchase	54.33		1.09	53.24	
			01NZ6149	Inventory Purchase	-13.58		0.00	-13.58	
			1NZ2004REV	Inventory Purchase	187.15		0.00	187.15	
100263796	12/5/14	L N CURTIS & SONS INC	1335070-00	Clothing, Uniforms & Access	36.98		0.00	36.98	<b>\$122.89</b>
			1335100-00	Clothing, Uniforms & Access	85.91		0.00	85.91	
100263797	12/5/14	LEHR AUTO ELECTRIC	28219	Parts, Vehicles & Motor Equip	410.99		0.00	410.99	<b>\$410.99</b>
100263798	12/5/14	M & R REPAIR CO	10143	Bldg Maint Matls & Supplies	541.57		0.00	541.57	<b>\$541.57</b>
100263799	12/5/14	MARIA LOZANO	349933-1811420	DED Services/Training - Books	41.98		0.00	41.98	<b>\$41.98</b>
100263800	12/5/14	MISSION LINEN SERVICE	470213830	Laundry & Cleaning Services	50.94		0.00	50.94	<b>\$883.61</b>
			470215315	Laundry & Cleaning Services	47.58		0.00	47.58	
			470216834	Laundry & Cleaning Services	50.94		0.00	50.94	
			470218352	Laundry & Cleaning Services	62.06		0.00	62.06	
			470219873	Laundry & Cleaning Services	62.06		0.00	62.06	
			470220725	Laundry & Cleaning Services	39.82		0.00	39.82	
			470221075	Laundry & Cleaning Services	43.18		0.00	43.18	
			470221383	Laundry & Cleaning Services	31.41		0.00	31.41	
			470221384	Laundry & Cleaning Services	62.06		0.00	62.06	
			470222254	Laundry & Cleaning Services	21.98		0.00	21.98	
			470222609	Laundry & Cleaning Services	33.10		0.00	33.10	
			470222915	Laundry & Cleaning Services	16.93		0.00	16.93	
			470222916	Laundry & Cleaning Services	44.22		0.00	44.22	
			470223775	Laundry & Cleaning Services	39.82		0.00	39.82	
			470224127	Laundry & Cleaning Services	33.10		0.00	33.10	
			470224436	Laundry & Cleaning Services	36.46		0.00	36.46	
			470224437	Laundry & Cleaning Services	50.94		0.00	50.94	
			470225305	Laundry & Cleaning Services	39.82		0.00	39.82	
			470225663	Laundry & Cleaning Services	39.82		0.00	39.82	
			470225971	Laundry & Cleaning Services	26.43		0.00	26.43	
			470225972	Laundry & Cleaning Services	50.94		0.00	50.94	
100263802	12/5/14	MISSION VALLEY FORD TRUCK SALES INC	679853	Parts, Vehicles & Motor Equip	10.96		0.00	10.96	<b>\$51.92</b>
			679861	Parts, Vehicles & Motor Equip	40.96		0.00	40.96	
100263803	12/5/14	NAPA AUTO PARTS	141443	Parts, Vehicles & Motor Equip	7.67		0.00	7.67	<b>\$756.00</b>
			141910	Parts, Vehicles & Motor Equip	31.95		0.00	31.95	
			141975	Parts, Vehicles & Motor Equip	162.02		0.00	162.02	
			142819	Parts, Vehicles & Motor Equip	40.20		0.00	40.20	
			143414	Parts, Vehicles & Motor Equip	222.17		0.00	222.17	
			143434	Parts, Vehicles & Motor Equip	141.36		0.00	141.36	
			143769	Parts, Vehicles & Motor Equip	5.68		0.00	5.68	
			143902	Parts, Vehicles & Motor Equip	13.59		0.00	13.59	
			144773	Parts, Vehicles & Motor Equip	88.59		0.00	88.59	
			144848	Parts, Vehicles & Motor Equip	42.77		0.00	42.77	
100263804	12/5/14	NATIONAL GARAGE DOOR STORAGE	RETDEP1402-15	Deposits Payable - Miscellaneous	8,100.00		0.00	8,100.00	<b>\$8,100.00</b>
100263805	12/5/14	ON ASSIGNMENT LAB SUPPORT	LAB550010740	Salaries - Contract Personnel	771.75		0.00	771.75	<b>\$771.75</b>
100263806	12/5/14	OPTIMUM COMPOSITE TECHNOLOGIES LLC 1538		Parts, Vehicles & Motor Equip	6,139.00		0.00	6,139.00	<b>\$6,139.00</b>

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100263807	12/5/14	OTIS ELEVATOR COMPANY	SJ27202001	Facilities Maint & Repair - Labor	300.38		0.00	300.38	<b>\$300.38</b>
100263808	12/5/14	P&R PAPER SUPPLY CO INC	30016181-01	Inventory Purchase	134.42		0.00	134.42	<b>\$1,151.99</b>
			30016817-00	Inventory Purchase	1,017.57		0.00	1,017.57	
100263809	12/5/14	PEARSON BUICK GMC	246624	Parts, Vehicles & Motor Equip	12.02		0.00	12.02	<b>\$290.09</b>
			247185	Parts, Vehicles & Motor Equip	268.37		0.00	268.37	
			247220	Parts, Vehicles & Motor Equip	9.70		0.00	9.70	
100263810	12/5/14	PERKINELMER LIFE & ANALYTICAL SCIENCES	5303303377	General Supplies	637.05		0.00	637.05	<b>\$637.05</b>
100263811	12/5/14	PINE CONE LUMBER CO INC	568198	Misc Equip Maint & Repair - Materials	53.14		0.00	53.14	<b>\$53.14</b>
100263812	12/5/14	R & B CO	S1450049.001	Materials - Land Improve	15,464.92		0.00	15,464.92	<b>\$15,464.92</b>
100263813	12/5/14	RANKIN STOCK HEABERLIN	32242	Legal Services	6,367.00		0.00	6,367.00	<b>\$6,949.73</b>
			32243	Legal Services	582.73		0.00	582.73	
100263814	12/5/14	RAYVERN LIGHTING SUPPLY CO INC	30500-0	Inventory Purchase	1,779.72		0.00	1,779.72	<b>\$1,779.72</b>
100263815	12/5/14	REED & GRAHAM INC	823078	Materials - Land Improve	1,546.81		0.00	1,546.81	<b>\$2,560.75</b>
			823178	Materials - Land Improve	1,013.94		0.00	1,013.94	
100263816	12/5/14	ROSS RECREATION EQUIPMENT CO INC	95959	Materials - Land Improve	331.63		0.00	331.63	<b>\$331.63</b>
100263817	12/5/14	ROYAL BRASS INC	744924-001	Parts, Vehicles & Motor Equip	44.95		0.00	44.95	<b>\$44.95</b>
100263818	12/5/14	ROYAL COACH TOURS INC	3288	Travel Related Services	1,000.75		0.00	1,000.75	<b>\$1,000.75</b>
100263819	12/5/14	SAFARILAND LLC	I14-137049	General Supplies	97.60		0.00	97.60	<b>\$97.60</b>
100263820	12/5/14	SAFEWAY INC	804216-120314	Food Products	60.04		0.00	60.04	<b>\$60.04</b>
100263821	12/5/14	SECURITY CONTRACTOR SERVICES INC	455688A-IN	Materials - Land Improve	11.10		0.00	11.10	<b>\$11.10</b>
100263822	12/5/14	SUNGARD PUBLIC SECTOR USERS	SUNY2015	Membership Fees	195.00		0.00	195.00	<b>\$195.00</b>
100263823	12/5/14	SUNNYVALE FORD	428627	Parts, Vehicles & Motor Equip	831.06		0.00	831.06	<b>\$4,977.27</b>
			428858	Parts, Vehicles & Motor Equip	224.47		0.00	224.47	
			429370	Parts, Vehicles & Motor Equip	39.67		0.00	39.67	
			429380	Parts, Vehicles & Motor Equip	72.62		0.00	72.62	
			429397	Parts, Vehicles & Motor Equip	423.11		0.00	423.11	
			429550	Parts, Vehicles & Motor Equip	17.40		0.00	17.40	
			429889	Inventory Purchase	425.08		0.00	425.08	
			CM428627	Parts, Vehicles & Motor Equip	-340.04		0.00	-340.04	
			CM429397	Parts, Vehicles & Motor Equip	-423.11		0.00	-423.11	
			FOCS702707	Auto Maint & Repair - Labor	770.00		0.00	770.00	
			FOCS702707	Auto Maint & Repair - Materials	2,937.01		0.00	2,937.01	
			FOCS702707	Parts, Vehicles & Motor Equip	0.00		0.00	0.00	
100263824	12/5/14	SUNNYVALE TOWING INC	282507	Vehicle Towing Services	40.00		0.00	40.00	<b>\$120.00</b>
			285762	Vehicle Towing Services	40.00		0.00	40.00	
			285763	Vehicle Towing Services	40.00		0.00	40.00	
100263825	12/5/14	SUNNYVALE WINDUSTRIAL CO INC	634477 00	Materials - Land Improve	15.64		0.00	15.64	<b>\$15.64</b>
100263826	12/5/14	SUREPATH FINANCIAL SOLUTIONS	063014-121	Professional Services	175.00		0.00	175.00	<b>\$175.00</b>
100263827	12/5/14	TARGET SPECIALTY PRODUCTS INC	1715214	Materials - Land Improve	1,215.46		0.00	1,215.46	<b>\$4,894.33</b>
			1716473	Materials - Land Improve	3,678.87		0.00	3,678.87	
100263828	12/5/14	THOMAS PLUMBING INC	89830	Services Maintain Land Improv	164.00		0.00	164.00	<b>\$374.90</b>
			89953	Facilities Maint & Repair - Labor	142.50		0.00	142.50	
			89953	Facilities Maint & Repair - Materials	68.40		0.00	68.40	
100263829	12/5/14	TREVOR SCOTT	0015-246404121	DED Services/Training - Support Services	245.00		0.00	245.00	<b>\$490.00</b>
			0015-2465-6376	DED Services/Training - Support Services	245.00		0.00	245.00	
100263830	12/5/14	TURF & INDUSTRIAL EQUIPMENT CO	IV09153	Parts, Vehicles & Motor Equip	867.61		0.00	867.61	<b>\$1,439.68</b>
			IV09167	Auto Maint & Repair - Labor	0.00		0.00	0.00	
			IV09167	Parts, Vehicles & Motor Equip	396.94		0.00	396.94	
			RO20914	Auto Maint & Repair - Labor	175.13		0.00	175.13	

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[illegible]



# City of Sunnyvale

## Agenda Item

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14-0331

Agenda Date: 12/16/2014

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### REPORT TO COUNCIL

#### SUBJECT

Approve Budget Modification No. 33 to Appropriate \$25,000 Donation from Kilroy Realty Corporation for Tree Planting and Maintenance in a Target Area within the SNAIL Neighborhood

#### DONATION SUMMARY

In FY 2013/14 the City received feedback and recommendations regarding the visual and traffic impacts of the multi-story office buildings owned by Kilroy Realty Corporation at the intersection of Maude and Mathilda Avenues. The City met and consulted with individual residents, the Sunnyvale Neighbors of Arbor Including LaLinda (SNAIL) and Sunnyvale Residents for Preserving and Enhancing Quality Neighborhoods (SRPEQN) neighborhood groups, and the building's owner, developer and tenant.

In partial response to the feedback, Kilroy Realty Corporation made a donation of \$25,000 towards landscaping the area at the end of West Duane Avenue.

The Division of Trees in the Department of Public Works will be responsible for the management of the donation. The City broke ground at the West Duane Avenue location in August and has since completed the project, installing a planter bed and multiple trees in the area. Any remaining funds will help supplement the watering and care of additional new street trees planted throughout the target area of the neighborhood. The target area includes residences within the area that is east of N. Mathilda, north of W. Maude, west of Borregas, and south of W. Ferndale Avenue.

#### EXISTING POLICY

##### **Council Policy 7.1.5 Donations, Contributions and Sponsorships:**

The City Manager may accept or reject donations, contributions and sponsorships, both solicited and unsolicited, of money, equipment and in-kind contributions to City Departments or the City in general up to \$100,000, so long as they do not require a local match or obligate the City to ongoing expenses not already planned in the City's Resource Allocation Plan. Donated funds will be expended for the specific purpose as agreed upon with the donor or for general purposes, as one-time supplements to the department's operating budget. Donations of equipment will be considered based on program outcomes, department goals and needs, maintenance costs and replacement costs. The donor must be informed in writing if the equipment is not to be replaced. Each donation will be evaluated for usefulness and costs of potential replacement and rental rates will be considered.

#### ENVIRONMENTAL REVIEW

This activity does not require environmental review because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment. CEQA Guidelines Section 15061(b)(3).

**FISCAL IMPACT**Required Local Match

None

Increased Cost To City Upon Grant Termination

New trees planted through this donation will be maintained with the remaining donated funds until exhausted. At that time, the maintenance will be absorbed within the Department of Public Works operating budget.

Budget Modification No. 33 has been prepared to appropriate the Kilroy Realty Corporation donation funds in the amount of \$25,000 for tree planting and maintenance in a target area within the SNAIL neighborhood.

**Budget Modification No. 33  
FY 2014/2015**

	<b>Current</b>	<b>Increase/ (Decrease)</b>	<b>Revised</b>
<b>General Fund</b>			
<u>Revenues</u>			
Kilroy Realty Corporation Donation	\$0	\$25,000	\$25,000
<u>Expenditures</u>			
New Project: SNAIL Neighborhood Tree Planting and Maintenance	\$0	\$25,000	\$25,000

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

**RECOMMENDATION**

Approve Budget Modification No. 33 to appropriate a \$25,000 donation from Kilroy Realty Corporation for tree planting and maintenance in a target area within the SNAIL Neighborhood.

Prepared by: Yvette Blackford, Senior Management Analyst

Reviewed by: Manuel Pineda, Director, Department of Public Works

Reviewed by: Timothy J. Kirby, Assistant Director, Department of Finance

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager



# City of Sunnyvale

## Agenda Item

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14-1085

Agenda Date: 12/16/2014

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### REPORT TO COUNCIL

#### SUBJECT

Approve Budget Modification No. 30 to Appropriate \$18,000 of Sourcewise Grant Funds for Care Management Services

#### GRANT SUMMARY

On June 2013, the Department of Library and Community Services (LCS) was awarded a grant for care management services from Sourcewise (previously known as the Council on Aging - Silicon Valley). The grant was funded on a two year cycle at \$18,000 per year and the first year contract was implemented on July 2, 2013. On June 24, 2014 the City Manager entered into a contract to accept grant funds to complete the second year of the funding cycle.

Funds will be used by LCS to augment Care Management services. The City of Sunnyvale has two part-time Care Managers on staff, currently working 900 hours a year. Through this grant, Sourcewise will support an additional 513 hours of Care Management services.

The Community Services Division in the Department of Library and Community Services will be responsible for the management of the grant.

#### Granting Agency

Funding is from Sourcewise pursuant to the Older Americans Act of 1965 (OAA) from Title III B. The OAA was signed into law to meet the diverse needs of the growing numbers of older persons in the United States. The OAA set out specific objectives for maintaining the dignity and welfare of older individuals and created the primary vehicle for organizing, coordinating and providing community-based services and opportunities for older Americans and their families. Sourcewise is the designated area agency for Santa Clara County under the OAA with responsibility for administering its various programs.

Sourcewise provides services and support to seniors in Santa Clara County. Their mission has been expanded beyond seniors and caregivers to include persons with disabilities and all adults in Santa Clara County. The agency collaborates with Santa Clara County, state, and local networks to provide a streamlined approach to service and support systems.

Sourcewise has a long history in Santa Clara County of using Title III B funds available under the OAA to fund care management services.

#### EXISTING POLICY

##### **Council Policy 7.1.5 Donations, Contributions and Sponsorships:**

The City Manager may apply for grants of any dollar amount, but shall notify the Council when grants

are being pursued. Council approval of a budget modification to appropriate grant monies is required before funds can be expended by staff. Such a budget modification shall include the use to which the grant would be placed; the objectives or goals of the City which will be achieved through use of the grant; the local match required, if any, plus the source of the local match; any increased cost to be locally funded upon termination of the grant; and the ability of the City to administer the grant. For grants under the amount of \$5,000 that do not have any external reporting requirements or any local match requirement, Council approval of a budget modification is not required. The City Manager is authorized to accept and administratively appropriate the grant funds.

This grant does not meet all of the criteria to be administratively appropriated by the City Manager; therefore a budget modification is required.

**Council Policy 5.1G**

Enhance the provision of health and social services to Sunnyvale residents by providing opportunities for the private marketplace to meet the health and social service needs of City residents.

**Council Policy 5.1I**

Monitor human service needs of the community in order to identify appropriate responses and encourage the provision of needed services.

**Council Policy 5.1J**

Encourage and support a network of human services that provides for the basic needs of Sunnyvale's residents.

**Council Policy 5.1J.2**

The City shall assume an advocate role to manage the use of its resources to meet Human Services needs in Sunnyvale.

**ENVIRONMENTAL REVIEW**

This activity does not require environmental review because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment. CEQA Guidelines Section 15061(b)(3).

**FISCAL IMPACT****Required Local Match**

The Community Services Division is already budgeted to provide a half-time Care Manager in Program 626: Arts and Recreation Programs. An additional 900 hours were appropriated for one year with the FY 2014/15 Budget into Project 829640 - Care Management Enhancement, as part of a special project to expand Care Management services. The grant funding from Sourcewise will enable the City to increase the amount of service available to the community. The City has met Sourcewise's requirement by funding a minimum of 1,350 hours of service.

**Increased Cost To City Upon Grant Termination**

None

Budget Modification No. 30 has been prepared to appropriate Sourcewise Community Resource Solutions grant funds in the amount of \$18,000 to Project 829640 - Care Management Enhancement.



Budget Modification No. 30			
FY 2014/15			
	Current	Increase/ (Decrease)	Revised
<b>General Fund</b>			
<u>Revenues</u>			
Sourcewise Community	0	\$18,000	\$18,000
Resource Solutions Grant			
<u>Expenditures</u>			
Project 829640 - Care	\$40,000	\$18,000	\$58,000
Management			
Enhancement			

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

**RECOMMENDATION**

Approve Budget Modification No. 30 to appropriate Sourcewise grant funds in the amount of \$18,000 to Project 829640 - Care Management Enhancement.

Prepared by: Gerard Manuel, Community Services Manager

Reviewed by: Lisa G. Rosenblum, Director, Library and Community Services

Reviewed by: Grace K. Leung, Director, Department of Finance

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager



# City of Sunnyvale

## Agenda Item

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14-1102

Agenda Date: 12/16/2014

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### REPORT TO COUNCIL

#### SUBJECT

Approve Budget Modification No. 31 to Increase the Budgeted Amount to Purchase Water Meters for New Developments

#### BACKGROUND

Over the past three years, the City has been experiencing very high development activity. This impacts City operations in many ways, including the water, sewer, and garbage and recycling utilities. Each new development project, regardless of type, connects to the City's water and sewer systems, and has to allocate space and facilities for the removal of garbage and recyclables. With regards to water service, the City delivers and bills for water service through water meters at each property and therefore requires the installation of water meters at each new development. The City budgets and accounts for water meters purchased for new development projects through a capital project, which keeps expenses for development related meters separate from those that are maintained and replaced through the regular operating budget. The project provides for the purchase, testing and installation of water meters, detector checks, vaults and backflow prevention devices for new developments and customers. Costs for this project are offset by developers who normally deposit funds with the City 12 to 18 months before the meters are ordered for installation. Additionally, project funding allows staff to purchase equipment ahead of time, taking advantage of bulk purchasing, and so installation can happen promptly, providing better customer service.

The budget for development related water meters is estimated based on historical average expenditures. However, due to the current high level of activity, approval of Budget Modification No. 31 is being requested to increase the budget by \$191,590 for a total of \$273,190 for FY 2014/15.

#### ENVIRONMENTAL REVIEW

This is not a project as defined in Section 15378 of the Guidelines to the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the activity in question may have a significant impact on the environment (CEQA Guideline 15061(b)(3)).

#### DISCUSSION

The total available budget for FY 2014/15 is \$81,600. However, to date water meter orders to support new land developments throughout the City have reached \$140,000. In addition, based on pending new developments, approximately \$133,500 in additional cost will be incurred. As a result, staff has estimated that this project needs to be increased by \$191,590 for a total project amount of \$273,190. This estimate is based on future expected meter costs associated with several large residential housing and mixed use projects, as well as continued commercial development including the Moffett Park development where multiple large sized meters will be required.

**FISCAL IMPACT**

Budget Modification No. 31 has been created to provide additional funding for this project. Funding for this budget modification will come from the Water Supply and Distribution Fund Rate Stabilization Reserve. However, all costs associated with purchasing meters for new development are recovered from developers. Over the past several years, revenues have exceeded expectations, with the most recent year totaling approximately \$220,000 and current year revenues are on track to meet projections. Therefore the impact on the Rate Stabilization Reserve is mitigated by a corresponding increase in revenue.

**Budget Modification No. 31  
FY 2014/15**

	<b>Current</b>	<b>Increase/ (Decrease)</b>	<b>Revised</b>
<b>Water Supply and Distribution Fund Expenditures</b>			
Project 806351 - Water Meters and Flow Devices for New Developments	\$81,600	\$191,590	\$273,190
<b>Reserves</b>			
Water Supply and Distribution Fund Rate Stabilization Reserve	\$3,330,411	(\$191,590)	\$3,138,821

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

**RECOMMENDATION**

Approve Budget Modification No. 31 to Increase the Current Year Budgeted Amount for the Water Meters for New Development Project by \$191,590.

Prepared by: Mansour Nasser, Water & Sewer Division Manager  
 Reviewed by: Grace K. Leung, Director of Finance  
 Reviewed by: John Stufflebean, Director of Environmental Services  
 Reviewed by: Robert A. Walker, Assistant City Manager  
 Approved by: Deanna J. Santana, City Manager



# City of Sunnyvale

## Agenda Item

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14-1104

Agenda Date: 12/16/2014

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### REPORT TO COUNCIL

#### SUBJECT

Award of Contract for Management of the Sunnyvale Government Access and Public Access Channels (F15-05)

#### REPORT IN BRIEF

Approval is requested to award a three-year contract in an amount not-to-exceed \$195,000 to Mountain View Community Television for management of the Sunnyvale Government Access Channels KSUN 15 and Channel 26 as required by the Office of the City Manager, and to authorize the City Manager to renew the contract for up to two additional years, subject to available funding and acceptable service. The proposed contract consists of \$55,000 per year for existing broadcast services and \$15,000 per year in FY 2015/16 and FY 2016/17 for optional additional Channel 26 programming, the latter subject to Council appropriation during the FY 2015/16 budget cycle.

#### ENVIRONMENTAL REVIEW

N/A

#### BACKGROUND AND DISCUSSION

Mountain View Community Television (KMVT) is the non-profit organization currently providing broadcast services for Sunnyvale's City Council and Planning Commission meetings. They also have long-standing contracts to provide similar services for Mountain View, Cupertino, Los Altos and Foster City. KMVT has been performing this service for the City since 2004, including broadcasting special meetings and events such as the annual State of the City and the Budget/Study Issues Workshop. This contract will continue existing broadcasting services (KSUN 15 and Channel 26) and includes an option for additional Channel 26 programming and broadcasting services that the City could consider permanently adding in the future.

Section 2.08.070 of the Sunnyvale Municipal Code exempts from competitive bidding specialized services such as those provided by KMVT, as well as services for which bidding would be impractical. KMVT's non-profit status, tenure with the City, experience and familiarity with the City's broadcast control room operations and technical equipment, close proximity to City Hall and range of broadcasting and community-based programming services all continue to make them the most viable provider for the specialized services needed by the City.

#### FISCAL IMPACT

Budgeted funds for the existing broadcast services in the amount of \$55,000 annually are available in operating program 723 (Office of the City Manager). A special project to pilot the additional Channel 26 programming in the amount of \$30,000 over two years will be proposed for funding in the FY 2015/16 Recommended Budget. Should the project not be approved, this optional service will not be utilized.

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

**RECOMMENDATION**

1) Award a three-year contract to Mountain View Community Television, in substantially the same form as the attached Consultant Services Agreement, not to exceed \$195,000, for management of the Sunnyvale government access and public access channels, and 2) Authorize the City Manager to renew the contract for up to two additional years, provided that funding is available and service remains acceptable.

Prepared by: Pete Gonda, Purchasing Officer

Reviewed by: Grace K. Leung, Director, Finance

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

**ATTACHMENT**

1. Draft Consultant Services Agreement

**CONSULTANT SERVICE AGREEMENT BETWEEN THE CITY OF SUNNYVALE  
AND MOUNTAIN VIEW COMMUNITY TELEVISION  
FOR MANAGEMENT OF THE SUNNYVALE GOVERNMENT ACCESS  
AND PUBLIC ACCESS CHANNELS**

THIS AGREEMENT, dated \_\_\_\_\_, 2014, is by and between the CITY OF SUNNYVALE, a municipal corporation ("CITY"), and MOUNTAIN VIEW COMMUNITY TELEVISION, a non-profit corporation ("CONSULTANT").

WHEREAS, CITY is in need of specialized services in relation to the management of the CITY'S Government Access Channel KSUN 15 and Channel 26; and

WHEREAS, CONSULTANT possesses the skill and expertise to provide the required services;

NOW, THEREFORE, THE PARTIES ENTER INTO THIS AGREEMENT.

1. Services by CONSULTANT

CONSULTANT shall provide services in accordance with Exhibits A, B and D attached and incorporated by reference. CONSULTANT shall determine the method, details and means of performing the services. The parties agree that the nature of the services to be provided by CONSULTANT may necessitate that the services be performed on CITY'S premises. CITY therefore agrees to furnish space on its premises for use by CONSULTANT while performing these services.

2. Time for Performance

The term of this contract shall be for a three (3) year period, effective January 1, 2015, through December 31, 2017 with an option to renew annually for up to two (2) additional years subject to funding availability. CONSULTANT shall deliver the agreed upon services as specified in Exhibit A.

3. Duties of CITY

CITY shall supply any documents, equipment or information available to CITY required by CONSULTANT for performance of its duties. Any materials provided shall be returned to CITY upon completion of the work.

4. Compensation

CITY agrees to pay CONSULTANT for the services rendered pursuant to this Agreement the amounts in Exhibit B, subject to the budget appropriation, payment provisions and not-to-exceed sums set forth in this section.

In no event shall the total amount of compensation payable under this agreement exceed the sum of One-hundred Ninety Five Thousand Dollars (\$195,000), unless upon written modification of this Agreement executed by both parties.

In no event shall the total amount of compensation payable under this agreement for management of Government Access Channels KSUN 15 and Channel 26 exceed the sum of Fifty-five Thousand Dollars (\$55,000) per year, unless upon written modification of this Agreement executed by both parties.

In no event shall the total amount of compensation payable under this agreement for Optional Channel 26 Public Access programming services exceed the sum of Thirty Thousand Dollars (\$30,000), unless upon written modification of this Agreement executed by both parties. Compensation to CONSULTANT for the Optional Channel 26 Public Access programming services is dependent upon funding appropriation by CITY.

All invoices for payment, including detailed backup, shall be sent to City of Sunnyvale, Accounts Payable, PO Box 3707, Sunnyvale, CA 94088-3707.

5. Conflict of Interest

CONSULTANT shall avoid all conflicts of interest, or appearance of conflict, in performing the services and agrees to immediately notify CITY of any facts that may give rise to a conflict of interest. CONSULTANT is aware of the prohibition that no officer of CITY shall have any interest, direct or indirect, in this Agreement or in the proceeds thereof. During the term of this Agreement CONSULTANT shall not accept employment or an obligation which is inconsistent or incompatible with CONSULTANT'S obligations under this Agreement.

6. Confidential Information

CONSULTANT shall maintain in confidence and at no time use, except to the extent required to perform its obligations hereunder, any and all proprietary or confidential information of CITY of which CONSULTANT may become aware in the performance of its services.

7. Compliance with Laws

- a. CONSULTANT shall strictly adhere to all state and federal laws with respect to discrimination in employment and shall not discriminate against any individual on the basis of race, color, religion, gender, sexual orientation, marital status, national origin, age, or disability.
- b. CONSULTANT shall comply with all federal, state and city laws, statutes, ordinances, rules and regulations and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this Agreement.

8. Independent Contractor

CONSULTANT is acting as an independent contractor in furnishing the services or materials and performing the work required by this Agreement and is not an agent, servant or employee of CITY. Nothing in this Agreement shall be interpreted or construed as creating or establishing the relationship of employer and employee between CITY and CONSULTANT. CONSULTANT is responsible for paying all required state and federal taxes.

9. Indemnity

CONSULTANT agrees to indemnify and hold harmless CITY and its officers, officials, employees and volunteers from and against claims, damages, losses and expenses, including attorneys' fees, arising out of the performance of the work described herein, caused in whole or in part by any negligent act or omission of CONSULTANT, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, except where caused by the active negligence, sole negligence, or willful misconduct of CITY.

10. Insurance

CONSULTANT shall take out and maintain, during the life of this Agreement, policies of insurance as specified in Exhibit C, attached and incorporated by reference, and shall provide all certificates and endorsements as specified in Exhibit C.

11. CITY Representative

Jennifer Garnett, the CITY's Communications Officer, as the City Manager's authorized representative, shall represent CITY in all matters pertaining to the services to be rendered under this Agreement. All requirements of CITY pertaining to the services and materials to be rendered under this Agreement shall be coordinated through the CITY representative.

12. CONSULTANT Representative

Shelley Wolfe, Executive Director, shall represent CONSULTANT in all matters pertaining to the services and materials to be rendered under this Agreement; all requirements of CONSULTANT pertaining to the services or materials to be rendered under this Agreement shall be coordinated through the CONSULTANT representative.

All notices required by this Agreement shall be in writing, and shall be personally delivered, sent by first class with postage prepaid, or sent by commercial courier, addressed as follows:



To CITY: Jennifer Garnett, Communications Officer  
CITY OF SUNNYVALE  
P. O. Box 3707  
Sunnyvale, CA 94088-3707

To CONSULTANT: Shelley Wolfe, Executive Director  
MOUNTAIN VIEW COMMUNITY TELEVISION  
1400 Terra Bella Avenue, Suite M  
Mountain View, CA 94043

Nothing in this provision shall be construed to prohibit communication by more expedient means, such as by telephone or facsimile transmission, to accomplish timely communication. However, to constitute effective notice, written confirmation of a telephone conversation or an original of a facsimile transmission must be sent by first class mail or commercial courier, or hand delivered. Each party may change the address by written notice in accordance with this paragraph. Notices delivered personally shall be deemed communicated as of actual receipt; mailed notices shall be deemed communicated as of two days after mailing, unless such date is a date on which there is no mail service. In that event, communication is deemed to occur on the next mail service day.

13. Assignment

Neither party shall assign or sublet any portion of this Agreement without the prior written consent of the other party.

14. Termination

If CONSULTANT defaults in the performance of this Agreement, or materially breaches any of its provisions, CITY at its option may terminate this Agreement by giving written notice to CONSULTANT. If CITY materially fails to meet its obligations under this Agreement, CONSULTANT at its option may terminate this Agreement if the failure is not remedied by CITY within thirty (30) days.

Without limitation to such rights or remedies as CITY or CONSULTANT shall otherwise have by law, CITY also shall have the right to terminate this Agreement for any reason upon thirty (30) days written notice to the other party. In the event of such termination by CITY, CONSULTANT shall be compensated in proportion to the percentage of services performed or materials furnished (in relation to the total which would have been performed or furnished) through the date of receipt of notification from CITY to terminate.

CITY shall have the right to terminate the Optional Channel 26 Public Access Programming Services pilot program for any reason upon thirty days written notice to CONSULTANT. In the event of such termination by CITY, CONSULTANT shall be compensated in proportion to the percentage of

services performed or materials furnished (in relation to the total which would have been performed or furnished) through the date of receipt of notification from CITY to terminate.

15. Entire Agreement; Amendment

This writing constitutes the entire agreement between the parties relating to the services to be performed or materials to be furnished hereunder. No modification of this Agreement shall be effective unless and until such modification is evidenced by writing signed by all parties.

16. Miscellaneous

Time shall be of the essence in this Agreement. Failure on the part of either party to enforce any provision of this Agreement shall not be construed as a waiver of the right to compel enforcement of such provision or any other provision. This Agreement shall be governed and construed in accordance with the laws of the State of California.

17. Mediation

All claims, disputes, and controversies arising out of or in relation to the performance, interpretation, application, or enforcement of this Agreement, including but not limited to breach thereof, shall be referred to mediation before, and as a condition precedent to, the initiation of any adjudicative action or proceeding, including arbitration.

18. Attorneys' Fees

In the event of any action or proceeding brought by either party against the other under this Agreement, the prevailing party shall be entitled to recover court costs and the fees of its attorneys in such action or proceeding (whether at the administrative, trial, or appellate level) and such amount as the court or administrative body may judge reasonable.

IN WITNESS WHEREOF, the parties have executed this Agreement.

ATTEST:

CITY OF SUNNYVALE ("CITY")

By \_\_\_\_\_  
City Clerk

By \_\_\_\_\_  
City Manager

MOUNTAIN VIEW COMMUNITY  
TELEVISION  
("CONSULTANT")

APPROVED AS TO FORM:

By \_\_\_\_\_

\_\_\_\_\_  
Name/Title

By \_\_\_\_\_  
City Attorney

SCHEDULE OF EXHIBITS

Exhibit A – Scope of Services

Exhibit B – Compensation

Exhibit C – Insurance Requirements

Exhibit D – Errors Beyond Camera Operator's Control

## **EXHIBIT A SCOPE OF SERVICES**

CONSULTANT and CITY will work closely together to ensure a successful and professional operation of Government Access Channels KSUN 15 and 26. The Scope of Services includes outcome measures that define an acceptable level of service delivery expected from CONSULTANT.

### **1. Cablecasting of Public Meetings and Other Standard Programming**

CONSULTANT shall provide a trained operator to cover and cablecast live meetings of the Sunnyvale City Council and Planning Commission (including Study Sessions when held in the Council Chambers), produce coverage of other meetings or events such as the Budget Workshop, Study Issues Workshop, and State of the City, and arrange their playback on KSUN Channel 15 (and duplicated as necessary on Channel 26) in accordance with CITY-approved playback schedules.

CITY shall give CONSULTANT at least 72 hours advanced notice of all meetings to be covered. If such 72 hours advanced notice is not given, CONSULTANT shall make every reasonable effort to cover such meetings but is not required to do so.

CITY expects cablecasts of live meetings to be as error-free as possible. Noticeable and significant programming and operator errors within CONSULTANT'S control should be kept to a minimum and should not exceed two (2) instances per six (6) month period. Errors noted by CITY will be reported by the Communications Officer and CONSULTANT will keep a record in an online reporting document made available to the Communications Officer at all times. CONSULTANT also will document the recommendations for resolution and/or outcomes in the reporting document. This will be reviewed quarterly per the Performance Remedies section.

### **2. Maintaining 24-Hour Programming for KSUN Channel 15 and Channel 26**

CONSULTANT shall regularly update and maintain the Government Access KSUN Channel 15 programming (duplicated as necessary on Channel 26) according to the criteria defined below. CONSULTANT shall track time spent programming and include those hours in a monthly service level report.

From time to time, CONSULTANT shall play back other programming (beyond the public meetings cited in Section 1 above) on KSUN Channel 15 for which both the content and scheduling shall be approved in advance by the Communications Officer (e.g., public service announcements or public meetings from other agencies).

Programming of video playback and posts to the electronic bulletin board will be completed by CONSULTANT at the request of CITY. Programming will be completed within 48 hours of CITY request, will air at times and dates specified by CITY, and will be properly programmed so that they do not override the City Council and Planning Commission live cablecasts (with the exception of an interruption to announce emergency public information such as a natural disaster or major crisis). Acceptable programming includes, but is not limited to:

- i. Public service announcements (PSAs);
- ii. Full page still slides for the bulletin board; and
- iii. City Council meetings, Council Study Sessions, and Planning Commission meetings.

3. Coordinating, Scheduling and Monitoring Services

CONSULTANT shall administer programming, personnel, scheduling and record-keeping; develop and update procedures associated with channel operations; and regularly provide channel operations management information to CITY. This information shall be in the form of a monthly report which shall include the following items:

- a. Live meetings broadcast (by meeting type, meeting length, date, hours spent on live broadcasting, and name of operator);
- b. Playback programming (by program type, date, and program length);
- a. An itemized description of all preventative maintenance activities undertaken by CONSULTANT and the time allocated to this maintenance;
- b. Number of bulletin board pages input, hours allocated to do so, date, and name of operator;
- e. Training activities (shall be limited to 30 hours per year; additional hours for training new operators shall be pre-approved by CITY);
- f. Special projects (showing date, description, and hours worked); and
- g. Duplication services (e.g., DVD copies).

4. Preventative Maintenance and Troubleshooting

CONSULTANT shall provide technical assistance, preventative maintenance, troubleshooting and advice regarding the maintenance, operation, repair and replacement of CITY-owned production equipment. "Equipment" is defined as those components that affect cablecasting, production and scheduled programming on Channels 15 and 26. Such service shall be limited to eight hours of CONSULTANT'S engineer time per month; additional hours needed in a month shall be pre-approved by CITY.

CONSULTANT shall notify CITY immediately of any issues affecting cablecasting or playback (e.g., equipment malfunctions) and add the issues to the online reporting document. CONSULTANT and CITY shall work together to determine the appropriate resolution and ensure that cablecasting and programming are restored in a timely manner. Actual equipment repair and replacement costs, including the procurement of any necessary technical vendor services, shall be the responsibility of CITY.

5. Optional Production of Original Programming for City Events

CITY may occasionally request additional services from CONSULTANT such as production or studio services to develop original programming to cover special CITY events. These services may include pre-production planning, remote production, van rental, production staffing, editing and post-production services and related activities. These services are to be covered under this Agreement as long as rates are in accordance with Exhibit B and the additional costs are within the total not-to-exceed confines of this Agreement.

6. Optional Channel 26 Public Access Programming Services

CONSULTANT may, at CITY request and pending CITY'S purchase of necessary equipment, provide 24-hour public access programming for Channel 26 over a dedicated Sunnyvale signal. Priority would be given to Sunnyvale producers for all prime time slots. CONSULTANT would work with the community to promote and expand programming to contain a majority of Sunnyvale-based content filled in as necessary by other relevant community programming. CONSULTANT would manage all aspects of the public access channel, to include, but not limited to, working with independent show producers, providing studio space and production training, and providing the cablecasting, scheduling and troubleshooting tools needed. CITY would re-designate Channel 26 as Public Access to differentiate the channel content from KSUN 15 which is Government Access.

7. Emergency Public Information

CONSULTANT shall assist CITY in developing plans for operations and training regarding the use of the cable channels for emergency public information.

8. Archiving

- a. A DVD disc(s) shall be made available to CITY for each Council meeting and Planning Commission meeting. Copies shall be available to CITY within 24

hours of the conclusion of the meeting. The master DVD is stored in the CITY'S control room.

- b. Occasional copying and/or requests for additional discs or files of either official meetings or special programming shall be provided to the CITY under the terms of this Agreement (e.g., providing backup file of meeting to Granicus in the event online recording fails).
- c. CONSULTANT will process requests from the public for copies of recorded meetings and/or events on DVDs. CONSULTANT shall charge this service directly to the requesting individual/agency and shall not include it in the CITY's contract cost.

9. Access To Control Room

CITY will provide CONSULTANT access to the control room for the on-duty board operator or engineer performing maintenance only. Others are only permitted access if approved in advance by the Communications Officer.

10. Performance Remedies

CONSULTANT and CITY agree that live television, by nature, is often unpredictable and spontaneous and some operational errors will be beyond CONSULTANT'S control. These errors include, but are not limited to, the examples identified in Exhibit D.

CITY and CONSULTANT will join in a quarterly review of performance under the Agreement to resolve any mutually identified issues of concern through good faith negotiation.

## **EXHIBIT B COMPENSATION**

1. In consideration for the following CONSULTANT provided services annually, as described in EXHIBIT A,

- Cablecast, Playback, Programming, Scheduling of all City Council and City Planning Commission meetings
- All Bulletin Board Scheduling and Coordination
- All Supervisory Management
- Operator Training
- Preventive Maintenance & Troubleshooting (8 hours per month)
- Three (3) All-day Special Event Productions, or any combination not to exceed 36 hours

and during the Term of this Agreement, CITY shall pay CONSULTANT an annual base sum of \$45,000.00, payable in 12 equal monthly payments of \$3,750, with these amounts subject to the potential yearly changes defined in Section 4 below.

2. CONSULTANT shall keep a running total of its hours spent for each category above and report such to CITY on a monthly basis.

3. If the annual usage of services exceeds the number of hours for each category below, CITY shall pay the indicated hourly rates for such excess hours:

	Hours in Excess of:	Shall be Paid at:
a) Cablecast, Playback, Programming, Scheduling of all City Council and City Planning Commission meetings	303 hrs @	\$ 46.10/hr
b) All Bulletin Board Scheduling and Coordination	75 hrs @	46.10/hr
c) All Supervisory Management	72 hrs @	55.10/hr
d) Training	30 hrs @	46.10/hr
e) Preventive Maintenance & Troubleshooting (8 hrs/mo)	96 hrs @	95.10/hr
f) Special Events Productions (crew of 5)	36 hrs @	650.33/hr

4. CONSULTANT may, at CITY request, provide the following optional original programming services for the prices indicated. Programs would be recorded for later viewing (aired on cable channel, website and Roku) with basic slate graphic at beginning and end.



- a. **External Study Sessions** – \$550 for 1 camera and 1 technician for 4 hours with a minimum of 2 hours for set up, site visit, etc. After 4 hours, service assessed at \$225 per hour.
  - b. **External Study Session with Truck** – \$1450 for 3 cameras, 1 technician and 3 crew members for 4 hours with a minimum of 2 hours for set up, site visit, etc. After 4 hours, service assessed at \$225 per hour.
  - c. **External Study Session with multi camera shoot** – \$1050 for 3 cameras and 3 technicians for 4 hours with a minimum of 2 hours for set up, site visit, etc. After 4 hours, service assessed at \$225 per hour.
  - d. **School Sports with Truck** - \$1650 for 3 cameras, 1 technician, and 3 crew members for 5 hours with a minimum of 2 hours for set up, site visit, etc.
  - e. **School Sports with multi camera shoot** - \$1350 for 3 cameras and 3 technicians for 4 hours with a minimum of 2 hours for set up, site visit, etc.
  - f. **Community Event with Truck** - \$1950 for 3 cameras, 1 technician, and 3 volunteers for 8 hours with a minimum of 2 hours for set up, site visit, etc.
  - g. **Community Event with multi camera shoot** - \$1350 for 3 cameras and 3 technicians for 4 hours with a minimum of 2 hours for set up, site visit, etc.
  - h. **Public Safety Announcements** – Basic public service announcements (e.g., simple backdrops, live to tape, no editing or graphics) are provided free to CITY and nonprofit organizations.
5. CONSULTANT may, at CITY request and pending CITY'S purchase of necessary equipment, provide 24-hour public access programming for Channel 26 over a dedicated Sunnyvale signal for \$15,000 per year. Priority would be given to Sunnyvale producers for all prime time slots. CONSULTANT would work with the community to promote and expand programming to contain a majority of Sunnyvale-based content filled in as necessary by other relevant community programming. CONSULTANT would manage all aspects of the public access channel, to include, but not limited to, working with independent show producers, providing studio space and production training, and providing the cablecasting, scheduling and troubleshooting tools needed. CITY would re-designate Channel 26 as Public Access to differentiate the channel content from KSUN 15 which is Government Access.

6. Starting at the beginning of the second year of this Agreement, and annually thereafter during the remainder of the Term of this Agreement, all prices herein shall change by the percentage amount of or change in the Consumer Price Index for the San Francisco-Oakland-San Jose Area for the previous year, as published by the United States Bureau of Labor Statistics at

[http://data.bls.gov/PDQ/servlet/SurveyOutputServlet?data\\_tool=dropmap&series\\_id=CUUSA422SA0,CUUSA422SA0](http://data.bls.gov/PDQ/servlet/SurveyOutputServlet?data_tool=dropmap&series_id=CUUSA422SA0,CUUSA422SA0).

**EXHIBIT C**  
**INSURANCE REQUIREMENTS**  
**CITY OF SUNNYVALE, CALIFORNIA**

SUPPLIER shall obtain, at its own expense and from an admitted insurer authorized to operate in California, the insurance coverage detailed below and shall submit Certificate(s) of Insurance to the City of Sunnyvale, Purchasing Division, 650 West Olive Ave, PO Box 3707, Sunnyvale, CA 94088-3707; fax (408) 730-7710.

SUPPLIER shall take out and maintain during the life of the contract Workers' Compensation and Employer's Liability Insurance for its employees. The amount of insurance shall not be less than \$1,000,000 per accident for bodily injury or disease.

SUPPLIER shall take out and maintain during the life of the contract such Commercial General Liability Insurance as shall protect SUPPLIER, CITY, its officials, officers, directors, employees and agents from claims which may arise from services performed under the contract, whether such services are performed by SUPPLIER, by CITY, its officials, officers, directors, employees or agents or by anyone directly or indirectly employed by either. The amount of insurance shall not be less than the following: Single Limit Coverage Applying to Bodily and Personal Injury Liability and Property Damage: \$1,000,000.

The liability insurance shall include, but shall not be limited to:

- Protection against claims arising from bodily and personal injury and damage to property, resulting from SUPPLIER'S or CITY'S operations and use of owned or non-owned vehicles.
- Coverage on an "occurrence" basis.
- Broad form property damage liability. Deductible shall not exceed \$5000 without prior written approval of CITY.
- Notice of cancellation to CITY'S Purchasing Division at least thirty (30) days prior to the cancellation effective date.

The following endorsements shall be attached to the liability insurance policy, and copies shall be submitted with the Certificate(s) of Insurance:

- The policy must cover complete contractual liability. Exclusions of contractual liability as to bodily injuries, personal injuries and property, damage must be eliminated.
- CITY must be named as additional named insured with respect to the services being performed under the contract.
- The Coverage shall be primary insurance so that no other insurance effected by CITY will be called upon to contribute to a loss under this coverage.

## **EXHIBIT D**

### **ERRORS BEYOND CAMERA OPERATOR'S CONTROL**

CONSULTANT and CITY recognize that live television is often unpredictable and some operational errors may occur. The following list contains examples of operational and programming errors that may be beyond the camera operator's control.

1. Power outages.
2. Unexpected equipment failure in the Control Room.
3. Unexpected equipment failure in the Council Chambers.
4. Missing equipment in the Control Room.
5. Missing equipment in the Council Chambers.
6. Pan/tilt controller inaccurate control or error due to design flaws of pan/tilt controller failure.
7. Poor picture quality, caused by cameras needing to be recalibrated.
8. Missing signal caused by cable operator (Comcast) error.
9. General misinformation or misdirection caused by staff during regular meetings or special meetings.
10. Incorrect tags caused by misinformation or misdirection by staff during regular meetings or special meetings.
11. Missing tags due to speakers who were not clearly recognized or introduced by either City officials or the speaker themselves.
12. Diminished sound quality caused by speaker talking too close to the microphone, too far away from the microphone or moving the microphone stem.
13. Diminished sound quality caused by speaker's volume.
14. Errors caused by distraction from unnecessary presence in the Control Room while camera operator is trying to concentrate on the meeting.
15. Delayed camera moves due to staff failing to introduce him/herself clearly, failing to recognize the speaker, talking out of turn or sitting off camera where the camera operator has trouble finding them.
16. Diminished or incorrect composition due to speaker shifting, leaning or walking off camera.
17. For meetings that go past four hours, there may be a brief missing sequence during playback due to the operator needing to change tapes during the meeting. Operator will make every effort to change tapes at a point least disruptive to the recorded information.
18. For meetings that run long, without a recess, there may be an extended wide shot while the camera operator takes a brief bathroom break.



# City of Sunnyvale

## Agenda Item

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14-1105

Agenda Date: 12/16/2014

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### REPORT TO COUNCIL

#### SUBJECT

Award of Contract for Nine Police Interceptor Vehicles (F15-25)

#### REPORT IN BRIEF

Approval is requested to award a contract to Serramonte Ford of Colma in the amount of \$227,827 for nine police Interceptor vehicles to be used by the Department of Public Safety.

#### ENVIRONMENTAL REVIEW

N/A.

#### BACKGROUND AND DISCUSSION

Economical operation of the City's fleet requires that vehicles and equipment be replaced before operating costs become excessive. The current nine patrol units being replaced have accumulated between 110,000 to 130,000 miles and are scheduled for replacement during Fiscal Year 2014/2015.

The City currently utilizes 29 sedans for patrol use, with the Ford Crown Victoria historically being the standard model. Beginning in 2011 Ford Motor Company discontinued the larger Crown Victoria sedan and replaced it with the Interceptor, which is similar in size to the Ford Taurus. The Interceptor sedan does not provide the same interior volume as the Crown Victoria. However, the Interceptor utility vehicle has greater interior volume, so this model is being introduced into the fleet to achieve an optimal mix to provide more space. The eventual mix will be 19 sedans and 10 utility units. The utility vehicles will be used throughout the City during each shift, to carry additional items not carried in the smaller sedan version.

Bid specifications were prepared by the Department of Public Works Fleet Services Division. Purchasing staff issued Invitation for Bids (IFB) F15-25 through the City's Onvia Demand Star public procurement network for five police interceptor utility vehicles and four police interceptor sedan vehicles. Sealed bids were opened on November 12, 2014. A total of four bids were received, the bid summary is contained in Attachment 1. The lowest responsive and responsible bid was from Serramonte Ford of Colma.

#### FISCAL IMPACT

The total cost for the nine police interceptor vehicles is \$227,827, excluding sales tax. Conversion from the Interceptor sedan to the utility vehicle does incur an additional cost. Each utility vehicle will initially cost approximately \$3,400 more than a sedan. Additionally, the utility vehicle's gas mileage is approximately four miles per gallon less than that of the sedan. Over the six year life of the utility vehicle, staff estimates this equates to an additional \$4,800 in fuel costs. Between these two costs, the utility vehicles have an additional lifecycle cost of \$8,200. Budgeted funds are available in the Fleet Equipment Replacement Account for the initial purchase of the vehicles. Ongoing costs,

including the collection of funds to replace the vehicles every six years, will be built into the future operating budget of the Department of Public Safety.

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

**RECOMMENDATION**

- 1) Award a contract in the amount of \$227,827 to Serramonte Ford for nine police Interceptor vehicles in substantially the same form as the attached draft purchase order.

Prepared by: Pete Gonda, Purchasing Officer

Reviewed by: Grace K. Leung, Director of Finance

Reviewed by: Frank Grgurina, Director of Public Safety

Reviewed by: Manuel Pineda, Director of Public Works

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Bid Summary
2. Draft Purchase Order

City of Sunnyvale, California

IFB No. F15-25 for Nine (9) Police Interceptor Vehicles

ATTACHMENT 1

		<b>Bidder</b>		Serramonte Ford	Albany Ford	Frontier Ford	Tracy Ford
		<b>Address</b>		999 Serramonte Blvd. Colma, CA 94014	718 San Pablo Ave Albany CA 94706	3701 Stevens Creek Blvd Santa Clara CA 95051-7396	3500 Auto Plaza Way Tracy, CA 95304
<b>Item</b>	<b>Pricing</b>	<b>Qty</b>	<b>Bid Price</b>	<b>Bid Price</b>	<b>Bid Price</b>	<b>Bid Price</b>	<b>Bid Price</b>
1	Ford Police Interceptor Utility Vehicles	5	\$ 134,057.50	\$ 135,289.80	\$ 135,700.00	\$ 134,550.00	
2	Ford Police Interceptor Sedan Vehicles	4	\$ 93,690.00	\$ 94,794.44	\$ 94,840.00	\$ 98,084.00	
3	Tire Fees (\$1.75 each)	45	\$ 78.75	\$ 78.75	\$ 78.45	\$ 78.75	
	E-Reg Fee (\$29.00 each)	9		\$ 261.00		\$ 261.00	
	Subtotal		\$ 227,826.25	\$ 230,423.99	\$ 230,618.45	\$ 232,973.75	
	Sales Tax		\$ 19,911.77	\$ 20,132.37	\$ 20,172.25	\$ 20,355.46	
	GRAND TOTAL		\$ 247,738.02	\$ 250,556.36	\$ 250,790.70	\$ 253,329.21	



<b>ORDERED FROM</b> 18390 - 001  (650) 301-7069  Serramonte Ford 999 Serramonte Blvd Colma CA 94014	ORDER DATE 11/13/2014	<b>BILL TO:</b>  City of Sunnyvale Finance Department Accounts Payable PO Box 3707 Sunnyvale, CA 94088-3707			
	DELIVERY DATE 02/27/2015				
	PAYMENT TERMS N/10				
	BID NO/RFQ NO				
<b>DELIVER TO</b>  DPW/Ops - Fleet Services  221 Commercial St Sunnyvale CA 94085 Phone: (408) 730-7570	FOB POINT DEST	FREIGHT CHARGES Destination, freight included in price			
	REQ. NO RQ013407	REQUISITIONER: NDIETZ			
	CHARGE/OBJ CODE(S): 020700 5135 \$227,826.25				

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL
1	Provide nine police interceptor vehicles per Invitation For Bids F15-25 specifications, terms, conditions and bidders response.  Five (5) Ford Police Interceptor Utility Vehicles	34057.50	DLR	\$1.0000	\$134,057.50
2	Four (4) Ford Police Interceptor Sedan Vehicles	93690.00	DLR	\$1.0000	\$93,690.00
3	Tire Fees  Awarded by City Council _____, RTC #14-1105	78.75	DLR	\$1.0000	\$78.75
Amount does not reflect applicable taxes. <b>TOTAL</b>					\$227,826.25





Document Terms:

Invoices must be sent directly to Accounts Payable by mail to the address above or by e-mail to [accountspayable@sunnyvale.ca.gov](mailto:accountspayable@sunnyvale.ca.gov) and must reference the purchase order number. Failure to comply will result in a delay in payment processing.

**BUYER:**

Dietz, Noel

**PHONE** (408) 730-7399

**FAX** (408) 730-7710



# City of Sunnyvale

## Agenda Item

14-1018

Agenda Date: 12/16/2014

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### REPORT TO COUNCIL

#### SUBJECT

Award Bid No. PW15-09 for Orchard Gardens Park Expansion and Demolition of Structure at 775 Dona Avenue, Adopt a Resolution to Execute a PG&E Easement, and Approve Budget Modification No. 24; and Related CEQA Actions: Adoption of Mitigated Negative Declaration and Finding of Categorical Exemption

#### REPORT IN BRIEF

Approval is requested to award a construction contract in the amount of \$798,400 to Robert A. Bothman, Inc. of San Jose for the Orchard Gardens Park Expansion Project and for demolition of the City-owned structure located at 775 Dona Avenue (the "Girl Scout House") (Public Works Project No. PR-14/06-14). Although the park expansion and demolition are separate projects, they were included in the same bid request because they both include demolition work that can be efficiently performed at the same time. Approval is also requested for a 10% construction contingency in the amount of \$79,840. In order for the work to commence, Council must also take the following actions:

- Adopt a California Environmental Quality Act (CEQA) Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for constructing the park (Attachments 1 and 2)
- Make a finding of categorical exemption for the structure demolition
- Adopt a Resolution authorizing the City Manager to execute an easement with Pacific Gas & Electric Co. (PG&E) for utility access (Attachment 5)
- Approve Budget Modification No. 24 to provide additional project funding

#### ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) has been prepared for the Orchard Gardens Park Expansion project in accordance with CEQA provisions and City guidelines. An Initial Study (IS) identified potential construction related significant impacts on air quality, biological and cultural resources, noise, transportation and traffic. Implementing mitigation measures during construction through a Mitigation Monitoring and Reporting Program (MMRP) will reduce these impacts to less than significant. The City will also ensure that construction-related hazardous materials and wastes are handled in accordance with applicable laws, and that measures will be implemented to minimize and control stormwater runoff. Soils analyses were also conducted and found environmental conditions to be within acceptable limits.

The IS/MND and MMRP were prepared, processed and noticed in accordance with Public Resources Code Sections 21000 et seq. and 14 California Code of Regulations Sections 15000 et seq.

The CEQA finding for the demolition and disposal of the structure on Dona Avenue is a categorical exemption pursuant to Class 1, Section 15301(l)(4) which allows for the demolition and removal of

individual small structures.

### **BACKGROUND AND DISCUSSION**

#### Orchard Gardens Park Expansion

The Orchard Gardens Park project will expand the existing 2.5 acre Orchard Gardens Park by demolishing three City-owned homes (252, 266 and 278 Garner Drive) directly adjacent to the park site and replacing them with landscaping, benches and other park furnishings, outdoor fitness equipment, hardscape walkways, lighting and parking spaces. The project is intended to provide additional open space for the park and to serve as a “gateway” for the western terminus of the John W. Christian Greenbelt. A conceptual design for the park expansion was approved by Council on November 26, 2013 (RTC No. 13-266), and the detailed design was prepared by Harris Design, a landscape architectural firm.

#### Pacific Gas & Electric Co. Easement

The Orchard Gardens Park project also involves removal of a section of overhead utilities including electric, phone and cable lines that cross through an easement at the rear of the property where the City-owned homes are located. The overhead lines and two joint utility poles will no longer be necessary once the homes are demolished and will be removed to improve the aesthetics of the new park space. When the two poles are removed, new pole anchors will be required to support the remaining lines, which will extend from the existing easement onto park property. An easement deed will be required to allow PG&E as-needed access to the pole anchors for construction and maintenance (see Exhibit A of Attachment 5). Council adoption of the resolution in Attachment 5 is required to authorize the City Manager to execute the Easement Deed with PG&E.

#### Demolition of 775 Dona Avenue Structure

Demolition of the 775 Dona Avenue structure is a separate project that has been pending since 2010 to secure funding. It is included in the scope of work for this contract since it was determined that construction efficiencies could be achieved by doing the demolition work for both projects at the same time. The structure is on a 20 foot wide strip of city-owned property located alongside a PG&E tower lines right-of-way. It was used in the past as a Girl Scout meeting house. It has not been in use since 1996, and is uninhabitable due to pervasive mold and asbestos issues. The structure will be demolished and the land returned to its original undeveloped state.

The project was bid as follows:

Bid Notice:       Advertised in The Sun on September 5, 2014;  
                      Provided to 18 Bay Area Builder’s Exchanges;  
                      Posted on Onvia Demandstar public procurement network; and  
                      Published on the City’s website.

Bid Response:    24 contractors requested bid documents.

Bid Results:       Sealed bids were publicly opened on September 24, 2014;  
                      7 bids were received; 4 were responsive.

The lowest responsive and responsible bid was from Robert A. Bothman, Inc. of San Jose in the amount of \$798,400. Two lower bids were received, but these were determined to be non-responsive. B-Side, Inc. of Oakland submitted a bid in the amount of \$771,000, but the bidder failed

to acknowledge Addendum No. 2, which significantly changed the project scope and cost. Galeb Paving, Inc. of Saratoga submitted a bid in the amount of \$779,443, but the unit cost submitted for Mobilization (Bid Item #1) exceeded the 5% of bid total maximum specified in the bid documents. Another bidder, Calstate Construction Inc. of Fremont, submitted a bid in the amount of \$814,800 but the unit cost submitted on Mobilization also exceeded the 5% of bid total maximum specified and was also judged to be nonresponsive. The bid summary is contained in Attachment 3.

All of the bids were substantially higher than the engineer's estimate of \$634,642. The primary reasons for this include higher than expected demolition costs (including abatement of lead paint and materials containing asbestos); higher materials cost for concrete, fencing, electrical and irrigation systems; and upgraded exercise equipment which the City included in the bid based on a request from a neighborhood group. It is unlikely that rebidding the project as designed will result in more favorable pricing.

### **FISCAL IMPACT**

Project costs are as follows:

Construction	\$798,400
Construction contingency (10%)	<u>\$79,840</u>
Total costs	\$878,240

Capital project 829570 (Orchard Garden Park Expansion) will require an additional \$280,000 to complete construction. This amount includes higher construction costs for demolition and materials, allowances for CEQA monitoring and utility relocation fees, and quality assurance testing during construction.

Park Dedication Funds have been budgeted for the expansion of Orchard Gardens Park. Budget Modification No. 24 has been prepared to appropriate additional Park Dedication funds in the amount of \$280,000 to complete construction. In FY 2013/14, Park Dedication Fee Revenue significantly exceeded expectations. Therefore additional funds can be appropriated without affecting other planned projects.

### **Budget Modification No. 24 FY 2014/15**

	<b>Current</b>	<b>Increase/ (Decrease)</b>	<b>Revised</b>
<u>Capital Projects Fund</u>			
Expenditures			
Project 829570 - Orchard Gardens Park Expansion	\$676,687	\$280,000	\$956,687
<u>Park Dedication Fund</u>	\$7,662,316	(\$280,000)	\$7,382,316
Capital Projects Reserve			

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board

outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

**RECOMMENDATION**

1) Adopt a CEQA Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Orchard Gardens Park Expansion Project, 2) Make a finding of CEQA categorical exemption pursuant to Section 15301(I)(4) for demolition of the structure located at 775 Dona Avenue; 2) Adopt a resolution authorizing the City manager or her designee to execute an Easement Deed with PG&E; 3) Award a contract, in substantially the same format as Attachment 4 and in the amount of \$798,400 for the subject project and authorize the City Manager to execute the contract when all the necessary conditions have been met, 4) Approve a 10% construction contingency in the amount of \$79,840; and 5) Approve Budget Modification No. 24 to provide additional funding for the project.

Prepared by: Pete Gonda, Purchasing Officer

Reviewed by: Grace K. Leung, Director, Finance

Reviewed by: Manuel Pineda, Director, Public Works

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. CEQA Initial Study and Mitigated Negative Declaration
2. Mitigation Monitoring and Reporting Program
3. Bid Summary
4. Draft General Construction Contract
5. Resolution Authorizing City Manager to Execute PG&E Easement

Draft

# ORCHARD GARDENS PARK EXPANSION

Initial Study / Mitigated Negative Declaration

Prepared for  
City of Sunnyvale

December 2013





Draft

# ORCHARD GARDENS PARK EXPANSION

Initial Study / Mitigated Negative Declaration

Prepared for  
City of Sunnyvale

December 2013



550 Kearny Street  
Suite 800  
San Francisco, CA 94108  
415.896.5900  
[www.esassoc.com](http://www.esassoc.com)

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# **CITY OF SUNNYVALE**

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## **California Environmental Quality Act (CEQA) Draft Initial Study / Mitigated Negative Declaration**

### **1. Introduction**

This draft Initial Study /Mitigated Negative Declaration (IS/MND) evaluates the potential environmental effects of the Orchard Gardens Park expansion. The project would demolish three homes (252, 266 and 278 Garner Drive) owned by the City of Sunnyvale, which are directly adjacent to Orchard Gardens Park. The project would also remove or relocate some of the existing overhead utilities within the project boundaries. The area currently occupied by the three homes would be replaced with landscaping, benches, hardscape walkways, lighting and parking spaces. The plan will be brought in front of the City Council on November 26, 2013. A more detailed description of the proposed project is provided in the Project Description below.

The environmental approval process, which is regulated by California Environmental Quality Act (CEQA) Statutes and Guidelines, includes circulation of this IS/MND for public and agency review for a 30-day period. Written comments received during this review period will then be reviewed and formal responses prepared. These responses and any additions or revisions made to the IS/MND, will then be incorporated into a final IS/MND. The City Council, at a regularly scheduled meeting, will review all of the related material and make a determination as to adequacy of this analysis. A Notice of Determination, if made, will then be filed with the County Recorder. The proposed project, which includes demolition of existing buildings and park construction, would proceed after filing the Notice of Determination.

The organization and format of this document is stipulated by the CEQA Guidelines. Section 4 of this IS/MND, the “Environmental Checklist,” includes 18 specific elements (e.g., Air Quality, Cultural Resources, Transportation and Traffic, etc.) which must be addressed. The four levels of impact are: “Potentially Significant Impact,” “Less Than Significant with Mitigation Incorporation,” “Less than Significant Impact,” and “No Impact.” A discussion relating the anticipated impacts to each of the CEQA issues then follows. If a significant impact is identified, mitigation is presented to offset any potentially significant impacts. Each checklist item includes a reference section, which lists technical studies, agencies, and other resources consulted in this evaluation.

## Project Specifics

**A. Project Address and Title:**

Address: 252, 266 and 278 Garner Drive, Sunnyvale, CA, 94089  
APN 110-12-094

Title: Orchard Gardens Park Expansion

**B. Lead Agency Name and Address:**

City of Sunnyvale  
Department of Public Works / Parks Division  
221 Commercial Street  
Sunnyvale, California 94088-3707

**C. Contact Person and Phone Number:**

Nate Scribner, P.E., Senior Engineer  
City of Sunnyvale  
Dept of Public Works  
603 All America Way

P.O. Box 3707  
Sunnyvale, CA 94088-3707  
408-730-2783

**D. Project Sponsor's Names and Addresses:**

City of Sunnyvale  
Department of Public Works / Parks Division  
221 Commercial Street  
Sunnyvale, California 94085

**E. Existing General Plan Designation and Zoning:**

General Plan: Low Density Residential

Zoning: Low-Density Residential (RO)

**F. Project Description:**

See page 3.

**G. Location of Project:**

See page 3.

## 2. Project Description

The City of Sunnyvale, Department of Public Works / Parks Division (the City), is proposing to expand the existing 2.57 acre Orchard Gardens Park by demolishing three City-owned homes (252, 266 and 278 Garner Drive) directly adjacent to Orchard Gardens Park, adding approximately a third of an acre to the existing park. The properties are currently leased to tenants for residential use that will terminate on December 31, 2013.

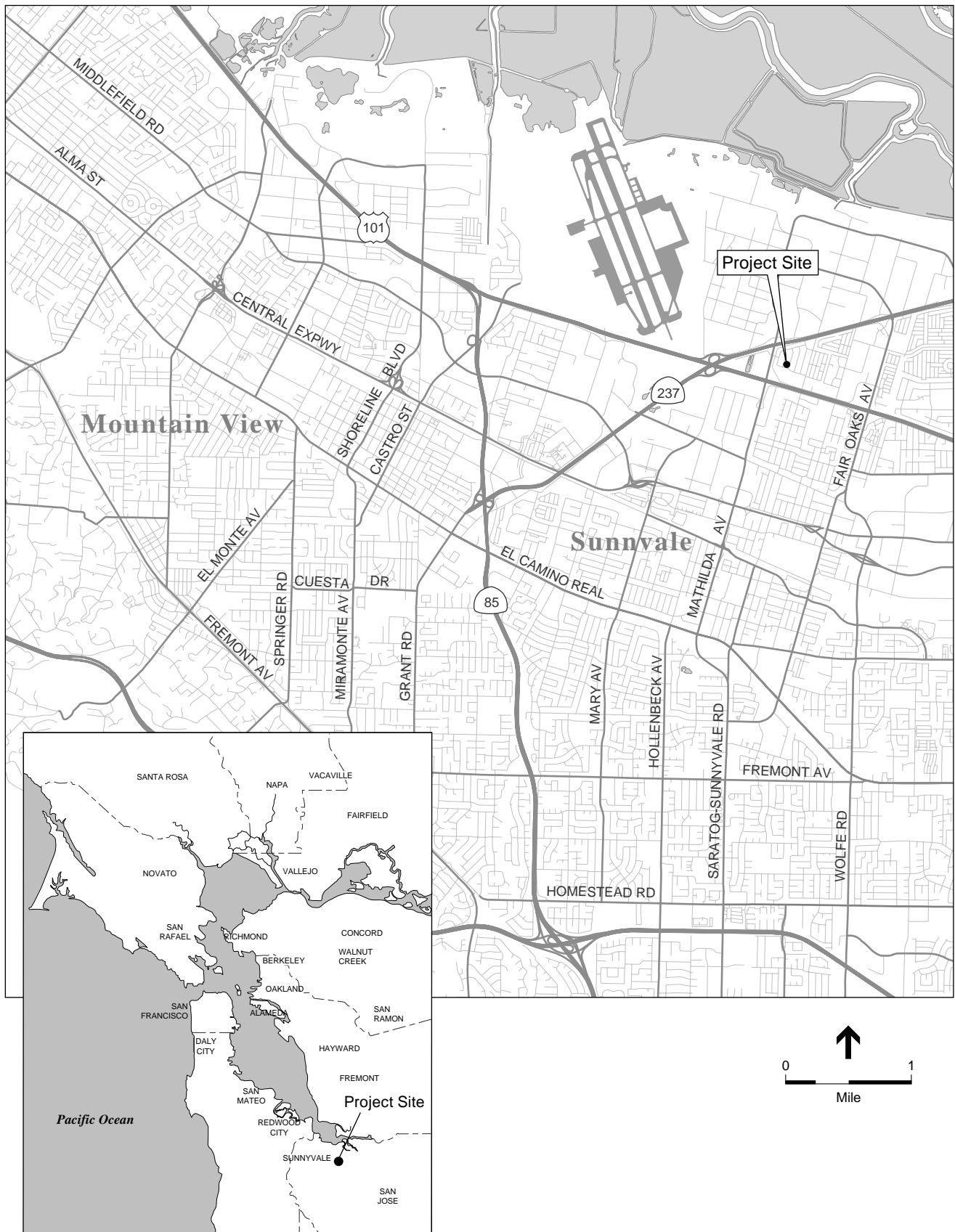
The project would consist of the demolition of these homes as well as the removal or relocation of some of the existing overhead utilities within the project boundaries. This area would be replaced with landscaping, benches, hardscape walkways, lighting and parking spaces using input gathered from the neighborhood residents. Other than minor changes to some pathways and the park entry sign, no improvements to the existing park are anticipated as part of this project.

### Project and Site Vicinity

The site is located at 252, 266 and 278 Garner Drive in the City of Sunnyvale, County of Santa Clara, east of North Mathilda Avenue between Highway 237 and Highway 101. Sunnyvale is located along the U.S. Highway 101 corridor in Santa Clara County in the heart of Silicon Valley (see **Figures 1 and 2**). The site is currently zoned Low-Density Residential (RO).

The area surrounding the site is predominantly low-density residential. Land adjacent to the site is zoned High Density Residential Planned Development (R4-PD), High-Density Residential and Office District-Planned Development (R5-PD), and Residential Mobile Home (RMH). A Quality Inn is located south of the project site and adjacent to the southwest edge of the project site is the Ponderosa apartment complex (see **Figure 3**). A San Francisco Public Utilities (SFPUC) Hetch-Hetchy right-of-way (ROW) runs along the southern boundary, containing high volume potable water transmission lines. The John W. Christian Greenbelt, a paved trail for pedestrians and bicycles, extends along portions of the SFPUC right-of-way and through the existing Orchard Gardens Park. The trail runs east to west for 2.7 miles linking Orchard Gardens Park on the City of Santa Clara border and Fairwood Park in Sunnyvale (see **Figure 4**).

The project site includes three wooden-framed, single story, single-family houses (252, 266, and 278 Garner Drive). Each lot is approximately 5,000 square feet (sq. ft.) with an approximately 1,000 sq. ft. one-story, three-bedroom residential home with one-car garage and other site improvements such as fences, landscaping, and concrete pathways and driveways. Each of the buildings is expected to remain occupied until December 31, 2013. The homes were constructed in 1955 and may contain asbestos and lead. The properties were purchased in the following years: 266 Garner in 1980; 278 Garner in 1983; and 252 Garner in 1999. The City intends to demolish the existing structures to redevelop the site.

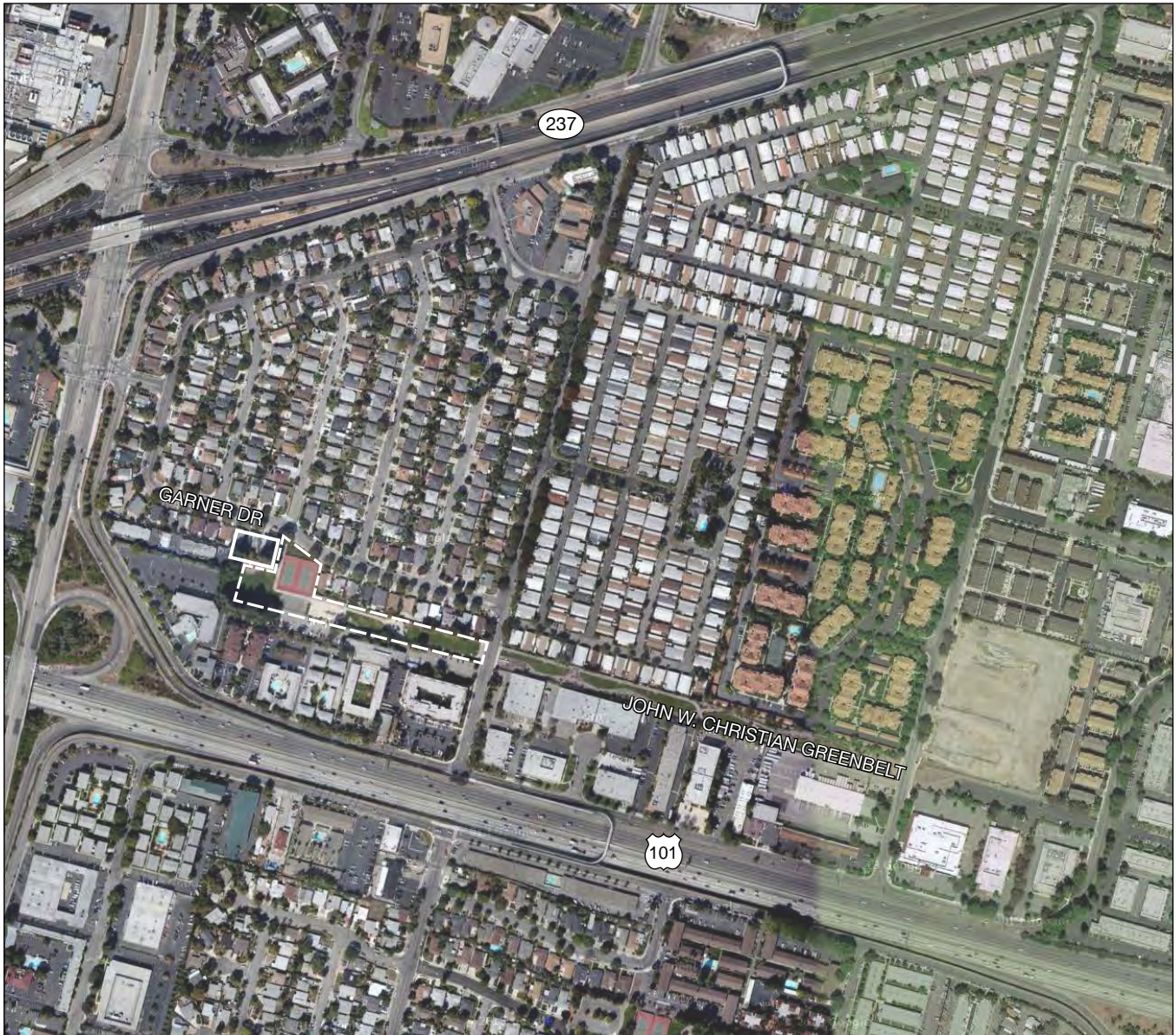


SOURCE: ESA

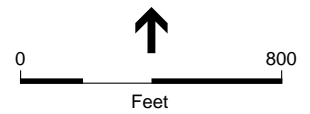
Orchard Gardens Park Expansion . 130249

**Figure 1**  
Regional Location





Project Site
  Existing Orchard Gardens Park

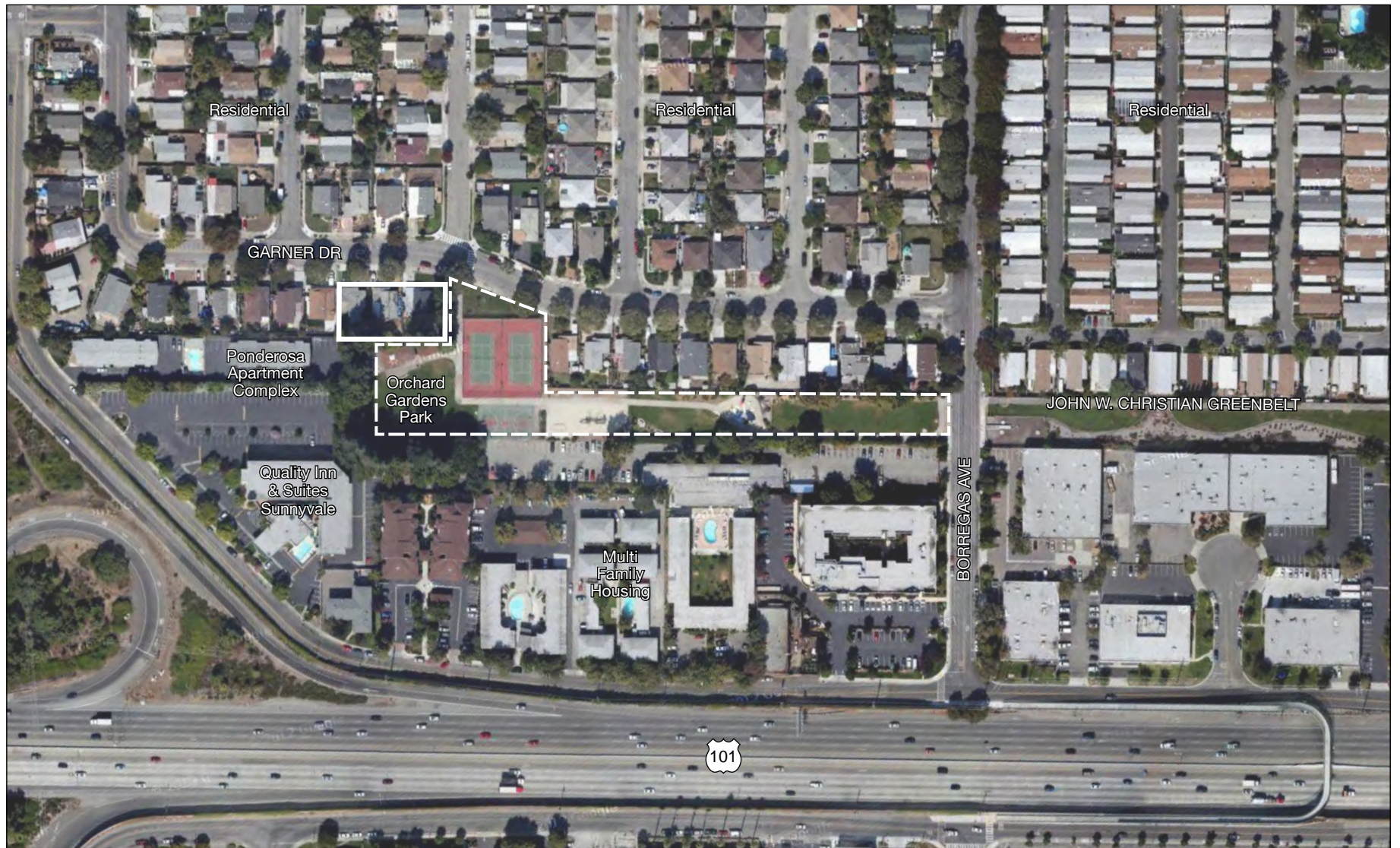


SOURCE: ESA

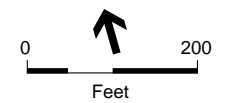
Orchard Gardens Park Expansion . 130249

**Figure 2**  
Site Location Map





 Project Site
  Existing Orchard Gardens Park

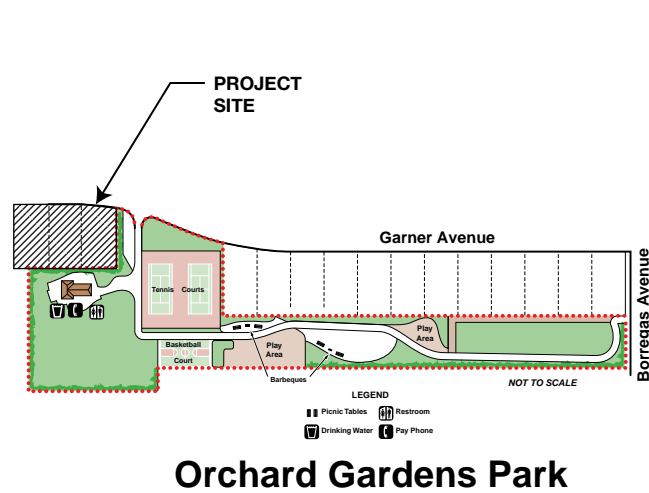
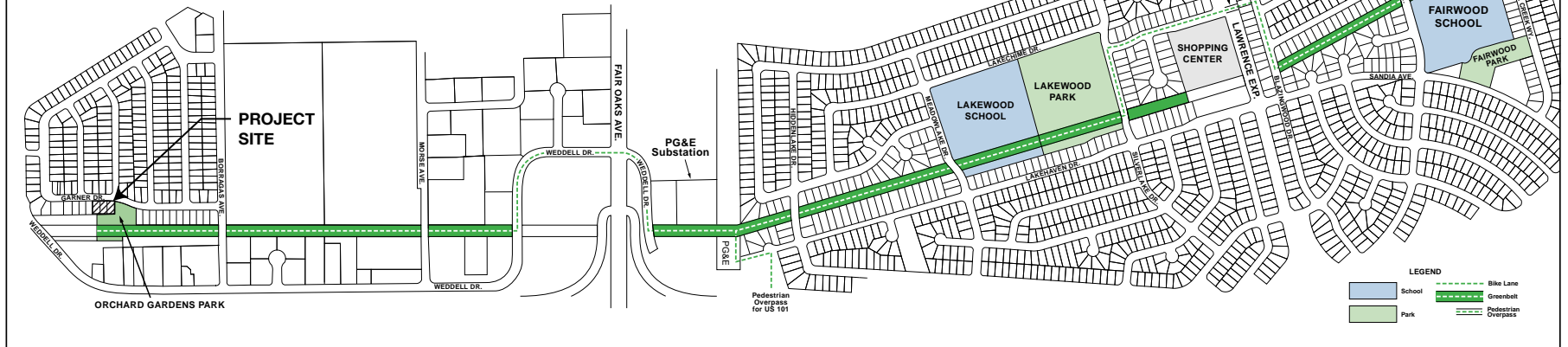


SOURCE: ESA

Orchard Gardens Park Expansion . 130249

**Figure 3**  
Project Site Vicinity

# John W. Christian Greenbelt





## Project Characteristics

The proposed project would expand the existing Orchard Gardens neighborhood park and would be developed per the City's Mini Park and Neighborhood Park Design Guidelines. A neighborhood park is intended for community members that live within a half a mile radius of the site; however, use would not be restricted to the neighborhood area.

The conceptual park plan is illustrated in **Figure 5**. The design includes passive areas, seating, walkways, landscaping, picnic tables, and outdoor exercise equipment. The park would incorporate sustainable design and water management policies and would follow the City's design guidelines.

### ***Park Development Project***

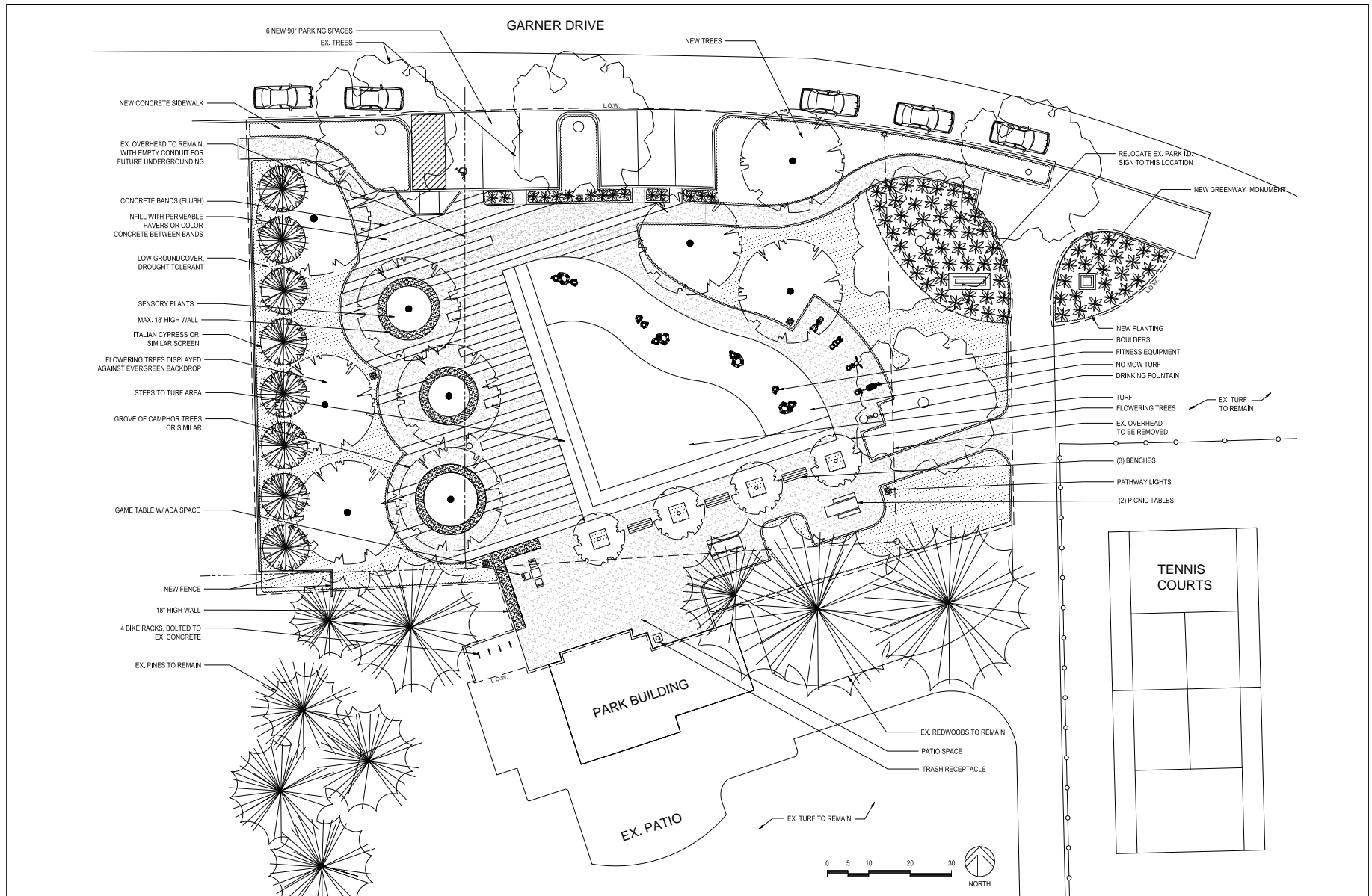
The overall project construction schedule is expected to last for four months, from May 2014 to August 2014. The project includes work in three phases:

- **Demolition** of the existing structures and improvements on the site would be completed in approximately one month. Demolition would include testing for and removal of hazardous construction materials (asbestos containing construction materials, mercury vapor lamps, peeling lead paint) prior to mass demolition, demolition and removal of all structures and selective utilities, as necessary, removal of chain link fence, wood fence, public sidewalk and curb, concrete slab at community building and one power poles and overhead wires as well as one multi-trunked tree, with two 12-inch diameter trunks at breast height (dbh) on the existing Orchard Garden Park property behind the park building. The existing trees along Garner Avenue would be preserved. Five smaller trees with trunks less than six inches dbh located in the back yard of the property of 278 Garner Drive would be removed.
- **Grading and drainage** improvements as necessary to prepare the site. The proposed project would require trenching, and minor cut and fill as part of construction.
- **Park construction** would be completed in approximately four months, followed by a 90-day plant establishment period. The general park features are described below.

### ***Park Expansion Features***

The park would include features, such as: new walkways, six parking spaces, four bike racks, patio space with a game table, two picnic tables, three benches, pathway lights, concrete seat wall, a turf area with boulders and fitness equipment, as well as trees, plants and groundcover and a trash receptacle.

The park expansion is intended for neighborhood use, and as such would include minimal parking. It would include approximately six motor-vehicle parking spaces, and four bicycle racks. Pedestrians would access the park expansion area from Garner Drive or existing pathways in Orchard Gardens Park.



SOURCE: Harris Design

Orchard Gardens Park Expansion . 130249

**Figure 5**  
Conceptual Plan

### ***Existing Park Features***

The 2.57 acre park opened in 1966 on Garner Drive. It includes two tennis courts, a basketball court, two play areas, benches, barbeques, pathways, landscaping and open lawn as well as a Park building with restrooms and a meeting room. The John W. Christian Greenbelt runs through the park linking it with Fairwood Park to the east. It is currently open from approximately 6:00 a.m. to 9:00 p.m. daily, or from dawn to dusk.

### **Approvals Required**

The project would require the following approvals and discretionary actions from the City of Sunnyvale:

- Adoption of the Initial Study/Mitigated Negative Declaration
- Adoption of the Mitigation Monitoring and Reporting Program
- Permits (demolition permits and construction permits)
- Award of construction contracts

Other approvals may be required from the following agency:

- Bay Area Air Quality Management District (BAAQMD) – for demolition of buildings involving asbestos removal.

### 3. Environmental Factors Potentially Affected and City's Mitigation Determination

The proposed project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor.

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

#### DETERMINATION:

On the basis of this initial study:

- ☐ 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, no further environmental documentation is required.

Signature

*Nathan Scribner*

Date

4/7/14

Printed Name

NATHAN SCRIBNER

For

## 4. Environmental Checklist, Discussion, and Mitigation Measures

### Aesthetics

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>1. AESTHETICS — Would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion

- a-c) **Less than Significant.** The proposed Orchard Gardens Park expansion site is located on a block bounded by Garner Drive to the north, West Weddell Drive to the west and south, and Borregas Avenue to the east. None of these roadways have been designated or are considered eligible to be state scenic highways, nor is the project site visible from a state scenic highway (Caltrans, 2011). The site is directly adjacent to residential housing units to the west, the Ponderosa apartment complex to the southwest, and the existing Orchard Gardens Park to the east and south. A Quality Inn is located south of the project site.

The boundary of the project site along Garner Drive is lined by three trees, which would be retained. Additional trees and plants would be planted internally along circulation aisles. A total of six trees would be removed none of them in the public right-of-way. Five smaller trees located in the back yard of the property of 278 Garner Drive and one larger tree on the existing park property behind the park building. Short-range publicly available views through the project site are of neighboring uses, including the residential uses to the west and north the existing Orchard Gardens Park to the south and east.

Demolition of the existing houses and the addition of recreational facilities would change the visual character of the site. The park expansion would include open turf area, concrete sidewalk, picnic areas, walkways, trees, plants, groundcover, parking and security lighting.

Short-range public views would be intermittent, as new trees may obstruct views through the interior of the park. The proposed project complements existing land uses and

development in the vicinity in terms of scale, use, and location. The project would not adversely affect long-range views, nor would the project result in a substantial adverse effect on a scenic vista. Therefore, the project would result in a less than significant impact on scenic resources and scenic vistas.

- d) **Less than Significant.** The park facilities would include low-level, lighting contained onsite. The proposed project includes plans for pathway lights using a 12 foot high modular light column system with a 360 degrees cylindrical lens for site lighting with 37 watt LEVO LED light. Lighting within the park would stay on from dusk to dawn and would include cut-off fixtures.

Project plans, including lighting plans, will be reviewed to reduce light and glare impacts to surrounding properties in accordance with City code. Additionally, the residents on the northern and eastern property boundary would be further protected from potential light and glare by a landscaping buffer and perimeter wall/fence. The proposed project would have a less-than-significant impact on light and glare.

## References

California Department of Transportation (Caltrans), California Scenic Highway Mapping System website, [http://www.dot.ca.gov/hq/LandArch/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm), accessed September 9, 2013.

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## Agricultural and Forest Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>2. AGRICULTURAL AND FOREST 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. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.				
<b>Would the project:</b>				
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"/>
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"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

- a-b) **No Impact.** The project site is not designated by either the General Plan or the Zoning Ordinance as agricultural (Sunnyvale, 2011). It is not designated as important farmland by the state (DOC, 2012). Thus, no significant agricultural resources or operations would be affected as a result of the proposed project.
- c-d) **No Impact.** The project site is not zoned or designated for forestry or timberland uses (Sunnyvale, 2011). It currently contains three residential homes that would be demolished and replaced by a neighborhood park. Therefore, there would be no impacts.

## References

- City of Sunnyvale, 2011. Sunnyvale General Plan, Land Use and Transportation. Consolidated in July 2011.
- Department of Conservation, California, 2012. Important Farmland of Santa Clara County (Map). Division of Land Resource Protection. Accessed September 9, 2013.

## Air Quality

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>3. 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. <b>Would the project:</b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion

The BAAQMD *CEQA Air Quality Guidelines* were adopted in 2010 and amended in 2011 to assist in the evaluation of air quality impacts of projects and plans proposed within the Bay Area. The guidelines provide recommended procedures for evaluating potential air impacts during the environmental review process, consistent with CEQA requirements, and include recommended thresholds of significance, mitigation measures, and background air quality information. They also include recommended assessment methodologies for air toxics, odors, and greenhouse gas emissions. In 2012, the Alameda County Superior Court ruled that the BAAQMD had failed to comply with CEQA when it adopted the thresholds of significance in the BAAQMD *CEQA Air Quality Guidelines*. In August 2013, the First District Court of Appeal reversed the trial court's judgment and upheld the BAAQMD's *CEQA Guidelines*. However, as of November 2013, an appeal is pending at the California Supreme Court. Although reliance on the 2011 thresholds is no longer required, local agencies still have a duty to evaluate impacts related to air quality and GHG emissions. In addition, CEQA grants local agencies broad discretion to develop their own thresholds of significance, or to rely on thresholds previously adopted or recommended by other public agencies or experts so long as they are supported by substantial evidence. Accordingly, the City of Sunnyvale is using the BAAQMD's 2011 thresholds to evaluate project impacts in order to protectively evaluate the potential effects of the project on air quality. The City finds that, despite the court ruling, the science and reasoning contained in the BAAQMD 2011 *CEQA Air Quality Guidelines* provide the latest state-of-the-art guidance available. For that reason,

substantial evidence supports continued use of the BAAQMD 2011 *CEQA Air Quality Guidelines*.

- a) **Less than Significant.** The project site is within the San Francisco Bay Area Air Basin (Bay Area), which is currently designated as a nonattainment area for state and national ozone standards, state particulate matter (PM10 and PM2.5) standards, and federal PM2.5 (24-hour) standard. The Bay Area Air Quality Management District's (BAAQMD's) 2010 Clean Air Plan (BAAQMD, 2010) is the applicable Clean Air Plan (2010 CAP) that has been prepared to address ozone nonattainment issues.

The BAAQMD Guidelines identify a three-step methodology for determining a project's consistency with the current CAP. If the responses to these three questions can be concluded in the affirmative and those conclusions are supported by substantial evidence, then BAAQMD considers the project to be consistent with air quality plans prepared for the Bay Area.

The first question to be assessed in this methodology is "does the project support the goals of the Air Quality Plan" (currently the 2010 CAP)? The BAAQMD-recommended measure for determining project support for these goals is consistency with BAAQMD thresholds of significance. If a project would not result in significant and unavoidable air quality impacts, after the application of all feasible mitigation measures, the project would be consistent with the goals of the 2010 CAP. As indicated in the following discussion with regard to air quality impact questions b) and c), the project would result in less than significant construction emissions with implementation of **Mitigation Measure AIR-1**, and would not result in long-term adverse air quality impacts. Therefore, the project would be considered to support the primary goals of the 2010 CAP and, therefore, would be consistent with the 2010 CAP.

The second question to be assessed in this consistency methodology is "does the project include applicable control measures from the CAP?" The 2010 CAP contains 55 control measures aimed at reducing air pollution in the Bay Area. Projects that incorporate all feasible air quality plan control measures are considered consistent with the CAP. The proposed project would include the expansion of an existing park, and there are no measures in the CAP that appear to apply to this type and size of project. Therefore, no inconsistency with the 2010 CAP is identified.

The third question to be assessed in this consistency methodology is "does the project disrupt or hinder implementation of any control measures from the CAP?"<sup>1</sup> The proposed project would not create any barriers or impediments to planned or future improvements to transit or bicycle facilities in the area and therefore would not hinder implementation of CAP control measures.

<sup>1</sup> Examples of how a project may cause the disruption or delay of control measures include a project that precludes an extension of a transit line or bike path, or proposes excessive parking beyond parking requirements.

In summary, the responses to all three of the questions with regard to CAP consistency are either affirmative or not applicable, and the proposed project would not conflict with or obstruct implementation of the 2010 CAP. This is a less than significant impact.

- b) **Less than Significant with Mitigation.** The Bay Area Air Basin experiences occasional violations of ozone and particulate matter (PM10 and PM2.5) standards. Thus, during the construction phase of any given project basin wide violations can occur. The proposed demolition of the existing structures and the subsequent redevelopment of the area into a neighborhood park would result in emissions primarily from construction related vehicles. Demolition and construction would involve use of equipment and materials that would emit ozone precursor emissions (i.e., reactive organic gases or ROG, and nitrogen oxides, or NOx). Demolition, remediation, and construction activities would also result in the emission of other criteria pollutants from equipment exhaust, construction-related vehicular activity, and construction worker automobile trips. Emission levels for these activities would vary depending on the number and type of equipment, duration of use, operation schedules, and the number of construction workers. Criteria pollutant emissions of ROG and NOx from these emission sources would incrementally add to the regional atmospheric loading of ozone precursors during project development. Emissions were estimated using the latest CalEEMod (version 2013.2.2) model and are depicted below in **Table 3-1**. Additional assumptions and information are included in **Appendix A**.

**TABLE 3-1**  
**AVERAGE DAILY CONSTRUCTION-RELATED POLLUTANT EMISSIONS (Pounds/Day)<sup>a</sup>**

Year	ROG	NOx	Exhaust PM10 <sup>b</sup>	Exhaust PM2.5 <sup>b</sup>
2014 (Unmitigated Emissions)	2	15	1	1
<i>BAAQMD Construction Threshold</i>	54	54	82	54
Significant Impact?	No	No	No	No

<sup>a</sup> Emissions were modeled using CalEEMod and assume demolition of 4,800 SF of existing buildings. It was also assumed that approximately 1,000 CY of topsoil would be exported and equivalent clean soil imported during the grading phase. Default CalEEMod equipment assumptions were assumed for construction. Construction activities were assumed to occur for a duration of four months. Additional information is included in Appendix A.

<sup>b</sup> BAAQMD's proposed construction-related significance thresholds for PM10 and PM2.5 apply to exhaust emissions only and not to fugitive dust.

Notably, if soil remediation is required for the project, air quality concerns related to soil remediation and export are addressed in the DTSC CEQA document, which includes control measures where appropriate. In addition, compliance with all applicable BAAQMD Rules and Regulations, such as Regulation 11 (Hazardous Pollutants) Rule 2 (Asbestos Demolition, Renovation, and Manufacturing), would be required by law.

Although the project would not generate emissions during construction that would exceed the BAAQMD thresholds, due the potential for localized impacts on the adjacent

sensitive land uses, implementation of **Mitigation Measure AIR-1** would ensure that impacts are reduced to a less-than-significant level.

In regards to operations, the proposed project would alter the use of the project site by expanding the existing Orchard Gardens Park on to residential land use. The proposed neighborhood park would generate approximately 16 one-way vehicle trips on a weekday (8 inbound and 8 outbound). However, the existing single-family residential units generate approximately 38 one-way vehicle trips on a weekday (19 inbound and 19 outbound), thus negating the increase in traffic on local roadways. Overall project emissions were estimated using the CalEEMod software and are depicted below in **Table 3-2**, and as a conservative estimate, do not subtract out existing emissions associated with the residential uses. Additional assumptions and information are included in **Appendix A**.

As shown in Table 3-2, long-term operational emissions of the project would be less than significant.

**TABLE 3-2  
AVERAGE DAILY OPERATION-RELATED POLLUTANT EMISSIONS (Pounds/Day)<sup>a</sup>**

Year	ROG	NOx	PM10	PM2.5
Area Sources	0.3	0	0	0
On-road Vehicles	0.1	0.1	0.1	0
Total Operational Emissions	0.4	0.1	0.1	0
<i>BAAQMD Operational Threshold</i>	54	54	82	54
Significant Impact?	No	No	No	No

<sup>a</sup> Emissions were modeled using CalEEMod and assume 16 daily trips and default assumptions regarding landscape equipment (area sources). Additional information is included in Appendix A.

**Mitigation Measure AIR-1:** During active construction, the City shall require construction contractors to implement all the BAAQMD's Basic Construction Mitigation Measures, listed below:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.

5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

- c) **Less than Significant with Mitigation.** According to the BAAQMD, no single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In addition, according to the BAAQMD CEQA Air Quality Guidelines, if a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions (BAAQMD, 2011). Alternatively, if a project does not exceed the identified significance thresholds, then the project would not be considered cumulatively considerable and would result in less-than-significant air quality impacts. As discussed for criteria "b" above, the project would result in less than significant construction emissions with mitigation incorporation, and less than significant operational emissions.

**Mitigation Measure:** Implement Mitigation Measure AIR-1.

- d) **Less than Significant.** BAAQMD defines sensitive receptors as children, adults, and seniors occupying or residing in residential dwellings, schools, colleges and universities, daycares, hospitals, and senior-care facilities. Workers are not considered sensitive receptors because all employers must follow regulations set forth by the Occupation Safety and Health Administration (OSHA) to ensure the health and well-being of their employees (BAAQMD, 2012).

Construction of the project would result in short-term diesel exhaust emissions (DPM), which are toxic air contaminants (TACs), from on-site heavy-duty equipment. Project construction would generate DPM emissions from the use of off-road diesel equipment required for construction activities. Exposure of sensitive receptors—such as the adjacent multifamily residences—is the primary factor used to determine health risk. Exposure is a function of the concentration of a substance or substances in the environment and the

extent of exposure that person has with the substance. A longer exposure period would result in a higher exposure level. Thus, the risks estimated for a maximally exposed individual are higher if a fixed exposure occurs over a longer period of time. According to the Office of Environmental Health Hazard Assessment (OEHHA), health risk assessments, which determine the exposure of sensitive receptors to toxic emissions, should be based on a 70-year exposure period; however, such assessments should be limited to the period/duration of activities associated with the project. Thus, the duration of the proposed construction activities (4 months) would only constitute a small percentage of the total 70-year exposure period. OEHHA recommends that a minimum exposure duration of two years be assumed for health risk assessment of short-term projects, such as construction. However, in this case, with a maximum of 4 months of construction, the assumption of a two-year exposure would overstate potential health risks. DPM from construction activities is not anticipated to result in the exposure of sensitive receptors to levels that exceed applicable standards. However, implementation of Mitigation Measure AIR-1 (BAAQMD's Basic Construction Mitigation Measures) would also reduce potential DPM emissions.

The long-term operation of the project would not result in any sources of toxic air emissions. The proposed project expands the existing park and would not expose visitors to increased TACs from any nearby sources. This impact would be less than significant.

- e) **Less than Significant.** As a general matter, the types of land use development that pose potential odor problems include wastewater treatment plants, refineries, landfills, composting facilities and transfer stations. No such uses would occupy the project site. Therefore the project would not create objectionable odors that would affect a substantial number of people.

## References

- Bay Area Air Quality Management District (BAAQMD), 2010. Bay Area 2010 Clean Air Plan, adopted September 15, 2010. Available at <http://www.baaqmd.gov>.
- Bay Area Air Quality Management District (BAAQMD), 2011. CEQA Air Quality Guidelines, revised May 2011.
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## Biological Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>4. BIOLOGICAL RESOURCES — Would the project:</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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion

- a) **Less than Significant.** The California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) documents 20 occurrences of special-status<sup>2</sup> species within the USGS quadrangle containing the site (Mountain View) (CDFW, 2013). Natural habitat for all of these species no longer exists at the project site and a recent search shows no sightings within a half mile of the project area.
- b) **No Impact.** The project site is currently comprised of three City-owned 5,000 sq. ft. lots, each with a 1,000 sq. ft. single-story, residential home with one-car garage, concrete footpaths and driveways, and minimal landscaping. Mature street trees exist on the verge

<sup>2</sup> The term "special-status" species includes those that are listed and receive specific protection defined in federal or state endangered species legislation, as well as species not formally listed as Threatened or Endangered, but designated as "Rare" or "Sensitive" on the basis of adopted policies and expertise of state resource agencies or organizations, or policies adopted by local agencies such as counties, cities, and special districts to meet local conservation objectives.



- between the sidewalk and street, however none would be removed under the project. The project would however, remove six trees outside the public right-of-way. One multi-trunked tree, with two 12-inch diameter trunks at breast height (dbh) on the existing Orchard Garden Park property behind the park building and five smaller trees with trunks less than six inches dbh located in the back yard of the property of 278 Garner Drive would be removed to accommodate the proposed park expansion. There is no riparian habitat or other sensitive natural community present onsite.
- c) **No Impact.** The project site is on developed land that generally either includes a building or is paved for parking, with small and underdeveloped landscaped lawns. As such, the project site is largely impervious and contains no wetlands as defined by the Clean Water Act.
- d) **Less than Significant with Mitigation.** Mature trees exist within the Orchard Gardens Park abutting the project site and all along Garner Drive which provides suitable habitat for nesting and foraging migratory birds as well as roosting bats. Bats could also roost in existing buildings to be demolished under the project.

### ***Nesting Birds***

Construction disturbance from building demolition or vegetation and tree removal during breeding bird season could result in incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. The general raptor and passerine bird nesting period cited by CDFW is often cautiously interpreted as the period between February 1 and August 31.

Breeding birds are protected under Section 3503 of the California Fish and Game Code (Code), and raptors are protected under Section 3503.5. In addition, both Section 3513 of the Code and the Federal Migratory Bird Treaty Act (16 USC, Sec. 703 Supp. I, 1989) prohibit the killing, possession, or trading of migratory birds. Finally, Section 3800 of the Code prohibits the taking of non-game birds, which are defined as birds occurring naturally in California that are neither game birds nor fully protected species.

In general, CDFW recommends a 250-foot construction exclusion zone around the nests of active passerine songbirds during the breeding season, and a 500-foot buffer for nesting raptors. These buffer distances are considered initial starting distances once a nest has been identified, and are sometimes revised downward to 100 feet and 250 feet, respectively, based on site conditions and the nature of the work being performed. These buffer distances may also be modified if obstacles such as buildings or trees obscure the construction area from active bird nests, or existing disturbances create an ambient background disturbance similar to the proposed disturbance.

Potential project-related impacts to breeding or nesting birds would be minimized to a less-than-significant level with the implementation of **Mitigation Measure BIO-1**, as described below.

**Mitigation Measure BIO-1:** To the extent practicable, construction activities including building demolition, vegetation and tree removal, and new site construction shall be performed between September 1 and January 31 in order to avoid breeding and nesting season for birds. If these activities cannot be performed during this period, pre-construction survey for nesting birds shall be conducted by a qualified biologist.

In coordination with the City, surveys shall be performed no more than 14 days prior to construction activities listed above in order to locate any active passerine nests within 250 feet of the project site and any active raptor nests within 500 feet of the project site. Vegetation removal and construction activities performed between September 1 and January 31 avoid the general nesting period for birds and therefore would not require pre-construction surveys.

If active nests are found on either the project site or within the 500-foot survey buffer surrounding the project site, no-work buffer zones shall be established around the nests in coordination with CDFW. No demolition, vegetation removal, or ground-disturbing activities shall occur within a buffer zone until young have fledged or the nest is otherwise abandoned as determined by the qualified biologist. If work during the nesting season stops for 14 days or more and then resumes, then nesting bird surveys shall be repeated, to ensure that no new birds have begun nesting in the area.

### ***Roosting Bats***

Bats have the potential to roost in existing buildings and trees within or near the project site. All bats and non-game mammals are protected under California Fish and Game Code Section 4150, and destruction of a maternity colony of even a relatively common species would be considered significant. This impact can be reduced to a less-than-significant level through implementation of **Mitigation Measure BIO-2**, as described below.

**Mitigation Measure BIO-2:** If any evidence of bats (i.e., visual or acoustic detection, guano, staining, strong odors) are present on site, a qualified bat biologist (i.e., a biologist holding a CDFW collection permit and a Memorandum of Understanding with the CDFW allowing the biologist to handle and collect bats) shall survey for bats at the project site. If no evidence of bats (i.e., visual or acoustic detection, guano, staining, strong odors) is present on-site, no further mitigation is required.

If bats raising pups (also called a maternity colony) are identified at the project site, the project applicant will create a no-disturbance buffer acceptable in size to the CDFW around the bat roosts. The buffer shall remain in-place until after the young are flying (i.e., after July 31, confirmed by a qualified bat biologist) or before maternity colonies form the following year (i.e., prior to March 1). Bat roosts initiated during construction are presumed to be unaffected, and no buffer is necessary. Non-maternity bat roosts shall be removed by a qualified biologist, by either making the roost unsuitable for bats by opening the roost area to allow airflow through the cavity, or excluding the

bats using one-way doors, funnels, or flaps. The “take<sup>3</sup>” of individuals (e.g., direct mortality of individuals, or destruction of roosts while bats are present) is prohibited.

If known bat roosting habitat is destroyed during building demolition and/or tree removal, artificial bat roosts shall be constructed in an undisturbed area in the project site vicinity at least 200 feet from project demolition and construction activities. The design and location of the artificial bat roost(s) shall be determined by a qualified bat biologist.

**Significance after Mitigation:** Less than Significant.

- e) **No Impact.** The Sunnyvale Municipal Code, Chapter 19.94 Tree Preservation outlines the requirements for tree removal permits on private property and any city owned golf course or park. The City will obtain permits for the removal of any trees meeting the definition of “Protected Trees.”

The Sunnyvale Municipal Code (Chapter 19.94 Tree Preservation) protects trees in which a single trunk tree is 38 inches or greater in circumference when measured at 4.5 feet above the ground or multi-trunk trees in which one trunk is 38 inches or greater in circumference or where the measurements of the multiple trunks together total 113 inches in circumference when measured at 4.5 feet above the ground. One multi-trunk tree, with trunk circumference totaling 57 inches when measured at 4.5 feet above the ground, is planned for removal under the project and does not qualify for protection under the Sunnyvale Municipal Code. Similarly, due to size (less than six inches dbh), the five smaller trees located in the back yard of the property of 278 Garner Drive do not qualify for protection.

- f) **Less than Significant.** The Santa Clara Valley Habitat Plan (SCVHP) provides a framework for promoting the protection and recovery of natural resources, including endangered species, while streamlining the permitting process for planned development, infrastructure, and maintenance activities. The Plan would protect, enhance, and restore natural resources in specific areas of Santa Clara County and contribute to the recovery of endangered species. Rather than separately permitting and mitigating individual projects, the Plan evaluates natural-resource impacts and mitigation requirements comprehensively in a way that is more efficient and effective for at-risk species and their essential habitats. Because the project would comply with the regulations set forth in the SCVHP, conflicts to the Habitat Plan would be less than significant.

<sup>3</sup> “Take,” as defined in Section 9 of the FESA, is broadly defined to include intentional or accidental “harassment” or “harm” to wildlife. “Harass” is further defined by the U.S. Fish and Wildlife Service as an intentional or negligent act or omission that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns that include, but are not limited to, breeding, feeding, and sheltering. “Harm” is defined as an act that actually kills or injures wildlife. This may include significant habitat modification or degradation that actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.

## References

- California Department of Fish and Wildlife (CDFW), California Natural Diversity Database  
Rarefind -commercial version 4 for the Mountain View 7.5-minute topographic quadrangle,  
September 2013.
- Santa Clara County, 2012. Santa Clara Valley Habitat Plan. Santa Clara County Government  
Center, August 2012.

## Cultural Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>5. CULTURAL RESOURCES — Would the project:</b>				
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"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Discussion

- a) **No Impact.** A significant impact would occur if the project would cause a substantial adverse change to a historical resource, herein referring to historic-period architectural resources or the built environment, including buildings, structures, and objects. A substantial adverse change includes the physical demolition, destruction, relocation, or alteration of the resource.

ESA completed a records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System on June 26, 2013 (File No. 12-1637). The review included the project area and a ½-mile radius. Previous surveys, studies, and site records were accessed. Records were also reviewed in the Historic Property Data File for Santa Clara County, which contains information on places of recognized historical significance including those evaluated for listing in the *National Register of Historic Places*, the *California Register of Historical Resources*, the *California Inventory of Historical Resources*, *California Historical Landmarks*, and *California Points of Historical Interest*. The City of Sunnyvale Heritage Resources Inventory was also reviewed for properties with local importance. The purpose of the records search was to (1) determine whether known cultural resources have been recorded within the project vicinity; (2) assess the likelihood for unrecorded cultural resources to be present based on historical references and the distribution of nearby sites; and (3) develop a context for the identification and preliminary evaluation of cultural resources.

The residences proposed for demolition at 252, 266 and 278 Garner Drive are not listed on any national, State, or local historic registers. The three, single-family residences were constructed in 1954 as part of the Orchard Gardens subdivision. Architecturally, they exhibit modernistic versions of the common Ranch and Minimal Traditional styles typical of the mid-1950s, with shallow gable roofs, plaster and horizontal wood siding, recessed entry porches, aluminum frame windows, and attached single-car garages. They are architecturally undistinguished from the other homes in the subdivision, which share

similar footprints and architectural expressions. Historically, the residences are associated with post-war residential growth in Sunnyvale and Santa Clara County in general, as the area was changing rapidly from a primarily agricultural economy to one based on the research and development of high technologies, as well as residential construction to house the growing numbers of middle-class workers involved in the new post-war economy. The properties proposed for demolition do not appear to be significant examples of a particular architectural type, as they are relatively common forms found throughout the neighborhood and general vicinity.<sup>4</sup> There is nothing to indicate that the Orchard Gardens subdivision is in any way significantly associated, or particularly unique, with regard to post-war residential growth in Sunnyvale or Santa Clara County, as this was a common historical theme for the city, state, as well as the country as a whole. For these reasons, the properties at 252, 266 and 278 Garner Drive would not qualify as historical resources under CEQA Section 15064.5. Therefore, the removal of these buildings would have no impact on historical resources. No mitigation would be required.

- b) **Less than Significant with Mitigation.** A significant impact would occur if the project would cause a substantial adverse change to an archaeological resource through physical demolition, destruction, relocation, or alteration of the resource.

The project area is within the traditional territory of the Costanoan or Ohlone people (Levy, 1978: 485–495). The people collectively referred to by ethnographers as Costanoan were actually distinct sociopolitical groups that spoke at least eight languages of the same Penutian language group. The Ohlone occupied a large territory from San Francisco Bay in the north to the Big Sur and Salinas Rivers in the south. The primary sociopolitical unit was the tribelet, or village community, which was overseen by one or more chiefs. The project area is in the greater *Puichon* tribal area (Milliken, 1995). After European contact, Ohlone society was severely disrupted by missionization, disease, and displacement. Today, the Ohlone still have a strong presence in the San Francisco Bay Area, and are highly interested in their historic and prehistoric past.

Base maps at the NWIC show that no prehistoric archaeological resources have been previously recorded within a ½-mile radius of the project area (NWIC, 2013). The nearest archaeological sites (CA-SCL-12/H and P-43-002241) are located just over ½-mile to the west and east respectively. CA-SCL-12/H incorporates two intact Early Period (8000–500 B.C.) components as well as a very large assemblage of cultural materials including almost 2,500 artifacts and large quantities of shellfish, vertebrates, and carbonized plant remains (Byrd, 2009).

ESA completed a surface survey of the project area on July 17, 2013 (Koenig, 2013). Ground visibility was limited due to the existing buildings. The soil was a dark medium

<sup>4</sup> Sunnyvale has not identified the neighborhood as including Eichlers: <http://sunnyvale.ca.gov/Portals/0/Sunnyvale/CDD/Residential/Additions/EichlerDGADOPTEDlowresolution.pdf>. Eichler built nothing north of U.S. 101, where the park is located.

brown with gravels. No archaeological resources, including midden soil, shell fragments, or other evidence of past human use, were identified in the project area.

The project area is underlain by Holocene-age alluvial deposits (Witter, et al). Active alluvial fan deposits are generally less than 5,000 years old and overlie older land surfaces (including stabilized/abandoned Pleistocene-age alluvial deposits). In many places, the interface between older land surfaces and active alluvial fans is marked by a well-developed buried soil profile, or a paleosol.<sup>5</sup> Paleosols preserve the composition and character of the earth's surface prior to subsequent sediment deposition; thus, paleosols have the potential to preserve archaeological resources if the area was occupied or settled by humans (Meyer and Rosenthal, 2007). The project area is located in an area that has been highly disturbed from previous impacts related to the construction of the current residences.

No archaeological features or artifacts have been identified in the project area. Based on the results of the surface survey, nearby site distribution, and previous disturbance in the project area it does not appear that the project has the potential to impact significant archaeological resources; however the discovery of archaeological materials during ground disturbing activities cannot be entirely discounted. In the event of the discovery of any cultural resources during project construction activities, implementation of the following mitigation measure would reduce potential impacts to a less-than-significant level.

**Mitigation Measure CUL-1:** If prehistoric or historic-period archaeological resources are encountered, all construction activities within 100 feet shall halt and the City of Sunnyvale shall be notified. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. A Secretary of the Interior-qualified archaeologist shall inspect the findings within 24 hours of discovery. If it is determined that the project could damage a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, a qualified archaeologist shall prepare and implement a detailed treatment plan in consultation with the City of Sunnyvale. Treatment of unique archaeological resources shall follow the applicable requirements of PRC Section 21083.2. Treatment for most resources would consist of (but would not be not limited to) sample excavation,

<sup>5</sup> A paleosol is a buried soil that forms when sediment is deposited over a surface with a developed soil profile without it being eroded away first.

artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals.

- c) **No Impact.** A significant impact would occur if the project would destroy a unique paleontological resource or site, or a unique geologic feature. Paleontological resources are the fossilized evidence of past life found in the geologic record. Despite the tremendous volume of sedimentary rock deposits preserved worldwide, and the enormous number of organisms that have lived through time, preservation of plant or animal remains as fossils is an extremely rare occurrence. Because of the infrequency of fossil preservation, fossils—particularly vertebrate fossils—are considered to be nonrenewable resources. Because of their rarity, and the scientific information they can provide, fossils are highly significant records of ancient life.

Rock formations that are considered of paleontological sensitivity are those rock units that have yielded significant vertebrate or invertebrate fossil remains. This includes, but is not limited to, sedimentary rock units that contain significant paleontological resources anywhere within its geographic extent. The project area is underlain by Holocene alluvium, and is not likely yield significant paleontological remains because they are surface deposits that are not considered fossil-bearing rock units. In addition, construction of the proposed project would not require substantial excavation to depths at which paleontological resources could be encountered. The project would therefore have no impact on paleontological resources.

- d) **Less than Significant with Mitigation.** There is no indication from the archival research results that any part of the project area has been used for human burial purposes in the recent or distant past. Therefore, it is unlikely that human remains would be encountered during construction of the proposed project. However, the possibility of inadvertent discovery cannot be entirely discounted, and would result in a potentially adverse impact. Implementation of **Mitigation Measure CUL-2** would ensure that inadvertent discovery impacts to human remains would be reduced to a less-than-significant level.

**Mitigation Measure CUL-2:** In the event of discovery or recognition of any human remains during construction activities, such activities within 100 feet of the find shall cease until the Santa Clara County Coroner has been contacted to determine that no investigation of the cause of death is required. The Native American Heritage Commission (NAHC) will be contacted within 24 hours if it is determined that the remains are Native American. The NAHC will then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the City of Sunnyvale for the appropriate means of treating the human remains and any grave goods.



## References

Byrd, Brian, Site Record Update for CA-SCL-12/H. On file, NWIC, November 2009.

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<http://sunnyvale.ca.gov/Departments/SunnyvalePublicLibrary/ResearchOnline/SunnyvaleHistory>. July 16, 2013.

Koenig, Heidi, Memorandum – Cultural Resources Survey for the proposed expansion of Orchard Gardens Park. Prepared for the City of Sunnyvale. On file, ESA, June 2013.

Meyer, Jack, and Jeffrey Rosenthal, *Geoarchaeological Overview of the Nine Bay Area Counties in Caltrans District 4*. Prepared for Caltrans District 4, 2007.

Milliken, Randall, *A Time of Little Choice*. Ballena Press Anthropological Papers No. 43. 1995.

Northwest Information Center (NWIC), Cultural Resources Records Search for the proposed expansion of Orchard Gardens Park (File No. 12-1637). On file, ESA, June 2013.

Witter, R.C., K.L. Knudsen, J.M. Sowers, C.M. Wentworth, R.D. Koehler, and C.E. Randolph. Maps of Quaternary Deposits and Liquefaction Susceptibility in the Central San Francisco Bay Region, California. United State Geological Survey Open-file report 2006-1037, 2006.

## Geology, Soils, and Seismicity

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>6. GEOLOGY, SOILS, AND SEISMICITY —</b>				
<b>Would the project:</b>				
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 checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

- a.i) **Less than Significant.** The project site is not located in an Alquist-Priolo Earthquake Fault Zone nor is it located on or immediately adjacent to an active or potentially active fault.<sup>6</sup> The Alquist-Priolo Earthquake Fault Zoning Act requires the delineation of zones by the California Department of Conservation, Geological Survey (CGS, formerly known as the California Division of Mines and Geology [CDMG]) along sufficiently active and well-defined faults. The purpose of the Act is to restrict construction of structures intended for human occupancy along traces of known active faults. Alquist-Priolo Zones

<sup>6</sup> An active fault is defined by the State of California is a fault that has had surface displacement within Holocene time (approximately the last 10,000 years). A potentially active fault is defined as a fault that has shown evidence of surface displacement during the Quaternary (last 1.6 million years), unless direct geologic evidence demonstrates inactivity for all of the Holocene or longer. This definition does not, of course, mean that faults lacking evidence of surface displacement are necessarily inactive. Sufficiently active is also used to describe a fault if there is some evidence that Holocene displacement occurred on one or more of its segments or branches (Hart, 1997).

are designated areas most likely to experience surface fault rupture, although fault rupture is not necessarily restricted to those specifically zoned areas. The active faults nearest to the project site are the San Andreas, located 8 miles southwest of the project site, and the Hayward, located 9 miles northeast. Other nearby active Bay Area faults include the San Gregorio-Hosgri fault, located 21 miles west, and the Calaveras fault, located 16 miles west of the project site. As the project site is not located in an Alquist-Priolo Earthquake Fault Zone nor is it located on or immediately adjacent to an active fault, fault rupture hazards associated with the proposed project are considered less than significant.

