



# City of Sunnyvale

## Notice and Agenda - Revised Planning Commission

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Wednesday, May 27, 2015

7:00 PM

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

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Special Meeting Day due to the City's Observance of Memorial Day

### **7:00 P.M. PLANNING COMMISSION - STUDY SESSION - WEST CONFERENCE ROOM**

1 [15-0554](#)

**File #:** 2015-7108

**Location:** 1130 Prunelle Ct. (APN: 202-12-029)

**Zoning:** R-1 (Low Density Residential) Zoning District

**Proposed Project:**

**SPECIAL DEVELOPMENT PERMIT** for demolition of one  
existing single family home and construction of four  
single-family homes on four separate lots;

**REZONE** from R1 to R-1/PD; and,

**PARCEL MAP** to subdivide one lot into four lots.

**Applicant / Owners:** California Communities, LLC

**Environmental Review:** TBD

**Project Planner:** Ryan Kuchenig, (408) 730-7431,  
rkuchenig@sunnyvale.ca.gov

### **2 Public Comment on Study Session Agenda Items**

### **3 Comments from the Chair**

### **4 Adjourn Study Session**

*Any agenda related writings or documents distributed to members of the Planning Commission regarding any open session item on this agenda will be made available for public inspection in the Planning Division office located at 456 W. Olive Ave., Sunnyvale CA 94086 during normal business hours, and in the Council Chambers on the evening of the Planning Commission meeting pursuant to Government Code §54957.5.*

### **8:00 P.M. PLANNING COMMISSION - PUBLIC HEARING - COUNCIL CHAMBERS**

### **CALL TO ORDER**

**SALUTE TO THE FLAG****ROLL CALL****PUBLIC ANNOUNCEMENTS/PUBLIC COMMENTS**

*Speakers are limited to 3 minutes for announcements of related commission events, programs, resignations, recognitions, acknowledgments.*

**CONSENT CALENDAR**

- 1.A    [15-0551](#)            Approval of the Draft Minutes of the Planning Commission Meeting of April 27, 2015

**PUBLIC HEARINGS/GENERAL BUSINESS**

- 2        [15-0553](#)            **File #:** 2015-7099  
**Location:** 945 Lantana Drive (APN: 213-22-041)  
**Zoning:** R0  
**Proposed Project:**  
          **DESIGN REVIEW:** To allow a 324 sq. ft. first and second story addition to an existing 2,676 sq. ft. single-family residence (including garage) that was destroyed by a fire. Will result in 2,577 sq. ft. of living area and a 423 sq. ft. garage (3,000 sq. ft. total) and 50% FAR.  
**Applicant / Owner:** Daniel and Robin Scheiderer  
**Environmental Review:** Categorical Exemption  
**Project Planner:** George Schroeder, (408) 730-7443, gschroeder@sunnyvale.ca.gov
- 3        [15-0206](#)            Introduce an Ordinance and Two Resolutions to Approve Two New Affordable Housing Impact Fees: Housing Impact Fee for Nonresidential Development and Housing Impact Fee for Rental Housing
- 4        [15-0566](#)            **Review Planning Program Budget and Fees for FY 2015-16**
- 5        [15-0552](#)            **Standing Item:** Potential Study Issues for 2016

**NON-AGENDA ITEMS AND COMMENTS**

-Commissioner Comments

-Staff Comments

**INFORMATION ONLY ITEMS****15-0575**

Review Revised Council Policy 7.2.19

**ADJOURNMENT**

*Any agenda related writings or documents distributed to members of the Planning Commission regarding any open session item on this agenda will be made available for public inspection in the Planning Division office located at 456 W. Olive Ave., Sunnyvale CA 94086 during normal business hours, and in the Council Chambers on the evening of the Planning Commission meeting pursuant to Government Code §54957.5.*

*Agenda information is available by contacting The Planning Division at (408) 730-7440. Agendas and associated reports are also available on the City's web site at [sunnyvale.ca.gov](http://sunnyvale.ca.gov) or at the Sunnyvale Public Library, 665 W. Olive Ave., Sunnyvale, 72 hours before the meeting.*

*Planning a presentation for a Planning Commission 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).*

*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 City 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 section 1094.5.*

*Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Planning Division at (408) 730-7440. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.106 ADA Title II)*



# City of Sunnyvale

## Meeting Minutes - Draft Planning Commission

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Monday, April 27, 2015

6:30 PM

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

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### **6:30 P.M. PLANNING COMMISSION - STUDY SESSION - WEST CONFERENCE ROOM**

- 1      [15-0396](#)      **File #:** 2015-7152  
                         **Location:** Citywide  
                         **Project Description:** Design Guidelines for Parking Structures (Study  
                         Issue)  
                         **Staff Contact:** Stephanie Skangos, (408) 730-7411,  
                         sskangos@sunnyvale.ca.gov
  
- 2      [15-0394](#)      **File #:** 2015-7149  
                         **Location:** Citywide  
                         **Project Description:** Appropriate Locations for Child Care Facilities  
                         (Study Issue)  
                         **Staff Contact:** Stephanie Skangos, (408) 730-7411,  
                         sskangos@sunnyvale.ca.gov
  
- 3 **Public Comment on Study Session Agenda Items**
  
- 4 **Comments from the Chair**
  
- 5 **Adjourn Study Session**

### **8:00 P.M. PLANNING COMMISSION - PUBLIC HEARING - COUNCIL CHAMBERS**

#### **CALL TO ORDER**

Chair Melton called the meeting to order at 8:00 p.m.

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

Chair Melton led the salute to the flag.

#### **ROLL CALL**



**Present:** 6 - Chair Russell Melton  
Vice Chair Ken Olevson  
Commissioner Ralph Durham  
Commissioner Larry Klein  
Commissioner Ken Rheaume  
Commissioner David Simons  
**Absent:** 1 - Commissioner Sue Harrison

### **PUBLIC ANNOUNCEMENTS/PUBLIC COMMENTS**

None.

### **CONSENT CALENDAR**

**1.A**      [15-0463](#)      Approval of the Draft Minutes of the Planning Commission Meeting of April 13, 2015

Chair Melton pulled the draft minutes and noted that for item 3, Use Permit for 787 N. Mary, the minutes should reflect as part of their recommendation to Council adoption of the Negative Declaration. Chair Melton also noted that potential study issue items would not be sent to City Council for consideration until after final selection and ranking by the Planning Commission later in the year.

MOTION: Chair Melton moved to approve the draft minutes as amended.

Comm. Klein seconded. The motion carried by the following vote:

**Yes:** 6 - Chair Melton  
Vice Chair Olevson  
Commissioner Durham  
Commissioner Klein  
Commissioner Rheaume  
Commissioner Simons

**No:** 0

**Absent:** 1 - Commissioner Harrison

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

**2**      [15-0425](#)**File #:** 2014-7584**Location:** 215 Moffett Park Drive (APN: 110-34-006)**Zoning:** MPI**Proposed Project:** Application for a 9.5-acre site located within Moffett Park Specific Plan area.

**MAJOR MOFFETT PARK DESIGN REVIEW PERMIT:** To allow a second 86,400 square foot office R&D building and a new 5,000 square foot restaurant building resulting in a total of 248,460 square feet of building area on the site (59.9% FAR with LEED Gold incentive); and a new 3-level parking structure and associated site work, including requests to deviate from lot coverage and landscaping frontage width requirements

**Applicant / Owner:** Gensler / Four Corners Properties**Environmental Review:** Mitigated Negative Declaration

Shetal Divatia, Senior Planner, presented the staff report, and noted several corrections to be made to the staff report.

Comm. Klein clarified with Trudi Ryan, Planning Officer, Condition of Approval (COA) PS-2 concerning minor or major changes, and discussed the meaning of GC-8 regarding treatment of the restaurant site if construction is delayed, and Ms. Ryan said she and Ms. Divatia would clarify it after further discussion.

Comm. Durham noted the deficiency of the proposed landscaping and discussed with Ms. Divatia the amount of paving and parking, and discussed with Ms. Ryan the proposed Transportation Demand Management (TDM) program. Comm. Durham suggested having a traffic signal at the intersection of Moffett Park Drive and Borregas Avenue and LED street lights for the offsite improvement plan.

Chair Melton verified with Ms. Ryan that the traffic consultant for this project was not in attendance.

Comm. Simons discussed with Ms. Ryan alternatives to the proposed grasscrete, and suggested changing the language of the report to clarify when major changes to the exterior would come to the Planning Commission. Comm. Simons also suggested adding language to place Class II bicycle parking in open, visible areas, and commented on the high speed turning movements at the intersection of Moffett Park Drive and Borregas Avenue and how to mitigate those in the future.

Ms. Ryan referred the Planning Commission to Attachment 8 in the report for review of the landscaping plans.

Chair Melton confirmed with Ms. Divatia that specific findings do not need to be

made for the proposed deviations to approve this project, and that the restaurant design is not being considered because the applicant plans to seek a restaurant franchise after entitlements are granted by the City. Chair Melton also confirmed with Ms. Divatia that the excess of lot coverage does include the restaurant, which would be a maximum of 5,000 square feet, and discussed with Ms. Divatia what the project would look like if the applicant was required to reduce the square footage to reach the 45 percent lot coverage.

Chair Melton opened the public hearing.

David Wilbur, with Four Corners Properties, presented illustrations and discussed features of the proposed project. He requested the flexibility to leave the wall inside the courtyard blank for recreational use such as watching projected movies.

Comm. Klein inquired about the proposed placement of new trees on the site, to which Mr. Wilbur said he would need to contact the landscape architect. Comm. Klein confirmed with Mr. Wilbur that the landscape plan as discussed in the staff report is accurate.

Comm. Simons commented on his concern with the appearance of the proposed grasscrete, and discussed with Mr. Wilbur whether he would prefer deferred approval of the landscape or an added condition regarding use of native California species trees. Mr. Wilbur said he would like to contact the project's landscape architect to discuss this choice. Comm. Simons confirmed with Mr. Wilbur that the courtyard wall requested to be blank will have architectural features and will not be a large monolithic structure.

Vice Chair Olevson verified with Mr. Wilbur that the project will be tied in to the recycled water program for landscaping.

Chair Melton discussed with Mr. Wilbur the proposed green vertical wall, and discussed what the project would look like if the Planning Commission required the applicant to trim the lot coverage to meet the 45 percent standard.

Ms. Ryan noted that the landscaping plan shows that of the plants proposed not many are California natives, and commented that not all natives do well with reclaimed water. She suggested adding a condition to explore the use of native species that would do well in that environment to get the right combination of species. Ms. Ryan named the species of trees being proposed.

Comm. Durham requested a break to look at the landscaping plan.

Richard Yang, with Four Corners Properties, after speaking with the project's landscape architect, provided an update on the landscaping plan.

Chair Melton announced a recess of 15 minutes to review the landscape plan.

Mr. Wilbur said he learned from the landscape architect that drought tolerant species with a preference for California native trees is ideal language regarding the plan.

Chair Melton closed the public hearing.

Comm. Klein inquired about staff comments on the review of the restaurant feature, to which Ms. Ryan responded that the language could be changed to say that if construction of the restaurant has not commenced prior to the final inspection of the office buildings, this portion of the site shall be landscaped as approved by the Community Development Department Director.

Comm. Durham confirmed with Ms. Ryan that passenger cars as discussed in the Transportation Impact Analysis (TIA) includes pick-ups and SUVs, and Comm. Durham suggested that bike lanes on the east bound section of Moffett Park Drive have lane markings and signs added that indicate bicycles have full use of the lane.

Chair Melton discussed with Ms. Ryan the purpose of maximum lot coverage.

Comm. Simons moved Alternative 2 to adopt the Mitigated Negative Declaration and approve the Major Moffett Park Design Review Permit with modified conditions:

- 1) Pavers in parking lot area should be solid and ornamental;
- 2) Keep the stop signs at the intersection of Moffett Park Drive and Borregas Avenue until the future transition, at which point the problems with turning movements be mitigated;
- 3) Modify PS-2 to require that changes made to the final exterior building material will go to the Planning Commission for major changes and to the Community Development Director for minor changes;
- 4) Add to BP-22 that non-secured bicycle parking have open and visible placement;
- 5) For PS-5, Increase the TDM by 2.5 percent to result in a reduction of 25 percent total average daily trips and 32.5 percent peak hour trips; and,
- 6) For BP-13, encourage use of California native trees, and City staff evaluate whether a mix of sycamore, oak and incense cedar trees are appropriate specimen trees.

Comm. Klein seconded and offered a friendly amendment to change the second sentence of COA GC-8 to say that if construction of the restaurant has not commenced prior to final inspection of the office buildings, this portion of the site shall be landscaped as approved by the Community Development Director

Comm. Simons accepted.

Comm. Klein offered a friendly amendment to modify PS-1 to require that any added architectural detail and or landscaping elements to the large expanse of concrete wall on the parking structure be approved by the Community Development Director

Comm. Simons accepted.

Comm. Simons said the applicant is updating an existing building with extra square footage and a parking structure, and that some of the concerns are related mostly to the landscaping and the safety issues at the intersection, and that with review of City staff to make sure it will integrate well this will be an improvement. He said there is an issue with the free right turn if the stops signs come out, request those stay in until there is a need for changes at which time mitigation needs to be done. He said the other issues that have been changed are basically clean up and minor verbage additions to the COAs.

Comm. Klein thanked the applicant for going through the process with City staff and the Planning Commission to improve this project, and applauded the applicant for attempting to reuse the existing building, which is the best possibility in terms of trying to be green. He said one issue is lot coverage, but he was able to make the findings because of the odd shape of the lot and that what is there currently is a large piece of black asphalt with quite a bit of surface parking. He said we are increasing lot coverage based on the parking structure and additional buildings and that there is a permeable area and not just one big piece of asphalt. Comm. Klein also said he understands the request for flexibility with the blank wall and he hopes working with the Community Development Director will ensure that whatever the tenant requires fits in with the vision. He said he is still worried about the restaurant but that it will be part of the second design that will come back to the Planning Commission, and noted that it will increase the size of the lot coverage. He added that this is a good project and is not a six or seven story building as seen in Moffett Park and that it is good to have this kind of variety. He said it is also good to add an onsite restaurant as many people complain that there are no places to go in Moffett Park and they have to cross Highways 101 and 237 to get to a place. He said

adding that capability to this area is a plus to the surrounding communities and he looks forward to this project moving forward.

Comm. Rheume said he will be supporting the motion and thanked the applicant. He said he likes the design and noted that the applicant wants to establish a unique identity and he likes that the building is not another eight story rectangular structure along Highway 237. He said he understands the lot coverage issue, but he likes the staff explanation that these guidelines were designed before parking structures were considered, and that putting the parking into a structure so there is less pavement onsite is a plus to the project. He said he can make the findings, though he is not happy with removing all of the trees onsite, but he commends staff for the recommendation to plant eight 72-inch box trees. He added that this is a nice design of an example that less is better and that the building will look much better than what is on paper.

Comm. Durham offered a friendly amendment to require the latest MUTCD bicycle lane signs be used that say bicyclists have use of the full lane from Moffett Park Drive and Borregas Avenue to the east end of the subject property.

Comm. Simons clarified with Ms. Ryan that this amendment is appropriate as a recommendation to the City Traffic Engineer.

Comms. Simons and Klein accepted.

Comm. Durham said there is a lot to like in this project, and commended staff and the applicant for coming up with a quality project. He said he likes that there will be a bike lane going in at least one direction on Moffett Park Drive, and that the Borregas bridge while making a good connector north and south over Highways 101 and 237 did impinge on the bike lanes for that section of Moffett Park. He said the green wall that will be put up on the parking structure will help to soften it, and that he has seen the green walls on Safeway in Los Altos and he was really impressed by how fast they filled in. He said he is unsure of their lifespan, and noted that they filled in much faster than what CalTrans is putting on the freeway and sound walls. He said he likes that there will be bigger trees going in and that the building is different from the glass boxes.

Vice Chair Olevson said he can make the findings that the project meets the Moffett Park Specific Plan and substantially conforms to the design guidelines. He said he likes the concept of reusing existing buildings rather than demolishing and building anew, which will be appreciated by homeowners across Highway 237 who complain about high rises going in and blocking their view. He said he shares the

concern that there has to be a specific reason for deviating from the lot coverage, but the triangular shape and rectangular add on is so unusual compared to other projects that have a rectangular lot that this justifies giving the owner and applicant some flexibility in achieving a project that meets the economic guidelines. He said the landscaping as suggested by the maker of the motion will achieve what we are trying to gain in terms of improving this site so he will be supporting the motion.

Chair Melton thanked the applicant and said this project has come a long way, and that during the first study session he was not feeling enthusiastic about the project, which is a testament to the applicant working hard and taking the feedback from the Planning Commission. He said this is a nice quality project that has nice bones and that it is good to add on to an existing building rather than demolish with the noise and environmental impacts that brings about. He said the diversity of architecture in Moffett Park with this project will be a good thing, and that we have a lot of multi-story glass-oriented architecture with cube like structures so this project provides nice diversity. He said he was struggling with the lot coverage and the way he makes the findings has more to do with the shape of the lot rather than the trade-off on landscaping, so he will be supporting the motion. He added that this was the first time he has had to call a recess to make sure the Planning Commission had the information to come to a conclusion, which is better than continuing the project.

MOTION: Comm. Simons moved Alternative 2 to adopt the Mitigated Negative Declaration and approve the Major Moffett Park Design Review Permit with modified conditions:

- 1) Pavers in parking lot area should be solid and ornamental;
- 2) Recommend to City Traffic Engineer to keep the stop signs at the intersection of Moffett Park Drive and Borregas Avenue until the future transition, at which point the problems with turning movements be mitigated;
- 3) Modify PS-2 to require that major changes made to the final exterior building material require Planning Commission approval, and that minor changes may be made by the Community Development Director;
- 4) Add to BP-22 that non-secured bicycle parking have open and visible placement;
- 5) PS-5, Increase TDM by 2.5 percent to result in a reduction of 25 percent total average daily trips and 32.5 percent peak hour trips;
- 6) Add to BP-13 encourage use of California native trees, and City staff evaluate whether a mix of sycamore, oak and incense cedar trees are appropriate specimen trees;
- 7) In GC-8, change the second sentence to say that if construction of the restaurant has not commenced prior to final inspection of the office buildings, this portion of the site shall be landscaped as approved by the Community Development

Director;

- 8) Modify PS-1 to require that any added architectural detail and or landscaping element(s) to the large expanse of concrete wall on the parking structure may be approved by the Community Development Director; and,
- 9) Recommend to City Traffic Engineer that the latest MUTCD bicycle lane signs be used that say bicyclists have use of the full lane from Moffett Park Drive and Borregas Avenue to the east end of the subject property.

Comm. Klein seconded. The motion carried by the following vote:

**Yes:** 6 - Chair Melton  
Vice Chair Olevson  
Commissioner Durham  
Commissioner Klein  
Commissioner Rheaume  
Commissioner Simons

**No:** 0

**Absent:** 1 - Commissioner Harrison

**3**      [15-0464](#)      **Standing Item:** Potential Study Issues for 2016

None.

### **NON-AGENDA ITEMS AND COMMENTS**

**-Commissioner Comments**

**-Staff Comments**

Ms. Ryan discussed Planning related City Council items.

### **INFORMATION ONLY ITEMS**

None.

### **ADJOURNMENT**

With no further business Chair Melton adjourned the Planning Commission meeting at 9:42 p.m.





# City of Sunnyvale

## Agenda Item 2

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15-0553

Agenda Date: 5/27/2015

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### REPORT TO PLANNING COMMISSION

#### SUBJECT

**File #:** 2015-7099

**Location:** 945 Lantana Drive (APN: 213-22-041)

**Zoning:** R0

**Proposed Project:**

**DESIGN REVIEW:** To allow a 324 sq. ft. first and second story addition to an existing 2,676 sq. ft. single-family residence (including garage) that was destroyed by a fire. Will result in 2,577 sq. ft. of living area and a 423 sq. ft. garage (3,000 sq. ft. total) and 50% FAR.

**Applicant / Owner:** Daniel and Robin Scheiderer

**Environmental Review:** Categorical Exemption

**Project Planner:** George Schroeder, (408) 730-7443, [gschroeder@sunnyvale.ca.gov](mailto:gschroeder@sunnyvale.ca.gov)

#### REPORT IN BRIEF

**General Plan:** Low Density Residential (0-7 du/ac)

**Existing Site Conditions:** Single-family residence

**Surrounding Land Uses**

**North:** Single-family residence

**South:** Single-family residence

**East:** Single-family residence

**West:** Single-family residence

**Issues:** Neighborhood compatibility, Floor Area Ratio

**Staff Recommendation:** Approve the Design Review with conditions

#### BACKGROUND

**Previous Actions on the Site:** The existing residence was constructed in 1963. A Variance was approved by the Planning Commission in 1974 (project # V-74-64) for a second floor addition that overhung the first floor to exceed the maximum lot coverage requirement at the time (35%) to approximately 39%.

**Description of Proposed Project:** The applicant proposes to demolish an existing 2,676-square foot, two-story, fire-damaged single-family residence on a 6,000 square foot lot to its foundation and rebuild it in its existing footprint with a 79 square foot first floor and 245 square foot second floor addition. The proposed building size would total 3,000 square feet including a 423 square foot garage

with a resulting floor area ratio (FAR) of 50%. A Design Review is required for construction of a new residence to evaluate compliance with development standards and with the Single Family Home Design Techniques. Planning Commission review is required for homes that exceed 45% FAR (or 3,600 gross square feet).

See Attachment 1 for a map of the vicinity and mailing area for notices and Attachment 2 for the Data Table of the project.

### **ENVIRONMENTAL REVIEW**

A Class 3 Categorical Exemption relieves this project from the California Environmental Quality Act provisions. Class 3 Categorical Exemptions include new construction or conversion of small structures.

### **DISCUSSION**

**Architecture:** The existing neighborhood is comprised mostly of one-story, single-family residences, which are Ranch-style with simple rectilinear forms. The neighborhood was developed in the early 1960s and the majority of the homes on Lantana Drive have two-car garages. The project site is located on the north side and mid-block of Lantana Drive. The existing fire-damaged home is two stories.

The applicant proposes to rebuild the existing fire-damaged residence with minor additions to the first and second stories. The design incorporates design elements from the Ranch-style architecture with the application of horizontal siding on the second floor, a brick veneer along the first floor frontage, exposed roof rafters beneath the first and second floor rooflines, window shutters, and decorative vents and a side/rear trellised patio cover to break up blank wall area. The design retains the existing first floor gable roof and proposes to replace the existing second floor flat roof with a hipped roof in order to be more consistent with the architectural style. The existing two-car garage facing Lantana Drive would be rebuilt.

The second floor, consisting of two bedrooms and two bathrooms, would remain in its existing location at the rear of the residence with a 245 square foot addition to the front to enlarge the size of the existing bedrooms and bathrooms. The first floor would be expanded 79 square feet to the rear to enlarge the size of the existing bedrooms and align with the existing second floor rear wall.

In order for the project to stay within the maximum allowable lot coverage (40%), Condition PS-1a requires that the front porch roof be revised to a roof form that is not more than 50% solid (such as a trellised roof).

**Floor Area Ratio:** A residential project with an FAR greater than 45% requires review by the Planning Commission. The neighborhood contains mostly one-story homes with a two-story residence east-adjacent to the project site and five other two-story residences on the block. The FAR of the neighboring residences range from 19% to 50% with an average of 34%. With the exception of the neighboring residence to the east (50% FAR), the proposed FAR of 50% is greater than the majority of existing homes in the neighborhood, however, the proposed design uses increased and varied setbacks to help reduce the bulk and mass of the home. The proposed plate heights on both

floors are eight feet, which also help to reduce visible massing.

**Second Floor Area:** The City's Single Family Design Techniques specify the preferred massing of residential second stories in relation to first stories when a neighborhood is predominantly single-story.

Design Technique 3.4.A states: "The area of the second floor should not exceed the common standard of the neighborhood. For new second stories in predominantly one-story neighborhoods, the second floor area should not exceed 35% of the first floor area (including garage area)." The Design Techniques note that, for the purposes of assessing neighborhood character and scale, "neighborhood" is defined as both block faces within the same (containing the subject property) and immediately adjacent blocks. Based on the above definition, the neighborhood (properties identified in Attachment 1) is composed mostly of one-story homes, with the exception of five other two-story homes. The proposed project includes a second floor area of 811 square feet, which constitutes approximately 37% of the 2,189-square foot first floor area including the garage. Staff finds that the project is in substantial conformance with the Single Family Home Design Techniques related to second floor area.

**Privacy:** There is an existing two-story residence on the east side and a one-story residence on the west side of the property. The project's existing side and rear second floor setbacks remain the same with the second floor addition, and exceed the minimum setbacks required. The project proposes two new second floor windows on either side (bedroom and bathroom) and one new second floor window on the rear (hallway). Two existing second floor rear windows are proposed to be enlarged. While the window arrangement is common in typical second floors, a condition of approval (Condition PS-1b) has been added to require any second story windows facing neighboring properties not required for egress (such as the side yard windows) to have sills at least five feet above finished floor. Staff finds privacy impacts to be minimal with this condition in place and since the existing second floor setbacks are being maintained.

**Solar Access:** The Sunnyvale Municipal Code (SMC) 19.56.020 states that no permit may be issued for any construction which would interfere with solar access by shading more than 10% of the roof of any structure on a nearby property. The proposed second story addition is situated toward the rear of the property to minimize shadowing on the adjacent west and east properties. The project plans demonstrate shading would not exceed the maximum level permitted thereby complying with current solar access standards.

**Landscaping:** The applicant proposes to modify existing landscaping with a water-efficient landscaping design. The modified landscaping design includes two new 15-gallon trees and minimal turf area (not more than 25% of the landscaping area). There is an existing protected Liquidambar tree in the front yard that will be retained. No trees are proposed for removal.

**Applicable Design Guidelines and Policy Documents:** The proposed home is consistent with the adopted Single-Family Design Techniques since the proposed design incorporates prevailing Ranch-style design elements from the neighborhood and positively adds to the streetscape. Staff has included findings for the Single-Family Design Techniques in Attachment 3.

**Development Standards:** The proposed project complies with the applicable Development Standards as set forth in the Sunnyvale Municipal Code, such as lot coverage, parking, height and setbacks.

**Fiscal Impact:** No fiscal impacts other than normal fees and taxes are expected.

**Notice of Public Hearing, Staff Report and Agenda**

- Published in the *Sun* newspaper
- Posted on the site
- 62 notices mailed to property owners and residents within 300 feet of the project site
- Posted on the City of Sunnyvale's Website
- Provided at the Reference Section of the City of Sunnyvale's Public Library
- Agenda Posted on the City's official notice bulletin board

**Public Contact:** At the time of staff report production, staff received an e-mail from a nearby owner in support of the project (Attachment 7).

**Conclusion**

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Design Review and the Recommended Conditions of Approval (Attachment 4). Recommended Findings are located in Attachment 3.

**Alternatives**

1. Approve the Design Review with the conditions in Attachment 4.
2. Approve the Design Review with modified conditions.
3. Deny the Design Review and provide direction to staff and the applicant where changes should be made.

**Recommendation**

Recommend Alternative 1 in accordance with the Findings in Attachment 3 and Conditions of Approval in Attachment 4.