- a.ii, iii) **Less than Significant.** The City of Sunnyvale is located in a seismically active region. Recent studies by the United States Geological Survey (USGS) indicate there is a 63 percent likelihood of a Richter magnitude 6.7 or higher earthquake occurring in the Bay Area in the next 30 years (USGS, 2008a; 2008b). The project site could experience a range of ground shaking effects during an earthquake on one of the aforementioned Bay Area faults. An earthquake on the San Andreas Fault could result in very strong (Modified Mercalli Index VII) ground shaking intensities.<sup>7</sup> Ground shaking of this intensity could result in moderate damage, such as collapsing chimneys and falling plaster from buildings in Sunnyvale (ABAG, 2013a). Seismic shaking of this intensity can also trigger ground failures caused by liquefaction, potentially resulting in foundation damage, disruption of utility service and roadway damage.<sup>8</sup> The project site is underlain by alluvial materials that can cause moderate to very high shaking amplification, and is within an area designated by the CGS and Santa Clara County as a liquefaction Seismic Hazard Zone (CGS, 2006; Santa Clara County, 2002; ABAG, 2013b).

The Seismic Hazards Mapping Act (SHMA) was enacted in 1990 to protect the public from the effects of strong ground shaking, liquefaction, landslides, or other ground failures caused by earthquakes. SHMA requires the State Geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones. Before a development permit is granted for a site within a Seismic Hazard Zone, a geotechnical investigation must be conducted and appropriate mitigation measures incorporated into the project design. The CGS Special Publication 117A, first adopted in 1997 (and updated in 2008) by the CGS in accordance with the SHMS, provides guidelines for evaluating seismic hazards other than surface faulting, and for recommending mitigation measures as required by Public Resources Code Section 2695(a).

Although the proposed project would include few above-ground structures, the park design would be required to comply with all applicable City of Sunnyvale regulations and standards to address potential geologic impacts associated with the minor development

<sup>7</sup> Shaking intensity is a measure of ground shaking effects at a particular location, and can vary depending on the overall magnitude of the earthquake, distance to the fault, focus of earthquake energy, and type of underlying geologic material. The Modified Mercalli (MM) intensity scale is commonly used to measure earthquake effects due to ground shaking. The MM values for intensity range from I (earthquake not felt) to XII (damage nearly total).

<sup>8</sup> Liquefaction is the process by which saturated, loose, fine-grained, granular, soil, like sand, behaves like a dense fluid when subjected to prolonged shaking during an earthquake.

- (e.g., walkways, parking spaces, etc.) of the project site, including ground shaking and liquefaction. Geotechnical and seismic design criteria must also conform to engineering recommendations in accordance with the seismic requirements of the 2010 California Building Code (Title 24). As the project site is located within a liquefaction Seismic Hazard Zone according to the CGS, the City would be required to comply with the guidelines set by CGS Special Publication 117A to minimize the potential for liquefaction to adversely affect these park improvements.
- a.iv) **No Impact.** The project site is relatively level, and is not located on or adjacent to a hillside. Improvements resulting from the proposed project would therefore not be affected by potential impacts associated with landslides or mudslides.
  - b) **Less than Significant.** Redevelopment of the project site would involve earthwork activities such as grading and trenching. These activities could expose soils to the effects of erosion. The proposed project site is only 1/3 of an acre in size, and is not subject to the National Pollutant Discharge Elimination System (NPDES) requirements for construction. However, erosion control measures during construction are required before grading permits are issued, in conformance with Santa Clara County Urban Runoff Pollution Prevention Program (SCVURPPP) (SCVURPPP, 2003). Therefore, despite the relatively small area of disturbance the City would be required to develop and implement a best management practices (BMPs) to minimize potential erosion and subsequent sedimentation of stormwater runoff. Incorporation of these BMPs during construction would reduce the potential impact to less than significant.
  - c) **Less than Significant.** The City of Sunnyvale has historically experienced subsidence resulting from excessive withdrawal of groundwater. However, the stabilization of groundwater pumping rates and a groundwater re-injection program administered by the Santa Clara Valley Water District has halted subsidence in the surrounding area. Operation of the proposed project would not involve the withdrawal of groundwater. Given the limited loading of the proposed project improvements, potential impacts associated with unstable units would be less than significant. Potential impacts related to liquefaction are discussed under a.ii, above.
  - d) **Less than Significant.** The presence of expansive soils can only be determined through laboratory analysis of soil samples obtained from the site. The completion of a site-specific geotechnical investigation and incorporation of geotechnical recommendations, as required by the City's Building Division and the California Building Code prior to issuance of a building permit, would ensure that site-specific information on shrink-swell capabilities of onsite soils is obtained. The site-specific geotechnical investigation would include measures to minimize hazards associated with expansive soils, if present.
  - e) **No Impact.** The proposed improvements at the project site would be connected to the City of Sunnyvale sewer system which does not require septic or other alternative wastewater disposal; therefore the project would have no impact related to the support of septic systems.

## References

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- Santa Clara County, 2002. Geologic Hazard Zones Map. Planning Office.
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- USGS, 2008b. Uniform California Earthquake Rupture Forecast, Version 2. Working Group on California Earthquake Probabilities (WG07). Findings,  
[http://www.conservation.ca.gov/cgs/information/publications/sr/Documents/SR\\_203.pdf](http://www.conservation.ca.gov/cgs/information/publications/sr/Documents/SR_203.pdf). Accessed September 9, 2013
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## Greenhouse Gas Emissions

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>7. GREENHOUSE GAS EMISSIONS — Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion

- a-b) **Less than Significant.** Greenhouse gas (GHG) impacts are considered to be exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective (CAPCOA, 2008). GHG emissions associated with project construction and operations were modeled with CalEEMod (version 2013.2.2) and are described below.

The project would consist of demolition of the existing buildings, potential soil remediation, and the subsequent redevelopment of the project site into a neighborhood park. Greenhouse gases (GHGs) associated with demolition, remediation, and construction would be generated by construction equipment, haul trucks, and worker vehicles. As shown in Appendix A, maximum annual GHGs of 64 metric tons of CO<sub>2</sub> would be emitted during the year 2014.

In regards to long-term operations, in accordance with the BAAQMD CEQA Air Quality Guidelines (BAAQMD, 2011), this project would have a significant impact if the project emits GHGs greater than 1,100 metric tons per year CO<sub>2</sub>e from sources other than permitted stationary sources. In regards to operations, the proposed project would alter the use of the project site by expanding the existing Orchard Gardens Park on to residential land use. On-road vehicles, landscaping maintenance activities, and water/wastewater conveyance would be the primary sources of GHGs associated with project operations. The proposed neighborhood park would generate approximately 16 one-way vehicle trips on a weekday (8 inbound and 8 outbound). However, the existing single-family residents generate approximately 38 one-way vehicle trips on a weekday (19 inbound and 19 outbound), thus negating the increase in traffic on local roadways. Overall project emissions were estimated using the CalEEMod software, and as a conservative estimate, do not subtract out existing emissions associated with the residential uses. As shown in **Appendix A**, GHG emissions generated by the project would equate to 15 metric tons of CO<sub>2</sub> per year. Thus, the project would not exceed the BAAQMD GHG threshold and would be considered less than significant.

The City of Sunnyvale has established a GHG reduction plan for City operations (KEMA, Inc. 2007). Notably, the project would not conflict with any applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions. This would be a less than significant impact.

## References

Bay Area Air Quality Management District (BAAQMD), 2011. *CEQA Air Quality Guidelines*, revised May 2011.

California Air Pollution Control Officers Association (CAPCOA), 2008. *CEQA and Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*.

KEMA, Inc., 2007. *City of Sunnyvale Climate Action Plan – City Operations*. June 2007.

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## Hazards and Hazardous Materials

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>8. HAZARDS AND HAZARDOUS MATERIALS — Would the project:</b>				
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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"/>
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"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion

- a,d) **Less than Significant with Mitigation.** The construction of the proposed project would require demolition, soil remediation, and minor grading activities. If not addressed beforehand, construction activities could potentially expose construction workers and the public to hazardous conditions through disturbance of hazardous materials present in subsurface soils or building materials.

### Demolition

Demolition of the existing residences may expose construction workers, the public, or the environment to hazardous materials such as lead-based paint, asbestos, and polychlorinated biphenyls (PCBs). The residences were constructed in the mid-20<sup>th</sup>



century which indicates that any of the aforementioned hazardous building materials could be present. If asbestos containing materials (ACMs) are present and disturbed, it could expose workers and the public to potentially hazardous airborne fibers during demolition. Any ACMs, if present, would need appropriate abatement of identified asbestos prior to demolition.

ACMs are regulated both as a hazardous air pollutant under the Clean Air Act and as a potential worker safety hazard under the authority of Cal-OSHA. Cal-OSHA also regulates worker exposure to lead-based paint. Potential exposure to these hazardous building materials can be reduced through appropriate identification, removal and disposal according to applicable regulations.

Structures slated for demolition under the project must be assessed for ACMs, and if present, abatement carried out in accordance with state and federal regulations prior to the start of demolition or renovation activities.

Section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. The Bay Area Air Quality Management District (BAAQMD) is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified 10 days in advance of any proposed demolition or abatement work.

Notification must include the names and addresses of operations and persons responsible; description and location of the structure to be demolished/alterd including size, age, and prior use, and the approximate amount of friable asbestos; scheduled starting and completion dates of demolition or abatement; nature of planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and the name and location of the waste disposal site to be used. The BAAQMD randomly inspects asbestos removal operations and would inspect any removal operation about which a complaint has been received.

Asbestos abatement contractors must follow state regulations contained in 8 CCR 1529 and 8 CCR 341.6 through 341.14 where there is asbestos related work involving 100 square feet or more of asbestos-containing material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a hazardous waste generator number assigned by and registered with the Department of Toxic Substances Control (DTSC) in Sacramento. The site owner or responsible party and the transporter of the waste are required to file a hazardous waste manifest that details the transportation of the material from the site and its disposal.

Both the federal OSHA and Cal-OSHA regulate worker exposure during construction activities that disturb lead-based paint. The Interim Final Rule found in 29 CFR 1926.62

covers construction work in which employees may be exposed to lead during such activities as demolition, removal, surface preparation for repainting, renovation, cleanup, and routine maintenance. The OSHA-specified compliance includes respiratory protection, protective clothing, housekeeping, special high-efficiency filtered vacuums, hygiene facilities, medical surveillance, and training. No minimum level of lead is specified to activate the provisions of this regulation.

Fluorescent lighting ballasts manufactured prior to 1978, and electrical transformers, capacitors, and generators manufactured prior to 1977, may contain PCBs and/or mercury. To prevent unintentional release, these lighting fixtures are required to be removed intact and transported to a regulated facility. In accordance with the Toxic Substances Control Act and other federal and state regulations, the proposed project would be required to properly handle and dispose of electrical equipment and lighting ballasts that contain PCBs and/or mercury, reducing potential impacts to a less-than-significant level.

Compliance with these regulations and procedures would ensure that any potential impacts due to hazardous building materials are less than significant.

### **Subsurface Contamination**

The project site is located in a region that has a history of agricultural uses. Historical use of pesticides or herbicides could potentially indicate the presence of residual pesticides or metals such as lead or arsenic in surface soils. Lead-arsenate was once a commonly used pesticide in orchards and if not addressed appropriately could present exposure hazards for future users of the project site if present. Although the project would only require trenching, and minor cut and fill, soil sampling as required by **Mitigation Measures HAZ-1**, and any required follow up remediation, if necessary, would ensure that any contaminated site soils would be removed from the project site and thus would not be a potential health threat to proposed future users.

Otherwise, during operation of the proposed project, there would be no routine transport, use, or disposal of hazardous materials. Landscaping maintenance may require the use of limited quantities of industry standard hazardous materials such as herbicides or pesticides but not in such a manner as to represent a significant threat to human health and the environment. Such materials are stored in cabinets onsite in accordance with all laws and regulations and with proper permits, where applicable.

**Mitigation Measure HAZ-1:** Prior to obtaining a grading or building permit, the City shall obtain a qualified environmental professional to prepare a Phase I Environmental Site Assessment in accordance with the standards set forth in ASTM E1527-05. The Phase I shall determine the presence of recognized environmental conditions and provide recommendations for further investigation, if applicable. Prior to receiving a building or grading permit, project applicant shall provide documentation from overseeing agency that any identified contamination has been remediated to levels where no threat to human health or the environment remains.

- b) **Less than Significant.** Construction at the site could involve minor quantities of paints, solvents, oil and grease, and petroleum hydrocarbons as discussed in Section 9, Hydrology and Water Quality. Compliance with hazardous materials BMPs, as identified in a Stormwater Pollution Prevention Plan (SWPPP)<sup>9</sup> would reduce potential impacts from spills or leaks associated with construction hazardous materials to a less-than-significant level. Following construction, no substantial hazardous materials storage, use, or disposal would be likely. Therefore potential impacts from upset or accidental releases during or after project construction would be considered less than significant.
- c) **Less than Significant.** The project site is not located within a quarter mile of any school. The closest school to the project site is the Columbia Middle School located approximately a half mile south of the project site. However, as discussed above, the proposed project would not handle or disturb significant hazardous materials; therefore this is a less-than-significant impact.
- e,f) **No Impact.** The project site is located within two miles of the Moffett Federal Airfield, which is operated by the NASA Ames Research Center. Five to ten flights per day take off or land at this field. The project site is not located within any airport land use plan, and it is located outside the airport's noise contour and approach zone. The project site's proximity to the airfield would not result in a safety hazard for people residing or working in the project site.
- g) **No Impact.** The proposed project would alter an existing developed site to expand a recreational area. Construction and operation of the proposed project would not involve the temporary or permanent closure of roads, and would not interfere with emergency response or evacuation plans. There would be no impact.
- h) **Less than Significant.** The project site is located in an urban setting. The project site is not located in a designated wildland area that would contain substantial forest fire risks or hazards. The risk of increased fire hazards from implementation of the proposed improvements at the project site is considered less than significant.

## References

State Water Resources Control Board (SWRCB), *Geotracker Database*,  
<http://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=Garner+Drive%2C+Sunnyvale+CA>, accessed August 30, 2013.

Department of Toxic Substances Control (DTSC), *Envirostor Database*,  
[http://www.envirostor.dtsc.ca.gov/public/mapfull.asp?global\\_id=&x=-119&y=37&z=18&ms=640,480&mt=m&findaddress=True&city=215%20Garner%20Drive,%20Sunnyvale%20CA&zip=&county=&federal\\_superfund=true&state\\_response=true&voluntary\\_cleanup=true&school\\_cleanup=true&ca\\_site=true&tiered\\_permit=true&evaluati](http://www.envirostor.dtsc.ca.gov/public/mapfull.asp?global_id=&x=-119&y=37&z=18&ms=640,480&mt=m&findaddress=True&city=215%20Garner%20Drive,%20Sunnyvale%20CA&zip=&county=&federal_superfund=true&state_response=true&voluntary_cleanup=true&school_cleanup=true&ca_site=true&tiered_permit=true&evaluati)

<sup>9</sup> Note that a NPDES General Construction Permit is not required for the project because it will disturb less than one acre but that certain BMPs would be required as part of the City's requirements and collected in a SWPPP.

on=true&military\_evaluation=true&school\_investigation=true&operating=true&post\_closure=true&non\_operating=true, accessed August 30, 2013.

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## Hydrology and Water

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>9. HYDROLOGY AND WATER QUALITY — Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of a site or area through the alteration of the course of a stream or river, or by other means, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of a site or area through the alteration of the course of a stream or river, or by other means, substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion

- a) **Less than Significant.** Stormwater runoff generated from the project site is currently collected onsite and delivered to existing storm sewer facilities which direct flows to the north of the site, ultimately emptying into the San Francisco Bay.

The project site is less than one acre and not required to apply for coverage under the State General Construction Permit to comply with federal National Pollutant Discharge

Elimination System (NPDES) regulations. However, in accordance with General Plan/Municipal Code requirements, construction activities would still be required to adhere to appropriate construction Best Management Practices (BMPs) contained in a Stormwater Pollution Prevention Plan (SWPPP) in order to minimize potential sedimentation or contamination of stormwater runoff generated from the project site. The BMPs would be implemented before, during, and after construction as part of the project in accordance with the grading permit. These erosion and sedimentation control measures would therefore reduce potential degradation of water quality associated with future project construction to a less-than-significant level.

The City of Sunnyvale is a co-permittee agency listed in the Municipal NPDES Stormwater Permit. Municipal agencies in Santa Clara County, including Sunnyvale, the County of Santa Clara, and the Santa Clara Valley Water District, joined to form the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) to coordinate compliance with the Permit, including the regulations that require stormwater treatment controls at certain new development and redevelopment projects. The City and SCVURPPP have developed complementary guidelines for the post-construction treatment requirements. However, as the project would replace less 10,000 square feet of impervious surfaces and is expected to reduce impervious surface areas by 92 square feet, there would likely be no increase in pollutant loading.

Hazardous materials associated with construction activities would likely involve minor quantities of paint, solvents, oil and grease, and petroleum hydrocarbons. Storage and use of hazardous materials at the project site during construction activities would comply with BMPs as required by the local grading permit. Adherence to BMPs would effectively reduce potential impacts to groundwater quality associated with spills or leaks of hazardous materials and stormwater quality during construction to a less-than-significant level.

Following the completion of construction activities, application of pesticides and herbicides related to landscape maintenance could be potential sources of polluted stormwater runoff. In addition, the creation of 6 new parking spaces could become a source of polluted runoff associated with automobile use. However, the number of spaces is relatively small and less than the 5,000 square foot threshold that would require treatment controls. Otherwise, there would be no sources that would significantly impact stormwater runoff quality, and the proposed project would not adversely affect ground water quality. Regardless, as previously discussed, the proposed project would be required to comply with City of Sunnyvale and SCVURPPP stormwater quality protection requirements where applicable. Therefore, potential groundwater quality impacts associated with potential development would be considered less than significant.

- b,c) **Less than Significant.** Development of the site would not involve groundwater extraction, nor the alteration of a stream or river. The proposed improvements at the project site would overall slightly decrease the amount of impervious surfaces, and thus

- no increased offsite runoff would occur. Therefore, the proposed project would not lower the groundwater table as a result of groundwater extraction or reduction in groundwater recharge and would not otherwise cause offsite sedimentation or erosion to occur.
- d,e) **Less than Significant.** As discussed above, the proposed project would not alter any stream or river. The decrease in impervious surfaces with the proposed improvements, albeit relatively minor, would nonetheless not increase flows to receiving waters. Therefore, the potential impact of altered drainage causing offsite or onsite flooding would be less than significant.
- f) **Less than Significant.** Operation of the proposed project would not result in any substantial changes to onsite water quality associated with stormwater runoff. As discussed under Comment a), above, implementation of BMPs and compliance with any City requirements where applicable would reduce potential impacts to water quality to a less-than-significant level.
- g,h,i) **Less than Significant.** The project site is not located near levees or dams and would not be exposed to flooding from failure of these structures. According to maps compiled by the San Francisco Bay Conservation and Development Commission (BCDC), a projected sea-level rise of 55 inches by the year 2100 would affect large areas around the bay perimeter. The maps indicate that the proposed project site would be located outside of anticipated inundation (BCDC, 2011). The project site is also located outside the 100-year flood zone designated by the Federal Emergency Management Agency (FEMA) (FEMA, 1997). In addition, the proposed project does not include the construction of any residential units, and proposes no substantial above ground improvements. Therefore, flooding hazards related to the proposed project would be less than significant.
- j) **Less than Significant.** The project site is located approximately ½ mile inland from the San Francisco Bay. Tsunami waves would have to travel from the Pacific Ocean through the Golden Gate to finally reach the shoreline nearest the project site. Due to natural attenuation, the probability of significant tsunami waves impacting the project site are very low. Seiches are large waves on an enclosed or semi-enclosed body of water that can be caused by seismic activity. San Francisco Bay is partially enclosed, with outlets to San Pablo Bay, as well as the Pacific Ocean via the Golden Gate, and is relatively shallow, with a mean depth of approximately 27.6 feet. Geologic-induced seiche events have not been documented in the San Francisco Bay. The proposed project site is relatively flat and not subject to mudflows. Therefore, the potential impact of seiche, tsunamis and mudflows is less than significant.

## References

- Federal Emergency Management Agency (FEMA), Flood Insurance Rate Map (FIRM), Panel 0603520001D, City of Sunnyvale, December 19, 1997.
- San Francisco Bay Conservation and Development Commission (BCDC), 55-Inch Sea Level Rise By End Of Century South Bay, available online at

[http://www.bcdc.ca.gov/planning/climate\\_change/maps/55/south\\_bay.pdf](http://www.bcdc.ca.gov/planning/climate_change/maps/55/south_bay.pdf), accessed April 12, 2011.

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## Land Use and Land Use Planning

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>10. LAND USE AND LAND USE PLANNING — Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>

- a) **Less than Significant.** The project site is located within an urban area, surrounded by residential, commercial and industrial land uses. The project would demolish four single family homes and expand the existing park with more passive recreation opportunities.

The project site is designated low density residential (0-7 dwelling units per acre [du/ac]) in the General Plan and is zoned for Low-Density Residential (RO). All adjacent parcels are zoned RO, with some nearby parcels zoned as High Density Residential Planned Development (R4-PD), High-Density Residential and Office District-Planned Development (R5-PD), and Residential Mobile Home (RMH). The site is near areas planned for future commercial, industrial and transit-oriented development under the Moffet Park Specific Plan, and areas that are planned for future industrial intensification. As parks are permitted uses in a residential neighborhood, the project would not require a General Plan amendment or zoning change.

The proposed recreational uses on the site would be consistent with the existing neighboring residential uses, as well as the John W. Christian Greenbelt that forms the southern boundary of the project site, linking the proposed park to additional recreational opportunities.

Expanding an existing neighborhood park onto the site would not change the character of the neighborhood in a negative way as it would provide additional recreational opportunities and a gathering place for the adjacent community. The project would have a less than significant impact on the surrounding land uses.

- b) **Less than Significant.** As stated in Section 4, Biological Resources, the site is not located in an area governed by any adopted environmental plans or policies by agencies, outside of the City of Sunnyvale, with jurisdiction over the project. Therefore, the proposed project would not conflict with environmental plans or policies adopted by agencies with jurisdiction over the project.

- c) **No Impact.** The project site is not located within the boundaries of the Santa Clara Valley Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP) study area; therefore, the proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan affecting the area.

## References

City of Sunnyvale General Plan Land Use Map, March 2011

City of Sunnyvale Zoning Map, North of U.S. 101, March 2011

ESA, Review of Orchard Gardens Park Extension Site Plan.

Orchard Gardens Park, Google Earth Search. October 1, 2013.

## Mineral Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>11. MINERAL RESOURCES — Would the project:</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"/>

## Discussion

- a-b) **No Impact.** There are no known mineral resources within the project site, and no operational mineral resource recovery sites at the project site or in the vicinity. Therefore, the project would not result in any impacts to mineral resources since it would not result in the loss of availability of a known mineral resource that would be of value to the region or the state, or result in the loss of a locally-important mineral resource. Therefore, the project would not affect mineral resources.

## Noise

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>12. NOISE — Would the project:</b>				
a) Result in 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project located in 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 checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion

- a) **Less than Significant with Mitigation.** Applicable noise regulations, existing setting, and impacts associated with the construction and operation of the proposed project are provided below.

The City of Sunnyvale General Plan contains guidelines for determining the compatibility of various land uses with different noise environments (City of Sunnyvale, 2011). For neighborhood parks and playgrounds, the General Plan guidelines indicate that an exterior noise environment of less than 65 dBA Ldn or CNEL is considered “normally acceptable”, between 65 dBA and 80 dBA Ldn or CNEL is considered “conditionally acceptable”, and 80 dBA or greater is considered “unacceptable”. A noise increase of 3 to 5 dBA Ldn or CNEL (depending on the ambient noise environment and land use compatibility standards) would be considered a significant noise increase.

The Municipal Code sets noise standards for construction (Title 16), and operation (Title 19), equipment and maintenance as follows:

**16.08.030. Hours of construction—Time and noise limitations.**

Construction activity shall be permitted between the hours of 7:00 a.m. and 6:00 p.m. daily Monday through Friday. Saturday hours of operation shall be between 8:00 a.m. and 5:00 p.m. There shall be no construction activity on Sunday or national holidays when city offices are closed.

No loud environmentally disruptive noises, such as air compressors without mufflers, continuously running motors or generators, loud playing musical instruments, radios, etc., will be allowed where such noises may be a nuisance to adjacent residential neighborhoods.

Exceptions:

- (a) Construction activity is permitted for detached single-family residential properties when the work is being performed by the owner of the property, provided no construction activity is conducted prior to 7:00 a.m. or after 7:00 p.m. Monday through Friday, prior to 8:00 a.m. or after 7:00 p.m. on Saturday and prior to 9:00 a.m. or after 6:00 p.m. on Sunday and national holidays when city offices are closed. It is permissible for up to two persons to assist the owner of the property so long as they are not hired by the owner to perform the work. For purposes of this section, “detached single-family residential property” refers only to housing that stands completely alone with no adjoining roof, foundation or sides.
- (b) As determined by the chief building official:
  - (1) No loud environmentally disruptive noises, such as air compressors without mufflers, continuously running motors or generators, loud playing musical instruments, radios, etc., will be allowed where such noises may be a nuisance to adjacent properties.
  - (2) Where emergency conditions exist, construction activity may be permitted at any hour or day of the week. Such emergencies shall be completed as rapidly as possible to prevent any disruption to other properties.
  - (3) Where additional construction activity will not be a nuisance to surrounding properties, based on location and type of construction, a waiver may be granted to allow hours of construction other than as stated in this section. (Ord. 2930-10 §2).

**19.42.030. Noise or sound level. (Not for construction activities)**

- (a) Operational noise shall not exceed 75 dBA at any point on the property line of the premises upon which the noise or sound is generated or produced; provided, however, that the noise or sound level shall not exceed 50 dBA during nighttime or 60 dBA during daytime hours at any point on adjacent residentially zoned property. If the noise occurs during nighttime hours and the enforcing officer has determined

that the noise involves a steady, audible tone such as a whine, screech or hum, or is a staccato or intermittent noise (e.g., hammering) or includes music or speech, the allowable noise or sound level shall not exceed 45 dBA.

- (b) Powered equipment used on a temporary, occasional or infrequent basis which produces a noise greater than the applicable operational noise limit set forth in subsection (a) shall be used only during daytime hours when used adjacent to a property with a residential zoning district. Powered equipment used on other than a temporary, occasional or infrequent basis shall comply with the operational noise requirements. For the purpose of this section, powered equipment does not include leaf blowers. Construction activity regulated by Title 16 of this code shall not be governed by this section.
- (c) It is unlawful for any person to make or allow to be made a nighttime delivery to a commercial or industrial establishment when the loading/unloading area of the establishment is adjacent to a property in a residential zoning district. Businesses legally operating at a specific location as of February 1, 1995, are exempt from this requirement.
- (d) A “leaf blower” is a small, combustion engine-powered device used for property or landscape maintenance that can be hand-held or carried on the operator’s back and which operates by propelling air under pressure through a cylindrical tube. It is unlawful for any person to operate a leaf blower on private property in or adjacent to a residential area except between the hours of 8:00 a.m. and 8:00 p.m. Effective January 1, 2000, all leaf blowers operated in or adjacent to a residential area shall operate at or below a noise level of 65 dBA at a distance of fifty feet, as determined by a test conducted by the American National Standards Institute or an equivalent. The dBA rating shall be prominently displayed on the leaf blower. (Ord. 2623-99 § 1 (part); prior zoning code § 19.24.020(b)—(d)).

### **Sensitive Receptors**

The project area contains sensitive residential land uses, the nearest of which is adjacent to a residence to be demolished (approximately 5 feet west of the project boundary). Additional single family residences are located along Garner Drive, and multi-family residences are located south of the park. The distance to the nearest receptors will be used for the purpose of citing distance from construction equipment that would occur during the demolition and park construction.

### **Existing Noise Environment**

The noise environment surrounding the project site is influenced primarily by residential areas and on-road vehicles on local roadways. U.S. Highway 101 is approximately 575 feet south of the park expansion site. The noise environment along anticipated construction truck haul routes is also influenced by traffic noise from U.S. 101 and arterial roadways.

In order to characterize the existing operations environment as well as the project site environment, short term noise measurements were conducted July 9, 2013. Measurements were taken at two locations around the project site. Noise measurement results for all study locations are summarized in **Table 12-1**.

**TABLE 12-1**  
**SOUND-LEVEL MEASUREMENTS AT EXISTING AND PROJECTED STUDY LOCATIONS<sup>a</sup>**

Location	Time Period	Leq(dB)	Noise Sources
<u>ST-1</u> . Back corner of park, across fence from westernmost home to be demolished	Tues. July 9 12:28 – 12:33 p.m.	5-minute result: Leq = 55	<ul style="list-style-type: none"> <li>• Landscaping equipment in distance</li> <li>• Distant road noise</li> <li>• Tennis players</li> </ul>
<u>ST-2</u> . ~30 feet west of tennis courts, across fence from easternmost home to be demolished	Tues. July 9 12:36 – 12:41 p.m.	5-minute result: Leq = 54	<ul style="list-style-type: none"> <li>• Landscaping equipment in distance</li> <li>• Distant road noise</li> <li>• Tennis players playing/talking</li> <li>• Pedestrians walking/talking</li> <li>• Several cars on Garner Dr</li> </ul>

<sup>a</sup> All noise levels measured in A-weighted decibels (dBA). Noise measurement data presented here using a Metrosonics dB-3080 sound level meter, calibrated prior to use.

## Construction

Construction activity noise levels at and near the project site would fluctuate depending on the particular type, number, and duration of uses of various pieces of construction equipment. Demolition of the existing buildings and subsequent park construction would be completed in four months.

Construction-related trips would raise ambient noise levels along haul routes, depending on the number of haul trips made and types of vehicles used. **Table 12-2** shows typical noise levels during different construction stages. **Table 12-3** shows typical noise levels produced by various types of construction equipment.

**TABLE 12-2**  
**TYPICAL CONSTRUCTION NOISE LEVELS**

Construction Activity	Noise Level (dB, Leq) <sup>a</sup>
Ground Clearing	84
Excavation	89
Foundations	78
Erection	85
Finishing	89

<sup>a</sup> Average noise levels correspond to a distance of 50 feet from the noisiest piece of equipment associated with a given phase of construction and 200 feet from the rest of the equipment associated with that phase.

SOURCE: U.S. Environmental Protection Agency, *Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances*, 1971.

**TABLE 12-3**  
**TYPICAL NOISE LEVELS FROM CONSTRUCTION EQUIPMENT**

Construction Equipment	Noise Level (dB, Leq at 50 feet )
Dump Truck	88
Portable Air Compressor	81
Concrete Mixer (Truck)	85
Scraper	88
Jack Hammer	88
Dozer	87
Paver	89
Generator	76
Backhoe	85

SOURCE: Cuniff, Environmental Noise Pollution, 1977.

The closest sensitive receptors to the proposed project structure demolition would be the adjacent residences to each of the sites. The nearest residences would be about 5 feet from the potential demolition at the park expansion site and off-site demolition area. Noise impacts from construction generally result when construction activities occur during the noise-sensitive times of the day (early morning, evening, or nighttime hours), in areas immediately adjacent to construction activities, or when construction noise lasts over extended periods of time. Where noise from construction activities would conflict with the City of Sunnyvale municipal code requirements of 16.08.030 (Hours of Construction – Time and Noise Limitations), the impact would be considered significant. Noise from construction activities generally attenuates at a rate of 6.0 to 7.5 dB per doubling of distance (Caltrans, 1998).

Assuming an attenuation rate of 6 dB per doubling of distance, the adjacent residences to structure demolition would experience exterior noise levels of up to 109 dBA and maximum interior noise levels of approximately 89 dBA, which takes into account an approximate 20 dBA of exterior-to-interior noise level reduction provided by the receiving building structure. Construction activities associated with the project would be temporary in nature and the maximum noise levels discussed above would be short-term. To be considerate of the adjacent residents, Mitigation Measure NOISE-1 requires shorten construction hours to reduce any potential impacts to a less than significant level:

**Mitigation Measure NOISE-1:** The project sponsor shall require construction contractors to implement the following mitigation measures:

- More stringent than Section 16.08.030 of the Municipal Code, all noise generating construction activities shall be limited to the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday and between 9:00 a.m. and 4:00 p.m. on Saturday. There shall be no construction activity on Sunday or national holidays when city offices are closed.



- All construction vehicles and equipment, fixed and mobile, shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
- Construction staging areas shall be located as far as practicable from dwellings and existing recreational uses so as to cause minimal disruption to these activities.
- Route all construction traffic to and from the project site via designated truck routes where possible. Prohibit construction related heavy truck traffic in residential areas where feasible.
- Prohibit unnecessary idling of internal combustion engines.
- Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City in the event of problems.

### Park Operations

An increase in traffic noise of 3 dB or more (a level perceivable to most individuals (Caltrans, 1998)) at a sensitive receptor location would be considered a significant impact. The proposed neighborhood park would generate approximately 16 one-way vehicle trips on a weekday (8 inbound and 8 outbound). However, the existing single-family residents generate approximately 38 one-way vehicle trips on a weekday (19 inbound and 19 outbound), thus negating the increase in traffic on local roadways. Project traffic noise would not be noticeable; therefore, project traffic noise would be at less-than-significant levels.

The only other sources of noise would be from maintenance equipment such as lawnmowers, leaf blowers, and any pumps or compressors used. These sources would be required to comply with the City's Noise Ordinance standards at off-site receptors. Maintenance and other operational activities could result in significant noise impacts.

- b) **Less than Significant with Mitigation.** The construction of the project may generate perceptible vibration as heavy equipment is used in the vicinity of the adjacent sensitive receptors. Groundborne vibration levels would be distinctly perceptible when equipment is operated within approximately 25 feet of sensitive land uses. Demolition of the existing buildings and pavement removal as well as grading could at times produce substantial vibration. The nearest existing buildings to the structures to be demolished as part of the project (on-site and off-site) are approximately 5 feet away.

As shown in **Table 12-4**, use of heavy equipment for project construction generates vibration levels up to 0.089 in/sec PPV or 87 VdB RMS at a distance of 25 feet. Pile driving would not be used as part of this project. Assuming a bulldozer would be used approximately 5 feet from the closest residential receptors during demolition and

construction and loaded trucks would pass 50 feet from the nearest receptors along traversed roadways, vibration levels at the nearest sensitive receptors would be about 108 VdB RMS and 1.0 in/sec PPV from a large bulldozer and 77 VdB RMS and 0.03 in/sec PPV from passing trucks. Other sensitive receptors in the project vicinity would be exposed to vibration levels at incrementally lower levels. Construction activities could generate ground-borne vibration and noise levels that would exceed the FTA criteria of 0.2 – 0.5 in/sec PPV for building damage and 80 VdB RMS for human annoyance. This impact would be significant. However, as depicted in Table 12-4 below, smaller equipment (in this case, a small bulldozer) could be operated at 5 feet from nearby residences without resulting in building damage or human annoyance. To ensure this impact would be minimized to less than significant, **Mitigation Measure NOISE-1** would be required, in addition to **Mitigation Measures NOISE-2** and **NOISE-3**, below.

**TABLE 12-4**  
**VIBRATION VELOCITIES FOR CONSTRUCTION EQUIPMENT**

Equipment/Activity	PPV at 25 ft (in/sec) <sup>a</sup>	PPV (in/sec) at nearest receptor <sup>b</sup>	RMS at 25 ft (VdB) <sup>c</sup>	RMS at nearest receptor (VdB)
Large Bulldozer	0.089	1.0	87	108
Small Bulldozer	0.003	0.03	58	79
Loaded Trucks	0.076	0.03	86	77

<sup>a</sup> Buildings can be exposed to ground-borne vibration levels of 0.2 – 0.5 PPV (in/sec) without experiencing damage.

<sup>b</sup> The nearest receptor for the large bulldozer was assumed to be 5 feet. The loaded trucks were set at 50 feet.

<sup>c</sup> The human annoyance response level is 80 RMS.

SOURCE: ESA, 2013; Federal Transit Administration, *Transit Noise and Vibration Impact Assessment*, May 2006.

**Mitigation Measure NOISE-2:** The City will require the contractor to commit to a mitigation plan, developed and implemented during the final design and construction phases of the project. The objective of the plan will be to minimize construction vibration damage using all reasonable and feasible means available. The plan will provide a procedure for establishing appropriate threshold and limiting vibration values for potentially affected structures (adjacent walls and buildings) based on an assessment of each structure's ability to withstand construction vibrations. The plan will require minimize use of large equipment near adjacent walls and buildings.

**Mitigation Measure NOISE-3:** The City will require that the construction contractor conduct crack surveys before construction that could cause architectural damage to adjacent walls and residential buildings. The survey will be done by photographs, video, or visual inventory, and will include all outside locations. All existing cracks in the masonry walls, walks, and driveways should be documented with sufficient detail for comparison after construction to determine whether actual vibration damage occurred. A post-construction survey should be conducted to document the condition of the surrounding buildings after the construction is complete.

- c) **Less than Significant with Mitigation.** Noise impacts from the project would be primarily during the construction phase of the project. As construction would be a temporary activity, with the implementation of **Mitigation Measure NOISE-1**, the project's construction noise is not expected to contribute significantly to the ambient noise environment. The project would not result in increased vehicle trips made to the site. Therefore, the project's contribution to cumulative roadside noise levels would also be less than significant.
- d) **Less than Significant with Mitigation.** As discussed in the "Construction" sub-section of criterion a) above, the resulting impact would be less than significant with implementation of **Mitigation Measure NOISE-1**.
- e) **Less than Significant.** The project site is located approximately one mile east of Moffett Federal Airfield, also known as Moffett Field, a joint civil-military airport. Noise from aircrafts taking off and landing at Moffett Field would be a potential source of noise affecting people using the facilities of the proposed project. However, the project site is located outside the 65 dBA contour for the airfield and hence would be normally acceptable for the proposed uses with respect to noise. This impact would be less than significant.
- f) **No Impact.** The project site is not located within two miles of any private airstrip.

## References

Caltrans, Technical Noise Supplement, 1998.

Cunniff, Environmental Noise Pollution, 1977.

Federal Transit Administration, 2006. Transit Noise and Vibration Impact Assessment, May 2006.

U.S. Environmental Protection Agency, Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances, 1971.

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## Population and Housing

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>13. POPULATION AND HOUSING — Would the project:</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"/>
b) Displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>

## Discussion

- a) **No Impact.** The proposed project would not result in any new residential land uses on the site. While the project may include infrastructure connections to proposed on-site structures, the project would not extend any new infrastructure to undeveloped areas located off of the project site that could indirectly induce population growth. The proposed park would not increase employment at the site; however, it is estimated there would be approximately 100 hours of labor expended on park maintenance annually. Therefore, the project would not induce substantial population growth, and would result in no impact.
- b,c) **Less than Significant.** The project site contains three single family homes housing approximately 10 people. The homes are owned by the City and the leases to the current tenants would not be renewed past December 31, 2013. Due to the low number of people and housing units that that would be displaced by this project, it does not result in a substantial displacement of existing housing or people, and would therefore not necessitate the construction of replacement housing elsewhere.

## Public Services

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>14. PUBLIC SERVICES — Would the project:</b>				
a) Result in substantial adverse physical impacts associated with the provision of, or the 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 following public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

- a.i) **Less than Significant.** The City of Sunnyvale Department of Public Safety currently has 6 fire stations and approximately 82 sworn personnel. There are 12 front line fire apparatuses (i.e., engines, major equipment) that are each assigned two firefighters at all times, providing 24 active firefighters on duty at all times. Fire station #5 in District 12 is the closest fire station to the project site. It is located at 1120 Innovation Way, 0.6 miles away. This station has one engine and two firefighters on duty at all times. The next closest fire station is the main fire station #1 located at 171 North Mathilda Avenue, 1.6 miles away. This station has one fire engine, one ladder truck, and one reserve engine with four firefighters on duty (Rushmeyer, 2013).

In fiscal year 2011-2012, the fire department responded to 1,667 fire calls and 5,425 EMS (emergency medical service) calls in all of Sunnyvale. There were no calls for service to the project site during this time. The estimated response time from any fire station is 5 minutes, 22 seconds (Rushmeyer, 2013).

The implementation of the proposed project would result in the expansion of a recreation area onto the project site, which is currently served by the Sunnyvale Fire Department. The recreational uses on the project site would not lead to an increase in calls for emergency medical services and fire suppression beyond those already received in association with the existing park. The Fire Department would review all project designs at the time building permits are issued to ensure that adequate fire and life safety measures are incorporated into the project in compliance with all applicable state and city

fire safety requirements and to ensure that Fire Department personnel would have adequate access to the site.

The proposed project would not create a need for new or altered facilities to maintain adequate service ratios, response times and other objective standards, and would not, therefore, result in significant environmental impacts to fire protection and emergency medical response provisions.

- a.ii) **Less than Significant.** The Sunnyvale Department of Public Safety operates the Bureau of Police Services. The Bureau is headquartered at 700 All America Way, 2.7 miles from the project site. The Bureau includes patrol services with six patrol squads that cover the City.

The Bureau currently consists of six geographical police beats. The project site is located within Beat 1, which contains blocks bound by Evelyn Avenue to the south, San Francisco Bay to the north, the City limits to the west and Fair Oaks Avenue to the east.

The Bureau's target response time for responding to a crime scene for the highest priority calls is 3 minutes, 32 seconds after a call is dispatched to the on scene arrival of police. Actual response time for 2011-2012 is 3 minutes, 34 seconds (Rushmeyer, 2013)

The proposed project would not create a need for new or altered facilities to maintain adequate service ratios, response times and other objective standards, and would not, therefore, result in significant environmental impacts to police protection and response provisions.

- a.iii) **No Impact.** The Sunnyvale School District and the Fremont Union High School District operate public schools within the project area.

As stated in Section 13, *Population and Housing*, no residential units would be constructed as part of the proposed project. The project would not increase the number of residents or school-aged children in the area. In addition, although the project would expand a recreational resource that could attract residents to the park on a temporary basis, this is not the type of development that could indirectly allow for future residential development. Therefore, the project would not increase the student population in the City of Sunnyvale, and it would have no impact on schools.

- a.iv, v) **No Impact.** The discussion of project effects on parks is addressed in Section 15, *Recreation*.

## References

Rushmeyer, Carl, Captain, Sunnyvale Department of Public Safety. Personal communication, September 27, 2013.

## Recreation

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>15. RECREATION — Would the project:</b>				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Discussion

- a) **Less than Significant.** The proposed project would expand an existing neighborhood park, with the addition of new walkways, six new parking spaces, four bike racks, patio space with a game table, two picnic tables, three benches, pathway lights, a turf area with boulders and fitness equipment, as well as trees, plants and groundcover. The creation of a new recreational facility would not result in an adverse affect to the City's current park performance standard.
- b) **Less than Significant with Mitigation.** The proposed project would expand an existing neighborhood park. Physical effects that could result from the proposed project are discussed in the other sections of this IS/MND and all impacts have been determined to be less than significant with implementation of measures identified in this IS/MND.

## References

Project description and plans.

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## Transportation and Traffic

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>16. TRANSPORTATION AND TRAFFIC — Would the project:</b>				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion

### a,b) Less than Significant with Mitigation.

#### Operation

The proposed project would alter the use of the project site by expanding the existing Orchard Gardens Park on to residential land use. Vehicle trip generation for the proposed project was estimated using rates found in San Diego Trip Generators (SANDAG, 2002), for neighborhood parks. The proposed neighborhood park would generate approximately 16 one-way vehicle trips on a weekday (8 inbound and 8 outbound). However, the existing single-family residents generate approximately 38 one-way vehicle trips on a weekday (19 inbound and 19 outbound), thus negating the increase in traffic on local roadways, and may result in a decrease in vehicular traffic to the site.

The expansion of the neighborhood park facilities would not increase the traffic at the project site beyond what has occurred under existing conditions. However, on weekends with ideal weather an increase in persons accessing the site could increase. Traffic generated by the recreational land use would be spread out throughout the day, and the



increased traffic volume in any one hour on any one roadway is not expected to be high. In addition, trips to recreational facilities tend not to occur during peak commute periods when there is more traffic on roadways. Roadways in the project vicinity have sufficient capacity to carry the increase in vehicle trips to the park. Furthermore, as a neighborhood park, it is expected that many users would walk or bicycle to the site, especially as the park would provide only six parking spaces.<sup>10</sup> A neighborhood park, per the City's Mini Park and Neighborhood Park Design Guidelines, is intended for residents within half a mile radius, which is a reasonable walking distance for this type of land use. Therefore, the project would have a less than significant impact on the roadway system in the project vicinity, individually and cumulatively.

### Construction

The proposed project would be constructed over a period anticipated to last approximately four months, in Summer 2014. Construction activities would include daily vehicle trips generated by the arrival and departure of construction workers, as well as haul trucks carrying demolition debris, soil, and building materials. Construction of the proposed project would not require any lane closures.

Trucks would haul materials away from and to the site. The proposed project would be completed in two phases- the demolition phase of the project and the construction of the park.

The impact of construction truck traffic would be a temporary lessening of the capacities of local streets due to the slower movement and larger turning radii of trucks, which could affect both traffic and transit operations. However, this level of truck activity would not be sufficient to result in significant impacts to intersection operations or to transit service. Throughout the remainder of the construction period, there would be a reduced flow of construction related trucks into and out of the site, generally limited to trucks making occasional deliveries of material.

As discussed, project construction would result in short-term and intermittent construction traffic impacts associated with the delivery of materials and equipment, removal of debris, hauling of fill material to the site, and parking for construction workers. Any construction traffic occurring on weekdays between 7:00 a.m. and 9:00 a.m., or between 4:00 p.m. and 6:00 p.m., would coincide with peak hour traffic and could impede traffic flow. Construction activities could impede pedestrian access near the site or block traffic. Thus, **Mitigation Measures TRAN-1a and TRAN-1b** are provided to reduce the significance of this potentially significant impact to a less-than-significant level.

**Mitigation Measure TRAN-1a:** As part of pre-construction submittals, the contractor(s) shall submit a truck route plan to the City of Sunnyvale Public Works

<sup>10</sup> Parking impacts are not considered significant under CEQA topic unless it would cause significant secondary effects. (*San Franciscans Upholding the Downtown Plan v. the City and County of San Francisco* (2002) 102 Cal.App.4th 656.)

Department for review and approval to help minimize impacts to adjacent neighborhoods.

**Mitigation Measure TRAN-1b:** To the extent possible, heavy truck movements should be limited to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by the Public Works Department).

- c) **No Impact.** The proposed project would not change air traffic patterns, increase air traffic levels or result in a change in location that would result in substantial safety risks. Therefore, the project would result in no impact in this area.
- d) **Less than Significant.** The proposed project would involve physical changes to the site that would affect the existing pedestrian or bicycle circulation. However, the development of the recreation site would not impede or obstruct bicycles or pedestrians if the circulation within the site maintained clear visibility. The design of the small parking area would be reviewed and approved by the City's traffic engineer and fire department ensuring the project would have a less than significant impact on bicycle facilities. The development at the park would increase demand for bicycle parking and secure bicycle parking would be provided as part of the project.
- e) **Less than Significant.** The proposed project would demolish the existing residents and construct a park, thus it would involve physical changes to the site that could affect emergency access. The design of the small parking area would be reviewed and approved by the City's traffic engineer and fire department and therefore, the project would have a less than significant impact on emergency access.
- f) **Less than Significant.** Altering the use of the project site from residential to recreational use would not conflict with adopted policies, plans, or programs supporting alternative transportation. Therefore, there would be a less than significant impact related to alternative transportation.

## References

City of Sunnyvale, Appendix E.1: Mini Parks and Neighborhood Parks Design Guidelines, 2007.  
 ESA, Field Reconnaissance Survey, September 30, 2013.  
 SANDAG (San Diego Regional Planning Agency), San Diego Traffic Generators, April 2002.  
 Project description and plans.

## Utilities and Service Systems

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>17. UTILITIES AND SERVICE SYSTEMS — Would the project:</b>				
a) Conflict with wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that would 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 checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion

a,b,e) **Less than Significant.** The City of Sunnyvale is within the Santa Clara Basin Watershed, which drains rainfall and other water runoff through creeks and rivers to the South San Francisco Bay. The Donald M. Somers Water Pollution Control Plant (WPCP) provides wastewater treatment for residents, businesses and industries in the City of Sunnyvale (City of Sunnyvale, 2013). The Plant has a total capacity of 29.5 million gallons of treated wastewater per day (mgd). The Sunnyvale WPCP currently receives approximately 15 mgd, and has approximately 14.5 mgd of remaining capacity (CH2MHill, 2011).

Wastewater associated with the project would be generated from one drinking fountain. The project's drinking fountain would be connected to sanitary sewer infrastructure, but these facilities would not generate a substantial amount of new wastewater particularly since the overall wastewater use on the site would decrease with the demolition of five structures that until recently were contributing to the wastewater system. Given that the City's current demand is considerably less than capacity, and that the project would not substantially increase demand, the WPCP would continue to meet the wastewater

treatment requirements of the National Pollutant Discharge Elimination System (NPDES) permit issued by the Regional Water Quality Control Board, and the impact would be less than significant.

- c) **Less than Significant.** The City storm collection drain system provides for storm water runoff from City streets along gutters and through underground pipes to discharge into waterways that drain to San Francisco Bay. The system is designed for the control of flooding only and does not provide any treatment to the storm water runoff. Storm water entering drains flows directly into local creeks and the San Francisco Bay (City of Sunnyvale, 2013a).

Erosion can be exacerbated by construction activities that disturb land surfaces and expose soil to storm water runoff. Guidelines for erosion and sediment control should be included in the project plan based on the Manual of Standards for Erosion. The park would incorporate sustainable design and water management policies and would follow the City's design and development guidelines.

Also, as part of any future project approval process, BMPs would be required in order to minimize potential erosion and sedimentation during construction. As described further in the *Hydrology and Water Quality* section, the SWPPP would include BMPs to control erosion associated with grading, trenching, and other ground surface-disturbing activities.

Compliance with the BMPs, as already required by the City Sunnyvale (see Section 9, *Hydrology and Water Quality*), would result in less-than-significant impacts to the stormwater drainage system.

- d) **Less than Significant.** The City of Sunnyvale receives approximately 45 percent of its water from the San Francisco Public Utilities Commission (SFPUC) and 45 percent from the Santa Clara Valley Water District (SCVWD), with the remaining 10 percent derived from City-owned and operated wells for potable uses and recycled water produced by the Sunnyvale Water Pollution Control Plant (WPCP) for non-potable uses (City of Sunnyvale, 2008).

The proposed project would expand the adjacent recreational uses on to the project site. Site landscaping would be sustained with potable water. A drinking fountain would be located onsite. The demand generated by this feature would not constitute a substantial increase in the City's current water demand. The overall water demand for the existing park is approximately 1.6 million gallons per year. The expansion of the park would incrementally increase water use for irrigation and the drinking fountain, but it would be within the daily fluctuation of water use of the park, as the proposed park expansion has been designed with low-water plants and effective irrigation design. The *2010 Urban Water Management Plan* found that under normal water year conditions, the City of Sunnyvale has adequate water supply to meet demand until 2035 (City of Sunnyvale, 2011).

Because the proposed project's drinking fountain would not substantially affect this demand, the proposed project would result in a less-than-significant impact to water supply and treatment provisions.

- f,g) **Less than Significant.** Specialty Solid Waste & Recycling (Specialty) is the contracted service provider for all garbage collection in Sunnyvale. Specialty transports solid waste to the Sunnyvale Materials Recovery and Transfer Station (SMaRT Station®), which is located at 301 Carl Road, in Sunnyvale. The SMaRT Station is owned by the City of Sunnyvale and serves the cities of Mountain View, Palo Alto, and Sunnyvale. It is currently operated by Bay Counties Waste Services. Solid waste delivered to the SMaRT Station undergoes a materials recovery process that extracts recyclable materials. Approximately 78% of the City of Sunnyvale's commercial waste is recyclable or compostable/potentially compostable (Cascadia Consulting Group, 2010). The solid waste that remains after the materials recovery process is hauled from the SMaRT Station to the Kirby Canyon Recycling and Disposal Facility (operated by Waste Management, Inc.), 27 miles away in San Jose. Sunnyvale has contracted for disposal capacity (with a maximum of 4,123,310 tons) ending on December 31, 2021 (City of Sunnyvale, 1996). Kirby Canyon's remaining capacity is estimated to be approximately 57.2 million cubic yards, although its current permitted capacity is only 36 million cubic yards (CalRecycle, 2013).

The County of Santa Clara Department of Environmental Health is certified by the California Integrated Waste Management Board as the Local Enforcement Agency (LEA) for solid waste in Santa Clara County including the SMaRT Station. The City of San Jose is the LEA for Kirby Canyon Landfill. LEAs have the primary responsibility for ensuring the correct operation and closure of solid waste facilities in the state. They also have responsibility for guaranteeing the proper storage and transportation of solid wastes (CalRecycle, 2013).

Assembly Bill 939 (AB 939), enacted in 1989, requires each city's and county's Source Reduction and Recycling Element to include an implementation schedule to divert 50 percent of its solid waste from landfill disposal by January 1, 2000, through source reduction, recycling, and composting activities. As of 2013, waste diversion for Sunnyvale was 66 percent (City of Sunnyvale, 2013).

In 2008, the City of Sunnyvale adopted a Zero Waste Policy which requires the designing and managing of products and processes to reduce the volume and toxicity of waste and materials and to conserve and recover all resources. The City's long-term Zero Waste Plan will include an analysis of the materials that are most prevalent in the waste stream and present a range of options for further reducing the amount of waste disposed by the City.

The proposed project would create a public recreational facility, the use of which could incrementally generate solid waste. The Department of Public Works would be responsible for trash pickups with waste collected by Specialty. In addition, construction

waste could be generated during construction activities. Whenever feasible, solid waste would be recycled for reuse to help the City to comply with AB 939 and with the Zero Waste Policy. Complying with AB 939 would result in less-than-significant impacts to landfill capacity and compliance with solid waste regulations.

## References

- CalRecycle, Solid Waste Information System (SWIS) database, accessed on September 30, 2013.
- CH2MHILL, Peer Review of the Water Pollution Control Plant Strategic Infrastructure Plan, City of Sunnyvale, California, June 2011, available online at:  
<http://sunnyvale.ca.gov/Portals/0/Sunnyvale/DPW/Engineering/WPCP%20SIP/Peer%20Review.pdf>.
- City of Sunnyvale, Department of Public Works, *City of Sunnyvale Solid Waste Sub-element of the General Plan*, June 4, 1996.
- City of Sunnyvale, Department of Public Works, *City of Sunnyvale Wastewater Management Sub-element of the General Plan*, 2001 Update.
- City of Sunnyvale, Department of Public Works, *2010 Urban Water Management Plan*, June 2011.
- Cascadia Consulting Group, City of Sunnyvale Waste Characterization Report, 2010.
- City of Sunnyvale, Department of Public Works, *City of Sunnyvale Water Resources Sub-element of the General Plan*, 2008 Update.
- City of Sunnyvale Environmental Services Department website,  
<http://sunnyvale.ca.gov/Departments/EnvironmentalServices.aspx>, accessed September 27, 2013.
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## Mandatory Findings of Significance

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>18. MANDATORY FINDINGS OF SIGNIFICANCE — Would the project:</b>				
a) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Discussion

- a) **Less than Significant with Mitigation.** Based upon background research and site visits, with implementation of mitigation measures identified in this Initial Study, the project does not have the potential to 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. Any potential short-term increases in potential effects to the environment during construction are mitigated to a less-than-significant level, as described throughout the Initial Study.
- b) **Less than Significant with Mitigation.** In accordance with CEQA Guidelines Section 15183, the environmental analysis in this Initial Study was conducted to determine if there were any project-specific effects that are peculiar to the project or its site. No project-specific significant effects peculiar to the project or its site were identified that could not be mitigated to a less-than-significant level. The proposed project would contribute to environmental effects in the areas of biological resources, air quality, temporary increases in construction-generated dust and noise, a temporary increase in sedimentation and water quality effects during construction, potential hazardous materials considerations with new development, and short-term traffic impacts during demolition and construction. Mitigation measures incorporated herein mitigate any potential contribution to cumulative impacts associated with these environmental

issues to a less-than-significant level, and would preclude the project from making a substantial contribution to cumulative impacts. Therefore, the proposed project does not have impacts that are individually limited, but cumulatively considerable.

- c) **Less than Significant with Mitigation.** The project may have significant adverse effects on human beings in the areas of air quality, noise, and traffic during construction, and with hazardous materials considerations with redevelopment of the site. Mitigation measures identified in this Initial Study would reduce the effects to less-than-significant level.
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## 5. Mitigation Measures Identified in this Initial Study

1. **Mitigation Measure AIR-1:** During active construction, the City shall require construction contractors to implement all the BAAQMD's Basic Construction Mitigation Measures, listed below:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

2. **Mitigation Measure BIO-1:** To the extent practicable, construction activities including building demolition, vegetation and tree removal, and new site construction will be performed between September 1 and January 31 in order to avoid breeding and nesting season for birds. If these activities cannot be performed during this period, pre-construction survey for nesting birds shall be conducted by a qualified biologist.

In coordination with the City, surveys shall be performed no more than 14 days prior to construction activities listed above in order to locate any active passerine nests within 250 feet of the project site and any active raptor nests within 500 feet of the project site. Vegetation removal and construction activities performed between September 1 and

January 31 avoid the general nesting period for birds and therefore would not require pre-construction surveys.

If active nests are found on either the project site or within the 500-foot survey buffer surrounding the project site, no-work buffer zones shall be established around the nests in coordination with CDFW. No demolition, vegetation removal, or ground-disturbing activities shall occur within a buffer zone until young have fledged or the nest is otherwise abandoned as determined by the qualified biologist. If work during the nesting season stops for 14 days or more and then resumes, then nesting bird surveys shall be repeated, to ensure that no new birds have begun nesting in the area.

3. **Mitigation Measure BIO-2:** If any evidence of bats (i.e., visual or acoustic detection, guano, staining, strong odors) are present on site, a qualified bat biologist (i.e., a biologist holding a CDFW collection permit and a Memorandum of Understanding with the CDFW allowing the biologist to handle and collect bats) will survey for bats at the project site. If no evidence of bats (i.e., visual or acoustic detection, guano, staining, strong odors) is present on-site, no further mitigation is required.

If bats raising pups (also called a maternity colony) are identified at the project site, the project applicant will create a no-disturbance buffer acceptable in size to the CDFW around the bat roosts. The buffer shall remain in-place until after the young are flying (i.e., after July 31, confirmed by a qualified bat biologist) or before maternity colonies form the following year (i.e., prior to March 1). Bat roosts initiated during construction are presumed to be unaffected, and no buffer is necessary. Non-maternity bat roosts shall be removed by a qualified biologist, by either making the roost unsuitable for bats by opening the roost area to allow airflow through the cavity, or excluding the bats using one-way doors, funnels, or flaps. The “take<sup>11</sup>” of individuals (e.g., direct mortality of individuals, or destruction of roosts while bats are present) is prohibited.

If known bat roosting habitat is destroyed during building demolition and/or tree removal, artificial bat roosts shall be constructed in an undisturbed area in the project site vicinity at least 200 feet from project demolition and construction activities. The design and location of the artificial bat roost(s) shall be determined by a qualified bat biologist.

4. **Mitigation Measure CUL-1:** If prehistoric or historic-period archaeological resources are encountered, all construction activities within 100 feet shall halt and the City of Sunnyvale shall be notified. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or

<sup>11</sup> “Take,” as defined in Section 9 of the FESA, is broadly defined to include intentional or accidental “harassment” or “harm” to wildlife. “Harass” is further defined by the U.S. Fish and Wildlife Service as an intentional or negligent act or omission that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns that include, but are not limited to, breeding, feeding, and sheltering. “Harm” is defined as an act that actually kills or injures wildlife. This may include significant habitat modification or degradation that actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.

shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. A Secretary of the Interior-qualified archaeologist shall inspect the findings within 24 hours of discovery. If it is determined that the project could damage a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, a qualified archaeologist shall prepare and implement a detailed treatment plan in consultation with the City of Sunnyvale. Treatment of unique archaeological resources shall follow the applicable requirements of PRC Section 21083.2. Treatment for most resources would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals.

5. **Mitigation Measure CUL-2:** In the event of discovery or recognition of any human remains during construction activities, such activities within 100 feet of the find shall cease until the Santa Clara County Coroner has been contacted to determine that no investigation of the cause of death is required. The Native American Heritage Commission (NAHC) will be contacted within 24 hours if it is determined that the remains are Native American. The NAHC will then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the City of Sunnyvale for the appropriate means of treating the human remains and any grave goods.
6. **Mitigation Measure HAZ-1:** Prior to obtaining a grading or building permit, the City shall obtain a qualified environmental professional to prepare a Phase I Environmental Site Assessment in accordance with the standards set forth in ASTM E1527-05. The Phase I shall determine the presence of recognized environmental conditions and provide recommendations for further investigation, if applicable. Prior to receiving a building or grading permit, project applicant shall provide documentation from overseeing agency that any identified contamination has been remediated to levels where no threat to human health or the environment remains.
7. **Mitigation Measure NOISE-1:** The project sponsor shall require construction contractors to implement the following mitigation measures:

- More stringent than Section 16.08.030 of the Municipal Code, all noise generating construction activities shall be limited to the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday and between 9:00 a.m. and 4:00 p.m. on Saturday. There shall be no construction activity on Sunday or national holidays when city offices are closed.
  - All construction vehicles and equipment, fixed and mobile, shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
  - Construction staging areas shall be located as far as practicable from dwellings and existing recreational uses so as to cause minimal disruption to these activities.
  - Route all construction traffic to and from the project site via designated truck routes where possible. Prohibit construction related heavy truck traffic in residential areas where feasible.
  - Prohibit unnecessary idling of internal combustion engines.
  - Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City in the event of problems.
8. **Mitigation Measure NOISE-2:** The City will require the contractor to commit to a mitigation plan, developed and implemented during the final design and construction phases of the project. The objective of the plan will be to minimize construction vibration damage using all reasonable and feasible means available. The plan will provide a procedure for establishing appropriate threshold and limiting vibration values for potentially affected structures (adjacent walls and buildings) based on an assessment of each structure's ability to withstand construction vibrations. The plan will require minimize use of large equipment near adjacent walls and buildings.
9. **Mitigation Measure NOI-3:** The City will require that the construction contractor conduct crack surveys before construction that could cause architectural damage to adjacent walls and residential buildings. The survey will be done by photographs, video tape, or visual inventory, and shall include all outside locations. All existing cracks in the masonry walls, walks, and driveways should be documented with sufficient detail for comparison after construction to determine whether actual vibration damage occurred. A post-construction survey should be conducted to document the condition of the surrounding buildings after the construction is complete.
10. **Mitigation Measure TRAN-1a:** As part of pre-construction submittals, the contractor(s) shall submit a truck route plan to the City of Sunnyvale Public Works Department for review and approval to help minimize impacts to adjacent neighborhoods.

- 11. Mitigation Measure TRAN-1b:** To the extent possible, truck movements should be limited to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by the Public Works Department).



# **APPENDIX A**

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## **Air Quality Appendix**



### Average Annual Daily Criteria Pollutant Emissions

Unmitigated Construction			tpy		
Year	ROG	Nox	PM10 exh	PM2.5 exh	
2014	0.0718	0.6747	0.0446	0.0416	

Construction Duration: 88 days 2014

Unmitigated Construction			average lbs/day		
Year	ROG	Nox	PM10 exh	PM2.5 exh	
2014	1.631818	15.33409	1.013636	0.945455	

## Orchard Gardens Park

### Santa Clara County, Annual

## 1.0 Project Characteristics

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### 1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
City Park	0.30	Acre	0.30	13,068.00	0

### 1.2 Other Project Characteristics

<b>Urbanization</b>	Urban	<b>Wind Speed (m/s)</b>	2.2	<b>Precipitation Freq (Days)</b>	58
<b>Climate Zone</b>	4			<b>Operational Year</b>	2014
<b>Utility Company</b>	Pacific Gas & Electric Company				
<b>CO2 Intensity (lb/MWhr)</b>	641.35	<b>CH4 Intensity (lb/MWhr)</b>	0.029	<b>N2O Intensity (lb/MWhr)</b>	0.006

### 1.3 User Entered Comments & Non-Default Data

Project Characteristics -

Land Use -

Construction Phase - Adjusted construction schedule for the park project

Grading - Added import/export to account for potential soil remediation

Demolition - 4,800 SF total building demo

Vehicle Trips - 16 trips per day assumed

Construction Off-road Equipment Mitigation -

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	100.00	50.00
tblConstructionPhase	NumDays	10.00	15.00
tblConstructionPhase	NumDays	2.00	20.00
tblConstructionPhase	NumDays	1.00	3.00
tblGrading	AcresOfGrading	0.00	0.30
tblGrading	AcresOfGrading	1.50	0.30
tblGrading	MaterialExported	0.00	1,000.00
tblGrading	MaterialImported	0.00	1,000.00
tblVehicleTrips	ST_TR	1.59	53.00
tblVehicleTrips	SU_TR	1.59	53.00
tblVehicleTrips	WD_TR	1.59	53.00

## 2.0 Emissions Summary

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## 2.1 Overall Construction

### Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2014	0.0718	0.6747	0.4399	6.6000e-004	0.0157	0.0446	0.0603	6.0200e-003	0.0416	0.0476	0.0000	61.1416	61.1416	0.0127	0.0000	61.4088
<b>Total</b>	<b>0.0718</b>	<b>0.6747</b>	<b>0.4399</b>	<b>6.6000e-004</b>	<b>0.0157</b>	<b>0.0446</b>	<b>0.0603</b>	<b>6.0200e-003</b>	<b>0.0416</b>	<b>0.0476</b>	<b>0.0000</b>	<b>61.1416</b>	<b>61.1416</b>	<b>0.0127</b>	<b>0.0000</b>	<b>61.4088</b>

### Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2014	0.0718	0.6747	0.4399	6.6000e-004	0.0101	0.0446	0.0546	3.5100e-003	0.0416	0.0451	0.0000	61.1415	61.1415	0.0127	0.0000	61.4088
<b>Total</b>	<b>0.0718</b>	<b>0.6747</b>	<b>0.4399</b>	<b>6.6000e-004</b>	<b>0.0101</b>	<b>0.0446</b>	<b>0.0546</b>	<b>3.5100e-003</b>	<b>0.0416</b>	<b>0.0451</b>	<b>0.0000</b>	<b>61.1415</b>	<b>61.1415</b>	<b>0.0127</b>	<b>0.0000</b>	<b>61.4088</b>

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	36.09	0.00	9.42	41.69	0.00	5.25	0.00	0.00	0.00	0.00	0.00	0.00

**2.2 Overall Operational****Unmitigated Operational**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0579	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	1.0000e-005
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0115	0.0245	0.1123	1.7000e-004	0.0126	3.5000e-004	0.0129	3.3700e-003	3.2000e-004	3.6900e-003	0.0000	14.5624	14.5624	7.3000e-004	0.0000	14.5777
Waste						0.0000	0.0000		0.0000	0.0000	6.0900e-003	0.0000	6.0900e-003	3.6000e-004	0.0000	0.0137
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.3640	0.3640	2.0000e-005	0.0000	0.3654
<b>Total</b>	<b>0.0694</b>	<b>0.0245</b>	<b>0.1123</b>	<b>1.7000e-004</b>	<b>0.0126</b>	<b>3.5000e-004</b>	<b>0.0129</b>	<b>3.3700e-003</b>	<b>3.2000e-004</b>	<b>3.6900e-003</b>	<b>6.0900e-003</b>	<b>14.9263</b>	<b>14.9324</b>	<b>1.1100e-003</b>	<b>0.0000</b>	<b>14.9567</b>

## 2.2 Overall Operational

### Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0579	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	1.0000e-005
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0115	0.0245	0.1123	1.7000e-004	0.0126	3.5000e-004	0.0129	3.3700e-003	3.2000e-004	3.6900e-003	0.0000	14.5624	14.5624	7.3000e-004	0.0000	14.5777
Waste						0.0000	0.0000		0.0000	0.0000	6.0900e-003	0.0000	6.0900e-003	3.6000e-004	0.0000	0.0137
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.3640	0.3640	2.0000e-005	0.0000	0.3654
<b>Total</b>	<b>0.0694</b>	<b>0.0245</b>	<b>0.1123</b>	<b>1.7000e-004</b>	<b>0.0126</b>	<b>3.5000e-004</b>	<b>0.0129</b>	<b>3.3700e-003</b>	<b>3.2000e-004</b>	<b>3.6900e-003</b>	<b>6.0900e-003</b>	<b>14.9263</b>	<b>14.9324</b>	<b>1.1100e-003</b>	<b>0.0000</b>	<b>14.9567</b>

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
<b>Percent Reduction</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

## 3.0 Construction Detail

### Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	5/1/2014	5/21/2014	5	15	
2	Site Preparation	Site Preparation	5/22/2014	5/26/2014	5	3	
3	Grading	Grading	5/27/2014	6/23/2014	5	20	
4	Building Construction	Building Construction	6/24/2014	9/1/2014	5	50	

**Acres of Grading (Site Preparation Phase): 0.3**

**Acres of Grading (Grading Phase): 0.3**

**Acres of Paving: 0**

**Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0 (Architectural Coating – sqft)**

#### OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Grading	Concrete/Industrial Saws	1	8.00	81	0.73
Building Construction	Cranes	1	4.00	226	0.29
Building Construction	Forklifts	2	6.00	89	0.20
Site Preparation	Graders	1	8.00	174	0.41
Demolition	Rubber Tired Dozers	1	1.00	255	0.40
Grading	Rubber Tired Dozers	1	1.00	255	0.40
Building Construction	Tractors/Loaders/Backhoes	2	8.00	97	0.37
Demolition	Tractors/Loaders/Backhoes	2	6.00	97	0.37
Grading	Tractors/Loaders/Backhoes	2	6.00	97	0.37
Site Preparation	Tractors/Loaders/Backhoes	1	8.00	97	0.37

#### Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	4	10.00	0.00	22.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	2	5.00	0.00	0.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	4	10.00	0.00	250.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	5	5.00	2.00	0.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT

### 3.1 Mitigation Measures Construction

Water Exposed Area

Reduce Vehicle Speed on Unpaved Roads

Clean Paved Roads

### 3.2 Demolition - 2014

#### Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					2.3600e-003	0.0000	2.3600e-003	3.6000e-004	0.0000	3.6000e-004	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0112	0.0937	0.0664	9.0000e-005		6.9800e-003	6.9800e-003		6.6800e-003	6.6800e-003	0.0000	8.2140	8.2140	1.7100e-003	0.0000	8.2499
<b>Total</b>	<b>0.0112</b>	<b>0.0937</b>	<b>0.0664</b>	<b>9.0000e-005</b>	<b>2.3600e-003</b>	<b>6.9800e-003</b>	<b>9.3400e-003</b>	<b>3.6000e-004</b>	<b>6.6800e-003</b>	<b>7.0400e-003</b>	<b>0.0000</b>	<b>8.2140</b>	<b>8.2140</b>	<b>1.7100e-003</b>	<b>0.0000</b>	<b>8.2499</b>



**3.2 Demolition - 2014****Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	3.2000e-004	4.4400e-003	3.0600e-003	1.0000e-005	1.9000e-004	8.0000e-005	2.6000e-004	5.0000e-005	7.0000e-005	1.2000e-004	0.0000	0.7730	0.7730	1.0000e-005	0.0000	0.7731
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	3.5000e-004	4.9000e-004	4.7800e-003	1.0000e-005	6.8000e-004	1.0000e-005	6.9000e-004	1.8000e-004	1.0000e-005	1.9000e-004	0.0000	0.6444	0.6444	4.0000e-005	0.0000	0.6452
<b>Total</b>	<b>6.7000e-004</b>	<b>4.9300e-003</b>	<b>7.8400e-003</b>	<b>2.0000e-005</b>	<b>8.7000e-004</b>	<b>9.0000e-005</b>	<b>9.5000e-004</b>	<b>2.3000e-004</b>	<b>8.0000e-005</b>	<b>3.1000e-004</b>	<b>0.0000</b>	<b>1.4174</b>	<b>1.4174</b>	<b>5.0000e-005</b>	<b>0.0000</b>	<b>1.4183</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					1.0600e-003	0.0000	1.0600e-003	1.6000e-004	0.0000	1.6000e-004	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0112	0.0937	0.0664	9.0000e-005		6.9800e-003	6.9800e-003		6.6800e-003	6.6800e-003	0.0000	8.2140	8.2140	1.7100e-003	0.0000	8.2499
<b>Total</b>	<b>0.0112</b>	<b>0.0937</b>	<b>0.0664</b>	<b>9.0000e-005</b>	<b>1.0600e-003</b>	<b>6.9800e-003</b>	<b>8.0400e-003</b>	<b>1.6000e-004</b>	<b>6.6800e-003</b>	<b>6.8400e-003</b>	<b>0.0000</b>	<b>8.2140</b>	<b>8.2140</b>	<b>1.7100e-003</b>	<b>0.0000</b>	<b>8.2499</b>

**3.2 Demolition - 2014****Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	3.2000e-004	4.4400e-003	3.0600e-003	1.0000e-005	1.9000e-004	8.0000e-005	2.6000e-004	5.0000e-005	7.0000e-005	1.2000e-004	0.0000	0.7730	0.7730	1.0000e-005	0.0000	0.7731
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	3.5000e-004	4.9000e-004	4.7800e-003	1.0000e-005	6.8000e-004	1.0000e-005	6.9000e-004	1.8000e-004	1.0000e-005	1.9000e-004	0.0000	0.6444	0.6444	4.0000e-005	0.0000	0.6452
<b>Total</b>	<b>6.7000e-004</b>	<b>4.9300e-003</b>	<b>7.8400e-003</b>	<b>2.0000e-005</b>	<b>8.7000e-004</b>	<b>9.0000e-005</b>	<b>9.5000e-004</b>	<b>2.3000e-004</b>	<b>8.0000e-005</b>	<b>3.1000e-004</b>	<b>0.0000</b>	<b>1.4174</b>	<b>1.4174</b>	<b>5.0000e-005</b>	<b>0.0000</b>	<b>1.4183</b>

**3.3 Site Preparation - 2014****Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					1.6000e-004	0.0000	1.6000e-004	2.0000e-005	0.0000	2.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.1500e-003	0.0217	0.0111	1.0000e-005		1.3400e-003	1.3400e-003		1.2300e-003	1.2300e-003	0.0000	1.3542	1.3542	4.0000e-004	0.0000	1.3627
<b>Total</b>	<b>2.1500e-003</b>	<b>0.0217</b>	<b>0.0111</b>	<b>1.0000e-005</b>	<b>1.6000e-004</b>	<b>1.3400e-003</b>	<b>1.5000e-003</b>	<b>2.0000e-005</b>	<b>1.2300e-003</b>	<b>1.2500e-003</b>	<b>0.0000</b>	<b>1.3542</b>	<b>1.3542</b>	<b>4.0000e-004</b>	<b>0.0000</b>	<b>1.3627</b>

**3.3 Site Preparation - 2014****Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	3.0000e-005	5.0000e-005	4.8000e-004	0.0000	7.0000e-005	0.0000	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.0644	0.0644	0.0000	0.0000	0.0645
<b>Total</b>	<b>3.0000e-005</b>	<b>5.0000e-005</b>	<b>4.8000e-004</b>	<b>0.0000</b>	<b>7.0000e-005</b>	<b>0.0000</b>	<b>7.0000e-005</b>	<b>2.0000e-005</b>	<b>0.0000</b>	<b>2.0000e-005</b>	<b>0.0000</b>	<b>0.0644</b>	<b>0.0644</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0645</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					7.0000e-005	0.0000	7.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.1500e-003	0.0217	0.0111	1.0000e-005		1.3400e-003	1.3400e-003		1.2300e-003	1.2300e-003	0.0000	1.3542	1.3542	4.0000e-004	0.0000	1.3626
<b>Total</b>	<b>2.1500e-003</b>	<b>0.0217</b>	<b>0.0111</b>	<b>1.0000e-005</b>	<b>7.0000e-005</b>	<b>1.3400e-003</b>	<b>1.4100e-003</b>	<b>1.0000e-005</b>	<b>1.2300e-003</b>	<b>1.2400e-003</b>	<b>0.0000</b>	<b>1.3542</b>	<b>1.3542</b>	<b>4.0000e-004</b>	<b>0.0000</b>	<b>1.3626</b>

**3.3 Site Preparation - 2014****Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	3.0000e-005	5.0000e-005	4.8000e-004	0.0000	7.0000e-005	0.0000	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.0644	0.0644	0.0000	0.0000	0.0645
<b>Total</b>	<b>3.0000e-005</b>	<b>5.0000e-005</b>	<b>4.8000e-004</b>	<b>0.0000</b>	<b>7.0000e-005</b>	<b>0.0000</b>	<b>7.0000e-005</b>	<b>2.0000e-005</b>	<b>0.0000</b>	<b>2.0000e-005</b>	<b>0.0000</b>	<b>0.0644</b>	<b>0.0644</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0645</b>

**3.4 Grading - 2014****Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					7.8000e-003	0.0000	7.8000e-003	4.1700e-003	0.0000	4.1700e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0149	0.1249	0.0885	1.2000e-004		9.3000e-003	9.3000e-003		8.9000e-003	8.9000e-003	0.0000	10.9520	10.9520	2.2800e-003	0.0000	10.9999
<b>Total</b>	<b>0.0149</b>	<b>0.1249</b>	<b>0.0885</b>	<b>1.2000e-004</b>	<b>7.8000e-003</b>	<b>9.3000e-003</b>	<b>0.0171</b>	<b>4.1700e-003</b>	<b>8.9000e-003</b>	<b>0.0131</b>	<b>0.0000</b>	<b>10.9520</b>	<b>10.9520</b>	<b>2.2800e-003</b>	<b>0.0000</b>	<b>10.9999</b>

**3.4 Grading - 2014****Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	3.6400e-003	0.0504	0.0347	9.0000e-005	2.1100e-003	8.9000e-004	3.0000e-003	5.8000e-004	8.2000e-004	1.4000e-003	0.0000	8.7836	8.7836	8.0000e-005	0.0000	8.7854
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	4.6000e-004	6.6000e-004	6.3700e-003	1.0000e-005	9.1000e-004	1.0000e-005	9.2000e-004	2.4000e-004	1.0000e-005	2.5000e-004	0.0000	0.8592	0.8592	5.0000e-005	0.0000	0.8603
<b>Total</b>	<b>4.1000e-003</b>	<b>0.0511</b>	<b>0.0411</b>	<b>1.0000e-004</b>	<b>3.0200e-003</b>	<b>9.0000e-004</b>	<b>3.9200e-003</b>	<b>8.2000e-004</b>	<b>8.3000e-004</b>	<b>1.6500e-003</b>	<b>0.0000</b>	<b>9.6428</b>	<b>9.6428</b>	<b>1.3000e-004</b>	<b>0.0000</b>	<b>9.6457</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					3.5100e-003	0.0000	3.5100e-003	1.8800e-003	0.0000	1.8800e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0149	0.1249	0.0885	1.2000e-004		9.3000e-003	9.3000e-003		8.9000e-003	8.9000e-003	0.0000	10.9520	10.9520	2.2800e-003	0.0000	10.9999
<b>Total</b>	<b>0.0149</b>	<b>0.1249</b>	<b>0.0885</b>	<b>1.2000e-004</b>	<b>3.5100e-003</b>	<b>9.3000e-003</b>	<b>0.0128</b>	<b>1.8800e-003</b>	<b>8.9000e-003</b>	<b>0.0108</b>	<b>0.0000</b>	<b>10.9520</b>	<b>10.9520</b>	<b>2.2800e-003</b>	<b>0.0000</b>	<b>10.9999</b>

**3.4 Grading - 2014****Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	3.6400e-003	0.0504	0.0347	9.0000e-005	2.1100e-003	8.9000e-004	3.0000e-003	5.8000e-004	8.2000e-004	1.4000e-003	0.0000	8.7836	8.7836	8.0000e-005	0.0000	8.7854
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	4.6000e-004	6.6000e-004	6.3700e-003	1.0000e-005	9.1000e-004	1.0000e-005	9.2000e-004	2.4000e-004	1.0000e-005	2.5000e-004	0.0000	0.8592	0.8592	5.0000e-005	0.0000	0.8603
<b>Total</b>	<b>4.1000e-003</b>	<b>0.0511</b>	<b>0.0411</b>	<b>1.0000e-004</b>	<b>3.0200e-003</b>	<b>9.0000e-004</b>	<b>3.9200e-003</b>	<b>8.2000e-004</b>	<b>8.3000e-004</b>	<b>1.6500e-003</b>	<b>0.0000</b>	<b>9.6428</b>	<b>9.6428</b>	<b>1.3000e-004</b>	<b>0.0000</b>	<b>9.6457</b>

**3.5 Building Construction - 2014****Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0373	0.3708	0.2086	2.8000e-004		0.0258	0.0258		0.0238	0.0238	0.0000	27.3142	27.3142	8.0700e-003	0.0000	27.4837
<b>Total</b>	<b>0.0373</b>	<b>0.3708</b>	<b>0.2086</b>	<b>2.8000e-004</b>		<b>0.0258</b>	<b>0.0258</b>		<b>0.0238</b>	<b>0.0238</b>	<b>0.0000</b>	<b>27.3142</b>	<b>27.3142</b>	<b>8.0700e-003</b>	<b>0.0000</b>	<b>27.4837</b>

### 3.5 Building Construction - 2014

#### Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	7.9000e-004	6.7000e-003	7.9900e-003	1.0000e-005	3.2000e-004	1.3000e-004	4.5000e-004	9.0000e-005	1.2000e-004	2.1000e-004	0.0000	1.1086	1.1086	1.0000e-005	0.0000	1.1088
Worker	5.8000e-004	8.2000e-004	7.9700e-003	1.0000e-005	1.1400e-003	1.0000e-005	1.1500e-003	3.0000e-004	1.0000e-005	3.1000e-004	0.0000	1.0740	1.0740	6.0000e-005	0.0000	1.0754
<b>Total</b>	<b>1.3700e-003</b>	<b>7.5200e-003</b>	<b>0.0160</b>	<b>2.0000e-005</b>	<b>1.4600e-003</b>	<b>1.4000e-004</b>	<b>1.6000e-003</b>	<b>3.9000e-004</b>	<b>1.3000e-004</b>	<b>5.2000e-004</b>	<b>0.0000</b>	<b>2.1826</b>	<b>2.1826</b>	<b>7.0000e-005</b>	<b>0.0000</b>	<b>2.1842</b>

#### Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0373	0.3708	0.2086	2.8000e-004		0.0258	0.0258		0.0238	0.0238	0.0000	27.3142	27.3142	8.0700e-003	0.0000	27.4837
<b>Total</b>	<b>0.0373</b>	<b>0.3708</b>	<b>0.2086</b>	<b>2.8000e-004</b>		<b>0.0258</b>	<b>0.0258</b>		<b>0.0238</b>	<b>0.0238</b>	<b>0.0000</b>	<b>27.3142</b>	<b>27.3142</b>	<b>8.0700e-003</b>	<b>0.0000</b>	<b>27.4837</b>

### 3.5 Building Construction - 2014

#### Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	7.9000e-004	6.7000e-003	7.9900e-003	1.0000e-005	3.2000e-004	1.3000e-004	4.5000e-004	9.0000e-005	1.2000e-004	2.1000e-004	0.0000	1.1086	1.1086	1.0000e-005	0.0000	1.1088
Worker	5.8000e-004	8.2000e-004	7.9700e-003	1.0000e-005	1.1400e-003	1.0000e-005	1.1500e-003	3.0000e-004	1.0000e-005	3.1000e-004	0.0000	1.0740	1.0740	6.0000e-005	0.0000	1.0754
<b>Total</b>	<b>1.3700e-003</b>	<b>7.5200e-003</b>	<b>0.0160</b>	<b>2.0000e-005</b>	<b>1.4600e-003</b>	<b>1.4000e-004</b>	<b>1.6000e-003</b>	<b>3.9000e-004</b>	<b>1.3000e-004</b>	<b>5.2000e-004</b>	<b>0.0000</b>	<b>2.1826</b>	<b>2.1826</b>	<b>7.0000e-005</b>	<b>0.0000</b>	<b>2.1842</b>

### 4.0 Operational Detail - Mobile

#### 4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0115	0.0245	0.1123	1.7000e-004	0.0126	3.5000e-004	0.0129	3.3700e-003	3.2000e-004	3.6900e-003	0.0000	14.5624	14.5624	7.3000e-004	0.0000	14.5777
Unmitigated	0.0115	0.0245	0.1123	1.7000e-004	0.0126	3.5000e-004	0.0129	3.3700e-003	3.2000e-004	3.6900e-003	0.0000	14.5624	14.5624	7.3000e-004	0.0000	14.5777



#### 4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
City Park	15.90	15.90	15.90	33,944	33,944
Total	15.90	15.90	15.90	33,944	33,944

#### 4.3 Trip Type Information

Land Use	Miles			Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
City Park	9.50	7.30	7.30	33.00	48.00	19.00	66	28	6

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.552333	0.058138	0.185246	0.125281	0.029961	0.004506	0.012317	0.020953	0.001764	0.001280	0.005920	0.000536	0.001765

#### 5.0 Energy Detail

##### 4.4 Fleet Mix

Historical Energy Use: N

#### 5.1 Mitigation Measures Energy

[illegible]

## 5.2 Energy by Land Use - Natural Gas

### Unmitigated

[illegible]

## 5.2 Energy by Land Use - NaturalGas

### Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

## 5.3 Energy by Land Use - Electricity

### Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
City Park	0	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

### 5.3 Energy by Land Use - Electricity

#### Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
City Park	0	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

### 6.0 Area Detail

#### 6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0579	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	1.0000e-005
Unmitigated	0.0579	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	1.0000e-005

## 6.2 Area by SubCategory

### Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	6.8100e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0510					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	1.0000e-005
<b>Total</b>	<b>0.0579</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>1.0000e-005</b>	<b>1.0000e-005</b>	<b>0.0000</b>	<b>0.0000</b>	<b>1.0000e-005</b>

### Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	6.8100e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0510					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	1.0000e-005
<b>Total</b>	<b>0.0579</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>1.0000e-005</b>	<b>1.0000e-005</b>	<b>0.0000</b>	<b>0.0000</b>	<b>1.0000e-005</b>

## 7.0 Water Detail

## 7.1 Mitigation Measures Water

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	0.3640	2.0000e-005	0.0000	0.3654
Unmitigated	0.3640	2.0000e-005	0.0000	0.3654

## 7.2 Water by Land Use

### Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
City Park	0 / 0.357444	0.3640	2.0000e-005	0.0000	0.3654
<b>Total</b>		<b>0.3640</b>	<b>2.0000e-005</b>	<b>0.0000</b>	<b>0.3654</b>

## 7.2 Water by Land Use

### Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
City Park	0 / 0.357444	0.3640	2.0000e-005	0.0000	0.3654
<b>Total</b>		<b>0.3640</b>	<b>2.0000e-005</b>	<b>0.0000</b>	<b>0.3654</b>

## 8.0 Waste Detail

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### 8.1 Mitigation Measures Waste

#### Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	6.0900e-003	3.6000e-004	0.0000	0.0137
Unmitigated	6.0900e-003	3.6000e-004	0.0000	0.0137

## 8.2 Waste by Land Use

### Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
City Park	0.03	6.0900e-003	3.6000e-004	0.0000	0.0137
<b>Total</b>		<b>6.0900e-003</b>	<b>3.6000e-004</b>	<b>0.0000</b>	<b>0.0137</b>

### Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
City Park	0.03	6.0900e-003	3.6000e-004	0.0000	0.0137
<b>Total</b>		<b>6.0900e-003</b>	<b>3.6000e-004</b>	<b>0.0000</b>	<b>0.0137</b>

## 9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
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## **10.0 Vegetation**

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**Orchard Gardens Park**  
**Santa Clara County, Summer**

## 1.0 Project Characteristics

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### 1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
City Park	0.30	Acre	0.30	13,068.00	0

### 1.2 Other Project Characteristics

<b>Urbanization</b>	Urban	<b>Wind Speed (m/s)</b>	2.2	<b>Precipitation Freq (Days)</b>	58
<b>Climate Zone</b>	4			<b>Operational Year</b>	2014
<b>Utility Company</b>	Pacific Gas & Electric Company				
<b>CO2 Intensity (lb/MWhr)</b>	641.35	<b>CH4 Intensity (lb/MWhr)</b>	0.029	<b>N2O Intensity (lb/MWhr)</b>	0.006

### 1.3 User Entered Comments & Non-Default Data

Project Characteristics -

Land Use -

Construction Phase - Adjusted construction schedule for the park project

Grading - Added import/export to account for potential soil remediation

Demolition - 4,800 SF total building demo

Vehicle Trips - 16 trips per day assumed

Construction Off-road Equipment Mitigation -

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	100.00	50.00
tblConstructionPhase	NumDays	10.00	15.00
tblConstructionPhase	NumDays	2.00	20.00
tblConstructionPhase	NumDays	1.00	3.00
tblGrading	AcresOfGrading	0.00	0.30
tblGrading	AcresOfGrading	1.50	0.30
tblGrading	MaterialExported	0.00	1,000.00
tblGrading	MaterialImported	0.00	1,000.00
tblVehicleTrips	ST_TR	1.59	53.00
tblVehicleTrips	SU_TR	1.59	53.00
tblVehicleTrips	WD_TR	1.59	53.00

## 2.0 Emissions Summary

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## 2.1 Overall Construction (Maximum Daily Emission)

### Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2014	1.8810	17.4122	12.6066	0.0226	1.0920	1.0390	2.1120	0.5018	0.9727	1.4745	0.0000	2,278.1486	2,278.1486	0.3593	0.0000	2,285.6933
<b>Total</b>	<b>1.8810</b>	<b>17.4122</b>	<b>12.6066</b>	<b>0.0226</b>	<b>1.0920</b>	<b>1.0390</b>	<b>2.1120</b>	<b>0.5018</b>	<b>0.9727</b>	<b>1.4745</b>	<b>0.0000</b>	<b>2,278.1486</b>	<b>2,278.1486</b>	<b>0.3593</b>	<b>0.0000</b>	<b>2,285.6933</b>

### Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2014	1.8810	17.4122	12.6066	0.0226	0.6630	1.0390	1.6830	0.2724	0.9727	1.2451	0.0000	2,278.1486	2,278.1486	0.3593	0.0000	2,285.6933
Total	1.8810	17.4122	12.6066	0.0226	0.6630	1.0390	1.6830	0.2724	0.9727	1.2451	0.0000	2,278.1486	2,278.1486	0.3593	0.0000	2,285.6933

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	39.28	0.00	20.31	45.72	0.00	15.56	0.00	0.00	0.00	0.00	0.00	0.00

## 2.2 Overall Operational

### Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	0.3170	0.0000	3.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000		7.0000e-005	7.0000e-005	0.0000		7.0000e-005
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0653	0.1265	0.6061	1.0200e-003	0.0716	1.9200e-003	0.0736	0.0191	1.7600e-003	0.0209		93.4663	93.4663	4.4200e-003		93.5592
<b>Total</b>	<b>0.3823</b>	<b>0.1265</b>	<b>0.6061</b>	<b>1.0200e-003</b>	<b>0.0716</b>	<b>1.9200e-003</b>	<b>0.0736</b>	<b>0.0191</b>	<b>1.7600e-003</b>	<b>0.0209</b>		<b>93.4664</b>	<b>93.4664</b>	<b>4.4200e-003</b>	<b>0.0000</b>	<b>93.5593</b>

### Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	0.3170	0.0000	3.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000		7.0000e-005	7.0000e-005	0.0000		7.0000e-005
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0653	0.1265	0.6061	1.0200e-003	0.0716	1.9200e-003	0.0736	0.0191	1.7600e-003	0.0209		93.4663	93.4663	4.4200e-003		93.5592
<b>Total</b>	<b>0.3823</b>	<b>0.1265</b>	<b>0.6061</b>	<b>1.0200e-003</b>	<b>0.0716</b>	<b>1.9200e-003</b>	<b>0.0736</b>	<b>0.0191</b>	<b>1.7600e-003</b>	<b>0.0209</b>		<b>93.4664</b>	<b>93.4664</b>	<b>4.4200e-003</b>	<b>0.0000</b>	<b>93.5593</b>

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

### 3.0 Construction Detail

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#### Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	5/1/2014	5/21/2014	5	15	
2	Site Preparation	Site Preparation	5/22/2014	5/26/2014	5	3	
3	Grading	Grading	5/27/2014	6/23/2014	5	20	
4	Building Construction	Building Construction	6/24/2014	9/1/2014	5	50	

**Acres of Grading (Site Preparation Phase): 0.3**

**Acres of Grading (Grading Phase): 0.3**

**Acres of Paving: 0**

**Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0 (Architectural Coating – sqft)**

#### OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Grading	Concrete/Industrial Saws	1	8.00	81	0.73
Building Construction	Cranes	1	4.00	226	0.29
Building Construction	Forklifts	2	6.00	89	0.20
Site Preparation	Graders	1	8.00	174	0.41
Demolition	Rubber Tired Dozers	1	1.00	255	0.40
Grading	Rubber Tired Dozers	1	1.00	255	0.40
Building Construction	Tractors/Loaders/Backhoes	2	8.00	97	0.37
Demolition	Tractors/Loaders/Backhoes	2	6.00	97	0.37
Grading	Tractors/Loaders/Backhoes	2	6.00	97	0.37
Site Preparation	Tractors/Loaders/Backhoes	1	8.00	97	0.37

### Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	4	10.00	0.00	22.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	2	5.00	0.00	0.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	4	10.00	0.00	250.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	5	5.00	2.00	0.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT

### 3.1 Mitigation Measures Construction

Water Exposed Area

Reduce Vehicle Speed on Unpaved Roads

Clean Paved Roads

**3.2 Demolition - 2014****Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.3150	0.0000	0.3150	0.0477	0.0000	0.0477			0.0000			0.0000
Off-Road	1.4929	12.4922	8.8528	0.0121		0.9304	0.9304		0.8904	0.8904		1,207.2469	1,207.2469	0.2515		1,212.5281
<b>Total</b>	<b>1.4929</b>	<b>12.4922</b>	<b>8.8528</b>	<b>0.0121</b>	<b>0.3150</b>	<b>0.9304</b>	<b>1.2454</b>	<b>0.0477</b>	<b>0.8904</b>	<b>0.9380</b>		<b>1,207.2469</b>	<b>1,207.2469</b>	<b>0.2515</b>		<b>1,212.5281</b>

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0397	0.5704	0.3606	1.1100e-003	0.0256	0.0104	0.0360	6.9900e-003	9.5700e-003	0.0166		113.7160	113.7160	1.0700e-003		113.7386
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0495	0.0584	0.6807	1.1300e-003	0.0943	8.3000e-004	0.0951	0.0250	7.6000e-004	0.0258		101.7312	101.7312	5.7300e-003		101.8515
<b>Total</b>	<b>0.0892</b>	<b>0.6288</b>	<b>1.0413</b>	<b>2.2400e-003</b>	<b>0.1199</b>	<b>0.0112</b>	<b>0.1311</b>	<b>0.0320</b>	<b>0.0103</b>	<b>0.0423</b>		<b>215.4472</b>	<b>215.4472</b>	<b>6.8000e-003</b>		<b>215.5901</b>



**3.2 Demolition - 2014****Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.1418	0.0000	0.1418	0.0215	0.0000	0.0215			0.0000			0.0000
Off-Road	1.4929	12.4922	8.8528	0.0121		0.9304	0.9304		0.8904	0.8904	0.0000	1,207.2469	1,207.2469	0.2515		1,212.5281
<b>Total</b>	<b>1.4929</b>	<b>12.4922</b>	<b>8.8528</b>	<b>0.0121</b>	<b>0.1418</b>	<b>0.9304</b>	<b>1.0722</b>	<b>0.0215</b>	<b>0.8904</b>	<b>0.9118</b>	<b>0.0000</b>	<b>1,207.2469</b>	<b>1,207.2469</b>	<b>0.2515</b>		<b>1,212.5281</b>

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0397	0.5704	0.3606	1.1100e-003	0.0256	0.0104	0.0360	6.9900e-003	9.5700e-003	0.0166		113.7160	113.7160	1.0700e-003		113.7386
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0495	0.0584	0.6807	1.1300e-003	0.0943	8.3000e-004	0.0951	0.0250	7.6000e-004	0.0258		101.7312	101.7312	5.7300e-003		101.8515
<b>Total</b>	<b>0.0892</b>	<b>0.6288</b>	<b>1.0413</b>	<b>2.2400e-003</b>	<b>0.1199</b>	<b>0.0112</b>	<b>0.1311</b>	<b>0.0320</b>	<b>0.0103</b>	<b>0.0423</b>		<b>215.4472</b>	<b>215.4472</b>	<b>6.8000e-003</b>		<b>215.5901</b>

**3.3 Site Preparation - 2014****Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.1061	0.0000	0.1061	0.0115	0.0000	0.0115			0.0000			0.0000
Off-Road	1.4341	14.4817	7.3936	9.3700e-003		0.8920	0.8920		0.8206	0.8206		995.1971	995.1971	0.2941		1,001.3730
<b>Total</b>	<b>1.4341</b>	<b>14.4817</b>	<b>7.3936</b>	<b>9.3700e-003</b>	<b>0.1061</b>	<b>0.8920</b>	<b>0.9981</b>	<b>0.0115</b>	<b>0.8206</b>	<b>0.8321</b>		<b>995.1971</b>	<b>995.1971</b>	<b>0.2941</b>		<b>1,001.3730</b>

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0247	0.0292	0.3404	5.7000e-004	0.0472	4.2000e-004	0.0476	0.0125	3.8000e-004	0.0129		50.8656	50.8656	2.8600e-003		50.9258
<b>Total</b>	<b>0.0247</b>	<b>0.0292</b>	<b>0.3404</b>	<b>5.7000e-004</b>	<b>0.0472</b>	<b>4.2000e-004</b>	<b>0.0476</b>	<b>0.0125</b>	<b>3.8000e-004</b>	<b>0.0129</b>		<b>50.8656</b>	<b>50.8656</b>	<b>2.8600e-003</b>		<b>50.9258</b>

**3.3 Site Preparation - 2014****Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.0477	0.0000	0.0477	5.1500e-003	0.0000	5.1500e-003			0.0000			0.0000
Off-Road	1.4341	14.4817	7.3936	9.3700e-003		0.8920	0.8920		0.8206	0.8206	0.0000	995.1971	995.1971	0.2941		1,001.3730
<b>Total</b>	<b>1.4341</b>	<b>14.4817</b>	<b>7.3936</b>	<b>9.3700e-003</b>	<b>0.0477</b>	<b>0.8920</b>	<b>0.9397</b>	<b>5.1500e-003</b>	<b>0.8206</b>	<b>0.8258</b>	<b>0.0000</b>	<b>995.1971</b>	<b>995.1971</b>	<b>0.2941</b>		<b>1,001.3730</b>

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0247	0.0292	0.3404	5.7000e-004	0.0472	4.2000e-004	0.0476	0.0125	3.8000e-004	0.0129		50.8656	50.8656	2.8600e-003		50.9258
<b>Total</b>	<b>0.0247</b>	<b>0.0292</b>	<b>0.3404</b>	<b>5.7000e-004</b>	<b>0.0472</b>	<b>4.2000e-004</b>	<b>0.0476</b>	<b>0.0125</b>	<b>3.8000e-004</b>	<b>0.0129</b>		<b>50.8656</b>	<b>50.8656</b>	<b>2.8600e-003</b>		<b>50.9258</b>

**3.4 Grading - 2014****Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.7800	0.0000	0.7800	0.4172	0.0000	0.4172			0.0000			0.0000
Off-Road	1.4929	12.4922	8.8528	0.0121		0.9304	0.9304		0.8904	0.8904		1,207.2469	1,207.2469	0.2515		1,212.5281
<b>Total</b>	<b>1.4929</b>	<b>12.4922</b>	<b>8.8528</b>	<b>0.0121</b>	<b>0.7800</b>	<b>0.9304</b>	<b>1.7104</b>	<b>0.4172</b>	<b>0.8904</b>	<b>1.3076</b>		<b>1,207.2469</b>	<b>1,207.2469</b>	<b>0.2515</b>		<b>1,212.5281</b>

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.3386	4.8616	3.0731	9.4300e-003	0.2177	0.0887	0.3065	0.0596	0.0816	0.1412		969.1706	969.1706	9.1500e-003		969.3627
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0495	0.0584	0.6807	1.1300e-003	0.0943	8.3000e-004	0.0951	0.0250	7.6000e-004	0.0258		101.7312	101.7312	5.7300e-003		101.8515
<b>Total</b>	<b>0.3881</b>	<b>4.9200</b>	<b>3.7538</b>	<b>0.0106</b>	<b>0.3120</b>	<b>0.0896</b>	<b>0.4016</b>	<b>0.0846</b>	<b>0.0824</b>	<b>0.1670</b>		<b>1,070.9017</b>	<b>1,070.9017</b>	<b>0.0149</b>		<b>1,071.2142</b>

**3.4 Grading - 2014****Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.3510	0.0000	0.3510	0.1877	0.0000	0.1877			0.0000			0.0000
Off-Road	1.4929	12.4922	8.8528	0.0121		0.9304	0.9304		0.8904	0.8904	0.0000	1,207.2469	1,207.2469	0.2515		1,212.5281
<b>Total</b>	<b>1.4929</b>	<b>12.4922</b>	<b>8.8528</b>	<b>0.0121</b>	<b>0.3510</b>	<b>0.9304</b>	<b>1.2814</b>	<b>0.1877</b>	<b>0.8904</b>	<b>1.0781</b>	<b>0.0000</b>	<b>1,207.2469</b>	<b>1,207.2469</b>	<b>0.2515</b>		<b>1,212.5281</b>

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.3386	4.8616	3.0731	9.4300e-003	0.2177	0.0887	0.3065	0.0596	0.0816	0.1412		969.1706	969.1706	9.1500e-003		969.3627
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0495	0.0584	0.6807	1.1300e-003	0.0943	8.3000e-004	0.0951	0.0250	7.6000e-004	0.0258		101.7312	101.7312	5.7300e-003		101.8515
<b>Total</b>	<b>0.3881</b>	<b>4.9200</b>	<b>3.7538</b>	<b>0.0106</b>	<b>0.3120</b>	<b>0.0896</b>	<b>0.4016</b>	<b>0.0846</b>	<b>0.0824</b>	<b>0.1670</b>		<b>1,070.9017</b>	<b>1,070.9017</b>	<b>0.0149</b>		<b>1,071.2142</b>

### 3.5 Building Construction - 2014

#### Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.4930	14.8331	8.3419	0.0113		1.0334	1.0334		0.9507	0.9507		1,204.3497	1,204.3497	0.3559		1,211.8235
<b>Total</b>	<b>1.4930</b>	<b>14.8331</b>	<b>8.3419</b>	<b>0.0113</b>		<b>1.0334</b>	<b>1.0334</b>		<b>0.9507</b>	<b>0.9507</b>		<b>1,204.3497</b>	<b>1,204.3497</b>	<b>0.3559</b>		<b>1,211.8235</b>

#### Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0286	0.2593	0.2697	4.8000e-004	0.0133	5.1300e-003	0.0184	3.8000e-003	4.7100e-003	8.5100e-003		49.0339	49.0339	5.1000e-004		49.0446
Worker	0.0247	0.0292	0.3404	5.7000e-004	0.0472	4.2000e-004	0.0476	0.0125	3.8000e-004	0.0129		50.8656	50.8656	2.8600e-003		50.9258
<b>Total</b>	<b>0.0533</b>	<b>0.2885</b>	<b>0.6101</b>	<b>1.0500e-003</b>	<b>0.0605</b>	<b>5.5500e-003</b>	<b>0.0660</b>	<b>0.0163</b>	<b>5.0900e-003</b>	<b>0.0214</b>		<b>99.8995</b>	<b>99.8995</b>	<b>3.3700e-003</b>		<b>99.9703</b>

### 3.5 Building Construction - 2014

#### Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.4930	14.8331	8.3419	0.0113		1.0334	1.0334		0.9507	0.9507	0.0000	1,204.3497	1,204.3497	0.3559		1,211.8235
<b>Total</b>	<b>1.4930</b>	<b>14.8331</b>	<b>8.3419</b>	<b>0.0113</b>		<b>1.0334</b>	<b>1.0334</b>		<b>0.9507</b>	<b>0.9507</b>	<b>0.0000</b>	<b>1,204.3497</b>	<b>1,204.3497</b>	<b>0.3559</b>		<b>1,211.8235</b>

#### Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0286	0.2593	0.2697	4.8000e-004	0.0133	5.1300e-003	0.0184	3.8000e-003	4.7100e-003	8.5100e-003		49.0339	49.0339	5.1000e-004		49.0446
Worker	0.0247	0.0292	0.3404	5.7000e-004	0.0472	4.2000e-004	0.0476	0.0125	3.8000e-004	0.0129		50.8656	50.8656	2.8600e-003		50.9258
<b>Total</b>	<b>0.0533</b>	<b>0.2885</b>	<b>0.6101</b>	<b>1.0500e-003</b>	<b>0.0605</b>	<b>5.5500e-003</b>	<b>0.0660</b>	<b>0.0163</b>	<b>5.0900e-003</b>	<b>0.0214</b>		<b>99.8995</b>	<b>99.8995</b>	<b>3.3700e-003</b>		<b>99.9703</b>

### 4.0 Operational Detail - Mobile

## 4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	0.0653	0.1265	0.6061	1.0200e-003	0.0716	1.9200e-003	0.0736	0.0191	1.7600e-003	0.0209		93.4663	93.4663	4.4200e-003		93.5592
Unmitigated	0.0653	0.1265	0.6061	1.0200e-003	0.0716	1.9200e-003	0.0736	0.0191	1.7600e-003	0.0209		93.4663	93.4663	4.4200e-003		93.5592

## 4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
City Park	15.90	15.90	15.90	33,944	33,944
Total	15.90	15.90	15.90	33,944	33,944

## 4.3 Trip Type Information

Land Use	Miles			Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
City Park	9.50	7.30	7.30	33.00	48.00	19.00	66	28	6

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.552333	0.058138	0.185246	0.125281	0.029961	0.004506	0.012317	0.020953	0.001764	0.001280	0.005920	0.000536	0.001765

## 5.0 Energy Detail

### 4.4 Fleet Mix

Historical Energy Use: N



## 5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000

## 5.2 Energy by Land Use - NaturalGas

### Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

## 5.2 Energy by Land Use - NaturalGas

### Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

## 6.0 Area Detail

### 6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	0.3170	0.0000	3.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000		7.0000e-005	7.0000e-005	0.0000		7.0000e-005
Unmitigated	0.3170	0.0000	3.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000		7.0000e-005	7.0000e-005	0.0000		7.0000e-005

## 6.2 Area by SubCategory

### Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.0373					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	0.2797					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	0.0000	0.0000	3.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000		7.0000e-005	7.0000e-005	0.0000		7.0000e-005
<b>Total</b>	<b>0.3170</b>	<b>0.0000</b>	<b>3.0000e-005</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>7.0000e-005</b>	<b>7.0000e-005</b>	<b>0.0000</b>		<b>7.0000e-005</b>

### Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.0373					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	0.2797					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	0.0000	0.0000	3.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000		7.0000e-005	7.0000e-005	0.0000		7.0000e-005
<b>Total</b>	<b>0.3170</b>	<b>0.0000</b>	<b>3.0000e-005</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>7.0000e-005</b>	<b>7.0000e-005</b>	<b>0.0000</b>		<b>7.0000e-005</b>

## 7.0 Water Detail

**7.1 Mitigation Measures Water****8.0 Waste Detail**

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**8.1 Mitigation Measures Waste****9.0 Operational Offroad**

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Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
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**10.0 Vegetation**

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**Orchard Gardens Park**  
**Santa Clara County, Winter**

## 1.0 Project Characteristics

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### 1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
City Park	0.30	Acre	0.30	13,068.00	0

### 1.2 Other Project Characteristics

<b>Urbanization</b>	Urban	<b>Wind Speed (m/s)</b>	2.2	<b>Precipitation Freq (Days)</b>	58
<b>Climate Zone</b>	4			<b>Operational Year</b>	2014
<b>Utility Company</b>	Pacific Gas & Electric Company				
<b>CO2 Intensity (lb/MWhr)</b>	641.35	<b>CH4 Intensity (lb/MWhr)</b>	0.029	<b>N2O Intensity (lb/MWhr)</b>	0.006

### 1.3 User Entered Comments & Non-Default Data

Project Characteristics -

Land Use -

Construction Phase - Adjusted construction schedule for the park project

Grading - Added import/export to account for potential soil remediation

Demolition - 4,800 SF total building demo

Vehicle Trips - 16 trips per day assumed

Construction Off-road Equipment Mitigation -

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	100.00	50.00
tblConstructionPhase	NumDays	10.00	15.00
tblConstructionPhase	NumDays	2.00	20.00
tblConstructionPhase	NumDays	1.00	3.00
tblGrading	AcresOfGrading	0.00	0.30
tblGrading	AcresOfGrading	1.50	0.30
tblGrading	MaterialExported	0.00	1,000.00
tblGrading	MaterialImported	0.00	1,000.00
tblVehicleTrips	ST_TR	1.59	53.00
tblVehicleTrips	SU_TR	1.59	53.00
tblVehicleTrips	WD_TR	1.59	53.00

## 2.0 Emissions Summary

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## 2.1 Overall Construction (Maximum Daily Emission)

### Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2014	1.9388	17.6814	13.4270	0.0225	1.0920	1.0390	2.1123	0.5018	0.9730	1.4749	0.0000	2,267.7267	2,267.7267	0.3593	0.0000	2,275.2717
Total	1.9388	17.6814	13.4270	0.0225	1.0920	1.0390	2.1123	0.5018	0.9730	1.4749	0.0000	2,267.7267	2,267.7267	0.3593	0.0000	2,275.2717

### Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2014	1.9388	17.6814	13.4270	0.0225	0.6630	1.0390	1.6833	0.2724	0.9730	1.2454	0.0000	2,267.7267	2,267.7267	0.3593	0.0000	2,275.2717
Total	1.9388	17.6814	13.4270	0.0225	0.6630	1.0390	1.6833	0.2724	0.9730	1.2454	0.0000	2,267.7267	2,267.7267	0.3593	0.0000	2,275.2717

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	39.28	0.00	20.31	45.72	0.00	15.56	0.00	0.00	0.00	0.00	0.00	0.00

## 2.2 Overall Operational

### Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	0.3170	0.0000	3.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000		7.0000e-005	7.0000e-005	0.0000		7.0000e-005
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0689	0.1406	0.6687	9.5000e-004	0.0716	1.9400e-003	0.0736	0.0191	1.7800e-003	0.0209		87.4009	87.4009	4.4200e-003		87.4938
<b>Total</b>	<b>0.3859</b>	<b>0.1406</b>	<b>0.6687</b>	<b>9.5000e-004</b>	<b>0.0716</b>	<b>1.9400e-003</b>	<b>0.0736</b>	<b>0.0191</b>	<b>1.7800e-003</b>	<b>0.0209</b>		<b>87.4009</b>	<b>87.4009</b>	<b>4.4200e-003</b>	<b>0.0000</b>	<b>87.4938</b>

### Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	0.3170	0.0000	3.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000		7.0000e-005	7.0000e-005	0.0000		7.0000e-005
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0689	0.1406	0.6687	9.5000e-004	0.0716	1.9400e-003	0.0736	0.0191	1.7800e-003	0.0209		87.4009	87.4009	4.4200e-003		87.4938
<b>Total</b>	<b>0.3859</b>	<b>0.1406</b>	<b>0.6687</b>	<b>9.5000e-004</b>	<b>0.0716</b>	<b>1.9400e-003</b>	<b>0.0736</b>	<b>0.0191</b>	<b>1.7800e-003</b>	<b>0.0209</b>		<b>87.4009</b>	<b>87.4009</b>	<b>4.4200e-003</b>	<b>0.0000</b>	<b>87.4938</b>



	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

### 3.0 Construction Detail

#### Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	5/1/2014	5/21/2014	5	15	
2	Site Preparation	Site Preparation	5/22/2014	5/26/2014	5	3	
3	Grading	Grading	5/27/2014	6/23/2014	5	20	
4	Building Construction	Building Construction	6/24/2014	9/1/2014	5	50	

**Acres of Grading (Site Preparation Phase): 0.3**

**Acres of Grading (Grading Phase): 0.3**

**Acres of Paving: 0**

**Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0 (Architectural Coating – sqft)**

#### OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Grading	Concrete/Industrial Saws	1	8.00	81	0.73
Building Construction	Cranes	1	4.00	226	0.29
Building Construction	Forklifts	2	6.00	89	0.20
Site Preparation	Graders	1	8.00	174	0.41
Demolition	Rubber Tired Dozers	1	1.00	255	0.40
Grading	Rubber Tired Dozers	1	1.00	255	0.40
Building Construction	Tractors/Loaders/Backhoes	2	8.00	97	0.37
Demolition	Tractors/Loaders/Backhoes	2	6.00	97	0.37
Grading	Tractors/Loaders/Backhoes	2	6.00	97	0.37
Site Preparation	Tractors/Loaders/Backhoes	1	8.00	97	0.37

### Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	4	10.00	0.00	22.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	2	5.00	0.00	0.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	4	10.00	0.00	250.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	5	5.00	2.00	0.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT

### 3.1 Mitigation Measures Construction

Water Exposed Area

Reduce Vehicle Speed on Unpaved Roads

Clean Paved Roads

**3.2 Demolition - 2014****Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.3150	0.0000	0.3150	0.0477	0.0000	0.0477			0.0000			0.0000
Off-Road	1.4929	12.4922	8.8528	0.0121		0.9304	0.9304		0.8904	0.8904		1,207.2469	1,207.2469	0.2515		1,212.5281
<b>Total</b>	<b>1.4929</b>	<b>12.4922</b>	<b>8.8528</b>	<b>0.0121</b>	<b>0.3150</b>	<b>0.9304</b>	<b>1.2454</b>	<b>0.0477</b>	<b>0.8904</b>	<b>0.9380</b>		<b>1,207.2469</b>	<b>1,207.2469</b>	<b>0.2515</b>		<b>1,212.5281</b>

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0465	0.6005	0.4591	1.1100e-003	0.0256	0.0105	0.0360	6.9900e-003	9.6100e-003	0.0166		113.4524	113.4524	1.0800e-003		113.4751
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0500	0.0714	0.6617	1.0400e-003	0.0943	8.3000e-004	0.0951	0.0250	7.6000e-004	0.0258		93.5564	93.5564	5.7300e-003		93.6767
<b>Total</b>	<b>0.0964</b>	<b>0.6719</b>	<b>1.1207</b>	<b>2.1500e-003</b>	<b>0.1199</b>	<b>0.0113</b>	<b>0.1311</b>	<b>0.0320</b>	<b>0.0104</b>	<b>0.0424</b>		<b>207.0087</b>	<b>207.0087</b>	<b>6.8100e-003</b>		<b>207.1518</b>

**3.2 Demolition - 2014****Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.1418	0.0000	0.1418	0.0215	0.0000	0.0215			0.0000			0.0000
Off-Road	1.4929	12.4922	8.8528	0.0121		0.9304	0.9304		0.8904	0.8904	0.0000	1,207.2469	1,207.2469	0.2515		1,212.5281
<b>Total</b>	<b>1.4929</b>	<b>12.4922</b>	<b>8.8528</b>	<b>0.0121</b>	<b>0.1418</b>	<b>0.9304</b>	<b>1.0722</b>	<b>0.0215</b>	<b>0.8904</b>	<b>0.9118</b>	<b>0.0000</b>	<b>1,207.2469</b>	<b>1,207.2469</b>	<b>0.2515</b>		<b>1,212.5281</b>

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0465	0.6005	0.4591	1.1100e-003	0.0256	0.0105	0.0360	6.9900e-003	9.6100e-003	0.0166		113.4524	113.4524	1.0800e-003		113.4751
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0500	0.0714	0.6617	1.0400e-003	0.0943	8.3000e-004	0.0951	0.0250	7.6000e-004	0.0258		93.5564	93.5564	5.7300e-003		93.6767
<b>Total</b>	<b>0.0964</b>	<b>0.6719</b>	<b>1.1207</b>	<b>2.1500e-003</b>	<b>0.1199</b>	<b>0.0113</b>	<b>0.1311</b>	<b>0.0320</b>	<b>0.0104</b>	<b>0.0424</b>		<b>207.0087</b>	<b>207.0087</b>	<b>6.8100e-003</b>		<b>207.1518</b>

**3.3 Site Preparation - 2014****Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.1061	0.0000	0.1061	0.0115	0.0000	0.0115			0.0000			0.0000
Off-Road	1.4341	14.4817	7.3936	9.3700e-003		0.8920	0.8920		0.8206	0.8206		995.1971	995.1971	0.2941		1,001.3730
<b>Total</b>	<b>1.4341</b>	<b>14.4817</b>	<b>7.3936</b>	<b>9.3700e-003</b>	<b>0.1061</b>	<b>0.8920</b>	<b>0.9981</b>	<b>0.0115</b>	<b>0.8206</b>	<b>0.8321</b>		<b>995.1971</b>	<b>995.1971</b>	<b>0.2941</b>		<b>1,001.3730</b>

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0250	0.0357	0.3308	5.2000e-004	0.0472	4.2000e-004	0.0476	0.0125	3.8000e-004	0.0129		46.7782	46.7782	2.8600e-003		46.8383
<b>Total</b>	<b>0.0250</b>	<b>0.0357</b>	<b>0.3308</b>	<b>5.2000e-004</b>	<b>0.0472</b>	<b>4.2000e-004</b>	<b>0.0476</b>	<b>0.0125</b>	<b>3.8000e-004</b>	<b>0.0129</b>		<b>46.7782</b>	<b>46.7782</b>	<b>2.8600e-003</b>		<b>46.8383</b>

**3.3 Site Preparation - 2014****Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.0477	0.0000	0.0477	5.1500e-003	0.0000	5.1500e-003			0.0000			0.0000
Off-Road	1.4341	14.4817	7.3936	9.3700e-003		0.8920	0.8920		0.8206	0.8206	0.0000	995.1971	995.1971	0.2941		1,001.3730
<b>Total</b>	<b>1.4341</b>	<b>14.4817</b>	<b>7.3936</b>	<b>9.3700e-003</b>	<b>0.0477</b>	<b>0.8920</b>	<b>0.9397</b>	<b>5.1500e-003</b>	<b>0.8206</b>	<b>0.8258</b>	<b>0.0000</b>	<b>995.1971</b>	<b>995.1971</b>	<b>0.2941</b>		<b>1,001.3730</b>

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0250	0.0357	0.3308	5.2000e-004	0.0472	4.2000e-004	0.0476	0.0125	3.8000e-004	0.0129		46.7782	46.7782	2.8600e-003		46.8383
<b>Total</b>	<b>0.0250</b>	<b>0.0357</b>	<b>0.3308</b>	<b>5.2000e-004</b>	<b>0.0472</b>	<b>4.2000e-004</b>	<b>0.0476</b>	<b>0.0125</b>	<b>3.8000e-004</b>	<b>0.0129</b>		<b>46.7782</b>	<b>46.7782</b>	<b>2.8600e-003</b>		<b>46.8383</b>

**3.4 Grading - 2014****Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.7800	0.0000	0.7800	0.4172	0.0000	0.4172			0.0000			0.0000
Off-Road	1.4929	12.4922	8.8528	0.0121		0.9304	0.9304		0.8904	0.8904		1,207.2469	1,207.2469	0.2515		1,212.5281
<b>Total</b>	<b>1.4929</b>	<b>12.4922</b>	<b>8.8528</b>	<b>0.0121</b>	<b>0.7800</b>	<b>0.9304</b>	<b>1.7104</b>	<b>0.4172</b>	<b>0.8904</b>	<b>1.3076</b>		<b>1,207.2469</b>	<b>1,207.2469</b>	<b>0.2515</b>		<b>1,212.5281</b>

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.3959	5.1178	3.9126	9.4200e-003	0.2177	0.0891	0.3068	0.0596	0.0819	0.1415		966.9235	966.9235	9.2400e-003		967.1176
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0500	0.0714	0.6617	1.0400e-003	0.0943	8.3000e-004	0.0951	0.0250	7.6000e-004	0.0258		93.5564	93.5564	5.7300e-003		93.6767
<b>Total</b>	<b>0.4459</b>	<b>5.1892</b>	<b>4.5742</b>	<b>0.0105</b>	<b>0.3120</b>	<b>0.0899</b>	<b>0.4019</b>	<b>0.0846</b>	<b>0.0827</b>	<b>0.1673</b>		<b>1,060.4799</b>	<b>1,060.4799</b>	<b>0.0150</b>		<b>1,060.7943</b>

**3.4 Grading - 2014****Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.3510	0.0000	0.3510	0.1877	0.0000	0.1877			0.0000			0.0000
Off-Road	1.4929	12.4922	8.8528	0.0121		0.9304	0.9304		0.8904	0.8904	0.0000	1,207.2469	1,207.2469	0.2515		1,212.5281
<b>Total</b>	<b>1.4929</b>	<b>12.4922</b>	<b>8.8528</b>	<b>0.0121</b>	<b>0.3510</b>	<b>0.9304</b>	<b>1.2814</b>	<b>0.1877</b>	<b>0.8904</b>	<b>1.0781</b>	<b>0.0000</b>	<b>1,207.2469</b>	<b>1,207.2469</b>	<b>0.2515</b>		<b>1,212.5281</b>

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.3959	5.1178	3.9126	9.4200e-003	0.2177	0.0891	0.3068	0.0596	0.0819	0.1415		966.9235	966.9235	9.2400e-003		967.1176
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0500	0.0714	0.6617	1.0400e-003	0.0943	8.3000e-004	0.0951	0.0250	7.6000e-004	0.0258		93.5564	93.5564	5.7300e-003		93.6767
<b>Total</b>	<b>0.4459</b>	<b>5.1892</b>	<b>4.5742</b>	<b>0.0105</b>	<b>0.3120</b>	<b>0.0899</b>	<b>0.4019</b>	<b>0.0846</b>	<b>0.0827</b>	<b>0.1673</b>		<b>1,060.4799</b>	<b>1,060.4799</b>	<b>0.0150</b>		<b>1,060.7943</b>



### 3.5 Building Construction - 2014

#### Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.4930	14.8331	8.3419	0.0113		1.0334	1.0334		0.9507	0.9507		1,204.3497	1,204.3497	0.3559		1,211.8235
<b>Total</b>	<b>1.4930</b>	<b>14.8331</b>	<b>8.3419</b>	<b>0.0113</b>		<b>1.0334</b>	<b>1.0334</b>		<b>0.9507</b>	<b>0.9507</b>		<b>1,204.3497</b>	<b>1,204.3497</b>	<b>0.3559</b>		<b>1,211.8235</b>

#### Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0354	0.2714	0.3732	4.8000e-004	0.0133	5.1900e-003	0.0185	3.8000e-003	4.7700e-003	8.5700e-003		48.6651	48.6651	5.2000e-004		48.6760
Worker	0.0250	0.0357	0.3308	5.2000e-004	0.0472	4.2000e-004	0.0476	0.0125	3.8000e-004	0.0129		46.7782	46.7782	2.8600e-003		46.8383
<b>Total</b>	<b>0.0604</b>	<b>0.3071</b>	<b>0.7040</b>	<b>1.0000e-003</b>	<b>0.0605</b>	<b>5.6100e-003</b>	<b>0.0661</b>	<b>0.0163</b>	<b>5.1500e-003</b>	<b>0.0215</b>		<b>95.4433</b>	<b>95.4433</b>	<b>3.3800e-003</b>		<b>95.5144</b>

### 3.5 Building Construction - 2014

#### Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.4930	14.8331	8.3419	0.0113		1.0334	1.0334		0.9507	0.9507	0.0000	1,204.3497	1,204.3497	0.3559		1,211.8235
<b>Total</b>	<b>1.4930</b>	<b>14.8331</b>	<b>8.3419</b>	<b>0.0113</b>		<b>1.0334</b>	<b>1.0334</b>		<b>0.9507</b>	<b>0.9507</b>	<b>0.0000</b>	<b>1,204.3497</b>	<b>1,204.3497</b>	<b>0.3559</b>		<b>1,211.8235</b>

#### Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0354	0.2714	0.3732	4.8000e-004	0.0133	5.1900e-003	0.0185	3.8000e-003	4.7700e-003	8.5700e-003		48.6651	48.6651	5.2000e-004		48.6760
Worker	0.0250	0.0357	0.3308	5.2000e-004	0.0472	4.2000e-004	0.0476	0.0125	3.8000e-004	0.0129		46.7782	46.7782	2.8600e-003		46.8383
<b>Total</b>	<b>0.0604</b>	<b>0.3071</b>	<b>0.7040</b>	<b>1.0000e-003</b>	<b>0.0605</b>	<b>5.6100e-003</b>	<b>0.0661</b>	<b>0.0163</b>	<b>5.1500e-003</b>	<b>0.0215</b>		<b>95.4433</b>	<b>95.4433</b>	<b>3.3800e-003</b>		<b>95.5144</b>

### 4.0 Operational Detail - Mobile

#### 4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	0.0689	0.1406	0.6687	9.5000e-004	0.0716	1.9400e-003	0.0736	0.0191	1.7800e-003	0.0209		87.4009	87.4009	4.4200e-003		87.4938
Unmitigated	0.0689	0.1406	0.6687	9.5000e-004	0.0716	1.9400e-003	0.0736	0.0191	1.7800e-003	0.0209		87.4009	87.4009	4.4200e-003		87.4938

#### 4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
City Park	15.90	15.90	15.90	33,944	33,944
Total	15.90	15.90	15.90	33,944	33,944

#### 4.3 Trip Type Information

Land Use	Miles			Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
City Park	9.50	7.30	7.30	33.00	48.00	19.00	66	28	6

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.552333	0.058138	0.185246	0.125281	0.029961	0.004506	0.012317	0.020953	0.001764	0.001280	0.005920	0.000536	0.001765

#### 5.0 Energy Detail

##### 4.4 Fleet Mix

Historical Energy Use: N

## 5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000

## 5.2 Energy by Land Use - NaturalGas

### Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

## 5.2 Energy by Land Use - NaturalGas

### Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

## 6.0 Area Detail

### 6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	0.3170	0.0000	3.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000		7.0000e-005	7.0000e-005	0.0000		7.0000e-005
Unmitigated	0.3170	0.0000	3.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000		7.0000e-005	7.0000e-005	0.0000		7.0000e-005

## 6.2 Area by SubCategory

### Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.0373					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	0.2797					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	0.0000	0.0000	3.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000		7.0000e-005	7.0000e-005	0.0000		7.0000e-005
<b>Total</b>	<b>0.3170</b>	<b>0.0000</b>	<b>3.0000e-005</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>7.0000e-005</b>	<b>7.0000e-005</b>	<b>0.0000</b>		<b>7.0000e-005</b>

### Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.0373					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	0.2797					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	0.0000	0.0000	3.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000		7.0000e-005	7.0000e-005	0.0000		7.0000e-005
<b>Total</b>	<b>0.3170</b>	<b>0.0000</b>	<b>3.0000e-005</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>7.0000e-005</b>	<b>7.0000e-005</b>	<b>0.0000</b>		<b>7.0000e-005</b>

## 7.0 Water Detail

**7.1 Mitigation Measures Water****8.0 Waste Detail**

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**8.1 Mitigation Measures Waste****9.0 Operational Offroad**

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Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
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**10.0 Vegetation**

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# ORCHARD GARDENS PARK EXPANSION

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## Mitigation Monitoring and Reporting Program

### Introduction

When approving projects with mitigation measures that if implemented would avoid significant impacts, the California Environmental Quality Act (CEQA) requires public agencies to adopt monitoring and reporting programs or conditions of project approval to mitigate or avoid the identified significant effects (Public Resources Code Section 21081.6(a)(1)). A public agency adopting measures to mitigate or avoid the significant impacts of a proposed project is required to ensure that the measures are fully enforceable, through permit conditions, agreements, or other means (Public Resources Code Section 21081.6(b)). The mitigation measures required by a public agency to reduce or avoid significant project impacts not incorporated into the design or program for the project may be made conditions of project approval as set forth in a Mitigation Monitoring and Reporting Program (MMRP). The program must be designed to ensure project compliance with mitigation measures during project implementation.