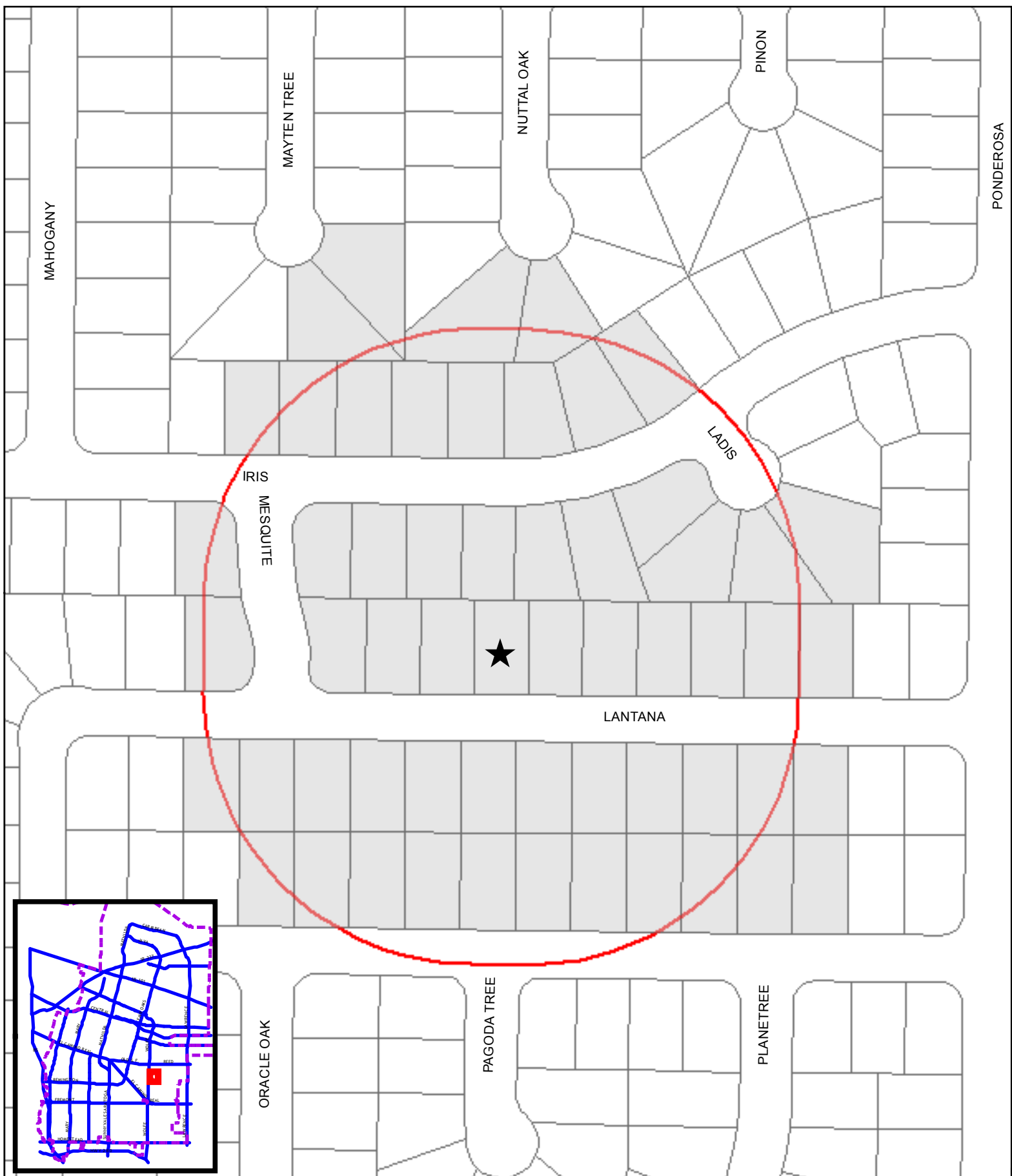
Prepared by: George Schroeder, Associate Planner

Approved by: Gerri Caruso, Principal Planner

**ATTACHMENTS**

1. Vicinity Map
2. Project Data Table
3. Recommended Findings
4. Recommended Conditions of Approval
5. Site and Architectural Plans
6. Floor Area Ratio Comparison
7. Email from Nearby Property Owner





2015-7099  
945 Lantana Dr. (APN: 213-22-041)  
DESIGN REVIEW

0 75 150 300 Feet



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Residential Low Density	Same	Same
<b>Zoning District</b>	R0	Same	Same
<b>Lot Size (s.f.)</b>	6,000	Same	6,000 min.
<b>Lot Width (linear ft.)</b>	60'	Same	57'
<b>Gross Floor Area (s.f.)</b>	2,676	3,000	2,700 (Threshold for Planning Commission review)
<b>Lot Coverage (%)</b>	40% (2,399 s.f.)	40% ★ (2,400 s.f.)	40% max.
<b>Floor Area Ratio (FAR)</b>	45%	50%	45% (Threshold for Planning Commission review)
<b>Building Height (ft.)</b>	20'	22'6"	30 max.
<b>No. of Stories</b>	Two	Two	Two max.
<b>Setbacks (Facing Property)</b>			
<b>Front (ft.)</b>			
1 <sup>st</sup> Floor	25'	Same	20' min.
2 <sup>nd</sup> Floor	60'3"	49'1"	25' min.
<b>Left Side (ft.)</b>			
1 <sup>st</sup> Floor	6'6"	Same	4' min.
2 <sup>nd</sup> Floor	11'4"	Same	7' min.
<b>Right Side (ft.)</b>			
1 <sup>st</sup> Floor	6'	Same	8' min. – see total 11' min.
2 <sup>nd</sup> Floor	17'2"	Same	
<b>Side Total (ft.)</b>			
1 <sup>st</sup> Floor	12'6"	Same	12' min.
2 <sup>nd</sup> Floor	28'6"	Same	18' min.
<b>Rear (ft.)</b>			
1 <sup>st</sup> Floor	24.5'	22'	20' min.
2 <sup>nd</sup> Floor	22'	Same	20' min.
<b>Parking</b>			
<b>Total Spaces</b>	4	4	4 min.
<b>Covered Spaces</b>	2	2	2 min.

★As conditioned (Condition PS-1a), the front porch roof must not be more than 50% solid in order for the project to not exceed the maximum allowable lot coverage.

**RECOMMENDED FINDINGS****Design Review**

The proposed project is desirable in that the project's design and architecture complies with the policies and principles of the Single Family Home Design Techniques.

<b>Basic Design Principle</b>	<b>Comments</b>
<i>2.2.1 Reinforce prevailing neighborhood home orientation and entry patterns</i>	As with other homes in the vicinity, the proposed residence would be oriented with its front elevation facing Lantana Drive. <b>Finding Met</b>
<i>2.2.2 Respect the scale, bulk and character of homes in the adjacent neighborhood.</i>	The proposed residence includes minimal increases to existing floor area and height, and has been designed to reduce the apparent scale and bulk through decorative exterior materials, increased setbacks, and modest plate heights. <b>Finding Met</b>
<i>2.2.3 Design homes to respect their immediate neighbors</i>	The proposed residence complies with code requirements related to height, setbacks, and solar shading. Conditions of approval require second story windows facing neighboring properties not required for egress to have sills at least five feet above finished floor. <b>Finding Met</b>
<i>2.2.4 Minimize the visual impacts of parking.</i>	The project does not propose any modification to the existing parking layout of the site, which is consistent with the prevailing neighborhood pattern. <b>Finding Met</b>
<i>2.2.5 Respect the predominant materials and character of front yard landscaping.</i>	Proposed modifications to landscaping in the front yard are attractive and consistent with the City's low water use landscaping requirements and the prevailing neighborhood pattern. <b>Finding Met</b>
<i>2.2.6 Use high quality materials and craftsmanship</i>	The proposed design includes elements consistent with the prevailing Ranch style in the neighborhood, such as horizontal wood siding on the second floor contrasted with high quality plaster on the first floor, window shutters, exposed roof rafters, decorative vents, and brick veneer. <b>Finding Met</b>
<i>2.2.7 Preserve mature landscaping</i>	No protected trees will be removed as part of this project. <b>Finding Met</b>



**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
MAY 27, 2015**

**Planning Application 2015-7099**

945 Lantana Drive

Design Review for a 324 sq. ft. first and second story addition to an existing 2,676 square foot single-family residence (including garage) that was destroyed by a fire. Will result in 2,577 sq. ft. of living area and a 423 sq. ft. garage (3,000 sq. ft. total) and 50% FAR

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with "Mitigation Measure" and placed in the applicable phase of the project.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following Conditions of Approval and Standard Development Requirements of this Permit:

**GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.**

**GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:**

All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

**GC-2. PERMIT EXPIRATION:**

The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior

to expiration date and is approved by the Director of Community Development. [SDR] [PLANNING]

GC-3. TITLE 25:

Provisions of Title 25 of the California Administrative Code shall be satisfied with dependence on mechanical ventilation. [SDR] [BUILDING]

GC-4. DEPARTMENT OF PUBLIC SAFETY PROJECT SECURITY RECOMMENDATIONS:

- a) Security Systems: Silent and/or audible security alarm recommended. Awareness of False Alarm Ordinance.
- b) Home Security Survey: Free service by appointment, phone (408)730-7116 to schedule. Includes Operation Identification service when requested.
- c) Lighting: Adequate lighting around building exterior. Recommend dusk to dawn timer or motion sensor for lighting
- d) Landscaping: Landscaping should be of the type and situated in locations to maximize observation while providing the desired degree of aesthetics. Landscaping should be trimmed so as not to provide concealment opportunities or means to access roof. Security planting materials are encouraged along fence and property lines and under vulnerable windows.
- e) Address Numbers: Addresses should be clearly marked and visible from the street. [SDR] [DEPARTMENT OF PUBLIC SAFETY]

GC-5. LOT COVERAGE:

Unless modified by the Municipal Code, at no time shall the total lot coverage exceed the maximum allowable 40% of the lot area.

**PS: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO SUBMITTAL OF BUILDING PERMIT, AND/OR GRADING PERMIT.**

PS-1. REQUIRED REVISIONS TO PROJECT PLANS:

The plans shall be revised to address comments from the Director of Community Development and Planning Commission including the following:

- a) Lot Coverage – The front porch overhang shall be revised to a roof that is not more than 50% solid or other alternative method subject to the review of the Director of Community Development, in order for the project to stay within the maximum allowable lot coverage (40%). Moreover, the rear patio cover shall not be more than 50% solid.

- b) Second Floor Windows - Second story windows facing neighboring properties not required for egress (such as the side yard-facing windows) shall have sills at least five feet above finished floor for privacy purposes. [COA] [PLANNING]

PS-2. EXTERIOR MATERIALS REVIEW:

Final exterior building materials and color scheme are subject to review and approval by the Planning Commission/Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

**BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).**

BP-1. CONDITIONS OF APPROVAL:

Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

BP-3. NOTICE OF CONDITIONS OF APPROVAL:

A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record.

For purposes of determining the record owner of the property, the applicant shall provide the City with evidence in the form of a report from a title insurance company indicating that the record owner(s) are the person(s) who have signed the Notice of Conditions of Approval. [COA] [PLANNING]

BP-4. BLUEPRINT FOR A CLEAN BAY:

The building permit plans shall include a "Blueprint for a Clean Bay" on one full sized sheet of the plans. [SDR] [PLANNING]

**BP-5. LANDSCAPE PLAN:**

Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements. Landscape and irrigation plans are subject to review and approval by the Director of Community Development through the submittal of a Miscellaneous Plan Permit (MPP). [COA] [PLANNING]

**BP-6. TREE PROTECTION PLAN:**

Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for review. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:

- a) An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
- b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- d) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

**BP-7. BEST MANAGEMENT PRACTICES:**

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:

- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides

and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.

- c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d) Covered trash, food waste, and compactor enclosures.
- e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
  - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
  - ii) Dumpster drips from covered trash and food compactor enclosures.
  - iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
  - iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
  - v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

#### BP-8. BUILDING DIVISION REQUIREMENTS:

The following will need to be addressed either on your building permit or prior to issuance of a building permit.

- a) Building Permits are required prior to start of any construction. Submit five complete sets of plan (two sets to be wet signed and stamped) along with two copies of structural calculations, and two set of title 24 energy calculations to the One-Stop Permit Center between the hours of 8:00 am and 5:00 pm. This project will be submitted for a 21-day plan review.
- b) Plans submitted for building permits shall comply with the 2013 versions of the California Building, Electrical, Plumbing, Mechanical, Green Building, and Energy codes.
- c) On the site plans, show the size and location for all on-site utilities and any easements.
- d) On the site plan, show that lot drainage will not be directed across any property lines.
- e) Include the completed CALGreen checklist on the plans submitted for building permits. Add a note to the plan sheet where each item is referenced. [SDR] [BUILDING]

#### BP-9. FIRE PREVENTION REQUIREMENTS:

The plans require Sunnyvale Department of Public Safety approval along with Building Dept. approval prior to permit issuance:

- a) As applicable, comply with the requirements contained in the 2013 Sunnyvale Municipal Code (SMC), California Fire Code (CFC), Title 19 California Code of Regulations, and Sunnyvale Department of Public Safety requirements and policies.
- b) Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening (escape window) in accordance with CFC Sec1029 and SMC 16.52.1029) and approved ladder access to each escape window.
- c) Approved ladder access shall consist of a 70-75 degree climbing angle, approved concrete or gravel ladder pads having a minimum dimension of 3' x 6' with at least 3 feet of clear space behind the base of the ladder to allow access. Ladder pads shall be oriented so that the 3' length is nearest to the structure.
- d) Provide a 13D residential sprinkler system per CRC 313 and Sunnyvale Municipal Code 903.1.2 [SDR] [FIRE PREVENTION]

BP-10. PUBLIC WORKS DEPARTMENT REQUIREMENTS:

Address the following on the plans prior to building permit submittal:

- a) Revise the front property location. According to available City's records, public right-of-way / front property line is 11 feet from the existing face of curb.
- b) Revise 10'PUE at rear property. According available Tract No. 3497, there are existing 5' PUE and 5' WCE at the rear property.
- c) The meandering sidewalk behind the proposed drive approach shall be 5 feet. Provide 5 feet dimension for the meandering sidewalk behind the proposed drive approach.
- d) Revise call-out by changing "existing rolled curb" to "existing curb".
- e) Show the existing water meter, sewer lateral line and sewer cleanout.
- f) Field check if there is existing sewer cleanout at front property. If there is no existing sewer cleanout at front property, add a note "to install new sewer cleanout per City's detail 15A". Also, show new sewer cleanout at front property.
- g) Add a note "Upgrade existing water meter to 1-inch radio read per approval fire sprinkler plan".
- h) Add note on plan "Construction related materials, equipment, etc. must be stored on site unless permitted in advance by the Public Works Department. This is to avoid causing safety and/or operational issues for the movements of pedestrians, cyclists and vehicular traffic". [COA] [PUBLIC WORKS]

**PF: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS AND/OR SHALL BE MET PRIOR TO RELEASE OF UTILITIES OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY.**

PF-1. LANDSCAPING AND IRRIGATION:

All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]

**DC: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT.**

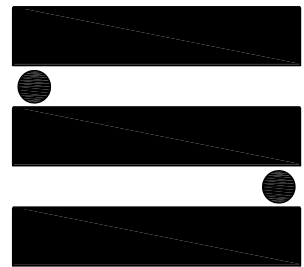
DC-1. BLUEPRINT FOR A CLEAN BAY:

The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]

DC-2. TREE PROTECTION:

All tree protection shall be maintained, as indicated in the tree protection plan, until construction has been completed and the installation of landscaping has begun. [COA] [PLANNING]

ARCHITECT



STOWERS  
ASSOCIATES  
ARCHITECTS

Greg Stowers, Architect

PO Box 2244  
Los Gatos, CA 95031

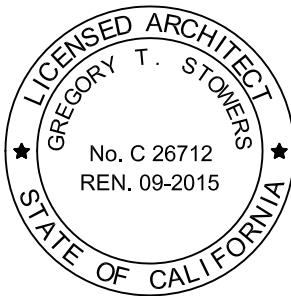
WWW.STOWERSASSOCIATES.COM  
PHONE: 408.358.5488  
CELL: 408.406.6048

PROJECT

Fire Damage Reconstruction  
SCHEIDERER RESIDENCE  
945 Lantana Drive, Sunnyvale 94086

ISSUE	DATE
Planning Submittal	02.02.2015
Planning Rev. 1	04.01.2015
Planning Rev. 2	04.21.2015

STAMP



OWNERSHIP AND USE OF DOCUMENT  
All drawings, specifications and notes shall remain the property of Stowers Associates Architects, Inc. and shall remain its property. They are to be used only with respect to the Project and are not to be used on any other project. Subcontractors or distributors to meet official regulatory requirements or for purposes in connection with the Project shall not to be considered as liable for any damage or loss of Stowers Associates Architects Inc. without the written consent of Stowers Associates Architects Inc.