The MMRP includes the mitigation measures identified in the Initial Study/Mitigated Negative Declaration (IS/MND) for the Orchard Gardens Park Expansion which are required to address the significant impacts associated with the proposed project. The required mitigation measures are summarized in this program; the full text of the impact analysis and mitigation measures are presented in the Initial Study/Mitigated Negative Declaration (April 2014).

### Format

The MMRP is organized in a table format (see Table 1), keyed to each significant impact and each mitigation measure. Only mitigation measures adopted to address significant impacts are included in this program. Each mitigation measure is set out in full, followed by a tabular summary of monitoring requirements. The column headings in the tables are defined as follows:

- **Mitigation Measures adopted as Conditions of Approval:** This column presents the mitigation measure identified in the IS/MND.
- **Implementation Procedures:** This column identifies the procedures associated with implementation of the migration measure.
- **Monitoring Responsibility:** This column contains an assignment of responsibility for the monitoring and reporting tasks.



- **Monitoring and Reporting Action:** This column refers to the outcome from implementing the mitigation measure.
- **Mitigation Schedule:** This column presents the general schedule for conducting each mitigation task, identifying where appropriate, both the timing and the frequency of the action.
- **Verification of Compliance:** This column will be used by the lead agency to document the person who verified the implementation of the mitigation measure and the date on which this verification occurred.

## Enforcement

If the proposed project is approved, the MMRP would be incorporated as a condition of such approval. Therefore, all mitigation measures for significant impacts must be carried out in order to fulfill the requirements of approval. A number of the mitigation measures would be implemented during the course of the permit process. These measures would be checked on plans, in reports, and in the field prior to construction. Most of the remaining mitigation measures would be implemented during the construction or project implementation phase.

**TABLE 1**  
**MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM**

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>Air Quality</b>					
<p><b>Mitigation Measure AIR-1:</b> During active construction, the City shall require construction contractors to implement all the BAAQMD's Basic Construction Mitigation Measures, listed below:</p> <ol style="list-style-type: none"> <li>1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>4. All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> <li>8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</li> </ol>	Contractor(s) shall prepare a Construction Air Pollutant Control Plan that adheres to all specifications in this measure	City of Sunnyvale Public Works Department	<p>Verify inclusion of Construction Air Pollutant Control Plan in applicable construction plans and specifications; field inspections</p> <p>Inspect construct site to verify compliance with Construction Air Pollutant Control Plan measures.</p>	<p>Prior to issuance of building permit(s).</p> <p>One inspection shall occur during each phase of construction.</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>
<b>Biological Resources</b>					
<p><b>Mitigation Measure BIO-1:</b> To the extent practicable, construction activities including building demolition, vegetation and tree removal, and new site construction will be performed between September 1 and January 31 in order to avoid breeding and nesting season for birds. If these activities cannot be performed during this period, pre-construction survey for nesting birds shall</p>	City and its contractor(s) shall prepare construction plans that incorporate pre-construction surveys and	City of Sunnyvale Public Works Department	<p>Select qualified biologist.</p> <p>Review pre-construction survey reports.</p>	No more than 14 days before start or restart of construction during the months	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

**TABLE 1 (Continued)**  
**MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM**

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<p>be conducted by a qualified biologist.</p> <p>In coordination with the City, surveys shall be performed no more than 14 days prior to construction activities listed above in order to locate any active passerine nests within 250 feet of the project site and any active raptor nests within 500 feet of the project site. Vegetation removal and construction activities performed between September 1 and January 31 avoid the general nesting period for birds and therefore would not require pre-construction surveys.</p> <p>If active nests are found on either the project site or within the 500-foot survey buffer surrounding the project site, no-work buffer zones shall be established around the nests in coordination with CDFW. No demolition, vegetation removal, or ground-disturbing activities shall occur within a buffer zone until young have fledged or the nest is otherwise abandoned as determined by the qualified biologist. If work during the nesting season stops for 14 days or more and then resumes, then nesting bird surveys shall be repeated, to ensure that no new birds have begun nesting in the area.</p>	<p>buffer zones.</p> <p>The City shall identify a qualified biologist and its contractor(s) shall engage the qualified biologist to conduct pre-construction surveys.</p>		<p>If active nests are found, inspect construction site to confirm buffer zones.</p>	<p>of February to August.</p>	
<p><b>Mitigation Measure BIO-2:</b> If any evidence of bats (i.e., visual or acoustic detection, guano, staining, strong odors) are present on site, a qualified bat biologist (i.e., a biologist holding a CDFW collection permit and a Memorandum of Understanding with the CDFW allowing the biologist to handle and collect bats) will survey for bats at the project site. If no evidence of bats (i.e., visual or acoustic detection, guano, staining, strong odors) is present on-site, no further mitigation is required.</p> <p>If bats raising pups (also called a maternity colony) are identified at the project site, the project applicant will create a no-disturbance buffer acceptable in size to the CDFW around the bat roosts. The buffer shall remain in-place until after the young are flying (i.e., after July 31, confirmed by a qualified bat biologist) or before maternity colonies form the following year (i.e., prior to March 1). Bat roosts initiated during construction are presumed to be unaffected, and no buffer is necessary. Non-maternity bat roosts shall be removed by a qualified biologist, by either making the roost unsuitable for bats by opening the roost area to allow airflow through the cavity, or excluding the bats using one-way doors, funnels, or flaps. The “take” of individuals (e.g., direct mortality of individuals, or destruction of roosts while bats are present) is prohibited.</p>	<p>City and its contractor(s) shall prepare construction plans that incorporate pre-construction surveys and buffer zones.</p> <p>The City shall identify a qualified biologist and its contractor(s) shall engage the qualified biologist to conduct pre-construction surveys.</p>	<p>City of Sunnyvale Public Works Department</p>	<p>Select qualified biologist.</p> <p>Review pre-construction survey reports.</p> <p>If a bat maternity colony is found, inspect construction site to confirm buffer zones.</p>	<p>No more than 14 days before start or restart of construction during the months of March to August.</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

<sup>1</sup> “Take,” as defined in Section 9 of the FESA, is broadly defined to include intentional or accidental “harassment” or “harm” to wildlife. “Harass” is further defined by the U.S. Fish and Wildlife Service as an intentional or negligent act or omission that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns that include, but are not limited to, breeding, feeding, and sheltering. “Harm” is defined as an act that actually kills or injures wildlife. This may include significant habitat modification or degradation that actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.

**TABLE 1 (Continued)**  
**MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM**

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
If known bat roosting habitat is destroyed during building demolition and/or tree removal, artificial bat roosts shall be constructed in an undisturbed area in the project site vicinity at least 200 feet from project demolition and construction activities. The design and location of the artificial bat roost(s) shall be determined by a qualified bat biologist.					
<b>Cultural Resources</b>					
<b>Mitigation Measure CUL-1:</b> If prehistoric or historic-period archaeological resources are encountered, all construction activities within 100 feet shall halt and the City of Sunnyvale shall be notified. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. A Secretary of the Interior-qualified archaeologist shall inspect the findings within 24 hours of discovery. If it is determined that the project could damage a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, a qualified archaeologist shall prepare and implement a detailed treatment plan in consultation with the City of Sunnyvale. Treatment of unique archaeological resources shall follow the applicable requirements of PRC Section 21083.2. Treatment for most resources would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals.	Contractor(s) shall monitor worker activities  A Secretary of the Interior-qualified archaeologist shall inspect the findings within 24 hours of discovery.	City of Sunnyvale Public Works Department	This measure shall be printed on all construction documents, contracts, and project plans prior to issuance of building permits.	The project proponent shall be responsible for ensuring that contractors are implementing these measures during ground-disturbing demolition and construction phases.	<i>Verified by:</i>  <i>Date:</i>
<b>Mitigation Measure CUL-2:</b> In the event of discovery or recognition of any human remains during construction activities, such activities within 100 feet of	Contractor(s) shall monitor worker activities	City of Sunnyvale Public Works	This measure shall be printed on all construction	If resources encountered,	<i>Verified by:</i>

**TABLE 1 (Continued)**  
**MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM**

<b>Mitigation Measures Adopted as Conditions of Approval</b>	<b>Implementation Procedures</b>	<b>Monitoring Responsibility</b>	<b>Monitoring and Reporting Action</b>	<b>Monitoring Schedule</b>	<b>Verification of Compliance</b>
the find shall cease until the Santa Clara County Coroner has been contacted to determine that no investigation of the cause of death is required. The Native American Heritage Commission (NAHC) will be contacted within 24 hours if it is determined that the remains are Native American. The NAHC will then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the City of Sunnyvale for the appropriate means of treating the human remains and any grave goods.	City and its contractor(s) shall halt work and notify the County Coroner, if necessary. If appropriate, Coroner shall notify NAHC. NAHC shall notify Most Likely Descendant.	Department	documents, contracts, and project plans prior to issuance of building permits.	review of treatment and monitoring plan prior to continuation of construction	<i>Date:</i>
<b>Hazards and Hazardous Materials</b>					
<b>Mitigation Measure HAZ-1:</b> Prior to obtaining a grading or building permit, the City shall obtain a qualified environmental professional to prepare a Phase I Environmental Site Assessment in accordance with the standards set forth in ASTM E1527-05. The Phase I shall determine the presence of recognized environmental conditions and provide recommendations for further investigation, if applicable. Prior to receiving a building or grading permit, project applicant shall provide documentation from overseeing agency that any identified contamination has been remediated to levels where no threat to human health or the environment remains.	The City shall retain a qualified environmental professional to prepare a Phase I Environmental Site Assessment.  City and its contractor(s) shall incorporate specifications of Phase I into project specifications and grading and construction plans.	City of Sunnyvale Public Works Department	Review project specifications and grading and construction plans for inclusion of controls specified in the Phase I Environmental Site Assessment. Provide modifications to project specifications and grading and construction plans.	Prior to issuance of construction and grading permit(s)  One inspection shall occur during each phase of construction.	<i>Verified by:</i>  <i>Date:</i>
<b>Noise</b>					
<b>Mitigation Measure NOI-1:</b> The project sponsor shall require construction contractors to implement the following mitigation measures:  <ul style="list-style-type: none"> <li>More stringent than Section 16.08.030 of the Municipal Code, all noise generating construction activities shall be limited to the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday and between 9:00 a.m. and 4:00 p.m. on Saturday. There shall be no construction activity on Sunday or national holidays when city offices are closed.</li> <li>All construction vehicles and equipment, fixed and mobile, shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).</li> <li>Construction staging areas shall be located as far as practicable from dwellings and existing recreational uses so as to cause minimal disruption to these activities.</li> <li>Route all construction traffic to and from the project site via designated truck routes where possible. Prohibit construction related heavy truck</li> </ul>	City and its contractor(s) shall include allowable construction hours in excavation, grading and construction plans.  Contractor(s) shall construct and post signs at the construction site in accordance with the specifications of this measure.	City of Sunnyvale Public Works Department	Review construction plans for inclusion of allowable construction hours.  Inspect construction site to confirm compliance with specifications in this measure.	Prior to issuance of building or grading permit(s).  One inspection shall occur during construction, between the hours of 10:01 p.m. and 6:59 a.m.	<i>Verified by:</i>  <i>Date:</i>

**TABLE 1 (Continued)**  
**MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM**

<b>Mitigation Measures Adopted as Conditions of Approval</b>	<b>Implementation Procedures</b>	<b>Monitoring Responsibility</b>	<b>Monitoring and Reporting Action</b>	<b>Monitoring Schedule</b>	<b>Verification of Compliance</b>
<p>traffic in residential areas where feasible.</p> <ul style="list-style-type: none"> <li>Prohibit unnecessary idling of internal combustion engines.</li> <li>Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City in the event of problems.</li> </ul>					
<p><b>Mitigation Measure NOI-2:</b> The City will require the contractor to commit to a mitigation plan, developed and implemented during the construction phase of the project. The objective of the plan will be to minimize construction vibration damage using all reasonable and feasible means available. The plan will provide a procedure for establishing appropriate threshold and limiting vibration values for potentially affected structures (adjacent walls and buildings) based on an assessment of each structure's ability to withstand construction vibrations. The plan will require minimize use of large equipment near adjacent walls and buildings.</p>	Contractor(s) shall develop and implement noise and vibration mitigation plan during construction.	City of Sunnyvale Public Works Department	<p>Review excavation, grading and construction plans for inclusion of noise and vibration mitigation plan.</p> <p>Inspect construction site to confirm compliance with noise and vibration mitigation plan.</p>	<p>Prior to issuance of construction and grading permit(s)</p> <p>One inspection shall occur during each phase of construction.</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>
<p><b>Mitigation Measurement NOI-3:</b> The City will require that the construction contractor conduct crack surveys before construction that could cause architectural damage to adjacent walls and residential buildings. The survey will be done by photographs, video tape, or visual inventory, and shall include all outside locations. All existing cracks in the masonry walls, walks, and driveways should be documented with sufficient detail for comparison after construction to determine whether actual vibration damage occurred. A post-construction survey should be conducted to document the condition of the surrounding buildings after the construction is complete.</p>	Contractor(s) shall conduct pre-construction and post-construction crack surveys in accordance with the specifications of this measure.	City of Sunnyvale Public Works Department	<p>Review pre-construction crack surveys for adequacy of detail.</p> <p>Review post-construction crack surveys to determine condition of the surrounding buildings after the construction is complete.</p>	<p>Review and approve pre-construction crack surveys prior to issuance of construction and grading permit(s).</p> <p>Review and approve post-construction crack surveys prior to opening the park to the public.</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>
<b>Transportation and Traffic</b>					
<p><b>Mitigation Measure TRAN-1a:</b> As part of pre-construction submittals, the contractor(s) shall submit a truck route plan to the City of Sunnyvale Public Works Department for review and approval to help minimize impacts to adjacent neighborhoods.</p>	Contractor(s) shall obtain approval of truck route plan and implement the plan during construction.	City of Sunnyvale Public Works Department	Verify review and approve truck route plan; Building Department must receive the approvals	Prior to issuance of building or grading permit(s)	<p><i>Verified by:</i></p> <p><i>Date:</i></p>
<p><b>Mitigation Measure TRAN-1b:</b> To the extent possible, truck movements should be limited to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by the Public Works Department).</p>	City and its contractor(s) shall include allowable truck movement hours in	City of Sunnyvale Public Works Department	Review excavation, grading and construction plans for inclusion of allowable truck	Prior to issuance of building or grading permit(s).	<i>Verified by:</i>

**TABLE 1 (Continued)**  
**MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM**

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	excavation, grading and construction plans.		movement hours. Inspect construction site to confirm compliance with specifications in this measure.	One inspection shall occur during each phase of construction.	<i>Date:</i>

**Invitation for Bids No. PW15-09**  
**Orchard Gardens Park Expansion**  
**Public Works Project No. PR-14/06-14**

Bidder Address			B Side, Inc. 1940 Union St., #9 Oakland, CA 94607 Anton Kalafati		Galeb Paving, Inc. 12340 Saratoga-Svale Saratoga, CA 95070 Slobodan Galeb		Robert A. Bothman 650 Quinn Avenue San Jose, CA 95112 James Moore		Calstate Construction 4165 Business Center Dr. Fremont, CA 94538 Andrew Borrego		Guerra Construction 984 Memorex Drive Santa Clara,CA 95050 Jaime Guerra		Suarez & Munoz Construction, Inc. 20975 Cabot Blvd. Hayward, CA 94545 Martin Munoz		Golden Bay Construction, Inc. 3826 Depot Road Hayward, CA 94545 Johnny Zanette		
Bid Items			UOM	Qty	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	
1.	Mobilization	Lump Sum	1	\$ 23,000.00	\$ 23,000.00	\$ 131,715.00	\$ 131,715.00	\$ 39,122.00	\$ 39,122.00	\$ 70,000.00	\$ 70,000.00	\$ 13,733.00	\$ 13,733.00	\$ 40,000.00	\$ 40,000.00	\$ 46,998.00	\$ 46,998.00
2.	Water Pollution Control	Lump Sum	1	\$ 48,000.00	\$ 48,000.00	\$ 7,000.00	\$ 7,000.00	\$ 11,550.00	\$ 11,550.00	\$ 11,500.00	\$ 11,500.00	\$ 6,308.00	\$ 6,308.00	\$ 5,000.00	\$ 5,000.00	\$ 9,200.00	\$ 9,200.00
3.	Demolition	Lump Sum	1	\$ 148,000.00	\$ 148,000.00	\$ 118,385.00	\$ 118,385.00	\$ 173,078.00	\$ 173,078.00	\$ 120,000.00	\$ 120,000.00	\$ 207,695.00	\$ 207,695.00	\$ 250,000.00	\$ 250,000.00	\$ 158,300.00	\$ 158,300.00
4.	Planting	Lump Sum	1	\$ 53,000.00	\$ 53,000.00	\$ 50,000.00	\$ 50,000.00	\$ 83,700.00	\$ 83,700.00	\$ 66,000.00	\$ 66,000.00	\$ 116,529.00	\$ 116,529.00	\$ 113,000.00	\$ 113,000.00	\$ 84,900.00	\$ 84,900.00
5.	Traffic Signs, Striping & Pavement Markings	Lump Sum	1	\$ 28,500.00	\$ 28,500.00	\$ 4,400.00	\$ 4,400.00	\$ 3,700.00	\$ 3,700.00	\$ 5,000.00	\$ 5,000.00	\$ 3,908.00	\$ 3,908.00	\$ 5,800.00	\$ 5,800.00	\$ 2,875.00	\$ 2,875.00
6.	Site Furnishings	Lump Sum	1	\$ 21,000.00	\$ 21,000.00	\$ 64,846.00	\$ 64,846.00	\$ 70,900.00	\$ 70,900.00	\$ 52,000.00	\$ 52,000.00	\$ 59,583.00	\$ 59,583.00	\$ 95,000.00	\$ 95,000.00	\$ 73,600.00	\$ 73,600.00
7.	Site Electrical	Lump Sum	1	\$ 89,500.00	\$ 89,500.00	\$ 61,000.00	\$ 61,000.00	\$ 51,500.00	\$ 51,500.00	\$ 80,000.00	\$ 80,000.00	\$ 58,616.00	\$ 58,616.00	\$ 50,000.00	\$ 50,000.00	\$ 54,600.00	\$ 54,600.00
8.	Earthwork and Construction Staking	Lump Sum	1	\$ 24,000.00	\$ 24,000.00	\$ 32,455.00	\$ 32,455.00	\$ 63,000.00	\$ 63,000.00	\$ 57,500.00	\$ 57,500.00	\$ 52,748.00	\$ 52,748.00	\$ 40,000.00	\$ 40,000.00	\$ 192,400.00	\$ 192,400.00
9.	Asphalt Concrete	Lump Sum	1	\$ 33,000.00	\$ 33,000.00	\$ 14,337.00	\$ 14,337.00	\$ 10,125.00	\$ 10,125.00	\$ 16,400.00	\$ 16,400.00	\$ 17,285.00	\$ 17,285.00	\$ 15,000.00	\$ 15,000.00	\$ 20,300.00	\$ 20,300.00
10.	Site Concrete	Lump Sum	1	\$ 31,000.00	\$ 31,000.00	\$ 165,334.00	\$ 165,334.00	\$ 177,000.00	\$ 177,000.00	\$ 188,000.00	\$ 188,000.00	\$ 163,855.00	\$ 163,855.00	\$ 200,000.00	\$ 200,000.00	\$ 186,700.00	\$ 186,700.00
11.	Concrete Pavers	Lump Sum	1	\$ 72,000.00	\$ 72,000.00	\$ 24,247.00	\$ 24,247.00	\$ 24,000.00	\$ 24,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,680.00	\$ 25,680.00	\$ 23,000.00	\$ 23,000.00	\$ 25,400.00	\$ 25,400.00
12.	Chain Link Fence	Lump Sum	1	\$ 39,000.00	\$ 39,000.00	\$ 8,622.00	\$ 8,622.00	\$ 8,325.00	\$ 8,325.00	\$ 9,000.00	\$ 9,000.00	\$ 7,481.00	\$ 7,481.00	\$ 10,000.00	\$ 10,000.00	\$ 8,800.00	\$ 8,800.00
13.	Irrigation System	Lump Sum	1	\$ 89,000.00	\$ 89,000.00	\$ 67,500.00	\$ 67,500.00	\$ 63,000.00	\$ 63,000.00	\$ 60,000.00	\$ 60,000.00	\$ 80,099.00	\$ 80,099.00	\$ 66,000.00	\$ 66,000.00	\$ 60,300.00	\$ 60,300.00
14.	Site Utilities	Lump Sum	1	\$ 22,000.00	\$ 22,000.00	\$ 9,679.00	\$ 9,679.00	-	-	\$ 25,000.00	\$ 25,000.00	\$ 7,618.00	\$ 7,618.00	-	-	\$ 33,100.00	\$ 33,100.00
15.	Drainage	Lump Sum	1	\$ 28,000.00	\$ 28,000.00	\$ 15,958.00	\$ 15,958.00	\$ 15,500.00	\$ 15,500.00	\$ 15,400.00	\$ 15,400.00	\$ 23,862.00	\$ 23,862.00	\$ 38,000.00	\$ 38,000.00	\$ 24,500.00	\$ 24,500.00
16.	Handrials	Lump Sum	1	\$ 22,000.00	\$ 22,000.00	\$ 3,965.00	\$ 3,965.00	\$ 3,900.00	\$ 3,900.00	\$ 14,000.00	\$ 14,000.00	\$ 7,382.00	\$ 7,382.00	\$ 10,000.00	\$ 10,000.00	\$ 3,600.00	\$ 3,600.00
BID TOTAL					\$ 771,000.00		\$ 779,443.00		\$ 798,400.00		\$ 814,800.00		\$ 852,382.00		\$ 960,800.00		\$ 985,573.00
Surety License Subs				10% Bid Bond Class "A", "C-8", "C-10" Paving Construction - Paving CalStroy, Inc. - Civil Go Green - Demo Fire Star - Concrete Golden Bay - Fencing	10% Bid Bond Class "A" Coastwide - Abatement Wattis - Concrete Marina - Planting St. Francis - Electrical Cyclone - Fencing	10% Bid Bond Class "A" RB Const. - Abatement Campenella - Demo Golden Bay - Fencing Earth Shelter - Pavers St. Francis - Electrical	10% Bid Bond Class "A" Pioneer - UG Utilities Golden Bay - Fencing Earth Shelter - Pavers Beltramo - Electrical RB Const. - Abatement McKim - Concrete Green Growth - Landscape	10% Bid Bond Class "A" Marina - Planting Playground Unltd - Equipment Install Central - Fencing St. Francis - Electrical De Kay - Demo	10% Bid Bond Class "A" St. Francis - Electrical Dekay - Demo Golden Bay - Fencing	10% Bid Bond Class "A" InneCity - Demo Janus Corp - Abatement St. Francis - Electrical RMT Landscape - Landscape Earth Shelter - Pavers							
				Non-responsive bidder	Non-responsive bidder	Non-responsive bidder	Non-responsive bidder	Non-responsive bidder	Non-responsive bidder	Non-responsive bidder	Non-responsive bidder	Non-responsive bidder	Non-responsive bidder	Non-responsive bidder	Non-responsive bidder	Non-responsive bidder	Non-responsive bidder



**DRAFT  
GENERAL CONSTRUCTION CONTRACT**

THIS CONTRACT dated \_\_\_\_\_ is by and between the CITY OF SUNNYVALE, a municipal corporation of the State of California ("Owner") and ROBERT A. BOTHMAN, INC., a California corporation ("Contractor").

**RECITALS:**

The parties to this Contract have mutually covenanted and agreed, as follows:

1. **The Contract Documents.** The complete Contract consists of the following documents: Notice Inviting Bids; Instructions to Bidders; Performance Bond and Payment Bond; Guaranty; City of Sunnyvale Standard Specifications for Public Works Construction, 2006 Edition; City of Sunnyvale Standard Details for Public Works Construction, 2006 Edition; Plans and Specifications, " Orchard Gardens Park Expansion, Project No. PR-14/06-14, Invitation for Bids No. PW15-09", including Two (2) Addenda; OSHA, and other standards and codes as outlined in the Specifications. These documents are all incorporated by reference. The documents comprising the complete contract are collectively referred to as the Contract Documents.

Any and all obligations of the Owner and the Contractor are fully set forth and described therein.

All of the above documents are intended to work together so that any work called for in one and not mentioned in the other or vice versa is to be executed the same as if mentioned in all documents.

2. **The Work.** Contractor agrees to furnish all tools, equipment, apparatus, facilities, labor, transportation, and material necessary to perform and complete the project in a good and workmanlike manner. The work consist(s) of demolishing buildings at Dona Avenue and Garner Drive and constructing new park amenities and vehicular parking at Garner Drive. The work includes building demolition, clearing and grubbing, asphalt concrete pavement demolition and construction, excavation, grading, drainage, construction of vehicular parking area, concrete pedestrian sidewalks and pathways, other concrete improvements such as paver bands, steps with nosing, seatwalls and planter walls, curb ramps, curb and gutter, valley gutters and vertical concrete curbs as well as pedestrian path lighting, streetlight replacement, removal and relocation of utility poles and facilities, new chain link fencing, site furniture and fitness equipment, site signage, planting, irrigation and other items as called for, and in the manner designated in, and in strict conformity with, the Plans and Specifications prepared by Harris Design and adopted by the Owner. These Plans and Specifications are entitled respectively, Orchard Gardens Park Expansion, Project No. PR-14/06-14.

It is understood and agreed that the work will be performed and completed as required in the Plans and Specifications under the sole direction and control of the Contractor, and subject to inspection and approval of the Owner, or its representatives. The Owner hereby designates as its representative for the purpose of this contract the Senior Civil Engineer for Construction or an employee of the Owner who will be designated in writing by the Director of Public Works.

**3. Contract Price.** The Owner agrees to pay and the Contractor agrees to accept, in full payment for the work above agreed to be done, the sum of Seven Hundred Ninety Eight Thousand Four Hundred and NO/100 Dollars (\$798,400.00) subject to final determination of the work performed and materials furnished at prices per Exhibit A, Bid Schedule attached hereto and incorporated by this reference, and subject to additions and deductions in accordance, as provided in the Documents and in accordance with Contract Documents.

**4. Permits; Compliance with Law.** Contractor shall, at its expense, obtain all necessary permits and licenses, easements, etc., for the construction of the project, give all necessary notices, pay all fees required by law, and comply with all laws, ordinances, rules and regulations relating to the work and to the preservation of the public health and safety.

**5. Inspection by Owner.** Contractor shall at all times maintain proper facilities and provide safe access for inspection by the Owner to all parts of the work, and to the shops wherein the work is in preparation. Where the Specifications require work to be specially tested or approved, it shall not be tested or covered up without timely notice to the Owner of its readiness for inspection and without the approval thereof or consent thereto by the latter. Should any such work be covered up without such notice, approval, or consent, it must, if required by Owner, be uncovered for examination at the Contractor's expense.

**6. Extra or Additional Work and Changes.** Should Owner at any time during the progress of the work request any alterations, deviations, additions or omissions from the Specifications or Plans or other Contract Documents it shall be at liberty to do so, and the same shall in no way affect or make void the contract, but will be added to or deducted from the amount of the contract price, as the case may be, by a fair and reasonable valuation, agreed to in writing between the parties hereto. No extra work shall be performed or change be made unless in pursuance of a written order from the Director of Public Works or authorized representative, stating that the extra work or change is authorized and no claim for an addition to the contract sum shall be valid unless so ordered.

**7. Time for Completion.** All work under this contract shall be completed before the expiration one hundred fifty (150) working days from the date specified in the Notice to Proceed.

If Contractor shall be delayed in the work by the acts or neglect of Owner, or its employees or those under it by contract or otherwise, or by changes ordered in the work, or by strikes, lockouts by others, fire, unusual delay in transportation, unavoidable casualties or any causes beyond the Contractor's control, or by delay authorized by the Owner, or by any cause which the Owner shall decide to justify the delay, then the time of completion shall be extended for such reasonable time as the Owner may decide.

This provision does not exclude the recovery of damages for delay by either party under other provisions.

**8. Inspection and Testing of Materials.** Contractor shall notify Owner a sufficient time in advance of the manufacture or production of materials, to be supplied under this contract, in order that the Owner may arrange for mill or factory inspection and testing of same, if Owner requests such notice from Contractor.

**9. Termination for Breach, etc.** If Contractor should file a bankruptcy petition and/or be judged bankrupt, or if Contractor should make a general assignment for the benefit of creditors, or if a receiver should be appointed on account of insolvency, or if Contractor or any subcontractors should violate any of the provisions of the Contract, Owner may serve written notice upon Contractor and its surety of Owner's intention to terminate the Contract. The notice shall contain the reasons for such intention to terminate the Contract, and, unless within ten days after serving such notice, such violation shall cease and satisfactory arrangements for correction thereof be made, upon the expiration of the ten days, the Contract shall cease and terminate. In the event of any such termination, Owner shall immediately serve written notice thereof upon the surety and the Contractor, and the surety shall have the right to take over and perform the Contract; provided, however that, if the surety within fifteen days after the serving upon it of notice of termination does not give Owner written notice of its intention to take over and perform the Contract or does not commence performance thereof within thirty days from the date of the serving of such notice, Owner may take over the work and prosecute the same to completion by contract or by any other method it may deem advisable, for the account and at the expense of Contractor, and Contractor and its surety shall be liable to Owner for any excess cost occasioned Owner thereby, and in such event Owner may without liability for so doing take possession of and utilize in completing the work, such materials, appliances, plant and other property belonging to Contractor as may be on the site of the work and necessary therefor.

**10. Owner's Right to Withhold Certain Amounts and Make Application Thereof.** In addition to the amount which Owner may retain under Paragraph 21 until the final completion and acceptance of all work covered by the Contract, Owner may withhold from payment to Contractor such amount or amounts as in its judgment may be necessary to pay just claims against Contractor or any subcontractors for labor and services rendered and materials furnished in and about the work. Owner may apply such withheld amount or amounts to the payment of such claims in its discretion. In so doing Owner shall be deemed the agent of Contractor and any payment so made by Owner shall be considered as a payment made under the Contract by Owner to the Contractor and Owner shall not be liable to Contractor for any such payment made in good faith. Such payment may be made without prior judicial determination of the claim or claims.

**11. Notice and Service Thereof.** All notices required pursuant to this Contract shall be communicated in writing, and shall be delivered in person, by commercial courier or by first class or priority mail delivered by the United States Postal Service. Transmission of notice by facsimile or by telephone may be deemed sufficient if the requirement for written notice is waived, in writing, by the receiving party. Notices delivered in person shall be deemed communicated as of actual receipt. Notices sent by mail or courier service shall be deemed communicated as of three days after mailing or dispatch, unless that date is a date on which there is no mail or delivery service, in which case communication shall be deemed to occur the next mail service or delivery day. The burden of proof of compliance with this requirement for written notice shall be

on the sending party. All notices sent pursuant to this Contract shall be addressed as follows:

Owner: City of Sunnyvale  
Department of Public Works  
Construction Contract Administrator  
P. O. Box 3707  
Sunnyvale, CA 94088-3707

Contractor: Robert A. Bothman, Inc.  
Attn: Robert A. Bothman  
650 Quinn Avenue  
San Jose, CA 95112

**12. Assignment of Contract.** Neither the Contract, nor any part thereof, nor moneys due or to become due thereunder may be assigned by Contractor without the prior written approval of Owner.

**13. Compliance with Specifications of Materials.** Whenever in the Specifications, any material or process is indicated or specified by patent or proprietary name, or by name of manufacturer, such Specifications must be met by Contractor, unless Owner agrees in writing to some other material, process or article offered by Contractor which is equal in all respects to the one specified.

**14. Contract Security.** Contractor shall furnish a surety bond in an amount at least equal to 100 percent of the contract price as security for the faithful performance of this Contract. Contractor shall also furnish a separate surety bond in an amount at least equal to 100 percent of the contract price as security for the payment of all persons for furnishing materials, provisions, provender, or other supplies, or teams, used in, upon, for or about the performance of the work contracted to be done, or for performing any work or labor thereon of any kind, and for the payment of amounts due under the Unemployment Insurance Code with respect to such work or labor in connection with this Contract, and for the payment of a reasonable attorney's fee to be fixed by the court in case suit is brought upon the bond. Bonds shall be issued by an admitted surety insurer authorized to operate in the state of California.

**15. Insurance.** Contractor shall not commence work under this Contract until all insurance required under this paragraph has been obtained and such insurance has been approved by the Owner, nor shall Contractor allow any subcontractor to commence work on a subcontract until all similar insurance required of the subcontractor has been so obtained and approved. Contractor shall furnish the Owner with satisfactory proof of the carriage of insurance required, and there shall be a specific contractual liability endorsement extending the Contractor's coverage to include the contractual liability assumed by the Contractor pursuant to this Contract and particularly Paragraph 16 hereof. Any policy of insurance required of the Contractor under this Contract shall also contain an endorsement providing that thirty (30) days' notice must be given in writing to the Owner of any pending change in the limits of liability or of any cancellation or modification of the policy. Insurance carrier shall be California-admitted.

(a) Compensation Insurance and Employer's Liability Insurance. Contractor shall take out and maintain during the life of this Contract Workers' Compensation Insurance and Employer's Liability Insurance for all of employees employed at the site of the project and, in case any work is sublet, Contractor shall require the subcontractor similarly to provide Workers' Compensation Insurance and Employer's Liability Insurance for all of the latter's employees unless such employees are covered by the protection afforded by Contractor.

In signing this Contract, Contractor makes the following certification, required by Section 1861 of the Labor Code:

"I am aware of the provision of Section 3700 of the Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."

(b) General and Automobile Liability Insurance. Contractor, at its own cost and expense, shall maintain personal injury liability and property damage insurance for the period covered by the Contract in the amount of Two Million Dollars (\$2,000,000.00) per occurrence and \$4,000,000 annual aggregate combined single limit coverage. Such coverage shall include, but shall not be limited to, protection against claims arising therefrom, and damage to property resulting from activities contemplated under this Contract, use of owned automobiles, products and completed operations, including U, C and X. Such insurance shall be with insurers and under forms of policies satisfactory in all respects to the Owner and shall provide that notice must be given to Owner at least thirty (30) days prior to cancellation or material change. The following endorsements shall be attached to the policy:

Policy shall cover on an "occurrence" basis. Policy must cover personal injuries as well as bodily injuries. Exclusion of contractual liability must be eliminated from personal injury endorsement. Broad form property damage endorsement must be attached. Owner is to be named as an additional insured on any contracts of insurance under this paragraph (b). Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the Civil Code. The policies of insurance shall be considered primary insurance before any policies of insurance maintained by Owner.

**16. Hold Harmless.** Contractor agrees to defend, save, indemnify and hold harmless Owner and all its officers, employees, and agents, against any and all liability, claims, judgments, or demands, including demands arising from injuries or death of persons (Contractor's employees included) and damage to property, arising directly or indirectly out of the obligations herein undertaken or out of the operations conducted by Contractor, save and except claims or litigation arising through the active negligence or willful misconduct of Owner, or of Owner's officials, agents, employees, servants, or independent contractors who are directly responsible to Owner. Contractor shall make

good and reimburse Owner for any expenditures, including reasonable attorneys' fees, Owner may make by reason of such claim or litigation, and, if requested by Owner, Contractor shall defend any such suits at the sole cost and expense of Contractor.

**17. Hours of Work.** Eight hours of labor during any one calendar day and forty hours of labor during any one calendar week shall constitute the maximum hours of service upon all work done hereunder, and it is expressly stipulated that no laborer, worker, or mechanic employed at any time by the Contractor or by any subcontractor or subcontractors under this Contract, upon the work or upon any part of the work contemplated by this Contract, shall be required or permitted to work thereon more than eight hours during any one calendar day and forty hours during any one calendar week, except, as provided by Section 1815 of the Labor Code of the State of California, work performed by employees of contractors in excess of eight hours per day and forty hours during any one week shall be permitted upon public work upon compensation for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay. It is further expressly stipulated that for each and every violation of Sections 1811-1815, inclusive, of the Labor Code of the State of California, all the provisions whereof are deemed to be incorporated herein, Contractor shall forfeit, as a penalty to Owner, fifty dollars (\$50.00) for each laborer, worker, or mechanic employed in the execution of this Contract by Contractor, or by any subcontractor under this Contract, for each calendar day during which the laborer, worker, or mechanic is required or permitted to work more than eight hours in any one calendar day and forty hours in any one calendar week in violation of the provisions of the Sections of the Labor Code.

Contractor, and each subcontractor, shall, in accordance with California Labor Code Section 1776 or as the same may be later amended, keep accurate payroll records showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by him or her in connection with work under this agreement. Each payroll record shall contain or be verified by a written declaration under penalty of perjury, in accordance with Labor Code Section 1776(a). Such payroll records shall be made available at all reasonable times at the Contractor's principal office to the persons authorized to inspect such records pursuant to Labor Code Section 1776. A certified copy of all payroll records shall be made available for inspection or furnished upon request to a representative of the Division of Labor Standards Enforcement, and the Division of Apprenticeship Standards of the Department of Industrial Relations, as well as to the Owner's representative. In the event the Contractor or a Subcontractor fails to comply in a timely manner within ten days to a written notice requesting the records, such contractor or subcontractor shall forfeit twenty-five dollars (\$25.00) for each calendar day, or portion thereof, for each worker, until strict compliance is effectuated, in accordance with Labor Code Section 1776(g).

**18. Wage Rates.** Pursuant to the Labor Code of the State of California, or any applicable local law, Owner has ascertained the general prevailing rate per diem wages and rates for holidays, and overtime work in the city, for each craft, classification or type of laborer, worker, or mechanic needed to execute this Contract. Owner has adopted, by reference, the general prevailing rate of wages applicable to the work to be done under the Contract, as adopted and published by the Division of Labor Standards Enforcement and Labor Statistics and Research of the State of California, Department

of Industrial Relations, to which reference is hereby made for a full and detailed description. A copy of the prevailing wage rates may be reviewed in the office of the Director of Public Works, City of Sunnyvale, 456 West Olive Avenue, Sunnyvale, California. Wage rates can also be obtained through the California Department of Industrial Relations website at:

<http://www.dir.ca.gov/OPRL/DPreWageDetermination.htm>

Neither the notice inviting bids nor this Contract shall constitute a representation of fact as to the prevailing wage rates upon which the Contractor or any subcontractor may base any claim against Owner.

It shall be mandatory upon Contractor and upon any subcontractor to pay not less than the specified rates to all laborers, workers, and mechanics employed in the execution of the Contract. It is further expressly stipulated that Contractor shall, as a penalty to Owner, forfeit fifty dollars (\$50.00) for each calendar day, or portion thereof, for each laborer, worker, or mechanic paid less than the stipulated prevailing rates for any work done under this Contract by Contractor or by any subcontractor; and Contractor agrees to comply with all provisions of Section 1775 of the Labor Code.

In case it becomes necessary for Contractor or any subcontractor to employ on the project under this Contract any person in a trade or occupation (except executives, supervisory, administrative, clerical, or other non-manual workers as such) for which no minimum wage rate is herein specified, Contractor shall immediately notify Owner who will promptly thereafter determine the prevailing rate for such additional trade or occupation and shall furnish Contractor with the minimum rate based thereon. The minimum rate thus furnished shall be applicable as a minimum for such trade or occupation from the time of the initial employment of the person affected and during the continuance of such employment.

**19. Accident Prevention.** Precaution shall be exercised at all times for the protection of persons (including employees) and property. The safety provisions of applicable laws, building and construction codes shall be observed. Machinery, equipment, and other hazards shall be guarded or eliminated in accordance with the safety provisions of the Construction Safety Orders issued by the Industrial Accident Commission of the State of California.

**20. Contractor's Guarantee.** Owner shall not, in any way or manner, be answerable or suffer loss, damage, expense or liability for any loss or damage that may happen to the building, work, or equipment or any part thereof, or in, on, or about the same during its construction and before acceptance. Contractor unqualifiedly guarantees the first-class quality of all workmanship and of all materials, apparatus, and equipment used or installed by Contractor or by any subcontractor or supplier in the project which is the subject of this Contract, unless a lesser quality is expressly authorized in the Plans and Specifications, in which event Contractor unqualifiedly guarantees such lesser quality; and that the work as performed by Contractor will conform with the Plans and Specifications or any written authorized deviations therefrom. In case of any defect in work, materials, apparatus or equipment, whether latent or patent, revealed to Owner within one year of the date of acceptance of completion of this Contract by Owner, Contractor will forthwith remedy such defect or defects without cost to Owner.

**21. Liquidated Damages.** Time shall be the essence of this Contract. If Contractor fails to complete, within the time fixed for such completion, the entire work mentioned and described and contracted to be done and performed, Contractor shall become liable to Owner for liquidated damages in the sum of Five Hundred and No/100 (\$500.00) for each and every calendar day during which work shall remain uncompleted beyond such time fixed for completion or any lawful extension thereof. The amount specified as liquidated damages is presumed to be the amount of damage sustained by Owner since it would be impracticable or extremely difficult to fix the actual damage; and the amount of liquidated damages may be deducted by Owner from moneys due Contractor hereunder, or its assigns and successors at the time of completion, and Contractor, or its assigns and successors at the time of completion, and its sureties shall be liable to Owner for any excess.

**22. Additional Provisions.**

None.



(Notice: The signatures of the Contractor's officers on this contract must be acknowledged before a notary.)

## ACKNOWLEDGMENT

State of California )  
County of )

On \_\_\_\_\_ before me, \_\_\_\_\_  
personally appeared \_\_\_\_\_

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(SEAL)

**Exhibit A  
BID SCHEDULE**

<b>Item No.</b>	<b>Description</b>	<b>QTY</b>	<b>Unit</b>	<b>Unit Cost</b>
1	Mobilization	1	LS	\$39,122.00
2	Water Pollution Control	1	LS	\$11,550.00
3	Demolition	1	LS	\$173,078.00
4	Planting	1	LS	\$83,700.00
5	Traffic Signs, Striping and Pavement Markings	1	LS	\$3,700.00
6	Site Furnishings	1	LS	\$70,900.00
7	Site Electrical	1	LS	\$51,500.00
8	Earthwork and Construction Staking	1	LS	\$63,000.00
9	Asphalt Concrete	1	LS	\$10,125.00
10	Site Concrete	1	LS	\$177,000.00
11	Concrete Pavers	1	LS	\$24,000.00
12	Chain Link Fence	1	LS	\$8,325.00
13	Irrigation System	1	LS	\$63,000.00
14	Site Utilities	1	LS	\$0.00
15	Drainage	1	LS	\$15,500.00
16	Handrails	1	LS	\$3,900.00

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE AUTHORIZING THE CITY MANAGER  
TO EXECUTE THE EASEMENT DEED TO PACIFIC GAS  
AND ELECTRIC COMPANY WITHIN A CITY-OWNED  
PARCEL LOCATED AT 238 GARNER DRIVE**

WHEREAS, the City intends to demolish three City-owned houses to expand Orchard Gardens Park; and

WHEREAS, the existing overhead utilities serving the three houses will not be needed once the houses are removed; and

WHEREAS, as part of the construction of the park expansion, the unused overhead utility lines and two utility poles will be removed requiring new pole anchors to be installed by Pacific Gas and Electric Company ("PG&E") at one of the remaining poles; and

WHEREAS, while the existing pole is entirely within an existing public utility easement, the new anchors will extend outside the easement onto property owned by the City, requiring a new pole anchor easement; and

WHEREAS, City desires to enter into any necessary documentation for such installation of a new pole anchor, including a new Easement Deed.

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

The City Manager, or her designee, is hereby authorized to execute the Easement Deed and any other documents to implement the purposes of the grant of an easement to PG&E to install a pole anchor over and upon a portion of the City-owned property located at 238 Garner Drive, as described in the Easement Deed, attached hereto as Exhibit A.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL

:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

## EXHIBIT A

Distribution Easement (Rev. 04/13)

### RECORDING REQUESTED BY AND RETURN TO:

**PACIFIC GAS AND ELECTRIC COMPANY**  
**San Jose Land Services Office**  
**111 Almaden Boulevard, Room 814**  
**San Jose, CA 95113**

Location: City/Uninc \_\_\_\_\_

Recording Fee \$ \_\_\_\_\_

Document Transfer Tax \$ \_\_\_\_\_

☐ This is a conveyance where the consideration and  
Value is less than \$100.00 (R&T 11911).

☐ Computed on Full Value of Property Conveyed, or

☐ Computed on Full Value Less Liens  
& Encumbrances Remaining at Time of Sale

\_\_\_\_\_  
Signature of declarant or agent determining tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

LD#

EASEMENT DEED

CITY OF SUNNYVALE, a municipal corporation,

hereinafter called Grantor, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Grantee, the right from time to time to construct, reconstruct, install, inspect, maintain, replace, remove, and use facilities of the type hereinafter specified, together with a right of way therefor, within the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situate in the City of Sunnyvale, County of Santa Clara, State of California, described as follows:

(APN 110-12-094)

The parcel of land described in the deed from Edna M. Snyder to the City of Sunnyvale dated May 31, 1955 and recorded as Document No. 1101500, Santa Clara County Records.

Said facilities and easement area are described as follows:

Such anchors, guy wires and cables, guy stubs, and fixtures as Grantee deems necessary located within the strip of land as described in Exhibit "A" and shown as the hatched area upon Exhibit "B", attached hereto and made a part hereof.

Grantor further grants to Grantee the right, from time to time, to trim or to cut down any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

Grantor shall not erect or construct any building or other structure or drill or operate any well within said easement area.

Grantor further grants to Grantee the right to assign to another public utility as defined in Section 216 of the California Public Utilities Code the right to install, inspect, maintain, replace, remove and use communications facilities within said easement area (including ingress thereto and egress therefrom).

Grantor acknowledges that they have read the "Grant of Easement Disclosure Statement", Exhibit "C", attached hereto and made a part hereof.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

Dated: \_\_\_\_\_, \_\_\_\_\_.

CITY OF SUNNYVALE, a municipal  
corporation

By \_\_\_\_\_  
Deanna J. Santana, City Manager

By \_\_\_\_\_

I hereby certify that a resolution was adopted on the \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, by the \_\_\_\_\_ authorizing the  
foregoing grant of easement.

By \_\_\_\_\_

Area 3, De Anza Division  
San Jose Land Services Office  
Operating Department: Electric Distribution  
MDB&M, T.06S., R.02W., SECTION 24, NE ¼ of NE ¼  
FERC License Number(s): N/A  
PG&E Drawing Number(s): SJL-15123  
PLAT NO.: F-14-01  
LD of any affected documents: N/A  
LD of any Cross-referenced documents: N/A  
TYPE OF INTEREST: 3, 6, 43  
SBE Parcel Number: N/A  
(For Quitclaims, % being quitclaimed): N/A  
Order # or PM #: 31048783  
JCN: N/A  
County: Santa Clara  
Utility Notice Numbers: N/A  
851 Approval Application No. N/A Decision N/A  
Prepared By: KCV2  
Checked By: DAN9  
Revision Number: 0



State of California  
County of \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_,  
Here insert name and title of the officer

personally appeared \_\_\_\_\_  
\_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

(Seal)

**CAPACITY CLAIMED BY SIGNER**

- ☐ Individual(s) signing for oneself/themselves
- ☐ Corporate Officer(s) of the above named corporation(s)
- ☐ Trustee(s) of the above named Trust(s)
- ☐ Partner(s) of the above named Partnership(s)
- ☐ Attorney(s)-in-Fact of the above named Principal(s)
- ☐ Other \_\_\_\_\_

# EXHIBIT "A"

## LEGAL DESCRIPTION

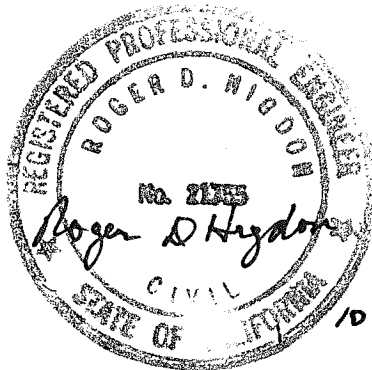
5.00 FEET BY 15.00 FEET  
PG&E POLE ANCHOR EASEMENT

The center line is particularly described as follows:

Beginning at the common southerly corner of Lots 15 and 16 as shown on the map for Tract No. 978 ORCHARD GARDENS, recorded in Book 40 of Maps, at Page 2 and 3, Santa Clara County Records, Thence South  $14^{\circ} 52'$  West along the southerly extension of the common lot line between said Lots 15 and 16, a distance of 15.00 feet.

Containing an area of 75.0 square feet.

The bearing, North  $14^{\circ} 52'$  East, of the East Line of Lot 15 of the A.B. Campbell Subdivision as recorded in Book F-1 of Maps at page 36, Santa Clara County Records, California, was used as the basis of bearings shown on this plat.



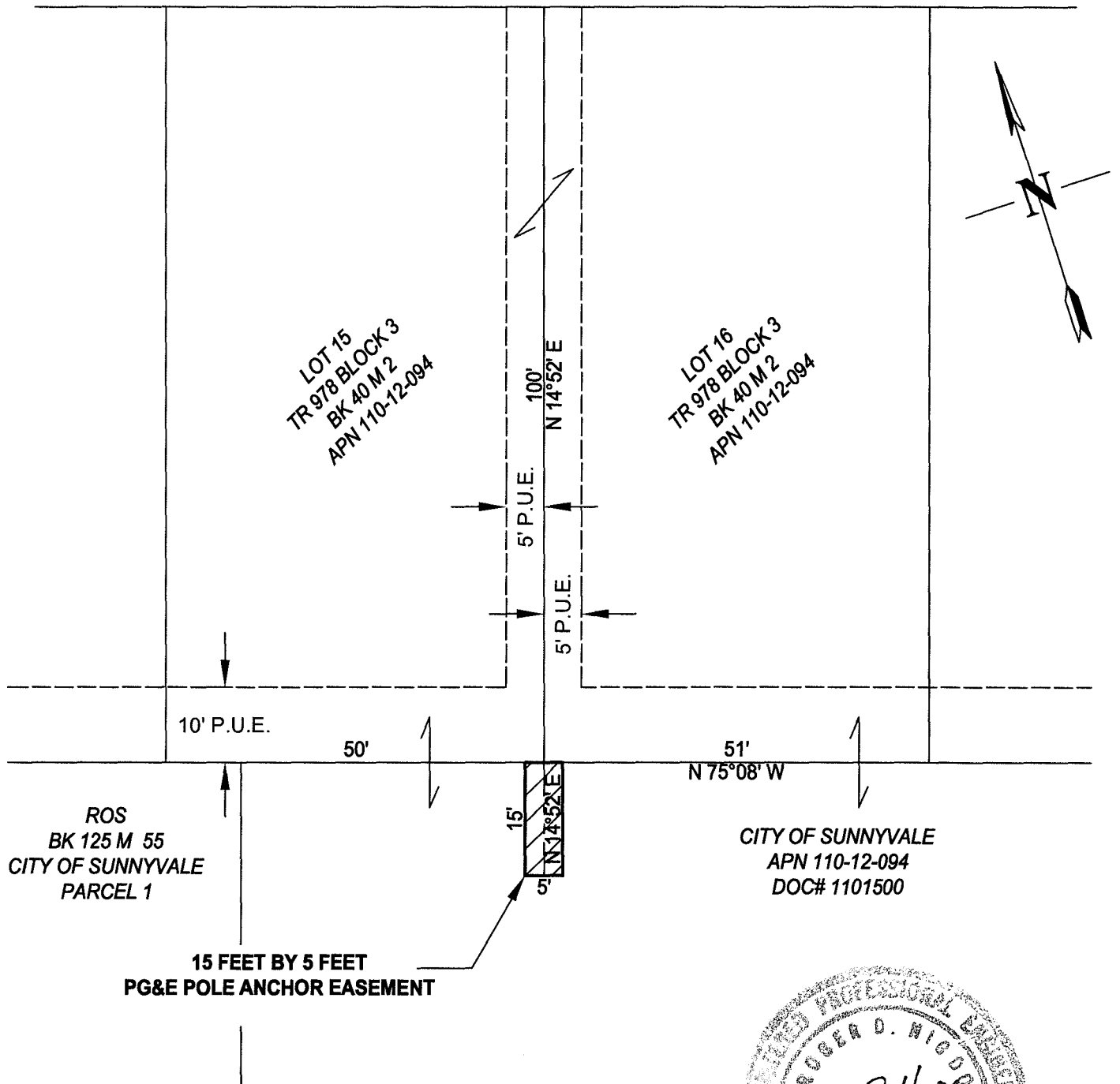
SEAL

10-29-14

Prepared by:  
ROGER D. HIGDON  
1473 NEWFOUNDLAND DRIVE  
SUNNYVALE, CA 94087

SHEET 1 of 2

**EXHIBIT "B"**  
**GARNER DRIVE**



**BASIS OF BEARINGS**

THE BEARING, NORTH 14° 52' EAST, OF THE EAST LINE OF LOT 15 OF THE A.B. CAMPBELL SUBDIVISION AS RECORDED IN BOOK F-1 OF MAPS AT PAGE 36, SANTA CLARA COUNTY RECORDS, CALIFORNIA, WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS PLAT.



**PLAT**  
**TO ACCOMPANY LEGAL DESCRIPTION**  
**FOR PG&E POLE ANCHOR EASEMENT AT**  
**ORCHARD GARDENS PARK**

SCALE:  
1"=20'  
DATE:  
10/16/2014  
SHEET 2 OF 2

**ROGER D. HIGDON**  
**1473 NEWFOUNDLAND DRIVE**  
**SUNNYVALE, CA 94087**

# EXHIBIT "C"

**Pacific Gas and Electric Company**



## GRANT OF EASEMENT DISCLOSURE STATEMENT

This Disclosure Statement will assist you in evaluating the request for granting an easement to Pacific Gas and Electric Company (PG&E) to accommodate a utility service extension to PG&E's applicant. **Please read this disclosure carefully before signing the Grant of Easement.**

- You are under no obligation or threat of condemnation by PG&E to grant this easement.
- The granting of this easement is an accommodation to PG&E's applicant requesting the extension of PG&E utility facilities to the applicant's property or project. Because this easement is an accommodation for a service extension to a single customer or group of customers, PG&E is not authorized to purchase any such easement.
- By granting this easement to PG&E, the easement area may be used to serve additional customers in the area. Installation of any proposed facilities outside of this easement area will require an additional easement.
- Removal and/or pruning of trees or other vegetation on your property may be necessary for the installation of PG&E facilities. You have the option of having PG&E's contractors perform this work on your property, if available, or granting permission to PG&E's applicant or the applicant's contractor to perform this work. Additionally, in order to comply with California fire laws and safety orders, PG&E or its contractors will periodically perform vegetation maintenance activities on your property as provided for in this grant of easement in order to maintain proper clearances from energized electric lines or other facilities.
- The description of the easement location where PG&E utility facilities are to be installed across your property must be satisfactory to you.
- The California Public Utilities Commission has authorized PG&E's applicant to perform the installation of certain utility facilities for utility service. In addition to granting this easement to PG&E, your consent may be requested by the applicant, or applicant's contractor, to work on your property. Upon completion of the applicant's installation, the utility facilities will be inspected by PG&E. When the facility installation is determined to be acceptable the facilities will be conveyed to PG&E by its applicant.

By signing the Grant of Easement, you are acknowledging that you have read this disclosure and understand that you are voluntarily granting the easement to PG&E. Please return the signed and notarized Grant of Easement with this Disclosure Statement attached to PG&E. The duplicate copy of the Grant of Easement and this Disclosure Statement is for your records.



# City of Sunnyvale

## Agenda Item

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14-1077

Agenda Date: 12/16/2014

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### REPORT TO COUNCIL

#### SUBJECT

Adopt a Resolution to Summarily Vacate a Public Utility Easement at 435 Toyama Drive

#### BACKGROUND

On September 23, 2013, the City Planning Commission conditionally approved a vesting tentative map and a special development permit for a 17-unit townhome project (the "Project"). There is an existing 10-foot wide public utility easement (PUE) along the northerly Project site (the "Northerly Portion of PUE") and along the easterly Project site (the "Easterly Portion of PUE"), which was dedicated to the City for public use as shown on Tract No. 3315 and as recorded in book 152, page 31 with the Santa Clara County recorder's office (Attachment 1). Implementation of this project requires abandoning the subject PUE by removing or relocating all existing public facilities within the subject PUE.

On May 20, 2014, the City Council approved the final map Tract No. 10223 and abandoned the Easterly Portion of PUE pursuant to California Government Code Section 66434(g) (Attachment 2). At the time of the final map recordation, the Northerly Portion of PUE could not be abandoned since it still contained public utility facilities. Subsequently, as part of the Project construction, all public utility facilities have been removed within the Northerly Portion of PUE. The purpose of this report is to recommend the adoption of a resolution for vacating the Northerly Portion of PUE.

#### EXISTING POLICY

General Plan, Chapter 3, Goal LT-4 - Quality Neighborhoods and Districts

Policy LT4-4: Preserve and enhance the high quality of residential neighborhoods

#### ENVIRONMENTAL REVIEW

The Planning Commission found that the Project met the requirements for a Class 32 Categorical Exemption pertaining to in-fill development under the CEQA Guideline 15332. No further environmental analysis is required for the summary vacation.

#### DISCUSSION

The Easterly Portion of PUE was abandoned as part of final map Tract No. 10223. Since the approval of this final map, all existing public utility facilities within the Northerly Portion of PUE have been removed and all new utilities have been placed within new PUEs as shown on the final map. Letters were sent to utility companies and they have no objections to the Northerly Portion of PUE vacation (Attachment 3). There are neither existing nor prospective City facilities within the Northerly Portion of PUE.

Pursuant to California Streets and Highways Code Section 8333(c), the City may summarily vacate a PUE by adopting a resolution of vacation if it finds that the PUE has been superseded by relocation,

or determined to be excess by the easement holder, and there are no other public facilities located within the PUE (Attachment 4).

**FISCAL IMPACT**

There is no fiscal impact as a result of this PUE vacation.

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

**RECOMMENDATION**

Adopt the resolution to summarily vacate a public utility easement at 435 Toyama Drive; and to authorize the City Clerk to submit a certified copy of the resolution to the Santa Clara County Recorder's office.

Prepared by: Judy Chu, Senior Engineer  
Reviewed by: Manuel Pineda, Director, Public Works  
Reviewed by: Robert A. Walker, Assistant City Manager  
Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Tract No. 3315
2. Tract No. 10223
3. Letters of consent from utility companies
4. Resolution of Vacation

**LEGAL DESCRIPTION**

A portion of Lot 21 as said Lot is shown upon "MAP OF THE L.L. MORSE SUBDIVISION OF THAT PART OF LOT 2A OF THE MURPHY PARTITION IN THE RANCHO DE LAS BORREGAS, LYING BETWEEN MAUDE AVENUE AND MT VIEW-ALVISO ROAD" recorded in Book "F1" of Maps at Page 39, Santa Clara County Records, said portion beginning at the southwest corner of Lot 21; thence N.14°52'E along the northwesterly line thereof and the centerline of Morse Avenue 590.04 feet to the northwest corner of Lot 21; thence S.75°08'E along the northeasterly line thereof 457.00 feet; thence S.14°52'W. 590.04 feet to the southwesterly line of Lot 21; thence N.75°08'W. along said southwesterly line 457.00 feet to the point of beginning.

**OWNER'S CERTIFICATE**

We hereby certify that we are the owners of, or have some right title or interest in and to the real property included within the subdivision shown on this map; that we are the only persons whose consent is necessary to pass a clear title to said real property; that we hereby consent to the making of said map and subdivision as shown within the blue border line and hereby offer for dedication Morse Avenue and Toyama Drive as shown upon the said map within said subdivision. We also hereby dedicated to public use easements for public utilities, under, on or over those certain strips of land lying between the rear lines and/or side lines of lots and the dashed lines each designated as "P.U.E." (Public Utilities Easement). Public Utility easements to be kept clear of buildings or structures of any kind except utility company structures and lawful fences.

VALLEY TITLE COMPANY OF SANTA CLARA COUNTY,  
a corporation, Owner.

*Paul Hancock*  
Vice-President

VALLEY TITLE COMPANY OF SANTA CLARA COUNTY,  
a corporation, Trustee.

*Paul Hancock*  
Vice-President

CORPORATION OF AMERICA, a California corporation, Trustee.

*Richard W. Newburgh*  
Secretary

**STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA } ss.**

On this 24 day of August, 1962, before me *Carol Ann Stewart* a Notary Public in and for said County and State, duly commissioned and sworn, personally appeared *Paul Hancock* known to me to be the Vice-President of Valley Title Company of Santa Clara County, a corporation, and also known to me to be the Vice-President of Valley Title Company of Santa Clara County, a corporation, that executed the within instrument, and known to me to be the person who executed it on behalf of said corporation and that he acknowledged to me that such corporation executed the same as Owner.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said County and State the day and the year in this certificate first above written.

**STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA } ss.**

On this 24 day of August, 1962, before me *Carol Ann Stewart* a Notary Public in and for said County and State, duly commissioned and sworn, personally appeared *Paul Hancock* known to me to be the Vice-President of Valley Title Company of Santa Clara County, a corporation, and also known to me to be the Vice-President of Valley Title Company of Santa Clara County, a corporation, that executed the within instrument, and known to me to be the person who executed it on behalf of said corporation and that he acknowledged to me that such corporation executed the same as Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said County and State the day and year in this certificate first above written.

*Carol Ann Stewart*  
Notary Public

**STATE OF CALIFORNIA  
CITY & COUNTY OF SAN FRANCISCO } ss.**

On this 24 day of August, 1962, before me *A.M. Grenadier* a Notary Public in and for said County and State, duly commissioned and sworn, personally appeared *Richard W. Newburgh* known to me to be the Secretary and *Richard W. Newburgh* respectively of Corporation of America, a California corporation, and also known to me to be the *Secretary* and *Secretary* respectively, of Corporation of America, a California corporation that executed the within instrument, and known to me to be the persons who executed it on behalf of said corporation and that they acknowledged to me that such corporation executed the same as Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said County and State the day and year in this certificate first above written.

*A.M. Grenadier*  
Notary Public

**ENGINEER'S CERTIFICATE**

I, George R. Thenn, Jr., a Registered Civil Engineer of the State of California, hereby certify that this map, consisting of one sheet, correctly represents a survey made under my supervision during June, 1962; that the survey is true and complete as shown; that all the monuments as shown hereon actually exist or will be placed upon completion of street improvement work; that their positions are correctly shown and that such monuments are sufficient to enable the survey to be retraced.

Dated July 15, 1962.

*George R. Thenn, Jr.*  
R.C.E., Certificate No. 7125

**CERTIFICATE OF CITY ENGINEER**

I, Donald M. Somers, Director of Public Works of the City of Sunnyvale, State of California, hereby certify that I have examined the within map; that the subdivision shown hereon is substantially the same as it appeared on the Tentative Map and approved alterations thereof; that all provisions of the California Map Act, as amended, and of any local ordinances applicable at the time of approval of the Tentative Map have been complied with, and that I am satisfied that said map is technically correct.

Dated Sept. 24, 1962.

*Don M. Somers*  
R.C.E., Certificate No. 9265

**APPROVAL BY CITY COUNCIL**

I hereby certify that the hereon final map of Tract 3315 Lafferty Subdivision was approved by the City Council of the City of Sunnyvale at a meeting of said Council held on the 18 day of September, 1962, and that said Council did, at said meeting, accept on behalf of the public the dedication of all street and portions of streets and all easements offered for dedication as shown on said map within said subdivision.

Dated Sept. 24, 1962.

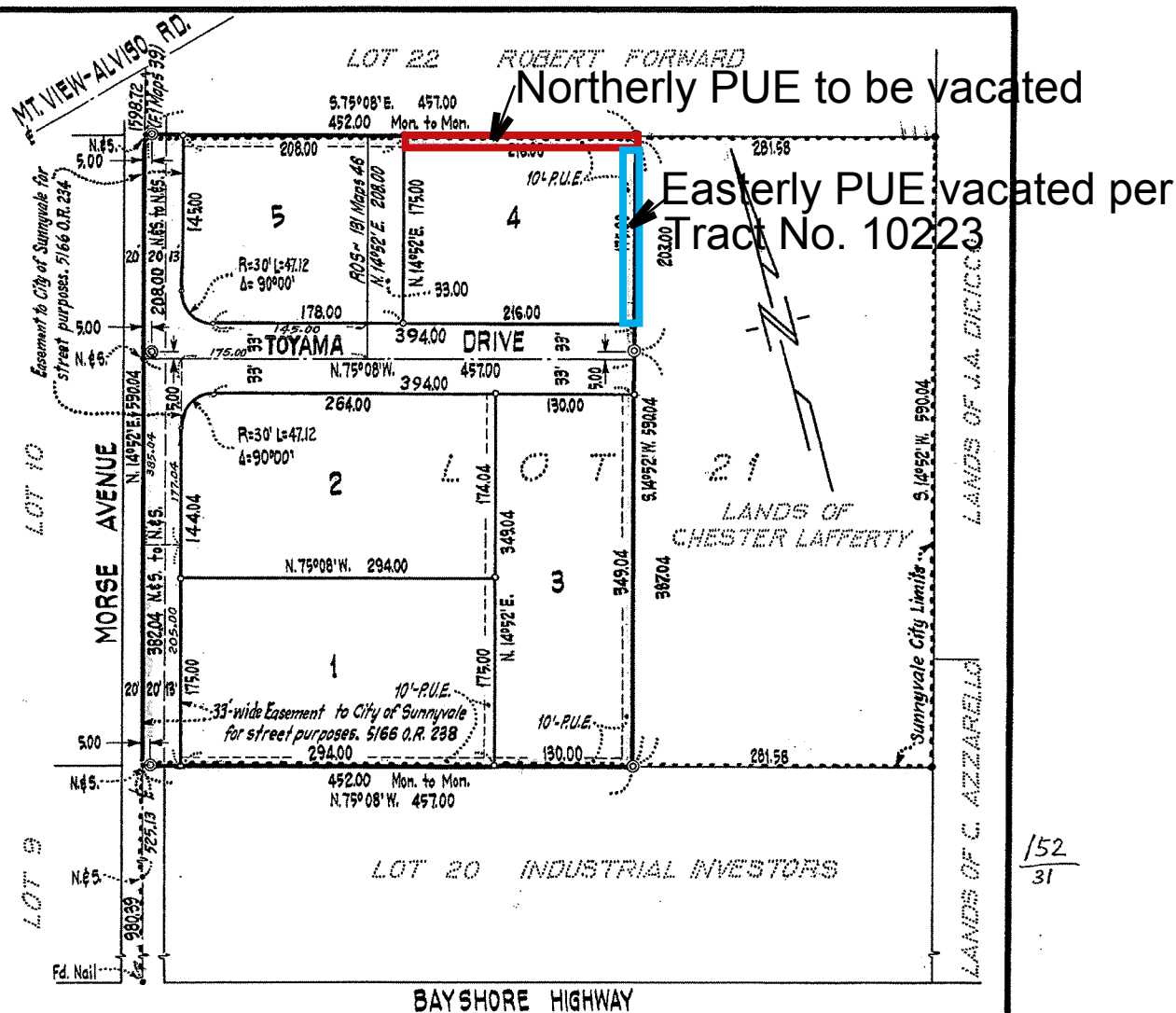
*Perry Scott*  
City Clerk and Ex-officio Clerk  
of the City Council, City of Sunnyvale.

By *Flora W. Leonard*  
Deputy

**COUNTY RECORDER'S CERTIFICATE**

File No. 2266044. Fee \$5.00.  
Accepted for record and recorded in Book 152 of Maps at page 31 in the office of the County Recorder of Santa Clara County, California, this 25 day of September, 1962, at 2:06 minutes past 1 P.M. o'clock P.M.

*Paul R. Teilh, County Recorder.*  
By *Donald A. Wilson*  
Deputy Recorder.

**BASIS OF BEARINGS**

The bearing, N. 14°52'E, of the centerline of Morse Avenue as shown upon that Record of Survey of Lot 21 of the Map of the L.L. Morse Subdivision of that Part of Lot 2A of the Murphy Partition in the Rancho de las Borregas, which Record of Survey is recorded in Book 191 of Maps, page 46, Santa Clara County Records, was taken as basis of bearings for this Map.

**LEGEND**

- Iron pipe set with R.E. tag number 7542.
- ⊙ Standard City of Sunnyvale monument set.
- Iron pipe found.
- N&S Nail and shiner found.
- City of Sunnyvale Corporate Limits.

# TRACT NO. 3315 LAFFERTY SUBDIVISION

PORTION OF LOT 21 OF THE MAP OF THE L.L. MORSE SUBDIVISION OF THAT PART OF LOT 2A OF THE MURPHY PARTITION IN THE RANCHO DE LAS BORREGAS WHICH MAP IS RECORDED IN BOOK "F1" OF MAPS, PAGE 39, SANTA CLARA COUNTY RECORDS.

SUNNYVALE, SANTA CLARA COUNTY, CALIFORNIA

SCALE 1" = 100' JUNE, 1962

JONES, THENN AND ASSOCIATES

CIVIL ENGINEERS

1944 UNIVERSITY AVENUE, PALO ALTO, CALIFORNIA

CONSISTING OF ONE SHEET









October 31, 2014

**Pacific Gas and Electric Company**  
 Land and Environmental Management  
 Attention: Mr. David Neal, Lead Land Technician  
 111 Almaden Boulevard, room 814  
 San Jose, CA 95113

**Subject: Public Utility Easement Vacation – 435 Toyama Dr., Sunnyvale, California**

Dear Mr. Neal,

There is an existing 10-foot wide Public Utility Easement (PUE) established on Lot 4 of Tract No. 3315. A portion of the PUE along the easterly property line of Lot 4 was abandoned as part of Tract No. 10223 associated with a new residential development located at 435 Toyama Drive. Subsequently, all existing public utility facilities have been removed or relocated within the PUE along the northerly property line. This letter request is for the 10-foot wide PUE vacation along the northerly property line of Lot 4 and as depicted on Tract No. 10223.

Please review and provide any comments you have associated with the subject PUE vacation by returning this letter. Your response by **November 14, 2014** or sooner would be very much appreciated.

If you have any questions concerning this letter, please contact me at [jchu@ci.sunnyvale.us.gov](mailto:jchu@ci.sunnyvale.us.gov) or (408) 730-7413.

Very truly yours,

Judy Chu, P.E.  
 Senior Engineer

Attachments: Tract No. 3315 and Tract No. 10223

PG&E has reviewed Tract No. 3315 and Tract No. 10223 and has the following comments.

- ☒ The subject PUE has been superseded by relocation, and there are no PG&E facilities located within the subject PUE area. There are no prospective PG&E facilities within the subject PUE area. Therefore, PG&E has no comments of objections to the proposed PUE vacation.

☐ PG&E objects to the subject PUE vacation due to \_\_\_\_\_.

Signature

Date

11/12/14



October 31, 2014

**AT&T**

Attention: Ms. Marlana Telfer  
Public Works Coordinator, Right of Way Manger  
870 N. McCarthy Blvd., 1<sup>st</sup> Floor  
Milpitas, CA 95035

**Subject: Public Utility Easement Vacation – 435 Toyama Dr., Sunnyvale, California**

Dear Marlana,

There is an existing 10-foot wide Public Utility Easement (PUE) established on Lot 4 of Tract No. 3315. A portion of the PUE along the easterly property line of Lot 4 was abandoned as part of Tract No. 10223 associated with a new residential development located at 435 Toyama Drive. Subsequently, all existing public utility facilities have been removed or relocated within the PUE along the northerly property line. This letter request is for the 10-foot wide PUE vacation along the northerly property line of Lot 4 and as depicted on Tract No. 10223.

Please review and provide any comments you have associated with the subject PUE vacation by returning this letter. Your response by **November 14, 2014** or sooner would be very much appreciated.

If you have any questions concerning this letter, please contact me at [jchu@ci.sunnyvale.us.gov](mailto:jchu@ci.sunnyvale.us.gov) or (408) 730-7413.

Very truly yours,

Judy Chu, P.E.  
Senior Engineer

Attachments: Tract No. 3315 and Tract No. 10223

AT&T has reviewed Tract No. 3315 and Tract No. 10223 and has the following comments.

- ☒ The subject PUE has been superseded by relocation, and there are no AT&T facilities located within the subject PUE area. There are no prospective AT&T facilities within the subject PUE area. Therefore, AT&T has no comments of objections to the proposed PUE vacation.
- ☐ AT&T objects to the subject PUE vacation due to \_\_\_\_\_.

Signature

11/10/2014

Date



11-6-14

Judy Chu  
Senior Civil Engineer  
City of Sunnyvale  
Department of Public Works/Engineering


RE: PUE vacation at Classics at Toyama II; Tract 10223

Dear Judy Chu,  
Comcast has reviewed the attached application for the vacation and has the following:

- No objection to the vacation.
- No objection to the vacation, but with the following reservation:
- Objects to the proposed vacation for the following reasons:
- A copy of our system map is attached for your information.

Please contact me at (408) 918-3245 for any questions or concerns regarding our comments for this project.

Regards,

Comcast  
Steve Morioka   
Construction Professional



## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE SUMMARILY VACATING A PORTION  
OF A PUBLIC SERVICE EASEMENT WITHIN PRIVATE  
PROPERTY LOCATED AT 435 TOYAMA DRIVE**

WHEREAS, subdivision (c) of Section 8333 of the Streets and Highways Code of the State of California authorizes the City Council to summarily vacate an easement if it has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement; and

WHEREAS, the City Council intends to summarily vacate a portion of a Public Service Easement ("Easement"), dedicated for public use as shown on Tract No. 3315, attached hereto as Exhibit A and further depicted in Tract No. 10223, attached hereto as Exhibit B; and

WHEREAS, the Easement has no existing City facilities or other public facilities; and

WHEREAS, Pacific Gas and Electric, Comcast Cable Communications and AT&T California, have no objection to the vacation of the Easement; and

WHEREAS, On September 23, 2013, the City Planning Commission conditionally approved a vesting tentative map and a special development permit for a 17-unit townhome project, where the existing public facilities within the Easement area are to be removed and relocated, and the Easement to be abandoned.

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

1. The City of Sunnyvale finds and determines that:
  - a) The Easement has been superseded by relocation; and
  - b) No public facilities are located within the Easement that would be affected by a summary vacation; and
  - c) The Easement is not needed for present or prospective easement purposes; and
  - d) The public convenience and necessity does not require reservation of any portion of the Easement.
2. Based upon the findings made in Section 1 of this Resolution and the provision of Section 8333 of the Streets and Highways Code, the City Council does hereby order that the Easement shall be and hereby is summarily vacated.

3. The City Council hereby authorizes and directs the City Clerk to record a certified copy of the resolution, attested by the City Clerk under seal, with the Santa Clara County Recorder's Office.
4. The Easement will no longer constitute a Public Utility Easement from and after the date of recordation of the documents identified in Section 3 of this Resolution.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, 2014, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  
RECUSAL:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney

LEGAL DESCRIPTION

A portion of Lot 21 as said Lot is shown upon "MAP OF THE L.L. MORSE SUBDIVISION OF THAT PART OF LOT 2A OF THE MURPHY PARTITION IN THE RANCHO DE LAS BORREGAS, LYING BETWEEN MAUDE AVENUE AND MT VIEW-ALVISO ROAD" recorded in Book "F1" of Maps at Page 39, Santa Clara County Records, said portion beginning at the southwest corner of Lot 21; thence N.14°52'E along the northwesterly line thereof and the centerline of Morse Avenue 590.04 feet to the northwest corner of Lot 21; thence S.75°08'E along the northeasterly line thereof 457.00 feet; thence S.14°52'W. 590.04 feet to the southwesterly line of Lot 21; thence N.75°08'W. along said southwesterly line 457.00 feet to the point of beginning.

OWNER'S CERTIFICATE

We hereby certify that we are the owners of, or have some right title or interest in and to the real property included within the subdivision shown on this map; that we are the only persons whose consent is necessary to pass a clear title to said real property; that we hereby consent to the making of said map and subdivision as shown within the blue border line and hereby offer for dedication Morse Avenue and Toyama Drive as shown upon the said map within said subdivision. We also hereby dedicated to public use easements for public utilities, under, on or over those certain strips of land lying between the rear lines and/or side lines of lots and the dashed lines each designated as "P.U.E." (Public Utilities Easement). Public Utility easements to be kept clear of buildings or structures of any kind except utility company structures and lawful fences.

VALLEY TITLE COMPANY OF SANTA CLARA COUNTY,  
a corporation, Owner.

*Paul Hancock*  
Vice-President

VALLEY TITLE COMPANY OF SANTA CLARA COUNTY,  
a corporation, Trustee.

*Paul Hancock*  
Vice-President

CORPORATION OF AMERICA, a California corporation, Trustee.

*Richard W. Newburgh*  
Secretary

STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA } ss.

On this 24 day of August, 1962, before me *Carol Ann Stewart* a Notary Public in and for said County and State, duly commissioned and sworn, personally appeared *Paul Hancock* known to me to be the Vice-President of Valley Title Company of Santa Clara County, a corporation, and also known to me to be the Vice-President of Valley Title Company of Santa Clara County, a corporation, that executed the within instrument, and known to me to be the person who executed it on behalf of said corporation and that he acknowledged to me that such corporation executed the same as Owner. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said County and State the day and the year in this certificate first above written.

*Carol Ann Stewart*  
Notary Public  
Carol Ann Stewart

STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA } ss.

On this 24 day of August, 1962, before me *Carol Ann Stewart* a Notary Public in and for said County and State, duly commissioned and sworn, personally appeared *Paul Hancock* known to me to be the Vice-President of Valley Title Company of Santa Clara County, a corporation, and also known to me to be the Vice-President of Valley Title Company of Santa Clara County, a corporation, that executed the within instrument, and known to me to be the person who executed it on behalf of said corporation and that he acknowledged to me that such corporation executed the same as Trustee. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said County and State the day and year in this certificate first above written.

*Carol Ann Stewart*  
Notary Public  
Carol Ann Stewart

STATE OF CALIFORNIA  
CITY & COUNTY OF SAN FRANCISCO } ss.

On this 24 day of August, 1962, before me *A.M. Grenadier* a Notary Public in and for said County and State, duly commissioned and sworn, personally appeared *Richard W. Newburgh* known to me to be the Secretary and *Richard W. Newburgh* respectively of Corporation of America, a California corporation, and also known to me to be the *Richard W. Newburgh* and *Richard W. Newburgh* respectively, of Corporation of America, a California corporation that executed the within instrument, and known to me to be the persons who executed it on behalf of said corporation and that they acknowledged to me that such corporation executed the same as Trustee. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said County and State the day and year in this certificate first above written.

*A.M. Grenadier*  
Notary Public

ENGINEER'S CERTIFICATE

I, George R. Thenn, Jr., a Registered Civil Engineer of the State of California, hereby certify that this map, consisting of one sheet, correctly represents a survey made under my supervision during June, 1962; that the survey is true and complete as shown; that all the monuments as shown hereon actually exist or will be placed upon completion of street improvement work; that their positions are correctly shown and that such monuments are sufficient to enable the survey to be retraced. Dated July 15, 1962.

*George R. Thenn, Jr.*  
R.C.E., Certificate No. 7125

CERTIFICATE OF CITY ENGINEER

I, Donald M. Somers, Director of Public Works of the City of Sunnyvale, State of California, hereby certify that I have examined the within map; that the subdivision shown hereon is substantially the same as it appeared on the Tentative Map and approved alterations thereof; that all provisions of the California Map Act, as amended, and of any local ordinances applicable at the time of approval of the Tentative Map have been complied with, and that I am satisfied that said map is technically correct. Dated Sept. 24, 1962.

*Don M. Somers*  
R.C.E., Certificate No. 9265

APPROVAL BY CITY COUNCIL

I hereby certify that the hereon final map of Tract 3315 Lafferty Subdivision was approved by the City Council of the City of Sunnyvale at a meeting of said Council held on the 18 day of September, 1962, and that said Council did, at said meeting, accept on behalf of the public the dedication of all street and portions of streets and all easements offered for dedication as shown on said map within said subdivision. Dated Sept. 24, 1962.

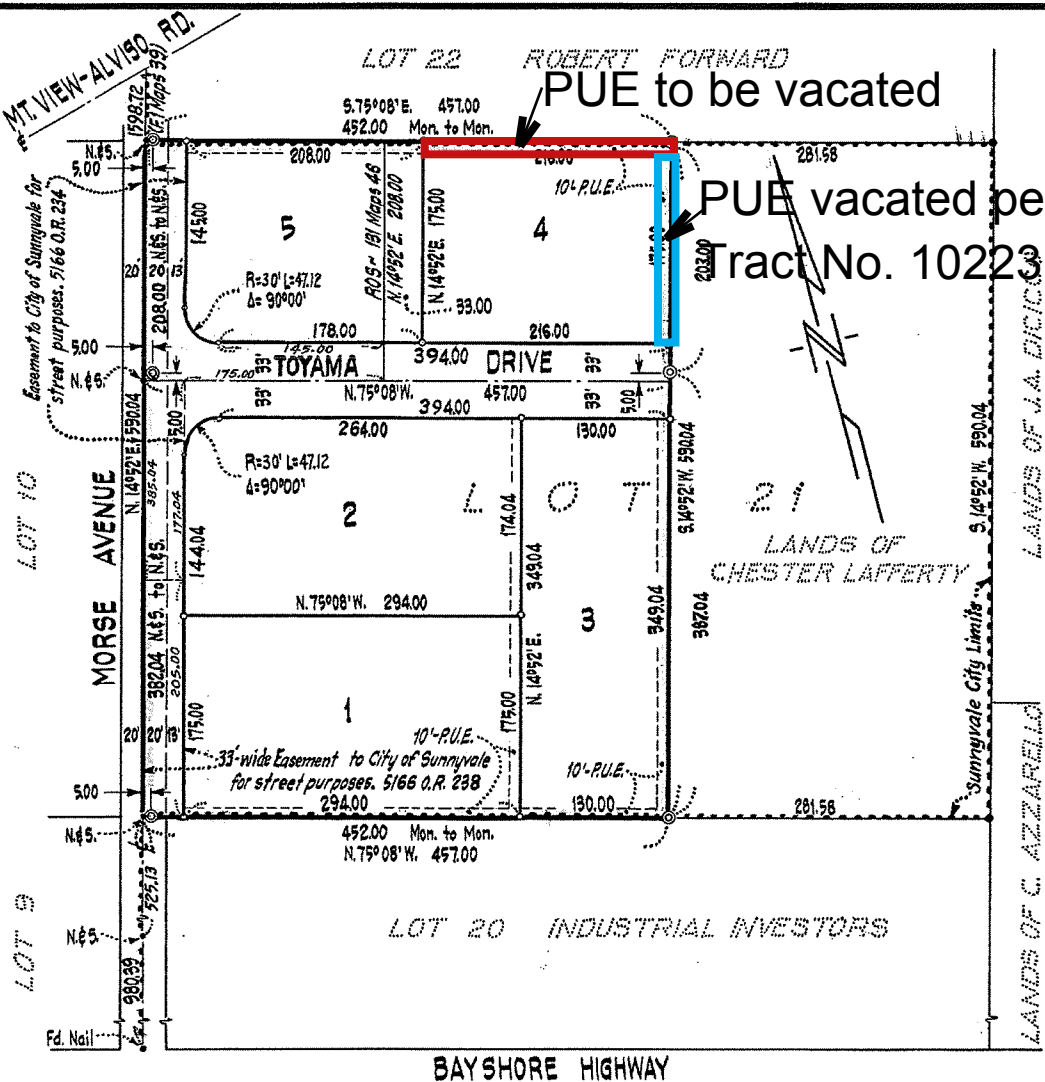
*Perry Scott*  
City Clerk and Ex-officio Clerk  
of the City Council, City of Sunnyvale.

*Flora W. Leonard*  
Deputy

COUNTY RECORDER'S CERTIFICATE

File No. 2266044. Fee \$5.00.  
Accepted for record and recorded in Book 152 of Maps at page 31 in the office of the County Recorder of Santa Clara County, California, this 25 day of September, 1962, at 2:06 minutes past 1 P.M. o'clock P.M.

*Paul R. Teilh*, County Recorder.  
By *Donald A. Wilson*  
Deputy Recorder.



BASIS OF BEARINGS

The bearing, N. 14°52'E., of the centerline of Morse Avenue as shown upon that Record of Survey of Lot 21 of the Map of the L.L. Morse Subdivision of that Part of Lot 2A of the Murphy Partition in the Rancho de las Borregas, which Record of Survey is recorded in Book 191 of Maps, page 46, Santa Clara County Records, was taken as basis of bearings for this Map.

LEGEND

- Iron pipe set with R.E. tag number 7542.
- Standard City of Sunnyvale monument set.
- Iron pipe found.
- N&S Nail and Shiner found.
- City of Sunnyvale Corporate Limits.

TRACT NO. 3315  
LAFFERTY SUBDIVISION

PORTION OF LOT 21 OF THE MAP OF THE L.L. MORSE SUBDIVISION OF THAT PART OF LOT 2A OF THE MURPHY PARTITION IN THE RANCHO DE LAS BORREGAS WHICH MAP IS RECORDED IN BOOK "F1" OF MAPS, PAGE 39, SANTA CLARA COUNTY RECORDS.

SUNNYVALE, SANTA CLARA COUNTY, CALIFORNIA

SCALE 1" = 100' JUNE, 1962

JONES, THENN AND ASSOCIATES

CIVIL ENGINEERS

1944 UNIVERSITY AVENUE, PALO ALTO, CALIFORNIA

CONSISTING OF ONE SHEET



# Exhibit B

## NOTES:

1. THIS SUBDIVISION CONTAINS 37,800 SF OR 0.86 AC, MORE OR LESS.
2. BEARINGS NOT SHOWN ARE PERPENDICULAR OR PARALLEL TO THE LINE IT IS ADJACENT TO.

PUE to be vacated

SI 36 LLC  
110-14-197

SI XXII LLC  
110-14-174

## BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS N75°08'00"W ALONG THE CENTERLINE OF TOYAMA DRIVE AS SHOWN PER TRACT NO. 3315, FILED SEPTEMBER 25, 1962, IN BOOK 152 OF MAPS, AT PAGE 31, SANTA CLARA COUNTY RECORDS.

## LEGEND

- BOUNDARY LINE
- LOT LINE
- CENTER LINE
- MONUMENT LINE
- EASEMENT LINE
- (M-M) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- (R) RADIAL
- (T) TOTAL
- ⊙ FOUND STANDARD STREET MONUMENT AS NOTED
- ⊙ SET STANDARD STREET MONUMENT LS 7176
- ⊙ FOUND IRON PIPE OR REBAR AS NOTED
- ⊙ SET 5/8" REBAR AND CAP LS 7176
- ⊙ EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- ⊙ PUE PUBLIC UTILITY EASEMENT DEDICATED HEREIN
- ⊙ PIEE PROPOSED PRIVATE INGRESS AND EGRESS EASEMENT
- ⊙ PSDE PROPOSED PRIVATE STORM DRAIN EASEMENT
- ⊙ PSSE PROPOSED PRIVATE SEWER EASEMENT
- ⊙ PWE PROPOSED PRIVATE WATER EASEMENT
- ⊙ SNF SEARCHED FOR, NOT FOUND
- ( ) RECORD DATA AS NOTED

NO.	BEARING	LENGTH
L1	N14°52'00"E	21.69'
L2	N14°52'00"E	4.39'
L3	N14°52'00"E	17.50'
L4	N75°08'00"W	6.92'
L5	N75°08'00"W	7.58'
L6	N14°52'00"E	8.50'
L7	N14°52'00"E	17.17'
L8	N14°52'00"E	1.00'
L9	N14°52'00"E	1.33'

NO.	RADIUS	DELTA	LENGTH
C1	2.50'	90°00'00"	3.93'
C2	9.50'	90°00'00"	14.92'
C3	9.50'	74°25'26"	12.34'
C4	0.50'	90°00'00"	0.79'
C5	0.50'	105°34'34"	0.92'

## REFERENCES:

- (1) TRACT 3315 (152 M 31)
- (2) TRACT 10114 (852 M 12)

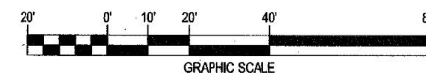
## TRACT 10223 CLASSICS AT TOYAMA II

A 17 LOT RESIDENTIAL SUBDIVISION  
CONSISTING OF 3 SHEETS  
BEING A SUBDIVISION OF LOT 4 OF TRACT 3315, LAFFERTY SUBDIVISION,  
BOOK 152 OF MAPS, AT PAGE 31, SANTA CLARA COUNTY RECORDS,  
LYING ENTIRELY WITHIN THE CITY OF SUNNYVALE,  
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON CALIFORNIA

SCALE: 1" = 20' MAY 2014



SHEET 3 OF 3

2185-00

TRACT NO. 8782  
808 M 32



# City of Sunnyvale

## Agenda Item

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**14-0145**

**Agenda Date:** 12/16/2014

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### **SUBJECT**

Adopt Ordinance No. 3051-14 to Amend Chapter 2.08 of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code to Amend the City Manager's Rejection Authority for Goods and Services Procurements

### **RECOMMENDATION**

Adopt Ordinance No. 3051-15.

### **ATTACHMENT**

1. Ordinance No. 3051-15.



ORDINANCE NO. 3051-14

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE TO AMEND CHAPTER 2.08 OF TITLE 2  
(ADMINISTRATION AND PERSONNEL) OF THE  
SUNNYVALE MUNICIPAL CODE TO AMEND THE CITY  
MANAGER'S REJECTION AUTHORITY FOR GOODS  
AND SERVICES PROCUREMENTS**

WHEREAS, the Municipal Code allows for the City Manager to be the awarding authority for goods and services procurements of one hundred thousand dollars or less; and

WHEREAS, the Municipal Code allows for the City Manager to be the rejecting authority for informal competitive bids or proposals for goods and services of fifty thousand dollars or less; and

WHEREAS, the City of Sunnyvale would like to adopt uniformity in the City Manager's awarding and rejecting authority for goods and services procurements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2.08 AMENDED. Section 2.08.140 of Chapter 2.08 (Purchases of Goods and Services) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**2.08.140. Cancellation of Solicitations; Rejection of bids.**

- (a) [Text unchanged]
- (b) Rejection of Bids. The city manager may reject, in whole or in part, bids or proposals of one hundred thousand dollars or less. The city council may reject, in whole or in part, bids or proposals in excess of one hundred thousand dollars. If all bids are rejected, the city has the discretion to readvertise.
- (c) [Text unchanged]

SECTION 2. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment.

SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or

decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on December 9, 2014, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
Date of Attestation: \_\_\_\_\_

\_\_\_\_\_  
Mayor

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



# City of Sunnyvale

## Agenda Item

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**14-0199**

**Agenda Date:** 12/16/2014

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### **SUBJECT**

Adopt Ordinance No. 3052-14 to add a New Section to Chapter 2.09 of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code to Require the Payment of Prevailing Wages on Public Works Projects

### **RECOMMENDATION**

Adopt Ordinance No. 3052-14.

### **ATTACHMENT**

1. Ordinance No. 3052-15.

**ORDINANCE NO. 3052-14**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO ADD A NEW SECTION TO CHAPTER 2.09 OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE SUNNYVALE MUNICIPAL CODE TO REQUIRE THE PAYMENT OF PREVAILING WAGES ON PUBLIC WORKS PROJECTS**

WHEREAS, Senate Bill 7 ("SB 7") was adopted by the State Legislature on October 13, 2013, and provides that the State will only extend financial assistance to construction projects of charter cities that comply with the prevailing wage law on all municipal construction projects; and

WHEREAS, SB 7 takes effect on January 1, 2015, and bars charter cities from state financial assistance for a period of two (2) years if the city has awarded a public works contract on or after January 1, 2015, without requiring the contractor to comply with the prevailing wage requirements; and

WHEREAS, SB 7 requires contractors on public works projects to be paid the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed; and

WHEREAS, in July 2000, the City Council adopted an informal policy exempting the City from paying prevailing wages on maintenance and repair projects, but otherwise requiring the payment of prevailing wages on public works projects; and

WHEREAS, SB 7 requires the payment of prevailing wages on maintenance and repair projects in excess of \$15,000 and all public works construction projects in excess of \$25,000; and

WHEREAS, the City of Sunnyvale would like to remain eligible for state financial assistance for its municipal construction projects by incorporating the prevailing wage requirements of SB 7 into the Sunnyvale Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION ADDED. Section 2.09.220 of Chapter 2.09 (Public Works Contracting) of Title 2 (Administration and Personnel) of the

Sunnyvale Municipal Code is hereby added to read as follows:

**2.09.220. Prevailing Wages.**

(a) The City shall comply with state law requiring prevailing wages to be paid on all public works projects within the meaning set forth in Labor Code section 1782, in order to remain eligible for state funding on City construction projects.

(b) If for any reason, Labor Code section 1782 shall be held to be invalid or inapplicable to charter cities by any court of competent jurisdiction or is otherwise repealed, this section shall automatically sunset and be of no further effect thereafter.

SECTION 2. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment.

SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on December 9, 2014, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
Date of Attestation: \_\_\_\_\_

\_\_\_\_\_  
Mayor

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



# City of Sunnyvale

## Agenda Item

14-0286

Agenda Date: 12/16/2014

### REPORT TO CITY COUNCIL

#### SUBJECT

Approve Design Guidelines for Multi-Family Residential Projects to Address Size, Bulk and Scale; Find that the Project is Exempt Under CEQA Pursuant to Guideline 15061(b)(3). (Study Issue original title: City Policies Governing Housing Density)

#### REPORT IN BRIEF

This report addresses a Council Study Issue titled “Review City Policies Governing Housing Density and Bonus Density Calculations (Study Issue Paper, Attachment 1). The study considers criteria used to review higher density residential projects. Currently, planning review of multi-family residential projects includes density (dwelling units per acre), zoning regulations and various design guidelines. The City Council ranked this study issue high in order to determine if other reasonable methods are available to better evaluate and guide the design of new multi-family residential developments.

In completing this study issue, staff concluded that finding an ideal planning tool to regulate the size, bulk and scale of multi-family residential projects is problematic. Every tool used is useful, but has limited applicability. For instance, zoning standards (height limits, setback standards, or lot coverage) do not ensure a building will be appropriately designed. Density provides information about the number of dwelling units a project has, but does not necessarily provide a good indicator of a project’s physical size. Floor area ratio (FAR) standards are effective for office and industrial projects, but are difficult to apply to multi-family residential projects because of the variation in product types (apartments, ownership, townhouses, stacked condominiums). Specific design guidelines provide the best guidance for mitigating the size, bulk and scale of projects, but must be used in concert with other zoning tools, such as zoning regulations and density.

This study focuses on two approaches:

1. Adopt new high density multi-family design guidelines (Attachment 2) to address the building form and how it fits in with the surrounding area;
2. Adopt design guidelines and an FAR threshold to ensure greater scrutiny for projects with high FAR.

Staff recommends adopting the High Density Multi-family Residential Design Guidelines to address the issue. These Guidelines would apply to all multi-family residential projects in the R-4 and R-5 residential zoning districts as well as mixed used projects in the C-1, C-2 and DSP zoning districts. The City does not currently have multi-family design guidelines, and those proposed would be effective in new project review to supplement existing zoning standards. Good design has a significant effect on how a project fits into its neighborhood and community. Design guidelines, in conjunction with setbacks, height limitations and open space requirements, can improve the ultimate design. Staff is not recommending the establishing FAR thresholds at this time, in part because of the



difficulty in finding the appropriate threshold levels for Sunnyvale. Staff could collect the information necessary to establish FAR thresholds and return to the Council in several years to create FAR thresholds.

The Planning Commission considered this item on November 24, 2014, at which time the Commissioners voted unanimously to recommend to Council to approve the High Density Multi-family Residential Design Guidelines. The Commission also recommended Council direct staff to return in three years with an update of the effectiveness of the guidelines, and results of data gathered from future multi-family residential projects which could be used to guide possible future floor area ratio thresholds. The Commission also clarified specific language in the design guidelines, which have been incorporated in the attached document (Attachment 2).

### **BACKGROUND**

As stated in the study issue paper (Attachment 1), this study is intended to find appropriate zoning tools to characterize or measure the intensity of a multi-family residential project. The goal of the study was not to consider lowering or changing density or zoning standards. For purposes of this staff report, the term density refers to dwelling units per acre; the term intensity refers to the amount of building on a site: total square feet or floor area ratio.

All residentially-zoned properties are assigned a density designation which is calculated as the number of dwelling units per acre (sometimes expressed as minimum number of square feet of land per dwelling unit). Density is a common approach for guiding allowable residential development, and does not include the unit size or number of bedrooms. Density ensures buildings are developed to meet community expectations for the number of residential units in any given area and is based on the General Plan and zoning. Typically, the higher the residential density allowed, the smaller the individual dwelling units (in terms of number of bedrooms or square footage of the units, or both).

Design guidelines are used to ensure projects observe architectural and site planning principles so that new development is compatible with the surrounding neighborhood or the City overall. The combination of General Plan density, zoning and design guidelines provide the community, developers and decision-makers with the tools to understand and incorporate the community values into future changes to the physical environment of the city.

The zoning code allows the following density for the two multi-family residential zoning districts:

Design Criteria	Units per Acre	
	R-4	R-5
Base Zoning Allowance	36	45
w/Affordable Housing Bonus Density of 35%	49	61
w/Affordable Housing 35% and Green Building density bonus of 5%	50	63

Density is an effective tool for calculating the impact a project will have on traffic and if it addresses regional housing needs (the Regional Housing Needs Allocation-RHNA). It does not however, provide accurate information about the size, bulk or scale of a project. A multi-family project with all one-bedroom units will have the same density as one with three-bedroom units; however, the size and scale of the project would differ; a building with all one-bedroom units would be smaller than one



with all three-bedroom units. For details of how building sizes change as bedroom sizes increase, see Attachment 3 (Comparing Density to Floor Area Ratio). Generally, using a simple example, a property with 100 units zoned R-4 (High Density Residential) could have overall building sizes ranging from 80,000 to 150,000 square feet, depending on whether there are all one-bedroom units versus all three-bedroom units. Even though the density is the same, the look and feel of these types of buildings would be very different.

The City Council considered a proposed project in the downtown area in 2013; ultimately the Council approved a lower density for the site than was requested by the applicant. But when the project returned to Council, even though it had a lower dwelling unit count, it had the same building size as the higher density project because it had been redesigned from mostly one-bedroom units to mostly two-bedroom units. Following action on that project, Council sponsored this study to consider other effective zoning tools to address multi-family project size and scale, in addition to units per acre.

### **EXISTING POLICY**

**GOAL LT-2 ATTRACTIVE COMMUNITY** - Preserve and enhance an attractive community, with a positive image and a sense of place, that consists of distinctive neighborhoods, pockets of interest, and human-scale development.

**Policy LT-2.1** Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.

**GOAL LT-3 APPROPRIATE HOUSING** - Ensure ownership and rental housing options in terms of style, size, and density that are appropriate and contribute positively to the surrounding area.

**Policy LT-3.4** Determine appropriate density for housing based on site planning opportunities and proximity to services.

**Policy CC-1.7** Encourage neighborhood patterns that encourage social interaction and avoid isolation.

**GOAL CC-3 WELL-DESIGNED SITES AND BUILDINGS** - Private Development: Ensure that buildings and related site improvements for private development are well designed and compatible with surrounding properties and districts.

**Policy CC-3.1** Place a priority on quality architecture and site design, which will enhance the image of Sunnyvale and create a vital and attractive environment for businesses, residents and visitors, and be reasonably balanced with the need for economic development to assure Sunnyvale's economic prosperity.

**Policy CC-3.2** Ensure site design is compatible with the natural and surrounding built environment.

**GOAL HE-3 MINIMIZED GOVERNMENTAL CONSTRAINTS ON HOUSING** - Minimize the impact of governmental constraints on the maintenance, improvement and development of housing.

**GOAL HE-4 ADEQUATE HOUSING SITES** - Provide adequate sites for the development of new housing through appropriate land use and zoning to address the diverse needs of Sunnyvale's

residents and workforce.

**Policy HE-4.1** Provide site opportunities for development of housing that responds to diverse community needs in terms of density, tenure type, location and cost.

**Policy HE-4.2** Continue to direct new residential development into specific plan areas, near transit, and close to employment and activity centers.

**GOAL HE-6 SUSTAINABLE NEIGHBORHOODS** - Maintain sustainable neighborhoods with quality housing, infrastructure and open space that fosters neighborhood character and the health of residents.

**Policy HE-6.1** Continue efforts to balance the need for additional housing with other community values, including preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood.

### **ENVIRONMENTAL REVIEW**

Although modifications to ordinances may be considered a project under the California Environmental Quality Act (CEQA), staff has concluded that adopting the proposed ordinance is exempt from CEQA under Guideline 15061(b)(3) because it can be seen with certainty that it will not have a significant effect on the environment.

Projects that are subject to the requirements of the amended chapters will be environmentally evaluated on an individual basis.

### **DISCUSSION**

The goal of this study is to determine effective zoning tools for the size, bulk and scale of multi-family residential projects. Most planning tools, including zoning regulations, guidelines, density, etc., are useful in reviewing these types of projects, but may not provide all possible options. The most effective approach is using zoning regulations and design guidelines together.

As directed by the study issue, staff examined different options for regulating the size, bulk and scale of a project, and its impact on an area and the community.

#### **Planning Tools**

Several planning tools can be considered to control building intensity and impact on the community. Here are examples of planning tools and their current use in Sunnyvale (an overview of these types of tools can be seen in Attachment 4):

##### **Currently in Use**

**Density:** Refers to the number of residential units per acre of land (units are typically defined as those that include a kitchen).

**Design Guidelines:** The City has different types of design guidelines for different areas and types of uses. There are City-wide guidelines that apply generally to all types of projects in the City, and Eichler and Single-family Design Guidelines for those specific uses. There are not design guidelines for multi-family residential projects.

##### **Currently Used in Other Contexts**

**Floor Area Ratio:** The ratio of a building or project's floor area to its land area. FAR is typically used

to measure the intensity of commercial, office and industrial uses.

#### Not Currently Used in Sunnyvale

Form-based codes: Uses physical form (rather than separation of uses) as the organizing principle for the development regulations. A form-based code is a regulation, not a guideline, and addresses the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks.

Bedrooms per Acre: This approach uses the number of bedrooms per acre rather than units per acre. Not often used in planning, it would supplant density (units per acre).

After a full evaluation of these tools, this report focuses on two options: high density multi-family residential design guidelines and FAR thresholds.

#### **Options to Address Building Mass**

The use of design guidelines is an effective tool to control the size, bulk and scale of development projects. Although other tools can also be effective, most still require the use of guidelines as a main component of the review. Guidelines can be used in conjunction with a zoning threshold (such as FAR). Guidelines provide the greatest flexibility in review of projects and would apply to all projects, whether thresholds are used or not. Guidelines are also necessary to ensure well-designed projects.

Another option is to include FAR thresholds to the zoning code to add an additional zoning tool for use in reviewing projects. Although FAR has limitations, using that in conjunction with other zoning criteria and design guidelines can be effective.

The following describes two main options:

#### Design Guidelines:

The City has city-wide design guidelines and various targeted guidelines (Eichler homes, single family residential), but no design guidelines specifically for high density multi-family residential projects. These types of projects have the greatest need for guidelines because they tend to be the largest, densest projects in the city, and have raised increasing concerns in city regarding land use compatibility and design. Guidelines work in tandem with zoning requirements, such as setbacks, height, parking and open space requirements to determine a project's conformity to city standards.

These design guidelines would specifically apply to high density projects in the R-4 and R-5 zoning districts to address the size, bulk and scale of projects and to ensure the design is appropriate and in scale with the area and compatible with community standards. Use of design guidelines would be consistent with the study issue intent because it would provide an effective tool to review the intensity of a project. Guidelines do not now exist that address high density multi-family residential projects.

The recommended High Density Multi-family Residential Design Guidelines (shown in Attachment 2) include the following concepts meant to provide guidance in the review of these projects:

1. Integrate new development into the surrounding community;
2. Provide variety and visual diversity;
3. Minimize the visual impact of parking areas from surrounding areas;
4. Emphasize entries and access to common areas in and around the building;
5. Reduce the apparent bulk of a building by breaking it into smaller masses;
6. Emphasize building entries with small entry plazas, vertical massing, and architectural

- elements such as awnings, arcades, or porticos; and
7. Design buildings with attention to the appearance of all sides of a building.

#### FAR Thresholds with Guidelines:

FAR standards can be used to address building intensity. It is an imprecise measurement for intensity, however, and should only be used in conjunction with other zoning standards and guidelines. A difficulty in establishing FAR standards is the variety in type of product seen in Sunnyvale. Apartments and rental units tend to have more common area than ownership units, and above-ground parking structures have more building area than underground garages. It is very difficult to find a uniform zoning standard for the purpose of regulating size, bulk and scale.

Given this difficulty, the use of thresholds rather than absolute zoning criteria would allow projects that exceed a threshold to provide justification for exceeding the amount. The following describes a potential approach:

- FAR thresholds for the R-4 and R-5 districts;
- Findings required to be made if a project exceeds the threshold;

If a project does not exceed the Residential FAR threshold, no specific action related to FAR would be required. If a threshold is exceeded, additional review would occur to ensure the project meets community expectations for more intense development types. The proposed High Density Multi-family Residential Design Guidelines would be used to support the necessary findings.

Defining the appropriate threshold for additional design review is challenging. Typically, cities use density along with building coverage, setback and height limits and not FAR to control multi-family residential project. A few cities have multi-family residential FAR standards, but the level depends on community expectations. Urban cities (such as San Francisco or Portland) may have much higher FAR standards than communities like Sunnyvale. As an example, Mountain View's 2030 General Plan allows up to a base intensity of 185 percent FAR, with up to 300 percent FAR permitted at key locations with significant public benefits and amenities.

Determining the FAR levels of past Sunnyvale projects has been difficult because that information has not been tracked and there is no consistent method of calculating FAR since it has not been a required metric (such as how to count common areas, parking, storage areas, etc.).

Regardless of the outcome of this study, staff can start tracking the FAR along with unit types for new projects. Having that information can be useful in future project reviews, and could also be used if the Council wants to revisit this issue in a couple of years.

A potential FAR threshold framework is shown in Attachment 7. The frameworks outlines a possible set of threshold levels for higher project review, methods of calculating FAR, and findings necessary to be made if a threshold is exceeded.

#### **Summary**

Using zoning controls provide for a more defined set of expectations, but the wide variety of product types and locations makes it difficult to apply a "one-size fits all" standard that would adequately address the housing density issue. Both FAR and unit types have limitations for use in absolute-type zoning controls. FARs can be quite different for visually similar projects, with no certainty that higher

FAR projects have more size, bulk or scale than lower FAR projects. Also, finding the appropriate assumptions for calculating FAR is troublesome because determining which part of the project should be included in the FAR calculation can vary widely based on the type of project. For instance, rental projects tend to have more common area than for-sale units and could result in higher FAR. Projects with parking structures would be penalized because those structures can add 30-50 percent floor area to a project, where uncovered surface parking adds none.

Controlling design by using unit types (the number of bedrooms per unit) tries to predict market-driven choices by assuming a certain percentage of unit types should be included in each project. Plus, the location of the projects (distance from transit and commercial opportunities) can influence the number and size of units.

Whether thresholds are used or not, new design criteria for multi-family residential projects are necessary to better control the size, bulk and scale of these projects. Good design has more influence on a project's fit in the neighborhood and community than FAR or the number of bedrooms for each unit. Guidelines may not provide the same level of certainty that zoning controls do, but even zoning controls ultimately rely on guidelines to ensure the design is appropriate.

The City Council is scheduled to consider this item on December 16, 2014.

### **FISCAL IMPACT**

The discussion and consideration of a framework for considering using a FAR determination in reviewing multi-family projects will not have a fiscal impact to the City. Adoption of new standards of review may add to staff time to process projects that exceed the FAR threshold, if that option is chosen. Application fees should be adjusted to reflect this additional cost.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website. Notices were sent to the neighborhood associations, developers and design professionals involved in development in Sunnyvale and posted at the One-Stop Permit Center.

Several community outreach meetings were held in August and October 2014, as well as two Planning Commission Study Sessions. Attendees included community members, developers, architects, building industry representatives, and members of interest groups. Several individual and smaller meetings were also held with multi-family residential developers to best understand the issues and discuss the possible approaches.

At the Planning Commission hearing on November 24, 2014, a multi-family residential developer and a representative of the Building Industry Association spoke on the issue. Both voiced support for the recommended alternatives. Planning Commission minutes are presented as Attachment 8.

### **ALTERNATIVES**

1. Find that the project is exempt from CEQA pursuant to CEQA Guideline 15061(b)(3).
2. Approve design guidelines (Attachment 2) for high density multi-family residential and mixed use projects in the R-4, R-5, C-1, C-2 and DSP zoning districts.

3. Direct staff to return with zoning standards to implement Floor Area Ratio project review thresholds (Attachment 7).
4. Direct staff to return within three years with data collected from upcoming planning applications to further evaluate appropriate zoning tools to address the issue.
5. Adopt one or several of the above alternatives with modifications.
6. Direct staff to return to the Planning Commission and City Council for further study with a different approach or solution.
7. Make no changes and rely on existing zoning standards and design guidelines.

### **STAFF/PLANNING COMMISSION RECOMMENDATION**

Alternatives 1, 2 and 4: Find that the project is exempt from CEQA pursuant to CEQA Guideline 15061(b)(3), approve design guidelines (Attachment 2) for high density multi-family residential and mixed use projects in the R-4, R-5, C-1, C-2 and DSP zoning districts, and direct staff to return within three years with data collected from upcoming planning applications to further evaluate appropriate zoning tools to address the issue.

While staff evaluated possible new zoning tools as part of this study, staff considers the use of design guidelines to be the most effective tool to address the size, bulk and scale of development projects. This action provides tools to give better design direction for reviewing and approving future higher density residential projects. Creating FAR thresholds in the zoning code, along with necessary findings, may provide a more defined expectation and review process. But given the wide variety of product types and different project settings, a threshold standard could be arbitrary and complex to administer without value added benefits. Staff recommends that it would be simpler and more straightforward to apply the design guidelines comprehensively to all proposed projects in the above zoning districts rather than limiting the application to only those projects that exceed a specific threshold. Design guidelines can be adapted to product types and locations, and provide specific guidelines for designing projects to minimize visual and compatibility issues. The original staff recommendation has been modified to include the Planning Commission request that data be collected and staff return in three years to report out on the effectiveness of the program.

Prepared by: Andrew Miner, Principal Planner

Reviewed by: Trudi Ryan, Planning Officer

Reviewed by: Hanson Hom, Director, Community Development

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Study Issue Paper
2. Design Guidelines for Multi-family Residential Projects
3. Comparing Density to Floor Area Ratio
4. Potential Zoning Tools
5. Sample List of Existing Projects
6. Pictures of Existing Multi-family Projects
7. Floor Area Ratio Threshold Framework
8. Planning Commission Minutes of November 24, 2014.

2014 Council Study Issue

**CDD 14--02 Review City Policies Governing Housing Density and Bonus  
Density Calculations**

**Lead Department** Community Development Department

**Sponsor(s)** Griffith, Martin-Milius

**History** 1 year ago: 2 years ago:

1. **Scope of the Study**

a. What are the key elements of the study?

The study would review the criteria used to determine density or intensity of a residential project. Density is a method of determining the impacts a project would have on an area, including size, scale, traffic, etc. Currently, the number of units in a project determines the density, because density is calculated as units per acre. For instance, a 100 unit one-bedroom apartment complex has a higher density than a 50 unit two-bedroom complex, even if the overall square footage of the projects is the same. In addition to zoning requirements for land area per dwelling unit, zoning standards of height, setback, open space, etc. also affect the size of resulting structures developed on a site.

This study would review zoning methods used to consider the size and scale of a project in addition to the density based on the number of units. Floor area ratios, number of bedrooms, and average unit sizes are examples of density/intensity controls that will be examined. Density may not best define the size and scale of a project, but it provides a basis for estimating other impacts on a community such as traffic, noise and student generation. One notable exception is that numbers of bedrooms is the basis for determining required parking for residential projects. The study would also consider how the state density bonus law (for provision of affordable housing) would apply with new standards; state law refers to housing units.

b. What precipitated this study?

A project was reviewed by the Council where the requested density was reduced and the applicant needed to redesign the project. When the project returned, it had the same footprint and bulk as the previous project. The applicant reduced the number of housing units by increasing the number of two and three bedroom units while keeping the same building size and scale. The project ended up with a lower density calculation because housing projects are based on the number of units rather than the size and square footage of the buildings.

c. Is this a multiple year project? No

Planned Completion Year: 2014

2. **Fiscal Impact**

a. Cost to Conduct Study

i. Level of staff effort required (opportunity cost)

☐ Major ☒ Moderate ☐ Minor

ii. Amount of funding above current budget required \$0

☐ Will seek budget supplement ☐ Will seek grant funding

iii. Explanation of Cost:

b. Costs to Implement Study Results

- ☒ No cost to implement.  
☐ Unknown. Study would include assessment of potential costs.  
☐ Some cost to implement. Explanation:

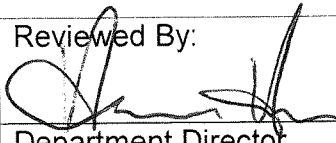
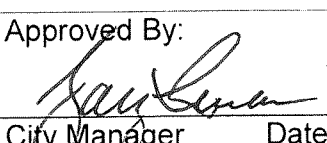
3. **Expected participation in the process**

- ☐ Council-approved work plan  
☐ Council Study Session  
☒ Board/Commission Review by Planning Commission

4. **Staff Recommendation**

a. Position: Support

b. Explanation: Providing the decision-makers with more information in reviewing residential development projects would clarify how projects are designed and the impact the project will have on an area.

Reviewed By:	Approved By:
	
8/15/13	8/19/13
Department Director	City Manager
Date	Date



**City of Sunnyvale**  
**HIGH DENSITY**  
**RESIDENTIAL DESIGN GUIDELINES**

**November 25, 2014**



## HIGH DENSITY MULTIFAMILY RESIDENTIAL DESIGN GUIDELINES



### Applicability

These guidelines are applicable to all projects with a zoning designation of R-4 and R-5, and where multi-family residential is proposed in commercial districts. These projects are allowed the following maximum unit densities.

**R-4      R-5**

#### **Base Zoning Allowance**

**36      45**

#### **With Affordable Housing Bonus Density of 35%**

**49      61**

#### **With Affordable Housing 35% and Green Building density bonus of 5%**

**50      63**

### Context

All residentially-zoned properties are assigned a density designation which is calculated as the number of dwelling units per acre (sometimes expressed as minimum number of square feet of land per dwelling unit). Density is a common approach for guiding allowable residential development, and does not include the unit size or number of bedrooms. Density ensures buildings are developed to meet community expectations for the number of residential units in any given area and is based on the General Plan and zoning. Typically, the higher the residential density allowed, the smaller the individual dwelling units (in terms of number of bedrooms or square footage of the units, or both).

Design guidelines are used to ensure projects observe architectural and site planning principles so that new development is compatible with the surrounding neighborhood or the City overall. The combination of General Plan density, zoning and design guidelines provide the community, developers and decision-makers with the tools to understand and incorporate the community values into planned changes to the physical environment of the city.

### Purpose

The guidelines contained in this document are intended to accomplish the following:

- Ensure that new development reinforces and supports the scale and character of Sunnyvale's existing residential neighborhoods.
- Provide guidance to property owners, developers, and their design professionals in planning and designing new medium density multifamily residential and mixed use residential projects.
- Establish a clear statement of community expectations in order to provide a greater degree of predictability and certainty about design expectations during project review.
- Provide a high level of design quality.
- Ensure sensitive transitions between residential areas of differing densities.

### Community Expectations

- New multifamily residential development will respect the scale and character of adjacent homes and neighborhoods.
- Usable open spaces will be provided within multifamily residential developments.
- Pedestrian access and orientation within and between multifamily residential developments and adjacent residential and commercial neighborhoods will be emphasized to enhance mobility and connectivity.
- Variety and diversity of architectural character will be expected.
- Unity of design treatment will be expected on all sides of residential buildings, not just on the front facades.
- Parking and driveways will not be allowed to dominate street frontages.
- High-quality durable materials will be used throughout new multifamily and mixed use residential development.
- Careful attention will be given to architectural and landscape details including roof overhangs, window trim and decorative elements, porch columns and railings, trellises, and other features that add visual richness to the project and streetscape.
- A strong commitment will be made to landscaping in all new multifamily residential development. Plant palettes are expected to include large canopied shade trees, flowering plants and other interesting plant selections.

## Basic Design Principles

The following principles have been used as touchstones for the development of individual multifamily and mixed use residential design guidelines. In the event that the specific guidelines do not clearly address a given condition, the Basic Design Principles should be consulted for general direction. The Basic Design Principles will be used by the planning staff and Planning Commission/City Council when evaluating higher-density multifamily residential projects in the City, and when considering the acceptability of unique proposals that vary from the specific guidelines.

### 1. Design to reflect the uniqueness of Sunnyvale and the site

Sunnyvale wishes to maintain a unique sense of place that continues to improve over time as the community evolves. Prototypical architecture found in other cities may be acceptable only if it reflects high-quality design features, is visually appealing, and is compatible with and complementary to existing neighborhoods and surrounding development.

### 2. Integrate new development into the surrounding city fabric

New residential projects should fit comfortably into their surroundings with multiple pedestrian linkages to adjacent development and open spaces, and with height, scale and color sensitivity to nearby residential development.

### 3. Design projects with internal continuity

Residents within larger developments should be able to walk easily to other homes in the development and to reach adjacent neighborhoods and open spaces. Transitions between residential units should avoid abrupt changes in size, bulk and levels of architectural detail.

### 4. Minimize the impact of parking structures and driveways along street frontages

Unit entries, commercial shops and active living spaces should have greater prominence than parking structures along street frontages. A pleasant pedestrian environment should be created along street fronts.

### 5. Provide visual variety in multifamily residential projects

A variety of floor plans, elevations, building heights, materials and colors will be expected. However, a unified design approach should be utilized to avoid visual chaos and promote visual cohesion.

### 6. Design buildings with strong architectural integrity

Multifamily residential projects should be designed with 360 degree architecture with materials and details carried around all sides of a structure to avoid a “false front” look and the presentation of unarticulated and unadorned facades to neighboring residences, businesses, parking areas and public view.

### 7. Integrate substantial landscaping into all projects

Mature landscaping should be preserved whenever possible, and replaced in-kind when it cannot be saved. Substantial landscaping should be provided along all street fronts to reinforce a strong sense of neighborhood and a pleasant pedestrian environment.

### 8. Respect adjacent neighbors

Every project should be respectful of adjacent residential neighbors. New development should avoid privacy, noise, light and visual conflicts with adjacent uses to the maximum degree possible. Special care should be given to avoiding tall blank walls and mitigating large building volumes immediately adjacent to smaller homes on adjacent parcels, and to the placement and treatment of windows and site landscaping to minimize views into neighboring residents’ windows and private outdoor spaces. Building location and massing as well as landscape placement should also be sensitive to avoiding the blocking of sun exposure and sky views of adjacent neighbors’ windows and private outdoor spaces.

## Site Development

1. Buildings should be located to reinforce the street edge by maximizing building frontage along the street, and should be sensitive to the setback of adjacent development.
2. A minimum of 15 percent of the building facades should be stepped back to allow entry courts, public plazas, and building articulation at the ground level.
3. Primary facades and building entries should face the street, open space areas, or other pedestrian-oriented circulation areas.
4. Emphasize building entries with small entry plazas, vertical massing, and architectural elements such as awnings, arcades, awnings, or porticos.
5. Design entries so that they are clearly identifiable from the street.
6. Provide a walkway leading from the street to the building entrance if not located directly off of a sidewalk.
7. Perimeter parking lots along public streets are discouraged in favor of buildings that contribute to the adjacent streets' urban design quality.
8. Entry driveways should have strong landscaped edges with terminus views focused on landscaped areas or building entries, not the rear end of parked cars.

## Parking

1. Fully below grade parking is encouraged with garage entries placed at the rear or sides of the project whenever possible. Garage entries should be recessed as much as possible from the building facade.
2. Partially below grade parking may be considered if geotechnical constraints are severe, but should be limited to a maximum height of 5 feet above grade level unless the garage walls facing the street and pedestrian areas are screened by residential units or commercial development.



*Flats above partially submerged podium parking*



## INTENT

Multifamily development may include either apartments or condominiums. Typically, units are stacked one above another with access to units by way of common building entries and corridors. Parking is usually accommodated in common areas composed of surface parking with carports or individual garages, separate parking structures, or in a parking level located beneath the residential complex.

The intent of these design guidelines is to:

- Maintain a scale and character that is sympathetic to Sunnyvale's other residential neighborhoods
- Maintain high-quality city streetscapes
- Provide for variety and visual diversity
- Enhance the ground floor pedestrian scale and character of structures
- Accommodate parking in a manner to maintain a high-quality residential landscape environment.
- Provide architectural diversity.
- Reduce the visual bulk and mass of larger structures.





*Example of landscape screening of podium parking*



*Provide substantial landscape amenities*



*Apartment flats with partially submerged podium parking under individual buildings*

3. The edges of any garage structure and vents into the garage visible above grade should be screened with evergreen plant materials. Earth berms and other techniques to tie the top of the garage structure into the surrounding grade level should be utilized.
4. If surface parking is used, lots should be broken into smaller segments separated by substantial landscaped islands.
5. Parking areas, including guest parking, that do not have assigned parking spaces should not have dead-end drive aisles.

### Open Space and Landscaping

1. Usable, easily accessible and centrally located common open space is expected in all multifamily residential developments.
  - All dwelling units within a project shall be provided with usable private open space. Ground floor private patios and decks are best when elevated above adjacent walkways to minimize privacy intrusions.
  - Provide a minimum of 10 feet of landscaping around all surface parking lots and garage structures.
  - Provide a minimum distance of 5 feet between buildings and adjacent driveways or pedestrian walkways unless ground floor uses are limited to commercial shops or offices.
  - Consider provisions for rooftop gardens for residents of buildings.





## Building Form and Massing

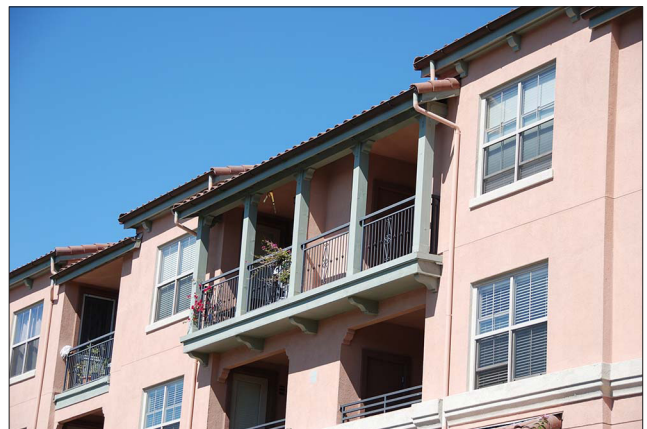
1. Provide well defined common entries related to the sidewalk facing the public streets and parking lots.
2. Individual stoop entries are strongly encouraged for ground floor units at the project's perimeter - especially along any public street front or public walkway.
3. Limit blank walls along streets and pedestrian ways to no greater than 20 linear feet without being interrupted by a window or primary entry.
4. Include features that add depth, shadow and architectural interest, such as balconies, recesses, cornices, bay windows, and step-backs at upper floors, consistent with the building's style and scaled for pedestrians.
5. Multifamily developments adjacent to smaller single-family housing should provide a transition in height between the smaller and the taller structures. Consideration should be given to varying the building heights within any single development in any case.
6. For larger projects, break up the building mass to appear to be an assemblage of smaller buildings. This can be accomplished by deep insets in building planes, variations in height, and color or materials changes.
7. Reinforce street corners with changes in architectural massing and height (see example below).



*Individual entries to ground floor units are strongly encouraged*

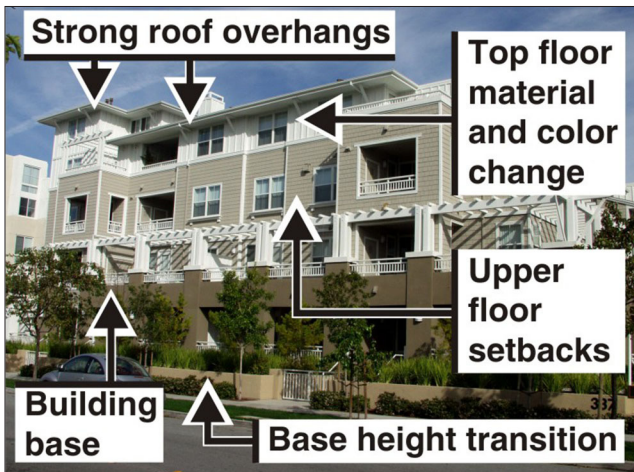


*Example of special building corner treatment*



*Examples of facade plane offsets and features to add human scale and visual interest*





*Examples of building base, middle and top with variation in materials and wall planes*



*Example of top floor setback and variation in materials and wall planes to break up large building*

8. The taller portion of a building (i.e., a tower) should not occupy more than 25 percent of the length of the lot dimension.
9. Provide horizontal and vertical wall plane offsets to break up the building mass. Avoid building forms that appear to be large boxes with elements attached to them.
10. Use projecting wall plane widths that are similar to the width of nearby homes if the units are located in or adjacent to single-family neighborhoods.
11. Utilize roof forms and pitches that are similar to those of other structures in the neighborhood.
12. Provide buildings with a well defined base, a middle, and a top is to reduce apparent building height and bulk. Significant projecting roof overhangs are strongly encouraged.
13. Integrate the upper floor units into the roof form, stepping back of upper floors from those below, or the use of a different material on the top floor walls to visually make the building seem lower. This would be especially important for multifamily projects in close proximity to smaller single-family neighborhoods.
14. Add horizontal projecting molding at some floor lines (e.g., top floors) to mitigate the feeling of tall unbroken walls.
15. Step back portions of upper floors to reduce the visual bulk of structures.
16. Projects constructed on top of parking podiums should take special care to provide design elements to minimize the hard edge of the parking podium. Decks extending beyond the podium edge and varied setbacks for the residential units are just two ways of approaching this issue.
17. Provide a varied building silhouette when viewed against the sky. This may be achieved with variations in roof height, the addition of building elements projecting above the roof eave, and other similar means (see example below).







### Architectural Details

1. Provide distinctive, residential scale building entries (see example to the left).
2. Provide variations in window design and wall treatments (colors, materials) to reduce uniformity.
3. Introduce non-reflective glass for greater transparency (e.g. staircases and picture windows).
4. Ease harsh edges or corners with angled or curved elements or other architectural treatment.
5. For balconies and decks facing public streets or pedestrian ways that are large enough to accommodate boxes, bicycles and similar stored materials, provide solid walls on the lower portions of surrounding railings. Fully open railings are acceptable for smaller decks and balconies that are less likely to be used for storage.
6. Recess doors and windows from the building facade. Avoid windows that are flush or very near the face of the adjacent walls.
7. Provide projecting window sills and heads where these features would be consistent with the architectural style.
8. Provide trim at door and window openings unless the window frames are recessed at least two inches from the building face.
9. Use materials similar to homes and apartments in the neighborhood. Although it is common for developers to desire the use of stucco for multifamily projects, some significant use of wood or textured siding, stone or brick should be the goal in neighborhoods with a predominant use of these materials on building exteriors. This might be accomplished, for example, with the use of wood as a siding material on projecting bay elements or on the upper floor of multistory structures.
10. Avoid large expanses of unrelieved stucco wall surfaces.
11. Avoid roof materials that are markedly different in scale, texture or color from those common in the neighborhood.
12. Provide visual variety through the use of materials
  - *The use of a combination of materials can visually break up larger building masses. This is especially important for projects adjacent to smaller scale development.*
  - *Projecting entries are good places to consider a material change.*
  - *Use materials with a strong human scale and warmth of feeling at ground floors and entries. Examples include wood, brick and stone.*





13. Screen utilities from view by integrating them into building or landscape elements.
14. Large complexes should use a variety of complementary color schemes.
15. Structures should include substantial architectural details to add visual variety and human scale. Examples include the following:

- Horizontal and vertical wall plane changes
- Varied roof forms and orientations
- Bay windows
- Roof Dormers
- Material and color changes
- Applied decorative features
- Roof segments over windows
- Metal or wood balcony railings
- Planter boxes, pot rails and plant rings
- High quality garage doors with windows







## INTENT

Mixed-use projects generally combine residential units with either retail or office uses or, occasionally, both on the ground floor. They are often located in areas with strong public transportation access, but are increasingly found with residential development integrated into shopping centers of all scales. Different land uses may be separated either horizontally or vertically.

They present special challenges of meeting the functional requirements of commercial development while maintaining a strong sense of home with a minimum of privacy, noise, glare and odor conflicts.

The intent of these design guidelines is to:

- Provide a high-quality living environment
- Minimize conflicts between uses
- Accommodate the parking needs of the different uses
- Provide a strong sense of home for residential components
- Maintain a strong pedestrian environment
- Meet the functional needs of commercial development

## MIXED USE RESIDENTIAL DESIGN GUIDELINES

### Supplemental to the High Density Residential Design Guidelines

#### Site Development

1. Pedestrian circulation should receive special attention. Pedestrian paths should be reinforced with store-fronts and visually interesting elements to encourage pedestrian circulation. Sidewalk widths should be generous and well landscaped.
2. Commercial uses should be limited to street frontages where they will have the greatest exposure and chance of success.
3. Retail and service uses that can serve the project residents and nearby neighborhoods should be given preference.
4. Residential liveability should not be compromised by the commercial uses.
5. Street setbacks should be minimal to reflect the more pedestrian-oriented character of mixed use development, but residential above must meet setback requirements where applicable.
6. Commercial loading and trash collection should be located to provide the least impact on the residential units.

#### Parking

1. Commercial and residential parking may be shared provided parking is suitably located relative to residential entries and residential users have safe access to their vehicles. Provisions shall be considered to allow for unbundled parking to encourage parking sharing on site.
2. Commercial parking should be provided at the rear or side of the commercial uses, not between the street and the shop fronts.
3. Structured parking or parking below the buildings is generally most appropriate for mixed-use developments given their development intensity. Alternatively, parking dedicated to the separate uses may be provided in a garage at the rear of the parcel and under the building.
4. Access to parking lots or structures should avoid crossing primary pedestrian walkways whenever possible. Access from side or rear streets is preferred.
5. Surface parking areas should be generously landscaped.

## Open Space and Landscaping

1. Special paving and landscaping should be provided along the commercial frontages with special light fixtures and tree grates where appropriate. Provide areas for outside dining if restaurant uses are anticipated.
2. Decorative benches and other pedestrian amenities should be provided in recessed areas or widened sidewalks.
3. Developments on street corners should provide special open space areas (e.g., plazas, outdoor dining, landscaping, public art, etc.) at those corners.

## Building Form and Massing

1. Residential and commercial uses should present a unified appearance with similar scale, materials and colors with special attention to providing uniqueness to the commercial storefronts (see examples below and to the right).



2. Break up larger buildings into smaller masses with facade articulation, roof height variations, and similar techniques to give the structure a strong residential character.
3. Blank walls along pedestrian pathways should be avoided.
4. Strong and distinctive residential pedestrian entries should be provided along the street frontages to encourage resident movement past ground floor commercial uses.
5. Commercial entries should receive special treatment. When commercial uses are combined with residential units, the commercial storefronts should reflect a scale and character that is compatible with the residential use. Divided pane windows, wood window and door frames, planter boxes and special doors are some ways that this may be accomplished.
6. Provide a minimum of 20 feet floor-to-floor height for ground floor commercial spaces.

7. Garage edges should be treated architecturally to blend with the rest of the structure using similar materials and detailing.

## Architectural Details

1. Ground floor storefronts should have a transparent appearance. The types of commercial uses selected should preclude the use of draperies, blinds or blacked-out windows to shut off transparency.
2. Recessed commercial vestibule entries are encouraged.
3. Subdued signage and signage lighting that is compatible with the residential uses should be used. These should be designed into the project at an earlier stage.
4. Awnings and canopies should be used to emphasize the ground floor commercial uses.
5. Upper floor balconies are encouraged.
6. Decorative lighting fixtures are encouraged on commercial storefronts.



### Comparing Multi-family Density to Floor Area Ratio

<b>R-4 (36 units/ac)</b>	<b>Unit Number</b>	<b>Unit size</b>	<b>Building Size</b>	<b>Property size</b>		<b>FAR</b>
				<b>Acres</b>	<b>SF</b>	
All 1-bedroom units	100	800	80,000	2.78	121,000	66.1%
All 2-bedroom units	100	1200	120,000	2.78	121,000	99.2%
All 3-bedroom units	100	1500	150,000	2.78	121,000	124.0%

<b>R-5 (45 units/ac)</b>	<b>Unit Number</b>	<b>Unit size</b>	<b>Building Size</b>	<b>Property size</b>		<b>FAR</b>
				<b>Acres</b>	<b>SF</b>	
All 1-bedroom units	100	800	80,000	2.22	96,800	82.6%
All 2-bedroom units	100	1200	120,000	2.22	96,800	124.0%
All 3-bedroom units	100	1500	150,000	2.22	96,800	155.0%

## POTENTIAL ZONING TOOLS TO ADDRESS HIGH DENSITY RESIDENTIAL PROJECTS

The following describes several planning tools that can be used to address this issue:

### Density: Units per Acre

Dwelling units per acre is the most traditional tool for multi-family residential projects to determine how much development is allowed on a piece of property. The Sunnyvale Land Use and Transportation Element (LUTE) of the General Plan uses density to describe various types and intensities of residential land use. The State of California has laws regarding required Housing Elements and affordable housing density bonus; both use dwelling units per acre. Most models for evaluating environmental impacts are based on density (traffic, air quality) with no distinction for size of the dwellings.

### *Units per Acre Pros:*

- Widely established general plan and zoning tool for setting the planned housing density for various areas of the community.
- Effective when used in conjunction with other zoning tools, such as zoning standards and design guidelines.

### *Units per Acre Cons:*

- Does not provide guidance on the size of development.

Although density has its limitations, it is effective for land use planning when combined with other methods of review. Staff recommends retaining units per acre to describe allowable residential development. Given the limitation of density in determining the size, bulk and scale of a project, other methods of review can be considered to address the issue.

### Floor Area Ratio:

Floor area ratio (FAR) is a zoning tool currently used in industrial and single-family residential districts in Sunnyvale. It is not, however, currently applied to multi-family residential districts in Sunnyvale. FAR was established for Sunnyvale industrial zoning districts in the 1980s to estimate the number of jobs associated with development in this zoning district. FAR was established for single-family zoning districts in the 1990s to address the size of homes in a neighborhood. Though less common, FAR is sometimes used in other communities for multi-family residential projects as well.

Building intensity is measured in FAR, which is the ratio of building floor area to land area. For example, a 50,000 square foot building on a 100,000 square foot parcel has an FAR of 0.50 (or 50 percent), regardless of the number of stories. Given those parameters, the building could be two-stories with 25,000 square foot floors or five-stories with 10,000 square foot floors. The building height regulations help to control that standard.

In researching past multi-family residential projects in Sunnyvale (Attachment 4), a wide

variety of FARs are seen. For example, in the R-3 zoning district, projects range from 35 percent to over 100 percent FAR, even though each project's density met the R-3 zoning requirements of 24 units per acre. A visual comparison of different projects can be seen in Attachment 5. Ultimately, the key factor in determining the FAR of a multi-family residential project is the unit size and number of units. Two projects with the same number of units, but with different bedroom types (one, two or three bedroom units), could have a wide variation in FAR.

While FAR aids in addressing the bulk and scale of a project, it should not be relied upon as the sole factor for assessing or regulating building mass. FAR is most effective when used in conjunction with other zoning standards such as setbacks, height and lot coverage. Two structures with the same FAR and similar architectural styles could appear different if the floor to ceiling heights are greater on one project, or the size or shape of the lot are different, or if setbacks are applied differently.

Mixed-use projects present a unique situation because a building's bulk and scale could be larger, given a commercial presence as part of the project. Given the wide variety of mixed-use projects (the project design and percentage of commercial and residential uses on a property), FAR standards would likely apply only to the residential portion of the project. Additionally, a new planning document is being prepared to provide information in the design and consideration of mixed-use projects; the Toolkit for Mixed Use Projects is expected to be heard by the Council in spring 2015.

#### *FAR Pros:*

- Established zoning tool used in other zoning districts to review the amount of development a property may have.
- Effective when used in conjunction with density, lot coverage, setbacks, height, parking, and open space requirements.

#### *FAR Cons:*

- Difficult to determine a proper maximum FAR since the size of each unit in a multi-family project affects the ultimate FAR number.
- Different residential type has different FAR possibilities. For instance, townhouses may have a higher FAR than stacked condominiums because the units are typically larger and include integrated parking spaces in the building.

#### Design Guidelines:

All projects in Sunnyvale are reviewed for consistency with design guidelines, such as the City-wide Design Guidelines and Single-family Home Design Techniques.

Guidelines work in tandem with zoning requirements, such as setbacks, height, parking and open space requirements to determine a project's conformity to city standards. This option would expand the existing Guidelines by developing more specific guidelines for higher density housing to address the size, bulk and scale of a project.

#### *Design Guidelines Pros:*

- Provide flexibility in reviewing projects to meet size, bulk and scale concerns.

- Guidelines exist today and do not need to be extensively amended to be effective.
- When used in conjunction with zoning regulations, Guidelines can more effectively address neighborhood context and land use compatibility.

*Design Guidelines Cons:*

- Do not provide the same regulatory controls as zoning criteria, and may not provide as clear direction to those using the information (developers, architects, decision-makers, the community, or staff).
- Do not provide specific guidance about the size and bulk of a project since each zoning district has unique height and setback requirements.

Form-based zoning code:

A form-based code uses physical form (rather than separation of uses) as the organizing principle for the development regulations. A form-based code is a regulation, not a guideline, and addresses the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations focus on appropriate form and scale of development, rather than only distinctions in land-use types. They are not only design guidelines or advisory statements of policy, but are regulatory criteria.

*Form-based Code Pros:*

- Provides a set of rules that can effectively straddle precise zoning code regulations and design guidelines.

*Form-based Code Cons:*

- Rewriting the zoning code to a form-based code is a staff intensive effort and could be complicated to administer; having effective zoning standards combined with clear design criteria can provide the majority of the value of a form-based code.
- Form-based codes are most appropriate in areas where a specific architectural character or pattern is sought, such as the downtown or historic district, and are difficult to administer City-wide.
- .

Bedrooms per acre:

This unique approach could replace or augment the density calculation of units per acre with bedrooms per acre. This measurement could provide an effective alternative to measuring the impact a project would have because it changes the focus from dwelling units (typically defined by the number of kitchens) to total bedrooms. This approach would require changing the current General Plan method of units per acre. Making the change would require a determination of the number of bedrooms in a typical unit within the current General Plan and zoning density ranges. The number of bedrooms could be an additional standard for the zoning district or could replace the number of units with specific number of bedrooms.



*Bedroom per Acre Pros:*

- Regulating a specific number of bedrooms can provide a more precise indication of a building's size because there would not be the variation based on unit size (e.g., one to four bedroom ranges).
- Adding bedroom per acre to the zoning standards would require minimal change to existing zoning tools, such as parking calculations
- Number of bedrooms is currently used to calculate required parking for a multi-family project.

*Bedroom per Acre Cons:*

- Most of the planning in Sunnyvale and most state regulations and environmental measurements are based on units per acre. Changing to a bedroom per acre standard would require correlating the General Plan land use categories (or amending the General Plan itself) and reconciling how state housing element and density bonus laws would be applied, which are based on units per acre.
- The size of a dwelling unit can vary depending on the size of the bedrooms or the amount of space devoted to other living areas.

## Attachment 5

	Project	Zoning	Allowed Density (u/ac)	Project Density (u/ac)	# of Units	Building Size	Type of Parking	Number of Parking	Parking x Sq. Ft.	Parking incl in bldg SF?	Total bldg size w/struct parking	Lot Size	FAR	Studios	1 BRs	2 BRs	3 BRs	4+ BRs
<b>R-3</b>																		
	The Landmark (Peppertree)- Wolfe	R-3	24	24	130	81,390	carport		0	Yes	81,390	232,610	35%					
	Castlemont Arms- 1154 W. Olive	R-3	24	31	94	76,700	podium	1965 n/a		No record	76,700	132,721	58%					
	Citra- 745 S. Bernardo (Knickerbocker)	C-1	N/A	30	147	119,933	c.pt ud unt	66	0	No record	119,933	216,058	56%					
	Bradley Apts - 1632 Hollenbeck Ave.	R-3	24	30	20	18,608	und un cp+g	1964 n/a		No record	18,608	29,400	63%					
	Fusion- 920 & 962 E Duane	R-3	24	19	242	488,857	gar+open	382 gar	76,400	Yes	488,857	557,523	88%	0	3	133	106	0
	Taylor Morrison- 1044 E. Duane	R-3	24	18	132	328,464	gar+open	264 gar	52,800	Yes	328,464	318,090	103%	0	0	0	54	78
	Cherry Orchard	C-2	24	27	300	450,000	podium	602	240,800	No	690,800	486,130	142%	0	92	178	30	0
<b>R-4</b>																		
	Parkside Com (Archstone)- 355 N. Wolfe	R-4	36	28	192	188,184	und+cp+op	1989 n/a	0	Yes	188,184	300,127	63%					
	Trellis Square 965 E. ECR	R-4	36	39	204	168,210	podium	1985 n/a		No record	168,210	227,383	74%					
	Cupertino Villas - 880 E. Fremont	R-4	36	35	176	130,000	podium	1987 n/a	40,000 (est)	Yes	170,000	219,367	77%					
	Summerhill- 660 W. ECR	C-2/ECR	36	16	103	220,774	2 car gar	257	102,800	Yes	220,774	276,606	80%					
	Cascades (Oakwood Sil Val) 874 E. ECR	R-4	36	39	184	130,872	podium	1986 n/a	40,000(est)	No record	170,872	210,264	81%					
	418-422 E. Evelyn Ave.	DSP 5	40	21	13	18,956	podium	13	2,600	No	21,556	26,500	81%					
	Raintree- 520-550 E. Weddell	R-4	36	45	465	479,000	structure	790	0	Yes	479,000	524,000	91%	55	227	183	0	0
	Via- 615 Tasman (mixed use)	C-2/PD	R-4	44	290	315,597	u/g	503	0	No	315,597	281,188	112%	0	160	130	0	0
	Villa del Sol- 355 E Evelyn Ae	DSP 23	36	45	135	156,136	u/g		0	No	156,136	131,738	119%					
	Sobrato- 1095 WECR @ Olive	C-2/ECR	36	38	156	207,978	u/g	235	0	No	207,978	162,175	128%	0	82	74	0	0
	St. Anton 1101 N Fair Oaks	R-4	36	38	97	173,565	podium	113		Yes	173,565	111,514	156%	8	46	43	0	0
	Prometheus 457 E Evelyn (undr con)	DSP 23	36	50	117	202,452	u/g	244	0	No	202,452	100,000	202%	0	7	72	38	0
<b>R-5+</b>																		
	Avalon Silicon Valley- Law Expy and 101	R-5	45	40	709	657,500	Podium?	1,540	0	No	657,500	767,527	86%					
	BRE 1271 Lawrence Station	R-5	45	51	338	439,418	wrap	338 of 667	101,400	Yes	439,418	288,802	152%	24	193*	119*	0	0
	Sares Regis- 610 E. Weddell	R-4	45	52	205	258,104	sep structr	340	102,000	No	360,104	175,982	205%	0	99	77	29	0
	Summerhill- Charles/Mathilda	DSP 14	58	65	105	192,700	u/g	148	44,400	No	192,700	69,957	275%	26	46	33	0	0
	Solstice- dtwn 311 Capella Way	DSP 1A	78	60	280	493,600	u/g	486	145,800	No	493,600	119,964	411%					
															* BRE BR size			
									300	podium and structures					1 BR=	2 BR=		
									400	2-car gar					180@723 sf	116@977		
									200	carports					13@1553 sf	3@2047		



## **The Landmark Apartments- Wolfe Road: 24 u/ac and 35% FAR**



**Citra- Knickerbocker and Bernardo:**  
**30 u/ac and 56% FAR**





**Castlemont Arms- W. Olive:**  
**31 u/ac and 58% FAR**



**Cupertino Villas:**  
**35 u/ac and 59% FAR**





## **Cascades Apartments:** **39 u/ac and 62% FAR**



**Parkside Commons- Wolfe Road:**  
**28 u/ac and 63% FAR**





**Bradley Apartments- Hollenbeck:**  
**30 u/ac and 63% FAR**



**Trellis Square:**  
**39 u/ac and 74% FAR**



**St. Anton:**  
**38 u/ac and 82% FAR**





**Avalon Silicon Valley:**  
**40 u/ac and 86% FAR**



**Fusion- Duane:**  
**19 u/ac and 88% FAR**



**Via- Tasman (Mixed use):**  
**44 u/ac and 92% FAR**



**Cherry Orchard (apartments):**  
**27 u/ac and 93% FAR**





**Taylor Morrison (Duane):**  
**18 u/ac and 103% FAR**





**BRE @ Lawrence Station Road:**  
**51 u/ac and 152% FAR**



**Prometheus- Iron Works:**  
**50 u/ac and 196% FAR**



**Solstice (downtown):**  
**60 u/ac and 411% FAR**

## **POTENTIAL RESIDENTIAL FLOOR AREA RATIO THRESHOLDS** **HIGH DENSITY RESIDENTIAL**

### **Zoning Districts Covered and Densities:**

R-4, High density residential, 36 units per acre  
 R-5, High density residential, 45 units per acre  
 ITR, Industrial to Residential Combining District over R-3  
 Mixed-use projects in C-1 and C-2 zones (including ECR)

### **Threshold Levels By Zoning District:**

R-4:	120% FAR
R-5:	150% FAR
ITR:	Depends on the zoning, typically R-3 densities
Mixed-use:	120% FAR (residential only)

### **Assumptions Used in Determining FAR:**

- Floor area counted towards FAR includes common areas, such as building entries, hallways, common area facilities, areas with a roof and three walls. Stairwells and multi-floor atriums are counted multiple times for each story.
- Threshold calculations include structured parking (parking garages, wrapped parking, and attached garages), but not surface carports or garages.
- Underground parking (with more than 50% underground) is not counted as a structure and is not included in floor area calculations.
- In mixed-use projects, the floor area counted towards FAR includes the residential area only.

### **Findings To Exceed Threshold:**

A project would need to meet the following criteria to exceed the FAR threshold:

1. Meet Design Guidelines.
2. Must meet one of the following:
  - a. Project provides affordable housing beyond required by the zoning code taking advantage of bonus density allowances.
  - b. Exceeds minimum green building requirement to take advantage of the bonus density allowance.
  - c. Project includes a mixed use component.
  - d. Unique architectural or site design.
  - e. Within ½ mile of a Caltrain or VTA lightrail station, or VTA express bus stop.
  - f. Project does not exceed FAR of adjoining properties.

- 5      [14-0891](#)      Approve Design Guidelines for multi-family residential projects to address size, bulk and scale; Find that the project is exempt under CEQA pursuant to Guideline 15061(b)(3). (Study Issue original title: City Policies Governing Housing Density)

Andrew Miner, Principal Planner, presented the staff report.

Comm. Harrison commented on the appropriateness of the concept to provide variety and visual diversity among buildings, to which staff responded that it is a guiding principle and not a requirement for all developments.

Vice Chair Olevson confirmed with Mr. Miner that the guidelines do not require multi-level, below-grade parking for larger projects, and discussed the intent of stoop entries in the guidelines for high-density projects. Vice Chair Olevson also confirmed with Mr. Miner that the guidelines were not written with the Lawrence Station Area Plan (LSAP) in mind, and that mixed-use design guidelines will be reviewed in the future. Vice Chair Olevson and Mr. Miner also discussed the use of comparing multi-family density to floor area.

Comm. Rheume and Mr. Miner discussed the reasons the design guidelines are not applied to the R-3 zoning designation. Trudi Ryan, Planning Officer, added that if City Council approves the guidelines information could be collected in the future to demonstrate how the guidelines work and better define the numbers being used.

Comm. Klein noted a specific residential project that was approved and had issues with massing, and discussed with staff whether the guidelines would have constrained the massing and solved that problem. Ms. Ryan added City Council was concerned with the density of that project. Comm. Klein and Ms. Ryan also discussed the potential for developers to meet the suggested guidelines to reduce the bulk of a building and then requesting a Variance for setback and/or between-building space requirements.

Comm. Durham discussed with Mr. Miner the definition of mixed use, and commented on the potential for the guidelines to reduce what could be used as community open space by trying to reduce the bulk of a building.

Comm. Simons discussed with Mr. Miner a timeline for collecting data for further development of zoning tools.

Comm. Klein and Mr. Miner discussed the addition of rooftop gardens as open space for developments, and Mr. Miner added that bird-safe concerns would need to be addressed.



Chair Melton opened the public hearing.

Jonathan Fearn, Senior Director of Development with SummerHill Housing Group, discussed the challenges that guidelines present for developers and suggested they be broad enough to accommodate different areas of the City.

Pat Sausedo, Government Affairs Consultant for the Building Industry Association - Bay Area, said this is a good process and is in favor of collecting data.

Chair Melton closed the public hearing.

Comm. Harrison and Mr. Miner discussed shared commercial and residential parking in high-density mixed use areas.

Comm. Durham moved to recommend to City Council Alternatives:

- 1) Find that the project is exempt from CEQA pursuant to CEQA Guideline 15061(b)(3);
- 2) Approve design guidelines for high density multi-family residential and mixed use projects in the R-4, R-5, C-1, C-2 and DSP zoning districts; and
- 4) Direct staff to return within three years with data collected from upcoming planning applications to further evaluate appropriate zoning tools to address the issue.

Comm. Klein seconded.

Comm. Durham said he appreciates the hard work of staff, and that this is a comprehensive document on how to deal with high-density problems, which is where we are going with a lot of projects in this town. He said this is a good document, that it will be nice to get data later, and he hopes we do not become slaves to the guidelines and can allow newer and more aggressive approaches in the future.

Comm. Klein offered a friendly amendment to have staff evaluate the use of rooftop gardens for possible open space.

Comm. Durham accepted.

Comm. Klein offered a friendly amendment to rework the mixed use parking guidelines.

Comm. Durham accepted.

Comm. Klein said he can support the motion, and that the guidelines are one step toward trying to better recommend guidelines to developers to better design a project, especially larger projects in the R-4 and R-5 zoning districts, and hopefully deal with issues seen in the past. He said a lot of this has to do with massing and we are looking at improving projects, and these guidelines work in that process. He said a lot of the core problems resulted from the number of units or Floor Area Ratio, and hopefully the data collected within the next few years will help manage that and solve the problem or determine whether there is indeed a problem. He said that a lot of this also has to do with a developer standpoint and what the appropriate and going market need is, which is best evaluated by developers in the long run. He said when it comes to the final design and approval it is important that staff has the tools to guide developers to a better project when a project makes a left turn and is not in the best interest of the City. He said the guidelines are a good first step in trying to encompass a tool bag of good things that a project should have and when the design goes astray these will be some tools that staff can point to and say here is how you can improve this project and here is the guideline you are not meeting. He added that they will help the Planning Commission and City Council say this is what I do not like about the project and needs to be fixed, and that they are a good addition to the tool bag for planning in general.

Comm. Rheume said he will be supporting the motion and congratulated staff for a well done job putting the guidelines together. He said the guidelines help to demonstrate the City's expectations for developers when putting a project together and are a good tool to help them put together a good design. He said with regard to some of the projects recently reviewed, without these design guidelines developers might want to play it safe and build what the guy down the street built because it is not very clear other than dimensions or setbacks, which in the end do not leave us with a good looking building or a good design. He added that the guidelines can help to achieve a better end product.

Vice Chair Olevson said he will be supporting the motion and that writing new standards from the get-go is a difficult job. He said it is clear from comments from the developer community that there was sufficient outreach to show that the guidelines were not being written from a mount on high, but instead staff got down into the nitty gritty and put something together that the people could support and live with. He said he particularly likes the addition in the motion to come back in three years to evaluate how we did, and that too often we pass a new program and then think that is the end of it and do not go back to evaluate it to see if it is

worthwhile.

Comm. Simons said he will be supporting the motion, is happy about the outreach effort, and that staff has done a great job. He thanked the maker and seconder of the motion for doing an excellent job of collecting the zeitgeist of the evening that was going on and appreciates that they have pulled it all together.

Chair Melton said he will be supporting the motion, and that staff and the consultant did a great job putting together a good document. He also thanked the members of the public for staying late for a lengthy public hearing and providing comments, which is a testament to their passion and desire to share their comments with the Planning Commission. He said it is interesting, and only City Council can answer this question, that the original triggering event in 2013 was a hearing of a project that some on Council may have found troubling in the way it played out, and which may not be specifically addressed by these new design guidelines. He said he finds that they are high-quality design guidelines that will ultimately get us to a better place in terms of providing clarity to the developer community on what we expect in the City. He added that he likes the built-in three year clock to revisit this with additional data, and he is sure that if it becomes clear that there are some issues with the design guidelines staff would bring it back to the Commission well in advance of the three years.

MOTION: Comm. Durham moved to recommend to City Council Alternatives:

- 1) Find that the project is exempt from CEQA pursuant to CEQA Guideline 15061(b)(3);
- 2) Approve design guidelines (Attachment 2) for high density multi-family residential and mixed use projects in the R-4, R-5, C-1, C-2 and DSP zoning districts, with modifications:
  - a) Staff evaluate the use of rooftop gardens as potential open space; and
  - b) Rework the mixed use parking guidelines to encourage unbundled parking for mixed use projects.
- 4) Direct staff to return within three years with data collected from upcoming planning applications to further evaluate appropriate zoning tools to address the issue.

Comm. Klein seconded. The motion carried by the following vote:



**Yes: 7 -** Chair Melton  
Vice Chair Olevson  
Commissioner Durham  
Commissioner Harrison  
Commissioner Klein  
Commissioner Rheaume  
Commissioner Simons

**No: 0**

## **6 Select and Rank Potential 2015 Study Issues**

Trudi Ryan, Planning Officer, said this item is the opportunity for the public to share comments on potential study issues.

Chair Melton opened the public hearing, and upon seeing no speakers for this item, closed the public hearing.

Chair Melton closed this agenda item.

### **NON-AGENDA ITEMS AND COMMENTS**

#### **-Commissioner Comments**

Comm. Simons thanked and congratulated Kathy Berry, Senior Assistant City Attorney, on her retirement.

Chair Melton said it has been an honor and pleasure to work with Ms. Berry and wished her the best in her retirement.

Vice Chair Olevson thanked Ms. Berry for her support of the Commission.

#### **-Staff Comments**

Ms. Ryan complimented Ms. Berry on her advice to staff, and provided the Commission with an overview of upcoming items going to, and those recently heard by, City Council.

### **INFORMATION ONLY ITEMS**

None.

### **ADJOURN PUBLIC HEARING TO THE WEST CONFERENCE ROOM**

Chair Melton adjourned the public hearing to the West Conference Room at 11:40 p.m.



# City of Sunnyvale

## Agenda Item

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14-0594

Agenda Date: 12/16/2014

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### REPORT TO COUNCIL

#### **SUBJECT**

Approve a Funding Agreement with the Santa Clara Valley Water District for CEQA Review and Design Costs to Retain a Membrane Bioreactor Option at the Water Pollution Control Plant, Approve an Amendment to an Existing Contract with Carollo Engineers for the Additional Services, and Approve Budget Modification No. 32

#### **REPORT IN BRIEF**

Approval is requested to authorize the City Manager to execute a reimbursement agreement with the Santa Clara Valley Water District (SCVWD) in the amount of \$618,735 related to funding of CEQA review and additional engineering design for the new Water Pollution Control Plant to consider a Membrane Bioreactor (MBR) option for the production of recycled water at the facility. Approval is also requested to amend an existing contract with Carollo Engineers in the amount of \$507,160 to perform these additional services, and for a 15% contingency in the amount of \$76,074. Last, it is recommended that Council approve Budget Modification No. 32 to appropriate funding from the SCVWD for the project.

#### **ENVIRONMENTAL REVIEW**

The Water Pollution Control Plant (WPCP) Master Plan will include a full CEQA analysis and Programmatic Environmental Impact Report (PEIR) development. This PEIR is currently estimated to be completed in 2016.

#### **EXISTING POLICY**

**Sunnyvale General Plan, Chapter 7, *Environmental Management***

Goal EM-1 Adequate Water Supplies: Acquire and manage water supplies so that existing and future reasonable demands for water, as projected in the 20-year forecast, are reasonably met.

Policy EM-1.2: Maximize recycled water use for all approved purposes both within and in areas adjacent to the City, where feasible.

#### **BACKGROUND AND DISCUSSION**

On August 13, 2013 Council approved a Recycled Water Feasibility Study (RTC No. 13-181) outlining a strategy to expand the recycled water system for non-potable use. Over the last few years the City has also been working with the Santa Clara Valley Water District (SCVWD) on various agreements and projects to support the expansion and use of non-potable recycled water produced at the WPCP consistent with this Feasibility Study. These projects in particular are situated along Wolfe Road, to support additional recycled water customers along that alignment and also to serve the new Apple Campus.

The WPCP reconstruction program is undergoing a master planning process which overlaps with the timing of the SCVWD's long term water sustainability planning. A major component of the SCVWD's plan includes securing potable water supplies through Direct Potable Re-use (DPR)/Indirect Potable Re-Use (IPR). The WPCP master planning effort is being led by Carollo Engineers, whose contract was awarded by Council on May 27, 2013 (RTC No. 13-108). The work includes plans for re-building the treatment plant to address aging infrastructure and also to meet new regulatory requirements for treated wastewater.

The timing of this rebuild presents a great opportunity for the City to partner with the SCVWD in aligning mutual goals for the benefit of both parties and provide value for the region. Over the last several months staff from the SCVWD and the City have been working on agreements for treating wastewater to a quality that is required for IPR/DPR. A summary of these various agreements and Council actions is presented in Attachment 1.

As presented to the Council at the study session on June 24<sup>th</sup>, 2013, the WPCP Master Plan lays out the conceptual plans for rebuilding the facility, starting with the primary treatment process currently under design. For the secondary treatment process, the City would utilize the technology of Conventional Activated Sludge (CAS) treatment to replace the current oxidation pond treatment system. CAS is a cheaper technology to implement to meet the current discharge permit requirements and produce non-potable water to meet the recycled water customer demands as laid out in the Recycled Water Feasibility Study. However, if the SCVWD is interested in using the Sunnyvale WPCP treated water as a potential source for future IPR/DPR projects, then the implementation of CAS technology would create physical space constraints at the new WPCP; the CAS footprint would use up all available space at the WPCP site and would not leave room for the implementation of any future advanced treatment facilities required for IPR/DPR.

As a result, the SCVWD has requested that the City include a provision in the WPCP Master Planning process to consider an alternative technology, such as Membrane Bioreactor (MBR) for implementation as the secondary treatment technology at the new WPCP. A long-term frame work for recycled water agreement between the City and District, with the potential to include supply of MBR quality water was approved by the Council on September 30, 2014 (Attachment 2).

The City and SCVWD staff have worked to develop terms and conditions related to the inclusion of MBR as part of the WPCP Master Plan and the associated logistics of completing the CEQA work, including the costs associated with evaluating a second alternative as part of the Master Planning process. The original scope of services for Carollo Engineers was to include only one option. The following are the key terms of the "MBR Agreement" (Attachment 3):

1. Cost for Development of MBR Alternative

The SCVWD will pay the City an amount not to exceed \$618,735. This includes the Carollo contract amendment in the amount of \$507,160 for costs associated with evaluating the MBR alternative as part of the Master Plan and the CEQA documentation; a 15% contract contingency in the amount of \$76,074; and an additional \$35,501 for overall program costs on the part of City staff and the Program Management Consultant (PMC). The PMC for the project is CDM Smith, Inc., through a contract awarded by Council in March 2014 (RTC 14-0264). The Carollo contract amendment is contained in Attachment 4.

2. Design of Additional Electrical Capacity:

As part of the design for the new Headworks and Primary treatment facilities at the WPCP, a new electrical switchgear building is being designed, which provides a new PG&E feed into the facility and with sufficient capacity to provide the anticipated needs of the entire facility. Since MBR technology uses more energy than the CAS alternative, this switchgear would have to be upsized to accommodate higher electrical loads.

Since the decision to go towards MBR as the secondary treatment technology is contingent upon the SCVWD's interest in pursuing WPCP effluent for additional IPR/DPR use, Staff and the SCVWD worked on an arrangement to allow for two alternative electrical designs to be developed. Carollo Engineers will prepare separate contract documents for the new electrical switchgear building and 12kV ductbank design in sufficient detail to develop two separate detailed engineering estimates for the CAS and MBR design. These additional design costs are included in the total \$618,735 that the SCVWD will be reimbursing to the City.

The design for the new Headworks and Primary treatment facilities is estimated to be completed in early 2016, by which time the SCVWD and City would have to make a decision regarding the secondary treatment technology to pursue and fund the actual construction of the upsized electrical infrastructure, or revert to the base case design that would accommodate the CAS technology.

### 3. Work Cessation Clauses:

The SCVWD and the City recognize the complexities associated with developing projects and partnering agreements associated with recycled water and especially IPR/DPR projects. Several issues, such as the permitting processes, public outreach efforts and funding, have to be resolved before the projects can be implemented. To allow for flexibility of timing to accommodate the resolution of these issues while not delaying the reconstruction of the WPCP, several "off-ramps" have been built into the agreement to allow for mutual termination.

The agreement provides for work to be discontinued in March 2015 if the California Department of Water Resources (DWR) does not approve use of the MBR technology for DPR/IPR. City staff may also choose to terminate the agreement, should the resolution of the permitting issues or any other stakeholder engagement cause for the delay of the WPCP rebuild. In such instances the City would continue with the development of the Master Plan with the base case of CAS as the core secondary treatment technology for the new WPCP.

As noted above, completion of the work related to including MBR as a treatment alternative will require the City to amend the existing contract with Carollo Engineers. The CEQA work related to the WPCP Master Planning will be at a programmatic level and will include the approval of a site plan for siting a future advanced treatment facility on the WPCP site. However, the SCVWD will still have to pursue a comprehensive environmental review process related to IPR/DPR expansion before the actual construction of the advanced treatment facility at the WPCP site. The layout and approval of the site plan with MBR would "preserve" that option for the City and the SCVWD, until the City is ready to proceed with the design of the secondary treatment facility, currently estimated to be in late 2016.

As summarized in Attachment 1, the next step for City staff will be to continue working with the SCVWD on developing a long-term recycled water agreement in accordance with the "Framework" that was approved by Council on September 30, 2014 (Attachment 2). Negotiations on the long-term

agreement are anticipated to take place over the next year and will lay the ground work for the key decision related to production of the WPCP effluent for SCVWD uses for IPR/DPR. Other interim actions related to non-potable recycled water, as noted in Attachment 1, will be coming forth to Council in the next several months as well.

### **FISCAL IMPACT**

The agreement has no fiscal impact to the City as the SCVWD is bearing the cost of all associated expenditures related to the inclusion of the MBR technology in the Master Planning process for the WPCP rebuild. Budget Modification No. 32 has been prepared to increase the project budget funding by \$618,735 to allow for this additional work. The additional work would be billed to the SCVWD and reimbursed to the City on a monthly invoice schedule.

#### **Budget Modification No. 25**

##### **FY 2014/15**

	<b>Current</b>	<b>Increase/ (Decrease)</b>	<b>Revised</b>
<u>Wastewater Management</u>			
<u>Fund</u>			
<u>Revenues</u>			
<u>Santa Clara Valley Water</u>	\$0	\$618,735	\$618,735
<u>District MBR</u>			
<u>Reimbursement</u>			
<u>Expenditures</u>			
Project 830250 - WPCP	\$3,202,323	\$618,735	\$3,821,058
Master Plan			

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

### **ALTERNATIVES**

1. Authorize the City Manager to execute the MBR Agreement with the Santa Clara Valley Water District, in substantially the same format as Attachment 3, regarding funding of CEQA review and design costs to retain MBR option at the WPCP;
2. Approve Budget Modification No. 32 to appropriate additional funding of \$618,735 to Capital Project No. 830250 (WPCP Master Plan) as required for the project;
3. Authorize the City Manager to execute an amendment with Carollo Engineers, in substantially the same format as Attachment 4, in an amount not to exceed \$507,160.
4. Approve a 15% contract contingency in the amount of \$76,074.
5. Other actions as determined by Council.
6. Do not pursue the agreements and contract amendment at this time.

### **STAFF RECOMMENDATION**

Alternatives 1, 2, 3 and 4: 1) Authorize the City Manager to execute the MBR Agreement with the Santa Clara Valley Water District, in substantially the same format as Attachment 3 to the report,

regarding funding of CEQA review and design costs to retain MBR option at the WPCP; 2) Approve Budget Modification No. 32 to appropriate additional funding of \$618,735 to Capital Project No. 830250 (WPCP Master Plan) as required for the project; 3) Authorize the City Manager to execute an amendment with Carollo Engineers, in substantially the same format as Attachment 4, in an amount not to exceed \$583,234; and 4) Approve a 15% contract contingency in the amount of \$76,074.

Prepared by: Bhavani Yerrapotu, WPCP Division Manager, and Pete Gonda, Purchasing Officer

Reviewed by: Grace K. Leung, Director of Finance

Reviewed by: Mansour Nasser, Water & Sewer Systems Division Manager

Reviewed by: John Stufflebean, Director of Environmental Services

Reviewed by: Manuel Pineda, Director of Public Works

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Status of Council Actions Related to Recycled Water
2. Framework of the Long-Term Agreement to Supply Recycled Water from the WPCP For Potable Water Reuse
3. Draft Agreement with the Santa Clara Valley Water District Regarding Funding Of CEQA Review and Design Costs to Retain an MBR Option at the WPCP
4. Draft First Amendment to Consultant Services Agreement with Carollo Engineers

## Sunnyvale – District Recycled Water Council Actions

No.	Agreement	Description	Status
1.	Wolfe Road Design	Cost share agreement to fund the design of the Wolfe Road pipeline	September 24, 2013
2.	Budget Modification No. 5	Budget modification to WPCP Project No. 829430, to add funds to provide for the design of the Continuous Recycled Water Production sub-project	July 29 <sup>th</sup> , 2014
3.	HDR Contract Amendment	Contract amendment with the consultant HDR Engineering, Inc., to provide design services for the Continuous Recycled Water Project Production sub-project	July 29 <sup>th</sup> , 2014
4.	Wolfe Road Construction	Cost share agreement to fund the construction of the Wolfe Road pipeline	September 30, 2014
5.	Water Supply Wolfe Road	Agreement on the production and supply of recycled water from the Wolfe Rd recycled water facilities, water quality, quantity, and sharing revenues and operating costs	September 30, 2014
6.	Long term Integration Framework	Framework to set the stage for potential potable reuse in the future by providing options to secure recycled water for potable reuse, discharge of brine, and utilize land near the WPCP for future District water purification facilities	September 30, 2014
7.	CEQA for MBR/RO/AOP	Cost share agreement for carrying the MBR as a treatment alternative in the WPCP master planning EIR and site plan to locate RO/AOP facilities	<i>Current Action (December 11, 2014)</i>
8.	Continuous RW Production and Wolfe Road IRWMP Grant Agreements	Agreement to define roles and responsibilities and funding split of the DWR drought grant funds for the continuous recycled water and Wolfe Road projects	February 2015 <sup>2</sup>
9.	Budget Modification No. xx	Budget modification to WPCP Project No. 829430, to add funds to provide for the construction of the Continuous Recycled Water Production sub-project	February 2015 <sup>2</sup>
10.	Construction Contract Award for Continuous Recycled Water Production	Award of construction contract to begin construction of the improvements designed for the Continuous Recycled Water Production	April 2015 <sup>3</sup>
11.	Long Term Agreement for Potable Re-Use	Agreement between the City and District to set the stage for potential potable reuse in the future by providing options to secure recycled water from WPCP for potable reuse and site advanced purification facilities on Sunnyvale site	December 2015 <sup>4</sup>

1 – Membrane Bio-Reactor, Reverse Osmosis and Advanced Oxidation Plant

2 - Tentative action dates - Pending award and execution of the IRWMP grant contract

3 – Pending award of the IRWMP grant and completion of the design

4.- Tentative action date – Pending negotiation with the District

## Long-Term Recycled Water Agreements

## ATTACHMENT 2

#	Item	Sunnyvale Integration Agreement Draft Terms	SBWR Integration Agreement Existing Terms	SCRWA Wholesaler Agreement Existing Terms
1	<b>Length of Agreement</b>	50 Years Exp. 2054 (Proposed)	40 Years Exp. 2050	20 Years Exp. 2026
2	<b>Option to Renew</b>	<ul style="list-style-type: none"> <li>Yes</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> </ul>
3	<b>District Role</b>	<ul style="list-style-type: none"> <li>Wholesaler (downstream of San Lucar Pump Station)</li> <li>Option to be Producer/Wholesaler for complete system in future</li> </ul>	<ul style="list-style-type: none"> <li>Partner Producer, with SVAWPC</li> <li>Wholesaler (downstream of Metcalf Energy Center in south San Jose)</li> </ul>	<ul style="list-style-type: none"> <li>Wholesaler (complete system)</li> </ul>
4	<b>Partnership</b>	<ul style="list-style-type: none"> <li>Non- Potable Reuse (NPR)</li> <li>Future Potable Reuse (PR)</li> </ul>	<ul style="list-style-type: none"> <li>Non- Potable Reuse (NPR)</li> </ul>	<ul style="list-style-type: none"> <li>Non- Potable Reuse (NPR)</li> </ul>
5	<b>System Ownership</b>	<ul style="list-style-type: none"> <li>District owns/operates/maintains the Wolfe Road Facilities</li> <li>Negotiate option for District to purchase entire Sunnyvale recycled water system</li> <li>Negotiate option for District to acquire a long-term lease of Sunnyvale lands for Advanced Water Purification (AWP) facilities</li> </ul>	<ul style="list-style-type: none"> <li>District owns/operates/maintains the SVAWPC</li> <li>District maintains existing 40-yr lease from San Jose for SVAWPC lands</li> </ul>	<ul style="list-style-type: none"> <li>District owns/operates/maintains the recycled water system downstream of SCRWA plant</li> </ul>
6	<b>District Costs and Revenue Sharing</b>	<ul style="list-style-type: none"> <li>Capital costs: <ul style="list-style-type: none"> <li>Capital cost to be negotiated</li> </ul> </li> <li>O&amp;M costs: <ul style="list-style-type: none"> <li>O&amp;M costs to be negotiated</li> </ul> </li> <li>Revenue: <ul style="list-style-type: none"> <li>Prior to WPCP upgrade, revenue from recycled water sales will be shared 40% District 60% City (due to higher O&amp;M cost for the City)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Capital costs: SVAWPC</li> <li>O&amp;M costs: Production of purified water</li> <li>Revenue Sharing: Based on SBWR and SVAWPC O&amp;M costs</li> </ul>	<ul style="list-style-type: none"> <li>Capital costs: South County Recycled Water Master Plan</li> <li>O&amp;M costs: As the Wholesaler, District is responsible for all the O&amp;M cost downstream of the treatment plant</li> <li>Revenue: As the Wholesaler, District is receiving all revenue from recycled water sales.</li> </ul>
7	<b>Recycled Water Quantity</b>	<ul style="list-style-type: none"> <li>1 to 3 mgd for NPR</li> <li>10 to 19.5 mgd for potential future IPR</li> </ul>	<ul style="list-style-type: none"> <li>17 mgd (Includes 8 mgd from SVAWPC) for NPR</li> <li>At least 5 mgd to District for NPR &amp; PR out of Silver Creek Pipeline</li> </ul>	<ul style="list-style-type: none"> <li>2 mgd for NPR</li> </ul>
8	<b>Recycled Water Quality</b>	<ul style="list-style-type: none"> <li>Current: NPR quality complies with Title 22 requirements</li> </ul>	<ul style="list-style-type: none"> <li>Current: NPR quality complies with Title 22 requirements, and is improved</li> </ul>	<ul style="list-style-type: none"> <li>Current: NPR quality complies with Title 22 requirements</li> </ul>



## Long-Term Recycled Water Agreements

## ATTACHMENT 2

#	Item	Sunnyvale Integration Agreement Draft Terms	SBWR Integration Agreement Existing Terms	SCRWA Wholesaler Agreement Existing Terms
		<ul style="list-style-type: none"> <li>Future: Purified water quality</li> </ul>	through blending with purified water from SVAWPC <ul style="list-style-type: none"> <li>SVAWPC: Purified water quality (Advanced Oxidation Process, AOP, not included at present)</li> </ul>	
9	<b>Future Land Requirements for Advance Treatment</b>	<ul style="list-style-type: none"> <li>Approximately 1 acre within existing Sunnyvale WPCP</li> </ul>	<ul style="list-style-type: none"> <li>Approximately 25 acres for future expansion options</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
10	<b>Brine Management</b>	<ul style="list-style-type: none"> <li>Active collaboration/cooperation on future brine disposal including local/regional outfalls and engineered wetlands.</li> </ul>	<ul style="list-style-type: none"> <li>SVAWPC reverse osmosis reject brine sent back to SJ/SC Regional Wastewater Facility</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
11	<b>Pursue Grant and External Funding</b>	<ul style="list-style-type: none"> <li>Pursue and cooperate on external funding opportunities</li> </ul>	<ul style="list-style-type: none"> <li>Pursue and cooperate on external funding opportunities</li> </ul>	<ul style="list-style-type: none"> <li>Not provided in agreement, but historical practice of pursuing and collaborating on external funding opportunities</li> </ul>
12	<b>Environmental Review</b>	<ul style="list-style-type: none"> <li>Cooperate on the preparation of environmental review documents</li> <li>City will be the CEQA Lead Agency for the WPCP Master Plan, which will include an MBR option</li> <li>Off-ramping language in EIR to ensure timely progress on WPCP upgrade</li> </ul>	<ul style="list-style-type: none"> <li>Cooperate on the preparation of environmental review documents</li> </ul>	<ul style="list-style-type: none"> <li>Cooperate on preparation of environmental review documents</li> </ul>
13	<b>Governance Coordination</b>	<ul style="list-style-type: none"> <li>Joint Sunnyvale/District Elected Official Committee</li> <li>Technical Advisory Group</li> </ul>	<ul style="list-style-type: none"> <li>Joint SBWR/District Elected Official Committee (PAC)</li> <li>Technical Advisory Committee</li> </ul>	<ul style="list-style-type: none"> <li>Coordination through Wholesaler Agreement</li> <li>Technical Advisory Committee</li> </ul>

**FUNDING AGREEMENT BETWEEN CITY OF SUNNYVALE AND SANTA CLARA VALLEY WATER DISTRICT FOR THE ENVIRONMENTAL CLEARANCE AND BASIS OF DESIGN FOR WATER PURIFICATION FACILITY AND DESIGN OF INCREASED ELECTRICAL CAPACITY AT THE SUNNYVALE WATER POLLUTION CONTROL PLANT**

**This Funding Agreement ("Agreement") is made and entered into on December 31, 2014 ("Effective Date"), by and between the City of Sunnyvale, a municipal corporation ("Sunnyvale"), and Santa Clara Valley Water District, a special district created by Legislature of the State of California ("District"). Sunnyvale and District hereinafter may be referred to individually as "Party" or collectively as "Parties".**

**RECITALS**

- A. Whereas,** the Parties are jointly involved in efforts to develop recycled water supplies; and
- B. Whereas,** the Parties recognize that sustainable water resource management requires integration of water supply and wastewater discharge limitations among several systems; and
- C. Whereas,** the Parties have a mutual interest in expanding the distribution of recycled water; and
- D. Whereas,** the District's Board of Directors has reaffirmed its commitment to recycled water by passing Resolution 97-60 in support of the expanded use of recycled water; and
- E. Whereas,** Sunnyvale is in the process of reconstruction of its Water Pollution Control Plant ("WPCP"). Sunnyvale is also developing a programmatic environmental impact report ("PEIR") and Master Plan to implement "Conventional Activated Sludge" process (the "Project") in accordance with the California Environmental Quality Act ("CEQA") guidelines; and
- F. Whereas,** the District desires that Sunnyvale study and analyze a "variant" in the PEIR for a potential Membrane Bio-Reactor, Reverse Osmosis, Advanced Oxidation Facility, a Water Purification Facility, ("WPF") rather than Conventional Activated Sludge which requires some modifications to plant design to produce high quality advanced treated water at the WPCP ("MBR Variant"); and
- G. Whereas,** the Parties also desire that Sunnyvale prepare 100% construction design for the primary electrical distribution line to the WPCP to supplement and support a WPF ("Upsized Electrical Equipment"); and
- H. Whereas,** the District desires that Electrical Equipment be upsized to preserve the opportunity to construct a WPF in the future and agrees to fund the increase in design costs as well as to consider funding future construction costs associated with the upsized Electrical Equipment; and
- I. Whereas,** the upsized Electrical Equipment will be designed under the first phase of the WPCP reconstruction which is currently in progress; and
- J. Whereas,** the work the District desires Sunnyvale to undertake will be performed by Sunnyvale's consultants, Carollo Engineers, Inc. and ESA, Inc. ("Consultants"), which is described in the Scope of Services, attached hereto as Exhibit A; and
- K. Whereas,** the Parties understand neither Party is making any representation that it will commit resources to actually construct the WPF other than the financial commitment agreed to by the Parties in this Agreement for the Consultants to complete the inclusion of the MBR Variant in the PEIR and the design of upsized Electrical Equipment in the first phase of the WPCP reconstruction.

**NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING AND THE MUTUAL PROMISES HEREINAFTER PROVIDED, THE PARTIES AGREE AS FOLLOWS:**

**1. RESTRICTED USE OF DISTRICT FUNDING.** Funding provided by the District identified in Section 7 of this Agreement shall only be used by Sunnyvale to pay the Consultants for completing the scope of services as described in Exhibit A of this Agreement (“Scope of Services”), which is hereby incorporated into this Agreement by this reference. During the preparation of the PEIR, Sunnyvale shall include the MBR Variant as a component in its proposed Master Plan. Sunnyvale shall ensure its PEIR certification undertake the following two separate actions in association with the PEIR, subject to all legal requirements: 1) Master Plan approval; and 2) endorsement of a WPCP site plan that accommodates Water Purification Facility (WPF), pending further discussions with the District prior to Sunnyvale’s commitment to WPF construction, and completion of a project-level CEQA evaluation of said construction. Certification of the PEIR after due consideration by the Sunnyvale City Council is not the approval of the design and construction of the WPF, but approval of a site layout that provides space for the WPF, and therefore preserves the option for Sunnyvale to approve the construction of a WPF on the WPCP lands in the future following any applicable environmental analysis.

**2. INCLUSION OF ELECTRICAL DESIGN RELATED TO THE WPF.** Sunnyvale shall provide a design for the first phase of the reconstruction of the WPCP (i.e. Design of Primary Treatment Facility), the Upsized Electrical Equipment, which includes, but is not limited to, the construction of a larger power supply building, increased main switchgear capacity and additional duct banks to allow for accommodating additional electrical related infrastructure needed for the potential construction of a WPF. This design consideration will be developed along with the power needs for an “activated sludge” facility for the WPCP. The construction of the Upsized Electrical Equipment will be estimated as part of the construction cost estimates that are provided with the various design submittals. At the time of 90% submittal construction cost estimate, the District will have an opportunity to review the estimate and determine if it would like to proceed with construction of the Upsized Electrical Equipment. The construction cost estimate will be reviewed by both parties and once an agreement has been made on the estimated construction costs the District will have the opportunity to fund the construction of the Upsized Electrical Equipment through an Amendment to this Agreement. The dates by which this funding is required are included in section 6 of this Agreement. In the event that the District decides not to proceed with the Upsized Electrical Equipment, Sunnyvale and District cannot agree on construction costs, or if the Sunnyvale’s invoices are not paid by the date specified in this Agreement then the Upsized Electrical Equipment will be removed from the design and will not be constructed.

**3. USE OF CONSULTANTS FOR COMPLETION OF THE SCOPE OF SERVICES.** Sunnyvale shall use the Consultants to complete the Scope of Services. Sunnyvale’s agreements with the Consultants to complete the Scope of Services shall specify the District as a third party beneficiary. Sunnyvale’s representative shall keep District’s representative informed of the Consultants’ progress and of any significant pending issue and action regarding Consultants’ performance of the Scope of Services.

**4. REVIEW OF PRELIMINARY ADMINISTRATIVE DRAFT OF THE PEIR.** Upon completion of the preliminary draft of the PEIR (“Preliminary Draft PEIR”), Sunnyvale shall provide District an opportunity to review said draft and provide Sunnyvale with a consolidated set of comments within ten (10) working days. If Sunnyvale receives consolidated comments from District within ten (10) working days of District receiving the Draft PEIR, Sunnyvale shall review District’s consolidated comments and convene a meeting to discuss resolution for incorporating any or all of District’s comments into the final administrative draft PEIR (“Final Draft PEIR”). Within five (5) working days of the meeting, Sunnyvale shall provide a written explanation and response as to how each District comment on the preliminary administrative Draft PEIR was or will be addressed. District shall notify Sunnyvale within five (5) working days if further discussion is needed to resolve differences. Upon such notification, Sunnyvale shall arrange a meeting to discuss resolution prior to any release of the Final Draft PEIR for review and comment. If the District does not meet these review timeframes then Sunnyvale will notify the District of its intent to proceed with the PEIR without the MBR Variant included and within two weeks (14 days) of such notice all scope of work related to the MBR Variant will be suspended, while the work related to the overall Master Planning

PEIR will continue.

**5. REVIEW OF ELECTRICAL DESIGN.** Upon completion of the thirty percent, sixty percent, and ninety percent design submittals for the Upsized Electrical Equipment, Sunnyvale shall provide the District with an opportunity to review each said design and provide Sunnyvale with a set of consolidated comments within ten (10) working days after receiving said design. If Sunnyvale disagrees with District's comments, Sunnyvale shall immediately arrange a meeting with the District to discuss a resolution. If the District does not meet this review timeframe then Sunnyvale will have the option to proceed with the design without the Upsized Electrical Equipment.

**6. PEIR AND DESIGN SCHEDULE.** The Parties will use its best efforts to adhere to the schedule shown below:

<b>VI. TASK</b>	<b>Date</b>
1) Deadline for District to submit a signed Agreement to Sunnyvale.	December 31, 2014
2) Deadline for District to submit MBR Variant approach information for project description, including information on brine disposal, to maintain PEIR schedule.	January 15, 2015
3) Estimated Completion of Final Draft PEIR	June 30, 2015
4) Estimated Submittal for 90% Design of Primary Treatment Facility (including Upsized Electrical Equipment)	October 2, 2015
5) Deadline for SCVWD to submit signed Amendment to Sunnyvale for construction costs associated Upsized Electrical Equipment.	December 15, 2015 or 10 weeks after the receipt of the Estimated Submittal for 90% Design of Primary Treatment Facility (Facilities Package), whichever is later
6) Estimated Adoption of PEIR and Master Plan	May 31, 2016

The dates specified in the above schedule are estimates only and are based on information currently available to Sunnyvale. The estimated dates assume that no events beyond the reasonable control of Sunnyvale and its consultants will contribute to the delay of completion of the tasks identified in Section 6, subject to provision 5. Failure to complete a task by its anticipated date shall not be considered a breach of this Agreement, but rather should prompt the Parties to work together to evaluate the cause of the delay and assess how to continue to make progress towards completing the task.

**7. ESTIMATED COST TO COMPLETE SCOPE OF SERVICES.** The estimated consultants and Sunnyvale costs to complete this scope of work is **\$542,661**. This agreement also includes a provision to allow for additional expenditures of **\$76,074** as a contingency to the base cost mentioned above. Should the costs of this scope of services exceed the base cost of **\$542,661**, up to an additional amount of the contingency of **\$76,074**, then Sunnyvale will notify the District of the additional funding needs. The District shall approve the expenditures of the contingency funds within one week (7 days) of receiving Sunnyvale's notification. Should the District not respond within the specified time, Sunnyvale shall continue with the PEIR without further work on the MBR Variant included in the PEIR.

The estimated cost expenditures will begin on the effective date of this agreement and will proceed at the pace of completion of the scope of services, but shall be limited to no more than **\$252,000** by **March 31, 2015**. At this date, the District shall notify the City of the intent to continue with this agreement or direct Sunnyvale to suspend all expenditures related to the MBR Variant. Sunnyvale

shall continue with the PEIR without the inclusion of the MBR Variant at this point.

Total estimated costs to be funded by the District for the completion of the Scope of Services shall not exceed the amount of **\$618,735**. If the projected cost to complete the Scope of Services is likely to exceed **\$618,735**, then Parties shall meet and confer within two weeks (14 days) of the notification by Sunnyvale of the projected increase in cost. Within 7 days of the meet and confer, Parties may choose to amend the agreement to include the newly negotiated costs or terminate the agreement and allow Sunnyvale to proceed with the PEIR without the inclusion of the MBR Variant.

## **8. DISTRICT PAYMENTS.**

(a) **Invoices.** Sunnyvale shall request disbursement of District's financial commitment on a reimbursement basis by submitting to the District invoices(s) for incurred Eligible Costs. Sunnyvale shall submit an invoice to the District for Eligible Costs no more than once a calendar quarter, which shall include the hourly rates, hours spent and task break down of the activities performed in support of this scope of services.

(b) **Disbursements.** Following the review and approval of an invoice by the District, District shall disburse to Sunnyvale an approved amount thirty (30) days after receipt of that invoice.

(c) **Rejection of Invoices.** An invoice may be rejected by the District only if:

- it is submitted without signature;
- is submitted under signature of a person other than Sunnyvale's duly authorized representative;
- the invoice contains a material error; or
- paying the invoice would result in District exceeding its financial commitment described in Section 7 of this Agreement.

District shall notify Sunnyvale of any invoice so rejected, and the reasons therefore.

**9. TRACKING EXPENDITURE OF DISTRICT FUNDING AND AUDITS.** Sunnyvale shall maintain accounting procedures that are in accordance with Generally Accepted Accounting Principles. Sunnyvale shall keep complete and accurate books and records of all expenditures of District Funding. Upon at least ten (10) working days notice, District or its auditors may conduct audits at Sunnyvale's office during normal business hours at any time during the term of this Agreement and for a period of one (1) year after the final disbursement from the District Funding. If District's audit alleges that Sunnyvale used any portion of the District Funding to pay for costs other than costs incurred from the Consultants for their performance of the Scope of Services, Sunnyvale shall have the opportunity to respond within five (5) working days of receiving such audit finding(s). If it is mutually determined that the City used a portion of District funding for anything other than its intended purpose, the City shall refund District an amount equal to said portion. In case of a conflict or disagreement, the Parties shall meet and confer pending which the Parties may choose to terminate the agreement or make negotiated modifications and settlements.

**10. TERM.** The term of this Agreement is from the Effective Date through December 31, 2018 inclusive, subject to the provisions of Section 14 of this Agreement. If the Parties determine that more time is required to complete this Funding Agreement, then a written amendment to the Agreement shall be executed by the designated representatives with authority to act for each Party.

For purposes of this Section, the individuals identified in Section 18, NOTICES, are designated representative for the respective Party to execute such amendments as necessary to implement the intentions of the Parties under this Agreement.

**11. INDEPENDENT CONTRACTOR.** The Parties, in the performance of the tasks to be performed by each, will each act as and be an independent contractor and not an agent or employee of any other Party. As independent contractors, the Parties are responsible for tasks performed by their agents, contractors, consultants, or employees. Each Party agrees to indemnify and hold harmless any other Party from any claim that may be made by its agents, contractors, consultants, or employees for benefits or compensation.

**12. INDEMNIFICATION.** Pursuant to Government Code Section 895.4, each of the Parties hereto shall fully defend, indemnify and hold each of the other Parties, their officers, employees, and agents, harmless from any damage or liability imposed for injury (as defined in Government Code Section 810.8) occurring by reason of negligent acts or omissions or willful misconduct of the indemnifying Party, its officers, employees or agents, under or in connection with any work performed or authority delegated to such Party under this Agreement. No Party, nor any officer, employee or agent thereof shall be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of the other parties hereto, their officers, employees or agents, under or in connection with any work performed or authority delegated to such other parties under this agreement. Nothing contained herein will be construed as a waiver of any immunities or defenses that a Party may have under applicable provisions of law, including the provisions of the California Tort Claims Act (Govt. Code §810 et seq.). This provision will survive expiration or termination of this Agreement.

If there is a third party lawsuit challenging the PEIR, the Parties will meet to evaluate the lawsuit to determine whether the sufficiency of the environmental review of the MBR Variant is potentially at issue. If the MBR Variant is potentially at issue, the Parties will execute a joint defense agreement and develop a litigation strategy, including development of the administrative record. After lodging of the administrative record and the filing of petitioner's statement of issues pursuant to Public Resources Code Section 21167.8 ("Statement of Issues"), if the sufficiency of the environmental review of the MBR Variant is expressly identified as one of the issues ("MBR Variant Issue") to be litigated in the Statement of Issues, the District will reimburse Sunnyvale for previous and ongoing outside counsel costs incurred by Sunnyvale directly attributable to the MBR Variant Issue. Sunnyvale shall direct its outside counsel to prepare a separate invoice for costs related solely to the MBR Variant Issue, which Sunnyvale shall provide to the District for reimbursement along with outside counsel's unredacted timesheets supporting the costs. If the District disagrees with the outside counsel costs allocated to the MBR Variant Issue, the Parties shall meet and endeavor to resolve the dispute, and if they are unable to reach a resolution, they shall proceed to mediation to resolve outstanding issues. If the Parties do not reach consensus, either party may request binding arbitration before a mutually selected arbitrator. Each party shall bear its own costs and attorney's fees for purposes of the arbitration. Should Sunnyvale be awarded costs or attorney fees as a result of the litigation, District shall be entitled to a refund of its reimbursements to Sunnyvale. After final judgment is rendered in a third-party lawsuit challenging the PEIR, if petitioners prevail on the MBR Variant Issue, District shall indemnify Sunnyvale for a percentage of any monetary award (including attorney fees) based solely on the total number issues petitioners prevail on. For example, if the judgment of a monetary award was supported by petitioner prevailing on four different issues, including the MBR Variant Issue, then the District will indemnify Sunnyvale for 25% of the monetary amount awarded to petitioners by the court. If the issues contain mixed claims that include or involve both activated sludge and the MBR Variant, (e.g. challenges to analyses of water, air, utilities and the like), then Parties shall meet to resolve the issues and allocate fair shares of pursuant to the process discussed above and proceed to mediation and arbitration if the issues are unresolved.

**13. NONDISCRIMINATION.** Each Party shall not discriminate, in any way, against any person on the basis of race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, national origin, or any other legally protected category, in connection with or related to the performance of this Agreement.

**14. TERMINATION.**

(b) Each Party has a right to terminate this Agreement for convenience, without cause, by giving not less than thirty (30) days written notice of termination to the other Party. Upon receipt of such notice, the non-terminating Party shall immediately take action to cease cause further activities and associated accrual of costs.

(c) If any Party fails to perform any of its material obligations under this Agreement, in addition to all other remedies provided by law, any of the other Party may terminate this Agreement immediately upon written notice.

**15. GOVERNING LAW.** This Agreement will be governed by the laws of the State of California.

**16. COMPLIANCE WITH LAWS.** Each Party shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local governments.

**17. CONFLICT OF INTEREST.** Each Party will avoid all conflict of interest or appearance of conflict of interest in performance of this Agreement.

**18. NOTICES.** All notices and other communications required or permitted to be given under this Agreement will be in writing and will be personally served or mailed, postage prepaid and return receipt requested, addressed to the respective Parties as follows:

To SUNNYVALE:

John Stufflebean, Director,  
City of Sunnyvale - Environmental Services Department  
456 W. Olive Ave  
Sunnyvale, CA 94086

To DISTRICT:

Jim Fiedler, Water Utility Enterprise Chief Operating Officer  
Santa Clara Valley Water District  
5750 Almaden Expressway  
San Jose, CA 95118

Notice will be deemed effective on the date personally delivered or, if mailed, three (3) calendar days after deposit in the mail.

**19. VENUE.** In the event that suit is brought by any Party to this Agreement, the Parties agree that venue will be exclusively vested in the state courts of the County of Santa Clara, or if federal jurisdiction is appropriate, exclusively in the United States District Court, Northern District of California, San Jose, California.

**20. SEVERABILITY.** In the event that any provision of this Agreement is prohibited by any law governing its construction, performance or enforcement, such provision shall be ineffective to the extent of such prohibition without invalidating thereby any of the remaining provisions of the Agreement.

**21. ENTIRE AGREEMENT.** This Agreement represents the entire understanding of the Parties as to those matters contained herein. No prior oral or written understanding will be of any force or effect with respect to those matters covered hereunder. This Agreement may only be modified by a written amendment duly executed by the Parties to this Agreement.

**22. AUTHORIZED REPRESENTATIVES.** The Parties shall each designate a representative with authority to implement provisions of this agreement for all purposes other than to amend this agreement. Sunnyvale hereby designates John Stufflebean or his designee. The District hereby designates Jim Fiedler or his designee.

**WITNESS THE EXECUTION HEREOF on the day and year first hereinabove written.**

**CITY OF SUNNYVALE**  
A Municipal Corporation

**ATTEST:**

By: \_\_\_\_\_

\_\_\_\_\_  
Name/Title

By: \_\_\_\_\_

Deanna J. Santana,  
City Manager

**APPROVED AS TO FORM:**

By: \_\_\_\_\_

Kathryn A. Berry,  
Senior Assistant City Attorney

**SANTA CLARA VALLEY WATER DISTRICT**  
An independent special district created by  
Legislature of the State of California

By: \_\_\_\_\_

Beau Goldie,  
Chief Executive Officer

**APPROVED AS TO FORM:**

By: \_\_\_\_\_

Anthony T. Fulcher,  
Senior Assistant District Counsel



**Exhibit A****City of Sunnyvale Water Pollution Control Plant (WPCP)  
Scope of Services to Support Potential Water Purification Facilities****Background**

Carollo (Consultant) and the City of Sunnyvale (Sunnyvale) are in the process of developing the Master Plan for the Sunnyvale's water pollution control plant (WPCP). As part of the planning process Sunnyvale is deciding whether to implement conventional activated sludge treatment (CAS) or a membrane bioreactor (MBR). Central to this decision is whether Sunnyvale eventually develops a joint project with the Santa Clara Valley Water District (District) to produce purified water at the WPCP. If Sunnyvale wants to pursue the future joint project with the District, it would require installation of MBR treatment at the WPCP, instead of the CAS treatment process. In addition, reverse osmosis (RO) and an advanced oxidation processes (AOP) using hydrogen peroxide and UV would be required to produce purified water. This combination of MBR/RO/AOP facilities hereafter will be referred to as the Water Purification Facility (WPF).

**Scope of Services**

This scope of work includes the design of a site plan for the potential WPF and program-level environmental analysis of the design and operating characteristics of the WPF as a "variant" in the Program EIR (PEIR) for the Master Plan. Consistent with requirements of the California Environmental Quality Act (CEQA), the EIR will analyze qualitatively the reasonably foreseeable actions related to implementation of the WPF, including RO by-product disposal and the disposition of the purified water. For purposes of scoping the EIR evaluations, it is assumed that the District would use the purified water either to blend with non-potable recycled water or to recharge the groundwater basin, and that the water ultimately could be reused as potable supply.

***A. Planning***

1. Prepare Site Layouts: Current master plan site layouts would be modified to reflect layout considerations for a MBR and related support facilities. Site layout considerations would be prepared in a manner similar to and consistent with the Site Layout Technical Memorandum (TM) that was completed as part of the long-term site master plan. Investigation of site utilization and access, parking considerations, support utilities would be included in the analysis.
2. Complete a Capital Improvement Plan (CIP) for MBR Facilities: As part of the implementation analysis for the MBR, a separate CIP would be developed. This would include an analysis of the timing and phasing for the MBR facilities, estimated construction and project costs, and evaluation of overall O&M impacts to the WPCP.
3. Complete a Basis of Design (BOD) for MBR Facilities: A BOD document would be prepared for the MBR facilities that would include: (1) design criteria; (2) potential vendors; (3) recommendations for level of automation; (4) major O&M considerations (access/redundancy needs) and (5) layout considerations (plan/section views).

4. Additional Programmatic Environmental Impact Report (PEIR) Support: The potential WPF facilities would be evaluated at a program level of detail. To abet the two separate actions that the PEIR would support, it is proposed to evaluate the WPF as a “Variant” of the proposed Master Plan. That is, the EIR would first describe and focus the impact evaluation on the proposed Master Plan of a CAS process. It would then briefly describe how implementation of the Master Plan would differ with the addition of the WPF and related support facilities including objectives, revised site plan, and descriptions of proposed design and operating characteristics. It is assumed that Sunnyvale and the Consultant would provide information on design and operating characteristics and that the District would provide language on the need for, and objectives of, the facility for consideration by Sunnyvale. Every section of the PEIR would present conclusions (e.g., impact significance) with and without implementation of the “Variant”. This would enable decision makers to identify the trade-offs of including the WPF and would support the separate decisions they will be asked to make. The level of detail would be consistent with the level of detail provided by Sunnyvale and the Consultant.

The PEIR likely will include about five dozen individual impact evaluations (generally corresponding to individual questions in the CEQA Appendix G checklist). With inclusion of the “Variant”, for each impact the proposed Master Plan would be evaluated first, followed by an evaluation of the “Variant”. Inclusion of the WPF in the overall Master Plan would incrementally increase construction impacts and footprint impacts associated with additional facilities. The key environmental issues associated with the potential WPF are: RO byproduct disposal, energy use and the air emissions and greenhouse gas emission associated with increased power consumption; water quality and public health; and growth inducement potential associated with augmenting the regional water supply. Table 1 presents a summary regarding the impacts of the Variant on the PEIR sections.

There are many unknowns regarding the water purification facility proposal that will ultimately affect the level of effort, such as: (1) water quantities contemplated; (2) RO byproduct disposal methods and assumptions; (3) extent of inter-agency coordination that may be needed for the WPF CEQA evaluation; (4) whether pipelines for conveying product water will have been identified prior to publication of the PEIR; (5) which communities could receive product water; and (6) involvement of the District in review of the PEIR.

In addition to these uncertainties, the District is engaged in a parallel, concurrent planning process with the City of San Jose. This may affect the description and analysis of the WPF, particularly if the District initiates CEQA or public outreach for its program. If there are two parallel CEQA processes underway, increased coordination (e.g., with respect to analytical assumptions, shared nomenclature, etc.) would be essential and is not included in this effort. The original scope and budget for the Sunnyvale WPCP Master Plan Program EIR specified assumptions made to estimate total cost of preparing the PEIR. In light of the potential inclusion of the WPF and associated unknowns listed above, revisions have been made to some of the original assumptions described in the PEIR contract. The revised list of assumptions follows:

- The District will provide a description of the MBR Variant. This scope of work and budget is based on no changes to the basic description of the Variant after January 31, 2015. Any changes occurring after January 31<sup>st</sup> would affect scope, budget and EIR schedule.

- Any publicly available materials developed by the District describing the Variant following January 31<sup>st</sup> will be consistent with the project description information supplied to ESA.
- The MBR Variant will include only effluent from the City of Sunnyvale Water Pollution Control Plant
- The MBR Variant will include only indirect potable reuse.
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- Attendance at up to 6 Variant meetings with the City of Sunnyvale and the District
- Approval of the Sunnyvale Master Plan EIR would be separate from any endorsement of the WPF by the City of Sunnyvale.
- The Variant will be evaluated at a program level. For example, the PEIR will not include a quantitative assessment of changes in effluent characteristics from RO byproduct disposal.
- Any revisions to the project description after initiation of analyses for the EIR may require additional budget.
- Time spent on projects in litigation, in depositions and providing expert testimony will be charged at the negotiated rate schedule times 1.5.
- The effort required to complete the Final Program EIR will depend on the number of comments on the Draft EIR from agencies, environmental groups, and other interested parties. For scoping purposes, it is assumed that the effort required to respond to comments and finalize the EIR will not exceed 1,698 person hours of the Subconsultant's technical and support staff time.
- The aesthetics evaluation will utilize simulations prepared as part of Master Plan development
- Up to four (4) "build" alternatives, analyzed at a level of detail consistent with Section 15126 of the CEQA Guidelines, are assumed.
- CEQA documents following the PEIR (e.g., Findings, Mitigation Monitoring and Report Program, Notice of Determination) shall address only one alternative.
- This scope of work assumes no more than two rounds of review for any deliverable (report, maps, memorandum, etc.).
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- This scope of work is based on the schedule provided in the Subconsultant's proposal. If the schedule is prolonged, additional services may be required that are not included in this scope of work. Preparation and circulation of public notices will be posted and/or mailed by Sunnyvale. The necessary facilities for public hearings/meetings will be provided by

Sunnyvale. Preparation of graphic materials specifically for use at public presentations or hearings will be limited to a PowerPoint presentation relying on graphics included in the EIR and one presentation board.

- This scope of work assumes that public documents (e.g., the NOP, Draft Program EIR) would primarily be circulated to the agencies and public in electronic format. Sunnyvale would be provided with 5 copies of the Administrative Draft EIR (ADEIR), 15 bound copies of the Draft EIR, 5 copies of the Administrative Final EIR (AFEIR) and 15 bound copies of the Final EIR. The District would be provided with 2 copies of the ADEIR, 5 bound copies of the Draft EIR, 2 copies of the AFEIR and 5 copies of the final EIR.
  - Costs for a court reporter at public meetings have not been included.
  - Up to eight buildings will be included in the cultural resources survey
  - Areas of archaeological sensitivity may require subsurface Extended Phase 1 investigation to determine the presence or absence of cultural resources. An Extended Phase 1 Work Plan and investigation are not included in this scope.
  - Permitting assistance is not included in the scope.
  - This scope includes database investigation of hazardous materials issues, suitable to support CEQA evaluation. It does not include the completion of a Phase I Environmental Site Assessment.
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#### ***B. Final Design – Headworks and Primary Treatment Project***

1. Preparation of Contract Documents: the Consultant will prepare separate contract documents for the new electrical switchgear building and 12kV ductbank design in sufficient detail to develop two separate detailed engineering estimates for the CAS and MBR design. It is estimated that a total of 17 drawings would be impacted by this effort.

**Table 1: PEIR Sections Requiring Increased Level of Effort with Inclusion of the Variant**

<b>S. Summary</b>	Introduce Variant with short description. Summarize impacts of Variant either in narrative form or separate table.
<b>1. Introduction</b>	Include in discussion of document organization.
<b>2. Project Background</b>	Include brief description (i.e., 1-2 pages) on planning context of Variant (District).

**Table 1: PEIR Sections Requiring Increased Level of Effort with Inclusion of the Variant**

<b>3. Project Description</b>	Include general description of reasonably foreseeable characteristics of the Water Purification Variant concept based on information provided by Sunnyvale and Consultant
<b>4. Settings, Impacts, and Mitigation Measures</b>	
<i>Plans and Policies</i>	Sunnyvale involvement in the development of regional RO treated supply for indirect potable reuse would supplant and/or augment potable supplies. Would likely involve discussion of additional plans (by District, BAWSCA and others) addressing regional water supplies, regional planning forecasts (e.g., Plan Bay Area).
<i>Aesthetics</i>	Address water purification facility qualitatively (no simulations proposed).
<i>Air Quality</i>	Need to address qualitatively criteria air pollutant emissions from increased power consumption, facility construction.
<i>Biological Resources Report</i>	No significant “footprint” impacts expected from addition of facilities. Address qualitatively any consequences (adverse or beneficial) of RO byproduct disposal on biological resources.
<i>Cultural Resources Report</i>	Minimal Change. No significant “footprint” impacts expected from addition of facilities.
<i>Geology, Soils and Seismicity</i>	Address construction and operation of water purification facility at WPCP in section.
<i>Greenhouse Gas Emissions</i>	Need to address GHG emissions from increased power consumption/energy use for WPF and compare to GHG emissions from increased power consumption/energy use from provisioning other water supply sources
<i>Hazards and Hazardous Materials</i>	Add to section.
Hydrology and Water Quality	Will probably break this into two sections due to inclusion of additional information on water quality. Add discussion of potable reuse regulations, drinking water regulations, related water quality/public health issues (e.g., surface water treatment rule) for potential types of reuse for purified water – either blended for non-potable use or for IPR. ). Address potential improvement of water quality of groundwater basin due to IPR. Address RO byproduct disposal qualitatively, changes in

**Table 1: PEIR Sections Requiring Increased Level of Effort with Inclusion of the Variant**

	discharge characteristics. Include qualitative discussion of impacts of recharge as well as end use (alternatively, District could supply
Energy	Address increased power consumption
Fluvial and Tidal Flooding	Minimal Change.
Land Use and Land Use Planning	See plans and policies, above.
Mineral Resources	No change.
Noise	Add to section.
Population and Housing	See plans and policies discussion. If WPF would augment regional potable supplies, must consider regional growth inducement potential and secondary effects of that growth.
<i>Public Services and Utilities</i>	Address additional line power (or changes to on-site energy production), substation, any other changes needed in services to accommodate plant.
<i>Recreation</i>	Add to section
<i>Transportation and Traffic</i>	Add to section
<i>Cumulative Analysis</i>	Water quality and public health are key issues of concern to the public and will be addressed thoughtfully and thoroughly.

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**AMENDMENT TO CONSULTANT SERVICES AGREEMENT BETWEEN THE  
CITY OF SUNNYVALE AND CAROLLO ENGINEERS FOR DESIGN AND  
CONSTRUCTION SUPPORT SERVICES FOR WATER POLLUTION  
CONTROL PLANT MASTER PLAN AND PRIMARY TREATMENT FACILITY  
DESIGN**

This Amendment to Consultant Services Agreement, dated \_\_\_\_\_, is by and between the CITY OF SUNNYVALE, a municipal corporation ("CITY") and CAROLLO ENGINEERS ("CONSULTANT").

WHEREAS, on May 21, 2013, CITY and CONSULTANT entered into a Consultant Services Agreement whereby CONSULTANT would perform professional services necessary for investigation, analysis, environmental documentation, master planning services, engineering design, preparation of construction drawings and contract specifications, consultation, services during construction and other services for a project known as the Water Pollution Control Plant Master Plan and Primary Treatment Facility Design (Public Works Project No. UY-15/01-19); and

WHEREAS, the CITY and CONSULTANT now agree that an Amendment to said Agreement is advisable;

WHEREAS, the Amendment is necessary to add CEQA and design-related services associated with a Membrane Bioreactor (MBR) option for the production of recycled water at the Water Pollution Control Plant (WPCP); and

WHEREAS, the CITY and the Santa Clara Valley Water District (SCVWD) have entered into a funding agreement for the environmental clearance and basis of design for water purification facility and design of increased electrical capacity at the Sunnyvale Water Pollution Control Plant (WPCP) in support of the MBR option; and

WHEREAS, should CITY construct the MBR option, the SCVWD will be a third party beneficiary;

NOW, THEREFORE, THE PARTIES ENTER INTO THIS AMENDMENT TO CONSULTANT SERVICES AGREEMENT:

1. Services by CONSULTANT – Replace first paragraph with the following:

1. Services by CONSULTANT

CONSULTANT shall provide Base services in accordance with Sections I through VIII of Exhibit "A" and associated Attachment 1 entitled "Master Plan and Primary Treatment Facility Design Scope of Work", as well as Exhibit "A-2"

entitled "Scope of Services to Support Potential MBR/RO Facilities", attached and incorporated by reference.

2. Notice to Proceed/Completion of Services – Replace Paragraph (b) with the following:

2. (b) When CITY determines that CONSULTANT has satisfactorily completed the services defined in Exhibit "A" and Exhibit "A-2", CITY shall give CONSULTANT written Notice of Final Acceptance, and CONSULTANT shall not incur any further costs hereunder. CONSULTANT may request this determination of completion When, in its opinion, it has satisfactorily completed the Scope of Work (Exhibit "A") and Scope of Services to Support Potential MBR/RO Facilities (Exhibit "A-2"), and if so requested, CITY shall make this determination within fourteen (14) days of such request.

4. Payment of Fees and Expenses – Replace with the following:

4. Payment of Fees and Expenses

City agrees to pay CONSULTANT for the services rendered pursuant to this Agreement, the amounts and rates in Exhibit "C – Compensation Schedule" and also in Exhibit "A-2", subject to the payment provisions and not-to-exceed sums set forth in this section.

Payments shall be made to CONSULTANT on a monthly basis. Compensation will not be due until a detailed billing is submitted to CITY within a reasonable time before payment is expected to allow for normal CITY processing. An estimate of the percent of total completion associated with the various categories of the services shall be furnished by CONSULTANT with said billing. Copies of the pertinent financial records will be included with the submission of billings) for all direct reimbursables.

In no event shall the total amount of compensation payable under this Agreement for Base services exceed the sum of Eleven Million Eighty-Eight Thousand One Hundred Twenty Seven and No/100 Dollars (\$11,088,127.00), unless upon written modification of this Agreement executed by both parties.

In no event shall the total amount of compensation payable under this Agreement for As-needed services exceed the sum of One Million Three Hundred Fifty One Thousand Five Hundred Fourteen and No/100 Dollars (\$1,351,514.00), unless upon written modification of this Agreement executed by both parties.

In no event shall the total amount of compensation payable under this Agreement for Scope of Services to Support Potential MBR/RO Facilities (Exhibit



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"A-2") exceed the sum of Five Hundred Seven Thousand One Hundred Sixty and No/100 Dollars (\$507,160.00) unless upon written modification of this Agreement executed by both parties.

All invoices, including detailed backup, shall be sent to City of Sunnyvale, attention Accounts Payable, P.O. Box 3707, Sunnyvale, CA 94088-3707.

8. Standard of Workmanship – Replace second paragraph with the following:

8. Standard of Workmanship

The plans, designs, specifications, estimates, calculations, reports and other documents furnished under the Scope of Work (Exhibit "A") and Scope of Services to support Potential MBR/RO Facilities (Exhibit "A-2") shall be of a quality acceptable to CITY. The criteria for acceptance of the work provided under this Agreement shall be a product of neat appearance, well-organized, technically and grammatically correct, checked and having the maker and checker identified. The minimum standard of appearance, organization and content of the drawings shall be that used by CITY for similar projects.

All other terms and conditions remain unchanged.

IN WITNESS WHEREOF, the parties have executed this Agreement Amendment.

ATTEST:

CITY OF SUNNYVALE ("CITY")

By \_\_\_\_\_  
City Clerk

By \_\_\_\_\_  
City Manager

APPROVED AS TO FORM:

CAROLLO ENGINEERING  
("CONSULTANT")

By \_\_\_\_\_  
City Attorney

By \_\_\_\_\_  
\_\_\_\_\_  
Name and Title

## **Exhibit A-2**

### **City of Sunnyvale Water Pollution Control Plant (WPCP) Scope of Services to Support Potential Water Purification Facilities**

#### **Background**

Carollo (Consultant) and the City of Sunnyvale (Sunnyvale) are in the process of developing the Master Plan for the Sunnyvale's water pollution control plant (WPCP). As part of the planning process Sunnyvale is deciding whether to implement conventional activated sludge treatment (CAS) or a membrane bioreactor (MBR). Central to this decision is whether Sunnyvale eventually develops a joint project with the Santa Clara Valley Water District (District) to produce purified water at the WPCP. If Sunnyvale wants to pursue the future joint project with the District, it would require installation of MBR treatment at the WPCP, instead of the CAS treatment process. In addition, reverse osmosis (RO) and an advanced oxidation processes (AOP) using hydrogen peroxide and UV would be required to produce purified water. This combination of MBR/RO/AOP facilities hereafter will be referred to as the Water Purification Facility (WPF).

#### **Scope of Services**

This scope of work includes the design of a site plan for the potential WPF and program-level environmental analysis of the design and operating characteristics of the WPF as a "variant" in the Program EIR (PEIR) for the Master Plan. Consistent with requirements of the California Environmental Quality Act (CEQA), the EIR will analyze qualitatively the reasonably foreseeable actions related to implementation of the WPF, including RO by-product disposal and the disposition of the purified water. For purposes of scoping the EIR evaluations, it is assumed that the District would use the purified water either to blend with non-potable recycled water or to recharge the groundwater basin, and that the water ultimately could be reused as potable supply.

#### ***A. Planning***

1. Prepare Site Layouts: Current master plan site layouts would be modified to reflect layout considerations for a MBR and related support facilities. Site layout considerations would be prepared in a manner similar to and consistent with the Site Layout Technical Memorandum (TM) that was completed as part of the long-term site master plan. Investigation of site utilization and access, parking considerations, support utilities would be included in the analysis.
2. Complete a Capital Improvement Plan (CIP) for MBR Facilities: As part of the implementation analysis for the MBR, a separate CIP would be developed. This would include an analysis of the timing and phasing for the MBR facilities, estimated construction and project costs, and evaluation of overall O&M impacts to the WPCP.
3. Complete a Basis of Design (BOD) for MBR Facilities: A BOD document would be prepared for the MBR facilities that would include: (1) design criteria; (2) potential vendors; (3) recommendations for level of automation; (4) major O&M

considerations (access/redundancy needs) and (5) layout considerations (plan/section views).

4. Additional Programmatic Environmental Impact Report (PEIR) Support: The potential WPF facilities would be evaluated at a program level of detail. To abet the two separate actions that the PEIR would support, it is proposed to evaluate the WPF as a “Variant” of the proposed Master Plan. That is, the EIR would first describe and focus the impact evaluation on the proposed Master Plan of a CAS process. It would then briefly describe how implementation of the Master Plan would differ with the addition of the WPF and related support facilities including objectives, revised site plan, and descriptions of proposed design and operating characteristics. It is assumed that Sunnyvale and the Consultant would provide information on design and operating characteristics and that the District would provide language on the need for, and objectives of, the facility for consideration by Sunnyvale. Every section of the PEIR would present conclusions (e.g., impact significance) with and without implementation of the “Variant”. This would enable decision makers to identify the trade-offs of including the WPF and would support the separate decisions they will be asked to make. The level of detail would be consistent with the level of detail provided by Sunnyvale and the Consultant.

The PEIR likely will include about five dozen individual impact evaluations (generally corresponding to individual questions in the CEQA Appendix G checklist). With inclusion of the “Variant”, for each impact the proposed Master Plan would be evaluated first, followed by an evaluation of the “Variant”. Inclusion of the WPF in the overall Master Plan would incrementally increase construction impacts and footprint impacts associated with additional facilities. The key environmental issues associated with the potential WPF are: RO byproduct disposal, energy use and the air emissions and greenhouse gas emission associated with increased power consumption; water quality and public health; and growth inducement potential associated with augmenting the regional water supply. Table 1 presents a summary regarding the impacts of the Variant on the PEIR sections.

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assumptions made to estimate total cost of preparing the PEIR. In light of the potential inclusion of the WPF and associated unknowns listed above, revisions have been made to some of the original assumptions described in the PEIR contract. The revised list of assumptions follows:

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<i>Plans and Policies</i>	Sunnyvale involvement in the development of regional RO treated supply for indirect potable reuse would supplant and/or augment potable supplies. Would likely involve discussion of additional plans (by District, BAWSCA and others) addressing regional water supplies, regional planning forecasts (e.g., Plan Bay Area).
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<i>Cultural Resources Report</i>	Minimal Change. No significant “footprint” impacts expected from addition of facilities.
<i>Geology, Soils and</i>	Address construction and operation of water purification facility at

**Table 1: PEIR Sections Requiring Increased Level of Effort with Inclusion of the Variant**

<i>Seismicity</i>	WPCP in section.
<i>Greenhouse Gas Emissions</i>	Need to address GHG emissions from increased power consumption/energy use for WPF and compare to GHG emissions from increased power consumption/energy use from provisioning other water supply sources
<i>Hazards and Hazardous Materials</i>	Add to section.
Hydrology and Water Quality	Will probably break this into two sections due to inclusion of additional information on water quality. Add discussion of potable reuse regulations, drinking water regulations, related water quality/public health issues (e.g., surface water treatment rule) for potential types of reuse for purified water – either blended for non-potable use or for IPR. ). Address potential improvement of water quality of groundwater basin due to IPR. Address RO byproduct disposal qualitatively, changes in discharge characteristics. Include qualitative discussion of impacts of recharge as well as end use (alternatively, District could supply
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<i>Recreation</i>	Add to section

**Table 1: PEIR Sections Requiring Increased Level of Effort with Inclusion of the Variant**

<i>Transportation and Traffic</i>	Add to section
<i>Cumulative Analysis</i>	Water quality and public health are key issues of concern to the public and will be addressed thoughtfully and thoroughly.



[illegible]

Sunnyvale Water Pollution Control Plant Master Plan Design -- MBR Variant Budget Additions																			
		L. Moulton	J. Hamilton	M. Orr	B. Brewster	P. Hudson	M. Fagundes	L. Lowe	J. Moore	C. Mueller	R. Eckard	H. Koenig	K. Lancelle	Graphics	Word Processing			Subconsultant - HT Harvey	
Phase	Phase Description	Sr. Dir. II	Dir. I	Sr. Dir. I	Dir. I	Dir. I	Mnging. Assoc. II	Mnging. Assoc. II	Mnging. Assoc. II	Mnging. Assoc. II	Sr. Assoc. II	Sr. Assoc. II	Assoc. III	Proj. Tech. III	Proj. Tech. II	Total Labor Hours	Total Labor Effort		Total Effort
		\$240.00	\$190.00	\$225.00	\$190.00	\$190.00	\$170.00	\$170.00	\$170.00	\$170.00	\$140.00	\$140.00	\$120.00	\$110.00	\$90.00				
004	CEQA Compliance Mitigation Monitoring	16	294	14	7	13	82	40	19	40	57	13	501	56	45	1,198	177,882	2,190	180,072
401	CEQA/NEPA Strategy																		
	Master Plan Meetings and Workshops		64										2			66	12,540		12,540
	Opportunities and Constraints																		
402	Notice of Prep and Initial Study	4	10										8	1	1	24	4,020		4,020
403	Alternative Analysis Report	2	6										4	2	2	16	2,500		2,500
404	Public Participation Program		8													8	1,520		1,520
405	Draft EIR	8	168	12	5	13	78	36	17	32	53	11	451	53	36	974	140,012	1,722	141,734
40501	Administrative Draft Program EIR																		
	Project Description		24										64	12	5	105	14,010		
	Aesthetics		8										16	2	2	28	3,827		
	Air Quality, GHG, and Odor		8				28							2	1	39	6,590		
	Biological Resources		4											2	2	8	1,160	1,640	
	Cultural Resources		8		4							8		2	2	24	3,800		
	Geology and Soils		8			6							18	2	2	36	5,220		
	Hazards and Hazardous Materials		8			2			16				18	2	2	48	7,180		
	Hydrology		8	8		2					6		18	2	2	46	7,146		
	Water Quality		12			2					44		26	4	2	90	12,481		
	Noise		8				24						10	2	1	45	7,161		
	Population and Housing/Growth Inducement	2	8							30			20	2	1	64	9,863		
	Public Services and Utilities		4										28	2	1	35	4,375		
	Recreation		4										18	2	1	25	3,230		
	Transportation		6					32					8	2	1	49	7,804		
	Land Use and Planning/Plans and Policies		4										18	2	1	25	3,230		
	Energy		4				20						18	2	1	45	6,630		
	Cumulative Analysis	2	14										50	2	2	70	9,570		
	Alternatives	2	14										42	2	2	62	8,500		
40502	Public Draft EIR	3	14	4	1	1	6	4	1	2	3	3	80	6	4	132	18,237		
407	Prepare Responses to Comments	2	16	2	2		4	4	2	8	4	2	30		4	80	12,210	468	12,678
408	Prepare Mitigation and Monitoring Reporting Prog.		2										6		2	10	1,280		1,280
409	Prepare Final PEIR (costed under 407)															0	0		0
	Final Design CEQA		20													20	3,800		3,800
																180,072			
TOTAL		16	294	14	7	13	82	40	19	40	57	13	501	56	45	1,198	177,882	2,190	180,072
Hours and Dollars are rounded to nearest whole number.																			



# City of Sunnyvale

## Agenda Item

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14-0790

Agenda Date: 12/16/2014

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### REPORT TO COUNCIL

#### SUBJECT

Adopt Resolution to Amend the General Plan by Adopting the 2015-2023 Housing Element

**CEQA Review:** Negative Declaration

**Staff Contact:** Suzanne Isé, (408) 730-7698, [sise@sunnyvale.ca.gov](mailto:sise@sunnyvale.ca.gov)

#### BACKGROUND

California law, Government Code 65300-65303.4, requires every city and county to have a general plan to guide physical development of the City. General plans must include at least seven required elements, such as land use, circulation, and the housing element. The housing element is the only one of the general plan elements that must be reviewed and approved by the State in accordance with Government Code 65580-65589.8, the "housing element law." A brief overview of this law is provided in **Attachment 1**. The intent of housing element law is to ensure that all localities are doing their fair share to provide adequate sites for housing development in order to meet each jurisdiction's share of regional housing needs. These needs are determined by the State and regional Councils of Government (COG), in consultation with local governments. For the San Francisco Bay Area, the Association of Bay Area Governments (ABAG) is the COG.

Cities and counties that fail to adopt state-certified housing elements may be faced with legal challenges pursuant to housing element law and/or fair housing laws. In addition, various state and regional housing, transportation and infrastructure funding programs available to local governments require a certified housing element as one of the eligibility criteria. Sunnyvale has always adopted a housing element on time and has always received State certification.

The housing element sets forth the city's housing policies and demonstrates how the city is able to address local housing needs. It is the only element required to be updated on a regular basis, known as the planning period or cycle. This cycle was extended from the prior five-year period to an eight-year period as part of SB 375, the Sustainable Communities and Climate Protection Act of 2008, in order to coincide with the same time period in which regional transportation plans are updated. Sunnyvale's current Housing Element was last updated in August 2009, for the July 2009 to June 2014 planning period. The City must update its Housing Element by January 2015 or face the penalty of having to update it every four years instead of every eight. The new planning period will extend from July 2014 to January 2023.

Staff has been working closely with ABAG and State Department of Housing and Community Development (HCD) representatives for approximately two years to refine the City's regional housing need allocation (RHNA), the first step of the process, and then to update the city's Housing Element pursuant to the newly created "streamlined update" process. The streamlined update process maintains most of the existing policy framework of the 2009 Housing Element, while updating time-sensitive information such as demographic data, housing market data, removing sites that have

already been developed from the housing sites inventory, and adding sites previously designated by the City for new housing.

One advantage of this new efficient process is that it also streamlines the State's review process to just one, sixty-day review period, and the State is limited to commenting on only those portions of the element that are new. For that reason, staff has aimed to maintain as much of the existing narrative as possible, and limited changes to those that are critical to maintaining the integrity and accuracy of the document. A timeline of the streamlined update process is provided below:

**Table 1: Housing Element Update Timeline**

<b>Event</b>	<b>Date</b>
HCD issues Regional Housing Needs Determination to ABAG	Feb. 24, 2012
ABAG adopts Draft Regional Housing Needs Allocation (RHNA)	July 19, 2012
City appeals RHNA	Feb. 18, 2013
City RHNA appeal granted by ABAG	May 16, 2013
ABAG adopts Final RHNA	July 18, 2013
Presentation to Housing and Human Services Commission (HHSC)	July 24, 2013
Housing Element Public Outreach Meeting: Needs Assessment	Aug. 28, 2013
Housing Element Public Outreach Meeting for Development Stakeholders	Oct. 9, 2013
Joint Study Session with Planning Commission and HHSC	May 12, 2014
HHSC Hearing on Draft Housing Element	May 28, 2014
Planning Commission Hearing on Draft Housing Element	June 9, 2014
Council Hearing on Draft Housing Element	Aug. 12, 2014
Submittal of Draft Housing Element to HCD	Sept. 2014
HCD Comments Received	Nov. 12, 2014
<b>CEQA review, commission and Council hearings on Revised Draft</b>	<b>Nov - Dec 2014</b>
<b>Council Hearing on Adoption of 2015-2023 Housing Element (GPA)</b>	<b>Dec. 16, 2014</b>
Submit Adopted Housing Element to HCD for State Approval	<b>By Jan. 31, 2015</b>

Staff prepared the Draft 2015-2023 Housing Element following a concerted public outreach effort undertaken in summer and fall of 2013 which focused on soliciting public input regarding current housing needs, opportunities, and any constraints. Residents, area workers, developers, and various stakeholders were encouraged to participate. The feedback received during that outreach process, and during the commission and Council study sessions and hearings held between May and August 2014, have been incorporated to the extent possible. Additional input was sought during the final stages of the process, as outlined above.

Following Council review and approval in August, staff submitted the approved Draft to HCD for review and comment. Staff discussed the Draft with HCD staff by phone in mid-October. HCD requested several clarifying edits and asked staff to add or expand on several programs in the Implementation Plan, such as adding the Zoning Code Retooling effort currently underway by Planning staff. The changes recommended by HCD have been made to the Revised Draft (**Attachment 2**) and are highlighted. In addition, the City response letter requested by the Building

Industry Association was sent in September and has been added to Appendix A of the Revised Draft. HCD's review letter approving the Revised Draft is provided in **Attachment 3**. The resolution to adopt the Housing Element is provided in **Attachment 4**.

The Housing and Human Services Commission voted unanimously to recommend adoption of the Revised Draft as provided in Attachment 2 at its meeting on November 19, 2014. Minutes of that meeting are provided as **Attachment 6**. The Planning Commission unanimously recommended adoption of the Negative Declaration and resolution to amend the General Plan with the updated Housing Element at its meeting on November 24, 2014. Minutes of that meeting are provided as **Attachment 7**.

### **EXISTING POLICY**

#### **Council Policy 7.3.1 Legislative Management - Goals and Policies**

*Goal 7.3A:* Assess community conditions and make appropriate changes to long-range, mid-range and short-range plans.

### **ENVIRONMENTAL REVIEW**

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) (**Attachment 5**).

### **DISCUSSION**

Just as in 2009, the Housing Element update does not require any rezoning of City areas from one zone to another, because the City already has adequate developable land zoned for residential uses to meet its RHNA for the 2015-2023 housing element cycle under its existing zoning and General Plan, as shown below.

**Table 2: 2015-2023 RHNA**

<b>Affordability Level</b>	<b>RHNA</b>	<b>Sites Available Under Current Zoning/General Plan</b>
Very Low Income	1,640	1,640
Low Income	906	1,052
Moderate Income	932	1,183
Above Moderate Income	1,974	1,974
<b>Total</b>	<b>5,452</b>	<b>5,849</b>

It is beneficial that there are slightly more sites available than required by Sunnyvale's RHNA because in case some sites are deemed unlikely to develop or otherwise don't meet HCD's criteria, there will still be enough sites available to meet the RHNA. It is also important to note that the City is not required to develop any housing units, only to make these sites available through its zoning and general plan land use designations.

Because adequate sites are available and no land use changes are required, the changes made to the Element from the 2009 version consist of updating demographic and housing market data, and updating the constraints section to describe changes made to residential development requirements since 2009. These changes include a number of streamlining efforts undertaken in the last several years, some of which were listed as implementation programs in the 2009 Housing Element,

including: modified parking standards; new standards for development of emergency shelters, transitional and supportive housing; reasonable accommodations procedures; and streamlined processing of multi-family projects.

The inventory of adequate sites (Appendix B of **Attachment 2**) has also been updated, primarily to remove sites that have been developed since 2009, and to add new sites that were not included in the 2009 inventory because they were not needed to meet the RHNA at that time, such as mixed use sites along El Camino Real, and/or a few sites that have been recently rezoned and designated for residential uses, such as the East Weddell housing sites.

The Goals and Policies within the Draft have remained largely unchanged, as they are quite comprehensive and are still considered valid and appropriate, although several new policies have been added, including one to encourage developers to take advantage of the state density bonus, and another to encourage development of units sized for large households and inclusion of family-friendly amenities, particularly in rental developments.

The Implementation Program sets forth a number of actions the City intends to take during the upcoming cycle to ensure that it can meet the goals and “quantified objectives” it has set for the planning period. Many of these objectives are ongoing programs continued from the 2009 Housing Element and still considered valid and appropriate.

The initial Draft approved by Council included six new programs in the Implementation Program to respond to current conditions, needs and/or input received from the outreach process. Three are policy-related programs: 1) A program to consider developing or revising current City policies or standards related to development of accessory living units; 2) a program to consider developing policies to encourage development of affordable housing in Priority Development Areas; and 3) a program to consider developing a new policy regarding residential displacement. Such a policy would address demolition or major renovation of large rental properties, such as those consisting of 10 or more units, to respond to public concerns about displacement due to these types of projects.

The other three new programs are primarily funding-related objectives, including: an objective to provide financial assistance for the development of units for special needs households, such as developmentally disabled adults; an objective to support programs to alleviate homelessness, such as WorkFirst Sunnyvale and tenant-based rental assistance; and an objective to encourage rental housing providers to provide units sized adequately for larger households, with family-friendly amenities such as on-site child care.

In addition, as noted above, the Revised Draft also includes the Zoning Code Retooling Project as a new program in response to HCD’s request. This purpose of this project is to clarify and simplify zoning regulations and reorganize the code for easier administration and public reference. This has been an on-going project and is expected to be completed by the end of 2015.

Most of these actions will require further public hearings, funding commitments, code amendments, and/or review by commissions and/or Council prior to implementation.

If Council would like to suggest new policies or changes to the existing policies to further address these concerns, it may recommend such policies as part of Alternative 2.

**FISCAL IMPACT**

No fiscal impact is anticipated due to the recommended action; however, failure to approve a compliant housing element by the deadline could negatively impact the City by causing it to be ineligible for certain types of state funds and subjecting the City to the requirement to update the Housing Element every four years instead of every eight, which would create additional operating costs.

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk, and on the City's website. A legal notice was published as a display advertisement in the Sunnyvale Sun on November 21, 2014.

The Revised Draft was published online on Friday, November 14, 2014.

**ALTERNATIVES**

1. a) Adopt the Negative Declaration and b) adopt a resolution to amend the General Plan by replacing the 2009 Housing Sub-Element with the 2015-2023 Housing Element as provided in **Attachment 2**.
2. a) Adopt the Negative Declaration and b) adopt a resolution to amend the General Plan by replacing the 2009 Housing Sub-Element with the 2015-2023 Housing Element with modifications to the Revised Draft provided in **Attachment 2**.

**STAFF RECOMMENDATION**

Alternative 1: a) Adopt the Negative Declaration and b) adopt a resolution to amend the General Plan by replacing the 2009 Housing Sub-Element with the 2015-2023 Housing Element as provided in **Attachment 2**.

Staff recommends Alternative 1, a) adopt the Negative Declaration and b) adopt a resolution to amend the General Plan by replacing the 2009 Housing Sub-Element with the 2015-2023 Housing Element as provided in **Attachment 2**.

**COMMISSION RECOMMENDATIONS**

The Housing and Human Services Commission voted unanimously to recommend adoption of the Revised Draft as provided in Attachment 2 at its meeting on November 19, 2014. Minutes of that meeting are provided as Attachment 6. The Planning Commission unanimously recommended adoption of the Negative Declaration and resolution to amend the General Plan with the updated Housing Element at its meeting on November 24, 2014. Minutes of that meeting are provided as Attachment 7.

Prepared by: Suzanne Isé, Housing Officer

Reviewed by: Hanson Hom, Director, Community Development Department

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. HCD Memorandum
2. Revised Draft 2015-2023 Housing Element
3. HCD Review Letter
4. Resolution
5. Negative Declaration
6. November 19, 2014 Housing and Human Services Commission Meeting Minutes
7. November 24, 2014 Planning Commission Meeting Minutes



**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

**STATE HOUSING ELEMENT LAW****Overview**

State law requires each city and county to adopt a general plan containing at least seven mandatory elements including housing. Unlike the other general plan elements, the housing element, required to be updated every five to six years, is subject to detailed statutory requirements and mandatory review by a State agency, the California Department of Housing and Community Development (Department). Housing elements have been mandatory portions of local general plans since 1969. This reflects the statutory recognition that housing is a matter of statewide importance and cooperation between government and the private sector is critical to attainment of the State's housing goals. The availability of an adequate supply of housing affordable to workers, families, and seniors is critical to the State's long-term economic competitiveness and the quality of life for all Californians.

Housing element law requires local governments to adequately plan to meet their existing and projected housing needs including their share of the regional housing need. Housing element law is the State's primary market-based strategy to increase housing supply, affordability and choice. The law recognizes that in order for the private sector to adequately address housing needs and demand, local governments must adopt land-use plans and regulatory schemes that provide opportunities for, and do not unduly constrain, housing development.

The housing element process begins with the Department allocating a region's share of the statewide housing need to the appropriate Councils of Governments (COG) based on Department of Finance population projections and regional population forecasts used in preparing regional transportation plans. The COG develops a Regional Housing Need Plan (RHNP) allocating the region's share of the statewide need to the cities and counties within the region. The RHNP is required to promote the following objectives to:

- (1) Increase the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner;
- (2) Promote infill development and socioeconomic equity, the protection of environmental and agricultural resources, and the encouragement of efficient development patterns; and
- (3) Promote an improved intraregional relationship between jobs and housing.

Housing element law recognizes the most critical decisions regarding housing development occur at the local level within the context of the periodically updated general plan. The housing element component of the general plan requires local governments to

## State Housing Element Law

### Page 2

balance the need for growth, including the need for additional housing, against other competing local interests. Housing element law promotes the State's interest in encouraging open markets and providing opportunities for the private sector to address the State's housing demand, while leaving the ultimate decision about how and where to plan for growth at the regional and local levels. While land-use planning is fundamentally a local issue, the availability of housing is a matter of statewide importance. Housing element law and the RHNP process requires local governments to be accountable for ensuring that projected housing needs can be accommodated. The process maintains local control over where and what type of development should occur in local communities while providing the opportunity for the private sector to meet market demand.

In general, a housing element must at least include the following components:

#### **A Housing Needs Assessment:**

- Existing Needs - The number of households overpaying for housing, living in overcrowded conditions, or with special housing needs (e.g., the elderly, large families, homeless), the number of housing units in need of repair, and assisted affordable units at-risk of converting to market-rate.
- Projected Needs - The city or county's share of the regional housing need as established in the RHNP prepared by the COG. The allocation establishes the number of new units needed, by income category, to accommodate expected population growth over the planning period of the housing element. The RHNP provides a benchmark for evaluating the adequacy of local zoning and regulatory actions to ensure each local government is providing sufficient appropriately designated land and opportunities for housing development to address population growth and job generation.

#### **A Sites Inventory and Analysis:**

The element must include a detailed land inventory and analysis including a site specific inventory listing properties, zoning and general plan designation, size and existing uses; a general analysis of environmental constraints and the availability of infrastructure, and evaluation of the suitability, availability and realistic development capacity of sites to accommodate the jurisdiction's share of the regional housing need by income level. If the analysis does not demonstrate adequate sites, appropriately zoned to meet the jurisdictions share of the regional housing need, by income level, the element must include a program to provide the needed sites including providing zoning that allows owner-occupied and rental multifamily uses "by-right" with minimum densities and development standards that allow at least 16 units per site for sites.

## State Housing Element Law

### Page 3



#### **An Analysis of Constraints on Housing:**

- Governmental - Includes land-use controls, fees and exactions, on- and off-site improvement requirements, building codes and their enforcement, permit and processing procedures, and potential constraints on the development or improvement of housing for persons with disabilities.



#### **Housing Programs**

Programs are required to identify adequate sites to accommodate the locality's share of the regional housing need; assist in the development of housing for extremely low, lower- and moderate-income households; remove or mitigate governmental constraints; conserve and improve the existing affordable housing stock; promote equal housing opportunity; and preserve the at-risk units identified.



#### **Quantified Objectives**

Estimates the maximum number of units, by income level, to be constructed, rehabilitated, and conserved over the planning period of the element.

# **Housing Element of the General Plan**

January 31, 2015 – January 31, 2023

City of Sunnyvale

**Adopted December \_\_ 2014**

**Community Development Department**

**City of Sunnyvale**

# **ACKNOWLEDGEMENTS**

The following individuals have participated in the development and review of the 2015 Housing Element Update:

## **City Council**

Mayor Jim Griffith, Vice Mayor Jim Davis, Council Members David Whittum, Pat Meyering, Tara Martin-Milius, Glenn Hendricks, Gustav Larsson

## **Planning Commission**

Russell Melton, Chair, Ken Olevson, Vice Chair, Ralph Durham, Sue Harrison, Ken Rheaume, David Simons, Larry Klein

## **Housing & Human Services Commission (HHSC)**

Dennis Chiu, Chair, Diana Gilbert, Vice Chair, Patti Evans, Younil Jeong, Chrichelle McCloud, Barbara Schmidt, Navpreet (Ruby) Sidhu

## **City Staff Contributing to the Element**

Deanna Santana, City Manager  
Robert Walker, Assistant City Manager  
Joan Borger, City Attorney  
Hanson Hom, Community Development Director  
Trudi Ryan, Planning Officer  
Suzanne Isé, Housing Officer  
Edith Alanis, Katrina Ardina, Jonathan Caldito, Ernie DeFrenchi, Lupita Gaeta, Richard Gutierrez, Dale Huber, Elise Lieberman, Denise Russell, Rosemarie Zulueta, Intern: Malahat Owrang

## **Consultants** (Original 2009 Housing Element Only)

Karen Warner Associates, Inc.  
Metropolitan Planning Group

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# INTRODUCTION

## The Sunnyvale General Plan

The General Plan responds to, and its authority derives from, California Government Code Section 65302. It is the principal policy document that guides future conservation and development of the city. Accordingly, the General Plan has a set of long-term goals and policies and shorter-term “action statements” that guide local government decisions.

State law requires the General Plan to contain seven specific elements, including a housing element. The 2015 Housing Element is consistent with the other six elements, also referred to as chapters, of the General Plan. For example, the Community Vision Element establishes the framework for many of the Housing Element’s goals and policies. The Land Use and Transportation Element provides the basis for the residential sites inventory contained in the Housing Element. The City will maintain consistency between the Housing Element and the other General Plan elements so that policies introduced in one element are consistent with other elements. Whenever any element of the General Plan is amended in the future, the Housing Element will be reviewed and modified, if necessary, to ensure continued consistency.

## The Housing Element

Under the requirements of California Housing Element law, local governments are required to adequately plan for the existing and projected housing needs of all economic segments of the community. The law recognizes that in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development. As a result, State housing policy rests largely upon the effective implementation of local general plans and in particular, local housing elements. Housing element statutes (Government Code §§ 65580-65589.8, 65751-65761) also require the State Department of Housing and Community Development (HCD) to review local housing elements for compliance with State law and to report its findings to the local government.

Housing element statutes require each city and county to develop local housing programs to meet its “fair share” of existing and future housing needs for all income groups. The Association of Bay Area Governments (ABAG) is responsible for developing and assigning these regional housing needs allocations, or “RHNA”, to Bay Area jurisdictions. Pursuant to the current RHNA planning period for the Bay Area, the Sunnyvale Housing Element is an eight-year plan for the years 2015 through 2023.

Sunnyvale has long been a regional leader in addressing housing issues, enacting its Below Market Rate (BMR) ordinance in 1980, followed by its Housing Mitigation Program in 1983. Housing is one of the most difficult challenges facing cities in Silicon Valley. The need for more affordable housing is critical: its symptoms surface in the shape of congested highways, the number of homeless people, an exodus of young people and retirees from the area, and the



challenges faced by local businesses in attracting new employees. Sunnyvale has also been active in addressing issues of neighborhood quality. The continued vitality of the community depends, in part, on the need to preserve and enhance its residential areas.

The City's past achievements in housing and community revitalization have been recognized in awards by the Bay Area Council, the Northern California Chapter of the American Planning Association, and the California Chapter of the American Planning Association.