JOB NO. 2014.18

DRAWN BY GTS

SCALE AS NOTED

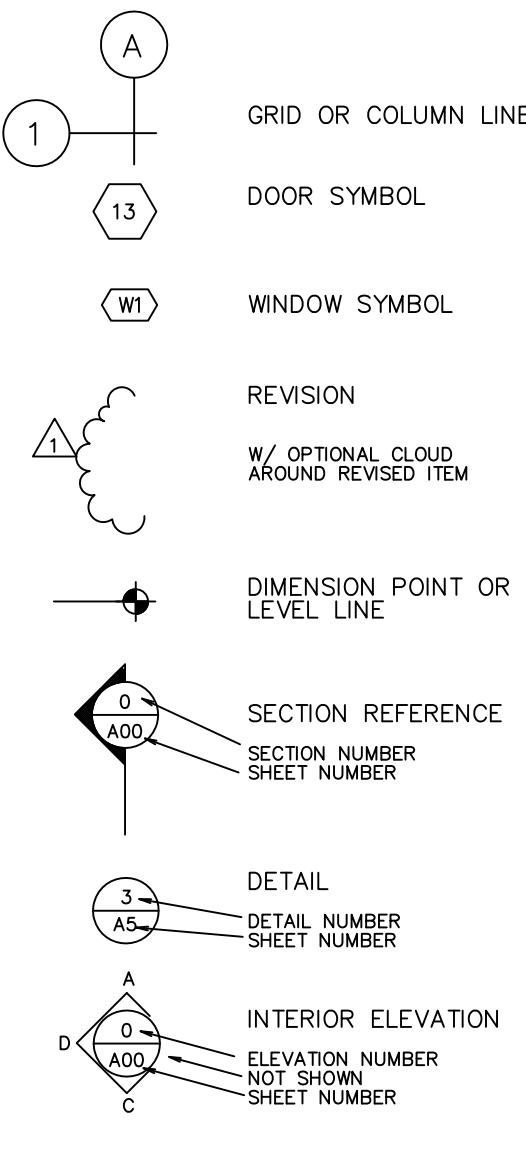
TITLE SHEET



# Scheiderer Residence

Fire Reconstruction | 945 Lantana Drive, Sunnyvale 94086

## SYMBOLS



## ABBREVIATIONS

A.B. Anchor Bolt A.C. Asphaltic Concrete A.D. Area Drain ADJ. Adjacent AFF. Above finish floor AGGR. Aggregate AL. Aluminum ANOD. Anodized APPROX. Approximate ARCH. Architectural ASHL. Asphalt BD. Board BITUM. Bituminous BLDG. Building BLK. Block BLKG. Blocking BM. Beam BOT. Bottom BTWN. Between CAB. Cabinet C.B. Catch Basin CEM. Cement CER. Ceramic C.I. Cast Iron C.G. Corner Guard CLG. Ceiling CLG. Ceiling CLO. Closet CLR. Clear C.M.U. Concrete Masonry Unit(s) C.O. Cleanout COL. Column COMP. Composition CONC. Concrete CONN. Connection CONSTR. Construction CONT. Continuous CORR. Corridor CPT. Carpet CT. Ceramic Tile CTSK. Countersunk CNTR. Counter CTR. Center D. Deep DBL. Double DEPT. Department DET. Detail D.F. Drinking Fountain DIA. Diameter DIAG. Diagonal DIM. Dimension DISP. Dispenser DN. Down D.O. Door Opening DR. Door DS. Downspout D.S.P. Dry Standpipe DWG. Drawing DWR. Drawer E. East E.A. Each E.J. Expansion Joint ELEV. Elevation ELEC. Electrical ELEV. Elevator EMER. Emergency ENCL. Enclosure E.P. Electric Panelboard EQ. Equal EQUIP. Equipment E.W.C. Electric Water Cooler EYST. Easing EXPO. Exposed EXP. Expansion EXT. Exterior F.A. Fire Alarm F.B. Flat Bar FCD. Floor Cleanout F.D. Floor Drain FDN. Foundation F.E. Fire Extinguisher F.E.C. Fire Extinguisher Cab. F.G. Finish Grade F.H.C. Fire Hose Cabinet F.H.W.S. Flat Head Wood Screw FIN. Finish FL. Floor FLASH. Flashing FLOOR. Fluorescent F.O. Face Of F.O.C. Face of Concrete F.O.F. Face of Finish F.O.S. Face of Studs F.P.F. Fireproof F.S. Full Size F.S.K. Foot or Feet FT. Furring FURR. Furring GA. Gauge GALV. Galvanized G.B. Grab Bar G.D. Garbage Disposal G.F.I. Ground Fault Interrupter GL. Glazing GLB. Glu-Laminated Beam GND. Ground GRD. Galvanized G.S.M. Galvanized Sheet Metal GR. Grade GYPS. Gypsum H. High H.B. Hose Bibb H.C. Hollow Core or Handicap H.D. Hardwood H.M. Hardware H.M. Hollow Metal HORZ. Horizontal HR. Hour HCT. Height H.W.H. Hot Water Heater I.D. Inside Diameter (Dim.) IN. Inch INSUL. Insulation INT. Interior INCAND. Incandescent JAN. Janitor JT. Joint KIT. Kitchen L. Long LAB. Laboratory LAM. Laminote LAV. Lavatory LKS. Locker LOC. Location LT. Light MAX. Maximum M.B. Machine Bolt M.C. Medicine Cabinet MECH. Mechanical MEMB. Membrane MET. Metal MFR. Manufacture MH. Manhole MIN. Minimum MIR. Mirror MSC. Miscellaneous M.D. Masonry Opening MTD. Mounted MUL. Mullion N. North N.I.C. Not in Contract NO. or # Number NOM. Nominal NGS. Numbers N.T.S. Not To Scale O. Overall O.A. Overall OBS. Obscure O.C. On Center O.D. Outside Diameter(Dim) OFF. Office OPNG. Opening OPP. Opposite P.D.S. Powder Driven Screw PERP. Perpendicular PREST. Pre-cast PL. Plate P.LAM. Plastic Laminate PLAS. Plaster PLYND. Plywood PR. Paint PT. Point P.T. Pressure Treated P.T.D. Paper Towel Dispenser P.T.D. Painted P.T.D./R. Combination Paper Towel Dispenser & Receptacle PTN. Partition P.T.R. Paper Towel Receptacle Q.T. Quarry Tile R. Riser or Radius RAD. Radius R.D. Roof Drain REF. Reference or Refrigerator REFL. Reflective REFR. Refrigerator RGTR. Register REIN. Reinforced REQ. Required RESL. Resilient REV. Reverse RM. Room R.O. Rough Opening RWD. Redwood RWL. Rain Water Leader S. South S.A.D. See Architectural Drawings SAN. Sanitary S.S.D. See Structural Drawings S.C. Solid Core S.C.D. Seat Cover Dispenser SCHED. Schedule S.D. Soap Dispenser SECT. Section SFT. Storefront SH. Shelf SHR. Shower SMT. Sheet SHTG. Sheathing SIM. Similar SKYLT. Skylight S.N.D. Sanitary Napkin Dispenser SPEC. Specification S.N.R. Sanitary Napkin Receptacle SQR. Square S.S.T. Stainless Steel S.S.K. Service Sink STA. Station STD. Standard STAG. Staggered STD. Standard STOR. Storage STR. Structural SURF. Surface SUSP. Suspended SYM. Symmetrical T.D. Tread T.B. Towel Bar TBR. To Be Removed TAB. Top and Bottom T.C. Top of Curb TEL. Telephone TER. Terrace T&G. Tongue and Groove THK. Thick T.O. Top Of T.P. Top of Pavement T.O.P. Top Of Plate T.O.P.D. Toilet Paper Dispenser T.V. Television T.W. Top of Wall TYP. Typical U/C Under Counter UNF. Unfinished U.O.N. Unless Otherwise Noted UR. Urinal
--

## PROJECT DIRECTORY

OWNER CONTACT	DAN AND ROBIN SCHEIDERER 945 LANTANA DRIVE SUNNYVALE, CA 94086
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CONTRACTOR	BY OWNER / TBD

## PROJECT SUMMARY DATA

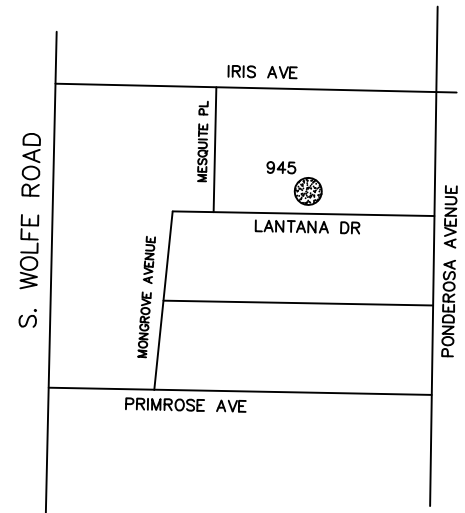
PARCEL NUMBER	213-22-041
LOT SIZE	6,000 SQ. FT.
ZONING	R0
GENERAL PLAN DESIGNATION	RESIDENTIAL LOW DENSITY
OCCUPANCY GROUPS:	R-3 (Single Family Residential)
CONSTRUCTION TYPE:	V-B Non-Rated
FIRE SPRINKLERS:	NO
NUMBER OF STORIES	TWO STORIES (EXISTING)
SETBACK	FRONT FIRST/20' - SECOND/25' SIDE FIRST/4' - SECOND 7' REAR 20'
HEIGHT LIMIT	30' MAXIMUM HEIGHT
LOT COVERAGE	40% FOR TWO STORY
FLOOR AREA RATIO (FAR)	45% EXISTING HOUSE FAR 50% PROPOSED FAR

EXISTING HOUSE	1,687 SF
FIRST FLOOR	566 SF
SECOND FLOOR	566 SF
TOTAL LIVING AREA	2,253 SF
GARAGE	423 SF
(E) TOTAL SQ. FT.	2,676 SF
1ST FLOOR ADDITION	79 SF
2ND FLOOR ADDITION	245 SF
PROPOSED ADDITION	324 SF
PROPOSED SQ. FT.	3,000 SF

LOT COVERAGE CALCS	6,000 SF
LOT AREA	6,000 SF
ALLOWABLE COVERAGE	40%
PROPOSED HOUSE	2,396 SF
ENTRY PORCH	30 SF
TOTAL COVERAGE	2,426 SF
2,426 / 6000 = 0.404	
PROPOSED LOT COVERAGE	40%

FLOOR AREA RATIO CALCS	6,000 SF
LOT AREA	6,000 SF
SQUARE FOOTAGE	3,000 SF
FAR	50%

## MAP



## GENERAL NOTES

- The "General Conditions of the Contract for Construction", AIA Document A201, latest edition, all inclusive, is a part of this Contract. This document may be examined at the Architect's office.
- Provide an emergency telephone on the job prior to any construction.
- Any errors or omissions found in the drawings shall be immediately brought to the attention of the Architect.
- Existing construction indicated is for information only. It is the Contractor's responsibility to verify the actual conditions, locations, and dimensions and to notify the Architect of any discrepancies or omissions in these conditions before commencing any new work in areas affected by these existing conditions.
- Contractor shall be responsible for providing all materials and workmanship in accordance with all applicable federal, state, and local laws, codes, ordinances, and regulations.
- Do not scale plans. If dimensions are found to be missing or inaccurate, immediately contact the Architect for clarification.
- These plans are the sole property of the Architect. The unauthorized reproduction or use of these plans is illegal and the Architect disclaims any responsibility for their unauthorized use.
- Protect the area and all new and existing materials and finishes from damage which may occur during construction.
- Remove rubbish and waste materials regularly during construction and leave the area clear and ready for use when finished.
- All warranties due to the Owner shall be forwarded in triplicate form to the Contractor upon completion of the job, with no exceptions.
- Changes in the design or materials will not be accepted without authorization from the Architect and Owner.
- Subcontractors shall submit as-built drawings to the Contractor upon completion of work.
- All construction shall comply with City and State of California building codes.
- Job is to be completed in a workman-like manner (i.e. installations to be uniform, square and to specified dimensions, fasteners to be of sufficient color and texture with complete coverage. use drop cloths, masking, etc. to eliminate paint spatter).
- All systems are to be operational per manufacturer's tolerances upon completion of construction.
- Provide blocking and/or reinforcement in all walls as required to adequately support all items to be attached to walls (i.e. cabinetry, etc.).

## CODES

THIS PROJECT SHALL COMPLY WITH THE FOLLOWING:  
2013 CALIFORNIA BUILDING, RESIDENTIAL, MECHANICAL, ELECTRICAL, PLUMBING, FIRE,  
AND ENERGY CODES AS AMENDED BY THE STATE OF CALIFORNIA.

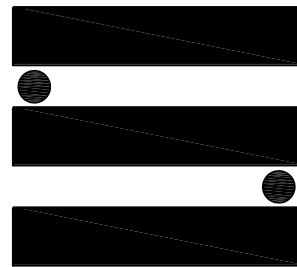
## PROJECT DESCRIPTION

THE EXISTING TWO STORY RESIDENCE WAS COMPLETELY DESTROYED IN A STRUCTURE FIRE. THIS PROJECT IS TO REBUILD THE HOME FROM THE FOUNDATION UP TO REPLACE EXISTING. SCOPE TO INCLUDE MINOR OWNER REQUESTED IMPROVEMENTS TO INCLUDE THE ADDITION OF 79 SQUARE FEET TO THEIR FIRST FLOOR AND 245 SQ. FEET TO THE SECOND.

CONSTRUCTING TO INCLUDE REPLACEMENT OF 5 BEDROOM, 3 BATHROOM HOME, KITCHEN, LIVING, DINING, FAMILY ROOM AND TWO CAR GARAGE.



ARCHITECT



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Greg Stowers, Architect

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Los Gatos, CA 95031

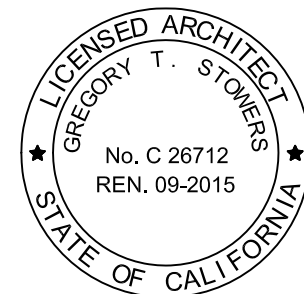
WWW.STOWERSASSOCIATES.COM  
PHONE: 408.358.5488  
CELL: 408.406.6048

PROJECT

Fire Damage Reconstruction  
SCHEIDERER RESIDENCE  
945 Lantana Drive, Sunnyvale 94086

ISSUE	DATE
Planning Submittal	02.02.2015
Planning Rev. 1	04.01.2015
Planning Rev. 2	04.21.2015

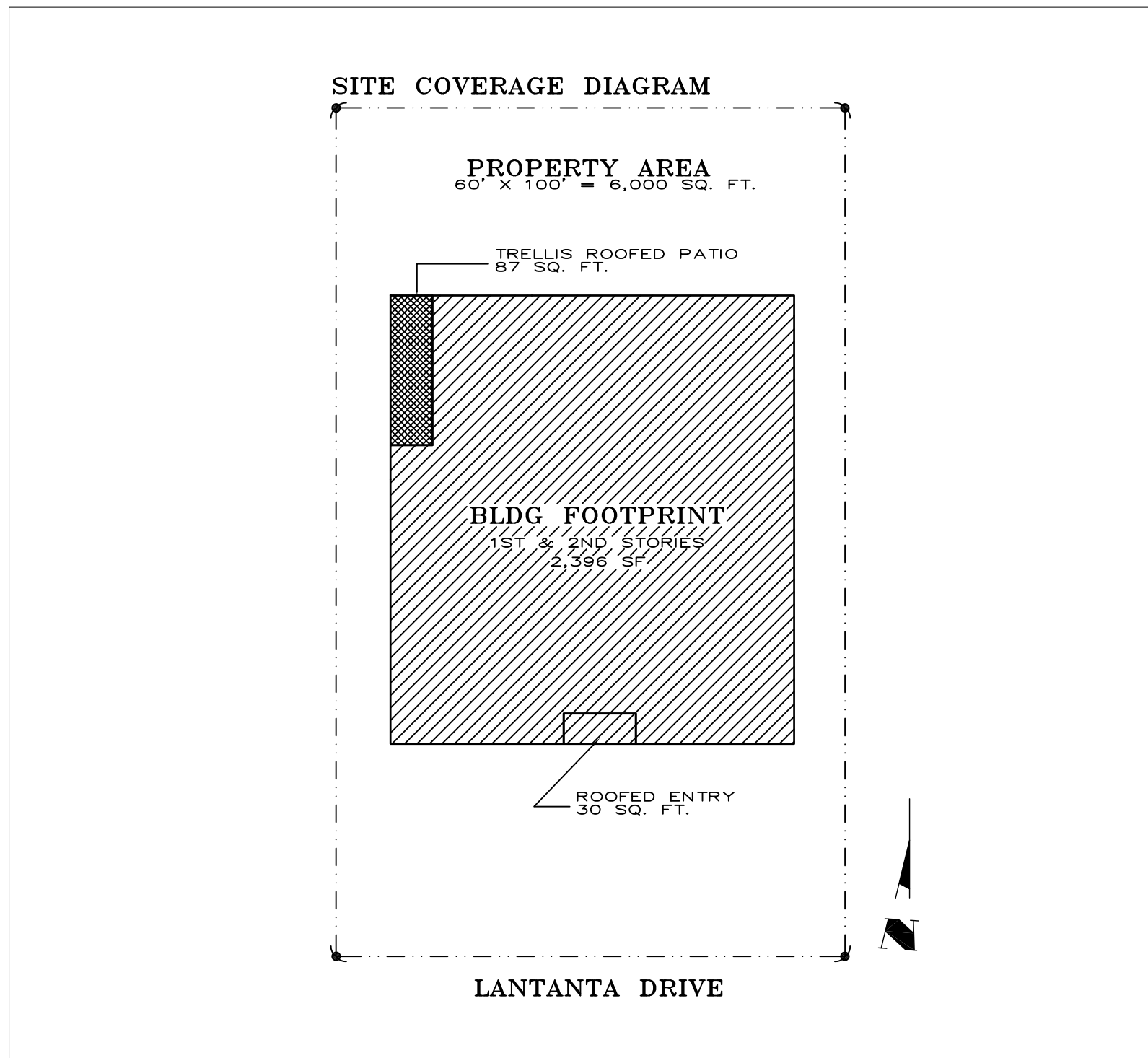
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SCALE	AS NOTED

SITE PLAN



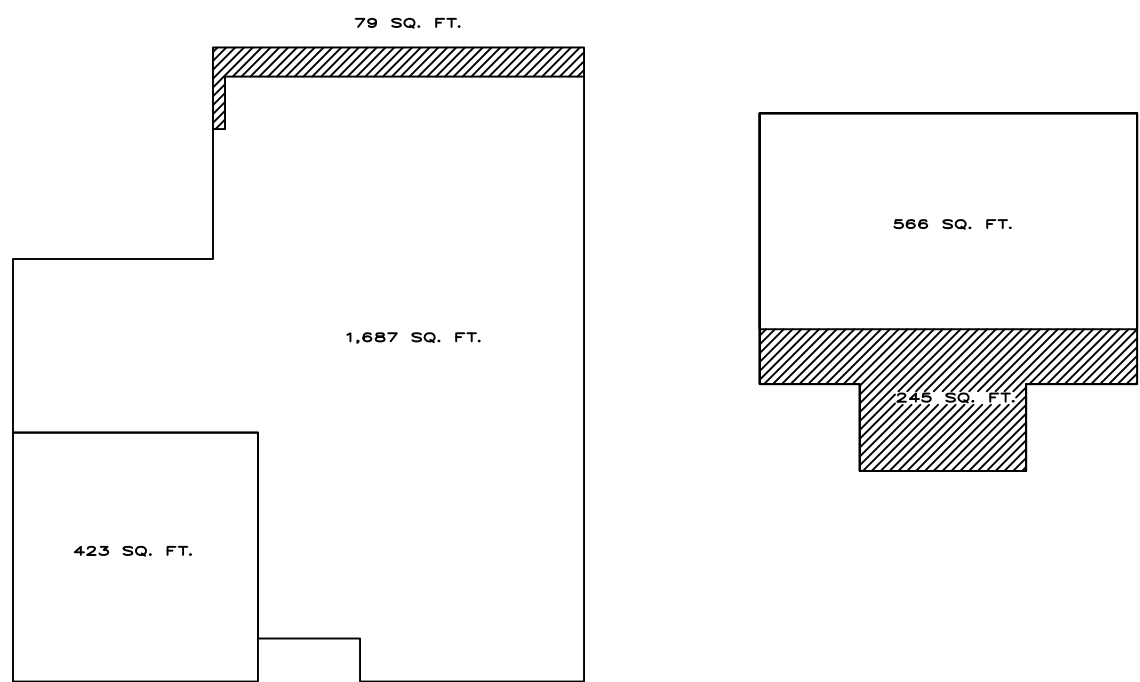
EXISTING HOUSE	
FIRST FLOOR	1,687 SF
SECOND FLOOR	566 SF
TOTAL LIVING AREA	2,253 SF
GARAGE	423 SF
(E) TOTAL SQ. FT.	2,676 SF

1ST FLOOR ADDITION	79 SF
2ND FLOOR ADDITION	245 SF
PROPOSED ADDITION	324 SF

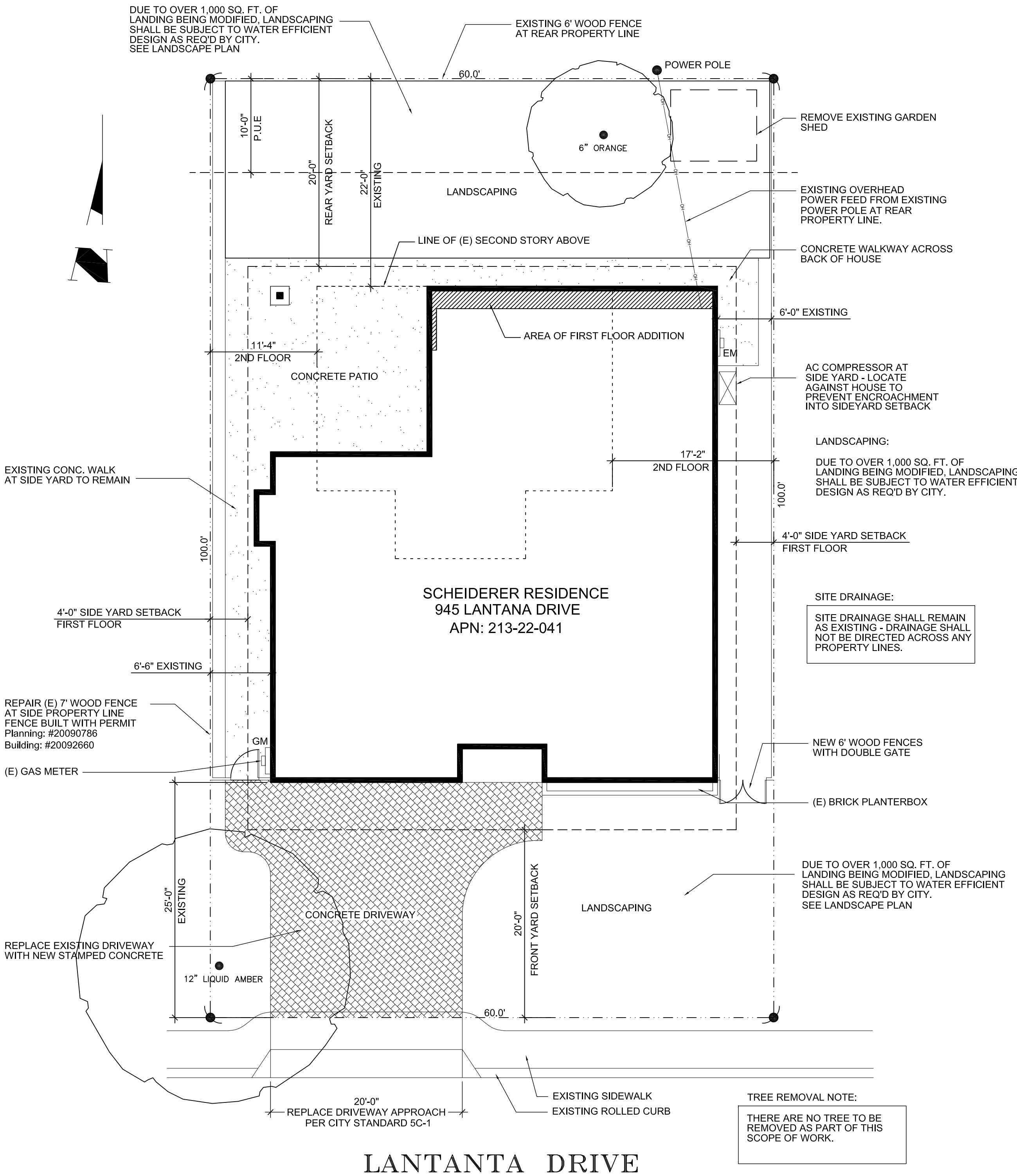
PROPOSED SQ. FT.	3,000 SF
------------------	----------

LOT COVERAGE CALCS	
LOT AREA	6,000 SF
ALLOWABLE COVERAGE	40%
PROPOSED HOUSE	2,396 SF
ENTRY PORCH	30 SF
TOTAL COVERAGE	2,426 SF
	$2,426 / 6,000 = 0.404$
PROPOSED LOT COVERAGE	40%