The policy basis for Sunnyvale's current and future housing actions is this Housing Element of the General Plan. The Element is divided into the following sections:

- **Housing Needs Assessment** – An evaluation of Sunnyvale's demographic, household and housing stock characteristics, and existing and future regional housing needs (RHNA);
- **Housing Constraints** – An assessment of potential governmental and market constraints to the development and improvement of housing in Sunnyvale;
- **Housing Resources** – An evaluation of the availability of sites to address Sunnyvale's regional housing growth needs. Financial and administrative resources for housing are also presented, as are opportunities for energy conservation and green building;
- **Housing Plan** – An evaluation of accomplishments under Sunnyvale's adopted 2009 Housing Element, and the City's housing goals, policies, programs and quantified objectives for the 2015-2023 planning period.

Sunnyvale's Housing Plan sets forth strategies and programs that focus on: 1) preserving and improving housing and neighborhoods; 2) providing adequate housing sites; 3) assisting in the provision of affordable housing; 4) removing governmental and other constraints to housing investment; and 5) promoting fair and equal housing opportunities.



## Public Participation

Opportunities for community stakeholders to provide input on housing issues and recommend strategies are critical to the development of appropriate and effective programs to address Sunnyvale's housing needs. The City has solicited input from the public on housing issues during development of the draft element and during public review of the draft element; and will continue to do so during the adoption process.

The City solicited public input early in the stages of the development of the draft element in several ways. On the City's website, the City established a dedicated Housing Element Update webpage. The webpage provided a current calendar of public meetings, as well as presentation materials from each of the meetings, background information about the process, and a Housing Needs survey for the public to fill out and submit to the City electronically or on paper.

The City held three public outreach meetings in July, August and October 2013 and conducted a written public survey, both online and on paper in English and Spanish, to gather community input for the needs assessment portion of the updated Housing Element. More than five hundred survey responses were received, and the outreach meetings were well attended. The meetings were promoted with articles in the city's biweekly blog, posting on the City's website, email blasts to the Housing Division affordable housing subscribers, and direct outreach to a number of local non-profit organizations, community and faith-based groups and other stakeholders. Residents, housing developers, senior citizens, non-profit housing developers, community groups, and various social service providers were also contacted directly by the City's Housing staff to encourage their attendance and input. The meetings focused on providing information to the public about the housing element process and state requirements, the City's demographics, housing needs, current market data, and various housing programs currently offered by the city and other regional agencies, as well as on soliciting input about current needs from those in attendance. Questions raised by the attendees were answered to the extent possible, and comments were noted.

The following issues were raised by members of the public at the community meetings and/or in the public survey responses. A summary of public comments is contained in Appendix A. (*Note: These statements reflect the opinions of the individuals expressing them, not necessarily of everyone in attendance at the meeting, or of City staff, consultants and/or officials*):

- Rents have been increasing sharply and many long-time residents can no longer afford to rent here.
- Many people expressed a need for rent control.
- Concerns were raised about impacts of recent growth and development, such as increased traffic, noise, impacts on local schools.
- Lack of transportation infrastructure improvements accompanying new housing developments was a concern.
- Concerns noted about a shortage of affordable housing for people with developmental disabilities/autism. The number of young people with autism spectrum diagnoses has been increasing dramatically in recent years.



- Need to address increasing homeless population in the county, in particular the encampments along creeks and open space areas, particularly in San Jose and South County.
- Concerns were raised about the lack of adequate transitional shelters and supportive housing for homeless populations, including both families and those with mental health or substance abuse issues.
- Need to address affordability for people in the extremely low income group, earning annual incomes below \$15,000, in particular developmentally disabled people, seniors on social security only, and homeless people.
- Evaluate opportunities for expanded infill, such as secondary dwelling units and/or redevelopment of older single-family homes with row housing
- Increased density throughout the City raises concerns about overcrowded schools, traffic, lack of open spaces and crime.

Following the community meetings, City staff revised the Needs Assessment portion of the Housing Element and updated relevant data. A draft of the 2015 Housing Element was published for public review and comment on May 23, 2014. The update process was discussed at a joint study session with the Planning Commission and Housing and Human Services Commission on May 12, 2014, and public hearings on the Draft 2015 Housing Element were held by the Housing Commission on May 28, 2014; by the Planning Commission on June 9, 2014; and by Council on August 12, 2014. The purpose of these meetings was to inform the City's decision-makers of the major changes proposed to be made to the 2009 Housing Element, using the streamlined update process, and to get input from the commissions, and Council approval of the updates, before submitting the Draft 2015 Housing Element to the State for initial review. A summary of public input received during the public outreach phase and minutes of the public hearings on the Draft are provided in Appendix A. Some of the topics discussed at the joint study session on May 12<sup>th</sup> included:

- The challenge of creating new affordable rental units now that cities cannot impose inclusionary requirements on new rental projects, due to the Palmer court decision of 2009;
- The difficulty affordable housing developers face in trying to acquire new sites for affordable housing in the current very competitive real estate market;
- The possibility of charging impact fees on new rental housing to generate funds for affordable housing, and the required nexus study for any new fees;
- Potential options and strategies to address housing needs, such as secondary dwelling units or expanding inclusionary housing requirements;
- How Sunnyvale's housing programs and accomplishments compare with those of neighboring communities;
- Possible anti-displacement policies to protect tenants of units to be demolished or renovated;
- Possible impacts of new development on schools, traffic, and other local resources.

Once the Draft 2015 Housing Element was published, it was also made available at public locations throughout the community, including City Hall, the Sunnyvale Library, and on the City's website. It will also be sent to the State Department of Housing and Community Development (HCD) for review and comment following the public hearing at the August 12, 2014 Council meeting. After the State indicates the draft is in compliance with the law, public



hearings will be held before the Housing and Human Services and Planning Commissions and Council before the new Housing Element is amended into the General Plan. A notice of public hearing will be published in the local newspaper before each hearing, and interested groups and individuals will be notified directly via mail or email, depending on request.



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# HOUSING NEEDS ASSESSMENT

This chapter describes the characteristics of the City's population and housing stock as a means of better understanding the nature and extent of unmet housing needs. The Housing Needs Assessment is comprised of the following components: Demographic Profile; Employment Characteristics; Household Characteristics; Housing Stock Characteristics; and Regional Housing Needs.

## Demographic Profile

### Population Trends

Table 1 presents population growth trends in Sunnyvale, and compares this growth to that of neighboring cities and the County of Santa Clara as a whole. With a 2010 population of 140,081, Sunnyvale's population grew by six percent between 2000 and 2010, comparable to the county-wide growth rate during that decade. Between 2010 and 2013, the population grew by four percent, to 145,973 in 2013, according to the California Department of Finance. Sunnyvale continues to be the second most populous city in Santa Clara County, behind only San José, which comprises over half the County's population.

Table 1: Regional Population Growth Trends

Jurisdiction	2000	2010	2013	Percent Change	
				2000-2010	2010-2013
Cupertino	50,546	58,302	59,620	15%	2%
Mountain View	70,708	74,066	76,260	5%	3%
San José	894,943	945,942	984,299	6%	4%
Santa Clara	102,361	116,468	120,284	14%	3%
<b>Sunnyvale</b>	<b>131,760</b>	<b>140,081</b>	<b>145,973</b>	<b>6%</b>	<b>4%</b>
Santa Clara County Total	1,682,585	1,781,642	1,842,254	6%	3%

Sources: 2000, 2010 Census; California Department of Finance 2013 Population Estimates.

The Association of Bay Area Governments (ABAG) produces population estimates as part of its program of projecting future growth in the Bay Area. ABAG's latest projections series, *Projections 2013*, documents Sunnyvale's 2010 population at 140,081, and projects a constant eleven percent increase in population in each of the decades post-2010 (to 2020 and 2030), resulting in an estimated 2030 City population of 174,700. ABAG projects the total county population to grow at a similar rate to Sunnyvale, with an 11 percent increase projected between 2010 and 2020, and a 10.6 percent increase from 2020 to 2030. Two-thirds of the County's population growth in these decades is expected to occur within the City of Milpitas, just north of San Jose.





## Age Distribution

Table 2 summarizes the age distribution of the Sunnyvale population in 2000 and 2010, and compares this with that of the County as a whole. While the City's age distribution remained relatively stable over the decade, like many communities nationwide, Sunnyvale's population is growing older. The median age, 34.3 in 2000, increased slightly to 35.6 years by 2010. However, the proportion of the population aged 65 and older remained the same, at roughly eleven percent of the total in 2000 and 2010. The population of seniors is projected to grow during the planning period, as many of the "baby boomers" (the large group of people born between 1946 and 1964) will have reached age 65 by 2023. This national demographic trend is expected to affect Sunnyvale as well, although perhaps to a lesser extent, if the current trend of recent retirees seeking more affordable and/or more desirable post-retirement housing opportunities elsewhere continues.

Comparison of Sunnyvale's age distribution with that of the County illustrates two distinct differences. Young adults (25 to 44) comprise 36 percent of Sunnyvale's population, compared to only 31 percent Countywide. This predominance of young adults can largely be attributed to the concentration of high tech and emerging technology industries in Sunnyvale, and the variety of rental and ownership opportunities attractive to this age group. In contrast, school age children (5 to 19) encompass only 16 percent of the population in Sunnyvale, versus 20 percent Countywide. Sunnyvale's lower proportion of family households, combined with the higher incidence of single person households due to young local workforce, both contribute to the slightly smaller proportion of children in the City's population.

Table 2: Age Distribution

Age Groups	2000		2010		Santa Clara County % (2010)
	Persons	Percent			
Preschool Age (Ages 0-4)	9,270	7%	11,253	8%	7%
School Age (5-19)	19,861	16%	22,519	16%	20%
College Age (20-24)	7,961	6%	7,013	5%	6%
Young Adults (25-44)	54,438	41%	50,919	36%	31%
Middle Age (45-64)	26,273	20%	32,721	23%	25%
Senior Adults (65+)	13,957	11%	15,656	11%	11%
<b>Total</b>	<b>131,760</b>	<b>100%</b>	<b>140,081</b>	<b>100%</b>	<b>100%</b>
Median	34.3		35.6		36.2

Sources: 2000, 2010 Census.



## Ethnic Composition

Table 3 displays the racial composition of Sunnyvale's population in 2000 and 2010, and compares this with the distribution county-wide. Sunnyvale no longer has a single racial majority, reflecting the increasing diversity of Santa Clara County and the greater Bay Area. The Asian population increased to 41 percent of the City's population by 2010. Table 3A shows the percentage of the population of Hispanic ethnicity. Hispanic residents have grown to comprise almost 20 percent of the City's population, which is still less than the 27 percent Hispanic population of the County.

Table 3: Race

Race	2000		2010		Santa Clara County % (2010)
	Persons	Percent	Persons	Percent	
White	70,193	53.3%	60,193	43%	47%
Black or African American	2,927	2.2%	2,735	2%	2.6%
American Indian and Alaska Native	608	0.5%	662	0.5%	0.7%
Asian	42,524	32.3%	57,958	41%	32%
Native Hawaiian and Other Pacific Islander	428	0.3%	638	0.5%	0.4%
Some Other Race	9,474	7.2%	12,177	9%	12.4
Two or More Races	5,606	4.3%	6,356	4%	4.9%
<b>Total</b>	<b>131,760</b>	<b>100%</b>	<b>140,081</b>	<b>100%</b>	<b>100%</b>

Table 3A: Ethnicity

Ethnicity	2000		2010		Santa Clara County % (2010)
	Persons	Percent	Persons	Percent	
Hispanic	20,390	15.5%	26,517	19%	27%
Not Hispanic	111,370	84.5%	113,564	81%	73%
<b>Total</b>	<b>131,760</b>	<b>100%</b>	<b>140,081</b>	<b>100%</b>	<b>100%</b>

Sources: 2000, 2010 Census.

Over half of Sunnyvale's households speak a language other than English as the primary language at home according to the 2012 American Community Survey. Of the 28 percent of households (15,276 households) that primarily speak an Asian or Pacific Island language at home, 38 percent of the adult members report that they speak English less than "very well", and are thus considered linguistically isolated. Of the 12 percent of households (6,478 households) that speak primarily Spanish, 49 percent are linguistically isolated. Overcoming language and cultural barriers to ensure that all residents have equal access to, and understanding of, available housing opportunities is an important part of Sunnyvale's comprehensive housing program.



## Education

The overall educational level of Sunnyvale residents is very high and has been steadily increasing (Table 4). Sixty percent of the City's population aged 25 and older have a bachelor's degree or higher, compared to 47 percent in the County as a whole. In the past decade, the number of Sunnyvale residents with post-graduate degrees increased from 21 to 27 percent, due in part to the large number of highly educated immigrants and other skilled workers recruited to fill high-tech or other knowledge-based jobs. While the number of non-English speaking households increased during this period, the proportion of the adult population with no more than a high school degree declined from 26 percent to 21 percent.

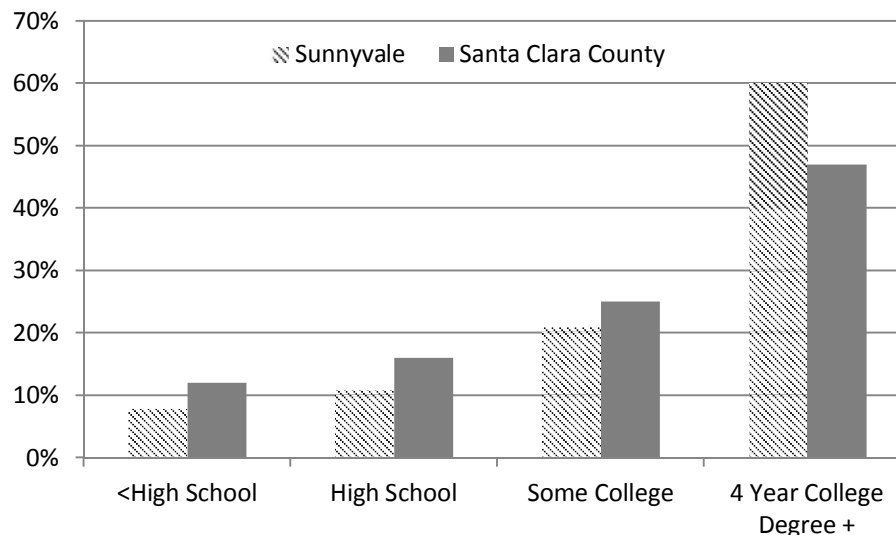
Table 4: Education Level

Highest Educational Level of Population Aged 25 or older	Sunnyvale		Santa Clara County (2010)
	2000	2010	
<High School	12%	8%	12%
High School	14%	11%	16%
Some College	26%	21%	25%
4 Year College Degree +	48%	60%	47%

Source: 2000 and 2010 Census

Figure 1: Education Level of Sunnyvale and Santa Clara County Adults

Source: 2000 and 2010 Census





## Employment Characteristics

### Resident Labor Force

Evaluation of the types of jobs held by Sunnyvale residents provides insight into their potential earning power and the type of housing they can likely afford. Information on the local workforce and how it is changing over time can help estimate potential housing and employment needs in the future.

According to estimates by the California Employment Development Department (EDD), Sunnyvale had a labor force of **79,300** in 2013, with an average 5.8 percent unemployment rate that year. In comparison, the unemployment rate averaged 6.8 percent in Santa Clara County and 8.9 percent statewide in 2013. California's average annual unemployment rate in 2013 dropped by 1.5 percent from the prior year (2012), reflecting the state's continuing recovery from the 2008-09 recession.

Table 5 presents the major occupational categories of employed Sunnyvale residents, according to the 2010 Census. Residents employed in management, business, science and arts (57%) accounted for the largest share of employed residents, followed by those employed in sales and office occupations (21%). Together, these two categories accounted for nearly 80 percent of resident employment.

Table 5: Employment Profile

Occupational Categories of Residents	Persons	Percent
Management, business, science, and arts	40,426	57%
Sales and office occupations	14,961	21%
Service occupations	7,492	11%
Production, transportation, and material moving	5,110	7%
Natural resources, construction, and maintenance	2,759	4%
<b>Total</b>	<b>70,748</b>	<b>100%</b>

*Source: 2010 Census*

Although the number of employed residents in the City nearly matches the number of jobs in the City, as described in the following section, most employed local residents work outside of Sunnyvale. According to recent Census estimates, nearly three out of four employed Sunnyvale residents aged 16 years or older (74.4%) worked at a primary place of employment located outside of Sunnyvale during the five-year period between 2006 and 2010. Slightly over 25% of Sunnyvale employed adults worked within the city limits during this period, according to those estimates. **Table 6** shows the place of employment of all Sunnyvale residents in the workforce during that time, according to the Census.



Table 6: Place of Employment of Sunnyvale Employed Residents Aged 16 or Older, 2006-2010

Place of Employment	Sunnyvale Residents Aged 16+	
	Number	Percent
In Sunnyvale	17,190	25.6%
Elsewhere in Santa Clara County	39,064	58.2%
Elsewhere in Bay Area (8 counties)	10,439	15.6%
Balance of State	395	0.6%
<b>Total</b>	<b>67,088</b>	<b>100%</b>

*U.S. Census, ACS 2006-2010 (5-year estimates), Transportation Planning, Table A302100: Total Workers (Workers 16 years and over). Sunnyvale data extracted and summarized by City staff.*

The same Census data summarized in Table 6 also estimates that more than one thousand Sunnyvale residents were employed within each of the following cities between 2006 and 2010, listed in descending order of Sunnyvale residents employed within each city: Sunnyvale (17,190), San José (11,900), Santa Clara (7,470), Mountain View (6,840), Palo Alto (4,980), Cupertino (3,460), Redwood City (1,695), Milpitas (1,475), Menlo Park (1,450), Fremont (1,100), and San Francisco (1,035). The remaining nearly 8,500 Sunnyvale adults in the workforce were employed in other cities throughout the State, primarily within the Bay Area. Given the very fast pace of change of office locations and jobs in the Silicon Valley, and the number of job losses and then new hiring that occurred during and after the recent recession, the city-specific numbers may already be outdated. However, the general proportion of Sunnyvale residents working within versus outside of the City or the County from year to year is likely to be more stable over time than the precise city of employment, and reflects a regional pattern of commuting across jurisdictional boundaries which is highly typical of the Bay Area, as evidenced by local and regional traffic flows.

### Local Employment Base

During the last two decades of the twentieth century, Sunnyvale's local employment base shifted from one of primarily blue-collar industrial jobs to one of primarily white-collar jobs. Between 1980 and 2000, the City lost 23,000 manufacturing and wholesale jobs, while the number of service-sector jobs grew by 140 percent. Much of the service-sector growth occurred during the high-tech boom of the 1990's, when Sunnyvale became known as the Heart of the Silicon Valley. The number of jobs located in the City peaked in 1999-2000, at 99,290 jobs according to ABAG estimates, as shown on Figure 2 below.

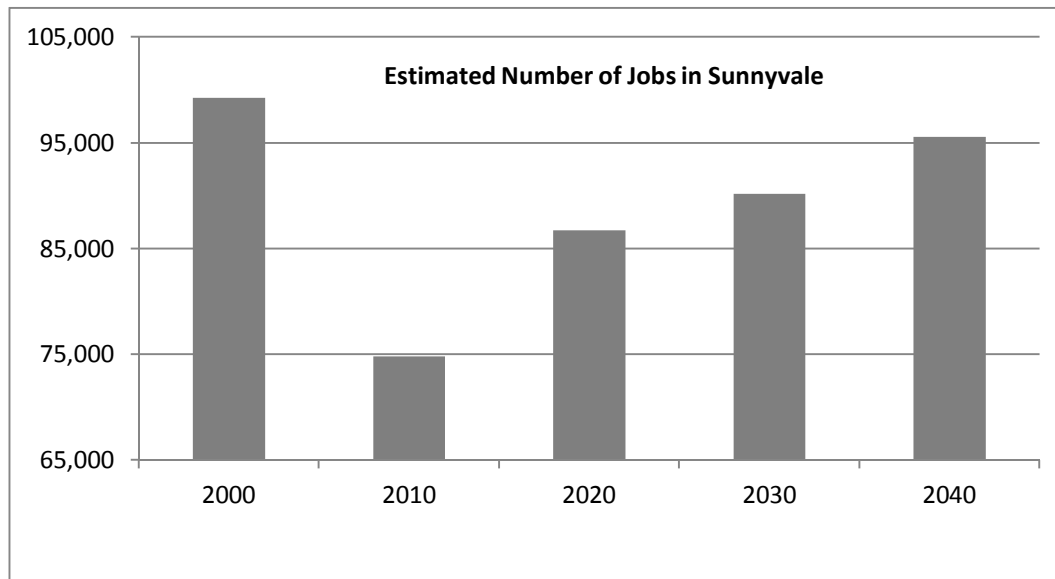
The rapid increase in jobs in the Silicon Valley abruptly reversed direction in late 2000 with the "dot-com bust." The job market recovered somewhat between 2004 and 2006, and then declined sharply again in late 2008 and 2009 during the major national recession. Substantial job losses were widespread throughout the Silicon Valley during both of these downturns. In 2005, an estimated 73,630 jobs were located in Sunnyvale (ABAG Projections 2009).

By 2010, the number of jobs in Sunnyvale increased slightly to 74,610, according to ABAG estimates. Recent Census data indicates that there were 82,030 jobs in the City in 2011, of which



78,309 were primary jobs (U.S. Census Bureau, Longitudinal-Employer Household Dynamics Program, 2013). ABAG recently projected that the number of jobs in Sunnyvale will grow slightly to 86,740 by 2020, an increase of 16 percent over ten years, and then increase by 4 percent over the next decade, to 90,160 by 2030 (ABAG Projections 2013).

Figure 2: Number of Jobs in Sunnyvale, Estimated (2000-2010) and Projected (2020-2040)



Source: ABAG Projections 2002, 2009, and 2013.

Translating ABAG's long-range projection to an average annual growth rate of approximately 690 jobs per year, Sunnyvale's local employment base could reasonably be expected to grow by about 5,500 jobs during the eight-year housing element planning period of 2015-2023. This is a very rough estimate, however, given that employment generally rises and falls sharply with periodic economic boom and bust cycles, as was clearly the case between 2000 and 2010, rather than increasing at a steady annual rate.

## Major Employers in Sunnyvale

As is typical in larger cities in the Silicon Valley, most of the largest employers in Sunnyvale are technology firms, although the single largest company remains a defense/space industry company, Lockheed Martin Space Systems, reflecting the region's historic defense industry cluster, attracted by proximity to military and NASA facilities such as Moffett Field and the now-decommissioned Onizuka Air Force Station, as well as a steady supply of highly educated engineers from nearby universities. The largest industry clusters today are in software, computer hardware, innovation services, biomedical, and electronic components. The ten largest employers in Sunnyvale are shown in Table 7 below, according to employment data gathered in August 2013.



Table 7: Major Employers in Sunnyvale

Employer	Number of Employees
1. Lockheed Martin Space Systems	6,070
2. Apple Inc.	4,000
3. NetApp, Inc.	3,134
4. Yahoo! Inc.	2,810
5. Juniper Networks, Inc.	2,400
6. Hewlett Packard	1,743
7. Northrop Grumman Marine Systems	1,274
8. Synopsys, Inc.	999
9. Advanced Micro Devices, Inc.	823
10. Broadcom Corporation	767

Source: City of Sunnyvale, August 2013

Despite the presence of many high-wage jobs, wages for the most common occupations in the county vary widely. Median annual wages for all occupations with at least 10,000 employed within the county, and their respective household income levels, are shown in Table 8.

Table 8: Wages and Income Level by Occupation, Santa Clara County, May 2013

Occupation Title	Number Employed	Median Annual Wage	Income Level
Computer and Information Systems Managers	10,660	\$ 172,460	Above Moderate
General and Operations Managers	18,300	\$ 131,020	
Software Developers, Systems Software	23,810	\$ 130,790	
Registered Nurses	14,230	\$ 130,110	
Software Developers, Applications	28,980	\$ 127,190	
Business Operations Specialists, All Other	10,620	\$ 87,800	Moderate
Accountants and Auditors	11,750	\$ 80,080	
Customer Service Representatives	12,480	\$ 43,640	Low
Secretaries and Administrative Assistants, Except Legal, Medical, and Executive	10,980	\$ 41,360	
Office Clerks, General	13,650	\$ 37,260	
Laborers and Freight, Stock, and Material Movers, Hand	13,040	\$ 28,140	Very Low
Janitors and Cleaners, Except Maids and Housekeeping Cleaners	15,320	\$ 23,510	
Retail Salespersons	25,940	\$ 23,050	
Cashiers	16,840	\$ 22,470	
Combined Food Preparation and Serving Workers, Including Fast Food	15,870	\$ 20,280	Extremely Low
Waiters and Waitresses	13,530	\$ 19,280	

Source: Wage data: Occupational Employment Statistics Survey, Bureau of Labor Statistics, Department of Labor, May 2013. Income level: City of Sunnyvale Housing Division, based on HCD 2013 Area Median Income Limits



## Jobs and Housing

Employment trends affect planning for housing. If a city or region such as the Silicon Valley does not have enough housing units to house the workers employed in the city or region, the cost of housing is pushed up as people compete for the limited number of units. Workers who can't afford local housing prices must find housing elsewhere and commute longer distances to work, increasing traffic congestion on major freeways and arterials, and contributing to air quality degradation. As a means of mitigating the impact of job growth on the demand for affordable housing, Sunnyvale requires intense job-producing commercial and industrial development to pay into a Housing Mitigation Fund.

Jobs/housing balance is defined as the ratio of number of jobs to number of housing units in a given area. Although the term “jobs/housing balance” is still often used, the more precise relationship is between jobs and the number of employed residents (because some households have no workers, while others have multiple workers). Jobs and housing are considered to be balanced when there are an equal number of employed residents and jobs within a given area, with a ratio of approximately 1.0. In 2010, ABAG estimates indicate that Sunnyvale had a balanced jobs-to-employed residents ratio at 1.0, similar to the county-wide ratio of 1.1 (Table 8). However, the high jobs-to-employed residents ratio in neighboring cities (2.9 in Palo Alto, 1.9 in Santa Clara, and 1.8 in Los Gatos) can also impact the demand for housing in Sunnyvale. Over the next three decades, ABAG projects Sunnyvale's jobs-to-employed residents ratio will remain fairly stable. However, as Table 9 indicates, although the ratio may be 1:1, the majority of City residents work outside of the city, and the majority of local workers commute in. However most of this commuting appears to be within the county, so distances are not that great.

Table 9: Jobs to Employed Residents Ratio  
(2010)

City	Jobs/ Employed Residents Ratio
Campbell	1.3
Cupertino	1.0
Los Gatos	1.8
Milpitas	1.5
Mountain View	1.2
Palo Alto	2.9
San Jose	0.8
Santa Clara	1.9
<b>Sunnyvale</b>	<b>1.0</b>
Santa Clara County	1.1

Source: ABAG Projections, 2013

Sunnyvale has a goal within its Housing Element Plan to maintain a local balance of jobs and housing. Policies designed to implement this goal include maintaining data on the jobs/housing ratio, continuing to require office and industrial developers to mitigate the demand for housing





created by their projects, and continuing to encourage a mix of residential and employment-generating land uses.

### **ABAG Jobs-Housing Connection**

As mentioned above, in May 2012 the ABAG Executive Board adopted a Jobs-Housing Connection Strategy which projects the amount of housing and job growth anticipated to occur throughout the Bay Area between 2010 and 2040. The Executive Summary of the ABAG Jobs-Housing Connection Strategy is provided in Appendix D.



## Household Characteristics

Household type and size, income levels, and the size and types of special needs populations all affect the type of housing needed by residents. This section describes the various household characteristics contributing to housing needs in Sunnyvale.

### Household Type

A household is defined as all persons living in a housing unit. Families are a type of households and include people related by blood, marriage, or adoption who live together. A single person living alone is also a household. “Other” types of households are unrelated people residing in the same dwelling unit. People living in group quarters, such as dormitories or convalescent homes, are not counted as households, but are counted as a separate category

According to the 2010 Census, 53,384 households reside in Sunnyvale, with an average household size of 2.61 persons. This represents a smaller average household size than that of the County overall (2.90), and reflects Sunnyvale’s higher incidence of single-person households and lower proportion of family households.

As shown on Table 10 below, families comprise the majority of households in Sunnyvale (66%), including families with children (33%), and those without children (33%). During the 2000s, the proportion of households in Sunnyvale comprised of families with children increased by five percent. Over three-quarters of the City’s household growth between 2000 and 2010 resulted from an increase in family households. Nonetheless, Sunnyvale continues to have a higher proportion of single-person households (25%) than the County (22%), largely related to the City’s employment base of high technology and emerging industry firms which employs many younger single adults. These household data support the need for smaller, higher density and mixed-use units close to transportation and services, as well as larger housing types suitable for families.

Table 10: Household Characteristics

Household Type	2000		2010		Santa Clara County % (2010)
	Households	Percent	Households	Percent	
<b>Total Households</b>	<b>52,539</b>	<b>100%</b>	<b>53,384</b>	<b>100%</b>	<b>100%</b>
Families	32,664	62%	35,553	66%	71%
With Children	14,519	(28%)	17,394	(33%)	(35%)
Without Children	18,145	(34%)	17,831	(33%)	(29%)
Singles	14,220	27%	13,457	25%	22%
Other	5,655	11%	4,374	8%	7%
Average Household Size	2.49		2.61		2.90

Source: 2000 and 2010 Census



## Household Income

Household income is the most important factor affecting housing opportunity, as it determines a household's ability to afford its preferred type and location of housing, and to balance housing costs with other basic necessities of life. Income levels can vary considerably among households based on age, number of workers per household, education level, type of employment, and/or race and ethnicity, among other factors.

The State and Federal government classify household income into several levels based upon the relationship to the County "Area Median Income" (AMI), adjusted for household size. The State of California utilizes the income levels presented in Table 11. However, certain federal (HUD) housing programs utilize slightly different income levels and definitions, with the highest income level eligible for HUD programs limited to 80% AMI. For purposes of the Housing Element, the State income definitions are used throughout, except where data has been compiled by HUD and is specifically noted.

Table 11: State Income Categories

Income Category	% of County Area Median Income (AMI)
Extremely Low	0-30% AMI
Very Low	0-50% AMI
Low	51-80% AMI
Moderate	81-120% AMI
Above Moderate	120%+ AMI

Based on projections from the Association of Bay Area Governments (ABAG) for the year 2013, the median household income of Sunnyvale residents was estimated at \$93,292 for all households. As illustrated in Table 12, median household income in Sunnyvale was just slightly higher than that of the County, and similar to that of Mountain View and Milpitas.

Table 12: Regional Household Incomes

City	Median Household Income (2007-2011)
Campbell	\$82,687
Cupertino	\$124,825
Milpitas	\$94,589
Mountain View	\$91,446
San Jose	\$80,764
Santa Clara	\$89,004
<b><i>Sunnyvale</i></b>	<b><i>\$93,292</i></b>
Santa Clara County	\$89,064

Source: ABAG Projections, 2013.



Between 2000 and 2010, the proportion of Sunnyvale households in the lower income groups (0% to 80% AMI) increased from 25 to 28 percent of the total. As shown in Table 13, the City's household income distribution has remained relatively stable over the past decade, with only a slight increase in the proportion of very low income households, and a slight decrease in the proportion of low and moderate, and above-moderate income households.

Table 13: Sunnyvale Household Income Levels

Income Level	2000		2010	
	Households	Percent	Households	Percent
Very Low Income (31-50% AMI)	9,619	18%	10,540	20%
Low Income (51-80% AMI)	4,803	9%	4,175	8%
Moderate Income and above (>80% AMI)	38,006	73%	38,705	72%
<b>Total</b>	<b>52,428</b>	<b>100%</b>	<b>53,420</b>	<b>100%</b>

Source: [ABAG](#) Data for Bay Area Housing Elements, 2014

Table 14 shows the estimated income levels of Sunnyvale households by housing tenure. As could be expected, a higher percentage of renter households (33%) were lower income (<80% AMI) compared to residents who owned their homes (22%). The presence of approximately 6,820 extremely low and very low income renter households is of particular significance as market rents in Sunnyvale exceed the level of affordability for these households. A high level of housing overpayment is verified by the 2010 census which estimated that 69 percent of very low income renters spent more than 30 percent of their income on housing in 2010. The Census estimates the median income of Sunnyvale's renter households was \$86,252, compared to \$119,214 for homeowners.

Table 14: Sunnyvale Household Income Level by Housing Tenure

Income Level	Renters		Owners		Total %
	Households	%	Households	%	
Very Low Income (30-50% AMI)	6,820	25%	3,720	14%	20%
Low Income (51-80% AMI)	2,125	8%	2,050	8%	8%
Moderate Income and above (>80% AMI)	18,330	67%	20,375	78%	72%
<b>Total</b>	<b>27,275</b>	<b>100%</b>	<b>26,145</b>	<b>100%</b>	<b>100%</b>

Source: *Comprehensive Housing Affordability Strategy, 2010, based on 2006-2010 American Community Survey.*

While renters were more likely to have very low incomes than owners, there is also significant variation in income levels by household type, as presented in Table 15. Well over half (57%) of elderly households in Sunnyvale have lower incomes, with one-quarter having extremely low incomes. As seniors are typically on fixed incomes, an increase in rents can have a considerable impact on extremely low income senior renters. Senior homeowners with extremely low incomes - many of whom reside in Sunnyvale's mobile home parks - also face significant needs related to maintaining their homes. One factor that is not reflected by household income estimates is total



net worth, which includes assets, which many homeowners, particularly long-time senior homeowners, have in the form of substantial equity in their homes. Many single family homes in the City are worth more than \$1 million. This equity can be tapped into to meet some household needs through mechanisms such as reverse mortgages or downsizing to smaller housing such as condominiums.

Table 15: Estimated Income Levels of Elderly Households

<b>Income Level</b>	<b>Elderly</b>
Extremely Low Income (<30% AMI)	2,514
Very Low Income (31-50% AMI)	1,653
Low Income (51-80% AMI)	1,872
Moderate Income and above (>80% AMI)	2,670
<b>Total</b>	<b>8,709</b>

*Source: 2006-2010 American Community Survey.*



## Special Needs Populations

State law recognizes that certain households have more difficulty finding decent and affordable housing due to special circumstances. Special needs populations defined by HUD include the elderly, persons with disabilities, female-headed households, large households, homeless persons and farmworkers. Table 16 summarizes the number of special needs households in Sunnyvale. Each of these population groups, as well as their housing needs, is described below.

Table 16: Special Needs Groups

Special Needs Households	Number	Percent of Total
Large Households	5,058	9%
<i>Renters</i>	2,624	
<i>Owners</i>	2,434	
Senior Households	8,968	17%
<i>Renters</i>	2,224	
<i>Owners</i>	6,744	
<i>Seniors living alone</i>	3,462	
Female-headed Households	4,629	9%
With related children	1,627	3%
<b>Total Households</b>	<b>53,384</b>	<b>100%</b>
Special Needs Individuals	Number	Percent of Total
Seniors (65+)	15,656	11%
Seniors with a disability	5,366	
All persons with Disability	9,553	7%
Workers in Agriculture, Forestry, Hunting, Fishing and Mining Occupations *	226	0.2%
Homeless People **	283 unsheltered 142 sheltered	0.2%
<b>Total Individuals</b>	<b>140,081</b>	<b>100%</b>

Source: 2010 Census unless otherwise noted.

\* 2007-2011 ACS 5-year estimates, *Employment by Industry of Civilian population aged 16 or older*, provided by ABAG.

\*\*2013 County of Santa Clara Homeless Census and Survey.



## Senior Households

Senior citizens have several major concerns which impact their housing needs:

- Income: People over 65 are usually retired and living on a limited income;
- Health Care: Because the elderly have a higher rate of illness and dependency, health care and supportive housing is important;
- Transportation: Many seniors use public transit. However, some seniors with severe mobility limitations, or very frail seniors, may require para-transit or taxi services such as Outreach.
- Housing: Many seniors live alone and rent. Homeowners may have a difficult time maintaining their homes.

Seniors (age 65 and above) comprise 11 percent of Sunnyvale's residents, and represent a growing segment of the City's population. About 17 percent of all households are headed by a senior, three-quarters of which are homeowners. Nearly forty percent of the City's households headed by a senior consist of one senior living alone. Over one third of elderly residents in Sunnyvale have some type of disability for self-care or mobility, which may limit their ability to live independently. There are at least 7,000 persons above the age of 75 in Sunnyvale who may soon need supportive housing, assisted living, or in-home services such as a live-in aide.

The possibility of rising rents is of particular concern to senior renters, due to the fact that most seniors are on limited incomes. Of Sunnyvale's 2,224 senior renter households, over 70 percent are lower income. Three-quarters of these lower-income senior renters pay more than 30 percent of their incomes on housing. As shown in Table 25, Sunnyvale has four senior housing projects providing 423 rental units affordable to very low and low income households. A new senior apartment complex was developed by Mid-Peninsula Housing Coalition in 2011, known as the Fair Oaks senior housing project, located next to the County's Valley Health Center. The State of California Community Care Licensing Division identified 35 residential care homes for the elderly in Sunnyvale, which provide nearly 800 beds for seniors age 60+ who require 24-hour care. As of May 15, 2014, 346 lower income seniors in Sunnyvale received Section 8 rental subsidies from the Housing Authority of the County of Santa Clara. Of that total, 224 seniors received portable, tenant-based vouchers and 122 were living in rental units assisted with project-based vouchers.

For those seniors who live on their own, many have limited incomes and, due to lack of funds, frailty or physical limitations, some seniors may not be able to maintain their homes or perform minor repairs. Furthermore, the installation of grab bars and other assistance devices in the home may be needed. The City provides a Housing Rehabilitation Program that provides low interest loans and grants to assist lower income homeowners in making needed repairs or accessibility improvements. Mobile homes are also eligible for rehabilitation assistance, a large number of which are occupied by seniors.

In 2003, Sunnyvale consolidated its various community programs for seniors into a single, 23,000 square foot state-of-the art senior center. The center was designed to promote physical, mental and emotional health, independence and socialization to meet the needs of individuals aged 50 years and older. More than 3,000 members participate in a wide variety of activities,



including over 200 recreational classes, a daily lunch program, health services, and case management services in collaboration with the Silicon Valley Council on Aging.

In addition to services offered through the Senior Center, the City funds a variety of programs which provide housing-related supportive services for seniors, including:

- Long Term Care Ombudsman Program. Provides ombudsmen who advocate for elderly residents of skilled nursing facilities and residential board and care homes.
- Adult Day Care. Provides day care for elderly and dependent seniors.
- Senior Adult Legal Assistance. Provides legal assistance and advocacy services to lower income seniors.
- Senior Nutrition. Provides subsidized hot meals five days per week at the Senior Nutrition site at First Methodist Church.
- Meals on Wheels. Provides hot meals and supportive services to homebound seniors.

## **Persons with Disabilities**

A disability is defined as a long lasting condition that impairs an individual's mobility, ability to work, or ability to perform self-care. Persons with disabilities include those with physical, mental, developmental, or emotional disabilities. Severely disabled people often have special housing needs because they often have limited incomes, there is a shortage of affordable and/or accessible housing, or they may have higher health care costs due to their disability.

According to the 2012 American Community Survey, an estimated 7 percent of Sunnyvale's residents (9,553 persons) have one or more disabilities. Approximately 6,300 of the City's disabled residents have a physical disability, 3,300 have a mental disability, and 2,162 residents have a mobility/self-care limitation that requires assistance in daily living. Of the City's senior population, approximately one-third have one or more types of disabilities. According to the San Andreas Regional Center, as of October 2013 there were 773 adults with developmental disabilities living in Sunnyvale.

The living arrangements for people with disabilities depend on the severity of the disability. Many disabled persons live at home in an independent environment with the help of other family members. To maintain independent living, disabled persons may require some assistance. This can include special housing design features for the physically disabled, income support for those who are unable to work, and in-home supportive services for persons with serious medical conditions. The Silicon Valley Independent Living Center, a countywide agency that conducts housing referrals for disabled people, receives more than 300 requests per year for help securing accessible housing for disabled people. However, only about 20 percent of these people can actually be placed because of the shortage of appropriate units. A significant percentage of the disabled population is of lower income and cannot afford market rate rents. The Santa Clara Housing Authority reported in 2008 that 124 Sunnyvale residents with disabilities receive Section 8 rent vouchers, with an additional 202 disabled residents on the waiting list for assistance.





Sunnyvale provided capital funding some years ago for two apartment complexes, Page Mill Court in Palo Alto and Stoney Pine Apartments in Sunnyvale, that provide accessible and affordable housing for developmentally disabled adults; together these two complexes provide 45 units. Another facility, Greater Opportunities, houses 12 to 15 developmentally disabled adults. In addition, the Pacific Autism Center for Education (PACE) operates two facilities which house six autistic adults and six autistic children. The State Community Care Licensing Division identifies six adult residential facilities in Sunnyvale that provide 24-hour non-medical care for adults ages 18-59 who are unable to provide for their own daily needs; these six facilities together provide capacity for 60 adults.

Other resources available to Sunnyvale residents with disabilities include:

- City of Sunnyvale Home Access Program: grants for residential accessibility improvements
- Silicon Valley Independent Living Center: case management, legal counseling, service and housing referrals
- Abilities United: services for persons with developmental disabilities
- Senior Nutrition Program: serves low-income disabled adults and seniors
- Meals on Wheels/The Health Trust: serves hot meals to homebound frail or disabled of all ages
- Housing Choices Coalition: helps people with developmental disabilities obtain housing

## **Female-Headed Households**

Single-parent households typically need services as childcare and affordable health care. Female-headed households with children in particular tend to have lower incomes than two-parent families, which limits their housing options and access to private services such as nursery schools, day care, and recreational activities for their children. The 2010 Census reported 4,629 female-headed households in Sunnyvale, over a third of which have children. Of the 1,960 female-headed households with children, 49 percent lived in poverty, the highest poverty rate for any population group in Sunnyvale, compared to a poverty rate of 4.5 percent for the entire City population. In addition, female-headed households may encounter subtle forms of housing discrimination.

Two programs currently available in Sunnyvale specifically help to address the housing needs of female-headed households. The fair housing and landlord-tenant mediation programs operated by Project Sentinel helps female-headed households obtain and maintain housing in the community, particularly important as child-related discrimination complaints represent a large proportion of the fair housing complaints reported in Sunnyvale.

The Santa Clara Housing Authority offers a Family Self-Sufficiency program for Section 8 participants to help low-income, single parents achieve economic independence from governmental assistance. Through public and private agency participation, beneficiaries have access to resources such as housing subsidies, childcare, education, job training, transportation, and a variety of other benefits. NOVA, the North Valley Workforce Investment Board, also offers free career development and job-seeking assistance and training that may be accessed by lower-income women.



## Large Households

Large households are defined as households with five or more members. These households are typically identified as a group with special housing needs based on the limited availability of adequately sized, affordable housing units. The shortage of large units is especially evident among rental units. Large households often live in overcrowded conditions, due to both the lack of large enough units, and insufficient income to afford available units of adequate size.

Sunnyvale is home to 5,058 large households, 52 percent (2,624) of which are renter households. According to HUD's CHAS calculations, 85 percent of Sunnyvale's large renter households face one or more housing problems, including housing overpayment, overcrowding and/or substandard conditions. Future housing studies will attempt to address these issues as best as possible.

RealFacts documented approximately 412 rental units with three or more bedrooms in large apartment complexes of 50 or more units. In general, these units are the appropriate size for large households with five or more members. Additional rental units with three or more bedrooms are available among the City's many townhomes and single-family homes, many of which are rented out. The City has 2,624 large renter households, indicating that Sunnyvale has an adequate supply of rental units to house its large families. However, many of the City's large rental units are in single-family homes, and with 3-bedroom apartments commanding median rents of \$3,100, the affordability of Sunnyvale's large rental units remains an issue.

## Homelessness

In January 2013, the cities of Santa Clara County and the County jointly sponsored a two-day homeless census to assess the size of the homeless population. The *2013 Santa Clara County Homeless Census and Survey* involved two components: 1) a point-in-time count of street and sheltered homeless, both youth and adults, and 2) a qualitative homeless survey, which resulted in 856 completed surveys of a representative sample. The comprehensive, two-day homeless count identified approximately 5,674 homeless people on the streets, and an additional 1,957 homeless persons in emergency shelters, transitional housing, and domestic violence shelters. Key findings of the homeless count and supplementary surveys include:

- More than half of homeless survey respondents had been homeless for more than one year, with 20% homeless for more than 3 years.
- Just over half of the County's homeless were living in vehicles and encampments.
- 40% of survey respondents indicated the primary cause of their homelessness was due to the loss of a job, with 17% indicating alcohol or drug use was the primary factor.
- Over 60% of the unsheltered homeless people were men, and 1% were families.
- Approximately 25% of respondents indicated they were experiencing a physical disability. 25% indicated they were experiencing mental illness.

Within the City of Sunnyvale, the 2013 Homeless Survey identified 425 homeless people, including 283 unsheltered people in street locations or cars/RV's/vans or encampments, and 142 people in shelters. The vast majority of homeless in Sunnyvale were individuals, with only 18 persons in families. The Countywide Homeless Survey conducted in 2011 identified 374



homeless people in Sunnyvale. Local service providers acknowledge an increase in homelessness in recent years. The Sunnyvale Department of Public Safety reported making 259 arrests during FY 2012/2013 of persons who provided a residence of “transient” (this includes the number of arrests, with some persons arrested more than one time).

There are three major types of facilities that provide shelter for homeless individuals and families: emergency shelters, transitional housing, and permanent supportive housing. These types of facilities are defined below:

- **Emergency Shelter:** provides overnight shelter and fulfills a client’s basic needs (i.e. food, a place to sleep, shower and/or restroom facilities) either on-site or through off-site services. The permitted length of stay can vary from one day to two months, depending upon whether the shelter is short-term or long-term. Current best practices for addressing homelessness include shifting away from the use of emergency shelters and toward homelessness prevention and rapid-rehousing. This shift has been occurring within the County.
- **Transitional Housing:** a residence that provides housing for up to two years. Residents of transitional housing are usually connected to rehabilitative services, including substance abuse treatment, mental health care, employment services, individual and group counseling and life skills training.
- **Permanent Supportive Housing:** refers to permanent service-enriched affordable housing that is linked with on-going supportive services (on-site or off-site) and is designed to allow formerly homeless clients to live at the facility on an indefinite basis.

A number of regional service providers serve homeless people throughout the County and in Sunnyvale, including HomeFirst of Santa Clara County (formerly EHC), InnVision-Shelter Network, West Valley Community Services, Sunnyvale Community Services, and Downtown Streets Team. The City of Sunnyvale provides funding to most of these agencies through its CDBG and human services grant programs. The City has also provided funding in prior years to create a number of transitional housing facilities, including two group homes in Sunnyvale operated by Momentum for Mental Health (Arbor and Duane Houses), a group home in Sunnyvale for youth aging out of foster care operated by Bill Wilson Center (Socorro House), a mid-size apartment complex for young adults in Santa Clara operated by Bill Wilson Center (Peacock Commons), and a four-plex in Cupertino for survivors of domestic violence (Maitri). The City recently awarded funds to rehabilitate a maternity group home in Santa Clara. The City has also been funding a transitional Tenant-Based Rental Assistance (TBRA) program for two years that primarily serves homeless and at-risk households to help them secure permanent housing. Additional facilities located in North County and San Jose are shown in Table 17 below. Two permanent supportive housing projects with a total of 117 units are currently under development in Sunnyvale with over \$10 million in financing from the City. In addition, a coalition of faith-based groups operates a rotating shelter program that provides shelter, food and case management to 15 homeless men at a time. The shelter rotates among various houses of worship in Sunnyvale and Cupertino.



The City of Sunnyvale participates in the local continuum of care, the Santa Clara County Collaborative on Affordable Housing and Homeless Issues, in its efforts to end homelessness. The Collaborative is staffed by the County and comprised of local jurisdictions, shelter and service providers, housing advocates and non-profit housing developers. This group serves as an effective forum for attracting additional funding sources and creating affordable housing for homeless and persons at risk of homelessness. Recently the continuum has merged with Destination:Home in an effort to find a more formal organizational structure. The City of Sunnyvale provides financial support to the following activities that help homeless people housed, employed, or obtain other income sources:

- **WorkFirst Sunnyvale:** This program, funded primarily by the City's CDBG grant, is a partnership of Sunnyvale Community Services and Downtown Streets Team. It provides a volunteer work-readiness program, job-search training, supportive services and case management to homeless adults, provides assessment and referrals for the TBRA program, and assistance with housing search.
- **TBRA Program:** Funded by the City's HOME grant, this program is administered by the County and Abode Services, with assistance, case management and referrals from Downtown Streets Team, Sunnyvale Community Services, West Valley Community Services, and HomeFirst. It provides two-year rental assistance vouchers for approximately 15-20 formerly homeless households at a time to help them with rent while completing job training and/or career counseling programs.
- **Sunnyvale Community Services:** Provides emergency financial assistance, security deposit assistance, referrals, food and necessities for homeless people and at-risk families and individuals.
- **HomeFirst Santa Clara County:** Provides emergency shelter, transitional and permanent supportive housing and supportive services in a number of locations throughout the County. The Boccardo Reception Center is a year-round, 24 hour/day homeless shelter.
- **Bill Wilson Center:** Provides shelter and supportive housing to homeless youth and youth aging out of foster care, and counseling services to youth and their families to help strengthen and support families.
- **Support Network for Battered Women:** Provides emergency and on-going assistance to victims of domestic violence, including emergency shelter, family counseling and legal guidance.
- **West Valley Community Services:** provides "Haven to Home" outreach and case management services for homeless adults and families and operates a transitional housing facility in Cupertino.



Table 17: Shelter, Transitional and Permanent Housing Facilities in North County and San Jose

Facility	Beds/Units	Clients	Location
<b>Emergency Shelter</b>			
Asian Americans for Community Involvement	12	Women with children	San Jose
City Team Rescue Mission	48	Single men	San Jose
Hospitality House, Salvation Army	50	Single men	San Jose
Runaway and Homeless Youth, Bill Wilson Center	20	Homeless & run-away youth	San Jose
San Jose Family Shelter	123	Families	San Jose
Support Network for Battered Women	16	Domestic Violence Shelter for Women and Children	San Jose area
<b>Emergency Shelter/Transitional Housing</b>			
InnVision: Commercial Street Inn, Julian Street Inn, Montgomery Street Inn, and Hotel de Zink	184	Working men, women & children, mentally ill men & women	San Jose
James Boccardo Reception Center	127	Families & single adults	San Jose
<b>Transitional Housing</b>			
Momentum Arbor & Duane Houses	9	Adults with mental health diagnosis	Sunnyvale
Socorro House	5	At-risk young adults	Sunnyvale
Maitri House	4 units	Domestic violence survivors (women & children)	Cupertino
Jackson Street Maternity Group Homes	5 units + 5 beds	Pregnant and post-partum homeless young women	Santa Clara
Next Door: Women with Children	48	Domestic violence survivors (women & children)	San Jose
St. Joseph's Cathedral, Social Ministry Office	45	Worker housing – men, women and children	San Jose
YWCA: Villa Nueva	126	Women & children	San Jose
<b>Permanent Supportive Housing</b>			
Eight Trees Apartments	24	Men & women	Sunnyvale
Armory Family Apartments	58 units	Very low income households; 29 units are reserved for homeless applicants	Sunnyvale
Parkside Studios	59 units	Very low income individuals; 18 units are reserved for homeless applicants	Sunnyvale
Fair Oaks Senior Housing MHSA Units	21 units	Chronically homeless seniors with mental illness	Sunnyvale
Markham Plaza	50	Men & women	San Jose
Peacock Commons	20 units	Homeless and at-risk young adults	Santa Clara
Monterey Glenn Inn	95	Men & women	San Jose
Pensione Esperanza SRO (Catholic Charities)	109	Men & women	San Jose
Sobrato House Youth Center	9 units, 10 shelter beds	Youth	San Jose

Source: HUD 2013 Housing Inventory Count Report, City of Sunnyvale Housing Division.



## **Farmworkers**

Farmworkers are traditionally defined as persons whose primary incomes are earned through seasonal agricultural labor and have special housing needs because of their relatively low incomes and the unstable nature of their work. The 2011 American Community Survey identifies 226 Sunnyvale residents employed in agriculture, forestry, fishing, hunting and mining occupations. It is unlikely most of these residents are farmworkers. No parcels in the City are currently zoned for agricultural use, nor are there farms known to currently employ farmworkers (i.e., workers other than the land owner's family members or volunteers). It is possible a significant portion of these residents work in the nearby quarry in Cupertino which is one of the few mining operations in the area.

The City owns two orchards which are farmed on the City's behalf by a local resident as part of a City demonstration orchard (park). The former "Corn Palace" farm has been subdivided, and half of the acreage has been developed into approximately fifty homes, and the other half is expected to be developed with housing within the coming planning period. Given that there are so few persons employed in agricultural-related industries, the City can address the housing needs of farmworkers through its general housing programs.



## Housing Stock Characteristics

This section identifies the characteristics of Sunnyvale's physical housing stock. This includes an analysis of housing growth trends, housing conditions, housing prices and affordability.

### Housing Growth

Table 18 displays housing production in the City, compared to neighboring cities and the entire Santa Clara County region. Between 2000 and 2010, Sunnyvale's housing stock increased by 4 percent, lower than the housing growth levels Countywide and within the City of Santa Clara. In the 3 years since 2010, housing growth in Sunnyvale has been a modest 2 percent, slightly higher than in most surrounding jurisdictions and Countywide.

Sunnyvale has a current (2013) housing stock of 56,898 units, which increased by approximately 3,200 units from 2000 to 2013. To address the need for additional housing in the community, Sunnyvale has implemented several planning tools to provide expanded sites for development. In 2003, the City adopted an update to its Downtown Specific Plan, providing land use designations to accommodate up to 2,000 additional high density and mixed use units. As part of its "Industrial to Residential" (ITR) program, the City has encouraged the redevelopment of approximately 320 acres of industrial land to residential use, accommodating up to 7,700 housing units, with over 2,000 units already approved and/or built.

Table 18: Regional Housing Growth Trends

City	Number of Housing Units			% Growth (2000-2010)	% Growth (2010-2013)
	2000	2010	2013		
Cupertino	18,682	21,027	21,041	13%	0.06%
Mountain View	32,432	33,881	34,136	4%	0.75%
San Jose	281,841	314,038	319,625	11%	2%
Santa Clara	39,630	45,147	45,662	14%	1%
<b>Sunnyvale</b>	<b>53,753</b>	<b>55,791</b>	<b>56,898</b>	<b>4%</b>	<b>2%</b>
Santa Clara County	579,329	631,920	639,446	9%	1%

Sources: State Department of Finance 2013 Population and Housing Estimates.

### Housing Type and Tenure

Table 19 presents the mix of housing types in Sunnyvale. Of the City's over 56,000 housing units in 2013, 47 percent were single-family units, including single-family detached homes (38%), and single-family attached units consisting of townhome style units (9%). A nearly equal number of Sunnyvale's housing consists of multi-family units (46%), including duplexes, triplexes and apartments and condominiums. Sunnyvale also has 16 mobile home parks with approximately 4,000 mobile home units, comprising 7 percent of the City's housing.



Table 19: Housing Types

Housing Type	2013	
	No of units	% of Total
Single-Family	26,658	47%
<i>Detached</i>	21,620	38%
<i>Attached</i>	5,038	9%
Multi Family	26,340	46%
<i>2-4 Units</i>	4,962	9%
<i>5+ Units</i>	21,378	37%
Mobile Homes	3,900	7%
<b>Total Units</b>	<b>56,898</b>	<b>100%</b>
Vacancy Rate		4.3%

*Source: State Department of Finance 2013- Population & Housing Estimates.*

Housing tenure refers to whether a housing unit is owned, rented or is vacant. Tenure is an important indicator of the housing market of a community, reflecting the relative costs of housing opportunities, and the ability of residents to afford housing. Tenure also influences residential mobility, with owner-occupied units generally considered to have lower turnover rates than rental housing, although this is not always the case. The homeownership rate in Sunnyvale declined from 51 percent in 1980, to 48 percent in 2000, to 45% in 2012. This rate of homeownership is lower than Santa Clara County as a whole (57%) and the state (55%). Approximately 20 percent of Sunnyvale's single-family attached and detached homes are renter-occupied.

## Vacancy Rate

A vacancy rate measures the overall housing availability in a community and is often a good indicator of how efficiently for-sale and rental housing units are meeting the current demand for housing. A vacancy rate of five percent for rental housing and two percent for ownership housing is generally considered healthy and suggests that there is a balance between the demand and supply of housing. A lower vacancy rate often leads to rising rents and sales prices, and can contribute to household overcrowding.

Current apartment vacancy rates in Sunnyvale were obtained from RealFacts, a service providing contract rents in properties containing 50 or more units. A total of 14,654 rental units are included in the survey, comprising over half the apartment units in Sunnyvale. RealFacts documents the following vacancy rates in Sunnyvale over the past five years:

4 <sup>th</sup> Quarter:	Vacancy Rate:
2013	5.4%
2012	3.9%
2011	3.5%
2010	3.4%
2009	5.1%





As evidenced by this data, apartment vacancies have fluctuated since 2009, and with a 5.4 percent rate as of 4<sup>th</sup> quarter 2013, vacancy rates are just above the ideal 5 percent needed for adequate mobility.

## Housing Age and Condition

The age of a community's housing stock can provide a general indicator of overall housing conditions. In general, housing units over 30 years in age are likely to exhibit signs of rehabilitation needs, such as new roofing, foundation work, and new plumbing. Table 20 displays the age of Sunnyvale's housing stock, and indicates that approximately 40,000 housing units have reached the 30-year age threshold. Older housing represents a significant portion of the housing stock in Sunnyvale. However, many of these homes have been remodeled, expanded, rebuilt and/or renovated by their owners, as the City frequently issues building permits for such projects. The historic low interest rates prevalent since 2008 have allowed many homeowners to self-finance such projects, and the amount of resale activity also generates a significant amount of housing rehabilitation and upgrades as sellers wish to improve their homes to achieve the best possible price, or new buyers wish to upgrade their homes. Most homes in Sunnyvale appear well-maintained and in good condition despite their age.

Table 20: Year Built

Year Structure Built	Number of total units	% of Total Units
2010 or later	611	1%
2000-2009	3,723	9%
1990 – 1999	5,076	12%
1980 – 1989	7,455	13%
1970 – 1979	11,684	21%
1960 – 1969	10,511	19%
1950 – 1959	13,882	25%
1940 – 1949	1,547	3%
1939 or earlier	1,444	3%
<b>Total Number of Units</b>	<b>55,933</b>	<b>100%</b>

Source: 2010 Census

## Housing Conditions Survey

The most recent formal city-wide survey of housing conditions was conducted in the summer of 2008; although this information is somewhat dated, it still provides a generally accurate picture of the relative condition of housing throughout Sunnyvale, and as mentioned above, a significant amount of renovation activity has occurred since that time. The windshield survey rated housing stock conditions by recording the number of properties in each neighborhood with code violations pertaining to maintenance standards.



Compared to many cities, the condition of housing in Sunnyvale is very good. The survey found that 457 out of 4,294 homes, or 13% of properties assessed, had two or more code violations and did not meet standards for property maintenance. The majority of the violations were landscape maintenance violations, followed by structural violations such as illegal car ports, sheds, room additions or patio covers.

Based on observations made by the City's Neighborhood Preservation staff, housing conditions in Sunnyvale have generally improved since the 2008 conditions survey. Since Neighborhood Preservation is no longer required to do the housing conditions survey, staff uses The National Citizen Survey to document citizen concerns. According to the 2013 National Citizen Survey, 81% of respondents felt the overall appearance of Sunnyvale was "excellent" or "good", and only 3% thought run-down buildings, weed lots or junk vehicles were a "major" problem. These results put Sunnyvale above the national benchmark. In addition, the City began implementing the Neighborhood Enhancement Program in 2002, focusing on code compliance and housing rehabilitation improvements in single-family neighborhoods showing signs of distress. The City targets one new neighborhood per year under this program, averaging between 200-230 homes. To assist lower-income homeowners to make major repairs to their homes, the City offers housing rehabilitation loans for owner-occupied homes, including mobile home, as well as some small grants and loans for minor improvements including paint, accessibility, and emergency repairs, and also provides rental rehabilitation loans to owners of affordable rental housing.

The Neighborhood Enhancement Action Team (NEAT), a program which began in 2009, similarly targets certain neighborhoods each year in an effort to improve the quality of life for residents. The City surveys property owners, business owners and residents of the neighborhood to identify priority concerns including issues such as lighting, property maintenance, sidewalk conditions, public safety, and vehicle storage. The Neighborhood Preservation staff finds that the main issues identified in recent years tend to be related to crime or crime prevention, not home maintenance issues.

## **Housing Costs and Affordability**

The cost of housing is directly related to the extent of housing problems in a community. If housing costs are relatively high in comparison to household income, there will be a correspondingly higher prevalence of overpayment and overcrowding. This section summarizes the cost and affordability of the housing stock to Sunnyvale residents.

## **Sales Prices and Rent Trends**

For purposes of the Housing Element, it is important to evaluate housing cost data over a longer, one-year time frame. Information on all sales of existing and new single-family homes and condominiums in Sunnyvale from calendar year 2013 is provided in Table 21. A total of 572 single-family home sales were recorded during this period, commanding a median sales price of \$1,012,500. 401 condominiums were sold in Sunnyvale in 2013 with a median price of \$643,500. Condominiums help to fill a need for smaller or less expensive ownership housing in the City. Although new condominiums tend to be priced in the above-moderate range at this point in time, smaller, older resale condominiums often fall in the moderate price range, and



during the recession years, many new condominiums were also affordable to moderate-income buyers.

Home foreclosures had a major impact on housing sales throughout the State beginning in late 2008 and lasting through approximately 2011. In Sunnyvale, the impacts of the foreclosure crisis were much less severe than in other parts of the State or even other parts of the county. Demand remained strong during the recession, and although there were some foreclosures and prices softened across the board, particularly in 2009-10, most distressed homes were purchased by investors or other buyers relatively quickly. By December of 2013, Realtytrac.com identified 89 homes in various states of distress: 8 bank-owned properties, 57 defaults, and 24 trustee sales. This represents approximately two percent of all properties in the County in foreclosure. In contrast, ReReport.com, based on multiple listing service data on closed and active sales, reported that in all of calendar year 2013, only 9 homes in Sunnyvale were foreclosed upon, 21 homes were sold through short sale, and two active short sale listings were on the market as of the end of the year. These numbers represent essentially a return to historic normal rates of foreclosure which are no longer dampening home prices, as evidenced by the current situation in which Sunnyvale condominiums are selling for an average of nearly 10% over asking price and Sunnyvale single-family homes are selling for 14% over asking price. (Rereport.com, Sunnyvale sales price vs. listing price ratios, April 2014).

Table 21: Median Home and Condominium Sales Prices, 2013

	2013 Median Price	2013 Average Price	Year Over Year Change (%)
Single Family	\$1,012,500	\$1,002,680	+17.1%
Condominiums	\$643,500	\$633,732	+24.2%

Source: The Santa Clara County Real Estate Market Trends Report, February 2014

The City obtained data from RealFacts on average asking rents for over 14,000 apartment units in Sunnyvale. As indicated in Table 22, during the 4<sup>th</sup> quarter of 2013, the average asking rents in these complexes ranged from \$1,481 for a studio, \$1,950 for a one-bedroom, \$2,104 for a two-bedroom, and \$3,092 for a three-bedroom unit. In comparison to the rent survey conducted in these same apartment complexes one year earlier (4<sup>th</sup> quarter 2012), rent levels had increased by an average of 11 percent. Similarly during the 2011-2012 period, rent levels increased by an average of thirteen percent, reflecting the current very competitive rental market across the Bay Area.

Table 22: Annual Apartment Rent Trends, 4<sup>th</sup> Quarter 2011 - 4<sup>th</sup> Quarter 2013

Number of Bedrooms	Number of Units in Survey	Average Asking Rents			% Increase in Rents	
		4Q 2011	4Q 2012	4Q 2013	2011-2012	2012-2013
Studio	842	\$1,175	\$1,321	\$1,481	12%	12%
1 Bedroom	6,511	\$1,528	\$1,761	\$1,950	15%	11%
2 Bedroom	3,543	\$2,037	\$2,293	\$2,550	13%	11%
3 Bedroom	195	\$2,434	\$2,702	\$3,092	11%	14%
Total	14,374	\$1,689	\$1,916	\$2,129	13%	11%

Source: REALFACTS, January 2014.



## **Housing Affordability**

The affordability of housing in Sunnyvale can be assessed by comparing market rents and sales prices with the amount that households of different income levels can afford to pay for housing. This information can reveal who can afford what size and type of housing.

Standards for affordable owner and rental housing costs as follows:

### Affordable Home Ownership

- Housing costs consist of mortgage payments, homeowner association dues, insurance, utility allowance and property taxes.
- Housing costs are considered affordable for homebuyers if they do not exceed 35% of the defined household income.
- Affordable costs for moderate income households are based on standard of 120% of Area Median Income (AMI), where the household is assumed to have one more person than the number of bedrooms in the unit.

### Affordable Rental Housing

- Housing costs include rent plus utilities paid for by the tenant.
- Rents are considered affordable if they do not exceed 30% of the defined household income.
- Affordable rents are based on a standard of 50% of AMI for very low income households; 80% of AMI for low income households; and 120% AMI for moderate income households, assuming the household size equals one more person than the number of bedrooms in the unit.

Based on these definitions of income and affordable housing cost, Table 23 presents the maximum affordable purchase price for moderate income households (120% AMI), and compares this with market sales prices for single-family homes and condominiums in Sunnyvale as previously documented in Table 20. As illustrated by this table, median single-family home prices in Sunnyvale are well beyond the level of affordability for moderate income households. For example, the maximum affordable purchase price for a moderate-income, four-person household was \$547,400 in 2013, whereas the median price of a single-family home in Sunnyvale was \$1,012,500 at that time, an affordability gap of \$465,100.

Condominium sales prices, on the other hand, are within closer reach of many moderate income households. As shown in Table 22, the maximum affordable purchase price for a four person household is \$547,400, whereas the median priced condominium in Sunnyvale sold for \$643,500 in 2013, an affordability gap of \$96,100. Sunnyvale's first-time homebuyer loan program and similar programs offered by the Housing Trust of Silicon Valley help to close this affordability gap for moderate income purchasers. In addition, the homes provided through the City's inclusionary zoning ordinance, the "Below Market Rate Home Ownership Program," are priced to be affordable to moderate income households, with prices set at a level affordable to buyers with median incomes (100% AMI).



Table 23: 2014 Maximum Affordable Home Price (Moderate Income), Sunnyvale

Moderate Income	3 Bedroom Home
Affordable Housing Cost	(4-person Household)
Moderate Income Threshold (120% AMI)	\$126,600
Max. Income Towards Housing @ 35% Income	\$44,310
Less Ongoing Expenses:	
Utilities	\$1,500
Property Taxes (1% housing price)	\$5,000
HOA/Insurance	\$4,200
Annual Income Available for Mortgage	\$33,610
Monthly Income Available for Mortgage	\$2,800
Supportable Mortgage @ 4.5% interest	\$520,000
Down payment (5%)	\$27,400
<b>Maximum Affordable Purchase Price</b>	<b>\$547,400</b>
<b>Sunnyvale Median Single-Family Price</b>	<b>\$1,012,500</b>
<b>Sunnyvale Median Condominium Price</b>	<b>\$643,500</b>

Source: Median sales prices based on 2013 sales, as presented earlier in Table 21.

Table 24 presents the maximum affordable rents for very low, low and moderate income households by household size, and compares with median apartment rents in Sunnyvale, as documented in Table 21. As the table below indicates, Citywide median rents are well above the level of affordability for very low income households, with an affordability gap ranging from approximately \$500 per month for one person households to over \$1,700 for four person households. Low income households, with the exception of single person households, also have trouble affording the median apartment rent, with affordability gaps ranging from approximately \$250 to \$970. Households earning moderate incomes are able to afford median market rents in Sunnyvale. The rent statistics shown here represent only those units in apartment complexes with 50+ units in Sunnyvale, and do not include single-family detached, condominiums, or other unit types.

Table 24: 2013 Maximum Affordable Rents, Sunnyvale

Income Level	Studio (1 person)	1 Bedroom (2 person)	2 Bedroom (3 person)	3 Bedroom (4 person)
Very Low Income (50% AMI)	\$924	\$1,055	\$1,187	\$1,319
Low Income (80% AMI)	\$1,485	\$1,697	\$1,909	\$2,123
Moderate Income (120% AMI)	\$2,216	\$2,532	\$2,849	\$3,165
<b>Sunnyvale Median Rents</b>	<b>\$1,481</b>	<b>\$1,950</b>	<b>\$2,550</b>	<b>\$3,092</b>

Source: REALFACTS, December 2013, HCD Income Limits 2013.



## Assisted Housing at Risk of Conversion

State Housing Element law requires an analysis of the potential for rent-restricted low income housing units to convert to market-rate housing, and to propose programs to preserve or replace any units at risk of conversion, also known as “at-risk units.” This section presents an inventory of all rent-restricted housing in Sunnyvale, and identifies those units at risk of conversion during the 2015-2023 planning period.

## Assisted Housing Inventory

Rent-restricted housing in Sunnyvale includes both publicly subsidized affordable housing, generally assisted with any combination of federal, state, local, and/or private subsidies, and deed-restricted rental units provided through the City’s historic inclusionary rental housing program, the Below Market Rate (BMR) Rental Housing program. This program, which operated between 1980 and July 2009, produced well over 900 affordable rental units during that time. The vast majority of those units have expired already.

When the BMR program was originally established in the 1980s, the affordability term was for a period of 20 years, similar to many inclusionary ordinances developed at that time. Unfortunately, this relatively short term of affordability allowed many of the rent-restricted units in these early BMR rental projects to expire, while the need for affordable rental units unfortunately has not diminished. As presented in Table 25, a total of 178 rental units are currently rent-restricted under the BMR program; 72 of these units will expire and convert to market-rate by 2023.

Table 25: Inventory of Active Below Market Rate (BMR) Rental Units

Project Name	Address	Year Built	Affordability Period	Affordable Units	Status
BRE Lawrence Station Apartments	1271 Lawrence Station Road	2012	2067	46	Not at risk in current cycle
Copley Square	979 Pinto Palm Terrace	1996	2016	5	At Risk
Renaissance	718 Old San Francisco Road	1998	2018	24	At Risk
Poplar Terrace	973-987 Wisteria Terrace	1999	2019	2	At Risk
Villa del Sol	355 E. Evelyn Avenue	2001	2020	11	At Risk
Cherry Orchard	350 W. El Camino Real	2001	2021	30	At Risk
Magnolia	177 S. Mary Avenue	2002	2032	3	Not at risk in current cycle
Tamarind Square	1160 Morse Avenue	2004	2059	12	Not at risk in current cycle
Encinal Place	604 S. Fair Oaks Avenue	2005	2025	2	Not at risk in current cycle
Via	621 Tasman Drive	2011	2066	43	Not at risk in current cycle
<b>Total BMR Units:</b>				<b>178</b>	
<b>At-Risk BMR Units:</b>				<b>72</b>	



Table 26 presents the inventory of affordable rental housing in Sunnyvale which has received some form of public assistance. As evidenced by the over 1,300 units identified, Sunnyvale has actively supported affordable rental housing utilizing a variety of local, State and Federal funds, and works extensively with non-profit housing developers in the ownership and management of its projects.

Table 26: Inventory of Assisted Rental Housing

Project Name	Address	Year Built (Assisted)	End of Affordability Term	Affordable Units	Financing	Status
Aster Park	1059 Reed Avenue	1991, 2013	2065	95	HUD/FHA 223(f)	Not at risk
Borregas Court	West 101 Weddell Drive	1997	2037	192	Bonds	Not at risk
The Carroll Inn (SRO)	174 Carroll Street	1995	2035	119	HOME	Not at risk
Crescent Terrace	130 Crescent Avenue	1985	2040	48	CDBG; Sec. 8	Not at risk
Eight Trees	183 Acalanes Drive	2006	2046	24	CDBG, HOME, HMF	Not at risk
Fair Oaks Plaza	660 S. Fair Oaks Avenue	2011	2066	123	HMF, Various	Not at risk
Garland Plaza	662 Garland	2007, 2012	2067	20	HOME, HMF, various	Not at risk
Grove Garden	243 Buena Vista Avenue	1987	2027	44	Bonds	Not at risk
Homestead Park	1601 Tenaka Place	2004, 2007, 2012	2068	211	CDBG; HOME, HMF, various	Not at risk
Klee Court	1230 Klee Court	1993, 2010	2030	2	CDBG; HOME	Not at risk
Life's Garden	450 Old San Francisco Rd	1977	2017	150	Sec. 8	Low risk; non-profit owned
Morse Court	825 Morse Avenue	2003	2023	35	Section 8, CalHFA	Not at risk; new loan requested in 2014 will extend term
Moulton Plaza	1601 Tenaka Place	2005	2040	66	HOME, HMF	Not at risk
Orchard Gardens	245-251 Weddell Drive	1998	2053	62	CDBG, HOME, HMF	Not at risk
Pacific Plaza	785 Reseda Drive	1995	2025	38	CDBG; HOME	Not at risk
Plaza de las Flores	233 Carroll Street	2006	2036	100	HOME, CDBG, CalHFA, MHP, HTSV	Not at risk



Socorro	1353 Socorro Ave	2008, 2013	2043	5	HOME	Not at risk
Stoney Pine	267 W. California Ave	2001	2041	22	CDBG, HOME, HMF, various	Not at risk
Wolfe Road	1675 S. Wolfe Road	1997/ 2002	2027	4	CDBG, HOME	Not at risk
<b>Total Assisted Rental Units:</b>				<b>1,360</b>		
<b>Total Assisted Rentals Units At Risk by 2023:</b>				<b>150</b>		

\* HMF: Housing Mitigation Funds

One assisted rental project is theoretically at risk of losing its affordability restrictions within the next eight year period: Life's Garden. However, this project is considered to be at very low risk of conversion.

- ✓ Life's Garden is a 208-unit senior housing complex built by Sunnyvale Presbyterian Church. It is owned by Sunnyvale Life, Inc., an affiliate of the church. A project-based Section 8 contract currently ensures affordability of 150 of the units in the project. The property management has confirmed that it intends to maintain the property as long-term affordable housing well beyond 2017.

## Preservation of At-Risk Rental Units

This section evaluates the affordable rental units in Sunnyvale at risk of converting to market-rate rents by 2023. As presented in Tables 24 and 25, Sunnyvale has 72 BMR rental units projected to expire during this period. Preservation and replacement options typically include provision of tenant rental assistance; acquisition or construction of replacement units; or transfer of ownership to a non-profit. Each of these options is described below.

1. **Rental Assistance:** One preservation option theoretically possible for preserving the BMR units would be to provide monthly subsidies to make up the difference between BMR rents and market-rate rents. In addition to cost, the feasibility of this alternative depends upon the willingness of property owners to accept such a subsidy and continue renting to lower-income tenants. Table 27 estimates the cost of providing rent subsidies to the 72 at-risk BMR units. As indicated by this table, the total cost would be nearly \$700,000 annually, or \$14 million for an additional 20 years of affordability, assuming market rents stayed flat for the entire 20 years, which is highly unlikely.

Table 27: Rental Subsidies Required for At-Risk BMR Units

Unit Size	Total Units	Current BMR Rent	Market Rents	Monthly Subsidy Per Unit	Annual Subsidy per Unit	Annual Subsidy for All Units
1-br	21	\$1,470	\$1,950	\$480	\$5,760	\$120,960
2-br	45	\$1,654	\$2,550	\$896	\$10,752	\$483,840
3-br	6	\$1,838	\$3,092	\$1,254	\$15,048	\$90,288
<b>Total</b>	<b>72</b>					<b>\$695,088</b>

Source: 2013 Maximum BMR Rents; Market Rents from REALFACTS (see Table 21)





The only assisted rental project identified as being at risk of conversion (Life's Garden), albeit a low risk, has a project-based Section 8 contract currently subject to annual renewal by mutual consent of the property owner and HUD. If Section 8 subsidies were terminated at the federal level, rent subsidies using alternative State or local funding sources could be used to maintain affordability of the 150 units in this project. Subsidies could be structured similar to the Section 8 program, where HUD pays the owners the difference between what tenants can afford to pay (30% of household income) and what HUD estimates as the Fair Market Rent (FMR) on the unit. Table 28 shows the total cost of subsidizing the rents of these 150 units currently assisted through the Section 8 program, estimated at about \$408,000 annually, or \$8.2 million for a 20-year term. Again, these estimates assume no increases in fair market rent during that time.

Table 28: Rental Subsidies Required for Assisted At-Risk Rental Units

Unit Size	Total Units	Voucher Payment Standard	Household Size	Very Low Income (50% AMI)	Affordable Cost	Monthly Per Unit Subsidy	Total Monthly Subsidy
1-br	75	\$1,315	2	\$42,450	\$1,055	\$169	\$12,675
2-br	75	\$1,581	3	\$47,750	\$1,187	\$284	\$21,300
Total	150						\$33,975

Source: Santa Clara Housing Authority, 2013.

Another way rent subsidies could be structured is as a rent buy-down. This would involve the City providing a one-time assistance loan to the property owner to cover the present value of the decrease in rents associated with the extended affordability term compared with market rents achievable on the units. This approach offers a benefit to the owner in that they receive cash upfront from the loan, providing funds for rehabilitation improvements. This is probably a more likely scenario, based on past preservation/rehabilitation projects assisted by the City, and given that the property is owned by a non-profit agency.

- 2. Acquisition or Construction of Replacement Units:** The construction or purchase of a replacement building is another option to replace at-risk units should they be converted to market-rate units. The cost of developing housing depends upon a variety of factors, including density, size of the units, location, land costs, and type of construction. Based on recent sales data obtained in early 2014, local apartment properties have been selling in the range of \$240,000 to \$280,000 per unit for properties that are often old and in need of rehabilitation. At such prices, it is unlikely the City would be able to provide sufficient assistance for acquisition of the number of units projected to expire. It is more likely the City would assist in development of new units in a project of 50-120 units, where tax credits can be used to leverage any available City funds.
- 3. Transfer of Ownership:** Transferring ownership of an at-risk project to a non-profit housing provider is generally one of the least costly ways to ensure that the at-risk units remain affordable for the long term. By transferring ownership to a non-profit, low-income



restrictions can be secured indefinitely and the project becomes eligible for a greater range of governmental assistance. This preservation option is, however, not feasible for Sunnyvale's at-risk BMR projects since only 10-15 percent of the units in each project are rent-restricted, and it is not likely the for-profit companies would be willing to sell these properties. The assisted rental project at risk of conversion, Life's Garden, is already owned by a non-profit agency, Sunnyvale Life, Inc..

### **Qualified Entities**

A list of entities qualified to rehabilitate, acquire, own and/or manage affordable rental properties is provided in the last section (Administrative Resources) of the Housing Opportunities chapter of this Housing Element. This is not an exhaustive list of all agencies that might be qualified to undertake such preservation projects, however it includes some of the non-profit housing agencies which have partnered with the City in the past on major affordable housing projects. In addition, Sunnyvale Life, Inc., the entity which currently owns the single at-risk project in the inventory, Life's Garden, is also a qualified entity.

### **Comparison of Preservation Options:**

The above analysis estimates the cost of preserving the at-risk units under various options. The cost of preserving the 72 BMR units for an additional 20 years would be \$14 million, under the very unlikely assumption that rents would stay flat for 20 years. This option is not highly realistic given the greater likelihood that rents will increase steadily over time, and the probability that the property owners are not likely interested in extending the term of affordability. For these reasons, Sunnyvale's preservation efforts to date have focused on publicly-assisted units at risk of conversion, rather than on expiring BMR units. Several factors have influenced the City's preservation strategy: most of the City's current stock of assisted units are now owned by non-profit agencies, which tend to be more willing partners in preservation efforts; these subsidized units are affordable to very low and extremely low income households, which is a type of unit not provided by market-rate or mixed-income housing developers and therefore in shorter supply; and most of these units were built decades ago and are in need of financing for rehabilitation, which becomes an effective leveraging tool for negotiating extended terms of affordability.

There is essentially no cost-effective mechanism by which the City can preserve only a few BMR rental units within otherwise market-rate rental properties. The City instead provides outreach to tenants of expiring BMR rental units to make sure they are aware of other affordable housing programs, such as First-Time Homebuyer loans and/or BMR homes for sale, and BMR units in other developments with longer terms of affordability.

### **Conservation of Existing Affordable Units**

The conversion of rental housing to condominiums is an issue of ongoing concern in Sunnyvale, although developer interest in this possibility varies, largely in parallel with the cycles of the for-sale housing market. Although converting apartments to condominiums provides additional opportunities for low-cost home ownership, it does not increase the overall supply of housing, and may interfere with City goals to provide a range of housing types and tenures. Reducing the supply of rental housing limits opportunities for lower-income households who cannot afford the costs of home ownership and also limits the options for those who prefer to rent.



To meet these concerns, Sunnyvale adopted a Condominium Conversion Ordinance (Zoning Code Chapter 19.70) that prohibits conversion unless the vacancy rate for rental housing exceeds 3 percent for one year. Additional provisions protect the elderly and require that a percentage of the units be set aside for low- and moderate-income households. Because mobile homes are an important part of the affordable housing stock, the City has adopted a policy to maintain at least 400 acres of mobile home park zoning. The City has also enacted a Mobile Home Park Conversion Ordinance, Zoning Code Chapter 19.72. While this ordinance neither encourages nor discourages conversions, it does provide mitigation measures to provide residents with some assistance in the event of a conversion.



## Regional Housing Needs

State law requires all regional councils of governments, including the Association of Bay Area Governments (ABAG) to determine the existing and projected housing need for its region and determine the portion allocated to each jurisdiction. This is known as the “Regional Housing Needs Allocation” (RHNA) process.

### Existing Housing Needs

#### Overcrowding

Overcrowding occurs when housing costs are so high relative to income that families double up and/or take in roommates (boarders) and/or extended family members to share their housing costs, or to take in an elderly or disabled family member who can no longer live independently, or additional children (nieces, nephews, foster children) for various reasons. Overcrowding can often result in accelerated deterioration of homes, a shortage of street parking, and additional traffic. Therefore, maintaining a reasonable level of occupancy and alleviating overcrowding are critical to enhancing the quality of life in the community.

The Census defines overcrowding as an average of more than one person per room in a housing unit (excluding kitchens, porches, and hallways). The incidence of overcrowded housing is a general measure of whether there is an available supply of adequately sized housing units. Table 29 shows the incidence of overcrowding in Sunnyvale by owner and renter tenure, as measured by the 2012 American Community Survey.

Table 29: Overcrowded Households

Overcrowding	Households	Percent	Santa Clara County %
<b>Owners</b>			
Overcrowding*	270	1.1%	2.4%
Severe Overcrowding**	245	1%	0.9%
<b>Renters</b>			
Overcrowding	2,124	7.2%	8.6%
Severe Overcrowding	1,210	4.1%	4.2%
<b>Total Overcrowding</b>	<b>3,840</b>	<b>7.1%</b>	<b>7.5%</b>

Source: 2012 American Community Survey 1-year Estimates

Notes: Severe Overcrowding is a subset of Overcrowding

\*Overcrowding is calculated at >1 person per room

\*\*Severe Overcrowding is calculated at >1.5 persons per room

In 2012, there were 3,840 households living in overcrowded conditions in Sunnyvale, representing 7 percent of all households. Approximately 11 percent of renter households were overcrowded; a decrease from 2000 levels when 20 percent of the City’s renters were overcrowded. Household overcrowding levels in Sunnyvale are only slightly lower than that for Santa Clara County as a whole. Severe overcrowding, which is defined as more than 1.5 persons



per room, has decreased significantly in Sunnyvale since 2000, when nearly 3,400 renter households (12%) experienced severe overcrowding.

## Overpayment

Overpayment is critical issue for many households of various income levels. Housing overpayment, also known as housing cost burden, occurs when households spend more than 30 percent of gross monthly income on housing. Severe overpayment or cost burden occurs when housing costs represent more than 50 percent of gross monthly income. Table 30 shows the number of Sunnyvale households estimated to be affected by housing cost burdens between 2006 and 2010, according to the Census. Extremely low and very low income homeowners and renters represented the largest group of Sunnyvale households affected by severe overpayment, while above-moderate income homeowners were the largest group affected by moderate housing cost burdens, followed by moderate income renters in second place and low income renters in third place. The total number of all households affected by overpayment, 16,645 households, represented 31% of all Sunnyvale households during this period (2006-2010), which was 53,430.

Table 30: Housing Overpayment

Overpayment in Sunnyvale	Paying 30-50% of Income	Paying Over 50% of Income	Total
<b>Number of Homeowner Households</b>			
Extremely Low Income	180	1,125	1,305
Very Low Income	310	760	1,070
Low Income	325	515	840
Moderate Income	970	740	1,710
Above Moderate Income	2,935	625	3,560
<b>Total</b>	<b>4,720</b>	<b>3,765</b>	<b>8,485</b>
<b>Renter Households</b>			
Extremely Low Income	355	2,315	2,670
Very Low Income	1,605	1,165	2,770
Low Income	995	80	1,075
Moderate Income	1,325	65	1,390
Above Moderate Income	245	10	255
<b>Total</b>	<b>4,525</b>	<b>3,635</b>	<b>8,160</b>

Source: CHAS Data Sets Table S10708, from 2006-2010 ACS, provided by ABAG.



## Five-Year Projected Housing Needs

California housing element law requires that each city and county develop local housing programs to meet its “fair share” of existing and future housing needs for all income groups, as determined by the jurisdiction’s Council of Governments. This “fair share” allocation concept seeks to ensure that each jurisdiction accepts responsibility for the housing needs of not only its resident population, but also for the jurisdiction’s projected share of regional housing growth across all income categories. Regional growth needs are defined as the number of units that would have to be added in each jurisdiction to accommodate the forecasted number of households, as well as the number of units that would have to be added to compensate for anticipated demolitions and changes to achieve an “ideal” vacancy rate.

In the Bay Area region, the agency responsible for allocating these regional housing needs to each jurisdiction is the Association of Bay Area Governments (ABAG). The regional growth allocation process begins with the State Department of Finance’s projections of population and associated housing demand for the planning period. The State, in consultation with ABAG, has identified a total housing need for 187,990 housing units in the Bay Area during the 2015-2023 period.

ABAG is responsible for allocating the region’s projected housing needs among its jurisdictions by income category. This is referred to as the Regional Housing Needs Allocation (RHNA) process. The RHNA represents the minimum number of housing units each community is required to provide “adequate sites” for through zoning, and is one of the primary threshold criteria necessary to achieve State approval of the Housing Element.

Future housing needs refer to the share of the region’s housing need that has been allocated to a community. In allocating the region’s future housing needs to jurisdictions, ABAG is required to take the following factors into consideration:

- Water and sewer capacity
- Land suitable for urban development or conversion to residential use
- Protected open space – lands protected by state and federal government
- County policies to protect prime agricultural land
- Distribution of household growth
- Market demand for housing
- City-centered growth policies
- Loss of units in assisted housing developments
- High housing cost burdens
- Impact of universities and colleges on housing needs in a community

In 2013 ABAG finalized the Regional Housing Needs Allocation (RHNA) based on its *Projections 2013* forecast, which projected the number of jobs, housing units, and population that would be added to the nine-county Bay Area between 2010 and 2040. ABAG has provided detailed explanations of its forecasting methods and its methodology for developing the 2015-2023 RHNA on its website. Due to the complexity of the allocation formula used by ABAG for this cycle, it is not provided here, but is summarized briefly below:



ABAG's goals in developing the RHNA included: 1) directing housing units to areas where local governments are planning growth; 2) planning for housing in tandem with jobs growth and addressing existing jobs-housing imbalances; 3) directing housing to communities with transit infrastructure; and 4) minimizing housing growth in outlying areas, thereby reducing pressures on open space and agricultural lands.

Sunnyvale was allocated a need of 5,452 new units, distributed among the four income categories, as shown in Table 31. Although the RHNA only uses four income levels, recent changes in state law require jurisdictions to presume that half of the projected need for very low income units is needed for extremely low income households, which are households with incomes of up to 30 percent of Area Median Income (AMI). Based on this requirement, the projected housing need for extremely low income households is 820 units (half of the 1,640 very low income units). Through this Housing Element, the City will demonstrate the availability of adequate sites to accommodate the projected need for these new units.

Table 31: Sunnyvale Regional Housing Needs Allocation: 2015 - 2023

Income Level	Percent of AMI*	RHNA Allocation	Percent of Total RHNA Allocation
Very Low**	0-50%	1,640	30%
Low	51-80%	906	17%
Moderate	81-120%	932	17%
Above Moderate	120%+	1,974	36%
<b>Total</b>		<b>5,452</b>	<b>100%</b>

Source: Association of Bay Area Governments, *Regional Housing Needs Determination* (July 18, 2013).

\* AMI: Area Median Income for Santa Clara County

\*\* Half of the Very Low allocation, or 820 units, is presumed to be needed for Extremely Low Income households, pursuant to Govt. Code 65583 (a)(1).



# CONSTRAINTS TO THE DEVELOPMENT OF HOUSING

The provision of adequate and affordable housing opportunities is an important goal of the City. However, there are a variety of factors that can encourage or constrain the development, maintenance, and improvement of housing stock in Sunnyvale. This section addresses potential governmental and market constraints to the provision of housing in Sunnyvale.

## Governmental Constraints

Local policies and regulations can impact the price and availability of housing and in particular, the provision of affordable housing. Land use controls, site improvement requirements, fees and exactions, permit processing procedures, and various other issues may present constraints to the maintenance, development and improvement of housing. This section discusses potential governmental constraints in Sunnyvale.

## Land Use Controls

The Land Use and Transportation Element of the City of Sunnyvale's General Plan sets forth the City's policies for guiding local development. These policies, together with existing zoning regulations, establish the amount and distribution of land allocated for different uses. Sunnyvale provides for a mix of residential developments with densities ranging from less than 7 dwelling units/acre up to 78 dwelling units/acre in the Downtown Specific Plan area. Table 32 presents the City's primary General Plan land use categories permitting residential uses, and correlates these with the associated implementing zoning categories.

Table 32: Land Use Categories Permitting Residential Use

General Plan Land Use Category	Zoning District(s)	Density (Units per Gross Acre)	Residential Type(s)
Low Density Residential	R-0, R-1	<7	Single family detached homes
Low-Medium Density Residential	R-1.5, R-2	7 - 14	Single family detached homes, R-2 for townhomes, duplexes, condominiums, garden apartments, and some single family homes.
Low-Medium Density Residential / Planned Development	R-1.7, P-D	7 - 14	Single family detached homes
Medium Density Residential	R-3	14 - 27	Condominiums, townhomes, apartments.
High Density Residential	R-4	27 - 45	Apartments
Very High Density Residential	Downtown Specific Plan, 101/ Lawrence Site Specific Plan	12 - 78	Condominiums, apartments.
Very High Density Residential / Office	R-5	45 - 65	Multi-unit dwellings like condominiums, apartments
Mobile Home Park	R-MH	up to 12	Residential mobile homes

Source: City of Sunnyvale General Plan, Land Use and Transportation Element, November 1997.





## Residential Development Standards

The City regulates the type, location, density, and scale of residential development primarily through the Municipal Code. Zoning regulations are designed to protect and promote health, safety, and general welfare of residents as well as implement the policies of the City's General Plan. The Code sets forth the City's specific residential development standards, which are summarized in Table 33. These development standards serve to preserve the character and integrity of existing neighborhoods and at the same time offer flexibility in providing a wide range of residential opportunities and dwelling unit types. Building heights range from 30 to 55 feet and can accommodate a range of building stories. The R1.5 and R1.7/PD zones allow development of single-family homes on smaller lots. The higher density R-3, R-4 and R-5 zones do not have a floor area ratio requirement, allowing greater flexibility in unit sizes.

Table 33: Residential Development Standards

Residential Zones	R-0	R-1	R-1.5	R-1.7/ PD	R-2	R-3	R-4	R-5
<b>Minimum Setbacks (1<sup>st</sup> story/ 2<sup>nd</sup> story)</b>								
<b>Front (ft.)</b>	20/25	20/25	20	20	20/25	20	20	20
<b>Side (ft.)</b>	4/7	6/9	4/7	4/7	4/7	6/9	9/20	9/20
<b>Side total (ft.)</b>	20% of lot width but not less than 10/ add 6 to 1 <sup>st</sup> story req.	20% of lot width but not less than 15/ add 6 to 1 <sup>st</sup> story req.	12/18	12/18	20% of lot width but not less than 10/ add 6 to 1 <sup>st</sup> story req.	15/21	--	--
<b>Rear (ft.)</b>	20	20	20	20	20	20	20	20
<b>Max. Height (ft.)</b>	30	30	30	30	30	35	55	55
<b>Max. FAR (%)*</b>	45	45	50	50	45 (single family) 55 (other)	None	None	None
<b>Min. Lot Area for Development</b>	6,000	8,000	4,200	2 acres	8,000	8,000	8,000	8,000
<b>Min. Lot Area per Dwelling Unit</b>	6,000	8,000	4,200	2,600 (4,000 max.)	3,600	1,800	1,200	950
<b>Max. Density (du/ac)</b>	7	7	10	14	12	24	36	45
<b>Max. % Lot Coverage (1<sup>st</sup> story / 2<sup>nd</sup> story)</b>	45 / 40	45 / 40	40	40	45 / 40	40	40	40

City of Sunnyvale, Municipal Code, 2014. \* Higher FARs are allowed with Planning Commission approval.



## Provisions for Small Lot Development

Sunnyvale has two zoning districts which provide for small lot developments. The R-1.5 zoning category allows lots ranging from 4,200 to 6,000 square feet in size, and the R-1.7/PD allows lots from 2,600 to 4,000 square feet in size. Both zoning districts allow a maximum Floor Area Ratio of up to 50 percent. By providing greater development flexibility and allowing smaller lot sizes, the City's zoning provides for opportunities for development of lower cost single-family homes.

## Downtown Specific Plan

The Downtown Specific Plan provides for over 2,000 new multi-family units in close proximity to transit. The plan divides the approximately 135-acre downtown core into four main districts and 23 blocks and implements land use guidelines and development standards for each of the individual districts and blocks. The land use vision for the four districts can be summarized as follows:

**Commercial Core District:** The area contains a mix of high intensity uses with ground-level activity, plazas and open space, and connections to mass transit.

**Sunnyvale/Carroll District:** This district contains medium to high density residential uses, supplemented with a small amount of service retail.

**South of Iowa District:** This is a lower density residential district that integrates historic architectural styles to provide a buffer between the single-family neighborhood to the south and the higher density development in the commercial core.

**West of Mathilda:** This district consists of high density residential uses, intended to complement the commercial development occurring on the east side of Mathilda Avenue with 4-story buildings and corner retail spaces.

Table 34 provides an overview of the primary residential standards contained in the Downtown Specific Plan, as well as the dwelling unit potential of each block within the DSP area. The DSP concentrates on developing higher densities focused in the Commercial Core District (with densities up to 78 units/acre), surrounded by lower to medium densities around the perimeter (Sunnyvale/Carroll and South of Iowa Districts). The zoning allows for higher density residential development of up to 58 units per acre along the side of Mathilda Avenue, one of the City's primary arterial roadways.

Heights are regulated in the new development in a similar manner as the density, with the commercial core allowing the greatest heights (up to 6 stories), gradually stepping down to 2 stories along South of Iowa and Mathilda Avenue. Parking is required to be provided on site for most of the blocks, as discussed in the next section.

Landscaping and open space requirements have been established for different blocks within the DSP area, with a minimum of 20 percent of the lot area to be landscaped for all residential uses. Minimum usable open space requirements differ depending on the density of the residential area. Low and Low-Medium density residential uses are required to provide 500 square feet of usable



open space per unit, whereas Medium, High and Very High density residential uses are required to provide 50 square feet of usable open space per unit, ensuring a good balance of open space within the Downtown area.

Table 34: Residential Development Standards for Downtown Specific Plan

District	Commercial Core				Sunnyvale / Carroll					South of Iowa			West of Mathilda	
Blocks	1a	13	18	20	4	5	6	7	23	8, 9	8a, 9a, 10, 11, 12	8b	14, 15, 16	17
Primary Uses	Low Medium to High Density Residential, Mixed Use, Retail, Entertainment, Office & Hotel				Medium to Very High Density Residential & Retail					Low to Medium Density Residential			Low-Medium to High Density Residential	
Minimum Setbacks														
Front (ft.)	0	0–10	0	0-30	12-18	12-18	12	12-18	18	13-20			0-10	10-18
Side (ft.)	0	0	0	6	6	6	6	6	6	4	4	4	6	4
Rear (ft.)	0	0	0	20	20	20	20	20	20	20	20	20	10	20
Maximum Height (ft.)	85	30	75	40	30-40	40	30-40	50	50	30	30	30	30-50	30
Maximum Stories	6	3	5	3	2-3	3	2-3	4	4	2	2	2	3 -4	2
Minimum Lot Area (acre)	0.3	0.4	No min.	No min.	0.5	0.25	0.25	No min.	0.5	0.14	0.25	0.25	0.75	0.18
Approximate Density (du/acre)	78	12	N/A	N/A	48**	40	36**	N/A	36	12	12***	7	51, 54, 58	12
Max. % Lot Coverage	100	Per SDP*	Per SDP*	60	45	45	60	60	45	40	60	60	100	40

*City of Sunnyvale – Downtown Specific Plan 2003, updated in 2013*

*\*SDP = Special Development Permit. Lot coverage in these blocks will be evaluated on a project by project basis.*

*\*\* On Washington and McKinley Avenue frontages, density is reduced to 24 units/acre.*

*\*\*\*Block 8a allows 24 du/acre and Block 9a allows 7 du/acre, although very limited unit potential exists on these blocks.*



## Parking Requirements

Sunnyvale's residential parking requirements vary by housing type, and by number of bedrooms for multi-family units. Multi-family developments, such as townhomes, condominiums and apartments, are required to provide at least one covered assigned space per unit. Additional unassigned spaces are also required because multi-family developments typically do not have private driveways for additional parking or public street frontage. The number of unassigned parking spaces required is different based on the type of covered assigned space provided. The City permits carports in lieu of fully-enclosed garages for all housing units, which can serve to reduce development costs. Carports also have the lowest required parking ratio. Table 35 enumerates the City's residential parking requirements.

Table 35: Residential Parking Requirements

HOUSING TYPE	NUMBER OF PARKING SPACES REQUIRED		
<b>SFD / Duplex</b>	<b>4 total:</b> 2 must be covered (garage or carport) and 2 may be uncovered spaces on driveway		
<b>MFD (Condo/TH and Apartments)</b>	1 covered, assigned space/unit, + unassigned spaces per below:		
	Parking type & number / unit	Number of Bedrooms	Number of Unassigned Spaces Required / Unit
	1 space/unit in carport or parking structure	0-1	0.5
		2	1
		3	1
		4+	1 + 0.15 each for 4th & any additional bedrooms
	1 space/unit in fully enclosed garage	0-1	0.8
		2	1.33
		3	1.4
		4+	1.4 + 0.15 each for 4th & any additional bedrooms
	2 spaces/unit in fully enclosed garage	0-1	0.25
		2	0.4
		3	0.5
		4+	0.5 + 0.15 each for 4th & any additional bedrooms
<b>SROs / Residential Hotels</b>	Unit Size	Number of Spaces Required Per Unit	
	Up to 200 sq. ft.	0.25	
	200-250 sq. ft.	0.5	
	250+ sq. ft.	1	
<b>Affordable Housing Developments (Lower Income)</b>	Number of Bedrooms	Number of Spaces Required Per Unit	
	1	1	
	2-3	2	
	4+	2.15	



Table 35: Residential Parking Requirements (continued)		
HOUSING TYPE	NUMBER OF PARKING SPACES REQUIRED	
Senior / Special Needs Housing	Affordability	Number of Spaces Required Per Unit
	Affordable to Lower Income Households	0.6
	Unrestricted	1
Mobile Home Parks	2 spaces per mobile home unit (tandem parking permitted)	
Mixed Use	Ratios based on ITE or ULI guidelines, as determined by the Director of Community Development or approving body	
DOWNTOWN SPECIFIC PLAN DISTRICT		
SFD	1 covered + 1 uncovered	
SFD with ALU	1 covered + 2 uncovered	
MFD (Condo/TH and Apartments)	Number of Bedrooms	Number of Spaces Required
	0-1	1 covered assigned space + 0.5 unassigned spaces/unit
	2+	1 covered assigned space + 1 unassigned space/unit
Legend:		
SFD = Single-Family Dwelling		
MFD = Multi-Family Dwelling (Condominiums, town homes, and apartments)		
SRO = Single-Room Occupancy Hotel/Rental Building		
ALU = Accessory Dwelling Unit		
City of Sunnyvale Municipal Code, 2014.		

Reduced parking requirements for affordable housing developments and housing for seniors or persons with disabilities were adopted in 2011. The modified parking ratio that Mid-Pen Housing Corporation was allowed to use for the 124-unit Fair Oaks Senior Housing project served as the basis for the adopted parking standard for affordable housing for seniors or persons with disabilities. The City also adopted provisions to allow development applications for senior housing, housing for persons with disabilities or housing affordable to lower income households to include requests for further reductions in the parking requirements. The request can be granted if the approving body finds that the applicant's proposed parking standard is adequate through a combination of any of the following considerations: location or proximity to transportation, variety or forms of transportation available, accessibility, services and programs offered, or population served by the proposed housing development.

The City continues to explore modified parking standards for housing sites near transit. Existing parking requirements in the Downtown Specific Plan District are reduced due to the area's proximity to transit. Shared parking has been considered in mixed-use proposals where uses have



different peak parking demands. Shared parking is also encouraged for trip reduction programs such as car sharing or other transportation demand management programs. As part of the Mixed-Use Toolkit that is currently in progress, the City is also developing other parking management strategies or modified standards for mixed-use developments, especially those in proximity to transit hubs.

## **Flexible Development Standards**

Sunnyvale has adopted several provisions in its Zoning Code that facilitate a range of residential development types and can lower the cost of developing housing. These mechanisms include mixed-use development provisions, Industrial to Residential (ITR) zoning, the Below-Market Rate (BMR) Program, density bonuses, and other provisions for small lot development.

## **Mixed-Use Development**

Sunnyvale has adopted several specific and precise plans which encourage mixed use development:

- The Downtown Specific Plan (DSP) comprises roughly 135 acres and provides for over 2,000 higher density residential units in close proximity to transit. A major focus of the DSP is to integrate connections between residential and mixed use development with existing transit facilities, including the multi-modal Caltrain Station.
- The 2007 update of the Precise Plan for El Camino Real encourages compact mixed-use development along Sunnyvale's oldest transportation corridor along the commercial spine of the City.
- The 101/Lawrence Site Specific Plan aims at creating a self-supporting urban village with a mix of uses that includes high density residential.
- The Lakeside Site Specific Plan, an almost nine acre site adjacent to the 101/Lawrence Site Specific Plan area, allows the redevelopment of a hotel site into a mixed use high density residential and hotel/conference facility near the intersection of two major transportation corridors.
- The City is developing the Lawrence Station Area Plan (LSAP), which could provide more transit-oriented, higher density residential and commercial development opportunities within a half mile radius of the Caltrain Lawrence Station.
- In conjunction with the LSAP, the City is also creating a Mixed-Use Toolkit to further promote and guide mixed-use development citywide.

Sunnyvale's DSP area, Lawrence Station Transit Village and the El Camino Real corridor have all been designated as "Priority Development Areas" (PDAs) by ABAG and MTC, as supported by the City Council. PDA designation renders these areas eligible for certain capital infrastructure funds, planning grants and technical assistance to facilitate transit-oriented development.

In December 2008, the City established a Mixed Use (MU) Combining District and provisions for live/work units. The new MU district may be combined with the R-3, R-4 and R-5 zoning districts in areas within ½ mile of a public transit stop or major expressway. The combining



district requires between 10-25 percent of the lot area to be developed with commercial/office uses, and allows residential uses to be developed either adjacent to, or above commercial uses. An allowance is provided for an increase in 10 feet, or one-story above the base zoning maximum and shared parking is permitted as supported by a parking study. Live/work units are now defined in the Zoning Code, and are specifically permitted in the Mixed Use Combining District.

### **Rezoning Industrial to Residential (ITR)**

Sunnyvale has recognized that as industrial and R&D uses have become more land intensive (i.e. multi-story buildings with less floor area per employee), underutilized industrial land can be freed up for other uses. The Futures Study (July 1993) looked at some of the City's older underutilized industrial sites to evaluate planned redevelopment of these sites with residential uses, while directing higher intensity industrial development to other areas more suitable over the long-term for such uses. As a result of this study, eight industrial areas were rezoned with an Industrial to Residential Combining District (ITR). The ITR district allows industrial, office, commercial, and residential uses to exist within the same district while gradually converting to residential use. Sites with an ITR designation can be combined with any residential zoning designation and follow the residential standards of the zone that they are combined with. Most of the ITR sites are combined with the R-3 zoning designation, with a few R-4 sites. In 2007 an additional ITR area was added; the ITR Combining District now includes approximately 320 acres, accommodating up to 7,700 dwelling units. By January 2009, approximately 1,700 units had either been constructed or permitted for development within the ITR areas.

### **Below Market Rate (BMR) Housing**

Sunnyvale's Below Market Rate (BMR) Program is authorized under the Sunnyvale Municipal Code, Chapter 19.67 (Ownership) and 19.69 (Existing BMR Rental Properties). Chapter 19.67 is applicable to new developments of eight or more ownership units, and requires that 12.5 percent of units in ownership developments be sold at prices affordable to moderate-income purchasers (up to 120% AMI). The homes are priced to be affordable to buyers at 100% of AMI. There are no longer any BMR requirements for new rental developments, due to the 2009 Palmer vs. Los Angeles court case, however a number of existing rental properties remain subject to BMR requirements imposed pre-Palmer based on recorded developer agreements with terms of 20-55 years. The City revised its BMR ordinance in 2012, replacing the earlier Chapter 19.66 with the two new chapters, 19.67 and 19.69 to address both the Palmer decision and to make improvements and add flexibility to the BMR ownership program. Changes made to the BMR ownership program as part of Chapter 19.67 included providing a more concrete definition of affordable sales price, as well as adding additional flexibility to allow developers to opt to pay in-lieu fees, provide units off-site, or partner with non-profits to provide a greater number of, or more deeply targeted affordable units in lieu of the moderate income ownership units (the "standard option"). Developers must obtain Council approval prior to being able to utilize any of these options, and to date no developer has done so, although several have indicated interest in these options. Another change was to allow developers to pay fractional in-lieu fees rather than rounding up the BMR requirement to the next whole unit. This has created a new revenue stream that will be used in future years to create more affordable units.





The current period of affordability is 30 years for owner-occupied units and 55 years for existing BMR rental units, although there are still a few rental properties permitted prior to 2003 with 20-year restriction terms. Since Sunnyvale initiated the BMR program in the early 1980s, hundreds of affordable units have been created, although many have expired already. There are currently close to 330 active BMR ownership units (homes) and fewer than 200 active BMR rental units, as listed in the at-risk inventory. Density bonus incentives consistent with State density bonus law are available to developers to help offset the cost of providing affordable units, as well as to encourage deeper income targeting.

The balance of the BMR sub-fund was slightly over \$2 million as of FY 2013-14. This fund includes revenues from BMR administrative fees, fines for violations of the BMR codes, as well as BMR in-lieu fees. The BMR in-lieu-fees, once sufficient funds accumulate in the fund, will be used to fund development of affordable units, with a small portion of the funds used to cover BMR program administration.

### **Affordable Housing Density Bonus**

One incentive available to the City to support development of affordable rental housing is State density bonus law. Section 65915 of the California Government Code provides a system for granting a density bonus to qualified residential projects. It provides a tiered system ranging from 20-35 percent and up to three development incentives/concessions, depending on the proportion of affordable units in the proposed project, and the level of income targeting.

As part of the package of code amendments adopted in 2012 related to the BMR program, the City also updated its density bonus codes to be consistent with State law. The new density bonus codes are provided in Chapter 19.18.025 of the Municipal Code. In addition, the BMR Ordinance allows the BMR units to count toward a density bonus as long as they meet the applicable State affordability requirements. To further assist developers in pursuing a density bonus and evaluating the numerous options available under state law, staff created a density bonus calculator spreadsheet which automatically calculates the number of bonus units available based on the acreage of the site, the existing zoning, and the developer's choice of affordable unit percentages and affordability level. Developers have responded positively and have been using this tool to evaluate their options. In 2013, developers of three new rental projects (Ironworks North and South and Summerhill Mathilda Apartments) took advantage of the density bonus program. These projects will collectively provide a total of 19 very low income rental units. Staff expects additional projects to take advantage of this incentive in the coming years.

The City also provides an additional density bonus of 5% for developments that meet certain voluntary green building measures. This green building bonus may be combined with the affordable housing bonus for a total maximum bonus of up to 40%. However, continued evolution in state green building requirements may soon make the City's green building density bonus obsolete, as the required green building measures begin to equal or exceed the voluntary measures currently used for this bonus program.



## Provisions for a Variety of Housing

Housing element law specifies that jurisdictions must identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of various types of housing for all economic segments of the population. This includes single-family homes, multi-family housing, factory-built housing, mobile homes, single-room occupancy housing, emergency shelters and transitional housing among others. Table 36 summarizes housing types permitted within Sunnyvale's residential zone districts, and Table 37 identifies residential uses permitted in commercial districts and the Downtown Specific Plan.

Transitional and supportive housing may be permitted in any zoning district based on dwelling type. For example, a 45-unit multi-family development linked to a range of on-site or off-site services, such as vocational and employment services or independent living skills training, are permitted in the R-4 Zoning District where multi-family developments are permitted.

Table 36: Housing Types Permitted by Residential Zoning District

Housing Types Permitted	R-0 & R-1	R-1.5	R-1.7/ PD	R-2	R-3	R-4	R-5	R-MH
<b>Residential Uses</b>								
Single-family dwellings*	P	P	SDP	P	UP	UP	UP	P**
Two-family dwellings (duplexes)	N	UP	SDP	P	P	P	UP	P
Multiple-family dwellings (3-50 units)	N	N	N	P	P	P	P	P
Multiple-family dwellings (over 50 units)	N	N	N	UP	UP	UP	UP	UP
Single Room Occupancy (SRO) facilities	N	N	N	N	N	UP	UP	N
Accessory Living Units (second units)	MPP	N	N	MPP	N	N	N	N
Mobile Home Parks	N	N	N	N	N	N	N	P
<b>Special Needs Housing</b>								
Residential Care Facility - licensed (6 or fewer persons)	P	P	P	P	P	N	N	N
Residential Care Facility – unlicensed (6 or fewer persons)	UP	UP	UP	UP	UP	UP	UP	N
Residential Care Facility - licensed (7 or more persons)	UP	UP	UP	UP	UP	UP	UP	N
Residential Care Facility - unlicensed (7 or more persons)	N	N	N	N	UP	UP	UP	N

P = Permitted Use

MPP = Miscellaneous Plan Permit

UP = Use Permit

SDP = Special Development Permit N= Not Permitted

\*Includes Manufactured Housing

\*\*Caretaker Home only (stick-built); or manufactured housing on Manufactured Housing sites per State Law.



Table 37: Housing Types Permitted by Commercial Zone District

Housing Types Permitted	C-1	C-2/ C-3	O	M-S/ M-3	P-F	Downtown SP	
						Residential Blocks	Comm/Office Blocks
Residential Uses							
Single-family dwellings	UP	UP	UP	UP	UP	P	N/SDP
Two-family dwellings (duplexes)	UP	UP	UP	UP	UP	N/P	N/SDP
Multiple-family dwellings	UP	UP	UP	UP	UP	SDP	SDP/N
Single Room Occupancy (SRO) facilities	N	UP	N	UP	N	N/SDP	SDP/N
Accessory Living Units (second units)	N	N	N	N	N	SDP	N
Special Needs Housing							
Residential Care Facility - licensed (6 or fewer persons)	N	N	N	N	N	SDP/P	P/N
Residential Care Facility – unlicensed (6 or fewer persons)	N	N	N	N	N	N	N
Residential Care Facility - licensed (7 or more persons)	UP	UP	UP	UP	UP	N	N
Residential Care Facility - unlicensed (7 or more persons)	UP	UP	UP	UP	UP	N	N
Transitional and Supportive Housing	UP	UP	UP	UP	UP	SDP	SDP/N
Emergency Shelter for the Homeless	UP	UP	N	P/UP *	N	N	N

P = Permitted Use MPP = Miscellaneous Plan Permit UP = Use Permit

SDP = Special Development Permit N= Not Permitted

N/P = Not permitted in the majority of the DSP districts, but Permitted in some DSP districts

\* Emergency Shelters are permitted by right in the MS districts with “Place of Assembly (“POA”) overlay; and permitted with a use permit in other MS and M-3 zones.

## Multi-Family Rental Housing

The City’s Zoning Code allows development of multi-family projects (defined as those with three or more dwelling units) in its low-medium, medium and high density residential zones, as well as commercial zones and in the Downtown Specific Plan. Multi-family developments of up to 50 units are permitted by right as a use in the low-medium, medium and high density residential zones, so long as the development complies with the density limits of the applicable zoning district. Although the use itself is permitted by right, architectural and site review (design review) by the Planning Commission is required. Multi-family housing projects of 50 units or more require a use permit in those same residential zones, as listed in the Zoning Code residential use table. However, any multi-family development would be reviewed through the same process, which solely focuses on design and compliance with development standards, regardless of the number of units. As long as the proposed development meets the applicable density limitations of the zoning district, it is a permitted use of that property.



## Accessory Living Units

The purpose of permitting accessory living units (often referred to as “granny units”) in single-family zoning districts is to allow more efficient use of land and infrastructure in these zones to provide the opportunity for the development of small housing units designed to meet the needs of individuals or families, who may be rental tenants or extended family members, while preserving the relatively low densities of single-family neighborhoods.

AB 1866, which became effective in July 2003, requires local governments to use a ministerial process for second unit applications for the purpose of facilitating production of affordable housing. AB 1866 does allow cities to impose development standards on second units addressing issues such as building size, parking, height, setbacks, and lot coverage.

Sunnyvale currently allows accessory living units (ALUs) in the R-1, R-0 and R-2 zoning districts and in certain residential blocks of the Downtown Specific Plan area with just a Miscellaneous Plan Permit (MPP). All MPPs for ALUs are reviewed by the Director of Community Development or his/her designee for compliance with the standards in Section 19.68.040 of the Zoning Code and City design guidelines. This permit type is issued by staff and is considered ministerial. When the ALU application is in compliance with the relevant standards, the permit is issued. If an applicant wishes to deviate significantly from these standards, a zoning variance may be required. ALUs are treated no differently than single-family homes in the same zoning district.

Sunnyvale’s Zoning Code (Section 19.68.040) establishes the following standards for accessory living units:

- A minimum lot size of 9,000 square feet is required in the R-0 and R-1 districts, and 5,000 square feet in the R-2 and DSP sub-districts 8, 9, 10, 11, 12.
- Unit sizes are restricted to a maximum of 700 square feet and one bedroom.
- At least one on-site parking space shall be provided for each accessory unit, in addition to the minimum number required for the primary dwelling. The additional space may be uncovered, but may not be in tandem with another space.
- A deed restriction is required that stipulates that only one of the two units on the property may be rented at any one time.
- All setbacks, lot coverage, building height, open space and other applicable requirements of the underlying zone district shall be satisfied.
- Entrances and outside stairways serving ALUs shall not be constructed on any building elevation facing a public street.
- Exterior materials, colors and appearance of ALUs shall match the primary structures they adjoin.

The City usually processes several ALU applications annually, with a total of 17 ALUs permitted between 2007 and 2014. The City’s ALU development standards are reasonable, less restrictive than many jurisdictions, and do not serve as a constraint to their development.



## **Manufactured Housing/ Mobile Homes**

Section 65852.3 of the California Government Code requires jurisdictions to administratively allow manufactured homes on lots zoned for single-family dwellings if they meet certain standards. Consistent with this requirement, Sunnyvale permits mobile homes on a permanent foundation for use as a single-family dwelling in R-0, R-1, R-2 and R-3 zone districts.

Sunnyvale has 16 mobile home parks containing approximately 4,000 mobile home units. The City has established a designated mobile home park zone district, and has adopted a policy to maintain a minimum of 400 acres of mobile home park zoning. The City also has a general plan land use designation of Mobile Home.

## **Single Room Occupancy (SRO)**

SRO residences are small, one room units (generally 100-250 sq. ft.) occupied by a single individual, and may either have shared or private kitchen and bathroom facilities. SROs can provide an entry point into the housing market for extremely low income individuals, formerly homeless and disabled persons.

In 1991, the City of Sunnyvale adopted an ordinance and related building code amendments designed to make the development of SRO housing more feasible. The impact of the ordinance (Zoning Code Section 19.66.160) was to increase the allowable density and lower the cost of developing SROs by designating it a commercial development. As indicated in Tables 36 and 37, the City permits SROs with a Use Permit in the following zone districts: R-4, R-5, C-2, C-3, MS, M-3, and some DSP sub-districts. Provisions of the City's ordinance include:

- ✓ Requirements for a Management Plan outlining policies and procedures
- ✓ 24-hour on-site management
- ✓ Options for both weekly and monthly tenancies
- ✓ Unit sizes of 150 - 400 square feet in size, with an overall average unit size not exceeding 250 square feet (excluding closet and bathroom area)
- ✓ Maximum occupancy of two persons per unit

Following adoption of its ordinance in 1991, Sunnyvale issued a Request for Proposals for construction of an SRO on a City-owned site in the downtown, to provide housing for workers in service-sector jobs, as well as for seniors and disabled individuals. Mid-Pen Housing Corporation was selected as the developer, and leveraged City funds with six other public and private funding sources to achieve development of the 122-unit Carroll Inn. Twelve of the Carroll Inn units are fully accessible, and rents, most of which range from \$440 to \$580, are affordable to residents with extremely low incomes.

A second SRO, Borregas Court, was also developed under Sunnyvale's SRO ordinance. This 193-unit SRO is located just outside of downtown. While rents are not quite as low as those of the Carroll Inn, at \$675 to \$795 per month, the Borregas Court units are affordable to very low income households. The property is managed by the non-profit EAH.



## **Residential Care Facilities**

Section 1566.3 of the California Health and Safety Code requires residential facilities serving six or fewer persons to be considered a residential use of property for purposes of local zoning ordinances. No local agency can impose stricter zoning or building and safety standards on these residential facilities – such as a use permit (UP), zoning variance or other zoning clearance - than is required of a family dwelling of the same type in the same zone. The Sunnyvale Zoning Code permits licensed Residential Care Facilities serving six or fewer persons by right in all low and medium density zoning districts (R-0, R-1, R-1.5, R-1.7/PD, R-2), and does not subject such facilities to a use permit, building standard, or regulation not otherwise required of single-family homes in the same zone. Unlicensed Residential Care Facilities with six or fewer occupants are permitted in all residential zones, subject to issuance of a use permit.

Due to the unique characteristics of larger (more than six persons) Residential Care Facilities, most jurisdictions require a use permit to ensure neighborhood compatibility in the siting of these facilities. As indicated previously in Tables 36 and 37, the Sunnyvale Zoning Code provides for Residential Care Facilities with more than six occupants in all zoning districts where residential uses are permitted, subject to approval of a Use Permit by the Planning Commission; unlicensed facilities with more than six occupants are allowed with a Use Permit in medium and high density residential zones and nonresidential zones which allow residential uses. The required findings for approval of a Use Permit in Sunnyvale are directed towards ensuring compatibility of the proposed use and not tied to the user, and therefore are not viewed as a constraint per se to the provision of residential care facilities.

Sunnyvale has adopted Section 19.64.010 of the Zoning Code to regulate unlicensed care facilities and facilities with seven or more occupants. As articulated in this section, the Sunnyvale City Council finds that residential care facilities provide a cost-effective, humane and non-institutional environment for elderly persons, persons suffering from chronic illness, persons suffering from mental or physical impairments, and persons recovering from drug and/or alcohol addiction. The City Council also finds that the public health, safety and welfare of City residents is best served when such facilities are licensed by the California Department of Social Services, the California Department of Alcohol and Drug Programs, or other appropriate agency to ensure compliance with applicable regulations and standards, but that in fact not all facilities are so licensed. The City Council finds that over-concentration of Residential Care Facilities could impair the integrity of residential neighborhoods, and thus has established a 500 foot spacing requirement between Care Facilities with more than six occupants. Applicants may request a waiver from the distance requirement, subject to Planning Commission findings that such a waiver would not be materially detrimental or injurious to the property, improvements or uses in the immediate vicinity.

The California courts have invalidated the following definition of “family” within jurisdictions Zoning Codes: (a) an individual, (b) two or more persons related by blood, marriage or adoption, or (c) a group of not more than a certain number of unrelated persons as a single housekeeping unit. Court rulings state that defining a family does not serve any legitimate or useful objective or purpose recognized under the zoning and land planning powers of the city, and therefore



violates rights of privacy under the California Constitution. A zoning ordinance also cannot regulate residency by discrimination between biologically related and unrelated persons.

Sunnyvale's Zoning Code currently contains the following definition of "family":

- a) *An individual living alone in a dwelling unit; or*
- b) *Two or more persons related by blood, marriage or legal adoption, or a group of two or more persons who need not be related, living together in a single dwelling unit as a group where the individual or group is in possession of the entire dwelling unit."*

The City's zoning provisions for residential care facilities, as well its definition of family, both provide reasonable accommodations for people with disabilities, as evidenced by the State Community Care Licensing Division, which identified one group home, four adult residential facilities, and 34 residential care facilities for the elderly in Sunnyvale.

## **Transitional and Supportive Housing and Emergency Shelters**

Transitional housing is temporary housing (generally six months to two years) for a homeless individual or family transitioning to permanent housing. Residents are also provided with one-on-one case management, education and training, employment assistance, mental and physical services, and support groups. Recent changes in State law (SB 2 - effective January 2008) require transitional housing to be treated the same as any other residential use within the same zone. Sunnyvale considers transitional housing the same as permanent rental housing, and thus the review and approval process is the same. The Zoning Code defines transitional housing as a dwelling, and depending on the physical characteristics of the facility as a single-family or multi-family structure, permits transitional housing as a residential use within single-family zones, or within multi-family and commercial zones.

Supportive housing is generally defined as permanent, affordable housing with on-site services that help residents transition into stable, more productive lives. Services may include childcare, after-school tutoring, career counseling, etc. Most transitional housing includes a supportive services component. Similar to transitional housing, the Zoning Code regulates supportive housing as a residential use, provided supportive services are ancillary to the primary use and for use by the residents of the facility.

Pursuant to SB 2, jurisdictions with an unmet need for emergency shelters must identify at least one zone where emergency shelters are allowed as a permitted use without a conditional use permit or other discretionary permit. The identified zone must have sufficient capacity to accommodate the shelter need, and at a minimum provide capacity for at least one year-round shelter. Permit processing, development and management standards for emergency shelters must be objective and facilitate the development of, or conversion to, emergency shelters. The Sunnyvale Zoning Code allows emergency shelters as a permitted use in the City's industrial zones with the "place of assembly" overlay ("MS-POA" zones), based on code amendments adopted in 2011. Shelters are also allowed in industrial zones without the POA overlay with a use permit. Shelters are subject to the same development and management standards as any other permitted uses in the zone.