FLOOR AREA RATIO CALCS	
LOT AREA	6,000 SF
SQUARE FOOTAGE	3,000 SF
FAR	.5

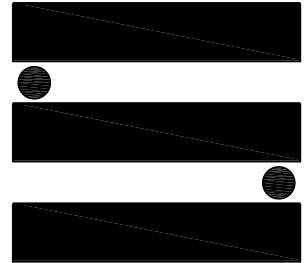


2 AREA DIAGRAMS AND CALCS  
SCALE: 1/16" = 1'-0"



1 SITE PLAN  
SCALE: 1/8" = 1'-0"

ARCHITECT



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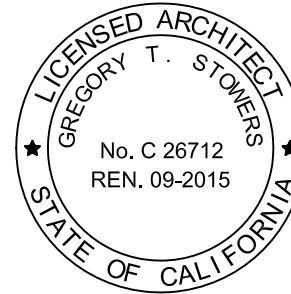
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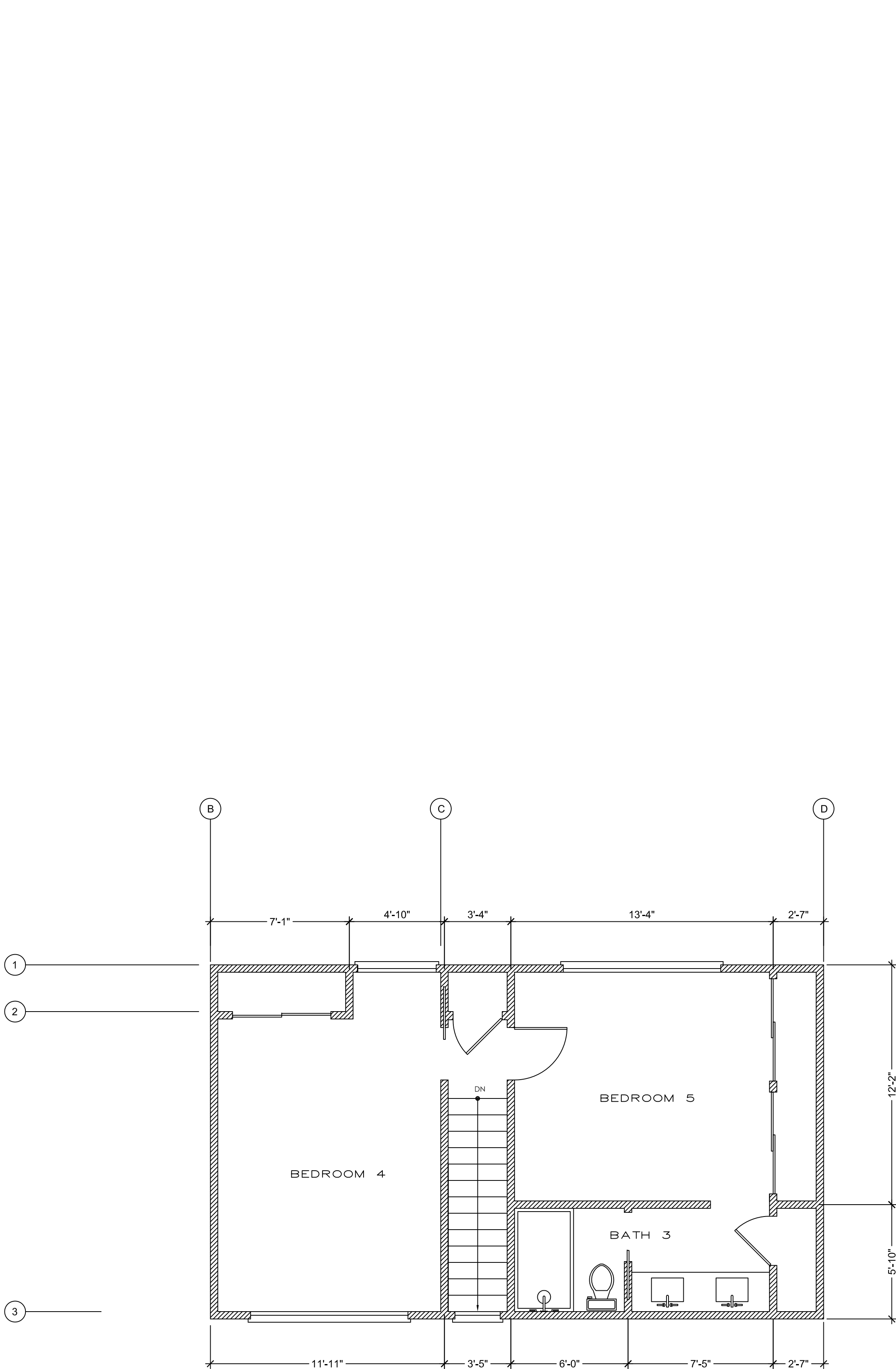
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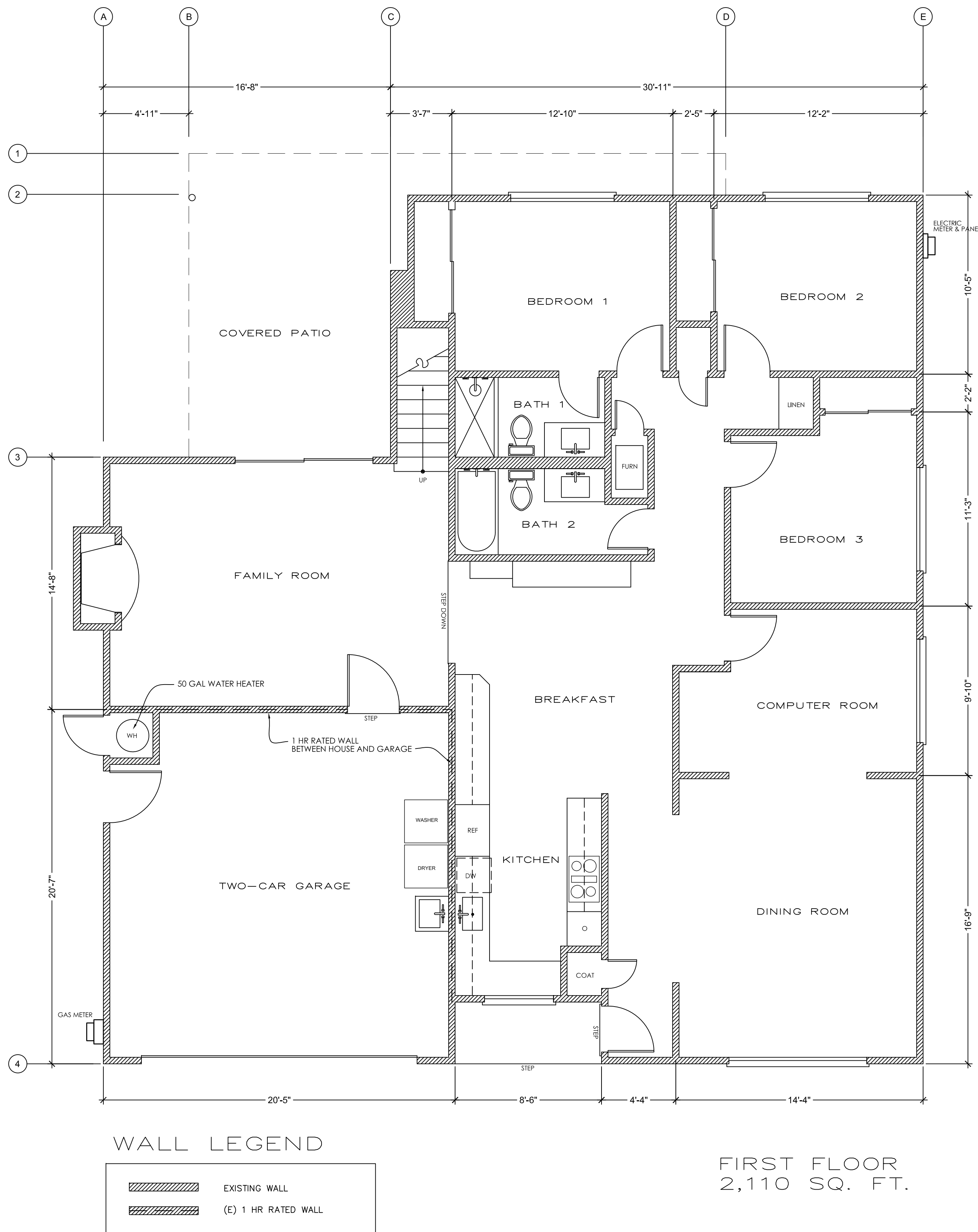
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EXISTING FLOOR  
PLANS - PRE-FIRE