As discussed in the homeless section of the Housing Needs Assessment, the 2013 Santa Clara Homeless Survey identified 425 homeless people in Sunnyvale, including 283 unsheltered people in street locations or cars/RV's/vans or encampments, and 142 people in shelters. Sunnyvale conducted a review of its zoning districts in 2009 and determined that the industrial zones with an overlay of 'place of assembly' (POA) are the best suited for emergency shelter uses. In 2007, the City added the MS-POA overlay designation to a number of sites in the MS zone. The POA designation essentially allows places of assembly and recreational uses, such as places of worship, community centers, etc., in these POA overlay zones. SROs and residential uses are also permitted in the MS-POA zone with a use permit. POA sites were selected based on their proximity to major arterials and locations near the outer edges of larger industrial neighborhoods, and given their direct and convenient access to public transit, would serve as good candidates for the location of an emergency shelter. A map on the City's website shows the locations of all MS-POA sites within Sunnyvale. These sites have a combined area of 117 acres, which is more than sufficient acreage to locate 425 shelter beds, enough to house the entire homeless population.

The MS-POA sites are characterized by larger buildings and warehouses, many of which are suitable for conversion to a shelter. Numerous underutilized properties also exist which are suitable for redevelopment. Most structures on MS-POA sites are Class C, single-story, tilt-up, industrial buildings. The availability of these buildings for adaptive reuse and the relatively lower property values in industrial areas serve to minimize, to the extent possible, the cost of establishing an emergency shelter. The vacancy rate of research and development properties in the City, which most closely corresponds to these zones, was approximately 9% percent in the first quarter of 2014, according to Colliers International, as reported in the April 14, 2014 City Manager's Biweekly Report.

The City's MS-POA development standards are appropriate to facilitate emergency shelters, and can be summarized as follows:

- Minimum lot size: 22,500
- Building height: 75 feet
- Front yard setback: 25 feet
- Side yard setback: total 20 feet
- Rear yard setback: none

In addition to application of MS-POA development standards, pursuant to SB-2, the City can also specify written, objective standards to regulate certain aspects of emergency shelters to enhance compatibility. The zoning code does not specify any standards other than those listed above, however it defines emergency shelter as follows: "any facility with on-site management and security that provides temporary overnight sleeping accommodations for a maximum of thirty days and minimal supportive services for homeless persons."





## **Farm Worker Housing**

According to the 2011 American Community Survey of the Census Bureau, 226 Sunnyvale residents were employed in farming, fishing, hunting, mining and forestry occupations between 2007 and 2011, representing less than two-tenths of one percent of the City's population. It is unlikely that most of these residents were employed as farm workers. No parcels in the City are zoned for agricultural use, nor are there any farms in the City known to currently employ farm workers (i.e., other than the land owner's family members or volunteers). The City owns two demonstration orchards which are farmed on the City's behalf by a local resident (who has adequate housing). Given the lack of any major agricultural institutions employing farmworkers within the City, the City has not identified a need for dedicated farmworker housing, and can address the housing needs of farm workers through its general housing programs.

## **Accessibility Accommodations**

Both the federal Fair Housing Act and the California Fair Employment and Housing Act (the "Acts") impose an affirmative duty on local governments to make reasonable accommodations (i.e. modifications or exceptions) in their zoning and other land use regulations when such accommodations may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. For example, it may be a reasonable accommodation to allow covered ramps in the setbacks of properties that have already been developed to accommodate residents with mobility impairments.

It is the policy of the City of Sunnyvale to provide reasonable accommodation for persons with disabilities seeking fair access to housing in the application of its zoning and building laws. The City has conducted a review of zoning and building code requirements, and has not identified any barriers to the provision of accessible housing. Sunnyvale accommodates most accessibility modifications through issuance of a simple remodel permit. Handicapped ramps or guardrails are permitted to intrude into the standard setbacks required under zoning to allow first floor access for physically disabled residents. The Building Division has adopted the 2013 California Building Code without amendment, and enforces the disabled access regulations delineated in its chapters on Housing Accessibility and Accessibility of Publicly Funded Housing. New apartment buildings with three or more units are subject to requirements for unit "adaptability" on ground floor units, and accessibility to common use areas. Adaptable units are built for easy conversion to disabled access, such as doorway and hallway widths, and added structural support in the bathroom to allow the addition of handrails.

While Sunnyvale has not identified any constraints on the development, maintenance and improvement of housing for persons with disabilities, the City adopted specific procedures in 2011 for requests that cannot be accommodated by existing exceptions or allowances in the Zoning Code. The procedures adopted under Chapter 19.65 of the Zoning Code were based on HCD's Model Ordinance for Providing Reasonable Accommodation and tailored to Sunnyvale's existing processes. If the reasonable accommodation request is part of a project that requires some other discretionary approval, such as a Design Review for a large single-family home addition, the request is then reviewed by the decision-making body with that discretionary approval. If the project does not require some other discretionary approval, the request is reviewed by the Director of Community Development (or designee) through a Miscellaneous



Plan Permit application. There is no fee required for the review. The decision to grant a reasonable accommodation request is based on certain findings consistent with the Acts.

In December 2004, Council created an Advisory Committee on Accessibility (ACA). The City of Sunnyvale's ACA advises and provides input to City staff on accessibility issues related to City services, programs and facilities. The City also has a dedicated Americans with Disabilities Act Coordinator, and identifies resources and local programs for persons with disabilities on its website.

Sunnyvale administers a Home Access Grant program, providing up to \$6,500 to lower income disabled homeowners to retrofit their homes. Common accessibility retrofits funded through the program include: ramps, hand railings, grab bars, hand-held showerheads, widening of doors, modification of steps, and wheelchair lifts. The City also maintains an inventory of lifts it provides to residents, and removes the lift when it is no longer needed.

### **Development Permit Procedures**

Planning is an essential part of the development process. Good planning can mean the difference between an average development and an excellent one that meets the community's expectations. The planning process also provides anyone with an interest in a proposed development to get involved. Before development can occur, it is necessary to obtain certain permits and discretionary approvals. These procedures, although necessary to ensure that the development is safe and in compliance with local, regional and state regulations and zoning code requirements, can sometimes lead to delays in projects and increase costs. Moreover, excessive processing time may act as a constraint on the production of affordable housing, because it increases carrying costs for the developer for land and financing.

The City of Sunnyvale places a strong emphasis on customer service and satisfaction, and its permitting processes are designed for expedited processing of all planning and building permits. Recognizing the complexity of the development process for property owners and developers, the City of Sunnyvale offers easy-to-read brochures to help developers and homeowners better understand the planning and development procedures in Sunnyvale. The City is also committed to an efficient review process.

In 1985, Sunnyvale established a One-Stop Permit Center to process building permits, building inspections, use permits, business licenses, code compliance, housing services, plan checking, planning permits, economic development, and other general services. The One-Stop Permit Center is comprised of a team of City Staff from the Community Development, Public Works and Public Safety Departments. The team effort results in fast and convenient service. Some of the services provided are:

- Coordinated customer contacts with appropriate staff representatives
- Related development services in a central location
- Streamlined permitting process
- Computerized land use information and building permit tracking system
- Plan checks and permit issuance combined in one location



Any interested person can visit the One Stop Permit Center to meet with various staff, with or without an appointment, including a Building Inspector, Planner, Public Works Engineer, Neighborhood Preservation Specialist, Housing Specialist, Traffic Engineer, Fire Prevention Engineer, or a Structural Engineer. The One-Stop Permit Center is able to provide streamlined plan review and building permit issuance, with over 90 percent of all building permits issued at the counter. Review processes for some of the most common residential project types are described briefly below.

**Single-Family Home or Duplex:** Applications for new single-family homes, duplexes or additions that are designed in compliance with the code requirements and are less than the FAR threshold for the zoning district are reviewed by staff through the Design Review (DR) process. Applications are reviewed for conformance with applicable development standards and adopted design guidelines. There are different timeframes for staff review, depending on the size of the project. Single-story additions to single-family homes and duplexes that are less than 20 percent of the existing floor area are reviewed over the counter as part of the building permit plan review at the One-stop Permit Center. Projects that propose to add more than 20 percent of the existing floor area are reviewed within a two-week timeframe. Second-story additions and new two-story homes require neighbor notification and a two-week comment period, but are generally processed within four weeks.

A single-family home, duplex addition, or new construction project that exceeds the total FAR threshold for the zoning district is required to go through a public hearing process reviewed by the Planning Commission. These projects are reviewed for conformance with the same standards and design guidelines as those projects reviewed at staff level, but require a higher level of review because of the proposed size and potential visual impacts. The Planning Commission DR process typically takes two to three months.

**Multi-Family Housing:** The Community Development Director has decision-making authority on minor use permits and special development permits, variances, site plan reviews, and zoning clearances. Minor use and development applications (including variance applications) that are categorically exempt pursuant to the terms of California Environmental Quality Act (CEQA) are reviewed through the Zoning Administrator (ZA) hearing process. An example of a multi-family housing project that could be reviewed at the ZA level is the conversion of a laundry facility to a dwelling unit within an existing apartment complex. It typically takes 30 days for a fully complete application to be scheduled for a ZA hearing. Building permits may be issued for approved projects after the appeal period, which is 15 days from the decision date.

New construction of multi-family housing requires site and architectural review by the Planning Commission. Projects that are not categorically exempt per CEQA also require a public hearing with the Planning Commission as the decision-making body. The Planning Commission review process typically takes three months for projects that are deemed complete within the first month of application submittal.

Sunnyvale offers an optional Preliminary Review (PR) process for applicants to submit schematic plans for review by the Project Review Committee (PRC) and receive early feedback



from City staff before submitting a formal entitlement application. The PR process is strongly encouraged for complex projects, large projects or potentially controversial projects, and could aid in helping applicants determine the most efficient path to project approval, thus helping to save time and costs. The PRC consists of representatives from the City Departments of Community Development (Planning and Building Divisions), Public Safety (Fire and Crime Prevention Divisions), Environmental Services and Public Works. The PRC was created to review development/improvement proposals for technical compliance with CEQA, City codes, design guidelines, policies and other specifications. The PR process starts at application submittal and ends at the PRC meeting with no formal decision made on the application. Applicants are encouraged to attend the PRC meeting where they receive written comments from the PRC and are given an opportunity to seek clarifications and ask questions. The PRC meeting is typically held once every two weeks, offering several opportunities for applicants seeking preliminary review of projects.



## Fees and Exactions

The City of Sunnyvale collects various fees from developments to cover the costs of processing permits and providing the necessary services and infrastructure related to new development projects. Table 38 summarizes the planning and development fees applicable to housing construction.

Table 38: Planning and Development Fees

<b>Single-Family Homes and Duplexes</b>	<b>Fee</b>
Staff Level Design Review	\$150.50
Planning Commission Design Review (Public Hearing)	\$408.50
Special Development Permit or Use Permit (Public Hearing)	\$408.50
Variance (Public Hearing)	\$408.50
Large Family Child Care 300+ ft. from any other (Staff level review)	No Fee
Large Family Child Care within 300 ft. of another (Public Hearing)	\$150.50
<b>Staff Level Reviews</b>	
Miscellaneous Plan Permit	\$127.50
Preliminary Project Review for Public Hearing Projects	\$341.50
Architectural Review, Landscaping, Parking & Lighting	\$341.50
Extension of Time for Minor and Major Permits and Tentative Maps (non-Heritage)	\$732.50
Zoning Exception for Solar Installations	\$127.50
<b>Appeals</b>	
Appeal of Permit Decision by Director, Zoning Administrator, Planning Commission or Heritage Preservation Commission	\$150.50
<b>Zoning Administrator Reviews</b>	
Minor Special Development Permit or Use Permit (non-Single Family Home)	\$1,485.50
Minor Permit Plan Review	\$796.00
Variance (non-Single Family Home)	\$1,485.50
Tentative Parcel Map (4 or fewer lots or condominium units)	\$2,404.50
<b>Public Works Planning Application Review</b>	
Tentative Parcel Map (4 or fewer lots or condominium units)	\$760.00
Tentative Map (5 or more lots)	\$2,340.00
Major Planning Project	\$4,680.00
<b>Planning Commission Reviews (Public Hearing)</b>	
Major Special Development Permit, Use Permit or Nonresidential Design Review	\$3,137.50
Major Permit Plan Review	\$1,589.00
Tentative Map (5 or more lots): Base Fee	\$3,930.50
Plus fee per lot	\$270.00
Tentative Map: Modification to Conditions of Approval	\$1,606.50
<b>City Council Reviews (Public Hearing)</b>	
General Plan Amendment Initiation	\$1,243.50
General Plan Amendment	\$5,214.50
Rezone (Zoning District Change) or Amendment to Zoning Code	\$5,214.50
Rezone Combining District (except Heritage Housing or Single-Story Combining District)	\$2,618.50
Rezone to Heritage Housing or Single-Story Combining District	\$133/lot
Specific Plan	\$5,214.50
<b>Environmental Review</b>	



Table 38: Planning and Development Fees

Environmental Assessment (Initial Study)	\$715.00
Consultant Preparation of Environmental Study or Environmental Impact Report	As Needed
Staff Review of Environmental Study Prepared by Consultant	\$1,346.00
Staff Review of Environmental Impact Report	10% of Consultant Fee
Recordation of Notice of Exemption (County fee)	\$50.00
Recordation of Notice of Determination (County fee) Neg. Declaration	\$2,231.25
Recordation of Notice of Determination (County fee) EIR	\$3,079.75
<b>Impact Fees</b>	
Transportation Impact Fee, Single Family Detached (Per Unit)	\$2,144.00
Transportation Impact Fee, Multi-Family Attached (Per Unit)	\$1,317
Park Dedication In-Lieu Fee	\$69.00 / square foot
Sense of Place Fee (ITR 7-8, Fair Oaks Junction, East Sunnyvale)	\$1,096.70/unit

Source: Sunnyvale Planning Division Fees, August 26, 2013.

The Home Builders Association of Northern California conducts an annual Cost of Development Survey. Eight South Bay cities participated in the 2006-2007 survey, including Cupertino, Gilroy, Morgan Hill, Mountain View, Palo Alto, San Jose, Salinas and Sunnyvale. Each city calculated total development fees, impact/capacity fees, and development taxes on five different project prototypes, including a 50 unit single-family subdivision and a 96 unit multi-family development. For the single-family prototype, Sunnyvale's fees were documented at \$27,014 per unit, the second lowest of the eight jurisdictions surveyed. Similarly, for the multi-family prototype, Sunnyvale's per unit fees of \$19,712 were also the second lowest. Sunnyvale's development fees are comparable if not lower than those charged in surrounding communities and are not considered a constraint to housing development in this area.

The City's current fees for two recent sample projects, one single family and one multi-family, are provided in Table 39 on the following pages.

Table 39: City and Non-City Fees for Single and Multi-family Residences

Fee	Typical single-family development on an R-2 lot (18 single-family homes)		Typical multi-family development on an R-3 lot (186 apartments)	
	Cost Factor	Total Project Cost	Cost Factor	Total Project Cost
<b>Planning Application Fees</b>				
Rezone	\$5,105/application	\$ 5,105.00	N/A	N/A
Major Special Development Permit	\$3063/project	\$ 3,063.00	\$3063/project	\$ 3,063.00
Plan Review	\$1,561/project	\$ 1,561.00	\$1,561/project	\$ 1,561.00
Tentative Subdivision Map	\$3,844/base fee per map	\$ 3,844.00	\$3844/base fee per map	\$ 3,844.00
Tentative map (per lot)	\$265/lot	\$ 5,035.00	\$265/lot	\$ 265.00
Environmental Assessment (Initial Study)	\$702/project	\$ 702.00	\$702/project	\$ 702.00
Review of Environmental Studies	\$1,322/study	\$ 2,644.00	\$1,322/study	\$ 1,322.00
Technology	\$17/application	\$ 51.00	\$17/application	\$ 34.00
<b>Project Cost Subtotal</b>		<b>\$ 22,005.00</b>		<b>\$ 15,753.00</b>
<b>Per Unit Cost Subtotal</b>		<b>\$ 1,222.50</b>		<b>\$ 84.69</b>
<b>Impact Fees</b>				
Park Land Dedication or In-Lieu fee	\$27,029.89/net new unit	\$ 486,537.98	\$14,079.9184/net new d.u.	\$ 2,618,864.82
Traffic Impact fees South of 237	\$2,094/net new PH trip	\$ 19,026.00	\$1,286.00/net new PH trip	\$ -
Sense of place fee for ITR areas	N/A	N/A	\$1,071/d.u.	\$ 199,206.00
<b>Project Cost Subtotal</b>		<b>\$ 505,563.98</b>		<b>\$ 2,818,070.82</b>
<b>Per Unit Cost Subtotal</b>		<b>\$ 28,086.89</b>		<b>\$ 15,150.92</b>
<b>Building Fees</b>				
Building Permit Fee	per valuation tables	\$ 41,907.70	per valuation tables	\$ 119,318.48
Issuance Fee	\$25.50 per permit	\$ 459.00	\$25.50 per permit	\$ 306.00
Technology Surcharge	\$17.50 per permit	\$ 315.00	\$17.50 per permit	\$ 210.00
Construction Tax	0.54% of valuation	\$ 22,369.31	0.54% of valuation	\$ 114,204.70
Plan Check	70% of bldg permit fee	\$ 17,752.17	70% of bldg permit fee	\$ 59,330.52
Energy Plan Check	10% of bldg permit fee	\$ 2,536.02	10% of bldg permit fee	\$ 8,475.79
Grading	2% bldg permit fee	\$ 3,204.00	2% bldg permit fee	\$ 9,168.00
Plumbing	\$0.08 x sq.ft	\$ 3,439.68	\$0.08 x sq.ft	\$ 17,606.32
Mechanical	\$0.08 x sq.ft	\$ 3,439.68	\$0.08 x sq.ft	\$ 17,606.32
Electrical	\$0.08 x sq.ft	\$ 3,439.68	\$0.08 x sq.ft	\$ 17,944.80
Fire Prevention	70% of bldg permit fee	\$ 29,335.36	70% of bldg permit fee	\$ 83,522.92
Gen Plan Maintenance Fee.	0.15% construct value	\$ 6,267.67	0.15% construct value	\$ 31,723.52
<b>Project Cost Subtotal</b>		<b>\$ 134,465.27</b>		<b>\$ 479,417.37</b>
<b>Per Unit Cost Subtotal</b>		<b>\$ 7,470.29</b>		<b>\$ 2,577.51</b>
<b>Public Works Fees</b>				
Engineering Plan Check and Inspection Fees	For cost between \$50,001 and \$250,000 = \$18,706 plus 4% of public improvement construction cost >\$50,000	\$21,266.00	For cost between \$250,000 and \$1,000,000 = \$27,257 plus 4% of public improvement construction cost > \$250,000	\$31,457.00
Sanitary Sewer Connection (Residential)	\$3,308 per unit 3 bedroom or more	\$59,544.00	\$2,042 per unit 1 or 2 bedroom units	\$379,812.00
Sanitary Sewer Connection (Commercial)			\$3,296 per unit (per 1,000 SF for recreation/lease area)	\$29,542.43
	\$3,296 per unit (per 1,000 SF) - credit for existing	(\$2,998.82)	\$3,296 per unit (per 1,000 SF) - credit for existing	(\$15,048.13)
Sewer Frontage Fee (Resi.)	\$115 per lineal foot	NA	\$115 per lineal foot	NA
Water Frontage Fee	\$51 per lineal foot	NA	\$51 per lineal foot	NA
Water Connection (Residential)	\$521 per unit 3 bedroom or more	\$26,010.00	\$380 per unit 1 or 2 bedroom units	\$70,680.00

# Constraints to the Development of Housing

Table 39: City and Non-City Fees for Single and Multi-family Residences (continued)

Fee	Typical single-family development on an R-2 lot (18 single-family homes)		Typical multi-family development on an R-3 lot (186 apartments)	
Water Connection (Commercial)	\$510 for the first unit (1,000 SF), \$380 for the second unit, \$284 for the third unit and \$198 for the fourth and each additional unit	NA	\$510 for the first unit (1,000 SF), \$380 for the second unit, \$284 for the third unit and \$198 for the fourth and each additional unit	\$2,194.80
	\$510 - first unit (1,000 SF) \$380 - second unit \$284 - third unit \$198 - fourth & each addtl <i>Credit for existing</i>	(\$3,363.00)	\$510 - first unit (1,000 SF) \$380 - second unit \$284 - third unit \$198 - fourth & each addtl <i>Credit for existing</i>	(\$30,107.76)
Water Meter	\$228 per meter (5/8" DCDA meter)	NA	\$228 per meter (5/8" DCDA meter)	\$456.00
	\$359 per meter (3/4" meter)	\$359.00	\$359 per meter (3/4" meter)	NA
	\$456 per meter (1" radio-read disk meter)	\$2,280.00	\$456 per meter (1" radio-read disk meter)	NA
	\$839 per meter (2" radio-read disk meter)	NA	\$839 per meter (2" radio-read disk meter)	\$1,678.00
	\$10,505.27 per meter (6" radio-read disk meter)	\$10,505.27	\$10,505.27 per meter (6" radio-read disk meter)	\$21,010.54
Water Tapping fee	\$285 / 1" or 2" tap	\$1,710.00	\$285 / 1" or 2" tap	\$285.00
	\$544 / 4" to 10" tap	\$1,632.00	\$544 / 4" to 10" tap	\$2,176.00
Storm Drain Connection (Residential)	\$6,328.00 per gross acre	NA	\$6,328.00 per gross acre	NA
Encroachment fee	\$279 minimum	covered under Engineering Plan Check and Inspection Fees	\$279 minimum	covered under Engineering Plan Check and Inspection Fees
Street Lighting System	\$30.50 per lineal foot	NA	\$30.50 per lineal foot	NA
Street Tree Inspection	\$25 per tree	\$425.00	\$25 per tree	\$500.00
Map Check fee	\$3,353 + \$45 per lot for final map	\$4,163.00	\$2,235 + \$45 per lot for parcel map	\$2,300.50
Maintenance deposit	1% public improvement construction cost +\$750	\$1,890.00	1% public improvement construction cost +\$750	\$4,300.00
Technology Fee	\$17.50 for each project review entry	\$35.00	\$17.50 for each project review entry	\$35.00
<b>Project Cost Subtotal</b>		<b>\$ 123,457.45</b>		<b>\$ 501,271.38</b>
<b>Per Unit Cost Subtotal</b>		<b>\$ 6,858.75</b>		<b>\$ 2,695.01</b>
<b>TOTAL PROJECT FEES</b>		<b>\$ 785,491.70</b>		<b>\$ 3,814,512.57</b>
<b>TOTAL FEES PER UNIT</b>		<b>\$ 43,638.43</b>		<b>\$ 20,508.13</b>

City of Sunnyvale, May 2014





The total Planning, Building, Public Works and Impact fees (parks, traffic and art) associated with development of two typical residential projects are presented in Table 39. The first project of 18 single-family homes had per-unit development fees at just under \$43,700 per unit, or approximately 2.6% of the lowest sales price of the homes in that project, which were listed for sale in 2014 at prices from \$1.7 to over \$2 million. The second project was a 186-unit apartment development, with per-unit fees at a total of \$20,508. Staff does not have the developer's total costs for these units, but they were advertised for rents ranging from \$3,300 to \$4,100 per month as of August 2014. The City waives park fees for affordable rental projects and for affordable units in mixed-income rental projects, such as affordable units in density bonus projects.

## **Building Codes and their Enforcement**

The City of Sunnyvale has adopted the California Building Code of 2013, the California Residential Code of 2013, the California Green Building Code of 2013 (CalGreen), and the 2012 International Property Maintenance Code, and is subject to Title 24, the State Energy Regulations. The City's building code also requires new residential construction to comply with the federal American with Disabilities Act (ADA), which specifies a minimum percentage of dwelling units in new developments that must be fully accessible to the physically disabled. Although these standards and the time required for inspections may increase housing production costs and/or impact the viability of rehabilitation of older properties, which are required to be brought up to current code standards, the intent of the codes is to provide structurally sound, safe, and energy-efficient housing.

The City administers a Code Enforcement Program that aims to preserve and maintain the livability and quality of neighborhoods. Code enforcement staff investigates violations of property maintenance standards as defined in the Municipal Code as well as other complaints. When violations are identified or cited, staff encourages property owners to seek assistance through the rehabilitation assistance programs offered by the City.

## **Site Improvements**

The Sunnyvale Zoning Code requires housing developers to provide off-street parking, wiring for electrical and telecommunications, including undergrounding of utilities, and open space for all residential development. For multifamily units, developers are also required to provide secure storage space<sup>1</sup> and landscaping. While these requirements all increase the cost of housing, they are consistent with current market demand and similar to requirements in other Bay Area communities. The Planning Commission and City Council may reduce parking requirements on a case-by-case basis.

The Subdivision Code requires cross gutters; curbs and gutters; sidewalks; street name signs and traffic control signs; street paving; street trees; ornamental street lighting system; sanitary sewage collection and pumping system; water distribution and fire protection system; storm

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<sup>1</sup> The City requires 300 cubic feet of secure storage space per dwelling unit which is typically located in a portion of the carport, garage or balcony. This is an important amenity in apartment living, and does not substantially add to the development cost or the rental cost of a unit.



water drainage system fences along lot line adjacent to proposed or existing surface water drainage channels; fences and landscaping along rear lot lines of lots backing upon streets or highways; off-tract improvements, wherever such improvements are required for the general health, safety and welfare, and where conditions necessitating such improvements are caused or aggravated by the subdivision; and the dedication of rights-of-way or granting of easements when necessary for the proper layout and maintenance of facilities. All of these requirements, with the exception of the requirement for “ornamental” street lighting, are necessary for the health and welfare of those living in the subdivision or to mitigate impacts on the surrounding community. Some of the requirements, such as those for street paving, street name signs and traffic control signs would have little impact on housing construction, as the street network is already completed in most areas of the city.



## Market Constraints

Land costs, construction costs, and market financing contribute to the cost of housing development and reinvestment, and can potentially hinder the production of new affordable housing. Although many constraints are driven by market conditions, jurisdictions have some ability to institute policies and programs to address the constraints.

### Development Costs

Land and construction costs represent the most significant barrier to the construction of new affordable housing. In 2011, land costs in Sunnyvale for sites suitable for residential development were noted to be in the range of \$3 to above \$4 million per acre. A price of \$3 million per acre results in land costs of \$71,429 per unit at an assumed density of 42 units per acre, based on a typical three- to four-story building over podium parking.<sup>2</sup> Assuming a 950 square-foot apartment unit, this per unit land cost would translate to \$75 per usable square foot of living space. Most available sites also require demolition and site remediation expenditures, in addition to acquisition and construction costs. Sunnyvale has a history of assisting with site acquisition for affordable housing projects, providing low-interest acquisition and/or development loans to non-profit housing providers and various other forms of assistance in exchange for long-term affordability covenants. For example, the City provided a long-term ground lease of City property to MidPen Housing in 2009 for development of the 124-unit Fair Oaks Senior Housing project. In 2007 the City provided an acquisition loan of \$2.1 million for acquisition of a 20-unit rental property known as Garland Plaza, which has now been rehabilitated and restricted as affordable housing, and more recently, in 2013, the City provided Charities Housing and MidPen Housing each with a long-term ground lease of City property to allow development of two affordable housing projects at the former site of the National Guard armory in Sunnyvale.

Construction costs vary widely according to the type of development, with multi-family housing generally less expensive per unit to construct than single-family homes. However, there is wide variation within each construction type depending on the size of unit and the number and quality of amenities provided. Single family construction costs were not considered in the affordable housing fee study cited above, as it is not feasible at this point in time to provide single-family homes as affordable housing due to the high land costs. However, that study estimated the total development cost for a typical affordable apartment development at \$436,621 per unit, inclusive of land. These cost estimates are consistent with those reported by developers of multi-family projects under development in Sunnyvale just prior to completion of that study. A reduction in amenities and the quality of building materials (above a minimum acceptability for health, safety, and adequate performance) could slightly lower the cost of development. In addition, prefabricated factory-built housing could reduce construction and labor costs to some extent. One of the affordable housing projects currently under construction at the armory site, the Parkside Studios project, is using modular studio units that are fabricated entirely off-site, which will save both construction costs and time.

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<sup>2</sup> Economic and Planning Systems, Nexus-Based Affordable Housing Fee Analysis for Rental Housing, Prepared for City of Sunnyvale, June 3, 2013.



Another factor related to construction costs is the number of units built at one time. As the number increases, overall costs generally decrease as builders can benefit from economies of scale.

## Mortgage and Rehabilitation Financing

The availability of financing in a community depends on a number of factors, including the type of lending institutions active in the community, lending practices, rates and fees charged, and equal access to financial institutions. Through analysis of Home Mortgage Disclosure Act (HMDA) data on the disposition of residential loan applications, an assessment can be made of the availability of residential financing within a community.

Table 40 summarizes HMDA data for both Sunnyvale and Santa Clara County as a whole, providing information on the approval status of all home purchase and home improvement loan applications during 2007. Of the total of 2,931 applications for conventional home purchase loans in Sunnyvale, 76 percent were approved, 15 percent denied, and 9 percent withdrawn or incomplete. In comparison to the County-wide average, mortgage loan approval rates were higher in Sunnyvale (76%), than the County (70%). Approval rates for home improvement loans were also higher in Sunnyvale than Santa Clara County as a whole, at 66 percent compared to only 59 percent County-wide. Staff has been unable to obtain more recent HMDA data aggregated to the city and county levels.

Table 40: Home Purchase and Improvement Loans - 2007

Loan Type	# Loan Applications in Sunnyvale	% Loans Approved		% Loans Denied		% Loans Withdrawn/Incomplete	
		Sunnyvale	Santa Clara County	Sunnyvale	Santa Clara County	Sunnyvale	Santa Clara County
Home Purchase	2,931	76%	70%	15%	20%	9%	10%
Home Improvement	350	66%	59%	24%	29%	10%	12%

Source: Home Mortgage Disclosure Act (HMDA) data, 2007.

Review of mortgage loan denial rates by census tract identifies several areas in Sunnyvale with denial rates at or nearly twice the city-wide average of 15 percent. These census tracts<sup>3</sup> include: tract 5048.05 (30% of total 198 loan applications denied); tract 5087.04 (30% of total 50 loan applications denied); and tract 8086.01 (28% of total 85 loan applications denied).

To address potential constraints and expand homeownership and home improvement opportunities, the Sunnyvale offers and/or participates in a variety of programs. These include the City's First Time Home Buyer Loan Program, as well as rehabilitation programs for single-family homes and rental properties. Such programs assist lower- and moderate-income residents

<sup>3</sup> The geographic boundaries of the 3 identified census tracts are as follows: CT 5048.05 N- Mt View Alviso, S- Lakebird Dr, W- Fair Oaks, E- Lawrence Expressway; CT 5087.04 N- Hwy 101, W- Fair Oaks, E- City limits; CT 5086.01 N- Central Expressway, S- El Camino Real, W- Mary Ave, E- Mathilda



by increasing access to favorable loan terms to purchase or improve their homes. The Housing Plan provides more detailed information on the type and extent of programs available.

## **Environmental Constraints**

Environmental constraints and hazards affect, in varying degrees, existing and future development in Sunnyvale. Discussed below are the major environmental hazards in the City, as summarized from the 2008 Seismic Safety and Safety Sub-element of the General Plan. The City's General Plan recognizes these hazards and identifies programs to minimize them.

### **Geologic and Seismic Hazards**

Sunnyvale is subject to the effects of earthquakes due to its location in the Santa Clara Valley which is traversed by several active earthquake faults, including the San Andreas Fault, the Hayward-Rodgers Creek Fault and the Calaveras Fault. Lying beneath Sunnyvale are thick layers of sand, gravel and clay, known as alluvium, which amplify the effects of earthquakes. To improve the seismic safety of buildings in the less stable soil areas of the City, geotechnical reports are now required for all developments in the City. The City actively participates in the State of California Seismic Hazards Mapping Program. All geotechnical reports received by the City are forwarded to the State of California for additional review.

Un-reinforced masonry (URM) buildings are particularly susceptible to ground shaking. In compliance with URM legislation enacted 1986, Sunnyvale is continuing to perform hazard mitigation on URM buildings. Only ten URM buildings remain in Sunnyvale, all of which are located in the South Murphy Avenue historical area which is exempt from the State URM legislation; none of these URM's are residential structures.

### **Flood Hazards**

The majority of Sunnyvale is located within the 100 year floodplain, although a 100-year flood event has never occurred in the City. The Santa Clara Valley Water District maintains Calabazas Creek, Stevens Creek, and the Sunnyvale East and West flood control channels, and has made numerous improvements to the channels to increase their capacity. These channels coupled with the City's extensive 150 mile storm drain system take the majority of surface run-off to the Bay. In addition, low lying areas in the northern areas of the City are assisted by two pumping stations. Within the next few years, the Santa Clara Valley Water District has planned additional improvements to local creeks to ensure they will be able to contain the runoff from a 100 year flood.

Sunnyvale enforces specific building code requirements in the flood prone areas to minimize potential property damage, including minimum foundation pad heights above the projected flood depth as specific on the Flood Insurance Rate Map (F.I.R.M.). The City participates in the National Flood Insurance Program Community Rating System, and has maintained a Class 8 CRS rating, enabling property owners to obtain a discount on flood insurance premiums.

Without the present system of dikes and levees, parts of Sunnyvale would be subjected to flooding by tides. Were these dikes and levees to fail or their banks overflow, tidal flooding could occur. In 2006, the City's Department of Public Works completed a capital improvement



project to repair and strengthen the levees surrounding the holding ponds, reducing the chance that the levees would fail in the event of a major earthquake.

### **Fire Hazards**

Sunnyvale has a relatively low risk factor for fire loss and past fire experience has demonstrated Sunnyvale to be a relatively fire-safe community. The City maintains a trained and well-equipped fire service to respond to fires and other incidents. While the potential for extraordinary disaster always exists, and while the aging process of the City and its buildings will have some adverse impact on fire loss, the overall environment is comparatively fire-safe.

### **Hazardous Materials**

A decline in manufacturing facilities in Sunnyvale and changes in the manufacturing processes has resulted in a lower overall volume of hazardous materials stored and used within the City. The highest hazard facilities, those with larger quantities of hazardous materials or materials having greater toxicity, are located in the industrial area in the northern part of the City. The primary risks to the community are spills and releases of hazardous materials from an onsite accident, a transportation accident, an act of terrorism, or a seismic event. Regulatory controls are in place to minimize the probability of releases occurring as a result of these incidences.

### **Aviation Hazards**

Sunnyvale lies in the landing pattern of Moffett Federal Airfield and, during south winds, planes take off over heavily- developed areas. Risk of future accidents exists even though the Navy's usage of Moffett Field as a Naval Air Station ended in 1994. Other than the potential for aircraft accidents, noise is the most significant concern of residents. Allowable land uses around Moffett Field are determined by accident potential and noise level.

### **Impact of Environmental Constraints on Development**

In summary, while Sunnyvale is subject to the environmental constraints described above, the City's Seismic Safety and Safety Sub-element sets forth a series of actions to minimize these constraints. Sunnyvale incorporates this knowledge of safety hazards into its land use planning and development review processes.

Environmental impact reports (EIRs) were prepared for the two most significant areas of future residential development in Sunnyvale – Industrial to Residential (ITR) sites and the Downtown Specific Plan – and concluded these areas were suitable for residential use. One of the primary criteria under the ITR program for designation of industrial sites for housing was suitability for residential development. The findings in the ITR “Futures Study” EIR state that with the recommended mitigation measures, development of housing on the identified sites would not have a significant adverse impact on the environment.

EIRs prepared for both the Downtown Specific Plan and ITR sites are Program EIRs which are based on the concept of “tiering”, which means that as project proposals are made on specific sites, the need for additional environmental analysis will be determined. If a proposed project has the potential for impacts which exceed those discussed in the Program EIR, additional environmental analysis is required.



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# HOUSING OPPORTUNITIES

## Availability of Sites for Housing

ABAG has determined the projected housing need for its region for the 2009-2014 Housing Element cycle, and has allocated this housing need to each jurisdiction by income category. This Regional Housing Needs Assessment (RHNA) represents the minimum number of housing units each community is required to plan for by providing “adequate sites” through the general plan and zoning. An important component of the Housing Element is the identification of adequate sites for future housing development, and evaluation of the adequacy of these sites in fulfilling the City’s share of regional housing needs (RHNA). Sunnyvale has a RHNA allocation of 5,452 units distributed among the following income groups: 1,640 very low income; 906 low income; 932 moderate income; and 1,974 above-moderate income units.

The City plans to fulfill its share of regional housing needs using a combination of the following areas:

- Vacant and underdeveloped residential sites;
- Redevelopment opportunity sites in the Industrial to Residential (ITR) areas;
- Mixed use zones in the Downtown Specific Plan and Lakeside Specific Plan Areas; and
- Redevelopable Commercial/Mixed Use Zones in the El Camino Real Precise Plan Area.

Together, the above areas comprise the adequate sites inventory with capacity for development of a total of 5,849 dwelling units. Among these sites, there is sufficient acreage zoned at the default “Mullin” density of 30 units or more per acre to allow for development of 1,640 very low income and 1,052 low income units; sufficient acreage zoned for 15 units or more per acre to allow for development of 1,183 moderate income units; and sufficient acreage at lower densities to allow for development of 1,974 above-moderate income units, as described in more detail in the following narrative. Parcel-specific site inventories are included in Appendix B.

### **Vacant and Underutilized Residential Sites**

The City staff has conducted a comprehensive review of all vacant and underutilized sites currently zoned for residential use using the City’s GIS database. The results of this analysis are presented in Table 41, with the parcel-specific inventory included in Appendix B.

Only one truly vacant residential site remains in Sunnyvale – the 9.27 acre site known as the “Corn Palace” located along the Lawrence Expressway. This site, comprised of one parcel, is currently used for a farm stand. Based on the existing land use designation (R-Low-Medium) and an assumption that a significant percentage of the land area would go towards new public streets, this site is estimated to have capacity for development of approximately 96 new homes.

Throughout most of Sunnyvale’s residential zoning districts, there are older, underutilized properties developed with fewer units than are permitted under zoning. With the lack of vacant land remaining in Sunnyvale, redevelopment of such lots is an important source for future





housing. For purposes of identifying underutilized parcels suitable for redevelopment within the five year planning period of the Housing Element, the following criteria were used: 1) the net increase in units achievable under a “realistic” zoning density is more than twice the existing number of units; 2) the existing structure is over 30 years of age; and 3) the ratio of on-site improvements (i.e. the structure) to the total value (the structure and the land) is generally less than 50 percent. As presented in Table 41, a total of nearly 48 acres of vacant and underutilized residential property have been identified. Given the high land cost in the Silicon Valley, the market has supported residential recycling and intensification in Sunnyvale’s residential neighborhoods for many years. For example, since 2010, the city has approved more than twenty residential infill projects in various zones (see Table B-5 in Appendix B).

Several examples of development projects on underutilized sites (residential, mixed use, or other) which are typical of current development trends include:

- A project approved in December 2013 consisting of the development of 105 apartment units on two parcels with a total of 1.6 acres, located at 455 South Mathilda Avenue, in Block 14 of the Downtown Specific Plan. This project involved parcel assemblage, demolition of occupied commercial structures, and a State density bonus for affordable housing. The occupied commercial buildings included a three-story occupied office building and a single-story, multi-tenant commercial building fronting on Mathilda, and several paved parking lots. All of the structures have now been demolished, a building permit has been issued, and construction of the project is expected to begin before the end of 2014.
- A project approved in December 2013 consisting of the development of 85 town homes on seven parcels with a total site area of 4.02 acres, located at 617 East Arques Avenue in north Sunnyvale. The existing structures to be demolished on the site included 54,000 square feet of occupied structures including several light industrial uses, a commercial warehouse, a restaurant, and a nine-unit apartment building.
- A project approved in July 2013 for development of 117 apartments on two commercial parcels with a total site area of 2.3 acres, located at 457 East Evelyn Avenue in the Downtown Specific Plan area. The existing structures on the site included two occupied multi-tenant commercial buildings with a total of 31,000 square feet in floor area. Construction of the project began in May 2014 and is expected to be completed by Spring of 2016. This project involved parcel assemblage, a green building density bonus, a State density bonus for affordable housing, and demolition of two large commercial structures with various business tenants.

Examples of recent projects approved or recently proposed on primarily residential underutilized sites, many of which included assemblage of several smaller sites by the developer, is provided in Table B-6 in Appendix B. These projects, which are in various stages of completion or pending City approval, could provide a combined total of 221 net new dwelling units in twelve projects with a combined site area of just over ten acres. In addition, Table B-6 also provides examples of infill projects on non-residential and/or mixed use sites which involved clearance of various non-residential and/or residential structures, most of which were occupied at the time of application, similar to the examples provided above. The development trends demonstrated by



these examples are consistent with the City's projections of future rates of development on the underutilized sites in the Sites Inventory.

The City's approach to assessing the number of units that can be achieved on underutilized parcels is based on a realistic density of between 75 to 85 percent of the density allowed based on the zoning or land use designation, whichever is higher. Sunnyvale's General Plan states all new residential development should be built to at least 75 percent of permitted zoning density as a means of achieving the development form envisioned under the General Plan. Following the City's density policy, for the purpose of determining site development potential, realistic densities have been assumed at 75 percent of maximum density for sites with low to medium density residential zoning and/or land use designations.

Within high-density residential areas (R-4 and R-5 zones), the City encourages the greatest residential densities and development trends evidence projects being developed at close to the maximum zoned densities. For example, a high-density apartment development was completed in 2012 at 1287 Lawrence Station Road. This 6.63 acre site is zoned R-5/PD/MU and was approved for 338 apartments and live-work units in addition to 16,000 square feet of commercial and retail space, resulting in a density of 51 units/acre. Therefore, the realistic densities for these higher density zones have been increased and assumed at 85 percent of maximum density.

Utilizing these assumptions for realistic density, the 48 acres of vacant and underutilized residential property suitable for near-term redevelopment can accommodate a net increase of 703 new units. The greatest opportunity for additional units lies in the medium-density R-3 zone and high density R-4 zone where condominiums, townhomes and apartments are the preferred development types. The areas with zoning and/or general plan land use designations which allow at least 30 dwelling units to the acre, as shown on the "R-High" row of Table 41, meet the densities required to facilitate the development of housing affordable to low or very low income households.



Table 41: Vacant and Underutilized Residential Sites

General Plan Land Use Designation	Total Acreage	Max. Density (du/acre)	Realistic Density (du/acre)	Unit Potential (based on realistic density)
<b>Vacant Sites</b>				
R-Low Medium (LM)	9.3	14	10.3	96
<b>Underutilized Sites</b>				
R-Low	7.5	7	5	33
R-LM	7.9	14	10.5	68
R-Med	10.6	27	20	146
Office (R-2)	1.2	12	9	9
R-High	11.1	45	38	351
<i>Underutilized Subtotal</i>	38.3	<i>n/a</i>	<i>n/a</i>	607
<b>Total</b>	<b>47.5</b>	<b>n/a</b>	<b>n/a</b>	<b>703</b>

Source: City of Sunnyvale CDD (April 2014)

### Industrial to Residential (ITR) Sites

The 1993 Futures Study identified several of the City's older underutilized industrial sites for planned redevelopment with residential uses, while directing higher intensity industrial development to other areas more suitable over the long-term for such uses. The result of the Futures Study was the establishment of the Industrial to Residential Combining District (ITR), the purpose of which is to allow industrial, office, commercial and residential uses to exist within the same zoning district, and to encourage ITR areas to gradually convert to residential uses.

Sites were selected for ITR zoning based on their suitability for residential development (all are located adjacent to residential neighborhoods); the probability of redevelopment based on a predominance of older, underutilized light industrial uses; how well the site could support higher density residential along existing and proposed transit lines; and how well the site helps create a neighborhood with a mix of uses. In 2007 an additional ITR area was added; the ITR Combining District at that time included approximately 320 acres, and could accommodate up to 7,700 dwelling units. By January 2009, approximately 1,700 units had either been constructed or had received building permits within the ITR areas. For purposes of demonstrating the viability of residential development in the ITR areas, the 2009 Housing Element included a series of maps outlining the ITR boundaries and identifying the extent of residential development in each of these areas (refer to Appendix B of the 2009 Element). The ITR sites provided the greatest opportunity for additional residential development within Sunnyvale during the 2007-2014 planning period. Many of these areas were redeveloped with residential projects during that period, so the current sites inventory in Appendix B includes just one map that covers all remaining ITR sites.

In addition to market support for residential development, several other factors promote residential development within the ITR areas. ITR zoning limits the intensity of industrial



development to 0.35 FAR, whereas a far greater intensity of residential development is permitted – either 24 or 36 units per acre, depending on whether it is combined with an R-3 or R-4 zoning district. Once residential uses are developed within an ITR area, the City’s Noise Ordinance requires remaining industrial uses to comply with a more stringent noise standard based on their adjacency to residential uses. In the nearly twenty years since ITR zoning has been in place, only one site has been redeveloped with an industrial use. In various ITR projects approved since 2011, a total of 1,056 residential units have been completed or are in various stages of development. The existing uses on ITR sites are predominately Class C industrial buildings, defined as older properties that have not been renovated – their condition is typically fair but not considered good. Given the under-investment in the older industrial buildings in the ITR areas, combined with the significantly higher value of residential uses, the existing developed uses in the ITR areas have not served as an impediment to residential development.

There are currently eight key ITR areas throughout the City, the majority of which are combined with R-3 and R-4 zones and planned for condominiums, townhomes, and apartments. The remaining residential sites in the ITR areas have been identified by removing sites that have already been developed or entitled. The remaining sites available for development have been reviewed and updated development assumptions made. As illustrated in Table 42, potential remains for development of more than 2,900 additional multi-family units in ITR areas. Staff estimates that 1,970 of these units will be developed on sites with allowable densities of at least 30 units to the acre.

Table 42: Industrial to Residential (ITR) Areas

General Plan	Zone	Acreage	Realistic Density	Net New Units
Residential High	R-4	9.2	31	436
ITR Mix	R-4	11.9	31	416
ITR Mix	MS/R-3	11.8	20	386
ITR Mix	C2	3.2	27	87
ITR Med	MS/R-3	66.1	20	1,267
ITR Med	C1/R-3	1.3	20	26
ITR High	MS/R-4	11.3	31	308
<b>Total</b>		<b>114.7</b>		<b>2,926</b>

Source: City of Sunnyvale CDD, April 2014.

### Downtown Specific Plan

The Downtown Specific Plan (DSP) was originally adopted in 1993 and was updated in 2003. The goal of the DSP is to rebuild downtown Sunnyvale as a traditional downtown, a vibrant, pedestrian-friendly center for shopping, working, living and entertainment. Redevelopment has been in progress for a number of years within the core area, including redevelopment of the former low-rise Town and Country shopping center into two large apartment projects with ground-floor retail, known as Solstice and Carmel Lofts. Together these two projects include more than 400 apartments and 35,000 square feet of retail space. Occupancy of the Solstice



Apartments began in late 2013, and many of the storefronts have been leased and will open soon with cafés, restaurants and shops. Carmel Lofts began leasing in spring of 2014.

Construction of a mixed use retail/office/residential project on the large center portion of downtown, commonly known as the Town Center Mall, began in 2008. That project includes 292 residential condominiums, up to one million square feet of retail space and 320,000 square feet of office space. The Target store was rebuilt and completed in 2009. The office buildings were completed in 2010 and were occupied by Nokia and Apple in 2010 and 2012. Several additional higher density developments have been approved more recently, including two projects on Evelyn Avenue approved in 2013 with a total of 184 apartments. This project took advantage of the density bonus, and will provide 14 units affordable to very low income households. Another project of 105 apartments on the 400 block of South Mathilda Avenue, approved in late 2013, also received a density bonus, and will include 5 units affordable to very low income households. The development of downtown continues to be a priority for the City.

The DSP is organized into four main districts to promote a mix of uses to create a lively street scene, increase walkability, reduce dependence on the automobile, and provide for higher-density housing in proximity to mass transit. In addition, a DSP goal is to encourage below-market-rate housing in all residential neighborhoods. The four DSP districts are: the Commercial Core District, Sunnyvale/Carroll District, South of Iowa District and West of Mathilda Avenue District. In addition to the nearly 300 units with exterior shells completed on block 18 in the Town Center, the greatest opportunities for higher-density residential development are focused on remaining blocks: Blocks 1A, 4, 5, 6, 10, 11, 13, 14, 15, 16, and 20. Within these blocks, the Specific Plan provides for the development of 1,019 net new units, as illustrated in Table 43 on the following page. This residential development potential is in addition to the amount of commercial development permitted in each block; in other words, development of commercial uses does not reduce the amount of residential permitted under the Specific Plan.



Table 43: Downtown Specific Plan (DSP) and Lakeside Specific Plan (LSP) Areas

Block/Plan Area	Zone	Acres	Net Potential # of Units
LSP	LSP	5.5	250
DSP 1A	DSP	0.5	23
DSP 4	DSP	1.4	61
DSP 5	DSP	0.5	44
DSP 6	DSP	3.0	69
DSP 10	DSP	2.6	17
DSP 11	DSP	3.3	18
DSP 13	DSP	6.7	19
DSP 14	DSP	3.2	171
DSP 15	DSP	2.7	143
DSP 16	DSP	3.3	165
DSP 20	DSP	2.5	39
<b>Total</b>		<b>33.5</b>	<b>1,019</b>

Source: City of Sunnyvale CDD, April 2014

\* Maximum residential units are in addition to the commercial development potential within each block.

Blocks 14, 15 and 16 are zoned for Very High Density Residential (51-58 dwelling units per acre) and require a minimum lot size of 0.75 acres. Development on these three blocks is projected to occur at densities at or above 30 units per acre, for a total of 479 units. A development located on 1.6 acres within Block 14 has already been entitled for 105 units with a density bonus, but building permits have not yet been issued, therefore it will be counted in the 2015-2023 cycle, so those units have been included in the 171 unit estimate shown above.

The purpose of the minimum lot size is to assure the desired density is achieved. Ideally, the blocks would be developed with no more than three projects, however the Code would allow up to four separate developments per block. Each block is approximately three acres in size, with individual property ownership ranging from 3 to 50 percent of the land area per block. However, each block has at least one property owner that could redevelop their site in accordance with the specific plan without any further land assemblage. Most of the properties are commercially owned and used or are rental dwellings (i.e., only three of the 30 properties are home-owner occupied); this ownership pattern assists in the aggregation of land.

The City purchased 5 parcels in Block 15 many years ago (one-quarter of the land area) and has been land-banking these properties since that time to facilitate future land assemblage and development. A major residential developer has recently expressed interest in redeveloping Block 15 and submitted a preliminary review application in 2014. The City will continue to encourage site assembly in the Downtown by continuing to publicize the downtown redevelopment potential made possible by the DSP through City channels such as the “Downtown Redevelopment Information” webpage, KSUN, and public meetings regarding the status of redevelopment.



### **Lakeside Specific Plan**

In 2005, the City Council adopted the Lakeside Specific Plan to facilitate redevelopment of an 8.8 acre site currently developed with an older, low rise hotel with development of a mixed use hotel and residential project. Given the site's prime location adjacent the Lawrence Expressway and Highway 101, as well as a number of City amenities and visitor attractions, redevelopment of the site can provide significant economic benefits.

The addition of residential development as a component of the overall hotel development program is recognized as having the beneficial effect of making the site attractive to hotel visitors as well as to residents. The projected resident population will provide an increased level of on-site activity through an extended period of the day and into the evening. Hotel visitor amenities, such as the restaurant and support retail, benefit from and are an attraction for nearby residents, who also are potential customers. Moreover, people using the open space associated with the adjacent lake provide an increased sense of safety and interest for everyone.

The stated goals of the specific plan are as follows:

- Create a dynamic, economically viable hotel and residential development project that is beneficial to the City's economic base and which will complement the quality and high intensity character of the neighborhood;
- Create housing that increases the diversity of unit types in tenure, type, size, and location to permit a range of choice for all current residents and those expected to become city residents. The mix of these higher density units, both in terms of size and affordability, shall provide for a variety of future residents. The project shall expand the City's commitment to improving the jobs/housing ratio;
- Create a place that encourages quality architectural and landscape design, that improves the City's identity, and that inspires creativity in utilizing opportunities to strengthen sensitive neighborhoods.

The residential development potential of the area, which includes approximately 5.5 acres for residential use, is estimated at approximately 250 dwelling units, as shown in Table 43. The specific plan allows for development of several residential buildings of up to seven stories in height, with units ranging in size from one to three bedrooms. If the project is developed for sale as condominiums, it will be required to sell 12.5 percent of the units as affordable, Below Market Rate homes.

### **El Camino Real Precise Plan**

El Camino Real is the primary commercial corridor of the City and is also State Highway 82. A plan for the corridor, the "Precise Plan for El Camino Real," was adopted in 2007 in order to achieve the following goals:

- ✓ Establish a common vision for El Camino Real;
- ✓ Provide design guidelines for use by property owners, developers and the City in considering the redevelopment or rehabilitation of properties along El Camino Real;



- ✓ Highlight development opportunities in certain locations known as “Nodes”, where more intense mixed-use development will be encouraged,
- ✓ Emphasize the importance of enhancing the street character of El Camino Real by developing a unifying design to provide a distinct aesthetic standard for the corridor.

A number of mixed use developments already exist within this plan area, such as the large “Cherry Orchard” mixed use development, which includes a high density apartment complex as well as a retail center with shops and restaurants. In recent years, several additional mixed use developments have been approved or proposed along the corridor consistent with the Precise Plan, including: a mixed use development of 103 town homes and a 145-room hotel, both of which were nearing completion in April 2014; a mixed use project approved in December 2013 at 1095 W El Camino Real with 175 rental apartments in a four-story building and a three-story, 40,000 square foot office building; and an application submitted but not yet approved for 112 dwelling units and 32,500 square feet of retail space at 833 West El Camino Real. Table 44 provides a summary of the estimated residential development potential that remains within the Precise Plan area, by node. There is no residential density limit for sites within this corridor, all of which are zoned C2, which allows for commercial and mixed use development.

Table 44: El Camino Precise Plan Area

<b>Node</b>	<b>Zone</b>	<b>Acreage</b>	<b>Net New Units</b>
Western	C2	24.5	239
Downtown	C2	37.1	484
Community Center	C2	20.8	152
Eastern	C2	11.8	170
Not in Node	C2	3.8	156
<b>Total</b>		<b>98.0</b>	<b>1,201</b>





## Residential Development Potential Compared with RHNA

As presented in Table 45, Sunnyvale's regional housing need allocation (RHNA) for the 2015-2023 period is for 5,452 new units. Table 45 compares Sunnyvale's RHNA of 5,452 units with the City's residential sites inventory, which provides for a total of 5,849 units. This unit potential is derived from the following:

- Capacity for 703 units on vacant or underutilized residentially zoned sites. Approximately 11 acres among these sites have allowable densities of thirty or more units per acre, which is presumed adequate to allow for development of 351 units affordable to low or very low income households;
- Capacity for up to 2,926 units within the ITR areas, including approximately 66 acres at densities sufficient to allow development of 1,970 units affordable to very low and low income households.
- Capacity for 1,019 units within the Downtown Specific Plan and Lakeside Specific Plan areas, including enough sites for 729 units at densities suitable for very low and low income housing;
- Capacity for up to 1,201 units within the El Camino Real Precise Plan area. Among these sites, densities are adequate to support development of 156 units affordable to low and very low income households.

Table 45: Comparison of Regional Housing Need Allocation (RHNA) and Residential Sites

Income Group	Total RHNA	Total Sites Available	Allowable Density
Very Low *	1,640	1,640	30+ Units/Acre
Low	906	1,052	
Moderate	932	1,183	15+ Units/Acre
Above Moderate	1,974	1,974	No Minimum Density
<b>Total</b>	<b>5,452</b>	<b>5,849</b>	

*\* 50% of Very Low units/sites are Extremely Low units/sites.*

In terms of evaluating the adequacy of these sites to address the affordability targets established by the RHNA, Housing Element statutes use a concept known as the “default densities” to assess affordability. Based on its population size, the default density for Sunnyvale is at least 30 units per acre for providing units affordable to extremely low, very low and low income households. Sites zoned R-4 and/or with land use designations of High Density Residential, and certain sites identified within the Downtown Specific Plan, Lakeside Specific Plan, and El Camino Real Precise Plan, as shown in Appendix B, allow densities in this range, and have been counted as sites that can accommodate development of housing affordable to very low and low income households. For moderate income households, the default density is 15 units per acre. Sites with R-3 zoning or Medium Density Residential land use designations, as well as sites in the Downtown Specific Plan that allow medium density residential development meet this density threshold. Sites zoned R-0, R-1.5, and R-2 were counted as sites for above-moderate income housing. Collectively, the sites identified in the Sites Inventory provided in Appendix B are sufficient to meet the City's RHNA in all the income categories.



### **Availability of Infrastructure and Public Services**

All of the identified housing sites are surrounded by developed land and have the necessary infrastructure and services in place to support development. In 2008, the city updated the Water Resources Element of the General Plan, which confirmed the availability of water supplies to serve projected growth. More specifically, the Element states that sufficient water supplies exist to serve ABAG projections of an increase in nearly 20,000 residents in Sunnyvale by the year 2025. Any potential increase in water demand from new developments will be met from contractual arrangements the City has with San Francisco Public Utilities Commission (SFPUC), Santa Clara Valley Water District and groundwater.

In 2009, the City entered into a 25-year individual Water Supply Contract with SFPUC which includes an Individual Supply Guarantee (ISG) of 12.58 million gallons per day (MGD). Although the Water Supply Contract expires in 2034, the ISG (which quantifies San Francisco's obligation to supply water to its individual wholesale customers) survives the contract's expiration and continues indefinitely. The Sunnyvale contract also includes a minimum purchase amount of 8.93 MGD (10,003 acre-feet per year), which Sunnyvale agreed to buy, regardless of whether sales drop below this level. The City also has seven active wells that could be utilized to supplement increased demands.

Sunnyvale also has sufficient wastewater capacity within its collection system and treatment plant to serve all development included in the General Plan build-out projections. The City's Wastewater Management Sub-element identifies a 2001 wastewater flow of 16.2 million gallons per day (MGD), whereas capacity exists for 29.5 MGD. The shift in local industry from primarily manufacturing, which used significant amounts of water, to knowledge-based industries which do not use as much water, has resulted in a significant reduction in wastewater flows. In addition, aggressive conservation programs targeting residential and industrial customers have also resulted in decreased water demands and reduced flow to the wastewater plant.

SB 1087, which took effect in January 2006, requires water and sewer providers to grant priority for service allocations to proposed developments that include units affordable to lower income households. Pursuant to these statutes, upon adoption of its Housing Element, Sunnyvale will immediately deliver the Element to local water and sewer providers, along with a summary of its regional housing needs allocation.



## Financial Resources

Sunnyvale has access to a variety of existing and potential funding sources available for affordable housing activities. They include programs from local, state, federal and private resources. The following section describes the primary local and county housing funding sources to be available in Sunnyvale during the planning period. These include Housing Mitigation Funds, CDBG and HOME grants, BMR in-lieu fees, and others described below. Table 46 provides a more comprehensive inventory of potential federal, State, County and private funding sources.

### Housing Mitigation Fund

Since 1983, the City has collected a Housing Mitigation fee from specified industrial and commercial developments that exceed a floor area ratio of 0.35 as a means of mitigating the impact of job-producing development on the demand for affordable housing. Funds may be used for acquisition, rehabilitation, new construction, preservation of at-risk housing, down payment assistance, and related activities. Housing assisted with these funds is affordable to very low, low and moderate-income households, although the emphasis is on subsidizing rental housing affordable to very low income households. Some major uses of this funding in the 2007-2014 planning period included:

- ✓ \$4.5 million for the development of the 124-unit Fair Oaks Senior Housing project;
- ✓ \$2.1 million for acquisition of the 20-unit Garland Plaza Apartments;
- ✓ \$5 million for rehabilitation of the 211-unit Homestead Park Apartments;
- ✓ \$8.2 million for acquisition of sites for development of the Parkside Studios and Armory Family Apartments, which will include 47 units for homeless applicants
- ✓ Over \$1 million in contributions to the Housing Trust of Silicon Valley
- ✓ Provision of nearly 50 First Time Home Buyer Loans

### Redevelopment Agency Low/Moderate Income Housing Fund

The former Sunnyvale Redevelopment Agency (SRA) was created in 1975 to guide redevelopment in the central core of the city. State redevelopment law, prior to dissolution of redevelopment agencies in 2011, used to require these agencies to set aside 20 percent of the tax increment funds they collected to increase and improve housing for low and moderate-income households. These funds were deposited into a separate account known as the housing fund. Because Sunnyvale's former redevelopment agency was created before 1976, it was allowed to defer payments into this fund as long as its pre-1986 debt service payments exceeded the tax increment collected by the agency. The former RDA accounted for the amounts deferred from the housing fund each year, and must repay the deficit in the fund if and when any tax increment funds ever become available.

The dissolution of redevelopment agencies throughout California eliminated a significant source of future funding for affordable housing. Due to pre-existing debt obligations, the SRA had to defer payments into the Low and Moderate Income Housing Fund (LMIHF). Between fiscal year 1994 to fiscal year 2011, a liability of approximately \$14.7 million in deferred payments accrued



to the LMIHF. This liability is considered a housing asset to be administered by the City as the Housing Successor to the former SRA. Based on the State's repayment formula, it is currently projected that the LMIHF could receive reimbursement over a 15-year period starting as soon as fiscal year 2014-15. However, since the SRA still has a number of unresolved debts that could ultimately delay the reimbursement to the LMIHF, these projections are just preliminary estimates.

### **Below Market Rate (BMR) Housing In-Lieu Fees**

Sunnyvale's Below Market Rate (BMR) Home Ownership Program requires that 12.5 percent of homes developed in residential subdivisions or condominium developments (homes for sale) be sold as BMR units, at prices affordable to moderate-income home buyers. Developers of such projects may seek Council approval to pay an fee in lieu of providing the BMR homes (the BMR in-lieu fee). The BMR in-lieu fee, for developers of for-sale projects paying the fee rather than providing any BMR units, is equal to 7 percent of the contract sales price of each home in the development. During the thirty-plus year history of the BMR Program, less than a handful of developers have opted to pay the fees, and thus these fees have not been a significant source of revenue for housing. However, a code amendment enacted in 2012 also created an option for developers to pay a fractional in-lieu fee rather than rounding their BMR unit obligation up to the next highest whole number. Since that time, a small but steady stream of fractional in-lieu fee revenue has been accruing in the fund, and is currently projected to fluctuate in the range of several hundred thousand dollars annually, depending on the number of new developments occurring. The current balance of the BMR sub-fund is approximately \$2 million, which includes more recent fractional in-lieu fee revenues, BMR administrative (transaction processing) fees, and revenues from in-lieu fee payments received some years ago. These funds may be used to develop additional affordable units and support administration of the BMR program.

### **Home Investment Partnership Act (HOME)**

As a HOME entitlement jurisdiction, Sunnyvale receives an annual HOME grant directly from HUD. HOME funds may be used for the construction, rehabilitation and acquisition of housing affordable to lower-income households, as well as for tenant-based rental assistance, which is similar to the Section 8 voucher program. The amount of these annual grants has declined dramatically since 2010, due to congressional efforts to cut back on domestic discretionary programs. The HOME grant awarded to the City for fiscal year 2014-15 is slightly over \$300,000, compared to grants of nearly \$800,000 in the years just prior to 2010. Given the very small amount of the grant at this time, these funds are no longer planned for use for major housing developments. In the last two years, the City has budgeted all of its new HOME grant funds for tenant-based rental assistance for homeless households. The City also received several large HOME loan payments in excess of \$1 million, which were almost immediately re-used to assist the development of two affordable housing projects at the former site of the Sunnyvale Armory: Parkside Studios and Armory Family Apartments. Such loan payments are received somewhat sporadically, so it is difficult to project how much income of this type will be received during the 2015-2023 planning period.



### **Community Development Block Grant (CDBG)**

The CDBG program provides funding for housing and housing-related activities such as: property acquisition, housing rehabilitation, accessibility improvements, fair housing services, and public services benefiting lower income households. Because CDBG funds cannot be used for new construction, Sunnyvale has historically used most of its CDBG funds for housing rehabilitation and home improvement programs. In the last several years the City has begun using CDBG for employment development services for homeless people, as part of an effort to help them obtain jobs and housing. Sunnyvale receives a CDBG grant as an entitlement city, but the amount varies annually depending on how much is allocated to the program in the federal budget. The federal allocations for CDBG have also been declining in recent years, although not quite as sharply as those for HOME. The City has been allocated a CDBG grant of slightly over \$1 million for fiscal year 2014-15, a significant decline compared to the grant of over \$1.3 million received in FY 2010. However, the City continues to receive program income from the repayment of CDBG loans funded in prior years. These program income revenues typically range from \$150,000 to \$250,000 per year.

### **Housing Trust of Silicon Valley (HTSV)**

HTSV is a non-profit organization created in 2001 through a cooperative effort of the private and public sectors, including the Collaborative on Homelessness and Affordable Housing, the Silicon Valley Manufacturing Group, Santa Clara County, Community Foundation Silicon Valley, and all 15 Santa Clara towns and cities. The purpose of the Trust is to increase the supply of affordable housing in Santa Clara County within three program areas: first-time homebuyer assistance, multi-family rental housing, and programs for homeless people with special needs. Funds are available for acquisition, rehabilitation, new construction, predevelopment costs and supportive housing services. Since the Trust's inception in 2001, it has raised \$75 million and leveraged over \$1.88 billion to create more than 9,953 housing opportunities. During that time, the Trust has provided down payment assistance loans to 183 Sunnyvale home buyers and provided development financing to four affordable housing projects in Sunnyvale, including Fair Oaks Senior Housing, Moulton Plaza, Socorro Home, and Plaza de las Flores.



Table 46: Financial Resources Available for Housing Activities

Program Name	Description	Eligible Activities
<b>1. Federal Programs</b>		
Community Development Block Grant (CDBG)	Block grants awarded to the City on a formula basis for housing and community development activities benefiting lower income households, eliminating blight, and creating jobs. Sunnyvale receives approximately \$1,300,000 in CDBG funds annually.	<ul style="list-style-type: none"> <li>✓ Acquisition</li> <li>✓ Rehabilitation</li> <li>✓ Home Buyer Assistance</li> <li>✓ Economic Development</li> <li>✓ Homeless Assistance</li> <li>✓ Public Services</li> <li>✓ Public Facilities</li> </ul>
HOME	Funding can be used to support a variety of low income housing activities.	<ul style="list-style-type: none"> <li>✓ New Construction</li> <li>✓ Acquisition</li> <li>✓ Rehabilitation</li> <li>✓ Home Buyer Assistance</li> <li>✓ Rental Assistance</li> </ul>
Section 8 Rental Assistance Program	Rental assistance payments to owners of private market rate units on behalf of very low income tenants.	<ul style="list-style-type: none"> <li>✓ Rental Assistance</li> </ul>
HUD Section 202	Grants to non-profit developers of supportive housing for the elderly.	<ul style="list-style-type: none"> <li>✓ Acquisition</li> <li>✓ Rehabilitation</li> <li>✓ New Construction</li> </ul>
HUD Section 811	Grants to non-profit developers of supportive housing for persons with disabilities, including group homes, independent living facilities and intermediate care facilities.	<ul style="list-style-type: none"> <li>✓ Acquisition</li> <li>✓ Rehabilitation</li> <li>✓ New Construction</li> <li>✓ Rental Assistance</li> </ul>
<b>2. State Programs</b>		
Low-income Housing Tax Credit (LIHTC)	Tax credits are available to persons and corporations that invest in low-income rental housing. Proceeds from the sale are typically used to create housing.	<ul style="list-style-type: none"> <li>✓ Construction of Housing</li> </ul>
Multi-Family Housing Program (MHP)	Deferred payment loans to local governments and developers for new construction, rehabilitation and preservation of rental housing.	<ul style="list-style-type: none"> <li>✓ New Construction</li> <li>✓ Rehabilitation</li> <li>✓ Preservation</li> <li>✓ Conversion of nonresidential to rental</li> </ul>
Multi-Family Housing Program – Supportive Housing	Deferred payment loans for rental housing with supportive services for the disabled who are homeless or at risk of homelessness.	<ul style="list-style-type: none"> <li>✓ New Construction</li> <li>✓ Rehabilitation</li> <li>✓ Preservation</li> <li>✓ Conversion of nonresidential to rental</li> </ul>
Affordable Housing Innovation Fund	Funding for pilot programs to demonstrate innovative, cost-saving ways to create or preserve affordable housing.	<ul style="list-style-type: none"> <li>✓ Regulations pending</li> </ul>



Table 46: Financial Resources Available for Housing Activities

Program Name	Description	Eligible Activities
Infill Incentive Grant Program	Funding of public infrastructure (water, sewer, traffic, parks, site clean-up, etc.) to facilitate infill housing development.	<ul style="list-style-type: none"> <li>✓ Development of parks and open space</li> <li>✓ Water, sewer, or other utility service improvements</li> <li>✓ Streets, roads, parking structures, transit linkages, transit shelters</li> <li>✓ Traffic mitigation features</li> <li>✓ Sidewalks and streetscape improvements</li> </ul>
CalHFA Homebuyer Down payment Assistance Program	CalHFA makes below market loans to first-time homebuyers of up to 3% of sales price. Program operates through participating lenders who originate loans for CalHFA. Funds available upon request to qualified borrowers.	<ul style="list-style-type: none"> <li>✓ Homebuyer Assistance</li> </ul>
<b>3. Local Programs</b>		
Sunnyvale Successor Agency Housing Fund (former RDA Housing Fund)	Sunnyvale's current financial projections indicate that funds may begin accruing into this fund by 2017, depending on redevelopment in the downtown.	<ul style="list-style-type: none"> <li>✓ Acquisition</li> <li>✓ Rehabilitation</li> <li>✓ New Construction</li> </ul>
Silicon Valley Housing Trust	Housing trust fund created by private and public sector organizations. Sunnyvale has contributed funds to this fund almost every year since its inception. These funds are leveraged with Trust Fund resources to increase the amount of affordable housing that can be assisted.	<ul style="list-style-type: none"> <li>✓ Multi-family Rental Housing</li> <li>✓ Homebuyer Assistance</li> <li>✓ Special Needs Facilities</li> </ul>
Sunnyvale Housing Mitigation Fund	A fund that receives linkage fee payments from large development projects in the City to offset the impacts of projected job creation. The revenues received support various City housing projects, programs and activities.	<ul style="list-style-type: none"> <li>✓ New Construction</li> <li>✓ Rehabilitation</li> <li>✓ Acquisition/Preservation</li> <li>✓ Homebuyer Loans</li> </ul>
Sunnyvale BMR In-Lieu Fees	Fees paid by residential developers in lieu of providing affordable units in new developments.	<ul style="list-style-type: none"> <li>✓ New Construction</li> <li>✓ Rehabilitation</li> <li>✓ Acquisition/Preservation</li> </ul>
<b>4. Private Resources/Financing Programs</b>		
Federal National Mortgage Association (Fannie Mae)	✓ Fixed rate mortgages issued by private mortgage insurers.	✓ Home Buyer Assistance
	✓ Mortgages that fund the purchase and rehabilitation of a home.	<ul style="list-style-type: none"> <li>✓ Home Buyer Assistance</li> <li>✓ Rehabilitation</li> </ul>
	✓ Low Down-Payment Mortgages for Single-Family Homes in under-served low-income and minority cities.	✓ Home Buyer Assistance
Federal Home Loan Bank Affordable Housing Program	Direct Subsidies to non-profit and for profit developers and public agencies for affordable low-income ownership and rental projects.	<ul style="list-style-type: none"> <li>✓ New Construction</li> </ul>



## Administrative Resources

Described below are several non-profit agencies active in providing affordable housing in Sunnyvale. These agencies serve as resources in meeting the housing needs of the community.

**MidPen Housing Corporation (MPHC)** is a regional non-profit organization involved in the development, and acquisition and rehabilitation of affordable rental housing. MPHC also provides professional management services and on-site coordination of services to residents. MPHC has developed, acquired/rehabilitated and preserved numerous affordable housing projects in Sunnyvale, including Moulton Plaza, Aster Park, Garland Plaza, the Carroll Inn, Crescent Terrace, Morse Court, Homestead Park, and the Fair Oaks Senior Housing project. MPHC is currently developing the new 58-unit Armory Apartments project for very low income households.

**Charities Housing Development Corporation** is a non-profit affordable housing developer based in San Jose. CHDC developed 23 apartments for developmentally disabled tenants, the Stoney Pine Apartments, in 2001, and is currently building a new project in Sunnyvale known as Parkside Studios, which will provide 59 studios for very low income individuals, including homeless applicants. CHDC is also in the process of acquiring two group homes for seniors in Sunnyvale.

**Christian Church Homes of Northern California** develops and preserves affordable housing for seniors, and provides property management services and social service coordination. The City worked with Christian Church Homes in the acquisition and preservation of Plaza Las Flores as long-term affordable housing.

**First Community Housing** designs, develops and manages affordable housing. Located in San Jose, First Community focuses on providing sustainable housing, locating projects adjacent to transit corridors and providing free bus and light rail “Eco Passes” to tenants. Sunnyvale worked with First Community Housing in the development of Orchard Gardens Apartments.





## Opportunities for Energy Conservation

Conventional building construction, use and demolition along with the manufacturing of building materials have multiple impacts on our environment. In the United States, the building industry accounts for:

- ✓ 65 percent of electricity consumption
- ✓ 30 percent of greenhouse gas emissions
- ✓ 30 percent of raw materials use
- ✓ 30 percent of landfill waste
- ✓ 12 percent of potable water consumption

Interest in addressing these impacts at all levels of government has been growing. In 2004, the State of California adopted legislation requiring LEED (Leadership in Energy and Environmental Design) certification for new and renovated public buildings. Some local jurisdictions have not only adopted similar standards for their public buildings, but have also required LEED certification for larger commercial and residential developments.

LEED certification building standards are one piece of a coordinated green building program. Why would a city adopt a green building program? Most local building standards already consider energy and storm water issues. In addition, many jurisdictions have programs related to energy, recycling, water conservation, storm water management, land use, and public health. However, these programs are often overlapping and uncoordinated. One of the primary goals behind establishing a green building program is to create a holistic, integrated design approach to green building.

A green building program considers a broad range of issues including community and site design, energy efficiency, water conservation, resource-efficient material selection, indoor environmental quality, construction management, and building maintenance. The end result will be buildings that minimize the use of resources, are healthier for people, and reduce harm to the environment. Both the public and private sectors currently offer grants, refunds, and other funding for green building. In addition, developments built to green standards assist both the owners and tenants with energy and maintenance costs over time. The City adopted a green building ordinance in 2010. The new Title 24 standards which will become effective in July 2014 are expected to exceed the local green building requirements, however the City continues to encourage green building beyond that required by state regulations through use of incentives for green building.

### Environmental Sustainability in Sunnyvale

In 2006, Sunnyvale conducted a community feedback process as part of a visioning phase of the General Plan update. The community clearly stated a desire for the City to become a leader in environmental sustainability. This visioning process resulted in adoption of the following sustainability policy:



“A regional leader in environmental sustainability advocating to reduce dependence on non-renewable resources by providing greater transportation options, reducing waste, protecting our natural resources, and promoting alternative energy usage and research. We take environmental preservation and protection seriously and consider how each action will affect Sunnyvale for future generations.”

In response this sustainability policy, in 2007 the City developed a *Framework for Sustainability* to provide the “big picture” perspective on what the City is (and can be) doing to promote environmental sustainability. Part of this effort has involved the hiring of a full-time Sustainability Coordinator to coordinate the various environmental sustainability activities among City departments, and to leverage City funds through grants and partnerships with the private sector. Highlights of but a few of the City’s achievements include:

- ✓ Adoption of the 2007 Solar Energy Plan aimed at educating the public on solar and reducing institutional barriers to promote solar energy. Over 893 photovoltaic permits have been issued for solar panels in residential buildings since 2007.
- ✓ Partnership in Sustainable Silicon Valley and adoption of the Sunnyvale Climate Action Plan to report and reduce CO2 emissions.
- ✓ Creation of an economic development initiative to attract businesses in the clean and green industry, with a focus on energy generation and energy efficiency.
- ✓ Zoning incentives for sustainable industrial development, and integration of sustainability development requirements and incentives in the Specific Plan for the Moffett Park industrial area.
- ✓ Municipal Code provisions which promote sustainable practices, including energy requirements in Title 24 of the Building Code, and provisions that apply to storm water runoff, wood burning appliances, solar water heating, landscaping and sidewalk improvements
- ✓ Partnership with Acterra to provide eco-information and education to help Sunnyvale residents reduce their own greenhouse gas emissions. Through its “Green @ Home program,” community volunteers visit Sunnyvale households and perform basic home energy audits to calculate their carbon emissions and provide recommendations to reduce energy usage.
- ✓ Provision of up to \$25,000 Energy Efficiency Loans for low income homeowners to replace inefficient aging appliances, heating systems, windows, increase insulation, and undertake other types of weatherization improvements.

The City adopted its first Climate Action Plan on May 20, 2014.

The City’s commitment to sustainability was recognized by Popular Science magazine in its 2008 naming of Sunnyvale as the 13<sup>th</sup> greenest city in America. The ranking is based on National Geographic Society’s Green Guide, and considers the following factors for cities of over 100,000 population: renewable energy, transportation and trip reduction, reduction of CO2 emissions, recycling, and green living.



## **Energy Conservation Programs Offered through Local Utilities**

In addition to green building, Sunnyvale promotes energy conservation by advertising utility rebate programs and energy audits available through Pacific Gas and Electric, particularly connected to housing rehabilitation programs. Lower-income households are also eligible for State sponsored energy and weatherization programs.

### **Pacific Gas & Electric ([www.pge.com](http://www.pge.com))**

Pacific Gas & Electric provides both natural gas and electricity to residential consumers in Santa Clara County, including Sunnyvale. The company provides a variety of energy conservation services for residents and PG&E also participates in several other energy assistance programs for lower-income households, which help qualified homeowners and renters conserve energy and control electricity costs. These include the following:

- **The California Alternate Rates for Energy (CARE) Program** - Provides a 20 percent monthly discount on gas and electric rates to income qualified households, certain non-profits, facilities housing agricultural employees, homeless shelters, hospices and other qualified non-profit group living facilities.
- **The Relief for Energy Assistance through Community Help (REACH) Program** - Provides one-time emergency energy assistance to low income customers who have no other way to pay their energy bill. REACH aims to assist who are in jeopardy of losing their electricity services, particularly the elderly, disabled, sick, working poor, and the unemployed, who experience severe hardships and are unable to pay for their necessary energy needs. Customers who have experienced an uncontrollable or unforeseen hardship may receive an energy credit up to \$200.
- **The Balanced Payment Plan (BPP)** - Designed to eliminate big swings in a customer's monthly payments by averaging energy costs over the year. On enrollment, PG&E averages the amount of energy used by the household in the past year to derive the monthly BPP amount. PG&E checks the household's account every four months to make sure that its estimated average is on target. If the household's energy use has increased or decreased dramatically, PG&E will change the amount of monthly payment so that the household does not overpay or underpay too much over the course of a year.
- **The Low-Income Home Energy Assistance Program (LIHEAP) Block Grant** - Funded by the federal Department of Health and Human Services, it provides two basic types of services. Eligible low-income persons, via local governmental and nonprofit organizations, can receive financial assistance to offset the costs of heating and/or cooling dwellings, and/or have their dwellings weatherized to make them more energy efficient. This is accomplished through these three program components:
  - The Weatherization Program provides free weatherization services to improve the energy efficiency of homes, including attic insulation, weather-stripping, minor home repairs, and related energy conservation measures.



- The Home Energy Assistance Program (HEAP) provides financial assistance to eligible households to offset the costs of heating and/or cooling dwellings.
- The Energy Crisis Intervention Program (ECIP) provides payments for weather-related or energy-related emergencies.
- **The Family Electric Rate Assistance (FERA) Program** - PG&E's rate reduction program for large households of three or more people with low- to middle-income. It enables low income large households to receive a Tier 3 (131 percent to 200 percent of baseline) electric rate reduction on their PG&E bill every month.
- **Medical Baseline Allowance Program** - PG&E offers additional quantities of energy at the lowest (baseline) price for residential customers that have special medical or heating/cooling needs because of certain medical conditions.
- **Energy Works Program/Energy Partners Program** - The Energy Works Program provides qualified low-income tenants free weatherization measures and energy-efficient appliances to reduce gas and electricity usage. In order to qualify for the program, a household's total annual gross income cannot exceed the income as set in the income guidelines ([http://www.hacsc.org/energy\\_works\\_program.htm](http://www.hacsc.org/energy_works_program.htm)); households must receive gas and/or electricity from PG&E; and the residence did not participate in the Energy Partners Program in the past 10 years.
- **PG&E's SmartAC™ program** - This program offers a simple and convenient way to help prevent power interruptions. When customers sign up, PG&E installs a free SmartAC device that slightly reduces the energy the air conditioner uses automatically in case of a state or local energy supply emergency. PG&E customers get \$25 for signing up for the SmartAC™ program.



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# HOUSING PLAN

The prior sections of the Housing Element establish the housing needs, opportunities and constraints in Sunnyvale. This Housing Plan section begins by evaluating the City's accomplishments achieved during the 2007-2014 planning period, and then presents Sunnyvale's goals, policies and programs for the 2015-2023 period.

## Evaluation of Accomplishments under the Adopted Housing Element

Under State Housing Element law, communities are required to assess the achievements under their adopted housing programs as part of the five-year update to their housing elements. These results should be quantified where possible (e.g. the number of units rehabilitated), but may be qualitative where necessary (e.g. mitigation of governmental constraints). The results should then be compared with what was projected or planned in the earlier element. Where significant shortfalls exist between what was planned and what was achieved, the reasons for such differences must be discussed.

This section reviews the City's progress to date in implementing these housing programs and their continued appropriateness for the 2009-2014 Housing Element. Table C-1 contained in Appendix C of the Element details the City's specific accomplishments under each of the prior Element's goals and objectives, and indicates the continued appropriateness of these programs in the updated Element. The discussion which follows draws from this analysis to highlight Sunnyvale's major housing accomplishments during the prior planning period, followed by a review of the City's progress in meeting its overall quantified objectives for housing production, rehabilitation, and preservation. The results of these analyses provide the basis for developing the comprehensive housing program strategy for the 2009-2014 planning period.

Some of Sunnyvale's major housing accomplishments during the 2007-2014 period included:

- Development of the Fair Oaks Senior Housing project by Mid-Pen Housing Corporation, a 124-unit development for extremely low and very low income seniors located next to the Valley Medical Center.
- Provision of assistance to MidPen Housing and Charities Housing for site acquisition and development of a total of 117 new affordable rental units for very low and extremely low income households, including formerly homeless households, at the former site of the Sunnyvale Armory.
- Revision of the BMR Ordinance in 2012 to make program enhancements and provide additional flexibility, and to update the density bonus provisions consistent with state law.
- Acquisition and rehabilitation of the 20-unit Garland Plaza Apartments by MidPen Housing Corporation.
- Rehabilitation and preservation of the 95-unit Aster Park Apartments project.
- Rehabilitation of the 211-unit Homestead Park Apartments project.



- Revision of the City's Mobile Home Park Conversion Ordinance to provide additional protections for lower-income park residents.
- Provision of affordable housing density bonus incentives for development of the Ironworks apartment projects and the 455 Mathilda Avenue project, resulting in commitments to provide 19 very low income units.

Table 47 summarizes the quantified objectives contained in Sunnyvale's 2007-2014 Housing Element, and the City's progress in meeting these objectives.

Table 47: Summary of Quantified Objectives and Accomplishments 2007-2014 \*

Income Level	New Construction*		Rehabilitation**		Preservation***	
	Goal	Progress	Goal	Progress	Goal	Progress
Very Low	1,073	187	90	251	245	95**
Low	708	260	100	140	0	0
Moderate	776	1,183	70	0	0	0
Above Moderate	1,869	1,773	0	0	0	0
<b>Totals</b>	<b>4,426</b>	<b>3,403</b>	<b>260</b>	<b>391</b>	<b>245</b>	<b>95*</b>

\* Includes units permitted through June 30, 2014.

\*\*Preserved units are not counted in total units completed because they are also included in the Rehabilitation column.

In total, approximately 77% of the RHNA goal for new construction was met during the cycle. This is particularly notable given that several years of the cycle included the historic recession which brought most investment and developer interest in new projects nearly to a halt. The new units affordable to very low income households include 58 units affordable to extremely low income households, with another 12 ELI units approved and scheduled to be under construction by December 2014. When rehabilitated units are included, a total of 438 very low income units were produced during the 2007-2014 period, or 41% of the very low income goal. That is a significant achievement, given the amount of subsidy required to produce a very low income unit. The City met 56% of its low income unit goal, including new and rehabilitated units; 152% of its moderate income goal; and 95% of its above moderate income goal. If the 2009 Palmer court decision had not occurred early in the cycle, terminating the City's inclusionary (BMR) rental program, approximately 125 of the moderate income units would have likely been low income BMR rental units, and there would be another approximately 142 low income units in the pipeline for the coming cycle, based on projects approved during the current cycle which have not yet begun construction.

As illustrated earlier in Table 24, market rate rents in Sunnyvale were affordable to moderate income households during this period. Sunnyvale's BMR ordinance provided 258 BMR units affordable to low income households, a portion of which were BMR rental units approved before Palmer, and 82 BMR homes affordable to moderate income households, during this period. Housing for moderate-income households was also provided through development of market-rate apartments and condominiums. In addition to the units shown above, one additional new affordable rental project was approved for development during this period, the Armory



Apartments project, which will provide 58 units affordable to very low and extremely low income households.<sup>4</sup>

In terms of housing rehabilitation, Sunnyvale exceeded its overall goal to rehabilitate 260 units, by providing rehabilitation assistance to rehabilitate more than 359 affordable rental units. These included units at the following projects: Homestead Park (211 units, including 78 completed to date and the balance to be completed by August 2014), Peacock Commons (28 units) Aster Park (95 units), Garland Plaza Apartments (20 units), plus five group homes (Socorro, Arbor Court, Duane Court, and the Klee/Offenbach duplex). The Aster Park project was also a preservation project, since the property's affordability restrictions would have expired if the City had not provided rehabilitation assistance in 2011. In addition, Sunnyvale provided 32 rehabilitation loans to single-family and mobilehome owners, and 121 home improvement grants during this period.

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<sup>4</sup> That project is not included on Table 47 above because its building permit has not yet been issued, but the project is currently in plan check and the permit is anticipated by September 2014. It will be included in the accomplishments of the 2015-2023 RHNA cycle.





## Goals and Policies

This section of the Housing Element presents the goals and policies the City intends to implement to address Sunnyvale's identified housing needs.

### **Provision of New Housing and Home Buyer Assistance**

**Goal A** Assist in the provision of adequate housing to meet the diverse needs of Sunnyvale's households of all income levels.

- Policy A.1** Encourage diversity in the type, size, price and tenure of residential development in Sunnyvale, including single-family homes, townhomes, apartments, mixed-use housing, transit-oriented development, and live-work housing.
- Policy A.2** Facilitate the development of affordable housing through regulatory incentives and concessions, and/or financial assistance.
- Policy A.3** Utilize the Below Market Rate (BMR) Housing requirements as a tool to integrate affordable units within market rate developments, and increase the availability of affordable housing throughout the community.
- Policy A.4** Continue to require office, residential, and industrial development to mitigate the demand for affordable housing.
- Policy A.5** Work with Sunnyvale's major employers, educational and health care institutions to facilitate and encourage the development of workforce housing. Promote the City's affordable housing programs with local employers.
- Policy A.6** Provide first time homebuyer assistance to low and moderate income households, with priority to buyers who currently work and/or live in Sunnyvale.
- Policy A.7** Support collaborative partnerships with non-profit organizations, affordable housing builders, and for-profit developers to gain greater access to various sources of affordable housing funds.
- Policy A.8** Encourage developers to use State density bonus incentive when applicable to provide affordable housing units.



## **Housing Conservation and Maintenance**

**Goal B**      **Maintain and enhance the condition and affordability of existing housing in Sunnyvale.**

**Policy B.1**      Encourage property owners to maintain rental and ownership units in sound condition through the City's neighborhood preservation and housing rehabilitation programs.

**Policy B.2**      Provide community outreach and comprehensive neighborhood improvement programs within Sunnyvale's Neighborhood Enhancement areas to improve housing conditions and the overall quality of life.

**Policy B.3**      Strengthen multi-family neighborhoods through partnerships with non-profit housing organizations in the acquisition and rehabilitation of older residential properties and maintenance as long term affordable housing.

**Policy B.4**      Work with property owners, tenants, and non-profit purchasers to facilitate the preservation of publicly-assisted rental housing to maintain affordability to lower income households.

**Policy B.5**      Support the provision of rental assistance by the Santa Clara County Housing Authority to lower income households.

**Policy B.6**      Preserve Sunnyvale's mobile home parks as an affordable housing option. Maintain at least 400 acres of mobile home park zoning.

**Policy B.7**      Regulate the conversion of rental apartments to condominium ownership, and only permit conversions when the citywide vacancy rate for rental units warrants, and a benefit to the overall housing supply can be shown.



## **Removal of Governmental Constraints**

**Goal C** Minimize the impact of governmental constraints on the maintenance, improvement and development of housing.

**Policy C.1** Monitor and revise when appropriate all regulations, ordinances, departmental processing procedures and fees related to the rehabilitation and construction of housing units to assess the impact on housing costs and/or future supply.

**Policy C.2** Maintain provisions for supportive and transitional housing and emergency shelters in the City's Zoning Code.

**Policy C.3** Maintain reduced parking standards for special needs housing and housing in close proximity to public transit.

## **Provision of Adequate Housing Sites**

**Goal D** Provide adequate sites for the development of new housing through appropriate land use and zoning to address the diverse needs of Sunnyvale's residents and workforce.

**Policy D.1** Provide sites for development of housing that responds to diverse community needs in terms of density, tenure type, unit size, accessibility, location and cost.

**Policy D.2** Continue to accommodate new residential development into specific plan areas and areas near transit and employment and activity centers, such as the El Camino Real corridor and Lawrence Station area.

**Policy D.3** Require new development to build to at least 75 percent of the maximum zoning density, unless an exception is granted by the City Council.

**Policy D.4** Assist residential developers in identifying sites through dissemination of the sites inventory.

**Policy D.5** Provide opportunities and incentives for mixed use, multi-family infill, and transit-oriented development in Downtown Sunnyvale as part of the City's overall revitalization strategy for the area.



- Policy D.6** Provide expanded areas for higher density housing through the conversion of underutilized industrial areas to residential use, if the sites are consistent with General Plan standards for residential uses (i.e., no health hazards exist).
- Policy D.7** Take advantage of existing infrastructure and public improvements to provide additional housing by allowing accessory living units within residential neighborhoods.

### **Equal Housing Opportunities and Special Needs**

**Goal E** Promote equal housing opportunities for all residents, including Sunnyvale's special needs populations, so that residents can reside in the housing of their choice.

- Policy E.1** Support the provision of fair housing services and tenant/landlord mediation to residents.
- Policy E.2** Implement City ordinances regarding prohibition of discrimination in housing.
- Policy E.3** Continue to address the special housing needs of seniors through provision of affordable housing, and housing-related services, such as home rehabilitation programs, paint grants, and maintenance, shared housing match, and housing counseling (i.e. reverse mortgage counseling, etc.) and various referral services.
- Policy E.4** Continue to address the special needs of persons with disabilities through provision of supportive housing, accessibility grants, and development of procedures for reasonable accommodation.
- Policy E.5** Encourage the provision and distribution of residential care facilities throughout the community.
- Policy E.6** Participate in the County Collaborative on Affordable Housing and Homeless Issues to support its efforts to prevent and end homelessness. Facilitate and sponsor the provision of permanent supportive housing for homeless people. Support local service providers that offer facilities and support services to homeless individuals and families, and persons at risk of homelessness.
- Policy E.7** Encourage developers to design and develop housing projects that accommodate the needs of large families, single-parent



households, and/or families with children, such as including units with three or more bedrooms, on-site child care facilities, and/or family-friendly open space and common areas.

## **Neighborhood Quality**

**Goal F**      **Maintain sustainable neighborhoods with quality housing, infrastructure and open space that fosters neighborhood character and the health of residents.**

- Policy F.1**      Continue efforts to balance the need for additional housing with other community values, including preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood.
- Policy F.2**      Promote neighborhood vitality by providing adequate community facilities, infrastructure, landscaping and open space, parking, and public health and safety within new and existing neighborhoods.
- Policy F.3**      Continue a high quality of maintenance for public streets, rights-of-way, and recreational areas, and provide safe and accessible pedestrian, bike, and transit linkages (accessibility) between jobs, residences, transportation hubs, and goods and services.
- Policy F.4**      Continue to implement a citizen-oriented, proactive education program regarding neighborhood preservation. Encourage resident involvement in identifying and addressing neighborhood needs in partnership with the City.
- Policy F.5**      Promote the preservation of historically and architecturally significant buildings and neighborhoods through land use, design and housing policies.
- Policy F.6**      Require the use of sustainable and green building design in new and existing housing.
- Policy F.7**      Continue to permit and encourage a mix of residential, neighborhood-serving retail, and job-producing land uses, as long as there is neighborhood compatibility and no unavoidable environmental impacts.



## Housing Programs

The housing programs described on the following pages include existing programs as well as several new programs that have been added to address the City's identified housing needs. The program summary (Table 48) included at the end of this section specifies for each program the following: five-year objective(s), funding source(s), and agency responsible for implementation of the program.

### **GOAL A: Provision of New Housing and Home Buyer Assistance**

#### **1. Below Market Rate (BMR) Housing Program**

Sunnyvale began implementation of its Below Market Rate (BMR) Program, one of the oldest inclusionary housing programs in the country, in the early 1980's. The BMR Program is continually reviewed and refined to address changing market conditions and improve its effectiveness. The last major revision was adopted in 2012 to implement Program 1 of the 2009 Housing Element. That revision added several new compliance options for developers with projects subject to the BMR ordinance, and made some administrative improvements as well. The current BMR ordinance, Chapter 19.67 of the Municipal Code, requires residential developments consisting of eight or more ownership units to designate 12.5 percent of newly developed homeownership units as BMR units, for purchase by low and/or moderate income homebuyers earning up to 120% of AMI. The BMR sale prices are targeted to be affordable to households with median incomes (100% of AMI). The period of affordability is 30 years for owner-occupied units.

BMR rental units were required in new rental projects between 1980 and July 2009, at which time the program was rendered essentially inoperable by the *Palmer v. City of Los Angeles* court decision. Part of the revisions to the BMR requirements adopted in 2012 included a revision to preserve existing BMR rental units for the remainder of each property's recorded term of affordability, subject to the new Chapter 19.69 of the Municipal Code, and a revision removing the prior requirement for BMR units to be provided in new rental projects.

Since the inception of the BMR program, a total of 685 BMR rental units and 421 BMR homes for sale have been developed and occupied by income eligible households. In the intervening years, a large number of those units have expired due to the twenty-year affordability term required until 2003, when it was increased to thirty years for owner-occupied units and fifty-five years for rental units. Currently there are 178 BMR rental units and nearly 330 BMR home ownership units still subject to affordability restrictions. An additional 20 BMR homes for sale are currently under development in approved residential projects, and an additional 52 BMR homes have been proposed in projects for which planning applications have been submitted and are pending City approval. Staff expects most of these planned BMR homes will be completed during the 2015-2023 planning period.

***2015-2023 Objective:*** Continue to implement the BMR Home Ownership Program. Review and refine BMR program guidelines and codes periodically as needed to accommodate changing market conditions and improve overall program effectiveness.



## **2. First Time Home Buyer Programs**

The City established a First Time Homebuyer Program (FTHB) in 2005 to help low and moderate income home buyers purchase their first home. Most program participants purchase homes made available through the City's Below Market Rate (BMR) Housing Program, although the program allows participants to purchase moderately-priced market rate homes as well. Current market conditions are not highly conducive to market-rate purchases through the program however the option is still available. Low-interest, deferred second mortgage loans ("silent seconds") of up to \$50,000 are currently provided through the FTHB program, which has provided a total of fifty-five loans since 2005. In 2009, the City updated the program guidelines to streamline program administration, respond to changing conditions, and improve program effectiveness.

***2015-2023 Objective:** Continue to implement the FTHB Program and aim to assist 5-10 low to moderate income homebuyers per year, or as demand warrants.*

## **3. Affordable Housing Development Assistance**

The City, using its local Housing Mitigation Fund, BMR in-lieu fees, and its HOME entitlement grant funds, can finance the construction of new affordable housing in Sunnyvale, including assistance to non-profit developers for various typical development costs, such as: clearance, site acquisition, predevelopment/design, construction, and related project costs. The City collects housing mitigation fees from non-residential development projects that generate significant amounts of new employment in the City. The City prioritizes the use of these funds primarily for projects that provide housing for extremely low and very low income households, as well as some units for low income (LI) households. Priority is also placed on projects that agree to reserve some units for special needs households, such as elderly and disabled tenants, including those with developmental disabilities, people transitioning out of homelessness, and youth aging out of foster care.

***2015-2023 Objective:** Continue to work closely with the non-profit community through provision of regulatory incentives, technical assistance, and/or financing to support the development of new housing units affordable to extremely low, low and low income households. Continue to collect housing mitigation fees from non-residential developments to offset the demand they generate for affordable workforce housing. Seek additional sources of funding for affordable housing. Issue notices of funding availability annually, with advance outreach to potential applicants.*

## **4. Density Bonus Provisions**

Pursuant to State density bonus law (*Government Code Section 65915*), developers of residential projects may apply for a density bonus and additional incentive(s) if the project includes one or more of the following:

- ✓ At least 10 percent of the units for lower income households;
- ✓ At least 5 percent of the units for very low income households;



- ✓ A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code;
- ✓ At least 10 percent of the total dwelling units in a condominium development for moderate income households.

In addition, developers of the above types of projects may qualify for an additional density bonus if the project also provides one or more of the following:

- ✓ Land dedication sufficient for the development of affordable units
- ✓ Space for a child care facility.

The amount of density bonus varies according to a sliding scale set forth in State law, but generally ranges from 20-35 percent above the density otherwise allowed under the zoning or land use designation of the site. In addition to the density bonus, eligible projects may receive 1-3 additional development incentives, depending on the proportion of affordable units and level of income targeting. The following development incentives may be requested:

- ✓ Reduced site development standards or design requirements.
- ✓ Approval of mixed-use zoning in conjunction with the housing project.
- ✓ Other regulatory incentives or concessions proposed by the applicant or the City that would result in identifiable cost reductions.

Applicants are also eligible to utilize the State's parking ratio (inclusive of handicapped and guest parking), which requires: one space for studios and 1-bedroom units; two spaces for 2- or 3-bedroom units, and two and one half spaces for units with 4 or more bedrooms. The Sunnyvale Municipal Code was updated in 2012, in order to implement Program 4 of the 2009 Housing Element, to reflect current State density bonus law.

***2015-2023 Objective:*** Continue to educate developers about the density bonus incentives available under State law through outreach materials provided online and/or at the One-Stop Center. Promote use of the density bonus in discussions with development applicants, and share the City's density bonus calculator tool with interested developers.





## **GOAL B: Housing Conservation and Maintenance**

### **5. Home Improvement Program**

Since the late 1970's, the City has offered a Home Improvement Program that provides various types of assistance for home owners to allow them to fund needed improvements to their homes. The program is funded by the City's CDBG funds, either new grant funds or revolving loan funds, as may be available. The program provides two main types of assistance: grants and loans. Loans are provided for major housing rehabilitation projects, major energy efficiency improvements, and/or exterior painting by licensed contractors. Grants are provided for accessibility improvements, emergency repairs, purchase of paint for exterior painting to be completed by the home owner, and/or minor energy efficiency improvements. Applicants may combine any type of loan up to a maximum of \$85,000 in loan funds, and may also add on an accessibility grant if needed. Between mid-2007 and early 2014, the City provided loans and/or grants to a total of 153 home owners through the Home Improvement Program. Major rehabilitation of a total of 32 homes and mobile homes was completed during this period.

A list of the current loan and grant types and the maximum loan or grant amount available for each is provided below. However, evolving prices for labor and materials, interest rates for home equity loans, and related economic conditions may require program parameters to be modified from time to time, so these limits may be adjusted if deemed necessary during the 2015-2023 planning period. All programs are available to lower-income home owners. Accessibility grants are also available to lower-income renters, with the landlord's permission for the requested improvements. Loan payments are deferred for borrowers who are seniors and/or very low income, and are amortized for borrowers who can afford to make payments without incurring a housing cost burden.

<b>Loan/Grant Type</b>	<b>Maximum Available</b>
Single-Family/Condominium Rehabilitation Loan	\$60,000
Mobile Home Rehabilitation Loan	\$15,000
Energy Efficiency Loan	\$25,000
Paint Loan	\$ 4,000
Accessibility Improvements Grant	\$ 6,500
Emergency Repair Grant	\$ 5,000
Paint Grant	\$ 1,000
Energy Efficiency Matching Grant	\$ 5,000

**2015-2023 Objective:** *Continue to operate the Home Improvement Program to assist lower-income households with funding for rehabilitation and minor improvements. Assist a total of 15-20 home owners per year through the program, or as demand warrants.*

### **6. Multi-Family Rental Property Rehabilitation**

The Multi-Family Rental Property Rehabilitation Program provides below market-rate interest loans, including deferred and/or residual receipts loans, to finance substantial rehabilitation of multi-family rental housing, including deferred maintenance, energy efficiency upgrades, and correction of code violations. At least 51 percent of the units to be rehabilitated with program



funds must be occupied by and rent-restricted to be affordable to low income tenants. Historically this program has primarily appealed to non-profit owners of affordable housing since they are used to complying with the requirements of public sector financing, and the units are already subject to affordability restrictions. The loans are funded with several sources, including CDBG, HOME, and local Housing Mitigation funds. The City provided a number of rehabilitation loans for rehabilitation of various affordable rental housing properties during the 2009-2014 planning period, including rehabilitation loans for: Homestead Park (211 units), Peacock Commons (28 units), Aster Park (95 units), Garland Plaza (20 units) and the Socorro, Arbor, Duane, and Klee/Offenbach group homes, one of which was a duplex, for a total of 359 units rehabilitated during this period.

**2015-2023 Objective:** *Continue to offer below-market rate financing for rehabilitation of affordable rental units, using funding sources available to the City for this purpose. Provide rehabilitation financing to one or more properties during the planning period.*

## **7. Multi-family Rental Property Acquisition and/or Preservation**

The City also assists non-profit housing corporations in acquiring and/or preserving multi-family rental properties, in order to preserve or improve affordability. Financing provided for this purpose is very similar to that provided for rental rehabilitation projects as described above, and may be combined with rehabilitation financing if the property to be acquired or preserved requires rehabilitation as well.

**2015-2023 Objective:** *Assist in the acquisition and/or preservation, alone or in combination with rehabilitation assistance, of at least one multi-family rental property during the planning period.*

## **8. Neighborhood Preservation Program**

The Neighborhood Preservation (NP) Program is implemented by the NP Division of the Department of Public Safety. The purpose of the program is to maintain and improve the quality of life in the City's residential and commercial neighborhoods. The program's objectives include the following:

- Promote attractive and well maintained residential and non-residential properties and neighborhoods, and discourage neighborhood decline by:
  - Resolving property maintenance violations in accordance with the Sunnyvale Municipal Code and;
  - Providing education, outreach, and resources to the community to foster attractive neighborhoods and prevent neighborhood deterioration.
- Resolve property maintenance nuisances throughout the community by:
  - Providing education and assistance and;
  - Conducting progressive enforcement when necessary.
- Provide education, outreach, and resources to the community to foster attractive neighborhoods and prevent neighborhood deterioration by:
  - Conducting concentrated code enforcement and implementing improvement plans in targeted areas and;



- Supporting neighborhood clean-up programs and events.

**2015-2023 Objective:** *Continue to implement the Neighborhood Preservation Program. Housing Division shall continue to support the program as may be needed by providing information about the Home Improvement Program and other affordable housing information to NP staff, and attending program outreach meetings and events as needed.*

## 9. Preservation of Assisted Housing

As described in the needs assessment section, the City currently has a total of 1,360 assisted rental units in its affordable housing stock. While none of the assisted units are considered at high risk of conversion to market rents, one project with a total of 150 affordable units currently subject to a Section 8 contract (Life's Garden) could potentially opt out of that contract during the planning period, which means that the tenants might have to pay somewhat higher rents than they are paying currently with the Section 8 assistance. However this project is owned by a non-profit organization whose long term mission is to maintain the affordability of these units, as confirmed by the organization. In addition, when such HUD contracts expire, HUD provides portable Section 8 vouchers to all tenants occupying Section 8 units. The tenants may use the portable vouchers to remain in their current units indefinitely, or may opt to move to another unit of their choice with the portable vouchers. Although tenants of the expiring units would not be at risk of facing major rent increases, the City's housing stock could potentially lose these affordable units. In order to minimize the risk of an opt-out at Life's Garden, the City will take the following actions to facilitate long-term preservation of these units:

- Monitor the property and maintain close contact with the property owner regarding long-term plans for the affordable units at the property.
- Offer financial and/or technical assistance to the property owner for preservation and/or rehabilitation of the units.
- In the unlikely event that the property owner opts not to renew its current Section 8 contract for the units, monitor the property owner for compliance with the HUD requirements applicable in these situations, such as providing one-year notice to tenants, ensuring that the Housing Authority provides portable Section 8 vouchers to affected tenants, and so on.

**2015-2023 Objective:** *The City will maintain close contact with the owner of Life's Garden and offer financial and other assistance to maintain the affordability of the 150 units potentially at risk.*

## 10. Section 8 Rental Assistance

The federal Section 8 Rental Assistance Program, currently referred to as the Housing Choice Voucher Program, provides portable rental subsidies (vouchers) to very low and extremely low income households, including families, seniors, and the disabled. Section 8 vouchers pay the difference between the HUD-established "fair market rent," which is set at approximately the 40<sup>th</sup> percentile of market-rate rents for a modest rental unit in the county, and what a tenant can afford to pay in rent, typically 30 to 35 percent of household income. This program is administered by the Housing Authority of the County of Santa Clara (HACSC) for the entire



county. As of May 2014, a total of 520 Sunnyvale households were receiving rental assistance in the form of portable Section 8/Housing Choice vouchers. Nearly half of those households, or 224 households, were headed by seniors. Given the significant gap between market rents and what very low income households can afford to pay for housing, Section 8 plays a critical role in allowing such households to remain in the community, and is a key program to address the needs of extremely low and very low income households.

A second, lesser-known component of this program is known as “project-based Section 8.” This component consists of contracts between the HACSC and various rental property owners who agree to accept Section 8 subsidies directly from the HACSC in exchange for renting a certain number of their rental units to very low and extremely low income tenants, generally selected from the Section 8 waiting list. The subsidy formula is generally the same as with the portable vouchers: the tenant pays approximately 30% of their income toward the rent, and the Section 8 subsidy pays the difference to the landlord. However, in the case of project-based vouchers, the voucher is not portable. Instead, it is committed to a specific rental unit for a specific time period, generally 10-15 years, based on the contract with the landlord, rather than being awarded to a particular household which can use the voucher virtually anywhere within the county. Many of the City’s affordable rental properties and even some market-rate rental properties participate in the project-based voucher program, including many of the properties listed on the at-risk inventory. As of May 2014 there were 150 rental units in Sunnyvale receiving project-based vouchers, of which 122 were occupied by senior households.

**2015-2023 Objective:** *Continue to support the Housing Authority in its efforts to maintain adequate federal funding for the Section 8 program. Continue to refer extremely low to very low-income residents to the Housing Authority for information about Section 8 assistance and other HACSC-provided affordable housing opportunities. Continue to provide landlords with information on Section 8, encourage them to list available rental units with the Housing Authority, accept voucher-holders as tenants, and participate in the project-based Section 8 program.*

## 11. Anti-Displacement Provisions

In recent years public concern has been increasing regarding involuntary displacement of tenants from existing housing in the Silicon Valley, San Francisco, and elsewhere in the Bay Area. In Sunnyvale and some surrounding communities, there have been some recent incidents where tenants, particularly those with more modest incomes, have expressed concern about being displaced by redevelopment (demolition) of existing rental housing, or renovation of rental properties followed by significant rent increases. The goal of this program would be to develop provisions in City codes and/or policy to provide lower- and moderate-income tenants with protection and/or assistance to in the event of demolition and/or renovation of large rental properties, potentially similar to policies in place in Mountain View and other communities.

**2015-2023 Objective:** *Consider developing an anti-displacement policy or ordinance applicable to redevelopment and/or major renovation of larger rental properties. Conduct outreach on the topic with interested stakeholders before developing proposed provisions.*



## 12. Mobile Home Park Preservation

With 16 mobile home parks and over 4,000 mobile home units, mobile homes comprise an important segment of Sunnyvale's stock of affordable housing. Several policies serve to protect mobile homes in the community. The City has established a designated mobile home park zone district, and has adopted a policy to maintain a minimum of 400 acres of mobile home park zoning. Currently, 13 of the City's 16 parks, comprising a total of 420 acres, are zoned for long-term mobile home park use. Chapter 19.72 of the Municipal Code, revised in 2012 to implement Program 11 of the 2009 Housing Element, regulates the conversion of mobile home parks to other uses, including requirements for preparation of a conversion impact report, tenant noticing and public hearing requirements, and payment of relocation assistance to displaced tenants.

***2015-2023 Objective:** Continue to implement current mobile home park protections and maintain mobile home park zones. In the event of a closure of a mobile home park, enforce the provisions of Chapter 19.72, Mobile Home Park Conversions, which requires relocation assistance to be provided to park residents.*

## 13. Foreclosure Prevention

While home foreclosures were not as prevalent in Sunnyvale as in many other areas of the County even during the worst part of the recession, there was and continues to be some incidence of foreclosure in the City. Several area agencies provide foreclosure intervention counseling services, including Project Sentinel and the Housing Trust of Silicon Valley. The City has provided funding for services provided by these agencies for Sunnyvale residents in the past several years, and will continue to promote these services to residents at risk of, or in the midst of default or foreclosure proceedings. In addition, the home buyer counseling classes that the City promotes to all interested home buyers, and requires of all BMR home buyers, provide prospective home buyers with information and tools to avoid foreclosure once they become home owners.

***2015-2023 Objective:** The City will provide information about available foreclosure counseling services, warnings about foreclosure-related scams, and available legal resources, through City public outreach channels (website, Housing newsletter, media releases, City blog, etc.), and will continue to refer any homeowners in default to the services available.*

## 14. Condominium Conversion Regulations

Apartment projects proposed for conversion to condominium ownership are subject to the City's Condominium Conversion regulations (Section 19.70 of the Zoning Code). These regulations set forth a series of tenant protections, including relocation provisions, limitations on tenant rent increases, and first right of refusal, among other provisions. The regulations limit the number of conversions to 175 units in any 12 month period and require a citywide rental vacancy rate above three percent, unless otherwise approved by the Planning Commission. Condominium conversions are now also subject to the 12.5 percent affordability requirement under the City's BMR Home Ownership Ordinance.



***2015-2023 Objective:** Continue to provide tenant protections through implementation of the City's condominium conversion regulations.*

## **GOAL C: Removal of Government Constraints**

### **15. Consider Modifications to Development Standards for Accessory Living Units (ALU's)**

Review current standards for development of ALU's to determine if any revisions to the standards are warranted to encourage or facilitate more development of ALUs. Evaluate capacity for ALU development under current standards and existing property conditions in relevant zoning districts, develop a menu of possible modifications to the standards to increase capacity, streamline application review and approval, and/or otherwise encourage and facilitate development of ALUs in appropriate locations.

***2015-2023 Objective:** Conduct outreach, complete analysis of ALU standards and possible modifications, and provide recommendations for public, stakeholder, and Council consideration.*

### **16. Complete the "Retooling the Zoning Code" Project**

This project, which was partially completed in 2013, involves reorganizing, reformatting and "retooling" the entire Zoning Code (Title 19 of the Sunnyvale Municipal Code) to make it more clear and user-friendly for members of the public, staff and decision-makers. The new format will use everyday language, illustrations and examples to clarify development requirements. This project will also explore ways to improve administrative procedures and streamline permitting requirements for residents and businesses. This project will not make substantive changes to land use regulations or development standards.

An important goal of this effort is to create a permitting system with permit types and titles that reflect the purpose of the permit (such as use permit or design review) and the decision-making body (i.e., staff or a legislative body). For example, the permit title and type for most residential projects in residential zones would be "Design Review" rather than "Use Permit." For example, the permit type for larger multi-family residential projects in residential zones might be Planning Commission Design Review, provided the project complies with the density range and other development standards of the zoning district. This change in title would improve the clarity and certainty of approval for projects that meet the designated development standards of a given site, since the approval is limited to design details rather than the proposed use itself. More information about this project is available online at: [ZoningCode.inSunnyvale.com](http://ZoningCode.inSunnyvale.com).

The Retooling project was planned to be presented for Council review in three phases. Staff completed the first phase of the project with a report to Council in 2013, and plans to complete the next two phases by December 2015. The second phase of the project will clarify or create necessary definitions, simplify the current use tables, and improve and streamline permitting procedures. The final phase will reorganize and clarify the chapters on the various zoning districts, site planning standards, and any remaining sections not covered in the earlier phases. The final phase will also include the final draft of the Zoning Code for adoption by Council.



**2015-2023 Objective:**

*Complete the Retooling project by providing a final draft of the Zoning Code for Council consideration by the end of December 2015.*

## **GOAL D: Provision of Adequate Housing Sites**

### **17. Residential Sites Inventory**

The Land Use Sub-Element of the City's General Plan provides for a variety of housing types to meet the diverse needs of Sunnyvale residents, with densities ranging from 7 to 78 units per acre. Industrial to Residential (ITR) areas provide the most significant opportunity for future residential growth, with potential for development of more than 2,900 new units. The Downtown Specific Plan and Lakeside Specific Plan areas provide capacity for more than 1,000 new units of housing, providing opportunities for people to live, work, shop and recreate without having to use their cars. The El Camino Real Precise Plan area also provides capacity for an additional 1,200 dwelling units, and various residential zones provide capacity for approximately 700 units.

The residential sites analysis demonstrates the availability for sites of a total of 5,849 units during the 2015-2023 time frame. This residential development potential is more than adequate to address the City's share of regional housing needs, identified as 5,452 new units. As part of this Housing Element update, City staff updated the parcel-specific vacant and underutilized sites analysis that can be used to assist developers in the identification of potential sites.

***2015-2023 Objective:** Continue to provide appropriate land use designations to address the City's share of regional housing needs. Maintain a current inventory of potential residential and mixed-use sites to provide to developers in conjunction with information on available development incentives.*

### **18. Minimum Densities**

To encourage the efficient and sustainable use of land, the City requires residential development to achieve at least 75 percent of the maximum densities permitted under zoning. Given high land costs, multi-family projects in Sunnyvale's highest density residential zones typically develop at well above this threshold. Exceptions to this policy may be granted by City Council as warranted by unique site characteristics.

***2015-2023 Objective:** Inform development applicants of the minimum density policy and its purpose to encourage compact urban form.*

### **19. Downtown Specific Plan**

The development of its downtown as a vibrant, pedestrian-friendly, transit-oriented center for shopping, working, living and entertainment is a key priority for Sunnyvale. In support of this goal, the City prepared a comprehensive update to its Downtown Specific Plan in 2003, providing various land use and development standard revisions including increasing residential densities to an excess of 55 units per acre and providing for up to 1,800 dwelling units;



commercial development potential is in addition to this residential capacity. The Plan is divided into a series of blocks, with a maximum number of residential units identified in each block. In addition to the nearly 300 units nearing completion on block 18 in the Town Center, additional opportunities for higher-density residential development are available within the DSP area, providing for a net increase of 1,019 units, in addition to the hundreds of units currently nearing completion or soon to be under construction downtown, including units at Town Center, Solstice, Carmel Lofts, Mathilda Avenue Apartments, and Ironworks North and South.

As a means of facilitating the assembly of sites and realizing the development envisioned for Downtown, the 2003 Specific Plan identified the following implementing actions to be undertaken by the City and its former Redevelopment Agency:

- ✓ Identify and target areas of partly aggregated property and assist in land aggregation
- ✓ Identify and purchase strategically located property as it becomes available and where it is important to accomplish long-term goals
- ✓ Invest in strategic parcels (including City-owned land) where it would increase the potential for strategic land assembly and redevelopment activity.

The City implemented major site assembly efforts in the Downtown many years ago, including purchase of five parcels in Block 15 (one-quarter of the land area) that it is holding to facilitate future land assemblage and development. At least one major residential developer has expressed interest in this block and has submitted a preliminary review application with conceptual plans for the site.

***2015-2023 Objective:*** Continue to publicize the downtown redevelopment potential made possible by the DSP through City channels such as the “Downtown Redevelopment Information” webpage, KSUN, and public meetings. Facilitate the provision of housing affordable to low and moderate income households by requiring below market rate (BMR) units to be provided on-site or within the boundaries of the Specific Plan, and by promoting the density bonus incentives and affordable housing financing available.

## **20. Accessory Living Units**

An Accessory Dwelling Unit (ALU) is a separate dwelling unit that provides complete, independent living facilities for one or more persons. It includes permanent provisions for living, sleeping, cooking, eating, and sanitation on the same parcel as the primary unit is situated. Given the limited developable land remaining in Sunnyvale, integrating secondary dwelling units in existing residential neighborhoods present an opportunity for the City to accommodate needed rental housing. The development of secondary dwelling units is effective in dispersing affordable housing throughout the City and can provide housing to lower-income persons, including seniors, college students, and recent graduates.

***2015-2023 Objective:*** Facilitate the construction of new accessory living units by making information about how to obtain permits for them available to the public.

## **21. Housing Policies for Priority Development Areas**





Priority Development Areas (PDAs) are areas of the City designated by Council as likely and appropriate for development of new residential, mixed use and/or non-residential uses due to their locations near transit and related factors influencing development capacity. These areas are also identified in Plan Bay Area, which is the regional land use plan and Sustainable Communities Strategy developed by the Association of Bay Area Governments (ABAG). The City may consider developing specific housing policies for designated PDAs, such as the El Camino Real Corridor and Lawrence Station Area, through preparation of new or modified specific plans and/or station area plans. Such policies would provide additional incentives and goals for the provision of affordable housing and/or any type of housing encouraged by the City within the PDAs.

***2015-2023 Objective:** Consider developing specific housing policies for designated PDAs in the City through preparation of specific plans or station area plans.*

## **GOAL E: Equal Housing Opportunities and Special Needs**

### **22. Fair Housing Program**

The City will continue to support programs that provide fair housing services to Sunnyvale residents. Sunnyvale currently provides funding to several qualified local fair housing agencies to provide fair housing services in Sunnyvale. These agencies provide education, outreach, and complaint investigation services for all members of the community. The City also contracts with one of these agencies to provide tenant/landlord referral and mediation services.

***2015-2023 Objective:** Continue to contract with qualified fair housing agencies to provide comprehensive fair housing services and/or tenant/landlord mediation to the extent funding is available. Provide multi-lingual fair housing brochures at City Hall, the Sunnyvale Library, Senior Center, Recreation Center, and the Columbia Neighborhood Center. Provide fair housing information on the City's website, including a direct link to HUD fair housing website. Continue to participate in the Santa Clara County Fair Housing Task Force.*

### **23. Accessible Housing**

The City adopted reasonable accommodation procedures during the last planning period as part of Program 23 of the 2009 Housing Element (see Appendix C). Its current procedures, available in conjunction with Building, Planning, or any other development permits, meet all requirements of applicable State and federal law.

***2009-2014 Objective:** Maintain procedures for reasonable accommodation requests with respect to zoning, permit processing, and building codes. Continue to adopt accessibility updates to building and housing codes as needed. Provide grants to income-qualified households for accessibility improvements, and continue to provide CDBG funding, when available, for accessibility improvements to pedestrian facilities as needed in residential neighborhoods.*

### **24. Programs to Address Homelessness**



During the prior planning period, the City provided financial and related assistance to facilitate the development of two new housing developments that will provide a total of 117 units of permanent supportive housing for very low income households, of which 47 will be reserved for homeless applicants. Both projects will include supportive services on site to support all tenants, with a special focus on those transitioning out of homelessness and/or with special needs. A portion of the units will include project-based subsidies through the Section 8, Mental Health Services Act, and Continuum of Care programs. These projects are currently under development and expected to be completed in the first two years of the new planning period.

In addition, the City has been providing a significant amount of CDBG and HOME funds for two programs for several years to help work-able homeless residents to gain housing and jobs. The City will continue to support these programs, WorkFirst Sunnyvale and the Tenant-Based Rental Assistance Programs, to the extent funding is available. In addition, the City provides CDBG human services grants to a variety of agencies providing supportive services for lower income residents who are homeless or at risk of homelessness. Agencies currently providing these services include Sunnyvale Community Services, Downtown Streets Team, West Valley Community Services, Bill Wilson Center, agencies providing services for victims of domestic violence, and HomeFirst SCC.

**2015-2023 Objective:** *Continue to provide funding for programs that seek to prevent and end homelessness and provide supportive services to homeless and at-risk clients. Continue to implement programs such as WorkFirst Sunnyvale and TBRA. Continue to offer financing for permanent supportive housing projects and other projects that agree to reserve units for applicants transitioning out of homelessness.*

## **25. Special Needs Housing Development Assistance**

Encourage developers of affordable and/or market-rate housing projects to reserve some or all units in development for tenants with special needs, including but not limited to: adults with severe disabilities, including developmental disabilities, mental and/or physical disabilities, elderly residents, and youth aging out of foster care. Provide such projects with priority for development and/or rehabilitation financing available through the City's various housing funds, such as Housing Mitigation, BMR in-lieu funds, CDBG and/or HOME funds. Encourage developers and housing providers to work with advocacy groups that provide supportive services to such special needs populations in order to facilitate outreach to prospective special needs residents about planned or available special needs housing units, and to assist prospective tenants with the rental application and leasing process.

**2015-2023 Objective:**

*Include priority for special needs units in City notices of funding availability for new housing construction, rehabilitation, and/or preservation projects. Aim to assist in the development of at least one new project with some or all of the units reserved for special needs tenants, including tenants with severe disabilities. Encourage developers to include special needs advocacy groups in their marketing and leasing efforts related to newly available special needs units.*



## **26. Development of Housing Units for Large Families and Single-Parent Households**

Encourage developers of market-rate and affordable rental housing to include units with three or more bedrooms in their new developments, to the extent demand is projected to exist for such units based on timely market analyses and projected rent levels. Encourage developers to include family-friendly common areas and open spaces within residential developments, including appropriate play areas for children when possible. Encourage residential developers to include on-site child care facilities to the extent possible, and inform developers of the density bonus incentives available for qualifying projects that also include such facilities.

### ***2015-2023 Objective:***

Encourage rental housing developers to include units that address the needs of large families, single-parent households, such as units with three or more bedrooms, and to provide family-friendly common areas, open space and amenities such as on-site child care. Inform developers of the density bonus incentives available for qualifying projects with child care facilities.

## **GOAL F: Neighborhood Quality**

### **27. Sustainability and Green Building**

In 2007, the Sunnyvale City Council adopted a sustainability policy to become “a regional leader in environmental sustainability, advocating to reduce dependence on non-renewable resources by providing greater transportation options, reducing waste, protecting our natural resources, and promoting alternative energy usage and research.” The structure for implementation of this policy is set forth in Sunnyvale’s *Framework for Sustainability*, with the City’s various environmental activities coordinated through the City’s Sustainability Coordinator.

In 2010, the City adopted its first green building codes using the “Build It Green” GreenPoint rating system for residential construction, establishing minimum point thresholds, and providing density, height and lot coverage incentives for exceeding the minimum thresholds. As a means of lessening the potential impact on development, the ordinance phases in the green building standards over several years, with threshold requirements for green building points increasing over the four year period.

***2015-2023 Objective:*** *Continue the City’s comprehensive sustainability and green building programs.*



Table 48: Housing Implementation Programs Summary

Housing Program		Program Goal	2015-2023 Objective	Funding Source	Responsible Agency	Time Frame
<b>Provision of New Housing</b>						
1.	<b>BMR Housing Program</b>	Ensure new residential developments include some homes affordable to lower- and moderate-income home buyers	Continue to implement BMR Home Ownership Program. Review and refine BMR program guidelines and codes periodically as needed to accommodate changing market conditions and improve overall program effectiveness.	BMR In-Lieu and Admin. Fees	CDD, Housing Division	Ongoing: 2015-2023
2.	<b>First Time Home Buyer Program</b>	Provide down payment assistance to help lower- and moderate-income home buyers buy their first homes	Continue to implement FTHB Program; aim to assist 5-10 homebuyers per year, or as demand warrants.	Housing Mitigation Fund (HMF), BMR In-Lieu Fees	CDD, Housing Division	Ongoing: 2015-2023
3.	<b>Affordable Housing Development Assistance</b>	Support development of new housing affordable to extremely low, very low and low income households.	Provide financial and regulatory assistance for new affordable housing development, using available funds. Seek new sources of funding for affordable housing. <b>Issue notices of funding availability annually, with advance outreach to applicants.</b>	HMF; HOME; BMR In-Lieu Fees	CDD, Housing Division	Ongoing: 2015-2023 <b>(Annual NoFA issuance)</b>
4.	<b>Density Bonus Provisions</b>	Encourage developers to include affordable units in new residential developments through use of the state density bonus incentive.	Educate developers about density bonus incentives using outreach materials provided online and/or at the One-Stop Center. Promote use of density bonus in discussions with applicants and share the City's density bonus calculator tool with interested developers.	Department Budget	CDD, Housing and Planning Divisions	Ongoing: 2015-2023



Table 48: Housing Implementation Programs Summary (continued)

Housing Program		Program Goal	2015-2023 Objective	Funding Source	Responsible Agency	Time Frame
<b>Housing Conservation and Maintenance</b>						
5.	<b>Home Improvement Program</b>	Provide financial assistance to lower income households for rehabilitation, emergency repairs, accessibility, paint, and energy efficiency improvements.	Continue to operate the Home Improvement Program to assist lower-income households with funding for housing rehabilitation and minor improvements. Assist a total of 15-20 households per year, or as demand warrants.	CDBG Revolving Loan Fund	CDD, Housing Division	Ongoing: 2015-2023
6.	<b>Multi-Family Rental Property Rehabilitation</b>	Offer financing for rehabilitation of affordable rental housing units at multi-family properties.	Continue to offer below-market rate financing for rehabilitation of affordable rental units, using funding sources available for this purpose. Provide rehabilitation financing to one or more properties during the planning period.	HOME, CDBG, HMF	CDD, Housing Division	Ongoing: 2015-2023
7.	<b>Multi-family Rental Property Acquisition and/or Preservation</b>	Preserve or improve affordability of rental housing by providing acquisition and/or preservation financing.	Assist in acquisition and/or preservation, alone or in combination with rehabilitation assistance, of at least one multi-family rental property during the planning period.	HOME, CDBG, HMF, BMR In-Lieu Fees	CDD, Housing Division	Enter into first funding agreement by 2017; others thereafter as feasible.
8.	<b>Neighborhood Preservation Program</b>	Preserve and maintain the quality of Sunnyvale's housing & neighborhoods.	Continue to implement the Neighborhood Preservation Program, with affordable housing support from the Housing Division	CDBG; General Fund	DPS, Neighborhood Preservation Division; CDD, Housing Division	Ongoing: 2015-2023
9.	<b>Preservation of Assisted Rental Housing</b>	Preserve existing assisted housing at risk of conversion to market rents.	Maintain contact with owner of Life's Garden and offer financial and other assistance to maintain the affordability of the at-risk units.	HOME, CDBG, HMF	CDD, Housing Division	Complete by 2017



Table 48: Housing Implementation Programs Summary (continued)

Housing Program		Program Goal	2015-2023 Objective	Funding Source	Responsible Agency	Time Frame
10.	<b>Section 8 Rental Assistance</b>	Support the provision of Section 8 rental assistance to eligible households by the Housing Authority.	Support the Housing Authority in its efforts to maintain adequate federal funding for Section 8. Refer residents to the Housing Authority for Section 8 and related information. Encourage landlords to participate in the program.	Department Budget	CDD, Housing Division	Ongoing: 2015-2023
11.	<b>Anti-Displacement Provisions</b>	Provide lower-income tenants with protection and/or assistance to help them avoid displacement in the event of demolition and/or renovation of large rental properties.	Consider developing an anti-displacement policy applicable to redevelopment or major renovation of larger rental properties. Conduct outreach on the topic with interested stakeholders before developing proposed provisions.	Department Budget	CDD, Housing and Planning Divisions; OCA	Begin program by 2016
12.	<b>Mobile Home Park Preservation</b>	Implement land use policies to maintain the city's stock of mobile homes and mobile home parks.	Continue to implement current mobile home park protections and maintain mobile home park zones. In the event of mobile home park closure, enforce the Mobile Home Park Conversion requirements to provide relocation assistance to park residents.	Department Budget	CDD, CDD, Housing and Planning Divisions; OCA	Ongoing: 2015-2023
13.	<b>Foreclosure Prevention</b>	Support the provision of education and counseling services to help homeowners avoid the risk of foreclosure.	Provide information and referrals about available foreclosure services and related information through City public outreach channels.	Housing Division Operating Budget	CDD, Housing Division	Ongoing: 2015-2023
14.	<b>Condominium Conversion Regulations</b>	Protect the rental housing stock and provide tenants with protections in the event of conversion.	Continue to provide tenant protections through implementation of the City's condominium conversion regulations.	Department Budget	CDD, Housing, Planning Divisions	Ongoing: 2015-2023



Table 48: Housing Implementation Programs Summary (continued)

Housing Program		Program Goal	2015-2023 Objective	Funding Source	Responsible Agency	Time Frame
Removal of Government Constraints						
15.	Consider Modifications to Development Standards for Accessory Living Units (ALU's)	Consider modifications to allow increased development of ALU's in appropriate zones.	Conduct outreach, complete analysis of ALU standards and possible modifications, and provide recommendations for public, stakeholder, and Council consideration.	Department Budget	CDD, Housing and Planning Divisions	Begin program by 2017
16.	Retooling the Zoning Code	Reformat, reorganize, and revise the Zoning Code for ease of use, clarity, and streamlined administrative procedures.	Complete the Retooling project by providing a final draft of the Zoning Code for Council consideration by the end of December 2015.	Department Budget	CDD, Planning Division	Complete project by 2016.
Provision of Adequate Sites						
17.	Residential Sites Inventory	Provide appropriate land use designations to address the city's share of regional housing needs.	Maintain current inventory of potential residential and mixed use sites; provide to developers with information on incentives.	Department Budget	CDD, Housing and Planning Divisions	Ongoing: 2015-2023
18.	Minimum Densities	Promote compact development by encouraging properties to develop to General Plan densities.	Inform developers of policy to develop to at least 75% of General Plan density.	Department Budget	CDD, Planning Division	Ongoing: 2015-2023
19.	Downtown Specific Plan	Facilitate development and preservation of housing in downtown area consistent with the DSP	Encourage provision of affordable housing by requiring BMR units to be provided on-site or within the boundaries of the Specific Plan, and by promoting density bonus incentives.	Department Budget	CDD, Planning and Housing Divisions	Ongoing: 2015-2023
20.	Accessory Living Units	Allow accessory living units in existing residential neighborhoods.	Facilitate the development of new accessory living units by making information about how to obtain permits for them available to the public.	Department Budget	CDD, Planning and Building Divisions	Ongoing: 2015-2023
21.	Housing Policies for Priority Development Areas	Encourage provision of desired housing types, including affordable housing, in PDAs	Consider developing specific housing policies for designated PDAs in the City through preparation of specific plans or station area plans.	Department Budget	CDD, Housing and Planning Divisions	Begin program by 2017



Table 48: Housing Implementation Programs Summary (continued)

Housing Program		Program Goal	2015-2023 Objective	Funding Source	Responsible Agency	Time Frame
<b>Equal Housing Opportunities and Special Needs</b>						
22.	<b>Fair Housing Program</b>	Promote fair housing practices.	Contract with qualified fair housing agencies to provide fair housing services to the extent funding is available. Provide fair housing brochures at City facilities and fair housing information on the City's website, with links to HUD fair housing page. Participate in the Santa Clara County Fair Housing Task Force.	CDBG	CDD, Housing Division	Ongoing: 2015-2023
23.	<b>Accessible Housing</b>	Provide reasonable accommodations in zoning and permitting of housing to ensure residents with disabilities have fair access to housing.	Maintain procedures for reasonable accommodations in codes and permitting. Adopt accessibility updates to codes as needed. Provide grants for accessibility improvements for eligible households, and provide CDBG funds for accessibility improvements to pedestrian facilities as needed in residential neighborhoods.	CDBG; Department Budget	CDD, Planning, Building and Housing Divisions	Ongoing: 2015-2023
24.	<b>Programs to Address Homelessness</b>	Provide support to programs to prevent and end homelessness and offer financing for the development of permanent supportive housing units.	Provide funding for programs that seek to prevent and end homelessness and provide supportive services, such as the TBRA and WorkFirst Sunnyvale programs. Offer financing for permanent supportive housing and projects that reserve units for homeless applicants.	CDBG, HOME, HMF	CDD, Housing Division	Ongoing: 2015-2023





Table 48: Housing Implementation Programs Summary (continued)

Housing Program		Program Goal	2015-2023 Objective	Funding Source	Responsible Agency	Time Frame
25.	<b>Special Needs Housing Development Assistance</b>	Develop additional affordable units for special needs tenants, such as adults with disabilities, seniors, and youth aging out of foster care	Include priority for special needs units in all City notices of funding availability for new housing construction, rehabilitation, and/or preservation projects. Aim to assist in the development of one new project with some units reserved for special needs tenants. Encourage developers to include advocacy groups in marketing and leasing efforts related to newly available units.	HMF, HOME, BMR In-lieu Fees	CDD, Housing Division	Begin program by 2016
26.	<b>Housing for Large Families and Single-Parent Households</b>	Encourage development of rental units that address the needs of large families and single-parent households to meet demand for such units.	Encourage rental developers to include units with three or more bedrooms, and to provide family-friendly common areas, open space and amenities such as on-site child care. Inform developers of the density bonus incentives for qualifying projects with child care facilities.	Department Budget	CDD, Housing and Planning Divisions	Ongoing: 2015-2023
<b>Neighborhood Quality</b>						
27.	<b>Sustainability and Green Building</b>	Require new development to implement sustainable and green building practices.	Continue the City's comprehensive sustainability and green building programs.	Department Budget	CDD, Planning and Building Divisions	Ongoing: 2015-2023

Table 49: Summary of Quantified Objectives 2015-2023

Income Level	RHNA	Quantified Objectives			
		New Construction	Rehabilitation	Preservation	Total
Extremely Low	820	125	40	35	<b>200</b>
Very Low	820	125	35	40	<b>200</b>
Low	906	100	75	75	<b>250</b>
Moderate	932	700	0	0	<b>700</b>
Above Moderate	1,974	1,800	0	0	<b>1,800</b>
<b>Total</b>	<b>5,452</b>	<b>2,850</b>	<b>150</b>	<b>150</b>	<b>3,150</b>

# APPENDICES

<b>Appendix A:</b>	Public Participation
<b>Appendix B:</b>	Adequate Sites Inventory
<b>Appendix C:</b>	Review of Accomplishments Under 2007-2014 Housing Element
<b>Appendix D:</b>	Executive Summary of ABAG's Jobs-Housing Connection Strategy
<b>Appendix E:</b>	Glossary

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## **Appendix A: Public Participation**

### **Housing and Human Services Commission Meeting**

**July 24, 2013 at 7:00 pm**

**City Hall, West Conference Room**

**456 W. Olive Avenue, Sunnyvale**

Background Presentation on the Housing Element Update and RHNA Process provided by Housing Officer Isé

The presentation included the following:

- Background on housing elements and the update process;
- An overview of the general plan and the housing element, and the state laws that require the City to create a housing element.
- The goals of the needs assessment phase of the update, and the outreach efforts that are underway.
- The public survey on housing issues being conducted by the City, which was available online and on paper in English and Spanish.

Paper versions of the public survey in English and Spanish were distributed at the meeting. Commissioners were encouraged to take it themselves and/or to share it with community members.

Commissioners asked various questions about the topic, which were answered by staff, and made some suggestions about outreach methods.

### **Community Outreach Meeting**

**August 28, 2013 at 6:30 pm**

**Senior Center, Laurel Room**

**550 E. Remington Drive, Sunnyvale**

Housing Officer Suzanne Isé provided a presentation on the topic similar to the one provided to the Housing Commission at its July meeting.

- 19 members of the public, including residents, non-profit agency staff, and other interested stakeholders attended the meeting and asked questions during and after the presentation.
- Public comments at this meeting focused mainly on the need for more housing for adults with developmental disabilities. Many of the attendees were people with such disabilities, or their family members, or staff of agencies that provide housing and services for people with developmental disabilities.

**Stakeholder Outreach Meeting  
October 9, 2013 at 10:30 am  
City Hall, West Conference Room  
456 W. Olive Avenue, Sunnyvale**

Staff provided a background presentation on the housing element process, similar to that provided at the earlier outreach meetings, but with slightly more focus on development-related issues. Presenters included Suzanne Isé, Housing Officer; Trudi Ryan, Planning Officer; and Hanson Hom, Director of Community Development. Several additional Housing and Planning staff members were also in attendance. Eleven members of the public signed in at the meeting, although more may have been present. Attendees included representatives of non-profit and for-profit developers, advocates, local residents, and other community members.

A roundtable discussion took place after the presentation. Public comments included the following:

- Even extremely-low income units (affordable to households at 30% of AMI) are not affordable for some residents on fixed income or SSI. There are very few units available at 20% of AMI or less.
- Review/reevaluate accessory living unit (second unit) policies to see if more could be permitted.
- Density bonus units should be provided at 15% AMI.
- Rezone larger lots into smaller lots to allow more units in single family neighborhoods.
- Focus on homeownership.
- Example given of Arlington County, VA which has inclusionary requirements on all home constructions, including single family home demolition/rebuilds.

**City Presentation at BIA South Bay Chapter, RPC Meeting  
October 30, 2013  
Shapell Homes Headquarters  
100 North Milpitas Blvd. Milpitas, CA 95035**

Hanson Hom, Community Development Director and Suzanne Isé, Housing Officer attended this meeting at the request of BIA. Approximately 20 building industry stakeholders attended, including then-BIA South Bay representative Crisand Giles and a number of market-rate developer representatives. Director Hom provided a background presentation on the Housing Element Update, focused primarily on issues of interest to developers such as available sites, constraints, land use policy developments, regional planning efforts such as Plan Bay Area and the Priority Development Areas, and local planning efforts such as the Lawrence Station Area Plan and the Grand Boulevard Initiative.

Attendees' questions concerned development processes, available sites, Plan Bay Area, the timeline for the Housing Element update, traffic study requirements, and impact fees. No major issues arose during the discussion.

**Joint Study Session of the Planning and Housing and Human Services Commissions  
May 12, 2014  
Human Resources Training Room  
505 W. Olive Avenue, Sunnyvale**

The Planning and Housing and Human Services Commissions met in joint study session for a presentation and brief discussion of the 2015-2023 Housing Element Update. The meeting was held on May 12, 2014 in the Human Resources Training Room at the Sunnyvale Office Center. Suzanne Isé, Housing Officer, presented an overview of the draft Housing Element, and provided information on City population growth, as well as demographic, housing cost, and income changes since the 2009 update. Planning Officer Trudi Ryan and Community Development Director Hanson Hom also participated in the presentation. Staff described recently approved and constructed affordable housing projects, current housing programs, future housing goals, and the public outreach efforts and public survey that was conducted in Summer/Fall of 2013. Commissioners asked questions during and after the presentation.

Following the presentation, Commissioners held a brief roundtable discussion and invited the public present to ask questions or provide comments. The discussion included the following:

- Availability of adequate sites for housing, and how the number of sites is determined based on zoning, general plan, allowable densities, the “default densities,” etc.;
- Whether or not there were any plans to increase density south of El Camino Real (answer: not as part of Housing Element);
- Whether or not single person households are considered special needs households (answer: no) but larger households are due, to less availability of large rental units;
- The challenge of creating significant numbers of new affordable rental units now that cities cannot impose inclusionary requirements on new rental projects, due to the Palmer court decision of 2009;
- The difficulty affordable housing developers face in trying to acquire new sites for affordable housing in the current very competitive real estate market;
- Possibility of charging impact fees on new rental housing to generate funds for affordable housing, and the required nexus study for any new fees;
- Potential options and strategies to address housing needs, such as secondary dwelling units or modifying BMR housing requirements, such as lowering project size threshold (like in Montgomery County, Maryland, which applies requirements to all new housing including those of single homes or home additions over a certain size), and/or increasing the percentage of BMR units required;
- Questions about how Sunnyvale’s housing programs and accomplishments compare with those of neighboring communities;
- Affordability concerns:
  - Rising rents have caused some residents to have to move out of town;
  - Households in middle income ranges are also struggling: they don’t qualify for assistance but can’t afford home prices
  - Possible anti-displacement policies to protect tenants of units to be demolished or renovated
- Impacts of growth on the community

- Questions about impacts of new development on schools in Sunnyvale
- School demographers continue to report that residents of single family homes, most of which are older homes, continue to enroll much higher numbers of children per home in local public schools (due largely to resale by elderly homeowners to younger families with children) than do residents of multi-family housing, whether rental or for-sale.
- Many buyers of new condominiums in north Sunnyvale are reportedly sending their children to private schools due to concerns about public school quality, and/or don't yet have children.

**Public Hearings on Draft 2015-2023 Housing Element:**

1. Housing and Human Services Commission: May 28, 2014
2. Planning Commission: June 9, 2014

Minutes are provided on the following pages.

## **Minutes of Public Hearings on Draft Housing Element**

### **Housing and Human Services Commission Meeting of May 28, 2014**

Approved Minutes (Excerpt)

#### **PUBLIC HEARINGS/GENERAL BUSINESS**

##### **Agenda Item 2: 14-0262 Make Recommendation to Council on the Draft 2015-2023 Housing Element**

Housing Officer Suzanne Isé gave a short presentation that included a review of the Housing Element Update process, its requirements, and the progress made since the process started in early 2012. She also noted that the Draft Housing Element summarizes the initial public input received, and that there will be additional opportunities for the public and other interested parties to provide input in the next few months before a final draft is submitted to the Department of Housing and Community Development for approval in late August 2014. She encouraged the more than 20 members of the public present to take this opportunity to share their ideas or concerns.

Chair Chiu opened the public hearing at 7:40 p.m.

Non-Profit Housing Association of Northern California Regional Policy Manager Pilar F. Lorenzana-Campo asked if density was the only metric being used to identify sites, or are there any other land use or zoning mechanisms that are included in the Housing Element, such as affordable housing overlay zones. She also asked what financing mechanisms is the City considering, e.g. the use of boomerang funds or housing/commercial impact fees. Lastly she spoke in favor of mobile home park preservation efforts.

Pat Sausedo, representative of the Building Industry Association, provided a letter addressed to all Bay Area jurisdictions that includes a number of comments and issues that should be addressed in the Housing Elements.

Mark Sabin, a Sunnyvale resident, spoke about the burden that high rents are creating for many working people in Sunnyvale. If Sunnyvale is to remain a sustainable community, he suggested creating a mechanism where those who choose to buy and develop housing above the median affordable price pay a fee to offset the cost and provide incentives and subsidize funding for those who buy properties to develop housing below the median price to provide affordable housing, not low-income housing. Director of Community Development Hanson Hom noted that a similar proposal, a rental housing impact fee, is scheduled to be considered by Council later this year.

Sandra Murillo of the Housing Trust Silicon Valley thanked the City of Sunnyvale for its continued partnership and funding to provide services to the residents of Sunnyvale.

Chair Chiu closed the public hearing at 7:55 p.m.



After a short discussion and some questions of staff, Chair Chiu asked for a motion.

Vice Chair Gilbert moved and Commissioner Schmidt seconded the motion to approve Alternative 1: Recommend that Council approve the draft Housing Element as presented in Attachment 2 for submittal to HCD for review. The motion carried unanimously by the following vote:

Yes: 7 -

Chair Chiu

Vice Chair Gilbert

Commissioner Evans

Commissioner Jeong

Commissioner McCloud

Commissioner Schmidt

Commissioner Sidhu

No: 0

**Planning Commission Meeting of June 9, 2014**

Approved Minutes (Excerpt)

**PUBLIC HEARINGS/GENERAL BUSINESS**

Agenda Item 4: 14-0562 Make Recommendation to Council on the Draft 2015-2023 Housing Element  
Environmental Review: Negative Declaration

Suzanne Isé, Housing Officer, presented the draft Housing Element update.

Vice Chair Olevson and Ms. Isé discussed the policies that have been added to the draft Housing Element, and discussed the proposal for a relocation assistance program.

Comm. Klein confirmed with Ms. Isé that City Council decided not to increase the Below Market Rate (BMR) of 12.5% in 2012, and that lowering the threshold for the number of units triggering the BMR program could be an added recommendation to Council.

Comm. Durham confirmed with Ms. Isé that requests by applicants to only pay the in-lieu fee rather than build the BMR units would need to be heard by Council, and discussed a future program to develop the BMR units that would otherwise have been built with the in-lieu fees collected from different projects.

Comm. Harrison discussed with Ms. Isé current housing studies which include the adjustment of the linkage fee assessed on commercial properties and the rental housing impact fee.

Chair Melton confirmed with Ms. Isé that several recessions slowed housing growth between the years of 2000 and 2010. Trudi Ryan, Planning Officer, noted that during the 2008 recession, Planning permits were extended in preparation for construction when the economy improved.

Chair Melton commented on the gap between the needed number of very low income housing units determined by the Regional Housing Needs Assessment (RHNA) and those that City staff have determined will be built between 2015 and 2023, and discussed with Ms. Isé that money, land and a zoning code that allows density and height are needed to close this gap.

Vice Chair Olevson discussed with Ms. Isé the source of funding to build 72 BMR units over the next 20 years, and confirmed which agencies determine regional housing needs. Vice Chair Olevson commented on the North Bay appearing exempt from these housing requirements.

Comm. Harrison discussed with Ms. Isé the BMR ownership program and confirmed that there is no waiting list for these units. Comm. Harrison and Ms. Isé also discussed how a BMR property is subsidized.

Melissa Morris, with the Law Foundation of Silicon Valley, discussed her support of adopting the draft Housing Element and said that her organization believes it is important to have a rent stabilization program.

Julie Quinn, with the Housing Trust Silicon Valley, discussed her support of adopting the draft Housing Element and said that her organization believes funding programs should be included in the Housing Element.

Marie Bernard, Executive Director at Sunnyvale Community Services, discussed her support of adopting the Housing Element, the importance of having a rent stabilization program and of finding other sources of funding.

Wendee Crofoot, with the Silicon Valley Leadership Group and Friends of Caltrain, discussed her support of adopting the draft Housing Element and the need for housing to be built near transit.

Chair Melton closed the public hearing.

Comm. Harrison confirmed with Ms. Isé that there is no division of the BMR in-lieu fund for ownership versus rental properties, and confirmed that the housing mitigation fund supported the armory.

Vice Chair Olevson confirmed with Ms. Isé that staff is not recommending the adoption of the Association of Bay Area Governments (ABAG) job connection strategy, and that the ABAG recommendations were added to the draft Housing Element as a reference.

Comm. Harrison moved Alternative 2 to recommend that Council authorize staff to submit the draft Housing Element with modifications to HCD for review:

1) That all housing built for ownership be subject to the BMR requirement, regardless of the number of units.

Vice Chair Olevson seconded.

Comm. Harrison said that while she understands that rental housing in California is exempt from BMR requirements, she is aware of a program in Montgomery County, Maryland in which all ownership housing is subject to BMR requirements on a sliding scale so that there are no games played with an artificial limit. She said she thinks it could provide more money and not unduly affect people building single units and would provide a continuous stream without politics.

Vice Chair Olevson said that there are so many requirements, from Federal funding requirements to the State RHNA requirements, that the only means of survival seems to be spreading the pain around to everyone. He said he is generally not in favor of requiring a builder to support someone else, which looks to him like wealth transfer, but that at this point this is the only equitable way of doing this.

Comm. Klein offered a friendly amendment to consider increasing the BMR requirement from 12.5% to 15% of all units in the project.

Comm. Harrison and Vice Chair Olevson accepted.

Comm. Klein said he will be supporting the motion and that decreasing the number of units required before allocating funds to the BMR program makes sense, and that while he has a question about single-family versus more than one, he thinks staff will look more closely to determine what is fair. He said 12.5% has been the status quo for a long time and that ten years ago the issue was brought up to raise that percentage, and seeing that it remains as 12.5%, he thinks now raising it to 15% seems a more fair and easy calculation. He said it makes sense within this state of the housing environment in Sunnyvale, and he applauds the upgrades staff has made to the Housing Element, and thinks taking it a few steps further will improve the plan overall.

Comm. Durham said he will be supporting the motion, and in looking at the gap between those who can buy and those who cannot in the City and while trying to reduce travel and transit to work, he thinks we have to try to keep a balance for people working in the area and that this may be best way to do it. He said we cannot afford economically or environmentally to ship our housing out to the other side of the peninsula or to the Central Valley.

Chair Melton said he will be supporting the motion and that he implores staff and everybody in the City to continue to explore creative solutions to the problem. He said this is a real issue of great impact to the wellbeing of the city, to all its citizens and to the future of the City to continue exploring what we can do in Sunnyvale and on a regional basis. He said he gives a tip of the cap to City staff for a job well done in the creation of the Housing Element as there are a lot of moving parts and State requirements, and that there is a lot of subject matter and expertise that we are fortunate to have in City staff. He said he is looking forward to seeing City Council and the Housing and Human Services Commission take a shot at this.

MOTION: Comm. Harrison moved Alternative 2 to recommend that Council authorize staff to submit the draft Housing Element to HCD for review with modifications:

- 1) To add a program to consider expanding the Below Market Rate Ownership Housing Requirement to all ownership housing projects (i.e. those of fewer than eight new units); and
- 2) To consider increasing the BMR requirement to 15% of all units in the project.

Vice Chair Olevson seconded. The motion carried by the following vote:

Yes: 6 -

Chair Melton

Vice Chair Olevson

Commissioner Durham

Commissioner Harrison

Commissioner Klein

Commissioner Rheaume

No: 0

Absent: 1 - Commissioner Simons

## **Comment Letters Received**

Letters received during public outreach period, prior to publication of the initial draft:

1. Letter (via email) from Housing Choices Coalition dated October 25, 2013
2. Letter (via email) from Bay Area Business Coalition dated November 26, 2013

Comment letters submitted prior to the June 9, 2014 Planning Commission hearing on the Draft Housing Element:

3. A joint letter dated June 6, 2014 from representatives of five non-profit agencies: the Law Foundation of Silicon Valley; the Housing Trust of Silicon Valley; MidPen Housing; Downtown Streets Team; and the Non-Profit Housing Association of Northern California (NPH);
4. A letter from Sunnyvale Community Services dated June 9, 2014; and
5. A letter from the Silicon Valley Leadership Group dated June 9, 2014.

## **Response Letter**

1. City's response letter to the letter from the Bay Area Business Coalition dated November 26, 2013.

Letters are included on the following pages.



Suzanne Ise &lt;sise@sunnyvale.ca.gov&gt;

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## Focus group recommendations--housing needs of people with developmental disabilities in Sunnyvale

1 message

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**Jan Stokley** <hccstokley1@gmail.com>

Fri, Oct 25, 2013 at 5:23 PM

To: Suzanne Ise &lt;Sise@ci.sunnyvale.ca.us&gt;

Dear Suzanne,

I am attaching recommendations from the focus group on the housing needs of people with developmental disabilities, which you recommended we convene after the public meeting on the Housing Element.

Please note that I was finally able to provide current Sunnyvale demographic data (on adults) from San Andreas Regional Center. I've been waiting on this for a while and hope this is still timely.

Please contact me with any questions or feedback you have.

Thanks so much.

Jan

—

Jan Stokley  
Executive Director  
Housing Choices Coalition  
30 Las Colinas Lane  
San Jose, California 95119  
(408)284-0993 Direct Line  
(408)391-9869 Cell  
(408)284-4225 Fax  
jstokley@housingchoices.com  
www.housingchoices.com

Opening New Doors for People with Developmental Disabilities



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**Sunnyvale Housing Element.docx**

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## Sunnyvale Housing Element

### Housing Needs of People with Developmental Disabilities

**Submitted October 21, 2013**

#### **I. Demographic Information**

According to the San Andreas Regional Center, there are currently 773 adults with developmental disabilities living in Sunnyvale. The zip code distribution of these residents is shown below:

Zip Code	Number of Adults with Developmental Disabilities October 2013
94085	98
94086	281
94087	271
94088	3
94089	120
<b>TOTAL</b>	<b>773</b>

This number is expected to continue to increase in the next decade, as a result of the dramatic increase in the number of children and youth diagnosed with autism.

#### **II. Affordability Constraint**

Only 10% of San Andreas Regional Center consumers who are 18 or older have paid employment. Most adults with developmental disabilities depend on Supplemental Security Income as their sole source of income. A typical monthly SSI check for a single adult is only \$850. In some cases, families can supplement this modest fixed income.

Affordable housing property managers impose a minimum qualifying income requirement of twice the monthly rent. This means that a single adult dependent on SSI can only qualify for an apartment with a rent of \$425/month unless the adult has a Housing Choice Voucher or the unit has a Project Based Voucher. There are currently very few apartments for rent in Sunnyvale at this level of affordability.

People with developmental disabilities benefit from project financing which includes Project Based Vouchers, limiting their rental obligation to 30% (or sometimes 35%) of their actual household income.

In addition, Housing Choices Coalition helps people with developmental disabilities overcome the affordability barrier by finding roommates and fostering informal or formal shared housing. Three consumers can more readily qualify for a three-bedroom apartment by pooling their income. In addition, Housing Choices Coalition's model of "cooperative" single-family homes makes it possible for people to share a home with three or four others, have a private bedroom, and pay rent of between \$300 and \$350/month.

#### **III. Access Barriers**

In addition to affordability constraints, people with developmental disabilities face other barriers to accessing affordable housing in Sunnyvale. The affordable housing market is extremely challenging for a person with developmental disabilities to navigate because:

- a. Each property administers its own application and wait list process.
- b. Each property manager may adopt additional unpublished practices and protocols beyond the minimum requirements of federal, state and local financing sources. They may impose additional pre-application requirements that lead to discrimination—for example, requiring a person to come to the property and request an application in person during certain restrictive hours.
- c. Each property has its own unique mix of income-restricted units, with different units available at different rents using different minimum income requirements and different maximum income requirements. This information is complex and difficult to understand. As a result, some property managers communicate the information in very general terms, or provide only some of the information, even though it is fundamental to the housing qualification process.
- d. While some property managers use the internet to provide critical tenant screening information to consumers, including rent levels, minimum and maximum income criteria and a copy of the application, most do not make this information readily available and it can difficult to acquire.
- e. Some property managers require the applicant to complete a highly detailed and invasive eight-page application simply to be placed on the wait list for a property. If the application is not 100% complete, or contains white-out or marked out information, the application will be rejected—even though, if and when the applicant is eventually called for an interview for a vacant unit, the application has to be completely updated.
- f. Many property managers are untrained in Fair Housing laws and unintentionally fail to meet their obligation to reasonable accommodate a disability.

Other Santa Clara County jurisdictions have addressed these access barriers by requiring the affordable housing developer to “set-aside” units specifically for people with developmental disabilities. The set-aside insures that the property is targeting a percentage of Sunnyvale’s supply of Extremely Low-Income units (affordable at 15% of AMI, 20% of AMI, 25% of AMI, or 30% of AMI) specifically to people with developmental disabilities. In addition, the set-aside helps people with developmental disabilities overcome the navigational barriers posed by the fragmented affordable housing system because Sunnyvale can utilize the services of Housing Choices Coalition to maintain a dedicated wait list for people with developmental disabilities at these affordable housing properties.

### **III. Housing Element Recommendations**

**To address the housing needs of residents of Sunnyvale with developmental disabilities, the City of Sunnyvale’s Housing Element should:**



1. Set a goal of creating at least 100 rental units in five or more new affordable housing developments which are set aside specifically for people with developmental disabilities.

(a) Studios and one bedroom apartments set aside for people with developmental disabilities should be affordable to households with incomes below 15% of area median income and below 20% of area median income.

(b) Two and three bedroom apartments set aside for people with developmental disabilities should be affordable to households with incomes below 25% of area median income and below 30% of area median income.

(c) To promote inclusive housing communities, the percentage of units set aside for people with developmental disabilities should not exceed 25% of the total units in each affordable housing development.

(d) Developers should be required to allow Housing Choices Coalition to maintain the wait list for the set-aside units in order to help people with developmental disabilities overcome the barriers posed by the affordable housing wait list and application process.

2. Set a goal of supporting at least two new properties (similar to Stoney Pines) which are financed with Section 811, Section 202, or other Project-based voucher funding mechanism specifically for people with developmental disabilities.

3. Provide support for people with developmental disabilities to live in shared housing by contributing to the development of the “cooperative” housing model developed by Housing Choices Coalition.



November 26, 2013

Housing/Planning Director  
Jurisdiction  
Via email



Re: Housing Element Update



The undersigned members of the Bay Area Business Coalition advocate for a vibrant regional economy and outstanding quality of life for existing and future residents of the San Francisco Bay Area. A necessary—though by no means sufficient—condition to achieve these goals is for the region to provide an adequate supply of housing within the region. State housing element law generally—and the governmental constraints component in particular—can be important tools to advance these goals. With Bay Area cities and counties currently updating their housing elements, our organizations respectfully request that your jurisdiction consider and address the following comments as part of the public review process.



We recognize that the housing element process can be resource intensive and sometimes difficult. We hope that by identifying certain priority issues and questions, this letter will assist in focusing resources on policies and practices that are of significant and recurring interest to the regulated community. We also would support incorporating these standardized issues into the framework for local jurisdictions to be able to take advantage of the housing element certification streamlining developed by the California Department of Housing and Community Development (HCD).



### **I. Overview of the statutory provisions.**



The California Department of Housing and Community Development (HCD) has prepared formal guidance interpreting the constraints analysis portion of housing element law ([http://www.hcd.ca.gov/hpd/housing\\_element2/CON\\_home.php](http://www.hcd.ca.gov/hpd/housing_element2/CON_home.php)).



HCD's overview of the requirements and their purpose provides: *The element must identify and analyze potential and actual governmental constraints to the maintenance, improvement, or development of housing for all income levels, including housing for persons with disabilities. The analysis should identify the specific standards and processes and evaluate their impact, including cumulatively, on the supply and affordability of housing. The analysis should determine whether local regulatory standards pose an actual constraint and must also demonstrate local efforts*



*to remove constraints that hinder a jurisdiction from meeting its housing needs.... The analysis of potential governmental constraints should describe past or current efforts to remove governmental constraints. Where the analyses identifies that constraints exist, the element should include program responses to mitigate the effects of the constraint. Each analysis should use specific objective data, quantified where possible. A determination should be made for each potential constraint as to whether it poses as an actual constraint. The analysis should identify the specific standards and processes and evaluate their impact, including cumulatively, on the supply and affordability of housing.*

## **II. Requested specific areas of focus**

We have identified certain policies that generally represent significant potential constraints in the Bay Area and we request that as you conduct the constraints portion of your housing element review, these issues in particular be addressed:

- **Did your jurisdiction commit to addressing specific constraints as a condition of HCD certification of the existing housing element?** If so, what was the constraint and what has been done to address it?
- **Does your jurisdiction have a mandatory inclusionary zoning policy?** If so, has an analysis been done that measures the economic impact? Does it contain meaningful and regularly available incentives, and is its implementation flexible so that there are alternatives to a “like for like must build requirement” such as payment of reasonable in lieu fees, land dedication, or acquisition and rehabilitation of existing units with provision affordability covenants? Are such alternatives available at the developer’s option or with staff approval—but without need for Council or Board approval on a project-by-project basis?
- **Has your jurisdiction adopted a density bonus ordinance consistent with governing state law (Gov’t Code Section 65915)?** Does the density bonus ordinance count mandatory inclusionary zoning units toward the density bonus threshold as required by the recent court of appeal decision in *Latinos Unidos del Valle de Napa y Solano v. County of Napa*, 217 Cal. App. 4th 1160 (2013)?
- **What is the cumulative fee and exaction burden on new housing in your jurisdiction?** This analysis should include not only development fees that are “formally” reflected in published fee schedules, but also include exactions imposed via housing allocation program/ “beauty contests,” community benefits/amenities agreements, CFD annexation requirements, and the like. The analysis should also include fees imposed by other agencies, for example school fees, sewer and water fees, and fees imposed pursuant to an applicable regional Habitat Conservation Plan. The analysis should determine the % of the sales of price of new housing in the jurisdiction is represented by the cumulative fee/exaction burden, as well as the % of costs for rental housing units represented by the cumulative fee/exaction burden.
- **Does your jurisdiction have any recently adopted, proposed, or under consideration new or increased fee or exaction, such as an affordable housing impact fee?**
- **Has your jurisdiction required new housing projects, including multifamily/attached projects, to pay a fee or special tax for ongoing general governmental services?**

- **Does your jurisdiction have a designated Priority Development Area (PDA)? Is it a “planned” or “potential” PDA?** Have the number of residential units and densities shown in the PDA application been incorporated into the General Plan? Has the CEQA process been completed for the PDA so that no additional CEQA review is necessary for a proposed project consistent with the PDA? Have development restrictions and processes been streamlined in the area covered by the PDA?
- **What were the sites relied on for the adequate sites compliance of the existing housing element?** What has been the entitlement/development activity for these sites during the prior planning period? Were any of the sites subject to “by right” development procedures?
- **Does your jurisdiction have any type of cap or limitation on the number or type of housing units that may be permitted or constructed jurisdiction wide or in specific areas of the jurisdiction—including a cap or limitation tied to a specified level of new job creation in the jurisdiction?**
- **Has your jurisdiction provided for “by right” housing development in any areas?**
- **Are there zoning or other development restrictions (such as voter approval requirements, density limits or building height restrictions) that have impeded infill and/or transit oriented development?**
- **Has your jurisdiction consistently demonstrated compliance with both the letter and spirit of the Permit Streamlining Act?**
- **What are your jurisdiction’s historic preservation policies and review procedures and have they had a significant impact on the permit and entitlement processes for new development projects?**
- **Has your jurisdiction adopted an ordinance pursuant to the Quimby Act that gives developers credit for private open space?**
- **In implementing the Quimby Act, does your jurisdiction provide for consistency between the calculation of the existing neighborhood and community park inventory, and the criteria and procedures for determining whether to accept land offered for parkland dedication or to give credit for private open space?** For example, has your jurisdiction refused to accept an area in whole or in partial satisfaction of the parkland dedication ordinance on the basis that it is unsuitable for park and recreational uses even though the area is substantially similar to areas included in the overall parkland inventory used to calculate the parkland dedication requirement and fee?
- **In the project review process, has your jurisdiction required developers to use the Bay Area Air Quality Management District’s CEQA Thresholds of Significance for Toxic Air Contaminants (TAC Receptor Thresholds)?** Has your jurisdiction explored alternative procedures for addressing project siting and air quality concerns, such as in the general plan or zoning code?

- **Has your jurisdiction adopted a Climate Adaptation Plan that is more stringent with respect to the per capita GHG reductions for the land use sector/transportation sector than the equivalent per capita targets established for the region by CARB pursuant to SB 375?**

Our organizations intend to monitor housing element updates throughout the region, and we respectfully request that your jurisdiction formally respond to these questions early in the update process. We also ask that you send a paper or electronic copy of the responses to:

BIA of the Bay Area  
Attn: Paul Campos  
101 Ygnacio Valley Road, Suite 210  
Walnut Creek, CA 94596  
[pcampos@biabayarea.org](mailto:pcampos@biabayarea.org)  
415-223-3775

Yours very truly,



John Coleman  
Bay Planning Coalition  
Council



Paul Campos  
BIA Bay Area



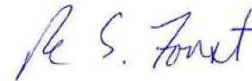
Tom Terrill  
East Bay Leadership



Gregory McConnell  
Jobs & Housing Coalition



Cynthia Murray  
North Bay Leadership Council



Rosanne Foust  
SAMCEDA



Jim Wunderman  
Bay Area Council



Joshua Howard  
California Apartment Association

TO: Suzanne Ise, City of Sunnyvale Department of Community Development; Members of the Planning Commission; Mayor Jim Griffith and Members of the City Council.

FROM: Melissa Morris, Law Foundation of Silicon Valley; Julie Quinn, Housing Trust Silicon Valley; Iman Novin, MidPen Housing; Pilar Lorenzana-Campo, Non-Profit Housing Association of Northern California; Chad Bojorquez, Downtown Streets Team

RE: City of Sunnyvale Housing Element Update, June 9, 2014, Planning Commission Agenda Item # 4.

DATE: June 6, 2014

### **COMMENTS AND RECOMMENDATIONS REGARDING THE CITY OF SUNNYVALE'S DRAFT 2015-2022 HOUSING ELEMENT<sup>1</sup>**

These comments are submitted on behalf of the Law Foundation of Silicon Valley, Housing Trust Silicon Valley, MidPen Housing, the Non-Profit Housing Association of Northern California (NPH), and Downtown Streets Team. We are pleased that the City is taking its housing element update so seriously and welcome the opportunity to provide comments and suggestions regarding the current draft. We hope that the Planning Commission will adopt our recommendations, and we look forward to working with City staff to improve the analysis and recommendations contained in the draft housing element.

#### **PUBLIC PARTICIPATION**

- We appreciate that the City has made consistent efforts over the last 6 months to reach out to our organizations and other stakeholders, to solicit our feedback, and to encourage our participation in this process.

#### **REVIEW AND REVISE**

- Based on our review of Sunnyvale's Annual Progress Reports, it appears that Sunnyvale's performance during the 2007-2014 planning period fell well short of meeting the City's housing need, especially with respect to lower-income households. Value is shown as % of total RHNA for each affordability level:
  - VLI – 12.3%
  - LI – 0%
  - Mod – 56.2%
  - Above Mod – 8%

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<sup>1</sup> All citations to the draft housing element refer to the copy available at <http://sunnyvale.ca.gov/Portals/0/Sunnyvale/CDD/Housing/HousingElement/Final-approved-HE-file-5-23-14.pdf> as of June 6, 2014.

## **HOUSING NEEDS ASSESSMENT**

- Sunnyvale’s population grew 6% between 2000-2010 which is less than the 11% projected by ABAG. **Lack of affordable home options** may be contributing to the smaller-than-anticipated population growth.
- According to **jobs and housing fit** research recently conducted by the UC Davis Center for Regional Change, Sunnyvale has a ratio of 3.65 jobs for every affordable home.<sup>2</sup> The City should pursue policies and strategies to achieve a better fit between existing jobs and homes produced.
- The housing element should include a discussion of the impact of the closure of the Sunnyvale Armory on the community’s need for **emergency shelter**.

## **AT-RISK UNITS**

- Page 44 notes \$240-\$280K /unit to preserve. Please note this figure is low for new construction.
- With regards to replacement cost vs preservation. While it may be possible to purchase an existing market rate unit that’s in poor condition at \$240-\$280K/unit, it should be noted that replacement in the form of new construction would be much higher.
- Estimate of replacement versus preservation costs - Table 27 which is related to 150 units of at risk rental housing for seniors at Life’s garden uses 50% AMI to calculate required subsidy, while most tenants are on fixed income and probably earn less. Is there a reason why 50% AMI is used to calculate needed subsidy vs. say 30% AMI? Further, needed subsidy is only focused on loss of rental assistance. Additional subsidy is needed for rehabilitation to extend the useful life of the building.
- Identification of qualified entities – There is limited discussion about transfer of ownership.
- Identification of potential funding - Element discussed loss of BMR units due to 20 year restriction. Element notes cost is too great to preserve and that “there is essentially no cost-effective mechanism by which the City can preserve only a few BMR rental units within otherwise market-rate properties” More thought could be given to identification of potential funding sources to help in the preservation of new “moderate income” or “workforce” rental housing opportunities to replace expiring BMR units which is a segment typically not served by traditional affordable housing funding sources that target low and very low income units.

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<sup>2</sup> Figures available at <http://bit.ly/1p40cws>.

## **POTENTIAL GOVERNMENTAL AND NON-GOVERNMENTAL CONSTRAINTS**

- A quick review of the Zoning Code reveals **constraints on the development of housing for people with disabilities** that are not identified in the draft housing element. For example, the City’s reasonable accommodation policy defines disability as “a medical condition, physical or mental impairment that *substantially* limits one or more of the individual’s major life activities.”<sup>3</sup> This definition is more restrictive than the definition of disability used in the Fair Employment and Housing Act<sup>4</sup> and other California anti-discrimination laws and could potentially lead to improper denials of reasonable accommodations. Additionally, the highly discretionary nature of the Miscellaneous Plan Permit process could lead to the improper denial of reasonable accommodations.<sup>5</sup>
- One of the most significant **non-governmental constraints** that a city must analyze in its housing element is “housing financing, including private financing and government assistance programs.”<sup>6</sup> However, the draft housing element provides little analysis regarding the loss of redevelopment funds on the City’s ability to facilitate the new development of new affordable homes. As noted in the discussion on page 93, the state dissolved the redevelopment agencies, including the Sunnyvale Redevelopment Agency, since the beginning of the last planning period, depriving the City of one of its primary affordable housing development tools and creating great uncertainty for the future. This loss of funding should be analyzed as a non-governmental constraint to the development of housing for lower-income households, and the City should consider programs to mitigate the funding gap caused by the loss of redevelopment funds.<sup>7</sup>
- Land Use Controls - Table 35: Parking standards for Affordable housing developments (not including senior affordable) are 1 space for 1 bedroom, 2 for two or three bedroom and 2.15 for 4 bedroom or greater. Further parking reduction should be considered for affordable housing.
- Fees and Other Exactions - An affordable housing impact fee should be implemented to help in the creation of affordable housing units pursuant to nexus study.  
Existing Nexus study for commercial linkage fee supports a higher per square foot fee than what is currently being assessed. Consider increasing the commercial linkage fee to support creation of more affordable housing.  
Consider increasing the in-lieu fee payment for ownership housing.
- The development of a variety of housing types for all income levels - As noted in the housing element, market competition and land cost are the biggest constraint to affordable housing development in Sunnyvale. Housing element notes land cost of \$3-\$4 Million per acre. Actual market cost is more like \$6-\$7 Million per acre

<sup>3</sup> Sunnyvale Mun. Code, § 19.65.020, subd. (b).

<sup>4</sup> See Gov. Code, § 12926.

<sup>5</sup> See Sunnyvale Mun. Code, § 19.82.

<sup>6</sup> HCD Building Blocks for Effective Housing Elements, “Non-Governmental Constraints,” <[http://www.hcd.ca.gov/hpd/housing\\_element2/CON\\_nongovconstraints.php](http://www.hcd.ca.gov/hpd/housing_element2/CON_nongovconstraints.php)>.

<sup>7</sup> See Quantified Objectives and Housing Programs, *infra*.



for parcels that are the right size, density and proximity to amenities. City could consider additional “carrots” and “stick” measures including land banking, transfer of development rights for affordable housing, affordable housing overlay zones and community benefit agreements, land value recapture etc. (i.e. requiring community benefits in exchange for up zoning of entire areas to a higher density, which may cause more speculation and put more upward pressure on already high land values)

## **SITES INVENTORY AND ANALYSIS**

- Property Listing - List meets requirements
- Unit determination - Mullin densities are used and a range between 75% to 85% max density used. 30+ DU/AC zoned sites are assumed as viable for low and very low, 15+ DU/AC sites are assumed for moderate households. Most opportunity parcels are less than ½ acre in size which is not ideal for multifamily development so there is a question as to whether actual density can be achieved without assemblage.
- Additional development potential of non-vacant sites - Extent to which existing uses may constitute an impediment to additional residential development is not sufficiently explored. Many of the sites listed as an opportunity for low and very low income housing include existing uses such as retail stores, self-storage facilities, religious institutions and offices that are economically sound businesses or that have deep roots in the community; making their redevelopment into affordable housing highly unlikely.

## **QUANTIFIED OBJECTIVES AND HOUSING PROGRAMS**

- Generally, the housing programs are **not sufficiently detailed**. As noted by HCD, effective housing element programs include the following: “[d]efinite time frames for implementation;” “[i]dentification of agencies and officials responsible for implementation;” “[d]escription of the local government’s specific role in program implementation;” “[d]escription of the specific action steps to implement the program;” “[p]roposed measurable outcomes;” “[d]emonstration of a firm commitment to implement;” and “[i]dentification of specific funding sources, where appropriate.”<sup>8</sup> However, the programs described at pages 124 to 129 provide very little detail, no concrete timelines, no prioritization, and few concrete actions on behalf of the City. For example, programs 24 and 25 state that the City will “encourage” certain types of development but do not set forth any actions that the City intends to take.<sup>9</sup> Notably, the time frame for *every program* is 2015-2023.<sup>10</sup> The City should amend this section to set forth specific plans, actions, and timeframes for each of its programs.

<sup>8</sup> HCD Building Blocks for Effective Housing Elements, “Program Overview and Quantified Objectives,” <[http://www.hcd.ca.gov/hpd/housing\\_element2/PRO\\_overview.php](http://www.hcd.ca.gov/hpd/housing_element2/PRO_overview.php)>.

<sup>9</sup> Draft Housing Element, p. 129.

<sup>10</sup> *Id.* at p. 124-129.

- Additionally, the housing element should include more robust programs for addressing the **shortfall of affordable housing funding** created by the loss of redevelopment. For example, the City is already considering a housing impact fee for new residential development, and the housing element should include a program for adoption of such a fee. Along the same lines, the housing element should include programs for the designation and use of former redevelopment “boomerang” funds for affordable housing development.
- Since the City’s **density bonus** program is new since 2012, it should consider a housing element program to analyze the efficacy of the density bonus formulas in promoting the development of new affordable homes.
- We applaud the City for including a program to consider some form of anti-displacement policy (Program 11)<sup>11</sup> and are very interested in working with the City to develop viable and effective policy options. However, it is our experience that unchecked increases in market-rate housing are one of the primary forces driving displacement in Sunnyvale and throughout Silicon Valley. As such, we encourage the City to specifically list **rent stabilization and just-cause eviction protections** as anti-displacement tools and to include these policies in its anti-displacement program.
- The housing element should include a program to address the loss of emergency shelter beds caused by the **closure of the Sunnyvale Armory**. While, as the draft housing element notes, the redevelopment of the Armory site is expected to yield 117 units of much-needed permanent affordable housing,<sup>12</sup> the need for emergency shelter has not disappeared. The City should make local efforts and participate in regional efforts to meet the area’s emergency shelter needs.
- We laud the City for identifying **preservation of mobile home parks** among its priorities for conserving and improving the existing housing stock.<sup>13</sup> We wonder if the City has identified any particular parks that are at risk of closure now—with the proposed closure of Buena Vista Mobile Home Park in Palo Alto and Winchester Ranch Mobile Home Park in San Jose, mobile home park conversions appear to be a growing trend that threatens one of the region’s most significant sources of affordable housing. Sunnyvale has a recently updated and relatively protective mobile home park conversion ordinance, but it could also consider other proactive strategies for helping to preserve at-risk parks, such as the investment of City affordable housing funds to assist in resident or non-profit purchases where such purchase may be effective in preventing the displacement of mobile home park residents.
- The draft housing element identifies **Section 8 housing choice vouchers** as an important component of meeting the housing needs of very low-income households and includes a program to work with the Housing Authority of Santa Clara County (HACSC) and landlords.<sup>14</sup> Especially after the cuts to the Section 8 program prompted by the federal budget sequester, finding landlords who will rent to Section 8 voucher-holders creates a significant barrier to housing choice

<sup>11</sup> Draft Housing Element, pp. 116, 125.

<sup>12</sup> Draft housing element, p. 103.

<sup>13</sup> Draft housing element, pp. 106, 117, 126.

<sup>14</sup> Draft housing element, pp. 115-116.

- for these members of the community. State law does not explicitly prohibit landlords from discriminating against Section 8 voucher-holders, and the outright refusal of private landlords to accept Section 8 vouchers is a widespread problem affecting housing choice throughout California.<sup>15</sup> This climate of discrimination is compounded by the disconnect between HACSC's payment standard and existing market-rate rents, as well as its implementation of across-the-board subsidy cuts in 2013.<sup>16</sup> In addition to working with HACSC to lobby to maintain or increase funding for the Section 8 program, the City should consider other local ways to create viable housing choice for Section 8 voucher-holders. For example, the housing element should include a program for considering an ordinance to prohibit discrimination against Section 8 voucher-holders. East Palo Alto and several other cities have successfully implemented such ordinances.
- The housing element should include a program to address **the constraints to the development of housing for people with disabilities** discussed above.

## **OTHER REQUIREMENTS**

- While the draft housing element does indicate that the City will deliver a copy of the adopted housing element to relevant **water and sewer** service providers,<sup>17</sup> it does not indicate whether or not those providers grant priority to housing developments for lower-income households consistent with AB 1087.<sup>18</sup>

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<sup>15</sup> HCD, *Analysis of Impediments to Fair Housing* (2012), p. 13-2

<[http://www.hcd.ca.gov/hpd/hrc/rep/fed/state\\_of\\_ca\\_analysis\\_of\\_impediments\\_full%20report0912.pdf](http://www.hcd.ca.gov/hpd/hrc/rep/fed/state_of_ca_analysis_of_impediments_full%20report0912.pdf)>.

<sup>16</sup> HACSC's payments standards are available here: [http://www.hacsc.org/p\\_VPS.php](http://www.hacsc.org/p_VPS.php). As an example, the payment standard for a two-bedroom unit is \$1581 per month, whereas the average market-rate rent for a two-bedroom unit in Sunnyvale is listed at page 36 of the draft housing element as \$2550 per month.

<sup>17</sup> Draft housing element, p. 92.

<sup>18</sup> See Memo from HCD to Planning Directors, et al. (May 22, 2006) <[http://www.hcd.ca.gov/hpd/memo\\_sb1087.pdf](http://www.hcd.ca.gov/hpd/memo_sb1087.pdf)>.



**Sunnyvale Community Services**

725 Kifer Road, Sunnyvale, CA 94086 408.738.4321

**Working to Prevent Homelessness and Hunger**

June 9, 2014

To: Suzanne Ise, City of Sunnyvale Department of Community Development  
Members of the Planning Commission  
Mayor Jim Griffith and Members of the City Council  
City of Sunnyvale  
456 West Olive Avenue  
Sunnyvale, CA 94086

RE: City of Sunnyvale Housing Element Update  
June 9, 2014 Planning Commission Agenda Item # 4.

**THE FOLLOWING ARE COMMENTS AND RECOMMENDATIONS REGARDING THE CITY OF SUNNYVALE'S DRAFT 2015-2022 HOUSING ELEMENT.**

I represent Sunnyvale Community Services. As the core safety net non-profit agency in the City of Sunnyvale, we served 6,643 unduplicated low-income individuals last year with food and/or financial aid. Our slogan for many years has never been more true: "Our business is booming and that's not good." The amount of financial aid we distributed in just one year increased by 5%, and the number of visits to our food program increased by 16%. But there are people behind the statistics:

One senior couple came to us desperate after they received a notice that their rent was increasing \$700. The husband was in ill and in hospice care. The wife was his caretaker. The husband subsequently passed away and she faces homelessness. Where can she go?

A hardworking mom received the following notice rent increase notice: She could sign a 12-month lease for \$2,174 per month for her apartment – an increase of 61% in 18 months. Or, she could sign an 8-month lease for \$2,565, or a month-to-month lease for \$6,909 a month. How high can it go?

The same economic boom that is bringing in new revenue to our City is squeezing out the middle income and low-income residents - the people we need to work in our City's businesses and services.

Our City's cost of living is one of the highest in Silicon Valley, which leads the country in housing costs. Fair market rents in Sunnyvale now equal \$2,129 (similar to \$2,153 for Santa Clara County) according to RealFacts Online as of December, 2013. *Rents in Sunnyvale went up 40% in just three years!*

Unfortunately, Sunnyvale is losing its competitive edge and quality of life because of the lack of TRULY affordable housing. Workers in the service industry can't afford to live where they work. Long commutes means clogged streets and freeways. If Sunnyvale wants to be friendly to business, that means we need service workers living close to service jobs that support all the businesses coming to town. We know that for every high tech worker, there are four or more service industry jobs created. Truly affordable housing for low-income and middle-income workers is a wise investment and needs to be a core part of our City's plans for the future.). *If Sunnyvale wants to attract talent, we need affordable housing for all workers.*

We see Sunnyvale residents when they are at the end of their rope, when they get an unexpected rent increase and they have no place to turn. We can't fix the long-term problem if their incomes can't sustain their monthly rent. We need to invest in programs and policies that will help the growing number of families and seniors who are one bill away from homelessness.

In the same way, Sunnyvale's affordability is at the end of its rope. We are quickly becoming a City of haves and have-nots and it is changing our City in negative ways that will impact us for decades to come.

*On behalf of the nearly 7,000 individuals who come to Sunnyvale Community Services each year, I ask that you strengthen your Housing Element recommendations to include the following:*

- The City can prioritize specific investments in more robust programs for addressing the **shortfall of affordable housing funding** created by the loss of redevelopment. This may include a housing impact fee for new residential development, and the housing element should include a program for adoption of such a fee.
- The City can take the lead to grow more **partnerships** with non-profit agencies and business partners to raise new funds and use innovative approaches for truly affordable housing in Sunnyvale and north county. An alliance of civic and nonprofit and business partners can bring combined strengths to tackle this urgent and growing crisis.
- Since the City's **density bonus** program is new since 2012, it should consider a housing element program to analyze the efficacy of the density bonus formulas in promoting the development of new affordable homes.
- The City can specifically list **rent stabilization and just-cause eviction protection** as tools in the anti-displacement program. Since we see evictions and rent increases every day, we are very interested in working with the City to develop viable and effective policy options. It is our experience that unchecked increases in market-rate housing are one of the primary forces driving displacement in Sunnyvale and throughout Silicon Valley.
- In light of the closing of the Sunnyvale Armory, we want to continue working with the City and Santa Clara County and neighboring cities on **regional efforts to meet the area's emergency shelter needs**.
- Sunnyvale can be proactive in **preservation of mobile home parks** among its priorities for conserving and improving the existing housing stock. For example, Sunnyvale can consider strategies for helping to preserve at-risk parks, such as the investment of City affordable housing funds to assist in resident or non-profit purchases where such purchase may be effective in preventing the displacement of mobile home park residents.
- Our City can do specific **outreach to landlords to accept Section 8 vouchers** and TBRA

vouchers. Last year, the 15 TBRA vouchers for the City of Sunnyvale resulted in 13 families moving OUT of Sunnyvale because they could not afford the ongoing rent after the 2-year subsidy period was over.

- Finally, with the growing number of disabled and senior residents in Sunnyvale, we feel that the Sunnyvale Housing Element must include a program to address the needs of housing for people with disabilities.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marie Bernard", written in black ink on a light background.

Marie Bernard

Executive Director

cc: Board of Directors, Sunnyvale Community Services



June 9<sup>th</sup>, 2014

Sunnyvale Planning Commission  
456 W. Olive Ave.  
Sunnyvale, CA 94086

On behalf of the Silicon Valley Leadership Group, I am writing to support the City of Sunnyvale's Draft Housing Element Update for 2015.

The Silicon Valley Leadership Group, founded in 1978 by David Packard of Hewlett-Packard, represents more than 380 of Silicon Valley's most respected employers on issues, programs and campaigns that affect the economic health and quality of life in Silicon Valley, including energy, transportation, education, housing, health care, tax policies, economic vitality and the environment. Leadership Group members collectively provide more than 300,000 local jobs, or one of every four private sector jobs in Silicon Valley.

Each year, the Leadership Group surveys Silicon Valley CEOs on various benefits and barriers to conducting business in the Valley. In 2014, 90% of respondents cited high housing costs as the biggest hindrance to the quality of life of their employees. As a non-profit association representing the private sector in Silicon Valley, we seek to strike a balance between jobs creation and the availability and affordability of housing here in the Valley.

As housing advocates, the Leadership Group is pleased to see that Sunnyvale's draft Housing Element seeks to increase the supply of housing within the city by: 1) preserving and improving housing and neighborhoods; 2) providing adequate housing sites; 3) assisting in the provision of affordable housing; 4) removing governmental and other constraints to housing investment; and 5) promoting fair and equal housing opportunities.

Over the past year, the Leadership Group has been working with other local non-profits to promote commercial and residential development around the Sunnyvale Lawrence Caltrain station. While approving the Housing Element update, we encourage the planning commission to explore sites near the Lawrence station in order to promote sustainable communities and transit oriented development in Sunnyvale.

For the above reasons, the Leadership Group supports Sunnyvale's Draft Housing Element 2015 and hopes the Commission will incorporate proximity to transit and services strategies when selecting housing sites.

Thank you,

Zoe Mullendore  
Associate, Housing and Transportation Policy  
Silicon Valley Leadership Group

2001 Gateway Place, Suite 101E  
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NetApp, Inc.  
San Francisco 49ers  
Established in 1978 by  
DAVID PACKARD



September 11, 2014

Paul Campos  
BIA Bay Area  
Via email to:  
[Pcampos@biabayarea.org](mailto:Pcampos@biabayarea.org)

**Re: Response to Letter to "Housing/Planning Director, Jurisdiction, Via Email" dated November 26, 2013**

Dear Mr. Campos,

Ms. Pat Sausedo of your organization delivered the above-referenced letter to the City on May 28, 2014 during a public hearing held by the City's Housing and Human Services Commission on the City's Draft 2015-2023 Housing Element (the "Draft"), and requested that the City respond in writing. The Draft was approved by Council on August 12, 2014 for purposes of submittal to HCD for review. The references herein refer to the page numbers in the Draft approved by Council.

This is the written response to your letter, as requested by Ms. Sausedo.

Following receipt of HCD comments, the City will hold additional hearings on the final Housing Element prior to adoption by Council as part of a General Plan amendment. Those hearings will occur several weeks after the City receives HCD's comments, and are tentatively planned to occur in November and December 2014, subject to change in case of any unanticipated delays.

**To see the dates of any scheduled hearings or meetings on this topic at any time, please see the City's web page:**

***[HousingElement.inSunnyvale.com](http://HousingElement.inSunnyvale.com)***.

City staff attended a BIA South Bay Chapter meeting on October 30, 2013 hosted by Crisand Giles, former BIA South Bay staff member, to present an overview of the City's streamlined housing element update process and to discuss members' concerns and interest in the City's housing element, some of which relate to some of the topics noted below. Staff had a productive and informative discussion with that group, as summarized in Appendix A of the City's Draft.

**I. Overview of the statutory provisions**

The City's current Housing Element was approved by HCD in September 2009, which verifies that it is compliant with the statutory provisions.

**II. Requested specific areas of focus**

All of the specific areas of focus applicable to the City are addressed in its current Draft, which will be submitted to HCD for review shortly after the date of this letter. Please see below for specific pages and sections of the Draft which address your suggested areas

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TDD (408) 730-7500**

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of focus. The un-numbered bullets in your letter are numbered below in the same order in which they were listed in your letter, for easier reference. "N/A" indicates that the questioned item does not exist in the City. The Draft is available online at: [HousingElement.inSunnyvale.com](http://HousingElement.inSunnyvale.com)

1. *Addressing constraints:*  
Please see pp. 47-78, 99-101, and Appendix C of the Draft.
2. *Mandatory inclusionary zoning:*  
Please see pp. 55-56, 107 of the Draft and Chapter 19.67 of the Sunnyvale Municipal Code (SMC), adopted in July 2012.
3. *Density Bonus:*  
Please see pp. 56, 108-109, and C-1 of the Draft.
4. *Fee and Exaction Burden:*  
Please see pp. 68-72 of the Draft.
5. *Present or potential future fees:*  
Please see pp. 4, 68-74, Appendix A, and Appendix C.
6. *Tax on housing for general services:*  
N/A
7. *PDAs:*  
The City has five ABAG-approved PDAs. Please see pp. 54, 117, A-4, and Appendices B and D for more information.
8. *Adequate Sites:* Please see Appendix B of the adopted 2009-2014 Housing Element; and pp. 79-88, 99-101, and Appendices B and C of the Draft.
9. *Housing unit caps or limits:*  
N/A
10. *"By right" development:*  
Please see pp. 57-61 of the Draft.
11. *Impediments to infill or transit-oriented development:*  
No (N/A). Please see Appendix B of the Draft for a list of recent and pending infill projects.
12. *Permit Streamlining Act compliance:*  
Yes. Please see pp. 65-67 of the Draft.
13. *Historic Preservation Policies:*  
Please see p. 106 of the Draft and Chapter 19.96 of the Sunnyvale Municipal Code.
14. *Quimby Act/credit for private open space:*  
N/A
15. *Consistency related to Quimby Act:*

Letter to Paul Campos, BIABA  
September 11, 2014  
Page 3

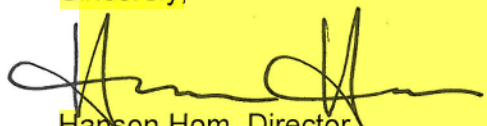
Question unclear.

16. *BAAQMD's CEQA Thresholds for TACs:*  
N/A. The City's CEQA thresholds have not proven to be a constraint to meeting the City's RHNA requirements.

17. *Climate Adaptation Plan:*  
No.

Thank you for your interest in the City's 2015 Housing Element Update.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hanson Hom', is written over a yellow rectangular background.

Hanson Hom, Director  
Community Development Department

### List of Invitees to Outreach Meetings

Notice of the May 28, 2014 Housing and Human Services Commission public hearing on the Draft Housing Element was sent by email to 2,359 individuals subscribed to the City's Housing e-Newsletter and/or the BMR Housing Interest List, and to 191 organizations listed below. Similar lists were used for noticing for all Housing Element Update outreach meetings in 2013 and early 2014. Organizations listed with an asterisk \* are Sunnyvale neighborhood associations, mobile home park resident associations, and home owners' associations.

1. ABHOW
2. Abilities United
3. Adobe Wells Mobilehome Community \*
4. Advocates for Affordable Housing (Mountain View community group)
5. Alberta Court Maintenance Association \*
6. Asian Americans for Community Involvement
7. Asian Law Alliance
8. Avenidas Senior Day Health Center
9. BalCal Financial Corp.
10. Bank of America
11. Barry Swenson Builder
12. Bay Area Cultural Connections
13. Bellomo Avenue Townhomes Association \*
14. Building Industry Association, Bay Area
15. Bill Wilson Center
16. Billy DeFrank LGBT Community Center
17. Birdland Neighborhood Association \*
18. BKF
19. Braly Corners Neighborhood Association \*
20. BRE Properties
21. Bridge Housing
22. BRIDGE Housing
23. Builders Land Group
24. California Apartment Association (Tri-Counties chapter)
25. Campus Property
26. Canary Drive Neighborhood Association \*
27. Catholic Charities of Santa Clara County, Day Break III
28. Center for Training and Careers, Inc.
29. Charities Housing
30. Charles Street 100 Neighborhood Association \*
31. Cherry Orchard Neighbors Association \*
32. Cherryhill Neighborhood Association \*
33. Cherrywood HOA \*
34. Cheyenne North Homeowners Association \*
35. Chinese American Cultural Center
36. Christian Church Homes of Northern CA
37. City Ventures
38. Community Action Agency, Weatherization Program
39. Community Housing Development
40. Community Partners for Youth, Inc. (CCPY)
41. Community Services Agency of Mountain View and Los Altos
42. Community Technology Alliance (CTA)
43. Community Working Group

44. Corte Madera Court Common HOA \*
45. Countrywide Home Loans
46. Crestview Association (Massingham Management, Inc.) \*
47. CSA-Alpha Omega Program and Emergency Services Program
48. Cumberland South Neighborhood Association \*
49. Cypress Investment Real Estate
50. D R Horton American Builder
51. Danbury Place (Merit Property Management) \*
52. Dayworker Center of Mountain View
53. Deaf Counseling, Advocacy & Referral Agency (DCARA)
54. Distancia
55. Eastern European Service Agency
56. ECHO Housing
57. Essex Property Trust
58. Ethiopian Community Services, Inc.
59. Family and Children Services (County of Santa Clara)
60. Family Supportive Housing, Inc.
61. Filipino Youth Coalition
62. First Community Housing
63. Fresh Lifelines for Youth, Inc. ("FLY")
64. Friends for Youth
65. Gavello Glen Neighborhood Association \*
66. Global Premier Development
67. Gorilla Sites
68. Greater Opportunities
69. GRID Alternatives
70. Habitat for Humanity
71. HBA of Northern CA, Southern Division
72. Health Trust
73. Healthier Kids Foundation
74. Heritage District Neighborhood Assoc. (HDNA) \*
75. Hollenbeck Condominium Association \*
76. HomeFirst Services of Santa Clara County (formerly EHC LifeBuilders)
77. Housing Authority of the County of Santa Clara
78. Housing Choices Coalition
79. Housing for Independent People, Inc.
80. Housing Trust of Silicon Valley
81. Indian Health Center of Santa Clara Valley
82. InnVision Shelter Network
83. Irvine Company
84. Junior Achievement of Silicon Valley and Monterey Bay
85. KB Homes
86. KMA-Architects
87. Korean-American Community Services (KACS)
88. Lakewood Village Neighborhood Association \*
89. Latina Coalition
90. Legal Aid of Santa Clara County
91. Lenders for Community Development
92. Live Oak Adult Day Services
93. Loaves & Fishes Family Kitchen
94. Loral Space and Communications

95. Lowlanders Neighborhood Association \*
96. Lytton Gardens
97. MAITRI
98. MayView Community Health Center
99. MCA Islamic Center
100. Meriwest Mortgage
101. Mexican American Community Services Agency, Inc. (MACSA)
102. MidPen Housing Corp.
103. Mission Valley Homes
104. Moffett Park Business and Transportation Assoc.
105. Momentum for Mental Health
106. Morse Park Neighborhood Association \*
107. Mozart Development
108. National Association of Hispanic Real Estate Professionals
109. Neighborhood Housing Services Silicon Valley
110. Next Door Solutions to Domestic Violence
111. Nimitz Neighborhood Community Communications and Advocacy Association \*
112. North County Homeless Coalition
113. NOVA (WIB)
114. O'Brien Homes
115. Opportunity Fund Northern California
116. Orchard Valley
117. Ortega Park Neighborhood Association \*
118. Outreach Escort and Transportation
119. Pacific Autism Center for Education (PACE)
120. Palo Alto Housing Corporation
121. Panama Park Neighborhood Association \*
122. Parents Helping Parents
123. Polish American Engineers Club
124. Ponderosa Park Neighborhood Association \*
125. Portuguese Org. for Social Services & Opportunities (POSSO)
126. Project Sentinel
127. Prometheus Real Estate Group
128. Province Group
129. Pulte Group
130. Raintree Partners
131. Raynor Park Neighborhood Association \*
132. Reach Potential Movement
133. Rebuilding Together Silicon Valley
134. Respite & Research Alzheimer's Disease
135. Rhonda Village III Homeowner's Association \*
136. ROEM Development Corporation
137. San Benito County Health and Human Services Agency
138. San Jose Conservation Corps & Charter School
139. San Miguel Neighbors Association \*
140. Sand Hill Property Company
141. Santa Clara County Black Chamber of Commerce
142. Santa Clara University
143. Santa Clara Valley Blind Center
144. SARES Regis Group of Northern California, LLC
145. Santa Clara County Collaborative on Housing and Homelessness (Continuum of Care)

146. Second Harvest Food Bank
147. Self-Help for the Elderly
148. Senior Adults Legal Assistance
149. Senior Housing Solutions
150. Senior Nutrition Program
151. Shelter Network of San Mateo County
152. Silicon Sage
153. Silicon Valley Association of Realtors
154. Silicon Valley Independent Living Center
155. Silicon Valley Leadership Group
156. South India Fine Arts
157. St. Anton Partners
158. St. Elizabeth's Day Home
159. St. Thomas Episcopal Church
160. Standard Pacific Homes
161. Stevens Creek Neighbors \*
162. Stevenson House
163. Stowell Orchard
164. Stratford Gardens Neighborhood Association \*
165. Struthers Dias Architects
166. SummerHill Housing Group
167. SunnyArts Neighborhood Association \*
168. Sunnyvale Chamber of Commerce
169. Sunnyvale City Staff
170. Sunnyvale Community Services
171. Sunnyvale Neighbors of Arbor Including La Linda (SNAIL) \*
172. Sunnyvale West Neighborhood Association \*
173. Taylor Morrison
174. The Nicholson Company
175. The Sobrato Organization
176. Traditions of Sunnyvale Homeowners Association \*
177. Trumark Companies
178. Unity Care Group, Inc.
179. Urban Housing Communities
180. USA Properties Fund
181. Valley Oak Partners
182. Verona at Sunnyvale (The Helsing Group, Inc)
183. Vietnamese Voluntary Foundation (VIVO)
184. Villas at Cortez (Baranca Terrace)
185. West Valley Community Services
186. West Valley Neighborhood Association
187. Wisteria Terrace Neighborhood Association \*
188. Woodgate Townhouses HOA \*
189. Wrightmont Corners Neighborhood Association \*
190. YU-AI-KAI
191. YWCA / Domestic Violence Support Network

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## Appendix B: Residential Sites Inventory and Maps

As discussed earlier in the Housing Resources chapter of the Housing Element, the tables in Appendix B provide parcel-specific detail on Sunnyvale’s inventory of residential sites suitable for development within the 2015-2023 planning period. In addition, Table B-5 provides a list of recent residential infill projects approved in recent years.

Table B-1:	Vacant and Underutilized Residentially Zoned Sites
Table B-2:	Industrial to Residential (ITR) Sites
Table B-3:	Downtown and Lakeside Specific Plan Area Sites
Table B-4:	El Camino Real Precise Plan Sites
Table B-5:	Recent Residential Infill Projects (2010-2014)
Table B-6:	Part One: Sample of Recent Residential Projects Involving Redevelopment of Underutilized Sites and/or Demolition of Existing Dwelling Units
Table B-6:	Part Two: Sample of Recent Residential Projects Involving Redevelopment of Underutilized Sites and Demolition of Existing Commercial Structures

In order to assess the development potential on identified vacant, underutilized and ITR parcels, the sites inventory utilizes a “realistic density” of between 75 to 85 percent of the maximum zoning density. Sunnyvale’s General Plan states all new residential development should be built to at least 75 percent of permitted zoning density as a means of achieving the development form envisioned under the General Plan. Following the City’s density policy, realistic densities have been assumed at 75 percent of maximum density for sites with low to medium density residential zoning designations (R-1, R-2, and R-3). Within high-density residential areas (R-4 and R-5 zones), the City encourages the greatest residential densities. Development trends evidence projects being developed at close to the maximum zoned densities or occasionally even higher through use of the state density bonus. Therefore, the realistic densities for these higher density zones have been increased and assumed at 85 percent of maximum density.

Following the tables, a map is also provided for Tables B-1 through B-4.

### Maps

Figure B-1:	Vacant and Underutilized Residentially Zoned Sites
Figure B-2:	Industrial to Residential (ITR) Sites
Figure B-3:	Downtown and Lakeside Specific Plan Area Sites
Figure B-4:	El Camino Real Precise Plan Sites

Table B-1: Residential Vacant or Underutilized Sites

APN	Street Address	Acres	Zone	Gen Plan	Existing Use	Net New Units
21123019	500 E Remington Dr	2.19	R4	R Hi	Office	98
21346003	939 El Camino Real	1.02	R4	R Hi	Retail	46
21125034	1538 S. Wolfe Rd.	1.82	R3	R Hi	SFD	36
21120047	693 E Remington Dr	0.71	R4	R Hi	Office	32
21125011	1538 S. Wolfe Rd.	1.53	R3	R Hi	Resid/Ag	31
21125038	871 E. Fremont Ave.	0.99	R3	R Hi	Resid/Ag	20
21368046	975 El Camino Real	0.49	R4	R Hi	Auto Repair	17
21120045	697 E Remington Dr	0.47	R4	R Hi	Office	16
21101031	444 Old San Fran Rd	0.42	R4	R Hi	SFD	13
21120046	689 E Remington Dr	0.38	R4	R Hi	Office	12
21345030	999 El Camino Real	0.31	R4	R Hi	Retail	9
21135003	1118 Sunnyvale- Saratoga	0.29	R4	R Hi	SFD	8
21135033	1110 Sunnyvale-Saratoga	0.27	R4	R Hi	Office	7
11012077	105 W Weddell Dr	0.24	R4	R Hi	Auto Repair	6
21312001	1150 Dahlia Ct	9.27	R1.5	R LM	Resid/Ag	96
21125039	871 E. Fremont Ave.	0.89	R3	R Med	Triplex	16
20204004	516 W Remington Dr	1.11	R2	R LM	Office	11
20204011	1055 S'valeSaratoga Rd	1.01	R2	R LM	Office	10
20438006	582 E Maude Ave	0.73	R3	R Med	Triplex	10
20131001	525 W Remington r	0.90	R2	R Low	Office	9
20448036	174 N. Sunnyvale Av	0.81	R2	R LM	Commerc	8
21107022	697 Iris Ave	0.38	R3	R Med	Duplex	6
21107023	691 Iris Ave	0.38	R3	R Med	Duplex	6
30946063	725 E Homestead Rd	0.48	R3	R Med	Apts.	6
20204013	1054 Tilton Dr	0.53	R2	R LM	SFD	5
20421006	527 Morse Ave	0.59	R3	R Med	Apts.	5
20902002	208 S Fair Oaks Av	0.28	R3	R Med	Retail	5
20920031	415 Firloch Av	0.32	R3	R Med	SFD	5
20930052	542 S. Murphy Av	0.52	R2	Off	Retail	5
21116012	850 Maria Ln	0.32	R3	R Med	SFD	5
21116013	856 Maria Ln	0.32	R3	R Med	SFD	5
21116042	1001 S. Wolfe Rd	0.32	R3	R Med	SFD	5
21135030	434 Crescent Ave	0.26	R3	R Med	SFD	5
31341070	18771 Homestead Rd	0.90	R0	R Low	SFD	5
32335003	633 W Homestead	0.29	R3	R Med	Office	5
16511005	395 Pastoria Ave	0.39	R2	R LM	SFD	4
16516034	836 Muender St	0.44	R2	R LM	SFD	4
20438005	560 E Maude Ave	0.24	R3	R Med	SFD	4
20448025	184 N. Sunnyvale Av	0.43	R2	R LM	SFD	4
30943009	1658 Blue Jay Dr	0.26	R3	R Med	Duplex	4
20204008	1050 Tilton Dr	0.42	R2	R LM	Duplex	3
20216008	784 Edale Dr	0.37	R2	R LM	SFD	3
20438004	552 E Maude Ave	0.21	R3	R Med	SFD	3
20518026	560 N Fair Oaks Ave	0.21	R3	R Med	SFD	3
20920021	355 Britton Ave	0.26	R3	R Med	Duplex	3
20924073	460 Carroll St	0.65	R0	R Low	SFD	3
21105009	781 S. Wolfe Rd	0.69	R0	R Low	SFD	3
21116004	985 Bellomo Ave	0.23	R3	R Med	Duplex	3
21132008	560 Mozart Ct	0.40	R2	R LM	Duplex	3
21133004	1247 Klee Ct	0.41	R2	R LM	Duplex	3
21344017	1246 Valerian Ct	0.23	R3	R Med	Duplex	3

Table B-1: Residential Vacant or Underutilized Sites

APN	Street Address	Acres	Zone	Gen Plan	Existing Use	Net New Units
21344018	1238 Valerian Ct	0.24	R3	R Med	Duplex	3
32336006	586 La Conner Dr	0.25	R3	R Med	Duplex	3
32336007	578 La Conner Dr	0.25	R3	R Med	Duplex	3
32336008	572 La Conner Dr	0.25	R3	R Med	Duplex	3
32336009	566 La Conner Dr	0.25	R3	R Med	Duplex	3
32336010	560 La Conner Dr	0.25	R3	R Med	Duplex	3
32336011	554 La Conner Dr	0.25	R3	R Med	Duplex	3
32336012	546 La Conner Dr	0.25	R3	R Med	Duplex	3
32336013	540 La Conner Dr	0.25	R3	R Med	Duplex	3
20103012	1035 Rangpur Ct	0.51	R0	R Low	SFD	2
20204010	529 Westside Av	0.32	R2	R LM	SFD	2
20209019	1158 Hollenbeck Av	0.73	R1	R Low	SFD	2
20212029	1130 Prunella Ct	0.75	R1	R Low	SFD	2
20239005	1121 Remington Ct	0.34	R2	R LM	SFD	2
20416055	688 Morse Ave	0.19	R3	R Med	SFD	2
20438011	577 Columbia Ave	0.18	R3	R Med	SFD	2
20438021	516 E Maude Ave	0.20	R3	R Med	Office	2
20449010	155 N. Sunnyvale Av	0.30	R2	R LM	SFD	2
20449044	116 N. Frances St	0.30	R2	R LM	SFD	2
20930007	555 S Murphy Av	0.31	R2	Off	Retail	2
20930058	558 S. Murphy Av	0.34	R2	Off	Retail	2
21119009	150 Cumulus Ave	0.61	R0	R Low	SFD	2
21150025	845 Maria Ln	0.19	R3	R Med	SFD	2
21325036	960 S Wolfe Rd	0.19	R3	R Med	SFD	2
21343037	965 Henderson Ave	0.20	R3	R Med	SFD	2
30951026	841 Homestead Rd	0.60	R0	R Low	SFD	2
32006038	1467 Barton Dr	0.67	R1	R Low	SFD	2
32330026	1540 Richelieu Pl	0.33	R2	R LM	SFD	2
32006056	1401 Bedford Ave	0.46	R1	R Low	SFD	1
<b>Total</b>		<b>47.5</b>				<b>703</b>
<b>Subtotal: LI/VLI Sites Only</b>		<b>11.1</b>				<b>351</b>

Note: Shaded rows meet Mullin densities (30+ DU/Ac)

Table B-1: Residential Vacant or Underutilized Sites

**LEGEND**

Existing Uses	
Code	Meaning
SFD	Single Family Dwelling
APT	Apartments
ALU	Accessory Living Unit
*	City Owned Parcel
Resid/Ag	Residential & Agricultural Uses
Relig	Religious Institution
Comm/Ind	Commercial, Industrial Uses
Ind/Office	Industrial, Office Uses

Zoning Categories		
Zone	Uses	Max Units/Acre
R0	SFD Low	7
R1	SFD Low	7
R1.5	SFD LowMed	10
R1.7/PD	SFD LowMed	14
R2	SFD/MFD Low	12
R3	MFD Med	24
R4	MFD High	36
R5	MFD Very High	45

General Plan Land Use Designations		
Designation	Allowable Uses	Units/Acre
RLO	Residential, Low	17
RLM	Residential, LowMed	714
O	Office	Offices
RMED	Residential, Medium	1427
RHI	Residential, High	2745

# Sites Inventory

Table B-2: Redevelopment Opportunity Sites  
"Industrial to Residential" Areas

APN	Street Address	Acres	Zone	Gen Plan	Existing Use	Net New Units
20522024	1 AMD Pl.	18.61	MS/R-3	ITR Med	Industrial	337
	1090 E. Duane Ave.	11.32	MS/R-4	ITR High	Industrial	308
11014190	550 E. Weddell Dr.	6.93	MS/R-3	ITR Mix	Industrial	234
11014191	520 E. Weddell Dr.	5.11	R-4	RH	Industrial	231
11028001	610 E Weddell Dr.	4.04	R-4	RH	Industrial	205
11014197	1139 Karlstad Dr.	4.97	R-4	ITR Mix	Industrial	153
11029008	420 Persian Dr.	3.15	R-4	ITR Mix	Relig	121
11029040	1161 N. Fair Oaks Ave.	3.21	C2	ITR Mix	Industrial	87
11014200	444 Toyama Dr.	2.26	MS/R-3	ITR Mix	Ind/Office	77
11029028	460 Persian Dr.	1.32	R-4	ITR Mix	Industrial	50
11029005	425 Tasman Dr.	1.21	R-4	ITR Mix	Relig	46
11029006	413 Tasman Dr.	1.21	R-4	ITR Mix	Industrial	46
11014199	1111 Karlstad Dr.	0.99	MS/R-3	ITR Mix	Industrial	34
11014169	1023 N. Fair Oaks Ave.	0.81	MS/R-3	ITR Mix	Dining	27
11028008	1096 N. Fair Oaks Ave.	0.79	MS/R-3	ITR Mix	Storage	14
21301034	1155 Aster Ave.	16.26	M3/R-3	ITR Med	Industrial	297
20901029	701 E. Evelyn Ave	9.94	M3/R-3	ITR Med	Office	201
21302004	895 E. Evelyn Ave	7.00	M3/R-3	ITR Med	Industrial	142
20522014 (ptn)	975 Stewart Dr.	2.03	MS/R-3	ITR Med	Industrial	57
21301003	1155 Reed Ave	1.54	M3/R-3	ITR Med	Comm/Ind	29
20901023	755-761 E. Evelyn Ave	1.06	M3/R-3	ITR Med	Industrial	22
20913058	610 E. Evelyn Ave	1.01	C1/R-3	ITR Med	Retail	20
20529003	475 N. Wolfe Rd.	0.88	MS/R-3	ITR Med	Storage	17
21301002	1165 Reed Ave.	0.96	MS/R-3	ITR Med	Comm/Ind	17
21301001	1170 Willow Ave	0.91	MS/R-3	ITR Med	Comm/Ind	16
20529004	675 E. Taylor Ave.	0.68	MS/R-3	ITR Med	Relig	12
20530022	680 E. Taylor Ave.	0.71	MS/R-3	ITR Med	Industrial	12
20901018	777-785 E. Evelyn Ave	0.58	MS/R-3	ITR Med	Industrial	12
20529002	695 E. Taylor Ave.	0.56	MS/R-3	ITR Med	Industrial	11
20914010	848 E. Evelyn Ave	0.51	MS/R-3	ITR Med	Retail	11
20529006	627 E. Taylor Ave.	0.50	MS/R-3	ITR Med	Industrial	9
20529007	625 E. Taylor Ave.	0.41	MS/R-3	ITR Med	Industrial	8
20901024	755-761 E. Evelyn Ave	0.39	M3/R-3	ITR Med	Industrial	8
21301023	1159 Willow Ave	0.48	MS/R-3	ITR Med	Comm/Ind	8
20901009	729 E. Evelyn Ave	0.33	M3/R-3	ITR Med	Industrial	7
20901010	729 E. Evelyn Ave	0.33	M3/R-3	ITR Med	Industrial	7
20913057	604 E. Evelyn Ave	0.29	C1/R-3	ITR Med	Office	6
21301004	1164 Willow Ave	0.34	MS/R-3	ITR Med	Comm/Ind	6
20529001	465 N. Wolfe Rd.	0.28	M3/R-3	ITR Med	Comm/Ind	5
20901012	717 E. Evelyn Ave	0.28	M3/R-3	ITR Med	Industrial	5
20901013	709 E. Evelyn Ave	0.28	M3/R-3	ITR Med	Industrial	5
20901011	717 E. Evelyn Ave	0.18	M3/R-3	ITR Med	Industrial	4
20901014	711 E. Evelyn Ave	0.09	M3/R-3	ITR Med	Auto Serv	2
<b>Total</b>		<b>115</b>				<b>2,926</b>
<b>Subtotal: LI/VLI Sites Only</b>		<b>66</b>				<b>1,970</b>

Note: Shaded rows meet Mullin densities (30+ DU/Ac)

### Sites Inventory

Table B-3: Non-Residential / Mixed Use Zones with Capacity for Additional Residential Uses  
Downtown Specific Plan (DSP) and Lakeside Specific Plan (LSP) Areas

APN	Street Address	Acres	Zone	Gen Plan / Block #	Existing Use	Net New Units
21643036	1250 Lakeside Dr.	5.50	LSP	LSP	Vacant	250
20907007	143 S Taaffe St	0.51	DSP	DSP 1A	Mixed Use	23
20905017	360 E. Evelyn Ave.	0.46	DSP	DSP 4	Office	22
20905018	380 E. Evelyn Ave.	0.26	DSP	DSP 4	Commerc	12
20905029	357 E. Washington Ave.	0.09	DSP	DSP 4	SFD	1
20905033	305 E. Washington Ave.	0.11	DSP	DSP 4	Relig	2
20905036	116-124 Carroll St.	0.51	DSP	DSP 4	Commerc	24
20904036	152 S. Bayview Ave.	0.14	DSP	DSP 5	SFD	44
20904037	140 S. Bayview Ave	0.14	DSP	DSP 5	SFD	
20904052	404 E. Evelyn Ave.	0.24	DSP	DSP 5	Retail	
20910053	306 E Washington Ave	0.10	DSP	DSP 6	SFD	69
20910021	316 E. Washington Ave	0.09	DSP	DSP 6	SFD	
20910022	324 E. Washington Ave	0.09	DSP	DSP 6	SFD	
20910023	336 E. Washington Ave	0.09	DSP	DSP 6	SFD	
20910024	346 E. Washington Ave	0.09	DSP	DSP 6	SFD	
20910025	356 E. Washington Ave	0.09	DSP	DSP 6	SFD	
20910047	296-98 Carroll St	0.09	DSP	DSP 6	Duplex	
20910050	234 Carroll St	0.87	DSP	DSP 6	Office	
20910051	228 Carroll St	0.29	DSP	DSP 6	SFD	
20910052	220 Carroll St	0.29	DSP	DSP 6	SFD	
20910064	238-44 Carroll St	0.87	DSP	DSP 6	Office	17
20926022	414 S. Murphy Ave	0.15	DSP	DSP 10	SFD	
20926023	404 S. Murphy Ave	0.09	DSP	DSP 10	SFD	
20926024	146 E. Iowa Ave	0.06	DSP	DSP 10	Mixed Use	
20926025	405 S. Sunnyvale Ave	0.14	DSP	DSP 10	SFD	
20926026	415 S. Sunnyvale Ave	0.14	DSP	DSP 10	Apts.	
20926027	421 S. Sunnyvale Ave	0.14	DSP	DSP 10	Office	
20926028	431 S. Sunnyvale Ave	0.14	DSP	DSP 10	Duplex	
20926029	441 S. Sunnyvale Ave	0.14	DSP	DSP 10	SFD	
20926030	449 S. Sunnyvale Ave	0.14	DSP	DSP 10	SFD	
20926031	461 S. Sunnyvale Ave	0.14	DSP	DSP 10	SFD	
20926034	175 E. Olive Ave	0.15	DSP	DSP 10	Apts.	
20926041	422 S. Murphy Ave	0.15	DSP	DSP 10	Office	
20926063	438 S. Murphy Ave	0.52	DSP	DSP 10	Office	
20926064	499 S. Sunnyvale Ave	0.25	DSP	DSP 10	Office	
20926072	496 S. Murphy Ave	0.08	DSP	DSP 10	SFD	
20926073	135 E. Olive Ave	0.06	DSP	DSP 10	SFD	
20926074	155 E. Olive Ave	0.06	DSP	DSP 10	SFD	

### Sites Inventory

Table B-3: Non-Residential / Mixed Use Zones with Capacity for Additional Residential Uses  
Downtown Specific Plan (DSP) and Lakeside Specific Plan (LSP) Areas

APN	Street Address	Acres	Zone	Gen Plan / Block #	Existing Use	Net New Units
20926001	405 S. Murphy Ave	0.15	DSP	DSP 11	Mixed Use	18
20926002	415 S. Murphy Ave	0.30	DSP	DSP 11	Office	
20926003	433 S. Murphy Ave	0.22	DSP	DSP 11	Office	
20926004	445 S. Murphy Ave	0.15	DSP	DSP 11	SFD	
20926005	453 S. Murphy Ave	0.22	DSP	DSP 11	Apts.	
20926008	481 S. Murphy Ave	0.15	DSP	DSP 11	Office	
20926009	489 S. Murphy Ave	0.15	DSP	DSP 11	SFD	
20926010	101 W. Olive Ave	0.10	DSP	DSP 11	Office	
20926011	498 S. Frances Street	0.24	DSP	DSP 11	SFD	
20926015	464 S. Frances Street	0.15	DSP	DSP 11	SFD	
20926016	454 S. Frances Street	0.15	DSP	DSP 11	SFD	
20926017	446 S. Frances Street	0.15	DSP	DSP 11	Duplex	
20926018	432 S. Frances Street	0.22	DSP	DSP 11	SFD	
20926019	428 S. Frances Street	0.22	DSP	DSP 11	Apts.	
20926066	150 W. Iowa Ave	0.29	DSP	DSP 11	Office	
20926067	482 S. Frances Street	0.11	DSP	DSP 11	SFD+ALU	
20926068	478 S. Frances Street	0.11	DSP	DSP 11	SFD+ALU	
20926069	474 S. Frances Street	0.11	DSP	DSP 11	SFD+ALU	
20926070	468 S. Frances Street	0.11	DSP	DSP 11	SFD+ALU	
20928005	598 S. Mathilda Ave	0.13	DSP	DSP 13	SFD	19
20928006	584 S. Mathilda Ave	0.15	DSP	DSP 13	Apts.	
20928007	562 S. Mathilda Ave	0.13	DSP	DSP 13	SFD	
20928008	560 S. Mathilda Ave	0.54	DSP	DSP 13	Office	
20928051	538 S. Mathilda Ave	1.47	DSP	DSP 13	Commerc	
20928052	528 S. Mathilda Ave	0.69	DSP	DSP 13	Commerc	
20928055	510 S. Mathilda Ave	2.43	DSP	DSP 13	Commerc	
20928095	566 S. Mathilda Ave	1.16	DSP	DSP 13	Recreation	
16503001	414 Charles St	0.15	DSP	DSP 14	SFD	171
16503002	410 Charles St	0.15	DSP	DSP 14	SFD	
16503003	425 S Mathilda Ave	0.68	DSP	DSP 14	Commerc	
16503006	495 S Mathilda Ave	0.58	DSP	DSP 14	Commerc	



### Sites Inventory

Table B-3: Non-Residential / Mixed Use Zones with Capacity for Additional Residential Uses  
Downtown Specific Plan (DSP) and Lakeside Specific Plan (LSP) Areas

APN	Street Address	Acres	Zone	Gen Plan / Block #	Existing Use	Net New Units
16513045	402 Charles St	0.22	DSP	DSP 15	SFD	143
16513046	396 Charles St	0.22	DSP	DSP 15	SFD	
16513048	374 Charles St	0.15	DSP	DSP 15	SFD	
16513049	344 Charles St	0.15	DSP	DSP 15	SFD	
16513050	311 S Mathilda Ave	1.01	DSP	DSP 15	Retail	
16513068	397 S Mathilda Ave	0.17	DSP	DSP 15	Vacant	
16513069	403 S Mathilda Ave	0.16	DSP	DSP 15	Vacant	
16513073	407 S Mathilda Ave	0.30	DSP	DSP 15	SFD*	
16513074	379 S Mathilda Ave	0.31	DSP	DSP 15	Duplex*	
16513064	295 S Mathilda Ave	0.32	DSP	DSP 16	Commerc	165
16513051	495 W McKinley Ave	0.10	DSP	DSP 16		
16513052	479 W McKinley Ave	0.45	DSP	DSP 16		
16513053	260 Charles St	0.17	DSP	DSP 16		
16513054	254 Charles St	0.11	DSP	DSP 16	SFD	
16513055	244 Charles St	0.11	DSP	DSP 16	SFD	
16513056	238 Charles St	0.18	DSP	DSP 16	SFD	
16513057	226 Charles St	0.15	DSP	DSP 16	SFD	
16513058	214 Charles St	0.15	DSP	DSP 16	Duplex	
16513059	205 S Mathilda Ave	0.60	DSP	DSP 16	Relig	
16513060	225 S Mathilda Ave	0.12	DSP	DSP 16	Office	
16513061	235 S Mathilda Ave	0.14	DSP	DSP 16	SFD	
16513062	255 S Mathilda Ave	0.44	DSP	DSP 16	Office	
16513063	259 S Mathilda Ave	0.10	DSP	DSP 16	SFD	
16513065	345 S Mathilda Ave	0.17	DSP	DSP 16	Duplex	
20929053	598 S. Mathilda Ave	0.56	DSP	DSP 20	Commerc	39
20929054	584 S. Mathilda Ave	0.37	DSP	DSP 20	Office	
20929057	562 S. Mathilda Ave	0.15	DSP	DSP 20	SFD	
20929058	560 S. Mathilda Ave	0.22	DSP	DSP 20	SFD	
20929059	538 S. Mathilda Ave	0.15	DSP	DSP 20	SFD	
20929060	528 S. Mathilda Ave	0.42	DSP	DSP 20	Apts.	
20929061	510 S. Mathilda Ave	0.33	DSP	DSP 20	Office	
20929076	566 S. Mathilda Ave	0.29	DSP	DSP 20	Office	
<b>Total</b>		<b>28</b>				<b>1,019</b>
<b>Subtotal: LI/VLI Sites Only</b>		<b>13</b>				<b>729</b>

Note: Shaded rows meet Mullin densities (30+ DU/Ac)

**Sites Inventory**  
**Table B-4: Underutilized or Redevelopable Commercial/Mixed Use Zones**  
**El Camino Real Precise Plan Area**

APN	Street Address	Acres	Zone	Gen Plan	Existing Use	Net New Units	NODE (in ECRPP)
16111008	1285 W El Camino Real	1.12	C2	GB	Retail	239	Western
16111009	1291 W El Camino Real	0.37	C2	GB	Retail		Western
16111010	1297 W El Camino Real	0.75	C2	GB	Retail		Western
16122004	1205 W El Camino Real	0.48	C2	GB	Retail		Western
16122005	1213 W El Camino Real	0.32	C2	GB	Lodging		Western
16122006	1241 W El Camino Real	0.29	C2	GB	Retail		Western
16122007	1253 W El Camino Real	2.23	C2	GB	Retail		Western
16122008	1255 W El Camino Real	0.86	C2	GB	Retail		Western
16122009	1265 W El Camino Real	0.48	C2	GB	Retail		Western
16122010	1283 W El Camino Real	0.93	C2	GB	Office		Western
16123002	1169 W El Camino Real	0.44	C2	GB	Retail		Western
16123003	1171 W El Camino Real	1.98	C2	GB	Retail		Western
16123004	1195 W El Camino Real	0.47	C2	GB	Retail		Western
19808003	1240 W El Camino Real	0.35	C2	GB	Retail		Western
19808004	607 S Knickerbocker Dr	0.30	C2	GB	Retail		Western
19816002	601 S Bernardo Av	0.45	C2	GB	Retail		Western
19816003	601 S Bernardo Av	0.04	C2	GB	Retail		Western
19816004	629 S Bernardo Av	6.93	C2	GB	Retail		Western
19816007	1236 W El Camino Real	1.59	C2	GB	Retail		Western
19816008	1238 W El Camino Real	0.27	C2	GB	Retail		Western
19817016	602 S Bernardo Av	0.37	C2	GB	Auto Repair		Western
19817026	1176 W El Camino Real	2.75	C2	GB	Auto Sales		Western
19817027	1146 W El Camino Real	0.68	C2	GB	Auto Sales		Western
20122001	616 Hollenbeck Ave	0.68	C2	GB	Retail	484	Downtown
20122002	696 W El Camino Real	0.85	C2	GB	Auto Repair		Downtown
20122003	680 W El Camino Real	0.49	C2	GB	Retail		Downtown
20122006	590 W El Camino Real	0.55	C2	GB	Retail		Downtown
20122007	550 W El Camino Real	0.97	C2	GB	Retail		Downtown
20122008	500 W El Camino Real	0.52	C2	GB	Auto Sales		Downtown
20136002	777 Sunnyvale-Saratoga Rd	5.22	C2	GB	Retail		Downtown
20137011	156 W El Camino Real	0.29	C2	GB	Retail		Downtown
20137012	721 Sunnyvale-Saratoga Rd.	5.09	C2	GB	Retail		Downtown
20929015	587 S Frances St	0.15	C2	GB	SFD		Downtown
20929018	275 W. El Camino Real	0.09	C2	GB	Retail		Downtown
20929020	201 W. El Camino Real	0.15	C2	GB	Retail		Downtown
20929075	274 W El Camino Real	0.14	C2	GB	Mixed Use		Downtown
20930012	591 S Murphy Ave	0.15	C2	GB	SFD		Downtown
20930013	597 S Murphy Ave	0.24	C2	GB	Retail		Downtown
20930014	157 W El Camino Real	0.10	C2	GB	Retail		Downtown
20930047	105 E El Camino Real	0.34	C2	GB	Retail		Downtown
20930048	103 E El Camino Real	0.89	C2	GB	Retail		Downtown
20930057	189 W El Camino Real	0.31	C2	GB	Retail		Downtown
21101035	119 E El Camino Real	1.99	C2	GB	Retail		Downtown
21101036	151 E El Camino Real	1.03	C2	GB	Retail		Downtown
21101038	107 E El Camino Real	1.24	C2	GB	Commerc		Downtown
21101044	121 E El Camino Real	6.90	C2	GB	Retail		Downtown
21101045	111 E El Camino Real	2.62	C2	GB	Retail		Downtown
21117001	108 E El Camino Real	6.08	C2	GB	Retail		Downtown

# Sites Inventory

Table B-4: Underutilized or Redevelopable Commercial/Mixed Use Zones  
EI Camino Real Precise Plan Area

APN	Street Address	Acres	Zone	Gen Plan	Existing Use	Net New Units	NODE (in ECRPP)
21101039	595 E El Camino Real	0.66	C2	GB	Retail	152	Community Center
21101040	561 E El Camino Real	2.19	C2	GB	Retail		Community Center
21101046	725 S Fair Oaks Ave	1.25	C2	GB	Dining		Community Center
21108007	605 E El Camino Real	0.38	C2	GB	Retail		Community Center
21108008	734 S Fair Oaks Ave	0.35	C2	GB	Retail		Community Center
21120029	556 E El Camino Real	1.79	C2	GB	Retail		Community Center
21120032	598 E El Camino Real	1.04	C2	GB	Commerc		Community Center
21120033	596 E El Camino Real	0.65	C2	GB	Commerc		Community Center
21120036	576 E El Camino Real	1.75	C2	GB	Retail		Community Center
21120039	592 E El Camino Real	3.76	C2	GB	Retail		Community Center
21124040	860 E Remington Dr	0.99	C2	GB	Office		Community Center
21124041	604 E El Camino Real	0.78	C2	GB	Office		Community Center
21124043	650 E El Camino Real	5.23	C2	GB	Auto Sales		Community Center
21116021	861 E El Camino Real	1.56	C2	GB	Retail	170	Eastern
21116027	855 E El Camino Real	2.42	C2	GB	Commerc		Eastern
21116029	899 E El Camino Real	0.86	C2	GB	Retail		Eastern
21346010	1248 S Wolfe Rd	0.82	C2	GB	Retail		Eastern
21346014	905 E El Camino Real	0.64	C2	GB	Auto Repair		Eastern
31301054	910 E Fremont Ave	3.53	C2	GB	Lodging		Eastern
31301055	924 E Fremont Ave	0.27	C2	GB	Retail		Eastern
31301056	926 E Fremont Ave	0.27	C2	GB	Retail		Eastern
31302001	928 E El Camino Real	0.28	C2	GB	Retail		Eastern
31302004	950 E El Camino Real	0.18	C2	GB	Retail		Eastern
31302005	952 E El Camino Real	0.20	C2	GB	Retail		Eastern
31302006	954 E El Camino Real	0.30	C2	GB	Retail		Eastern
31302032	932 E El Camino Real	0.19	C2	GB	Retail		Eastern
31302033	938 E El Camino Real	0.28	C2	GB	Retail		Eastern
16141008	1095 W El Camino Real	3.75	C2	GB	Auto Sales	156	Not in node
<b>Total</b>		<b>98</b>				<b>1,201</b>	
<b>Subtotal: LI/VLI Sites Only</b>		<b>0</b>				<b>156</b>	

**Sites Inventory Summary**

<b>Category</b>	<b>Residential</b>	<b>ITR</b>	<b>DSP/LSP</b>	<b>ECR</b>	<b>Total</b>
LI/VLI Sites	351	1,970	729	156	<b>3,206</b>
Mod/Above Mod	352	956	290	1,045	<b>2,643</b>
<b>Total</b>	<b>703</b>	<b>2,926</b>	<b>1,019</b>	<b>1,201</b>	<b>5,849</b>

	<b>RHNA</b>	<b>Available Sites</b>	<b>Min DU/Ac</b>	<b>Zones</b>
<b>Very Low</b>	1,640	1,640	30	R-4, R-5
<b>Low</b>	906	1,052	30	R-4, R-5
<b>Moderate</b>	932	1,183	15	R-2, R-3, R-4
<b>Above Moderate</b>	1,974	1,974	1	All Resid
<b>Total</b>	<b>5,452</b>	<b>5,849</b>		

### LEGEND

Zoning Categories		
Zone		Maximum Densities (Dwelling Units per Acre) and Other Allowable Uses
R-0	Single-family, Low Density	7 DU/acre
R-1	Single-family, Low Density	7 DU/acre
R-1.5	Single-family, Low-Med Density	10 DU/acre
R-1.7/PD	Single-family, Low-Med Density	14 DU/acre
R-2	Single or Multi-family, Low-Med Density	12 DU/acre
R-3	Multi-family, Medium Density	24 DU/acre
R-4	Multi-family, High Density	36 DU/acre
R-5	Multi-family, Very High Density	45 DU/acre
C1	Neighborhood Business	Neighborhood commercial *
C2	Highway Business	Highway-oriented commercial *
MS	Industrial and Service	Offices, R&D, light industrial, commercial uses (Residential if ITR overlay)
M3	General Industrial	Offices, R&D, manufacturing/industrial
DSP	Downtown Specific Plan	Commercial, office, residential, and mixed use. Maximum # of dwelling units designated by city block, not by acre.
ITR	Industrial to Residential (Overlay Zone)	Combined with MS zone to allow for transition to residential uses over time. Residential densities indicated following ITR designation, e.g. MS-ITR-R4.
ECR	El Camino Real Precise Plan	Specific Plan covering El Camino Real corridor (mixed use/highway commercial, some residential)
LSP	Lakeside Specific Plan	Residential (35-47 DU/ac), hotel, ancillary commercial

\* Residential uses allowed in C1 and C2 with a use permit.

General Plan Land Use Designations		
Designation		Allowed Uses/Density Ranges
RLO	Residential, Low Density	1-7 DU/acre
RLM	Residential, Low-Medium Density	7-14 DU/acre
O	Office	Offices
RMED	Residential, Medium Density	14-27 DU/acre
RHI	Residential, High Density	27-45 DU/acre
ITRMIX	Industrial to Residential, Medium to High Density	14-45 DU/acre
ITRMED	Industrial to Residential, Medium Density	14-27 DU/acre
ITRLM	Industrial to Residential, Low-Medium Density	7-14 DU/acre
DSP	Downtown Specific Plan	Office, Retail, Mixed Use, and Low to Very High Density Residential (1-45 DU/acre)
LSP	Lakeside Specific Plan	Hotel and High Density Residential (27-45 DU/acre)
GB	General Business	Local/Regional Commercial, Mixed Use

Existing Uses	
Code	Meaning
SFD	Single Family Dwelling
APT	Apartments
ALU	Accessory Living Unit
*	City Owned Parcel
Resid/Ag	Residential & Agricultural Uses
Relig	Religious Institution
Comm/Ind	Commercial & Industrial Uses
Ind/Office	Industrial & Office Uses

**Table B-5: Recently Approved Residential Infill Projects**

Project Number	Address	Zone	Lot Size (Acres)	Approved Density	Total Units Approved	Approval Date	Construction Status
2010-7493	311 Capella (Olson) Way	DSP	3.8	73	280	9/27/2010	Partially Completed
2010-7738	1044 E. Duane Ave	R-3/PD	7.3	18	132	3/29/2011	Partially Completed
2011-7102	1330 Sunnyvale Saratoga	R-2/PD	1.3	11	14	4/25/2011	Completed
2010-7672	700 Timberpine Ave	R-0/PD	10.0	5	51	9/20/2011	Completed
2011-7661	704 Town and Country	DSP	1.6	85	133	11/14/2011	Partially Completed
2011-7829	425 N. Fair Oaks Ave	R-3/PD	0.4	20	8	4/24/2012	Completed
2012-7450	1101 Fair Oaks Ave	R-4	2.6	38	97	10/16/2012	Under Construction
2012-7646	1175 Willow Ave	R-3/PD	0.8	21	16	11/26/2012	Under Construction
2012-7531	636 W. Fremont Ave	R-0 and R-2/PD	2.3	8	18	12/4/2012	Under Construction
2012-7460	388 E. Evelyn Ave	DSP	1.0	68	67	3/19/2013	Under Construction
2013-7112	620 E. Maude Ave	R-4	2.3	52	121	4/30/2013	Under Construction
2012-7461	538 S. Mathilda	DSP	0.4	36	16	5/13/2013	Under Construction
2012-7879	470 Persian Ave	R-4	1.7	27	47	6/10/2013	Under Construction
2012-7462	457 E. Evelyn Ave	DSP	2.3	51	117	7/9/2013	Bldg Permit Pending
2013-7272	698 E. Taylor	R-3/PD	2.7	18	49	8/26/2013	Bldg Permit Pending
2013-7468	822 E. Evelyn Ave	R-3/PD	1.7	18	31	8/26/2013	Bldg Permit Pending
2012-7381	955 Stewart Dr *	R-3/PD	10.0	26	259	9/23/2013	Under Construction
2013-7522	435 Toyama Dr	R-3/PD	0.9	20	17	9/23/2013	Bldg Permit Pending
2013-7171	455 S. Mathilda Ave	DSP	1.6	65	105	12/3/2013	Bldg Permit Pending
2013-7645	617 E. Arques Ave	R-3/PD	4.0	21	85	12/17/2013	Bldg Permit Pending
2013-7132	550 E. Weddell Dr	R-3	6.9	34	234	4/28/2014	Bldg Permit Pending
2013-7132	520 E. Weddell Dr	R-4	5.1	45	231	4/28/2014	Bldg Permit Pending
2013-7081	610 E. Weddell Dr	R-4	4.0	51	205	4/28/2014	Bldg Permit Pending
<b>Total Units in Recent Infill Projects</b>					<b>2,333</b>		

\* Project includes several parcels with several project numbers. All units are included above.