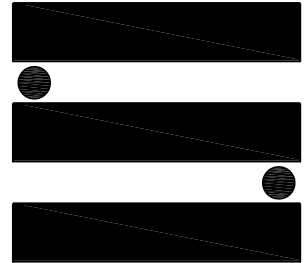


2 EXISTING SECOND FLOOR PLAN - PRE FIRE  
SCALE: 1/4" = 1'-0"



1 EXISTING FIRST FLOOR PLAN - PRE FIRE  
SCALE: 1/4" = 1'-0"

ARCHITECT



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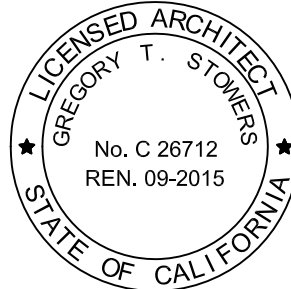
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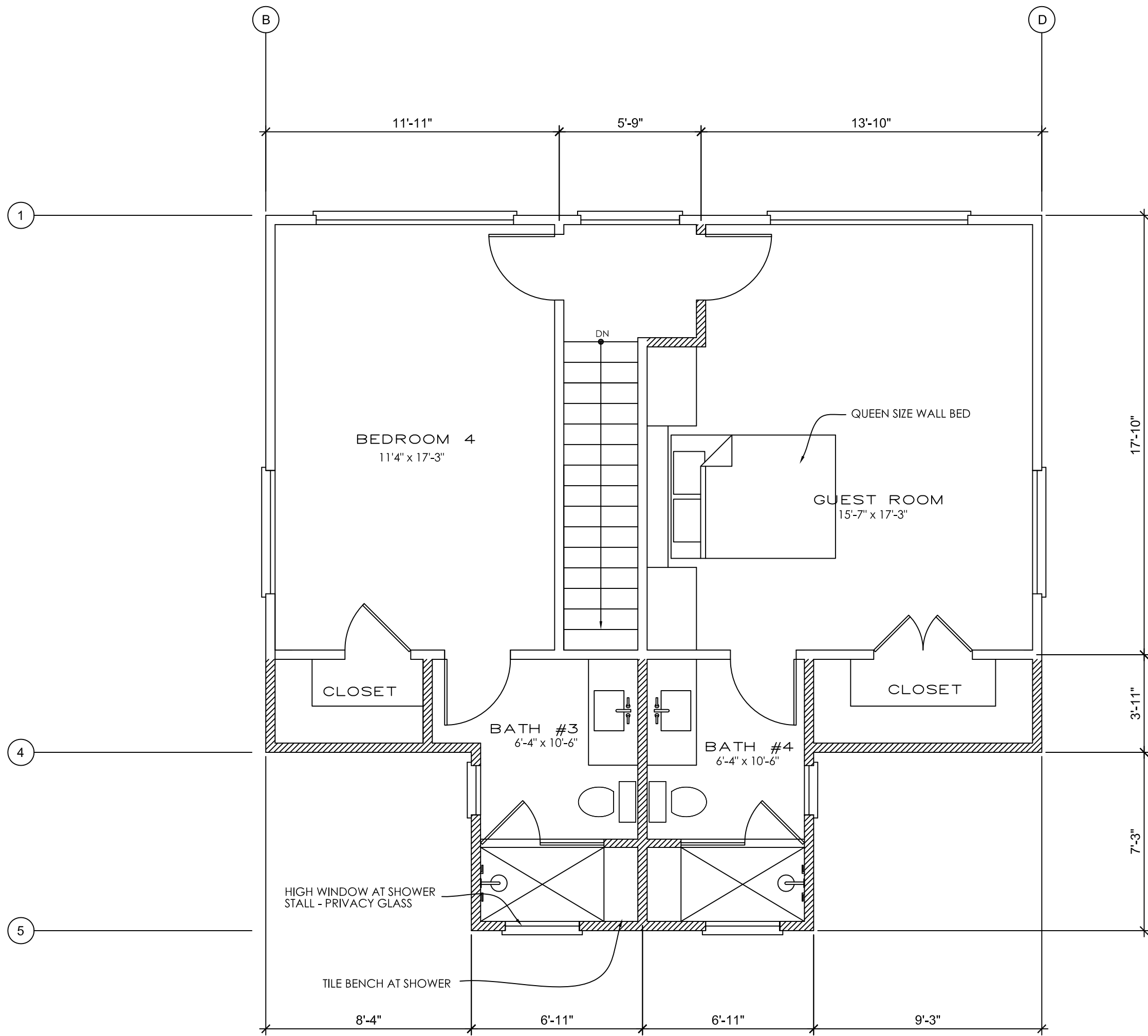
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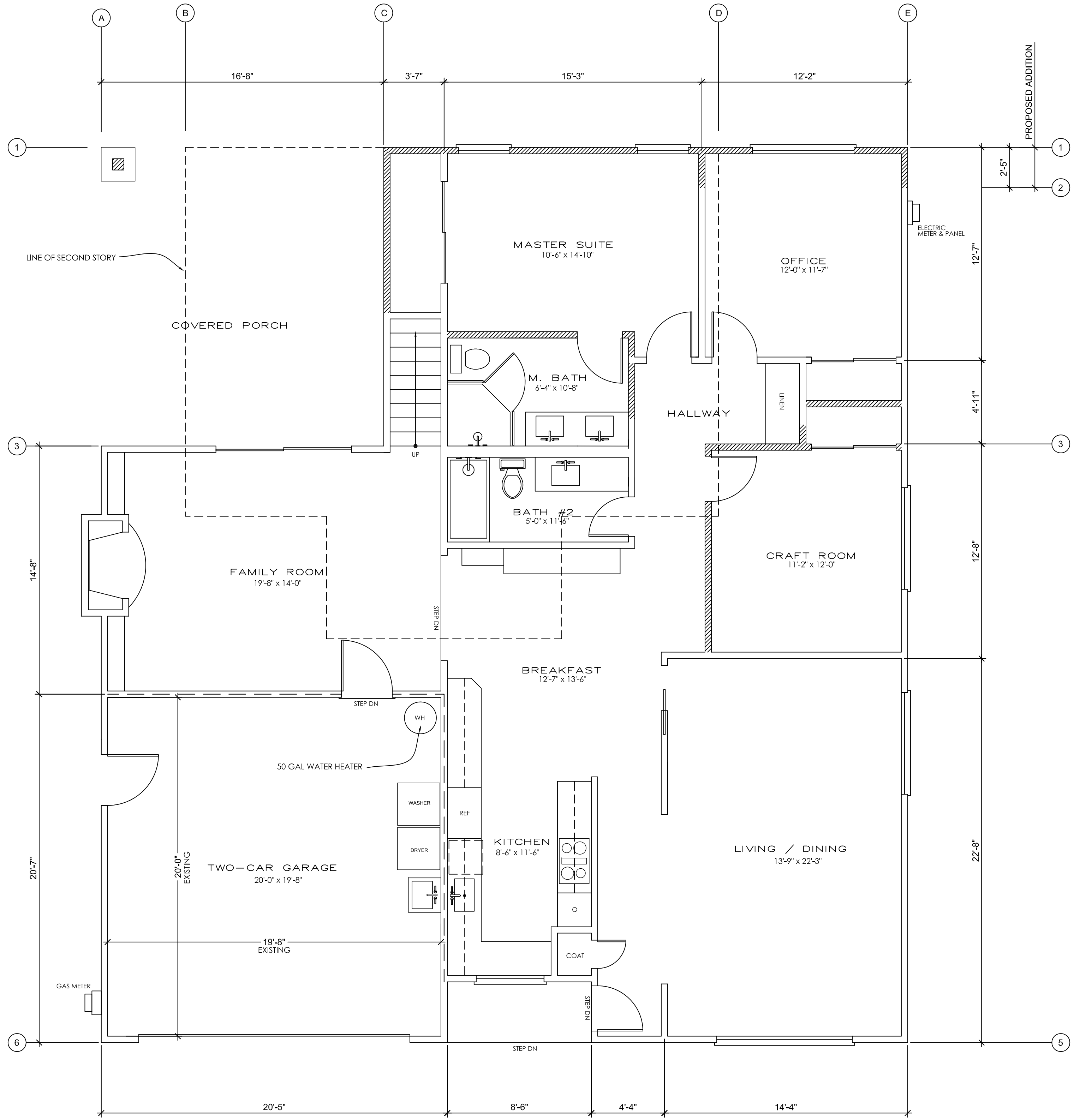
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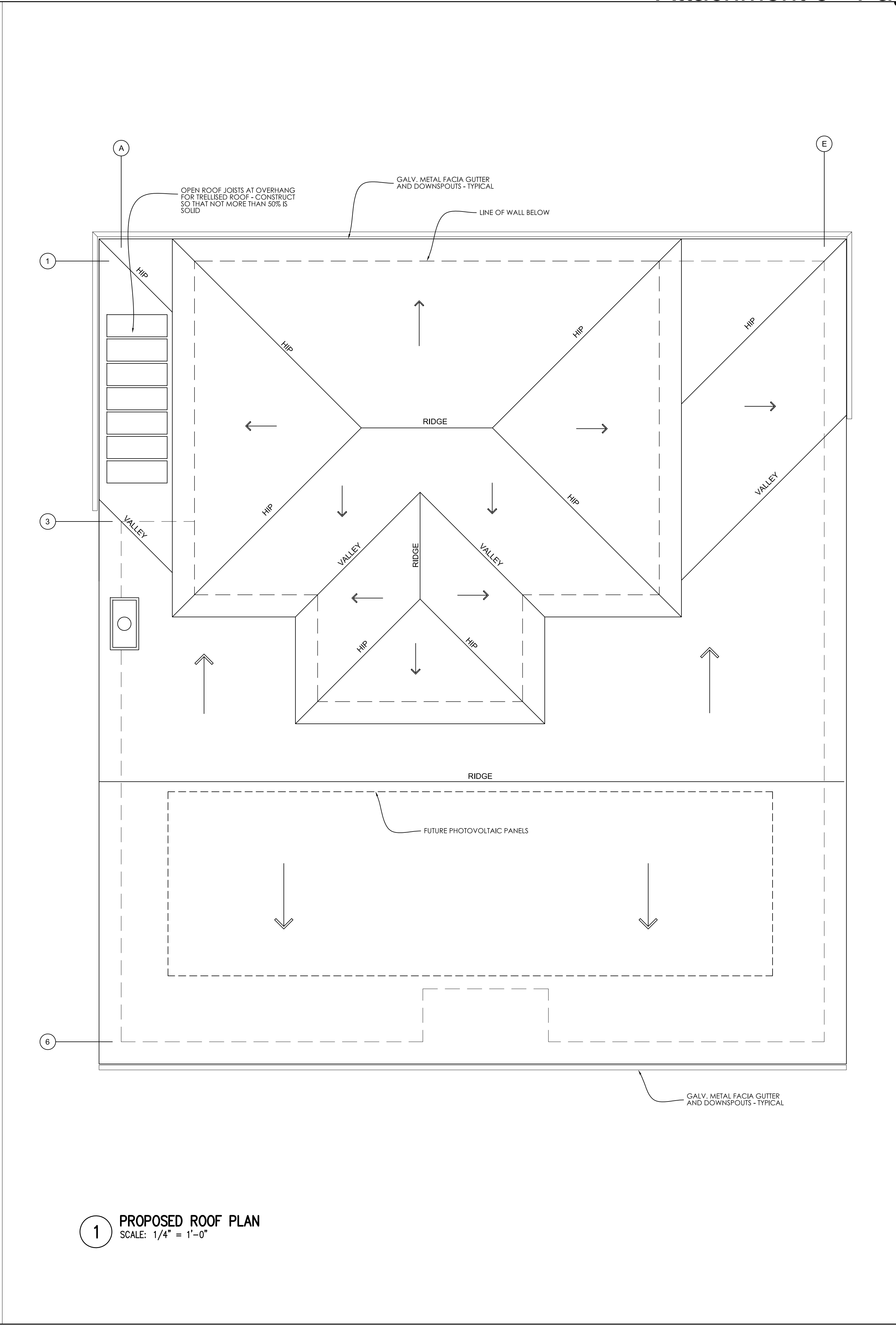
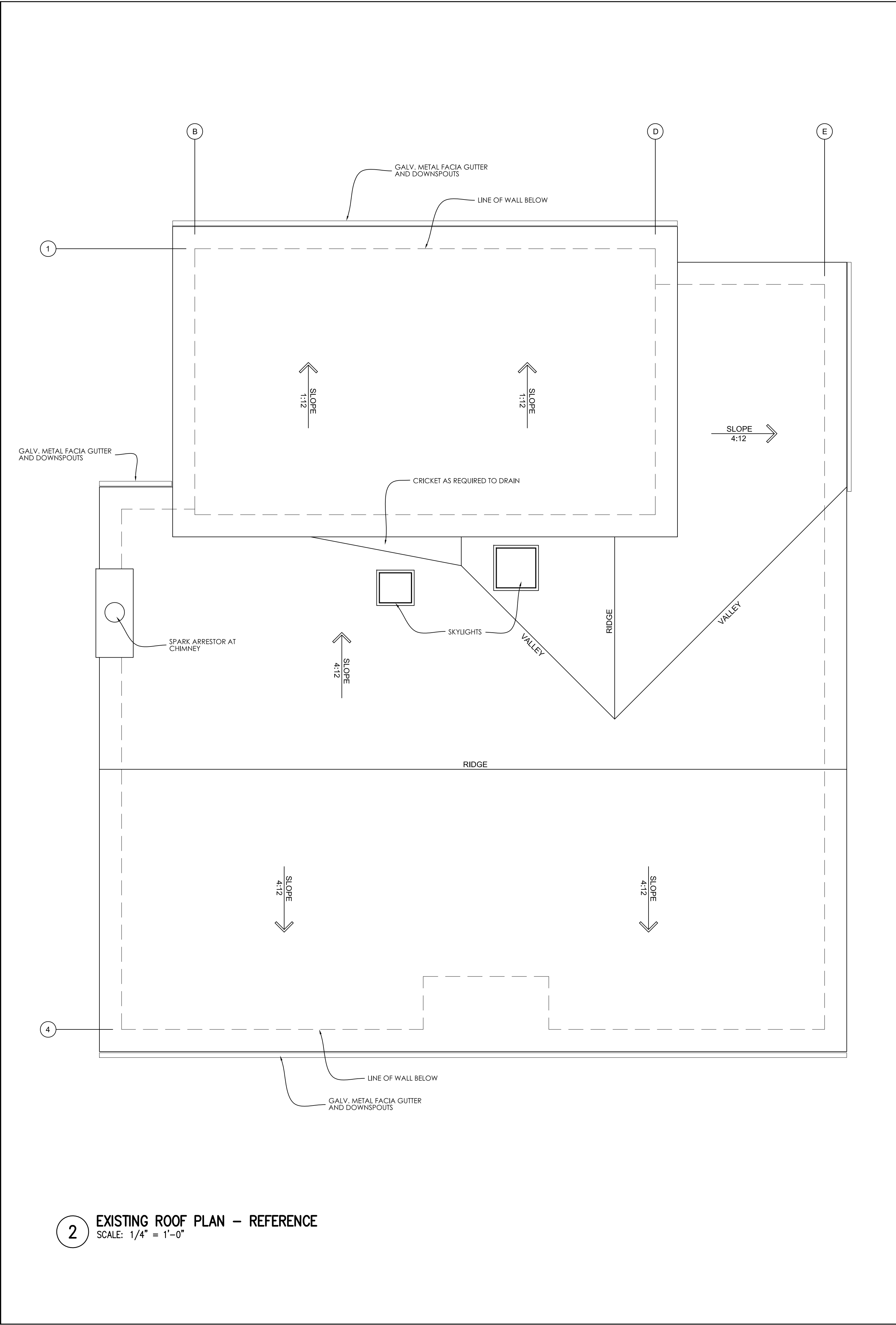
PROPOSED  
FLOOR PLANS



2 PROPOSED SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"



1 PROPOSED FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"



ARCHITECT

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PROJECT

**Fire Damage Reconstruction**

**SCHEIDERER RESIDENCE**

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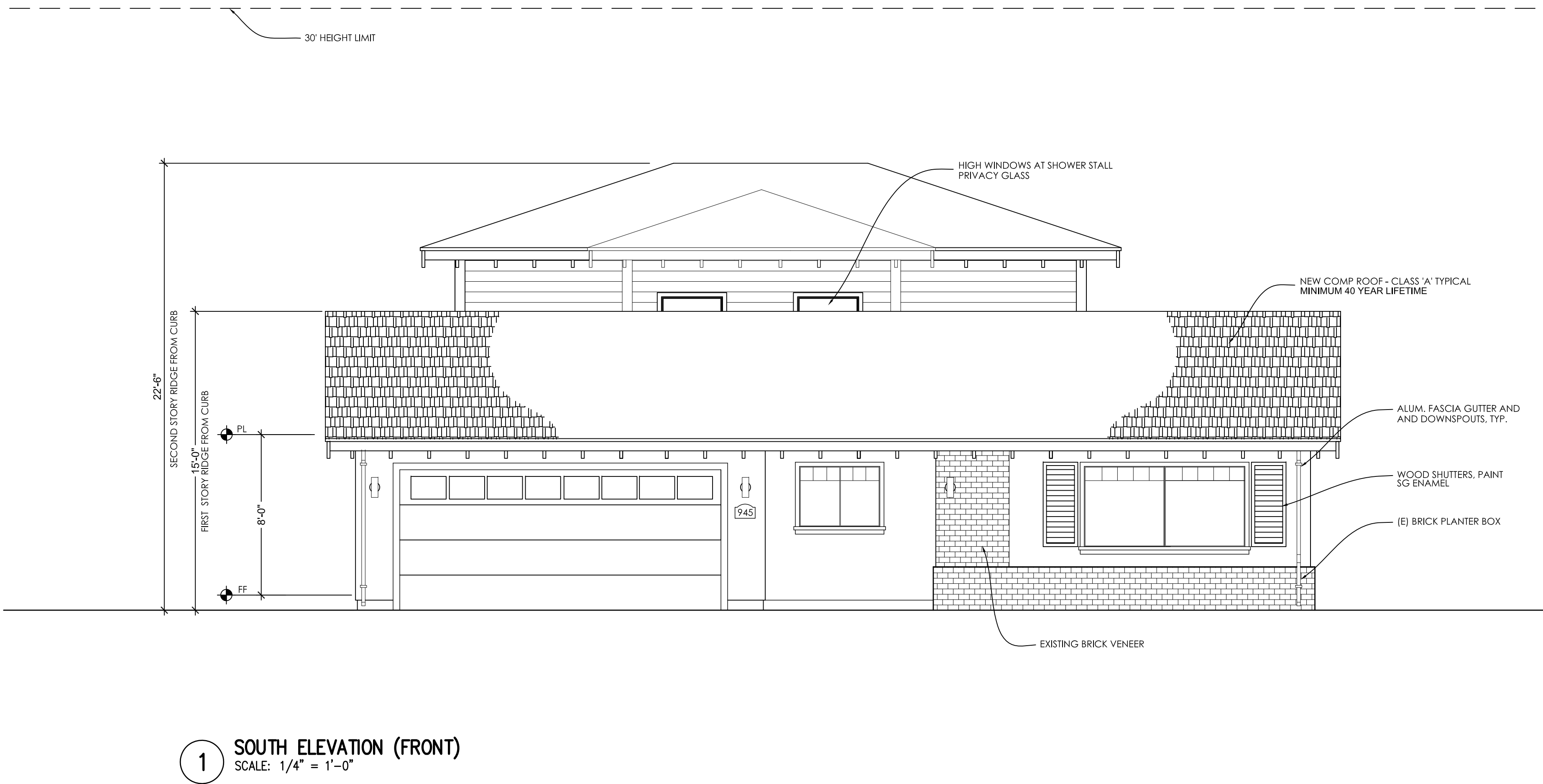
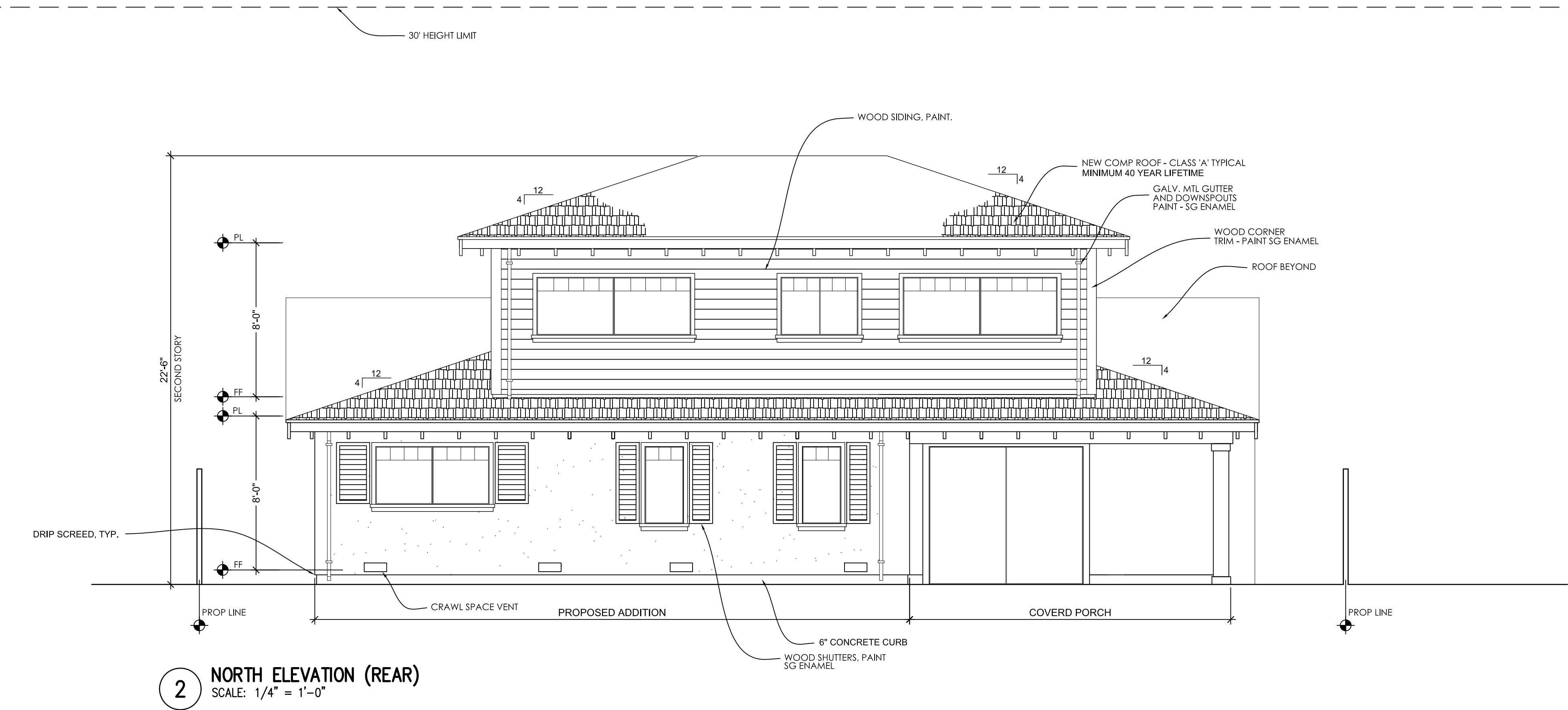
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GREGORY T. STOWERS  
No. C 26712  
REN. 09-2015  
STATE OF CALIFORNIA