**Table B-6, Part One: Sample of Recent Residential Projects  
Involving Redevelopment of Underutilized Sites and/or Demolition of Existing Dwelling Units**

Site Address	Existing Zoning	Project Description	Planning Permit File No.	Application Date	Planning Permit Status	Afford. Units	Existing Units	Existing Land Use	Proposed Units	Proposed Unit Type	Site Area (Acres)	Existing Density	Proposed Density	Net Increase in Units
963 S. Wolfe Rd.	R-3/PD	Redevelop w/ 6 new townhomes	2005-0105	2/10/2005	Approved	0	1	Single-Family	6	Townhomes	0.3	3.2	18.9	5
585 Old San Francisco Rd.	R-3/PD	Redevelop w/ 6 new townhomes	2008-1259	11/26/2008	Approved	0	1	Single-Family	6	Townhomes	0.4	2.3	13.6	5
388-394 E Evelyn Ave	DSP Block 4	Redevelop w/ 67-unit apartment bldg.	2012-7460	6/13/2012	Approved	5	36	Single-Family & Studios	67	Apartments	1.0	36.6	68.1	31
523 E. Homestead Rd.	R-2/PD	Redevelop w/ 7 SFDs and subdivide 3 lots into 7.	2013-8029	12/17/2013	Approved	0	5	1 single-family & 2 duplexes (5 units total)	7	Single-family	0.9	5.5	7.7	2
441 S Sunnyvale Avenue	DSP Block 10	Subdivide 2 lots into 4 and redevelop with 4 SFDs	2014-7043	1/14/2014	Approved	0	2	Single-Family	4	Single-family	0.3	7.2	14.4	2
871 E Fremont Ave	County island (pre-zone: R3-PD)	Rezone & map to redevelop with 41 townhomes & 115 apartments (total 156 units), with surface and underground parking (after annexation)	2014-7373	7/16/2014	Comments Provided (PR)	5	2	Single-Family	156	Townhomes & apartments	5.0	0.4	31.2	154
1050 Helen Av.	C-2/ECR	7-unit single family home subdivision	2014-7226	3/19/2014	Pending Review	0	2	Single Family	7	Single-family	0.6	3.4	11.8	5
199 N. Sunnyvale Ave.	R-2/PD	Subdivide one lot into 2, and build new SFD (retain existing)	2014-7361	4/30/2014	Pending Review	0	1	Single-Family	2	Single-family	0.2	5.2	10.4	1
845 Maria Lane	R-3/PD	Redevelop w/ 5 townhomes	2014-7360	4/30/2014	Pending Review	0	1	Single-Family	5	Townhomes	0.2	5.4	26.9	4
688 Morse Ave	R-3	Redevelop w/ 3 townhomes	2014-7602	7/9/2014	Pending Review	0	1	Single-Family	3	Townhomes	0.2	5.3	16.0	2
1130 Prunelle Ct.	R-1	4-lot split and build 4 new SFDs (retain existing)	2014-7840	9/26/2014	Pending Review	0	1	Single-Family	5	Single-family	0.7	1.3	6.7	4
669 Old San Francisco Rd.	R-3/PD	Redevelop w/ 8 townhomes on 2 parcels	2014-7858	10/2/2014	Pending Review	1	2	Single-Family	8	Townhomes	0.3	5.8	23.3	6
<b>Total</b>						<b>11</b>	<b>55</b>		<b>276</b>		<b>10.2</b>	<b>7</b>	<b>21</b>	<b>221</b>
Total Net Increase in Units											Total	Avg	Avg	Total
221														

**Table B-6, Part Two: Sample of Recent Residential Projects  
Involving Redevelopment of Underutilized Sites and Demolition of Existing Commercial Structures**

Status	Zone	Project No.	Approval Date	Address	Project Description	Existing Uses Demolished or to be Demolished	Site Acreage
Approved	MS-POA	2013-7132	4/28/2014	520 E. Weddell Dr.	465 new rental apts	15 single-story light manufacturing & office bldgs built between 1976-1978, total of 183,000 SF, occupied by 70 small businesses.	9.1
Approved	R4-PD	2013-7081	4/28/2014	610 E. Weddell Dr.	205 new rental apartments	Single-story tilt-up industrial bldg formerly used for semi-conductor industrial uses.	4.0
Approved	ITR-R3	2013-7645	12/17/2013	617-641 E. Arques Ave, 302-318 N. Fair Oaks Ave, & 612-622 E. Taylor Ave	85 new townhomes	54,240 SF of structures including light manufacturing, warehouse, a restaurant & a 9-unit apt. bldg	4.6
Approved	DSP Block 14	2013-7171	12/3/2013	455 S. Mathilda Ave.	105 new rental apartments	One 3-story office bldg and two single-story office/commercial bldgs and paved parking lots on two parcels	1.6
Approved	ITR-R3	2013-7468	8/26/2013	822 E. Evelyn Ave.	31 new townhomes	Two single-story light industrial bldgs with total area of 28,775 SF, partially occupied by light industrial and commercial businesses.	1.7
Under Construction	DSP Block 23	2013-7313	7/9/2013	457 E. Evelyn Ave.	117 new rental apartments	Two single-story, occupied multi-tenant commercial bldgs w/ total of 31,000 SF on two parcels in DSP area.	2.3
Under Construction	DSP Block 20	2012-7461	5/13/2013	538 S. Mathilda	15 new condominiums and 5,000 SF office unit over parking structure	Two single-family homes and accessory structures	0.4
Approved	R4-PD	2012-7450	10/16/2012	1101 N Fair Oaks Ave.	97 new rental apartments	40,680 SF, R&D structure to be demolished on 1 parcel	2.6
Completed	DSP	2011-7661	11/14/2011	704 Town & Country Way (new address 150 S. Taaffe St.)	133 new rental apartments, 8,131 SF of retail space, and below-grade parking (Carmel Lofts)	Portion of 5-acre Town & Country Village Mall (single-story, multi-tenant retail structures) (other portion demolished/redeveloped by Solstice Apts project)	1.6
Completed	R3-PD	2010-7738	3/29/2011	1044 E. Duane Ave.	Build 132 new town home/condo units	Variety of light industrial bldgs occupied by various industrial and recycling businesses.	7.3

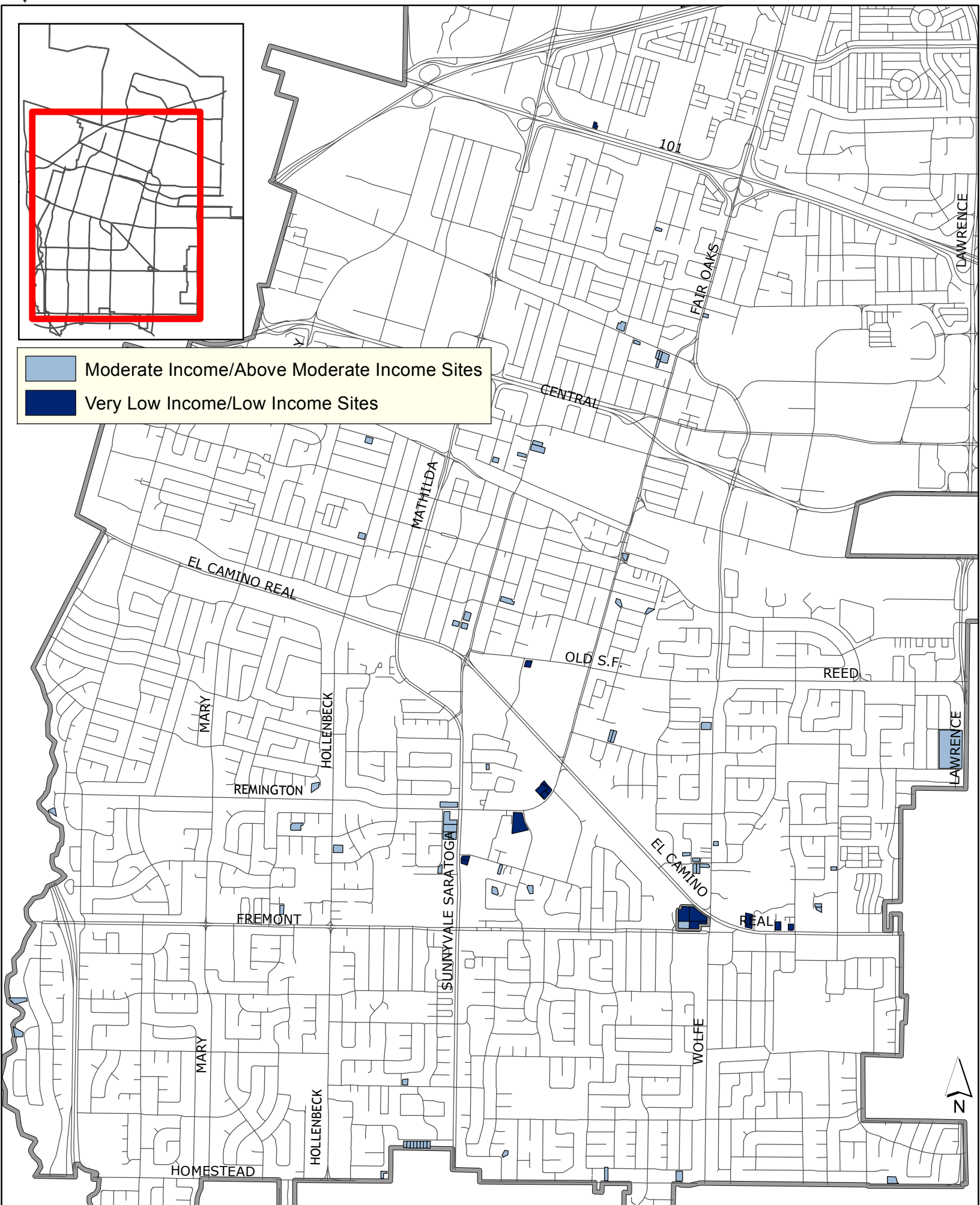


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# 2015 Housing Element Sites Inventory

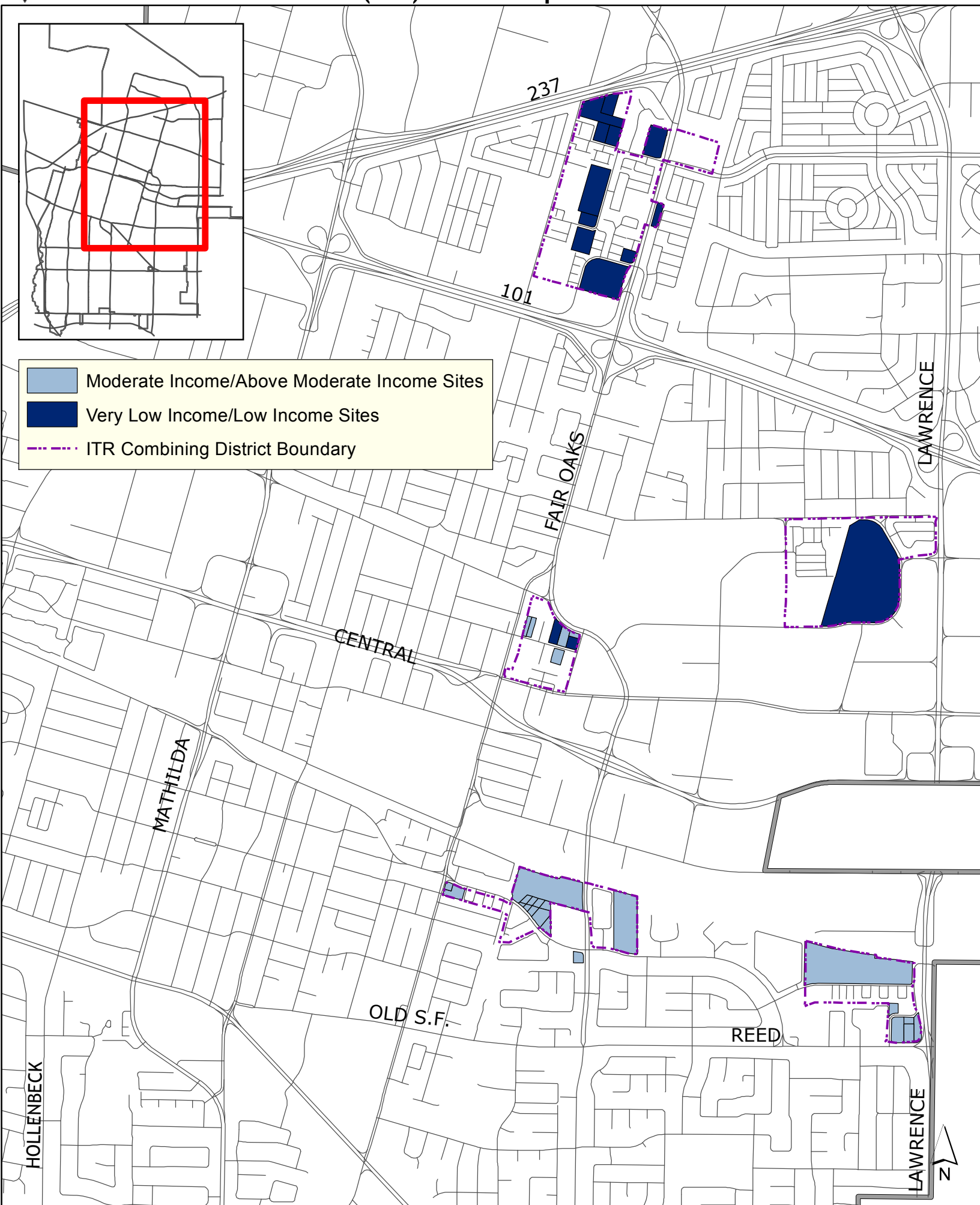
## Vacant & Underutilized Residential Sites





# 2015 Housing Element Sites Inventory

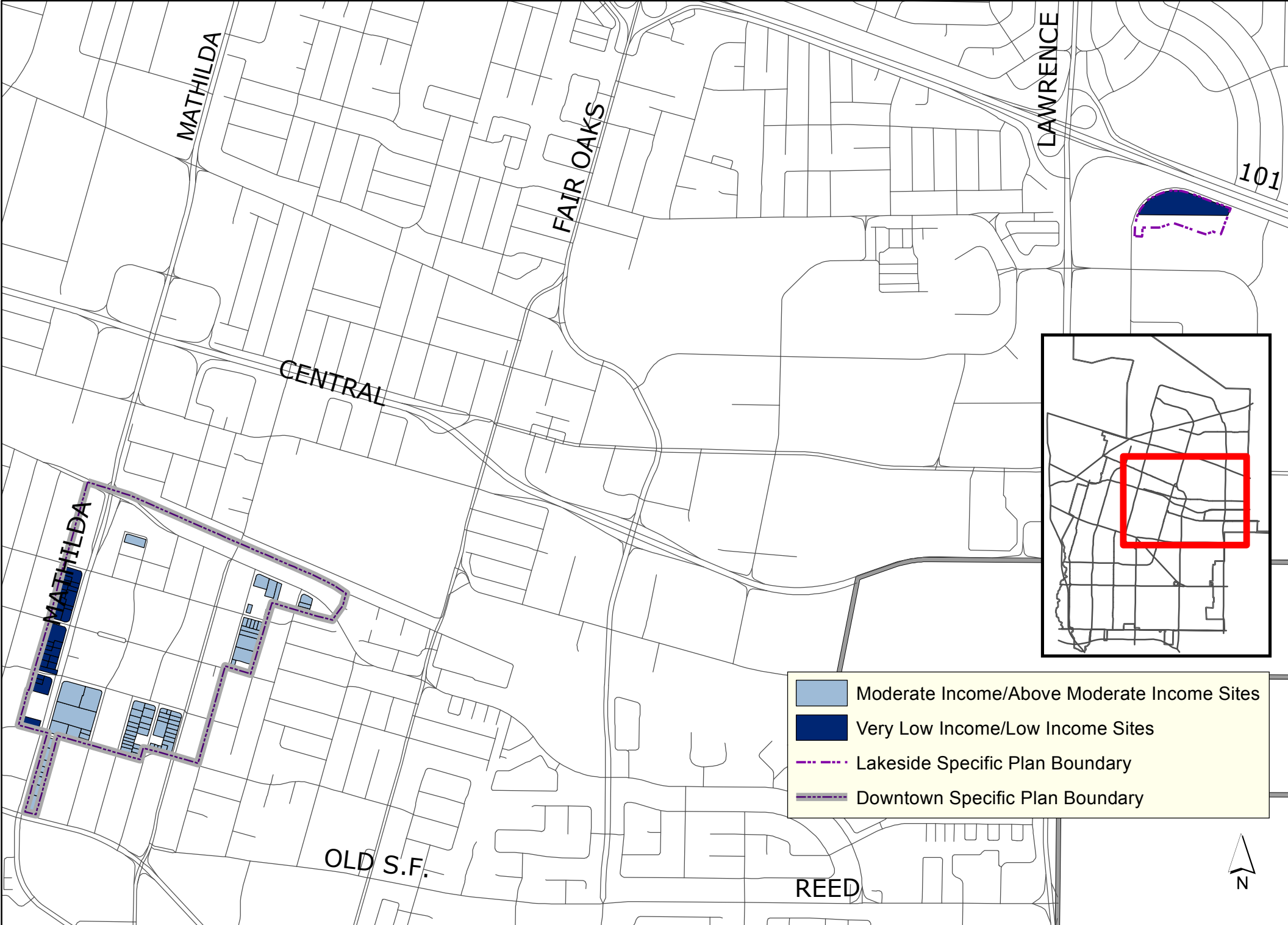
## Industrial to Residential (ITR) Redevelopment Sites





# 2015 Housing Element Sites Inventory

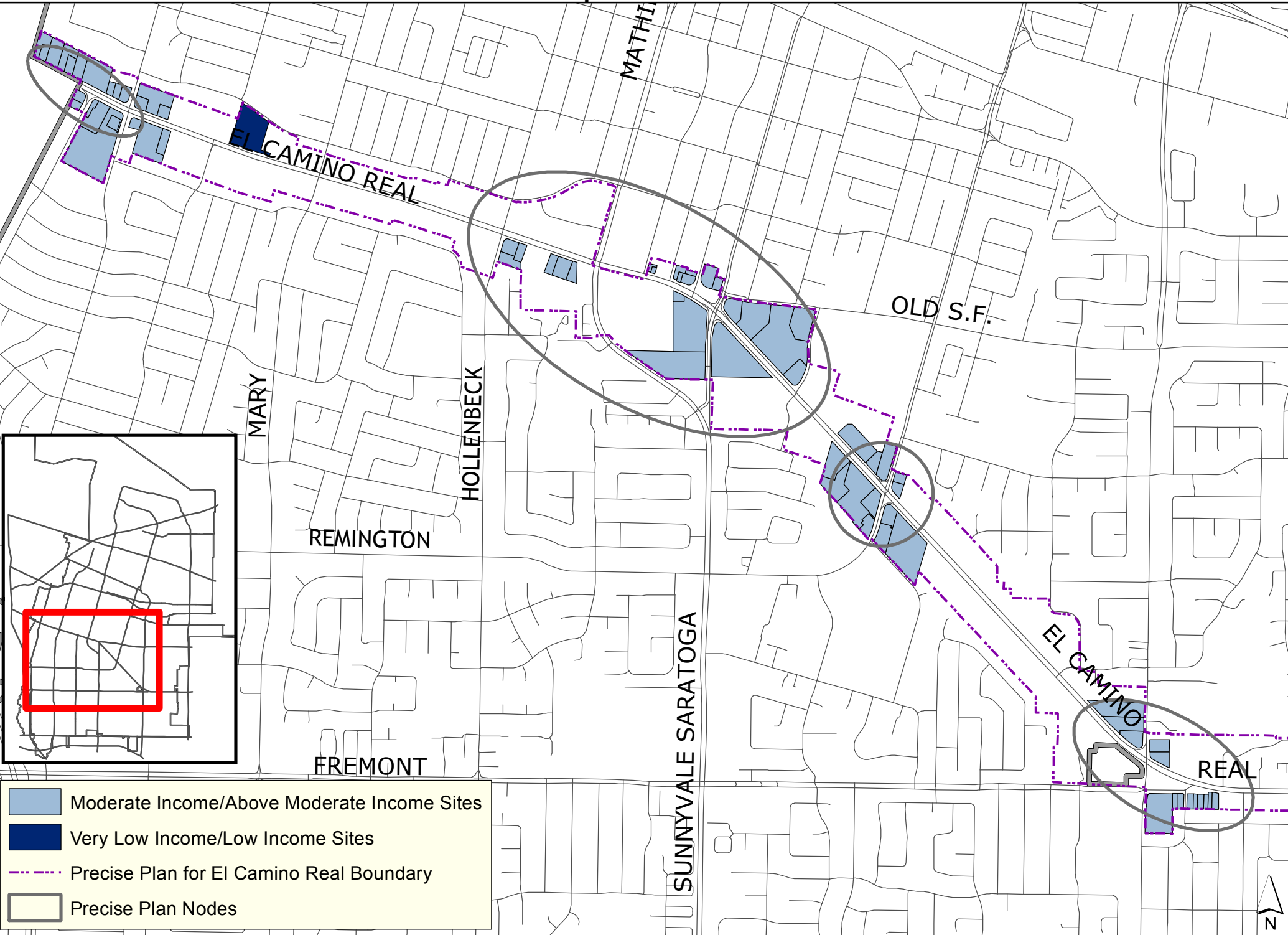
## Downtown & Lakeside Specific Plan Area Redevelopment Sites





# 2015 Housing Element Sites Inventory

## Precise Plan for El Camino Real Redevelopment/Infill Sites





# Appendix C: Review of Accomplishments under 2007-2014 Housing Element

Table C - 1: Review of Accomplishments under 2007-2014 Housing Element

Name of Program	Objective	Timeframe	Status of Program Implementation
1. Below Market Rate (BMR) Program	Review and refine BMR guidelines and codes to add program flexibility, accommodate current market conditions, and improve overall effectiveness.	2009-2014. Complete program modifications in 2009.	Objective completed in July 2012: Council repealed Sunnyvale Municipal Code (SMC) 19.66 and adopted SMC 19.67, Below Market Rate Ownership Housing and SMC 19.69, Existing Below Market Rate Rental Housing. BMR Program continued.
2. Homeownership Programs -First Time Homebuyer (FTHB) -Housing for Public Sector, Teachers, Child Care Workers (HPCC) -Mortgage Credit Certificate (MCC)	Revise program guidelines to improve effectiveness and adjust to market conditions. Assist 20 homebuyers per year with FTHB/HPCC and 8 with MCC.	2009-2014. Revise FTHB and HPCC program guidelines in 2009.	Objective completed: Council approved revised FTHB Program in July 2009. During the current cycle, 36 FTHB loans were provided. Level of need was not as high as projected, as most eligible buyers had adequate down-payment funds or accessed other down-payment assistance programs. FTHB Program continued with revised projections.
3. Affordable Housing Development Assistance	Provide financial and regulatory assistance for new affordable housing development, using available funds. Identify new sources of funding.	2009-2014. Evaluate expansion of Housing Mitigation Fee (HMF) in 2011.	Objective partially completed: City provided over \$16M for 3 major new housing projects during cycle. Evaluation of the HMF expansion was delayed due to the recession, but is now nearly complete, and Council consideration is expected in 2015. Program continued with minor revisions.
4. Density Bonus Provisions	Update density bonus provisions; coordinate and publicize with BMR program.	Adopt ordinance updates in 2010.	Objective completed: density bonus provisions updated in July 2012. Revised provisions in SMC Chapter 19.18. Several projects have received density bonus recently, and developer interest is strong. Program continued with minor revisions.
5. Homeowner Rehab Programs 5a. Rehab Loans 5b. Energy Loans 5c. Paint Loans/ Grants 5d. Accessibility Grants 5e. Emergency Loans	Implement program modifications to enhance effectiveness. Assist 40 households /year under all 5 rehab programs.	2009-2014. Complete program modifications in 2009.	Objective completed. Program is ongoing. During 2007-2014 cycle, 153 loans/grants were funded. Program continued with minor revisions.

<b>Name of Program</b>	<b>Objective</b>	<b>Timeframe</b>	<b>Status of Program Implementation</b>
6. Multi-Family Rental Rehabilitation	Reconsider feasibility and demand for program, and recommend alternatives for program modifications.	Recommend revisions to Multi-Family Rental Rehab Program to City Council in 2010.	Objective (program modifications) determined unnecessary. Since 2009, a number of large multi-family rehabilitation projects have been funded: Aster Park, Homestead Park, Garland Plaza, Morse Court, several group homes, etc. and affordable rental property owner interest is strong. Program continued without 2009 objective.
7. Multi-Family Rental Property Acquisition/ Preservation/ Rehabilitation	Assist at least one large multi-family rental project (60-100 units)	2009-2014	Objective completed. The City assisted Aster Park (95 units); Garland Plaza (20 units); Homestead Park (211 units); and two new projects were awarded funds in 2014: Morse Court (35 units) and Stoney Pine (22 units) and are in progress. Program is ongoing.
8. Neighborhood Enhancement Program	Target one new neighborhood per year for comprehensive neighborhood improvements, enhancing approximately 200 homes annually.	Complete one enhancement area annually.	Objective completed. Program continued in slightly revised form.
9. Preservation of Assisted Rental Housing	Monitor affordability controls in 245 at-risk units. If Section 8 expires, conduct tenant education and support in search of alternative housing.	Annually contact non-profit owners to confirm status of Section 8 contract.	Objective completed. One at-risk project identified: Aster Park (95 units); City preserved by providing rehabilitation loan attached to new 40-year restriction. Garland Plaza term of affordability also extended for 55 years. Program continued in slightly revised form.
10. Section 8 Rental Assistance	Seek to maintain current levels of Section 8; encourage landlords to register units.	2009-2014	Ongoing. Program continued.
11. Mobile Home Park Preservation	Implement current mobile home park protections. Evaluate ordinance modifications to enhance tenant protections.	2009-2014. Recommend revisions to Mobile Home Park Ordinance to City Council in 2011.	Objective completed in November 2012 with Council revisions to SMC 19.72, Conversion of Mobile Home Parks to Other Uses. Program continued.
12. Foreclosure Prevention	Promote foreclosure counseling services through the City's website and newsletter. Coordinate with the Santa Clara County Board of Realtors.	Initiate foreclosure outreach in 2009.	Objective completed; program continued.

<b>Name of Program</b>	<b>Objective</b>	<b>Timeframe</b>	<b>Status of Program Implementation</b>
13. Condominium Conversion Regulations	Implement tenant protections under current ordinance.	2009-2014	Ongoing. Program continued.
14. Zoning Text Amendments	Amend Zoning Code to make explicit provisions for a variety of special needs housing. Develop objective standards to regulate emergency shelters.	Complete ordinance revisions in 2010.	Objective and program completed. Zoning code updated in 2011 with provisions for emergency shelters, transitional housing and supportive housing consistent with SB 2. Program not continued (code amendments no longer necessary).
15. Multi-family and Mixed-Use Processing Procedures	Amend Zoning Code to replace multi-family use permit with an administrative hearing process in multi-family and mixed use zones for projects up to 50 units. For residential projects still subject to use permit, annually evaluate processing times and conditions.	Amend the Zoning Code in 2010. Annually evaluate processing times and conditions on residential projects subject to a CUP.	Objective completed. Zoning amendments adopted in December 2011, therefore program is no longer necessary. City has standard operating practice to evaluate all permit processing times annually and adjust operations/processes as needed.
16. Modified Parking Standards	Amend the Zoning Code to specify reduced parking standards for senior housing, housing for persons with disabilities, and housing in close proximity to transit.	Amend the Zoning Code in 2010.	Objective completed. Zoning amendments were adopted in December 2011. Program no longer necessary as a Housing Element program, although parking requirements may be evaluated as part of numerous upcoming land use planning efforts, including various specific plan updates and station area plans.
17. Residential Sites Inventory	Maintain current inventory of potential residential and mixed use sites; provide to developers in conjunction with information on incentives.	2009-2014	Objective completed; program ongoing.
18. Minimum Densities	Inform developers of policy to develop to at least 75% of General Plan density.	2009-2014	Objective completed; program ongoing.



Name of Program	Objective	Timeframe	Status of Program Implementation
19. Downtown Specific Plan	Facilitate site assembly through marketing and purchase of strategic parcels. Encourage provision of affordable housing by requiring BMR units to be provided on-site or within the boundaries of the Specific Plan, and by promoting density bonus and development incentives available in conjunction with the BMR program.	2009-2014	Objective Completed. Program continued without site assembly component as this objective has been completed to the extent necessary/feasible. Several downtown projects have recently received a state density bonus and will be under construction shortly. Additional developers are building residential properties downtown, and other have expressed interest in the density bonus program. See Table B-5 in Appendix B for details of recent development projects in the Downtown.
20. Accessory Living Units (ALUs)	Implement City's ordinance to accommodate ALUs, and place information on the City's website.	2009-2014. Add ALU information to CDD page on City's website in 2009.	Objective completed; Program ongoing.
21. Fair Housing Program	Contract with qualified agencies for comprehensive fair housing services and tenant/landlord mediation.	Annually review Fair Housing reports to assess any trends and develop appropriate actions.	Objective completed; Program ongoing.
22. Shared Housing Program	Contact cities and service providers about re-establishing a senior shared housing program.	Contact service agencies in 2010.	Objective completed; program discontinued. Catholic Charities discontinued this service due to lack of interest from prospective clients. Online roommate-finding / home sharing sites such as Craig's List and others have made this service unnecessary; many seniors reportedly are hesitant to rent out rooms or live in shared housing situations.
23. Accessible Housing	Develop and adopt Reasonable Accommodations procedures and disseminate info on City's website and at City Hall. Provide grants for accessibility improvements.	Adopt reasonable accommodation procedures in 2010.	Objective completed. Reasonable accommodations procedures were adopted through zoning amendments in December 2011. The City provided 90 accessibility grants during the 2007-2014 period. Program ongoing.

Name of Program	Objective	Timeframe	Status of Program Implementation
24. Emergency Shelter and Emergency Services	Financially support area homeless shelter and service providers. Facilitate provision of approx. 100 units of homeless housing in association with Onizuka base conversion.	2009-2014. Provide 100 units of homeless housing by 2012.	Objective in progress: Two affordable housing projects with a total of 117 affordable units are under development as a result of the Onizuka Air Force Base conversion, including 47 units for homeless applicants, with project-based rental assistance, and the rest of the units will be affordable to very low or extremely low income households (which may include homeless households). Program continued with revisions/updates.
25. Sustainability and Green Building	Continue sustainability program. Adopt a local green building program.	Adopt Green Building Program in 2009.	Objective completed in 2010 with adoption of Green Building ordinance, which was amended again in 2013. Program ongoing.

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## **Appendix D: Executive Summary of the ABAG Jobs-Housing Connection Strategy**



# Executive Summary **Jobs-Housing Connection Strategy**

May 2012

**BayArea  
Plan**



ASSOCIATION OF BAY AREA GOVERNMENTS



METROPOLITAN  
TRANSPORTATION  
COMMISSION

The diverse population of the San Francisco Bay Area, home to one of the most impressive and productive estuaries in the world, has access to vibrant cities and towns, spectacular scenic and natural resources, and world-class cultural and recreational amenities.

The more than seven million of us who call this nine-county region home must work together to retain and enhance its great qualities for our children and grandchildren.

## Regional Trends

The region is expected to experience more modest growth than in past decades. Still, we project healthy economic growth of 1.1 million jobs and 2 million people by 2040 as the Bay Area continues to attract cutting-edge, high technology companies, talent, and investment from around the world.

This assumes a full-employment economy with unemployment rates returning to normal levels within a successful national economy. The forecast also recognizes the challenges with building new

housing in the region that is largely multi-family and in infill locations, and the impact that has on our ability to capture potential job growth. Achieving this growth will require that the region respond to an aging and diversifying population, polarizing wages, high housing and transportation costs, and other issues affecting our quality of life.

Prior generations in the Bay Area built the infrastructure to accommodate our current economy. Preparing the Bay Area for future job growth will require ever greater efficiency and creativity in the allocation of our public resources to improve communities and the livelihood of households earning low incomes.

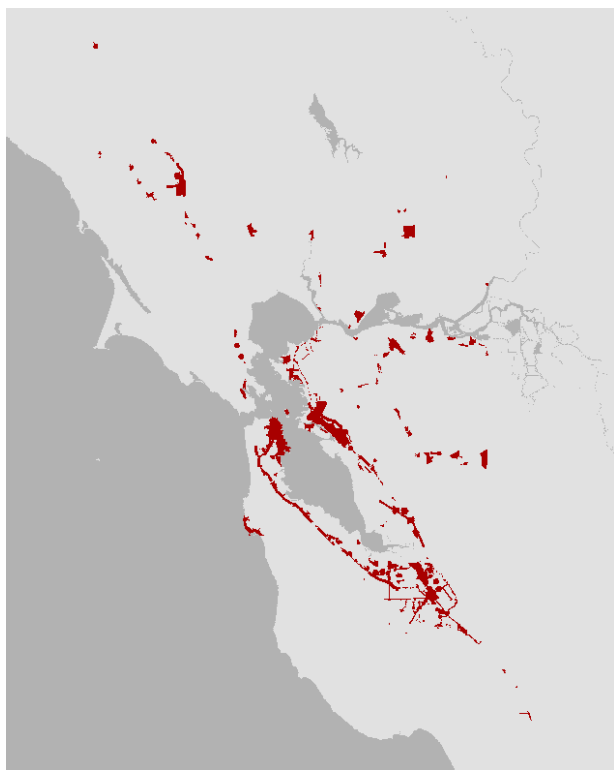
## Approach

Envisioning a strong economy, vital communities, protected open space, air, and water resources, and a high quality of life in the year 2040 requires that we maximize existing infrastructure investments and recognize where new investments are needed.

### Regional Trends Snapshot

	Challenges	Opportunities
Employment	<ul style="list-style-type: none"> <li>Decentralization of jobs</li> <li>Declines in manufacturing employment</li> <li>Lag between GDP and employment growth</li> <li>Average K-12 educational levels</li> <li>Funding cuts in higher education</li> <li>Loss of 200,000 acres of agricultural land</li> </ul>	<ul style="list-style-type: none"> <li>Global innovation hub</li> <li>Concentration of venture capital</li> <li>Research institutions</li> <li>High growth knowledge-sector industries and companies</li> <li>1.8 billion in agricultural products produced each year by Bay Area farmers</li> </ul>
Housing	<ul style="list-style-type: none"> <li>Loss of redevelopment</li> <li>High cost of living</li> <li>Foreclosure and delinquency rates</li> <li>Infill development</li> </ul>	<ul style="list-style-type: none"> <li>Aging population and expected changes in housing type demand</li> <li>Changing preferences of younger workers</li> <li>Infill development</li> </ul>

## Priority Development Areas



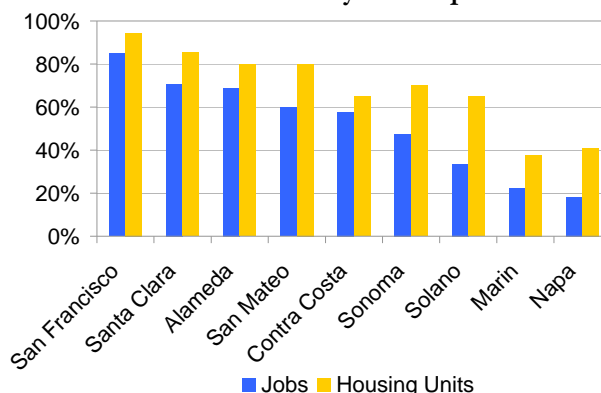
The Jobs-Housing Connection Strategy addresses these challenges by focusing planning efforts and investments in Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs). PDAs provide an array of housing types and transportation choices and promote a pattern of growth and investment where transit, jobs, schools, services, and recreation are located nearby.

In contrast to previous trends that saw rural lands consumed for development, this Strategy acknowledges the choices the Bay Area has already made to retain these lands by directing development to PDAs and supporting the continuation of agricultural activities in rural communities through PCAs. This allows the region to reduce the emission of greenhouse gases, house our population in a wide range of neighborhoods, preserve our natural resources, and support the creation of and greater access to new employment opportunities.

These areas are proposed by local jurisdictions and approved by regional agencies. Additional planning and investments are directed to these priority areas. The Jobs-Housing Connection Strategy is based on a collaborative planning approach that builds upon ongoing efforts by local and regional agencies, special districts, and stakeholders.

The Strategy is also designed to support the housing production system in meeting the growing demand for housing in PDAs. It calls for expanded resources and public investment in PDA locations and provides planning support to help local governments work through the entitlement process.

### Share of Growth in Priority Development Areas



## Growth Strategy

PDAs are proposed to absorb about 80 percent of new housing and 66 percent of new jobs on about five percent of our total regional land area. Regional centers in Oakland, San Francisco, and San Jose account for about 14 percent of new housing and 17 percent of job growth. Medium size cities also play an important role by adding a mix of new housing, employment, and services in strategic locations.

As a result of this focused growth, about 99 percent of our open space and agricultural land can be retained and north bay counties take a very small share of growth. Napa and Marin counties account for about 1 percent each of the total regional housing growth and Sonoma and Solano, 5 and 3 percent, respectively.

## Implementation

In order for this long term growth pattern to be realized, ABAG and MTC propose a set of implementation actions for discussion. These are based on input received from local jurisdictions, regional agencies, health and education agencies, business organizations, housing and equity groups, and environmental groups among others. Actions include planning tasks and investments, analysis of identified issues, and dialogue with appropriate organizations to define specific strategies. Highlights of this approach include:

### *Comprehensive infill development in PDAs:*

Efficiency and creativity in the allocation of our public resources, maximizing existing urban infrastructure investments and recognizing new planning and investments needed to support the PDAs that are assuming major growth responsibilities.

### *Creation and diversification of jobs:*

Investments in PDA infrastructure, workforce training and access to transit, amenities, and services to support knowledge-based jobs and businesses at major urban centers; local serving businesses and jobs close to housing in a wide range of downtown areas, transit corridors, and office parks; and retention of agricultural and industrial land.

### Current Components of Plan Bay Area



#### Land Use

Jobs-Housing Connection Strategy



#### Transportation

Draft Transportation Investment Strategy  
One Bay Area Grant (OBAG)



#### Housing

Regional Housing Needs Allocation (RHNA)

#### Supportive Planning

<i>Air Quality:</i>	Bay Area Air Quality Management District
<i>Resilience:</i>	Regional Disaster Resilience Initiative
<i>Sea Level Rise:</i>	Bay Conservation and Development Commission

### *Retention and production of affordable housing:*

Focused investments and planning in PDAs with major housing responsibilities and challenges through streamlining regulations among local, regional, and state agencies; coordination with developers; and supporting major expansion of state and federal funding.

### *Strengthening complete communities:*

Work with regional agencies and special districts to support improvements to public schools, expansion of parks and recreation facilities, neighborhood safety and reducing crime, neighborhood resilience to natural disasters, appropriate provision of water, and air quality improvements.

### *Protection of open space and agricultural land:*

Regional coordination around PCAs focused on critical habitats, extension of conservation land deadlines, development of farmland protection plan, and completion of the Coastal, Ridge, and Bay Trails that link natural habitats and landscapes.

## Just the Beginning

This is the first Sustainable Communities Strategy (SCS) to be developed in the Bay Area. This is our first attempt to directly connect our local and regional land use planning efforts with our transportation investments. We expect to further strengthen our efforts in the subsequent cycles.

Still, we are very committed to establishing a solid platform of planning and development for the SCS that has traction today. Towards this end, under the umbrella of Plan Bay Area, we closely link the long term land use strategy (Jobs-Housing Connection Strategy by 2040), the long term transportation strategy (Draft Transportation Investment Strategy by 2040), the medium term housing planning targets (Regional Housing Need Allocation by 2022), short term funding (One Bay Area Grant by 2017), and programs supporting air quality, resilience to natural disasters, and sea level rise.

The integration of these efforts supports local jurisdictions to enhance the quality of life of the diverse communities in the Bay Area of tomorrow.



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## Appendix E: Glossary

### Glossary of Housing-related Terms

(Excerpted primarily from *The California General Plan Glossary, 1999*)

#### Abbreviations

AMI:	Area Median (Household) Income
BMR:	Below-market-rate dwelling unit
CASA:	Community Assisted Shared Appreciation second mortgage loan
CDBG:	Community Development Block Grant
CEQA:	California Environmental Quality Act
CHFA:	California Housing Finance Agency
CIP:	Capital Improvements Program
EIR:	Environmental Impact Report
FAR:	Floor Area Ratio
GMI:	Gross Monthly Income
HCD:	Housing and Community Development Department of the State of California
HTSV:	Housing Trust of Silicon Valley
HUD:	U.S. Dept. of Housing and Urban Development
MCC:	Mortgage Credit Certificate
MRB:	Mortgage Revenue Bond
PDA:	Priority Development Area
PUD:	Planned Unit Development
RDA:	Redevelopment Agency
SRO:	Single Room Occupancy

#### Definitions

**Acres, Gross:** The entire acreage of a site. Most communities calculate gross acreage to the centerline of proposed bounding streets and to the edge of the right-of-way of existing or dedicated streets.

**Acres, Net:** The portion of a site that can actually be built upon. The following generally are not included in the net acreage of a site: public or private road right-of-way, public open space, and flood ways.

**Action Statement:** An action, activity, or strategy carried out in response to adopted policy to achieve a specific goal or objective. Policies and action statements establish the “who,” “how” and “when” for carrying out the “what” and “where” of goals and objectives.

**Adaptive Reuse:** The conversion of obsolescent or historic buildings from their original or most recent use to a new use. For example, the conversion of former hospital or school buildings to residential use, or the conversion of a historic single-family home to office use.

**Adverse Impact:** A negative consequence for the physical, social, or economic environment resulting from an action or project.

**Affordability Requirements:** Provisions established by a public agency to require that a specific percentage of housing units in a project or development remain affordable to very low- and low-income households for a specified period.

**Affordable Housing:** Housing capable of being purchased or rented by a household with very low, low, or moderate income, based on a household's ability to make monthly payments necessary to obtain housing. Housing is considered affordable when a household pays less than 30 percent of its gross monthly income (GMI) for housing including utilities.

**Agency:** The governmental entity, department, office, or administrative unit responsible for carrying out regulations.

**Air Rights:** The right granted by a property owner to a buyer to use space above an existing right-of-way or other site, usually for development.

**Alley:** A narrow service way, either public or private, which provides a permanently reserved but secondary means of public access not intended for general traffic circulation. Alleys typically are located along rear property lines.

**Annex, v:** To incorporate a land area into an existing district or municipality, with a resulting change in the boundaries of the annexing jurisdiction.

**Apartment:** (1) One or more rooms of a building used as a place to live, in a building containing at least one other unit used for the same purpose. (2) A separate suite, not owner occupied, which includes kitchen facilities and is designed for and rented as the home, residence, or sleeping place of one or more persons living as a single housekeeping unit.

**Appropriate:** An act, condition, or state that is considered suitable.

**Architectural Control; Architectural Review:** Regulations and procedures requiring the exterior design of structures to be suitable, harmonious, and in keeping with the general appearance, historic character, and/or style of surrounding areas. A process used to exercise control over the design of buildings and their settings. (See "Design Review.")

**Area; Area Median Income:** As used in State of California housing law with respect to income eligibility limits established by the U.S. Department of Housing and Urban Development (HUD), "area" means metropolitan area or non-metropolitan county. In non-metropolitan areas, the "area median income" is the higher of the county median family income or the statewide non-metropolitan median family income.

**Article 34 Referendum:** Article 34 of the Constitution of the State of California requires passage of a referendum within a city or county for approval of the development or acquisition of a publicly financed housing project where more than 49 percent of the units are set aside for low-income households.

**Assisted Housing:** Generally multifamily rental housing, but sometimes single-family ownership units, whose construction, financing, sales prices, or rents have been subsidized by federal, state, or local housing programs including, but not limited to Federal Section 8 (new construction, substantial rehabilitation, and loan management set-asides), Federal Sections 213, 236, and 202, Federal Section 221(d)(3) (below-market interest rate program), Federal Section 101 (rent supplement assistance), CDBG, FHA Section 515, multifamily mortgage revenue bond programs, local redevelopment and in lieu fee programs, and units developed pursuant to local inclusionary housing and density bonus programs. All California Housing elements are required to address the preservation or replacement of assisted housing that is eligible to change to market rate housing within 10 years.

**Bed and Breakfast:** Usually a dwelling unit, but sometimes a small hotel, which provides lodging and breakfast for temporary overnight occupants, for compensation.

**Below-market-rate (BMR) Housing Unit:** (1) Any housing unit specifically priced to be sold or rented to low- or moderate-income households for an amount less than the fair-market value of the unit. Both the State of California and the U.S. Department of Housing and Urban Development set standards for determining which households qualify as "low income" or "moderate income." (2) The financing of housing at less than prevailing interest rates.

**Blight:** A condition of a site, structure, or area that may cause nearby buildings and/or areas to decline in attractiveness and/or utility. The Community Redevelopment Law (Health and Safety Code, Sections 33031 and 33032) contains a definition of blight used to determine eligibility of proposed redevelopment project areas.

**Buffer Zone:** An area of land separating two distinct land uses that acts to soften or mitigate the effects of one land use on the other.

**Building:** Any structure used or intended for supporting or sheltering any use or occupancy.

**Building Height:** The vertical distance from the average contact ground level of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for a gable, hip, or gambrel roof. The exact definition varies by community. For example, in some communities building height is measured to the highest point of the roof, not including elevator and cooling towers.

**Buildout; Build-out:** Development of land to its full potential or theoretical capacity as permitted under current or proposed planning or zoning designations.

**California Environmental Quality Act (CEQA):** A State law requiring State and local agencies to regulate activities with consideration for environmental protection. If a proposed activity has the potential for a significant adverse environmental impact, an Environmental Impact Report (EIR) must be prepared and certified as to its adequacy before taking action on the proposed project. An Environmental Assessment may be prepared for housing elements, leading to a Declaration of No Environmental Impact.

**California Housing Finance Agency (CHFA):** A State agency, established by the Housing and Home Finance Act of 1975, which is authorized to sell revenue bonds and generate funds for the development, rehabilitation, and conservation of low-and moderate-income housing.

**Capital Improvements Program (CIP) :** A program, administered by a city or county government and reviewed by its planning commission, which schedules permanent improvements, usually for a minimum of five years in the future, to fit the projected fiscal capability of the local jurisdiction. The program generally is reviewed annually, for conformance to and consistency with the general plan.

**Census:** The official decennial enumeration of the population conducted by the federal government.

**Character:** Special physical characteristics of a structure or area that set it apart from its surroundings and contribute to its individuality.

**City:** City with a capital “C” generally refers to the government or administration of a city. City with a lower case “c” may mean any city or may refer to the geographical area of a city (e.g., the properties in the city.)

**Clustered Development:** Development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining an open space area.

**Community Care Facility:** Elderly housing licensed by the State Health and Welfare Agency, Department of Social Services, typically for residents who are frail and need supervision. Services normally include three meals daily, housekeeping, security and emergency response, a full activities program, supervision in the dispensing of medicine, personal services such as assistance in grooming and bathing, but no nursing care. Sometimes referred to as residential care or personal care. (See “Congregate Care.”)

**Community Development Block Grant (CDBG):** A grant program administered by the U.S. Department of Housing and Urban Development (HUD) on a formula basis for entitlement communities, and by the State Department of Housing and Community Development (HCD) for non-entitled jurisdictions. This grant allots money to cities and counties for housing rehabilitation and community development, including public facilities and economic development. Sunnyvale is an Entitlement City.

**Community Redevelopment Agency (RDA):** A local agency created under California Redevelopment Law, or a local legislative body that has elected to exercise the powers granted to such an agency, for the purpose of planning, developing, re-planning, redesigning, clearing, reconstructing, and/or rehabilitating all or part of a specified area with residential, commercial, industrial, and/or public (including recreational) structures and facilities. The redevelopment agency's plans must be compatible with the adopted community general plan, including the housing element.

**Compatible:** Capable of existing together without conflict or ill effects.

**Condominium:** A structure of two or more units, the interior spaces of which are individually owned; the balance of the property (both land and building) is owned in common by the owners of the individual units. (See "Townhouse.")

**Congregate Care:** Apartment housing, usually for seniors, in a group setting that includes independent living and sleeping accommodations in conjunction with shared dining and recreational facilities. (See "Community Care Facility.")

**Consistent:** Free from variation or contradiction. Programs in the General Plan are to be consistent, not contradictory or preferential. State law requires consistency between a general plan and implementation measures such as the zoning code.

**County:** County with a capital "C" generally refers to the government or administration of a county. County with a lower case "c" may mean any county or may refer to the geographical area of a county (e.g., the county's 15 cities).

**Covenants, Conditions, and Restrictions (CC&Rs):** A term used to describe restrictive limitations that may be placed on property and its use, and which usually are made a condition of holding title or lease.

**Criterion:** A standard upon which a judgment or decision may be based. (See "Standards.")

**Density, Residential:** The number of permanent residential dwelling units per acre of land. Densities specified in the General Plan may be expressed in units per gross acre or per net developable acre. (See "Acres, Gross," and "Developable Acres, Net.")

**Density Bonus:** The allocation of development rights that allow a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is zoned, usually in exchange for the provision or preservation of an amenity at the same site or at another location. Under California law, a housing development that provides 20 percent of its units for lower income households, or 10 percent of its units for very low-income households, or 50 percent of its units for seniors, is entitled to a density bonus.

**Density, Control of:** A limitation on the occupancy of land. Density can be controlled through zoning in the following ways: use restrictions, minimum lot-size requirements, floor area ratios, land use-intensity ratios, setback and yard requirements, minimum house-size requirements, ratios comparing number and types of housing units to land area, limits on units per acre, and other means. Allowable density often serves as the major distinction between residential districts.

**Design Review; Design Control:** The comprehensive evaluation of a development and its impact on neighboring properties and the community as a whole, from the standpoint of site and landscape design, architecture, materials, colors, lighting, and signs, in accordance with a set of adopted criteria and standards. "Design Control" requires that certain specific things be done and that other things not be done. Design Control language is most often found within a zoning code. "Design Review" usually refers to a system set up outside of the zoning ordinance, whereby projects are reviewed against certain standards and criteria by a specially established design review board or committee. (See "Architectural Control.")

**Developable Acres, Net:** The portion of a site that can be used for density calculations. Some communities calculate density based on gross acreage. Public or private road rights-of-way are not included in the net developable acreage of a site.

**Developable Land:** Land that is suitable as a location for structures and that can be developed free of hazards to, and without disruption of, or significant impact on, natural resource areas.

**Developer:** An individual who or business that prepares raw land for the construction of buildings or causes to be built physical building space for use primarily by others, and in which the preparation of the land or the creation of the building space is in itself a business and is not incidental to another business or activity.

**Development:** The physical extension and/or construction of urban land uses. Development activities include subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover (with the exception of agricultural activities). Routine repair and maintenance activities are exempted.

**Development Fee:** (See “Impact Fee.”)

**Development Rights:** The right to develop land by a land owner who maintains fee-simple ownership over the land or by a party other than the owner who has obtained the rights to develop. Such rights usually are expressed in terms of density allowed under existing zoning. For example, one development right may equal one unit of housing or may equal a specific number of square feet of gross floor area in one or more specified zone districts. (See “Interest, Fee.”)

**District:** (1) An area of a city or county that has a unique character identifiable as different from surrounding areas because of distinctive architecture, streets, geographic features, culture, landmarks, activities, or land uses. (2) A portion of the territory of a city or county within which uniform zoning regulations and requirements apply; a zone.

**Diversity:** Differences among otherwise similar elements that give them unique forms and qualities. E.g., housing diversity can be achieved by differences in unit size, tenure, or cost.

**Duet:** A detached building designed for occupation as the residence of two families living independently of each other, with each family living area defined by separate fee title ownership.

**Duplex:** A detached building under single ownership that is designed for occupation as the residence of two families living independently of each other.

**Dwelling Unit:** A room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), which constitutes an independent housekeeping unit, occupied or intended for occupancy by one household on a long-term basis.

**Elderly Housing:** Typically one- and two-bedroom apartments or condominiums designed to meet the needs of persons 62 years of age and older or, if more than 150 units, persons 55 years of age and older, and restricted to occupancy by them. (See “Congregate Care.”)

**Emergency Shelter:** A facility that provides immediate and short-term housing and supplemental services for the homeless. Shelters come in many sizes, but an optimum size is considered to be 20 to 40 beds. Supplemental services may include food, counseling, and access to other social programs. (See “Homeless” and “Transitional Housing.”)

**Encourage, v:** To stimulate or foster a particular condition through direct or indirect action by the private sector or government agencies.

**Enhance, v:** To improve existing conditions by increasing the quantity or quality of beneficial uses or features.

**Environmental Impact Report (EIR):** A report required of general plans by the California Environmental Quality Act and which assesses all the environmental characteristics of an area and determines what effects or impacts will result if the area is altered or disturbed by a proposed action. (See “California Environmental Quality Act.”)

**Exaction:** A contribution or payment required as an authorized precondition for receiving a development permit; usually refers to mandatory dedication (or fee in lieu of dedication) requirements found in many subdivision regulations.

**Fair Market Rent:** The rent, including utility allowances, determined by the United States Department of Housing and Urban Development for purposes of administering the Section 8 Existing Housing Program.

**Family:** (1) Two or more persons related by birth, marriage, or adoption [U.S. Bureau of the Census]. (2) An individual or a group of persons living together who constitute a *bona fide* single-family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house or institution of any kind [California].

**Feasible:** Capable of being done, executed, or managed successfully from the standpoint of the physical and/or financial abilities of the implementer(s).

**Feasible, Technically:** Capable of being implemented because the industrial, mechanical, or application technology exists.

**Finding(s):** The result(s) of an investigation and the basis upon which decisions are made. Findings are used by government agents and bodies to justify action taken by the entity.

**Floor Area Ratio (FAR):** The gross floor area permitted on a site divided by the total net area of the site, expressed in percent. For example, on a site with 10,000 net sq. ft. of land area, a Floor Area Ratio of 100 percent will allow a maximum of 10,000 gross sq. ft. of building floor area to be built. On the same site, an FAR of 150 percent would allow 15,000 sq. ft. of floor area; an FAR of 200 percent would allow 20,000 sq. ft.; and an FAR of 50 percent would allow only 5,000 sq. ft. Also commonly used in zoning, FARs typically are applied on a parcel-by-parcel basis as opposed to an average FAR for an entire land use or zoning district.

**Footprint; Building Footprint:** The outline of a building at all of those points where it meets the ground.

**General Plan:** A compendium of city or county policies regarding its long-term development, in the form of maps and accompanying text. The General Plan is a legal document required of each local agency by the State of California Government Code Section 65301 and adopted by the City Council or Board of Supervisors. In California, the General Plan has 7 mandatory elements (Circulation, Conservation, Housing, Land Use, Noise, Open Space, Safety and Seismic Safety) and may include any number of optional elements (such as Air Quality, Economic Development, Hazardous Waste, and Parks and Recreation). The General Plan may also be called a “City Plan,” “Comprehensive Plan,” or “Master Plan.”

**Granny Flat:** (See “Second Unit.”)

**Group Quarters:** A residential living arrangement, other than the usual house, apartment, or mobile home, in which two or more unrelated persons share living quarters and cooking facilities. Institutional group quarters include nursing homes, orphanages, and prisons. Non-institutional group quarters include dormitories, shelters, and large boarding houses.

**Guidelines:** General statements of policy direction around which specific details may be later established.

**Handicapped:** A person determined to have a physical impairment or mental disorder expected to be of long or indefinite duration. Many such impairments or disorders are of such a nature that a person’s ability to live independently can be improved by appropriate housing conditions.

**Historic; Historical:** A historic building or site is one that is noteworthy for its significance in local, state, or national history or culture, its architecture or design, or its works of art, memorabilia, or artifacts.

**Historic Preservation:** The preservation of historically significant structures and neighborhoods until such time as, and in order to facilitate, restoration and rehabilitation of the building(s) to a former condition.

**Home Occupation:** A commercial activity conducted solely by the occupants of a particular dwelling unit in a manner incidental to residential occupancy.

**Homeless:** Persons and families who lack a fixed, regular, and adequate nighttime residence. Includes those staying in temporary or emergency shelters or who are accommodated with friends or others with the understanding that shelter is being provided as a last resort. California Housing element law, Section 65583(c)(1), requires all cities and counties to address the housing needs of the homeless. (See “Emergency Shelter” and “Transitional Housing.”)

**Household:** All those persons—related or unrelated—who occupy a single housing unit. (See “Family.”)

**Householder:** The head of a household.

**Households, Number of:** The count of all year-round housing units occupied by one or more persons. The concept of household is important because the formation of new households generates the demand for housing. Each new household formed creates the need for one additional housing unit or requires that one existing housing unit be shared by two households. Thus, household formation can continue to take place even without an increase in population, thereby increasing the demand for housing.

**Housing and Community Development Department of the State of California (HCD):** The State agency that has principal responsibility for assessing, planning for, and assisting communities to meet the needs of low- and moderate-income households.

**Housing Authority, Local (LHA):** Local housing agency established in State law, subject to local activation and operation. Originally intended to manage certain federal subsidies, but vested with broad powers to develop and manage other forms of affordable housing. In Sunnyvale, the LHA is the Housing Authority of Santa Clara County.

**Housing element:** One of the seven State-mandated elements of a local general plan, it assesses the existing and projected housing needs of all economic segments of the community, identifies potential sites adequate to provide the amount and kind of housing needed, and contains adopted goals, policies, and implementation programs for the preservation, improvement, and development of housing. Under State law, Housing elements must be updated every five years.

**Housing and Urban Development, U.S. Department of (HUD):** A cabinet-level department of the federal government that administers housing and community development programs.

**Housing Unit:** The place of permanent or customary abode of a person or family. A housing unit may be a single-family dwelling, a multifamily dwelling, a condominium, a modular home, a mobile home, a cooperative, or any other residential unit considered real property under State law. A housing unit has, at least, cooking facilities, a bathroom, and a place to sleep. It also is a dwelling that cannot be moved without substantial damage or unreasonable cost. (See “Dwelling Unit,” “Family,” and “Household.”)

**Impact:** The effect of any direct man-made actions or indirect repercussions of man-made actions on existing physical, social, or economic conditions.

**Impact Fee:** A fee, often called a development fee, levied on the developer of a project by a city, county, or other public agency as compensation for otherwise-unmitigated impacts the project will produce. California Government Code Section 66000 et seq. specifies that development fees shall not exceed the estimated reasonable cost of providing the service for which the fee is charged. To lawfully impose a development fee, the public agency must verify its method of calculation and document proper restrictions on use of the fund.

**Impacted Areas:** Census tracts where more than 50 percent of the dwelling units house low- and very low-income households.



**Implementation:** Actions, procedures, programs, or techniques that carry out policies.

**Improvement:** The addition of one or more structures or utilities on a parcel of land.

**Infill Development:** Development of vacant land (usually individual lots or left-over properties) within areas that are already largely developed.

**Infrastructure:** Public services and facilities, such as sewage-disposal systems, water-supply systems, other utility systems, and roads.

**In Lieu Fee:** Cash payments that may be required of an owner or developer as a substitute for a dedication of land or construction of below-market-rate housing, and referred to as in lieu fees or in lieu contributions.

**Institutional Use:** (1) Publicly or privately owned and operated activities that are institutional in nature, such as hospitals, museums, and schools; (2) churches and other religious organizations; and (3) other nonprofit activities of a welfare, educational, or philanthropic nature that cannot be considered a residential, commercial, or industrial activity.

**Interest, Fee:** Entitles a land owner to exercise complete control over use of land, subject only to government land use regulations.

**Issues:** Important unsettled community matters or problems that are identified in a community's general plan and are dealt with by the plan's goals, policies, and implementation programs.

**Jobs/Housing Balance; Jobs/Housing Ratio:** The availability of affordable housing for employees. The jobs/housing ratio divides the number of jobs in an area by the number of employed residents. A ratio of 1.0 indicates a balance. A ratio greater than 1.0 indicates a net in-commute; less than 1.0 indicates a net out-commute.

**Land Banking:** The purchase of land by a local government for use or resale at a later date. "Banked lands" have been used for development of low- and moderate-income housing, expansion of parks, and development of industrial and commercial centers. Federal rail-banking law allows railroads to bank unused rail corridors for future rail use while allowing interim use as trails.

**Land Use Classification:** A system for classifying and designating the appropriate use of properties.

**Land Use Regulation:** A term encompassing the regulation of land in general and often used to mean those regulations incorporated in the General Plan, as distinct from zoning regulations (which are more specific).

**Lease:** A contractual agreement by which an owner of real property (the lessor) gives the right of possession to another (a lessee) for a specified period of time (term) and for a specified consideration (rent).

**Leasehold Interest:** (1) The interest that the lessee has in the value of the lease itself in condemnation award determination. (2) The difference between the total remaining rent under the lease and the rent the lessee would currently pay for similar space for the same time period.

**Linkage:** With respect to jobs/housing balance, a program designed to offset the impact of employment on housing need within a community, whereby project approval is conditioned on the provision of housing units or the payment of an equivalent in-lieu fee. The linkage program must establish the cause-and-effect relationship between a new commercial or industrial development and the increased demand for housing.

**Lot:** (See "Site.")

**Lot of Record:** A lot that is part of a recorded subdivision or a parcel of land that has been recorded at the County Recorder's office containing property tax records.

**Low-income Household:** A household with an annual income usually no greater than 80 percent of the area median income for a household of four persons and based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 Housing Program. (See “Area.”)

**Low-income Housing Tax Credits (LIHTC):** Tax reductions provided by the federal and State governments for investors in housing for low-income households.

**Maintain, v:** To keep in an existing state. (See “Preserve, v.”)

**Mandatory element:** A component of the General Plan mandated by State Law. California State law requires that a General Plan include elements dealing with seven subjects—circulation, conservation, housing, land use, noise, open space and safety—and specifies to various degrees the information to be incorporated in each element.

**Manufactured Housing:** Residential structures that are constructed entirely in the factory, and that since June 15, 1976, have been regulated by the federal Manufactured Home Construction and Safety Standards Act of 1974 under the administration of the U.S. Department of Housing and Urban Development (HUD). (See “Mobile Home” and “Modular Unit.”)

**May:** That which is permissible.

**Minimize, v :** To reduce or lessen, but not necessarily to eliminate.

**Ministerial (Administrative) Decision:** An action taken by a governmental agency that follows established procedures and rules and does not call for the exercise of judgment in deciding whether to approve a project.

**Mitigate, v :** To ameliorate, alleviate, or avoid to the extent reasonably feasible.

**Mixed-use:** Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A “single site” may include contiguous properties.

**Mobile Home:** A structure, transportable in one or more sections, built on a permanent chassis and designed for use as a single-family dwelling unit and which (1) has a minimum of 400 square feet of living space; (2) has a minimum width in excess of 102 inches; (3) is connected to all available permanent utilities; and (4) is tied down (a) to a permanent foundation on a lot either owned or leased by the homeowner or (b) is set on piers, with wheels removed and skirted, in a mobile home park. (See “Manufactured Housing” and “Modular Unit.”)

**Moderate-income Household:** A household with an annual income between the lower income eligibility limits (usually 80 percent of the area median family income) and 120 percent of the area median family income, usually as established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program. (See “Area” and “Low-income Household.”)

**Modular Unit:** A factory-fabricated, transportable building or major component designed for use by itself or for incorporation with similar units on-site into a structure for residential, commercial, educational, or industrial use. Differs from mobile homes and manufactured housing by (in addition to lacking an integral chassis or permanent hitch to allow future movement) being subject to California housing law design standards. California standards are more restrictive than federal standards in some respects (e.g., plumbing and energy conservation). Also called Factory-built Housing and regulated by State law of that title. (See “Mobile Home” and “Manufactured Housing.”)

**Mortgage Credit Certificate:** Under a County-operated program, gives a first-time homebuyer a federal income tax credit of up to 20 percent of the mortgage interest paid on the first mortgage loan, for each year the buyer keeps the same mortgage loan and lives in the same house. Maximum initial household income limits and maximum initial home purchase prices apply and are adjusted annually.

**Multifamily Building:** A detached building designed and used exclusively as a dwelling by three or more families occupying separate suites.

**Municipal Code: place holder**

**Must:** That which is mandatory.

**Necessary:** Essential or required.

**Need:** A condition requiring supply or relief. The City or County may act upon findings of need within or on behalf of the community.

**Non-conforming Use:** A use that was valid when brought into existence, but by subsequent regulation becomes no longer conforming. “Non-conforming use” is a generic term and includes (1) non-conforming structures (by virtue of size, type of construction, location on land, or proximity to other structures), (2) non-conforming use of a conforming building, (3) non-conforming use of a non-conforming building, and (4) non-conforming use of land. Thus, any use lawfully existing on any piece of property that is inconsistent with a new or amended General Plan, and that in turn is a violation of a zoning code amendment subsequently adopted in conformance with the General Plan, will be a non-conforming use. Typically, non-conforming uses are permitted to continue for a designated period of time, subject to certain restrictions.

**Notice (of Hearing):** A legal document announcing the opportunity for the public to present their views to an official representative or board of a public agency concerning an official action pending before the agency.

**Objective:** A specific statement of desired future condition toward which the City or County will expend effort in the context of striving to achieve a broader goal. An objective should be achievable and, where possible, should be measurable and time-specific. The State Government Code (Section 65302) requires that general plans spell out the “objectives,” principles, standards, and proposals of the general plan. “The addition of 100 units of affordable housing by 2005” is an example of an objective.

**Ordinance:** A law or regulation set forth and adopted by a governmental authority, usually a city or county.

**Overlay:** A land use designation on the Land Use Map, or a zoning designation on a zoning map, that modifies the basic underlying designation in some specific manner.

**Parcel:** A lot, or contiguous group of lots, in single ownership or under single control, usually considered a unit for purposes of development.

**Parking, Shared:** A public or private parking area used jointly by two or more uses.

**Patio Unit:** A detached single family unit, typically situated on a reduced-sized lot, that orients outdoor activity within rear or side yard patio areas for better utilization of the site for outdoor living space.

**Planned Community:** A large-scale development whose essential features are a definable boundary; a consistent, but not necessarily uniform, character; overall control during the development process by a single development entity; private ownership of recreation amenities; and enforcement of covenants, conditions, and restrictions by a master community association.

**Planned Unit Development (PUD):** A description of a proposed unified development, consisting at a minimum of a map and adopted ordinance setting forth the regulations governing, and the location and phasing of all proposed uses and improvements to be included in the development.

**Planning and Research, Office of (OPR):** A governmental division of the State of California that has among its responsibilities the preparation of a set of guidelines for use by local jurisdictions in drafting General Plans.

**Planning Area:** The Planning Area is the land area addressed by the General Plan (and hence, by the Housing element). For a city, the Planning Area boundary typically coincides with the Sphere of Influence that encompasses land both within the City Limits and potentially annexable land.

**Planning Commission:** A body, usually having five or seven members, created by a city or county in compliance with California law (Section 65100) that requires the assignment of the planning functions of the city or county to a planning department, planning commission, hearing officers, and/or the legislative body itself, as deemed appropriate by the legislative body.

**Policy:** A specific statement of principle or of guiding actions that implies clear commitment but is not mandatory. A general direction that a governmental agency sets to follow, in order to meet its goals and objectives before undertaking an action program. (See “Action Statement.”)

**Poverty Level:** As used by the U.S. Census, families and unrelated individuals are classified as being above or below the poverty level based on a poverty index that provides a range of income cutoffs or “poverty thresholds” varying by size of family, number of children, and age of householder. The income cutoffs are updated each year to reflect the change in the Consumer Price Index.

**Preserve, v:** To keep safe from destruction or decay; to maintain or keep intact. (See “Maintain.”)

**Principle:** An assumption, fundamental rule, or doctrine that will guide general plan policies, proposals, standards, and implementation measures. The State Government Code (Section 65302) requires that general plans spell out the objectives, “principles,” standards, and proposals of the general plan. “Adjacent land uses should be compatible with one another” is an example of a principle.

**Protect, v:** To maintain and preserve beneficial uses in their present condition as nearly as possible. (See “Enhance.”)

**Recognize, v:** To officially (or by official action) identify or perceive a given situation.

**Redevelop, v:** To demolish existing buildings; or to increase the overall floor area existing on a property; or both; irrespective of whether a change occurs in land use.

**Regional:** Pertaining to activities or economies at a scale greater than that of a single jurisdiction, and affecting a broad geographic area.

**Regional Housing Needs:** A quantification by a COG or by HCD of existing and projected housing need, by household income group, for all localities within a region.

**Regulation:** A rule or order prescribed for managing government.

**Rehabilitation:** The repair, preservation, and/or improvement of substandard housing.

**Residential:** Land designated in the City or County General Plan and zoning code for buildings consisting only of dwelling units. May be improved, vacant, or unimproved. (See “Dwelling Unit.”)

**Residential, Multifamily:** Usually three or more dwelling units on a single site, which may be in the same or separate buildings.

**Residential, Single-family:** A single dwelling unit on a building site.

**Restore, v:** To renew, rebuild, or reconstruct to a former state.

**Restrict, v:** To check, bound, or decrease the range, scope, or incidence of a particular condition.

**Retrofit, v:** To add materials and/or devices to an existing building or system to improve its operation, safety, or efficiency. Buildings have been retrofitted to use solar energy and to strengthen their ability to withstand earthquakes, for example.

**Reverse Annuity Mortgages:** A home financing mechanism that enables a homeowner who a senior citizen to release equity from his or her home. The senior receives periodic payments that can be put to immediate use. Loans are fixed term and are paid when the house is sold or when the term expires.

**Rezoning:** An amendment to the map and/or text of a zoning code to effect a change in the nature, density, or intensity of uses allowed in a zoning district and/or on a designated parcel or land area.

**Second Mortgage Program:** The lending by a public or private agency of a portion of a required down payment to a developer or first-time homebuyer, usually with restrictions requiring that the units assisted through the program remain affordable to very low- and low-income households.

**Second Unit:** A Self-contained living unit, either attached to or detached from, and in addition to, the primary residential unit on a single lot. Sometimes called “Granny Flat.”

**Section 8 Rental Assistance Program:** A federal (HUD) rent-subsidy program that is one of the main sources of federal housing assistance for low-income households. The program operates by providing “housing assistance payments” to owners, developers, and public housing agencies to make up the difference between the “Fair Market Rent” of a unit (set by HUD) and the household’s contribution toward the rent, which is calculated at 30 percent of the household’s adjusted gross monthly income (GMI). “Section 8” includes programs for new construction, existing housing, and substantial or moderate housing rehabilitation.

**Senior Housing:** (See “Elderly Housing.”)

**Seniors:** Persons age 62 and older.

**Shall:** That which is obligatory or necessary.

**Shared Living:** The occupancy of a dwelling unit by persons of more than one family in order to reduce housing expenses and provide social contact, mutual support, and assistance. Shared living facilities serving six or fewer persons are permitted in all residential districts by Section 1566.3 of the California Health and Safety Code.

**Should:** Signifies a directive to be honored if at all possible.

**Significant Effect:** A beneficial or detrimental impact on the environment. May include, but is not limited to, significant changes in an area’s air, water, and land resources.

**Single-family Dwelling, Attached:** A dwelling unit occupied or intended for occupancy by only one household that is structurally connected with at least one other such dwelling unit. (See “Townhouse.”)

**Single-family Dwelling, Detached:** A dwelling unit occupied or intended for occupancy by only one household that is structurally independent from any other such dwelling unit or structure intended for residential or other use. (See “Family.”)

**Single Room Occupancy (SRO):** A single room, typically 80-250 square feet, with a sink and closet, but that requires the occupant to share a communal bathroom, shower, and kitchen.

**Site:** A parcel of land used or intended for one use or a group of uses and having frontage on a public or an approved private street. A lot.

**Specific Plan:** Under Article 8 of the Government Code (Section 65450 et seq.), a legal tool for detailed design and implementation of a defined portion of the area covered by a General Plan. A specific plan may include all detailed

regulations, conditions, programs, and/or proposed legislation that may be necessary or convenient for the systematic implementation of any General Plan element(s).

**Sphere of Influence:** The probable ultimate physical boundaries and service area of a local agency (city or district) as determined by the Local Agency Formation Commission of the County.

**Standards:** (1) A rule or measure establishing a level of quality or quantity that must be complied with or satisfied. The State Government Code (Section 65302) requires that general plans spell out the objectives, principles, “standards,” and proposals of the general plan. Examples of standards might include the number of acres of park land per 1,000 population that the community will attempt to acquire and improve, or the “traffic Level of Service” (LOS) that the plan hopes to attain. (2) Requirements in a zoning code that govern building and development as distinguished from use restrictions—for example, site-design regulations such as lot area, height limit, frontage, landscaping, and floor area ratio.

**Stock Cooperative Housing:** Multiple-family ownership housing in which the occupant of a unit holds a share of stock in a corporation that owns the structure in which the unit is located.

**Structure:** Anything constructed or erected that requires location on the ground (excluding swimming pools, fences, and walls used as fences).

**Subdivision:** The division of a tract of land into defined lots, either improved or unimproved, which can be separately conveyed by sale or lease, and which can be altered or developed. “Subdivision” includes a condominium project as defined in Section 1350 of the California Civil Code and a community apartment project as defined in Section 11004 of the Business and Professions Code.

**Subdivision Map Act:** Division 2 (Sections 66410 et seq.) of the California Government code, this act vests in local legislative bodies the regulation and control of the design and improvement of subdivisions, including the requirement for tentative and final maps. (See “Subdivision.”)

**Subregional:** Pertaining to a portion of a region. The Golden Triangle was a subregional task force.

**Subsidize:** To assist by payment of a sum of money or by the granting of terms or favors that reduce the need for monetary expenditures. Housing subsidies may take the forms of mortgage interest deductions or tax credits from federal and/or state income taxes, sale or lease at less than market value of land to be used for the construction of housing, payments to supplement a minimum affordable rent, and the like.

**Substandard Housing:** Residential dwellings that, because of their physical condition, do not provide safe and sanitary housing.

**Substantial:** Considerable in importance, value, degree, or amount.

**Target Areas:** Specifically designated sections of the community where loans and grants are made to bring about a specific outcome, such as the rehabilitation of housing affordable by very low- and low-income households.

**Tax Credit:** A dollar amount that may be subtracted from the amount of taxes owed.

**Tax Increment:** Additional tax revenues that result from increases in property values within a redevelopment area. State law permits the tax increment to be earmarked for redevelopment purposes but requires at least 20 percent to be used to increase and improve the community’s supply of very low-and low-income housing.

**Townhouse; Townhome:** A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common and fire-resistant walls. Townhouses usually have separate utilities; however, in some condominium situations, common areas are serviced by utilities purchased by a homeowners association on behalf of all townhouse members of the association. (See “Condominium.”)

**Transitional Housing:** Shelter provided to the homeless for an extended period, often as long as 18 months, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing. (See “Homeless” and “Emergency Shelter.”)

**Undue:** Improper, or more than necessary.

**Uniform Building Code (UBC):** A national, standard building code that sets forth minimum standards for construction.

**Uniform Housing Code (UHC):** State housing regulations governing the condition of habitable structures with regard to health and safety standards, and which provide for the conservation and rehabilitation of housing in accordance with the Uniform Building Code (UBC).

**Urban Services:** Utilities (such as water, gas, electricity, and sewer) and public services (such as police, fire, schools, parks, and recreation) provided to an urbanized or urbanizing area.

**Use:** The purpose for which a lot or structure is or may be leased, occupied, maintained, arranged, designed, intended, constructed, erected, moved, altered, and/or enlarged in accordance with the City or County zoning code and General Plan land use designations.

**Use, Non-conforming:** (See “Non-conforming Use.”)

**Use Permit:** The discretionary and conditional review of an activity or function or operation on a site or in a building or facility.

**Vacant:** Lands or buildings that are not actively used for any purpose.

**Very Low-income Household:** A household with an annual income usually no greater than 50 percent of the area median family income, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 Housing Program. (See “Area.”)

**Zero Lot Line:** A detached single family unit distinguished by the location of one exterior wall on a side property line.

**Zone, Combining:** A special purpose zone that is superimposed over the regular zoning map. Combining zones are used for a variety of purposes, such as airport compatibility, flood plain or wetlands protection, historic designation, or special parking regulations. Also called “overlay zone.”

**Zone, Interim:** A zoning designation that temporarily reduces or freezes allowable development in an area until a permanent classification can be fixed; generally assigned during General Plan preparation to provide a basis for permanent zoning.

**Zone, Study:** (See “Zone, Interim.”)

**Zoning:** The division of a city or county by legislative regulations into areas, or zones, which specify allowable uses for real property and size restrictions for buildings within these areas; a program that implements policies of the General Plan.

**Zoning Bonus:** (See “Zoning, Incentive.”)

**Zoning Code:** a collection of organized and numbered local (ordinances) that provide regulations for land use and development. [or something like this]

**Zoning District:** A designated section of a city or county for which prescribed land use requirements and building and development standards are uniform.

**Zoning, Exclusionary:** Development regulations that result in the exclusion of low- and moderate-income and/or minority families from a community.

**Zoning, Incentive:** The awarding of bonus credits to a development in the form of allowing more intensive use of land if public benefits—such as preservation of greater than the minimum required open space, provision for low- and moderate-income housing, or plans for public plazas and courts at ground level—are included in a project.

**Zoning, Inclusionary:** Regulations that increase housing choice by providing the opportunity to construct more diverse and economical housing to meet the needs of low- and moderate-income families. Often such regulations require a minimum percentage of housing for low- and moderate-income households in new housing developments and in conversions of apartments to condominiums.

**Zoning Map:** Government Code Section 65851 permits a legislative body to divide a county, a city, or portions thereof, into zones of the number, shape, and area it deems best suited to carry out the purposes of the zoning code. These zones are delineated on a map or maps, called the Zoning Map.



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

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



November 6, 2014

Mr. Hanson Hom, Director  
Community Development Department  
City of Sunnyvale  
456 W. Olive Ave.  
Sunnyvale, CA 94086

Dear Mr. Hom:

**RE: City of Sunnyvale's 5<sup>th</sup> Cycle (2015-2023) Draft Housing Element**

Thank you for submitting the City of Sunnyvale's draft housing element update which was received for review on September 12, 2014, along with additional revisions received on November 4, 2014. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by a telephone conversation on October 20, 2014 with Ms. Suzanne Ise, Housing Office and Trudi Ryan, Planning Officer. In addition, the Department considered comments from the Law Foundation of Silicon Valley pursuant to GC Section 65585(c).

The Department conducted a streamlined review of the draft housing element based on the City meeting all eligibility criteria detailed in the Department's Housing Element Update Guidance. The City also utilized ABAG's pre-approved housing element data.

The draft element, with revisions, meets the statutory requirements of State housing element law. The element will comply with State element law (GC, Article 10.6) when it is adopted and submitted to the Department, in accordance with GC Section 65585(g).

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the City of Sunnyvale must adopt its element within 120 calendar days from the statutory due date of January 31, 2015 for ABAG localities. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit our website at: [http://www.hcd.ca.gov/hpd/hrc/plan/he/he\\_review\\_adoptionsteps110812.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf).

## HCD Review of Sunnyvale's Housing Element

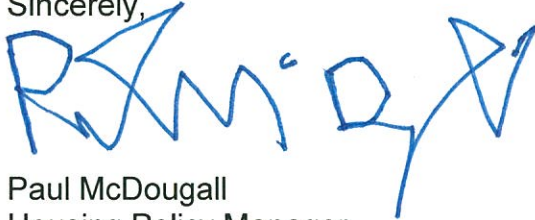
November 6, 2014

Page 2 of 2

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

The Department appreciates the hard work and dedication of Suzanne Ise, Housing Officer, and Trudi Ryan, Planning Officer in preparation of the housing element and looks forward to receiving Sunnyvale's adopted housing element. If you have any questions or need additional technical assistance, please contact Tom Brinkhuis, of our staff, at (916) 263-6651.

Sincerely,



Paul McDougall  
Housing Policy Manager

**RESOLUTION NO. \_\_\_\_-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE TO AMEND THE GENERAL PLAN  
(CONSOLIDATED 2011) BY ADOPTING A REVISED  
HOUSING ELEMENT FOR 2015-2023**

WHEREAS, the Department of Community Development has proposed an amendment to the General Plan (Consolidated 2011) of the City of Sunnyvale, as amended, by revising the Housing Element, which proposed Element is set forth in Report to Council No. 14-\_\_\_\_ dated November \_\_\_\_, 2014; 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;

WHEREAS, the Housing and Human Services Commission held a noticed public hearing on the proposed amendments on November \_\_\_\_, 2014, after which recommended that the City Council adopt the amendment; and

WHEREAS, the Planning Commission held a noticed public hearing on the proposed amendments on November \_\_\_\_, 2014, after which the Planning Commission recommended that the City Council adopt the Negative Declaration and approve the amendment; and

WHEREAS, the City Council held a noticed public hearing to consider adoption of the amendment on \_\_\_\_, 2014.

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 (Consolidated 2011) for the development of the City of Sunnyvale, and that it is in the public interest.
3. The 2015-2023 Housing 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 General Plan (Consolidated 2011) of the City of Sunnyvale.

4. The Mayor and City Clerk are directed to endorse the amendment to the 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 \_\_\_\_\_, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Santa Clara County Clerk – Recorder's Office  
State of California

County of Santa Clara  
Office of the County Clerk-Recorder  
Business Division

County Government Center  
70 West Hedding Street, E. Wing, 1<sup>st</sup> Floor  
San Jose, California 95110 (408) 299-5688



Document No.: 863  
Number of Pages: 24  
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Through: 12/04/2014  
CRO Order Number:  
Fee Total: 0.00

REGINA ALCOMENDRAS, County Clerk – Recorder  
by Raymund Reyes, Deputy Clerk – Recorder, RR

**CEQA DOCUMENT DECLARATION**

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: CITY OF SUNNYVALE
2. PROJECT TITLE: 2015-2023 HOUSING ELEMENT (GENERAL PLAN AMENDMENT)
3. APPLICANT NAME: CITY OF SUNNYVALE, COMMUNITY DEVELOPMENT DEPT. PHONE: (408) 730-7698
4. APPLICANT ADDRESS: 456 WEST OLIVE AVENUE, SUNNYVALE, CA 94088
5. PROJECT APPLICANT IS A: ☒ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☐ Private Entity
6. NOTICE TO BE POSTED FOR 20 DAYS.
7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

- |   |             |                |
|---|-------------|----------------|
| <input type="checkbox"/> 1. <u>ENVIRONMENTAL IMPACT REPORT</u> (PUBLIC RESOURCES CODE §21152)                                   | \$ 3,029.75 | \$ <u>0.00</u> |
| <input type="checkbox"/> 2. <u>NEGATIVE DECLARATION</u> (PUBLIC RESOURCES CODE §21080(C))                                       | \$ 2,181.25 | \$ <u>0.00</u> |
| <input type="checkbox"/> 3. <u>APPLICATION FEE WATER DIVERSION</u> (STATE WATER RESOURCES CONTROL BOARD ONLY)                   | \$ 850.00   | \$ <u>0.00</u> |
| <input type="checkbox"/> 4. <u>PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS</u>  | \$ 1,030.25 | \$ <u>0.00</u> |
| <input type="checkbox"/> 5. <u>COUNTY ADMINISTRATIVE FEE</u> (REQUIRED FOR a-1 THROUGH a-4 ABOVE)<br>Fish & Game Code §711.4(e) | \$ 50.00    | \$ <u>0.00</u> |

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

- |   |          |                |
|---|----------|----------------|
| <input type="checkbox"/> 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)  | \$ 50.00 | \$ <u>0.00</u> |
| <input type="checkbox"/> 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) |          |                |
| DOCUMENT TYPE: <input type="checkbox"/> ENVIRONMENTAL IMPACT REPORT <input type="checkbox"/> NEGATIVE DECLARATION   | \$ 50.00 | \$ <u>0.00</u> |

c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES

- |  |  |        |                  |
|--|--|--------|------------------|
| <input type="checkbox"/> NOTICE OF PREPARATION | <input checked="" type="checkbox"/> NOTICE OF INTENT | NO FEE | \$ <u>NO FEE</u> |
|--|--|--------|------------------|

8. OTHER: \_\_\_\_\_ FEE (IF APPLICABLE): \$ \_\_\_\_\_

9. TOTAL RECEIVED..... \$ 0.00

\*NOTE: "SAME PROJECT" MEANS NO CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE SUBSEQUENT FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND THREE COPIES. (YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b)); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)

(FEES EFFECTIVE 01-01-2014)

File#: 863

11/14/2014



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

File Number: 2014-7414  
No.

### 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:**

**2015-2023 HOUSING ELEMENT (GENERAL PLAN AMENDMENT)**

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

FILE #: 2014-7414  
Location: City-wide  
Proposed Project: City of Sunnyvale General Plan Amendment: 2015-2023 Housing Element Update  
Applicant / Owner: City of Sunnyvale, Community Development Department

#### **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 December 16, 2014. 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:

Planning Commission Hearing on Monday, November 24, 2014 at 8:00 p.m.; and  
City Council Hearing on Tuesday, December 16, 2014 at 7:00 p.m.,  
Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale.

#### **TOXIC SITE INFORMATION:**

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

Circulated On November 21, 2014

Signed:   
Trudi Ryan, Planning Officer

## California Environmental Quality Act Initial Study

<b>Project Title:</b>	City of Sunnyvale General Plan Amendment: 2015-2023 Housing Element Update
<b>Lead Agency Name and Address:</b>	City of Sunnyvale 456 W. Olive Ave, P.O. Box 3707, Sunnyvale, CA 94088-3707
<b>Contact Person:</b>	Amber El-Hajj, Senior Planner
<b>Phone Number:</b>	408-730-2723
<b>Project Location:</b>	City of Sunnyvale, City-wide
<b>Applicant's Name:</b>	City of Sunnyvale
<b>Zoning:</b>	City-wide policy document
<b>General Plan:</b>	City-wide policy document
<b>Other Public Agencies whose approval is required:</b>	California Department of Housing and Community Development (HCD)

### Description of the 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, previously entitled the *Housing and Community Revitalization Element* and now retitled the 2015-2023 Housing Element, is part of the Community Development Chapter of the Sunnyvale General Plan. The Housing 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 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 Element identifies and assesses projected housing needs and provides an inventory of constraints and resources relevant to meeting those needs, as required under state law. Components of the Element include; 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 Housing Element's goals focus on:

1. Preserving and improving housing and neighborhoods;
2. Maintaining adequate housing sites for its regional housing needs allocation (RHNA);
3. Assisting in the provision of affordable housing;
4. Removing governmental and other constraints to housing production and/or preservation; and
5. 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 5,452 new residential units for the 2015 - 2023 planning period. The Element describes how the City's current zoning designations provides adequate sites for 5,849 residential units on vacant or underutilized residential and commercial properties, as well as in the Downtown Specific Plan (DSP) Area, the Industrial to Residential (ITR) Combining Districts, and along the El Camino Real Precise Plan Area. 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 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 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 Elements, would be site-specific, and the impacts would be analyzed in conjunction with the review of a particular project.

**Surrounding Uses and Setting:** N/A: General Plan Amendment: Housing Element Update. City-wide policy document; no physical development project proposed.



Figure 1 – Location Map (City of Sunnyvale)

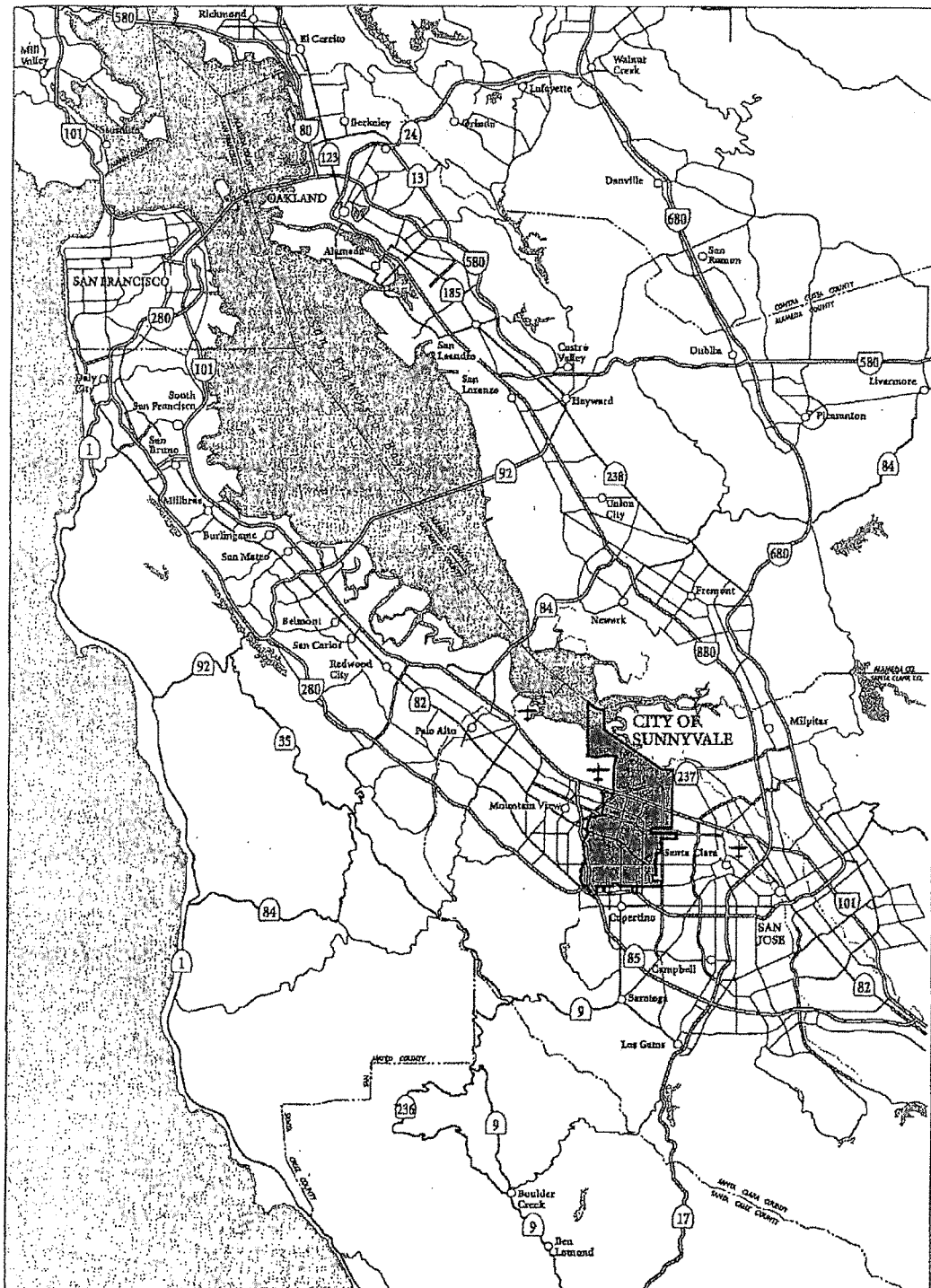


Figure 2 – Residential Opportunity Sites Inventory

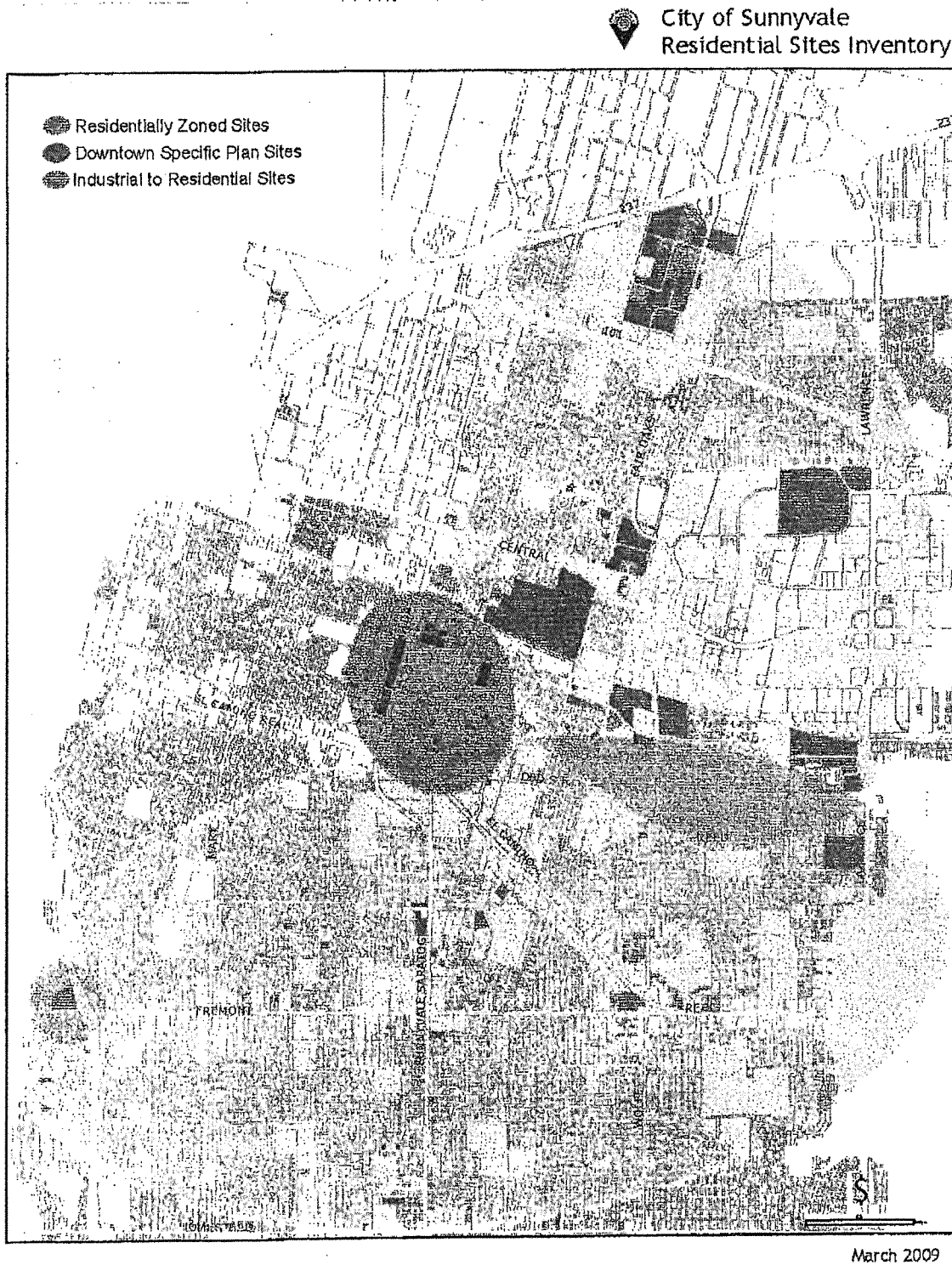


Figure 3 – Downtown Specific Plan (DSP) Area Map (City of Sunnyvale)

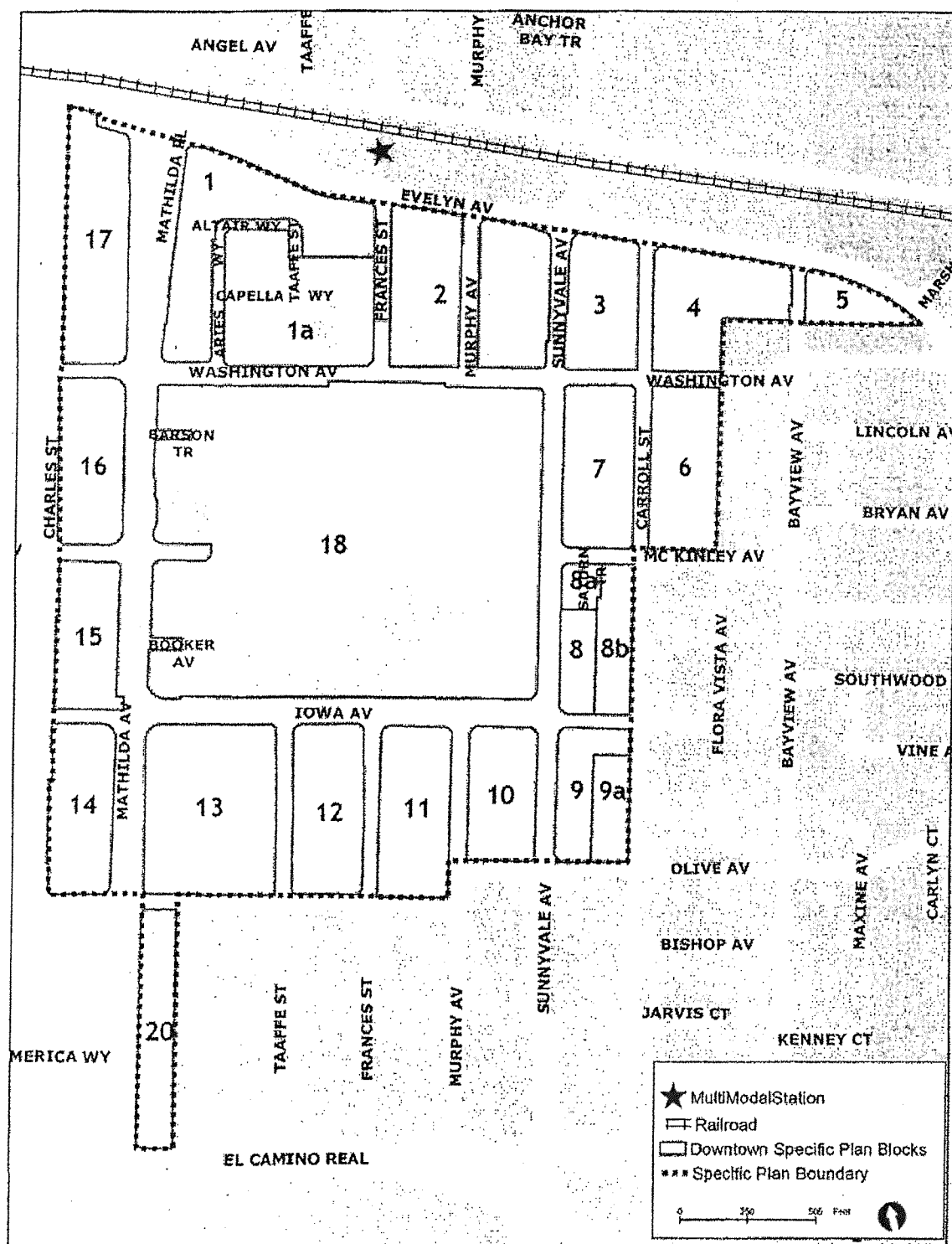
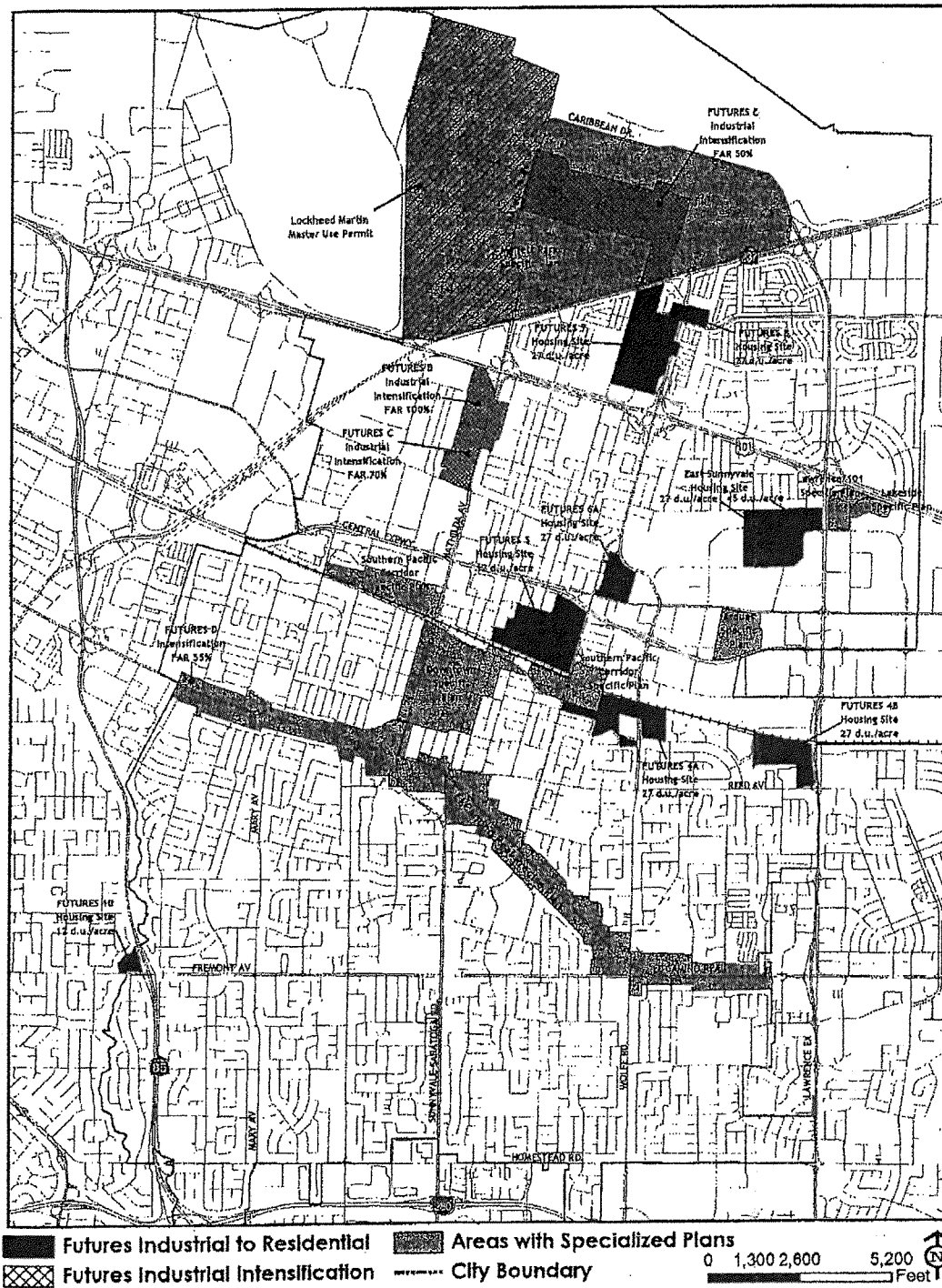


Figure 4 - Industrial to Residential (ITR) Combining Districts Map (City of Sunnyvale)



**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: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less 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 17, "Earlier Analysis," may be cross-referenced).
5. Earlier analysis 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:
6. Earlier Analysis Used. Identify and state where they are available for review.
7. 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.
8. 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
9. 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.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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"/> Agricultural 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"/> Transportation/Traffic             |
| <input type="checkbox"/> Biological Resources   | <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Utilities/Service Systems          |
| <input type="checkbox"/> Cultural Resources     | <input type="checkbox"/> Noise                         | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Geology/Soils          | <input type="checkbox"/> Population/Housing            |   |

**MANDATORY FINDINGS OF SIGNIFICANCE (see checklist for further information):**

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?

☐ Yes  
☒ No

Mandatory Findings of Significance? 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 the past projects, the effects of other current projects, and the effects of probable future projects)?

☐ Yes  
☒ No

Mandatory Findings of Significance? Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

☐ Yes  
☒ No

**DETERMINATION:**

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 "potential 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 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. ☐

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Checklist Prepared By: Amber El-Hajj  
Title: Senior Planner, City of Sunnyvale

Signature: *Amber El-Hajj*

Date: *5/14/14*

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**Initial Study Checklist**  
**Housing Element Update**  
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	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Source
<b>I. AESTHETICS:</b> Would the project:					
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 which 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 of Sunnyvale; therefore, the Housing Element will have no impact on a scenic vista.

The Project does not allow 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.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Source
<b>II. AGRICULTURE AND FOREST 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 Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:					
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) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2v, 4



**Initial Study Checklist**  
**Housing Element Update**  
**Page 7 of 18**

d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2v, 4
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest 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 have no impact on agricultural resources.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Source
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**III. AIR QUALITY:** 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:

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 which 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 the nine-county Bay Area Air Quality Management District (BAAQMD). Air quality goals and policies are noted in the City's Air Quality 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.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Source
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**IV. BIOLOGICAL RESOURCES:** Would the project:

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 US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Initial Study Checklist**  
**Housing Element Update**  
**Page 8 of 18**

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"/>
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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"/>
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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"/>
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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"/>
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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 mitigation corridor impacted by existing areas zoned for residential use. Therefore, adoption of the Housing Element will not have any impact on biological resources.

Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact	Source
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**V. CULTURAL RESOURCES:** Would the project:

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
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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
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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
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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
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Sunnyvale has a number of local Landmarks and Cultural Resource structures as noted in the Heritage Preservation 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 Housing Element. There are no recorded archeological sites in Sunnyvale listed or eligible for inclusion in the National Register of Historic Places or the California Register of Historic Places. Future development sites will be evaluated for archeological and cultural impacts if located in areas of the City near past sites or where geographical and soil studies indicate resources may be evident.

**Initial Study Checklist**  
**Housing Element Update**  
**Page 9 of 18**

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact	Source
<b>VI. GEOLOGY AND SOILS:</b> Would the project:					
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 type="checkbox"/>	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2x, 15

The City's Safety and Seismic Safety 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 Element includes several policies and programs to address potential geologic hazards.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact	Source
<b>VII. GREENHOUSE GAS EMISSIONS:</b> Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

The Project does not include any physical modifications to land or any new designation of land for housing purposes; therefore, it will not cause any impacts associated with greenhouse gas emissions.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact	Source
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS:</b> Would the project:					
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 Element and the 1997 Land Use and Transportation 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 comprehensive environmental regulatory programs which includes permitting, inspection, enforcement and educational elements.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact	Source
<b>IX. HYDROLOGY AND WATER QUALITY:</b> Would the project:					
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 stormwater 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 Element, the Wastewater Management Element and the Surface Runoff Element. 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 Element. The City is not located within a groundwater storage or recharge area, and due to its mostly inland location, with just a very small strip of waterfront on the southern interior of the Bay, is not subject to seiches or tsunamis. The Surface Runoff Element analyses the impacts of development in areas which are located within a 100-year flood hazard area.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact	Source
<b>X. LAND USE AND PLANNING:</b> Would the project:					
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-way 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 Highway 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.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact	Source
<b>XI. MINERAL RESOURCES:</b> Would the project:					
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.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact	Source
<b>XII. NOISE:</b> Would the project result in:					
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

**Initial Study Checklist**  
**Housing Element Update**  
Page 13 of 18

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact	Source
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 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
) 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 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 and must also be compatible with the County of Santa Clara's Comprehensive Land Use Plan for Moffett Federal Airfield.

The Noise Element determines that acceptable interior noise levels for single family homes close to major roadways is 60-75 dBA Ldn. As per the Noise Element, current and forecasted noise levels for Moffett Federal Airfield and San Jose International Airport are below state limits, and none of the opportunity sites identified in the Housing 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 Element as well as the Downtown Improvement Program EIR and the Future Study EIR have done previous analyses on acceptable noise levels, and their corresponding mitigations for the community.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact	Source
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**XIII. POPULATION AND HOUSING:** Would the project:

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 1.1 percent per year projected by the ABAG to occur due to regional demographic trends (i.e. with or without the Project).

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact	Source
<b>XIV. PUBLIC SERVICES:</b>					
a) Would the project 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2ii, 2vi, 2vii, 2ix
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2iii
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2vi
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2ix
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 mechanism 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.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact	Source
<b>XV. RECREATION:</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 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 Element. 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 a new residential development unless park land is dedicated.



**Initial Study Checklist**  
**Housing Element Update**  
**Page 15 of 18**

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact	Source
<b>XVI. TRANSPORTATION/TRAFFIC:</b> Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2v
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards 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 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) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<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 EIR's for the Downtown Specific Plan Area and the Future ITS Sites areas.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact	Source
<b>XVII. UTILITIES AND SERVICE SYSTEMS:</b> Would the project:					
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

**Initial Study Checklist**  
**Housing Element Update**  
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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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2xii
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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 Element.

Public utility capacities are also analyzed in the Wastewater Management Element, Solid Waste Management Element and the Water Resources 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 Element requires new development to be consistent with the capacities of the utility systems.

Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact	Source
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### XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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, substantially 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 to the Housing Element of the City of Sunnyvale General Plan for the 2015 - 2023 planning period, pursuant to California Government Code Section 65588. The Housing 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 5,452 housing units for the 2015 - 2023 planning period. The Housing 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 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 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 Element will not degrade the quality of the environment, result in cumulatively considerable impacts or cause substantial adverse effects on human beings.

Initial Study Sources: These documents are available at the City of Sunnyvale Planning Division

1. The City of Sunnyvale General Plan, "Draft 2015-2023 Housing Element" prepared for HCD review.
2. City of Sunnyvale General Plan Elements:
  - i. Air Quality
  - ii. Community Design
  - iii. Fire Services
  - iv. Heritage Preservation
  - v. Land Use and Transportation
  - vi. Law Enforcement
  - vii. Library
  - viii. Noise
  - ix. Open Space and Recreation
  - x. Safety and Seismic Safety
  - xi. Socio-Economic
  - xii. Solid Waste Management
  - xiii. Support Services
  - xiv. Surface Runoff
  - xv. Wastewater Management
  - xvi. Water Resources
3. City of Sunnyvale "General Plan Land Use Map," Sunnyvale, CA
4. City of Sunnyvale "Zoning Map," Sunnyvale, CA
5. City of Sunnyvale "Downtown Specific Plan"
6. City of Sunnyvale, Final Environmental Impact Report for the Downtown Improvement Program
7. City of Sunnyvale, Final Environmental Impact Report for Sunnyvale Future Study
8. City of Sunnyvale, East Sunnyvale ITR Project Environmental Impact Report
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 Zone website: [www.conservation.ca.gov/cgs/rghm/ap/Pages/Index.aspx](http://www.conservation.ca.gov/cgs/rghm/ap/Pages/Index.aspx)
15. California Building Code
16. FEMA Maps
17. Title 19 Sunnyvale Municipal Code Zoning
18. Title 16 Sunnyvale Municipal Code Buildings and Construction



# City of Sunnyvale

## Meeting Minutes - Draft

### Housing and Human Services Commission

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Wednesday, November 19, 2014

7:00 PM

West Conference Room, City Hall, 456 W.  
Olive Ave., Sunnyvale, CA 94086

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#### Special Meeting

- 2**      [14-0910](#)      Recommend Adoption of 2015-2023 Housing Element  
(General Plan Amendment)

Housing Officer Suzanne Isé gave a brief summary of the staff report and noted that the State Department of Housing and Community Development (HCD) had sent a letter approving the draft Housing Element with the minor changes as highlighted in the attachment they received.

She also noted that the Housing Element will be going to the Planning Commission for another public hearing opportunity and finally to the City Council for adoption in early December to meet the January 2015 deadline to submit back to HCD for final approval.

Chair Gilbert opened the public hearing at 7:19 p.m.

Chair Gilbert closed the public hearing at 7:20 p.m.

After a brief discussion and some questions regarding the changes requested by HCD, Chair Gilbert asked for a motion.

Commissioner Evans moved and Commissioner McCloud seconded the motion to approve Alternative 1: Recommend that Council adopt the 2015-2023 Housing Element as provided in Attachment 2. The motion carried by the following vote:

**Yes:** 5 -    Chair Gilbert  
                 Vice Chair Jeong  
                 Commissioner Evans  
                 Commissioner McCloud  
                 Commissioner Schmidt

**No:** 0

**Absent:** 2 -    Commissioner Chiu  
                 Commissioner Sidhu

- 4**      **14-0921**      Recommend Adoption of Resolution to Amend the General Plan by Adopting the 2015-2023 Housing Element  
**CEQA Review:** Negative Declaration  
**Staff Contact:** Suzanne Isé, (408) 730-7698, [sise@sunnyvale.ca.gov](mailto:sise@sunnyvale.ca.gov)

Suzanne Isé, Housing Officer, presented the staff report.

Vice Chair Olevson commented on the written document being very easy to read, and confirmed with Ms. Isé that there are no substantive changes to the existing Housing Element and that the three new policies and programs discussed in the document are achievable within the standard operating budget. Vice Chair Olevson added that he is pleased the State has sent preliminary approval.

Comm. Harrison discussed with Ms. Isé collaborative funding of regional housing projects in nearby jurisdictions, and housing and transportation programs for the elderly funded by the City.

Comm. Klein and Ms. Isé discussed a potential increase in the Below Market Rate (BMR) requirement and when it may go to City Council for review.

Comm. Durham and Ms. Ryan discussed the tables in the document that list the fees charged for projects in Sunnyvale, and Comm. Durham commented on the price of homes in the area.

Chair Melton and Ms. Isé discussed the difference in number between the quantified objective of affordable housing units and that of the Regional Housing Needs Allocation (RHNA), and discussed potential options for how to close the gap between these numbers. Chair Melton and staff also compared the quantified objectives of Sunnyvale and neighboring cities.

Comm. Harrison and Ms. Ryan discussed removing from the inventory of housing in-fill sites that have been proposed for a commercial use.

Chair Melton opened the public hearing and upon seeing no speakers for this item, closed the public hearing.

Vice Chair Olevson moved Alternative 1 to Recommend that City Council:

- A) Adopt the Negative Declaration; and
- B) Adopt a resolution to amend the General Plan by replacing the 2009 Housing Sub-Element with the 2015-2023 Housing Element.

Comm. Harrison seconded.

Vice Chair Olevson recommended proceeding with the Housing Element and said it is well researched and documented and has a preliminary review by the State. He said he is aware from meetings outside of the Planning Commission that failure to have a current Housing Element can initiate State action to cut off our ability to issue building permits and receive grants, which we depend on to run the City. He said that since we have met all requirements and the document is well researched and the revised Housing Element fits the goals of Sunnyvale, he is strongly recommending it for approval to City Council.

Comm. Harrison said Vice Chair Olevson's comments were well said, and had no additional comments.

Comm. Klein said he will be supporting the motion, and that this is one step in a long process of updating the Element. He said it is well investigated and well written, and that his only comment to Council is that he is hoping the BMR rate will be looked at again as increasing it to 15% is an easy way to help increase the quantity and availability of lower-income housing for families that are in need. He said it is a small percentage and has been 12.5% for a long time, and that as we continue to develop very high-density residential within the City, the value of 12.5% going to 15% continues to be reduced as we use up available land with redevelopment. He said looking at the market now, 15% would not affect the majority of developers coming into City, and that he applauds staff for putting this together.

Comm. Durham said he will be supporting the motion, and that a lot of heavy lifting was done to get this document to where it is now and he applauds staff for the effort. He said his comment to Council is noting that one-fourth of Sunnyvale residents live and work in Sunnyvale and over 75% live and work in the County. He said Council could help the Climate Action Plan by building out at a faster rate the bicycle and pedestrian-friendly routes around town and interlocking those with other communities. He said Sunnyvale is a very flat town and there is no real reason why those living in Sunnyvale cannot bike to any other place in Sunnyvale.

Comm. Simons said he will be supporting the motion, and strongly agrees with Comm. Durham's comments about the Transportation Element being key in the housing aspect. He said oftentimes people look at things so segmented that they do not allow opportunities for those who could live here if they did not have to own a vehicle. He said people do have to own a vehicle under the current transportation limitation, and a lot of people come from long distances.

Chair Melton said he will be enthusiastically supporting the motion, and that this is a fantastic document. He said the Housing Officer is again showing her ironclad grip on the details and her tremendous subject matter expertise, which is easily seen in the document. He said there is a ton of stuff the Planning Commission is not seeing that is going on behind the scenes with staff working with the State.

MOTION: Vice Chair Olevson moved Alternative 1 to Recommend that City Council  
A) Adopt the Negative Declaration; and  
B) Adopt a resolution to amend the General Plan by replacing the 2009 Housing Sub-Element with the 2015-2023 Housing Element.

The motion carried by the following vote:

**Yes: 7 -** Chair Melton  
Vice Chair Olevson  
Commissioner Durham  
Commissioner Harrison  
Commissioner Klein  
Commissioner Rheaume  
Commissioner Simons

**No: 0** Commissioner Simons





# City of Sunnyvale

## Agenda Item

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**14-0141**

**Agenda Date:** 12/16/2014

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Tentative Council Meeting Agenda Calendar



# City of Sunnyvale

## Tentative Council Meeting Agenda Calendar

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### Tuesday, January 6, 2015 - City Council

#### **Study Session**

**14-0752** 5:45 P.M. SPECIAL COUNCIL MEETING (Study Session)  
School Enrollment Rate and Projections  
Location: Council Chambers

#### **Public Hearings/General Business**

**15-0001** Select Vice Mayor for 2015

**15-0002** Approve the 2015 City Council Meeting Calendar

**15-0003** Annual Public Hearing - Discussion of Potential Council Study Issues and Budget Issues for Calendar Year 2015

**15-0004** City Council 2015 Appointments to Intergovernmental and Internal Assignments, Council Subcommittees, and Community Member Appointments

**15-0005** 2015 Seating Arrangements for City Council

**15-0008** Approve the Proposed 2015 Priority Issues and Short and Long-term Legislative Advocacy Positions (LAPs)

### Tuesday, January 13, 2015 - City Council

#### **Special Order of the Day**

**15-0006** SPECIAL ORDER OF THE DAY - Recognition of Outgoing Vice Mayor

**15-0007** SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Incoming Vice Mayor

#### **Public Hearings/General Business**

**14-1098** Revise Council Policy 7.1.5 to Authorize City Manager to Appropriate Grants up to \$100,000

**14-1135** Staff Comments to the Santa Clara Valley Transportation Authority on the Draft Environmental Impact Report of the El Camino Real Bus Rapid Transit Project

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**Friday, January 30, 2015 - City Council**

**Study Session**

**15-0009**                      8:30 A.M. SPECIAL COUNCIL MEETING  
Study Issues/Budget Issues Workshop

**Tuesday, February 10, 2015 - City Council**

**Study Session**

**15-0010**                      5 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Board and Commission Interviews (as necessary)

**14-0845**                      6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Discussion and Possible Action on Rental Housing Impact Fee

**Public Hearings/General Business**

**14-0195**                      2015 Quarterly Consideration of General Plan Amendment Initiation  
Request (Tentative)

**14-0272**                      Community Choice Aggregation (Study Issue)

**14-1072**                      Proposal for Future Service Level of Care Management Program at the  
Senior Center

**Tuesday, February 24, 2015 - City Council**

**Study Session**

**14-1090**                      5 P.M. SPECIAL COUNCIL MEETING (Joint Study Session with Planning  
Commission)  
Review Draft Lawrence Station Area Plan

**15-0014**                      6 P.M. SPECIAL COUNCIL MEETING (Joint Study Session with Planning  
Commission)  
Peery Park Specific Plan

**Public Hearings/General Business**

**14-0270**                      Use of Gas-powered Leaf Blowers (Study Issue)

**14-0288**                      Introduce an Ordinance to Amend Chapter 19.46 (Parking) of Title 19 of  
the Sunnyvale Municipal Code to include Modifications based on the  
Tandem and Stacker Parking Study Issue (2014-7435)

**15-0011**                      Board and Commission Appointments

**15-0012**                      Adoption of Council-ranked Study Issue Presentation Dates for 2015

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**Date to be Determined - City Council**

**Study Session**

**14-0398** SPECIAL COUNCIL MEETING (Study Session)  
Citywide Traffic/Transportation Update

**Public Hearings/General Business**

**14-0027** Toolkit for Commercial/Residential Mixed Use Development (Study Issue)  
(Tentatively scheduled for 3/24/15)

**14-0030** Peery Park Project Description and Preliminary Plan Concepts (tentatively  
scheduled for April 28, 2015)

**14-0031** Ecodistrict Feasibility and Incentives (Study Issues)

**14-0032** Community and Operational Greenhouse Gas Inventory (Study Issue)

**14-0034** Protecting Burrowing Owl Habitat on City Facilities (Study Issue)

**14-0035** Pilot Bicycle Boulevard Project on East-West and North-South Routes  
(Study Issue)

**14-0273** Optimization of Wolfe Road for Neighborhood and Commuters via  
Reconfiguration and Signalization (Study Issue)

**14-0277** Review of Park Use Policies and Related User Fees (Study Issue)  
(Tentatively scheduled for March 2015)

**14-0429** Resolution Forming Homestead Road Underground Utility District - Public  
Hearing

**14-0846** Discussion and Possible Action on Rental Housing Impact Fee (Tentatively  
to be scheduled March 2015)

**14-0988** Expand Smoking Regulations to Prohibit Smoking Near Doorways and  
Outdoor Areas of Retail and Commercial Businesses (Study Issue -  
Fall/Winter 2015 Proposed)



# City of Sunnyvale

## Agenda Item

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**14-1048**

**Agenda Date:** 12/16/2014

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Information/Action Items



# City of Sunnyvale

## Agenda Item

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14-1123

Agenda Date: 12/16/2014

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### REPORT TO COUNCIL

#### SUBJECT

Timeline for Drafting Local Hiring Program/Ordinance (Information Only)

At its February 7, 2014 Study/Budget Issues Workshop, City Council prioritized a study issue to examine opportunities to increase the hiring of local residents (those living in Santa Clara County) for private construction projects. The study was prompted by information indicating that some developers might be making heavy use of out-of-state workers, and/or housing out-of-state workers at unfinished project sites.

On November 11, 2014 staff presented [Report to Council 14-0818](https://sunnyvaleca.legistar.com/ReporttoCouncil.aspx?ID=14-0818) [<https://sunnyvaleca.legistar.com/LegislationDetail.aspx?ID=1992446&GUID=87A8C117-3C83-4E19-87D3-69FFD4B01840&Options=&Search=>](https://sunnyvaleca.legistar.com/LegislationDetail.aspx?ID=1992446&GUID=87A8C117-3C83-4E19-87D3-69FFD4B01840&Options=&Search=>), and recommended the implementation of several actions to encourage local hiring by developers and contractors for local development projects. Council concluded it wanted to explore a more aggressive local hire program, and directed staff to review programs in other cities and return with a proposed plan for preparing an ordinance to impose appropriate local hire requirements on large private and public construction projects. Council asked staff to consider requiring submission of a “local hiring plan” that includes job projections and outreach plans, requiring contractors and subcontractors on projects to be licensed per state law, and encouraging use of local apprenticeship programs.

Staff was also directed to develop a timeline for bringing that ordinance back to Council for its consideration. This report responds to that direction. Attachment 1 reflects staff’s timeline for drafting the ordinance, acknowledging Council’s desire to take action on this issue sooner than later.

Prepared by: Robert A. Walker, Assistant City Manager

Reviewed by: Joan Borger, City Attorney

Approved by: Deanna J. Santana, City Manager

#### ATTACHMENT

1. Timeline for Drafting Local Hiring Ordinance

## **TIMELINE FOR DRAFTING LOCAL HIRING ORDINANCE**

### **2014**

**DECEMBER:**      **Background research:** collect and review existing Local Hiring Ordinances and Programs in other cities. Begin to analyze legal issues. Identify program components and options.

**Identify and Contact Stakeholders:** make stakeholders aware of Council direction, timeline, and future opportunities for input.

### **2015**

**JAN-MAR:**      **Prepare Draft Ordinance:** capture Council's directive to require developers to provide a "jobs projection and local hiring plan"; to require licensing of contractors and subcontractors; and to encourage use of local apprenticeship programs.

**Begin to assess operational and financial implications** of advertising, monitoring, and enforcing program requirements.

**Secure stakeholder input**

**Begin to draft Report to Council (RTC)**

**APRIL:**              **Finalize Report to Council,** complete with staff recommendation.

**MAY:**                **Present Report to Council**

**2014 INFORMATION/ACTION ITEMS**  
**COUNCIL DIRECTIONS TO STAFF**

No.	Date Assigned	Directive/Action Required	Dept	Due Date	Date Completed
1.	2/25/14	Schedule Rule 20A Resolution for future Council agenda	DPW	TBD	
2.	11/25/14	Discuss with the City Manager the notion of a study session with, or presentation by, the VTA regarding north/south transit improvements	DPW	12/18/14	
3.	12/9/14	Light out in the men's restroom located next to the Council Chambers (noted by Mayor)	DPW		

**NEW STUDY/BUDGET ISSUES**  
**SPONSORED BY COUNCIL IN 2014**

No.	Date Requested	Study Issue Title	Requested By	Dept	Issue Paper Approved by City Manager
1.	12/9/14	Create a 2015 Study Issue Paper to make public all future employee bargaining proposals and counter proposals.	Meyering/ Whittum	HR	





# City of Sunnyvale

## Agenda Item

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**14-0079**

**Agenda Date:** 12/16/2014

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Study Session Summary of December 9, 2014 - How the City Council Works Together



# City of Sunnyvale

## Meeting Minutes - Draft City Council

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Tuesday, December 9, 2014

6:00 PM

Special Meeting - Study Session (Audio  
Only)

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### **6 P.M. SPECIAL COUNCIL MEETING (Study Session)**

#### **1 Call to Order in the West Conference Room (Open to the Public)**

Vice Mayor Davis called the meeting to order at 6:10 p.m. in the West Conference Room.

#### **2 Roll Call**

**Present:** 7 - Mayor Jim Griffith  
Vice Mayor Jim Davis  
Councilmember David Whittum  
Councilmember Pat Meyering  
Councilmember Tara Martin-Milius  
Councilmember Glenn Hendricks  
Councilmember Gustav Larsson

#### **3 Public Comment**

None.

#### **4 Study Session**

[14-0501](#) How the City Council Works Together

Study Session Summary:

Opening remarks were made by the Mayor.

Each Councilmember was provided an opportunity to provide comments regarding the council meeting conduct, process, study sessions and length of meetings.

The City Manager provided brief comments.

#### **5 Adjourn Special Meeting**

Vice Mayor Davis adjourned the meeting at 6:32 p.m.



# City of Sunnyvale

## Agenda Item

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**14-0514**

**Agenda Date:** 12/16/2014

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Board/Commission Meeting Minutes



# City of Sunnyvale

## Meeting Minutes - Draft Arts Commission

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Wednesday, November 19, 2014

7:00 PM

Neighborhood Room - Recreation  
Building, Sunnyvale Community Center,  
550 E. Remington Drive, Sunnyvale, CA  
94087

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### **CALL TO ORDER**

Chair Park called the meeting to order at 7 p.m. in the Neighborhood Room.

### **SALUTE TO THE FLAG**

Chair Park led the salute to the flag.

### **ROLL CALL**

**Present:** 5 - Chair Misuk Park  
Vice Chair Shawnte Santos  
Commissioner Roberta Kiphuth  
Commissioner Robert Lawson  
Commissioner Suzanne Moshier

Council Liaison Mayor Griffith (present)

### **PUBLIC ANNOUNCEMENTS**

None

### **CONSENT CALENDAR**

**1A**      [14-1101](#)      Draft Minutes of the September 17, 2014 Arts Commission Meeting

Commissioner Moshier moved and Commissioner Kiphuth seconded the motion to approve the minutes as presented. The motion carried by the following vote:

**Yes:** 3 - Chair Park  
Commissioner Kiphuth  
Commissioner Moshier

**No:** 0

**Abstain:** 2 - Vice Chair Santos  
Commissioner Lawson

Commissioner Lawson and Vice Chair Santos abstained as they were not at the meeting on 9/17/14.

**PUBLIC COMMENTS**

None

**PUBLIC HEARINGS/GENERAL BUSINESS**

**2**      [14-1071](#)      Kilroy Realty Corporation/555 Mathilda Public Art Component

Kristin Dance, visual arts coordinator, introduced Kilroy Realty Vice President of Development Jonas Voss and Artist Jon Krawczyk, who described the project. They answered Commissioner's questions regarding the choice of color; whether the art will be hidden by current landscaping; whether the public will be able to climb on the art and related safety concerns; and the required maintenance.

Chair Park opened the public comments. Seeing none, she closed the public comments.

Vice Chair Santos moved and Commissioner Moshier seconded Alternative 1: Approve the artwork as it is proposed. Commissioner Kiphuth expressed concern about the color but she said she feels it will blend in more when the trees grow in. Commissioner Moshier expressed that it is a beautiful piece that will literally tie the block together, bringing an outstanding visual to an otherwise dull area. Vice Chair Santos loves the color and the way the steel is made to look light and playful. Commissioner Lawson likes that the artwork is broken into appropriate sized pieces, and he said he believes the color will be striking at sunset. He expressed that the piece will be visible, especially for commuters. Chair Park said she likes the scale of the art and that it fits well into the environment; complements the building; and said she believes the curves of the ribbon are well thought-out. The motion carried by the following vote:

**Yes:** 5 - Chair Park  
Vice Chair Santos  
Commissioner Kiphuth  
Commissioner Lawson  
Commissioner Moshier

**No:** 0

**3**      [14-1094](#)      Jay Paul Company/Moffett Place Public Art Component - Revised.

Ms. Dance introduced Maria McGuigan from Jay Paul Company and artist Cliff Garten. Ms. McGuigan explained proposed changes to design elements that were made since the proposed project was approved by the Arts Commission last fall. She indicated that the design and commitment to the artwork is the same and the project still exceeds the 1 percent requirement. Consequently, she requests approval of the modified plan. Mr. Garten presented the specific changes. They answered commissioner questions regarding specific pieces which will be omitted, their locations, and whether Jay Paul Company would consider installation at a later date. Commissioners asked for clarification about the lighting plan and the materials that will be used to create the art. Commissioner Kiphuth noted that a number of the specific items proposed for removal are those which were most visible to the public from the street, commenting that now the public needs to enter the development to see the art. Ms. McGuigan responded that artwork remaining in the proposal includes the highest value pieces, the Aureolas on the main road Bordeaux, and that the pedestrian easements are flanked with art work.

Chair Park opened the public comments. Seeing none, she closed the public comments.

Commissioner Moshier moved and Vice Chair Santos seconded Alternative 3: Approve the artwork as it is proposed, along with the following condition of approval which is to submit a completed lighting plan for the approved artwork to the Visual Arts Coordinator for review prior to installation of the artwork. Commissioner Lawson said he felt the changes were not substantial. He thinks the concept is original, as it can be seen from buildings and the car. Vice Chair Santos expressed that it is still an impressive proposal, and she is looking forward to walking through it. Commissioner Moshier expressed that it is a beautiful landscape and changes are minor in scope of the whole project. Chair Park said she appreciated the scope and the specific artwork and expressed that it will raise the bar in Sunnyvale. She is happy to see the changes made in the olive grove, resulting in more mobile furniture. The motion carried with the following vote:

**Yes: 5 -**    Chair Park  
                 Vice Chair Santos  
                 Commissioner Kiphuth  
                 Commissioner Lawson  
                 Commissioner Moshier

**No: 0**

**4**      [14-1050](#)      Review and Rank Study Issues

Commissioners were provided a revised study issue LCS 15-02 on November 18. Superintendent Wax provided an overview of the study issue process and the study issue paper LCS 15-02 to consider a graffiti-deterrent public-participation art program. He answered Commissioner questions regarding budget and implementation of the program operationally. Director Lisa Rosenblum explained that the Study Issue falls under Council Policy 6.4.1 Goal C, as an art program and service that positively impacts youth. She expressed that since artwork on utility boxes is operational she will direct staff to see if there is an issue with graffiti on utility boxes and if so, research possible grant funding. Staff will come back to the Commission with an update. Staff recommended the Commission drop the study issue. Commissioner Kiphuth inquired about ongoing funding. Director Rosenblum expressed that funding will be a consideration for the project regardless of whether approved as a study issue or not. She also indicated that the project would need to be approved by the City Manager and the owners of the utility boxes.

Chair Park opened the public comments. Seeing none, she closed the public comments.

Commissioner Lawson moved to continue the discussion of the item to get an update on the status. The motion failed for lack of a second.

Commissioner Lawson moved and Chair Park seconded the motion to defer study issue LCS 14-02. The motion failed by the following vote:

**Yes: 0**

**No: 5 -** Chair Park  
Vice Chair Santos  
Commissioner Kiphuth  
Commissioner Lawson  
Commissioner Moshier

Vice Chair Santos moved and Commissioner Moshier seconded the motion to drop study issue LCS 14-02. The motion carried by the following vote:

**Yes: 5 -** Chair Park  
Vice Chair Santos  
Commissioner Kiphuth  
Commissioner Lawson  
Commissioner Moshier

**No: 0**

**NON-AGENDA ITEMS & COMMENTS**

**-Commissioner Comments**

Commissioner Lawson commented that the Art in Private Development program supporting art in private places is a significant change from 20 years ago. He expressed that the art at Moffett Place was not as he expected, since it was not one specific piece. He posed a question about the interpretation of art. Chair Park commented that the Policy provides specific criteria so that artwork is chosen for the public, and not specifically for the business.

Chair Park commented that the artwork at Seven Seas Park was installed. She said she thinks it is a very attractive piece that is highly visible from most parts of the park.

**-Staff Comments**

Superintendent of Community Services, Dan Wax formally introduced and welcomed Commissioner Lawson.

Community Services Manager Tegan McLane announced that the artwork at Seven Seas Park was renamed to The Seven Seas. She announced upcoming Theatre programs: Chorus Line presented by Sunnyvale Community Players; County Line Trio on Nov. 29; Red Hot Chachkas on Dec. 13; and the California Theatre Center productions of Elves and the Shoemaker and Madeline's Christmas. The Pottery Studio sale is from Dec. 12-13 and will represent more than 30 artists. A portion of sales will benefit pottery studio operating costs. Staff is currently negotiating an agreement for California Theatre Center's Summer Repertory program for 2015.

**INFORMATION ONLY REPORTS/ITEMS**

None

**ADJOURNMENT**

Chair Park adjourned the meeting at 9:00 p.m.