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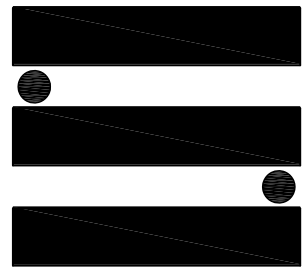
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ROOF PLAN

**A4**



ARCHITECT



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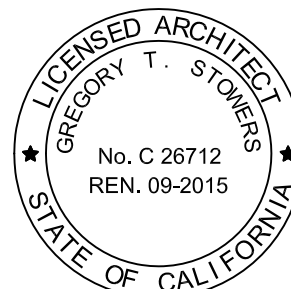
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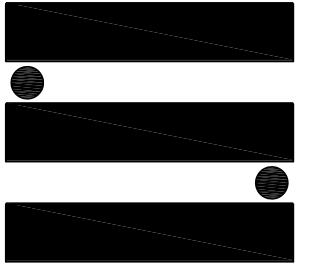


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EXTERIOR  
ELEVATIONS





Greg Stowers, Architect

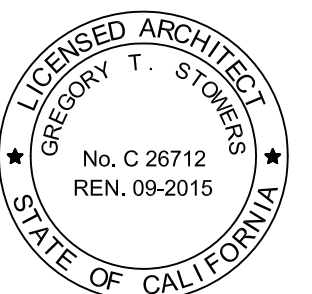
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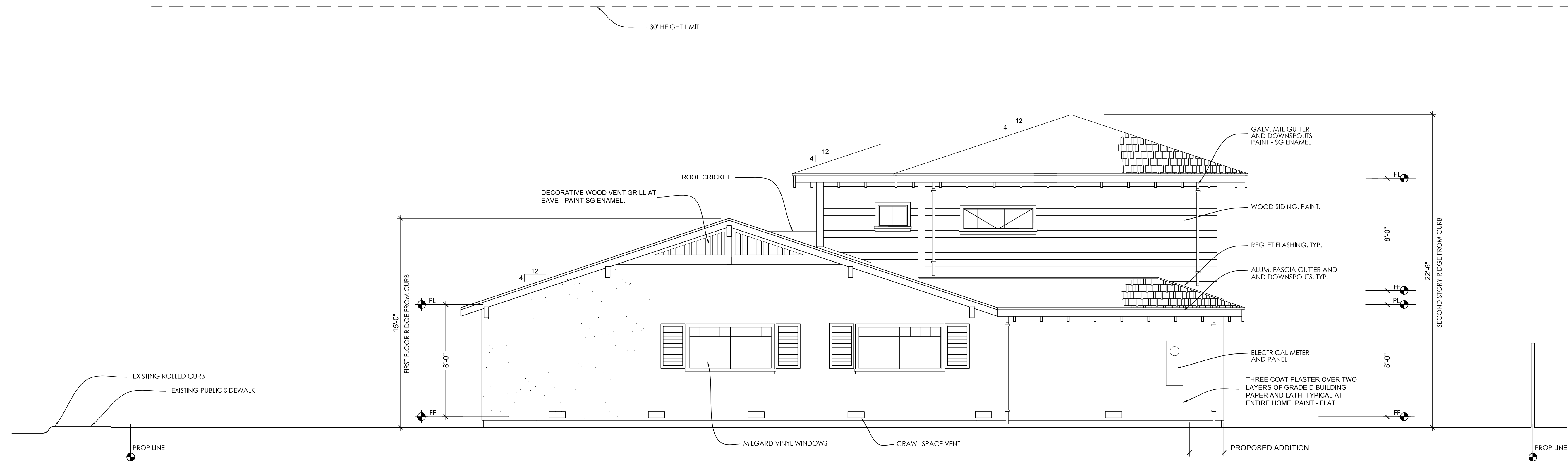
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2014.10
DRAWN BY

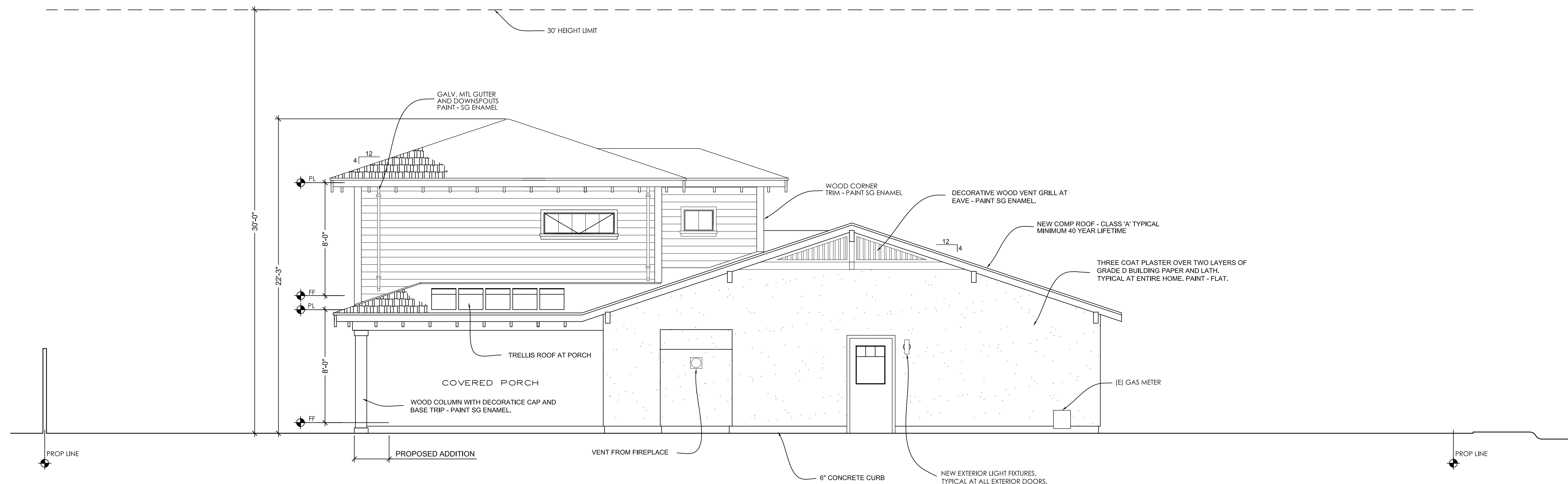
	GTS
SCALE	

SCALE	AS NOTED
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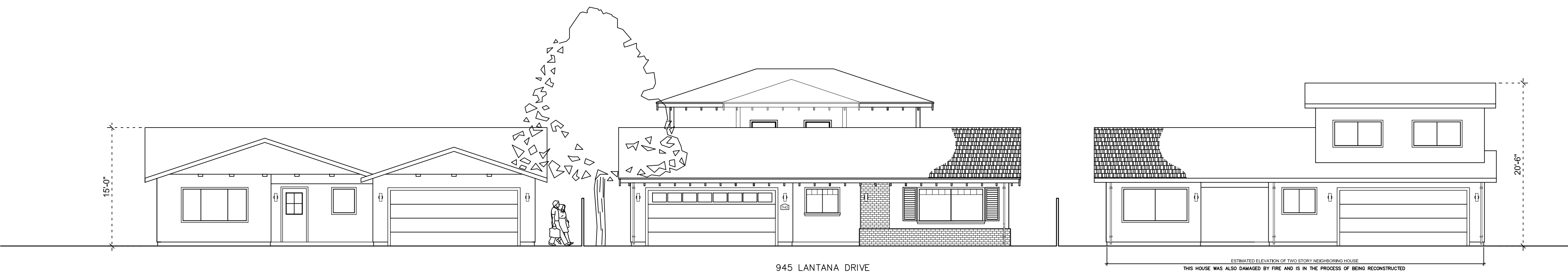
## EXTERIOR ELEVATIONS



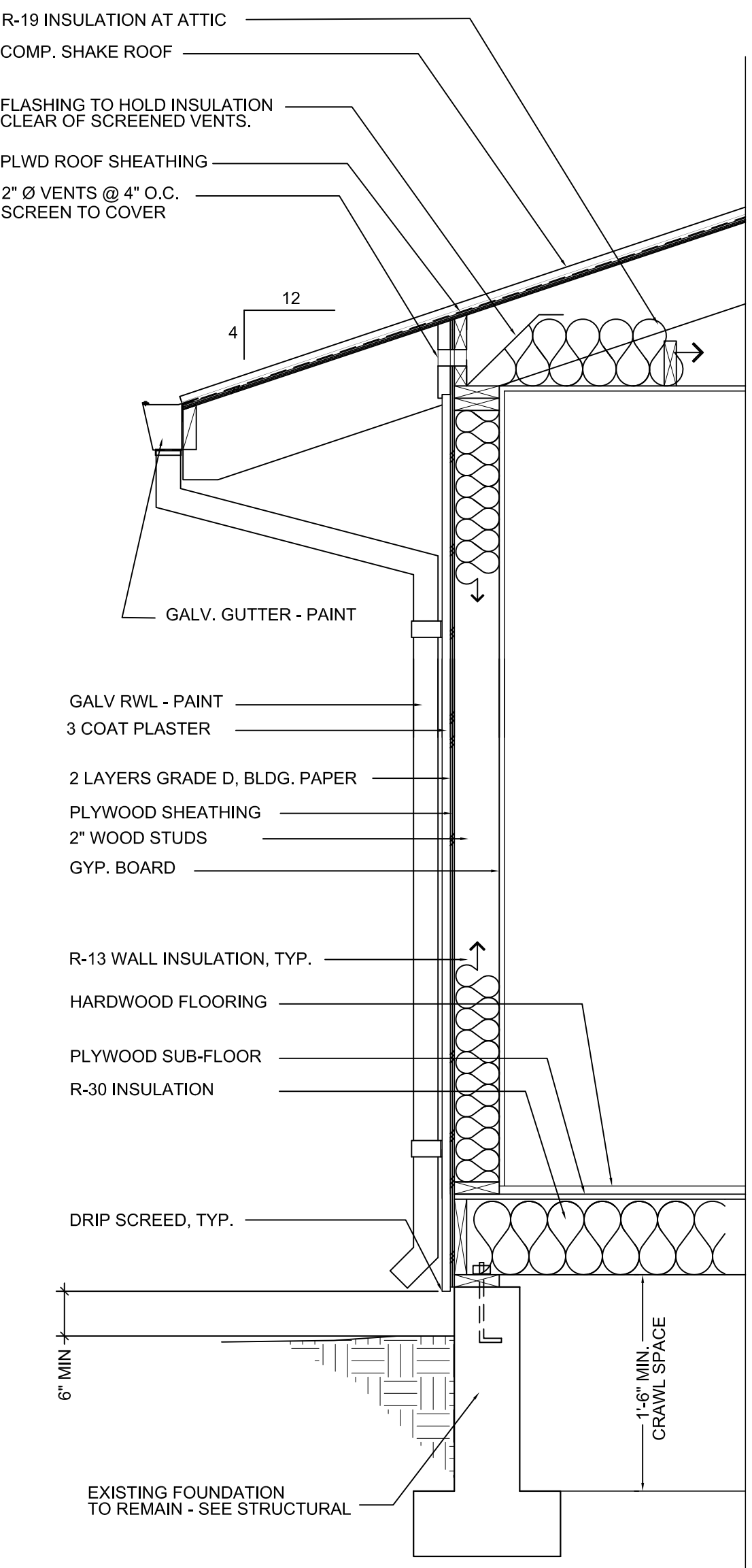
2 EAST ELEVATION (SIDE YARD)  
SCALE: 1/4" = 1'-0"



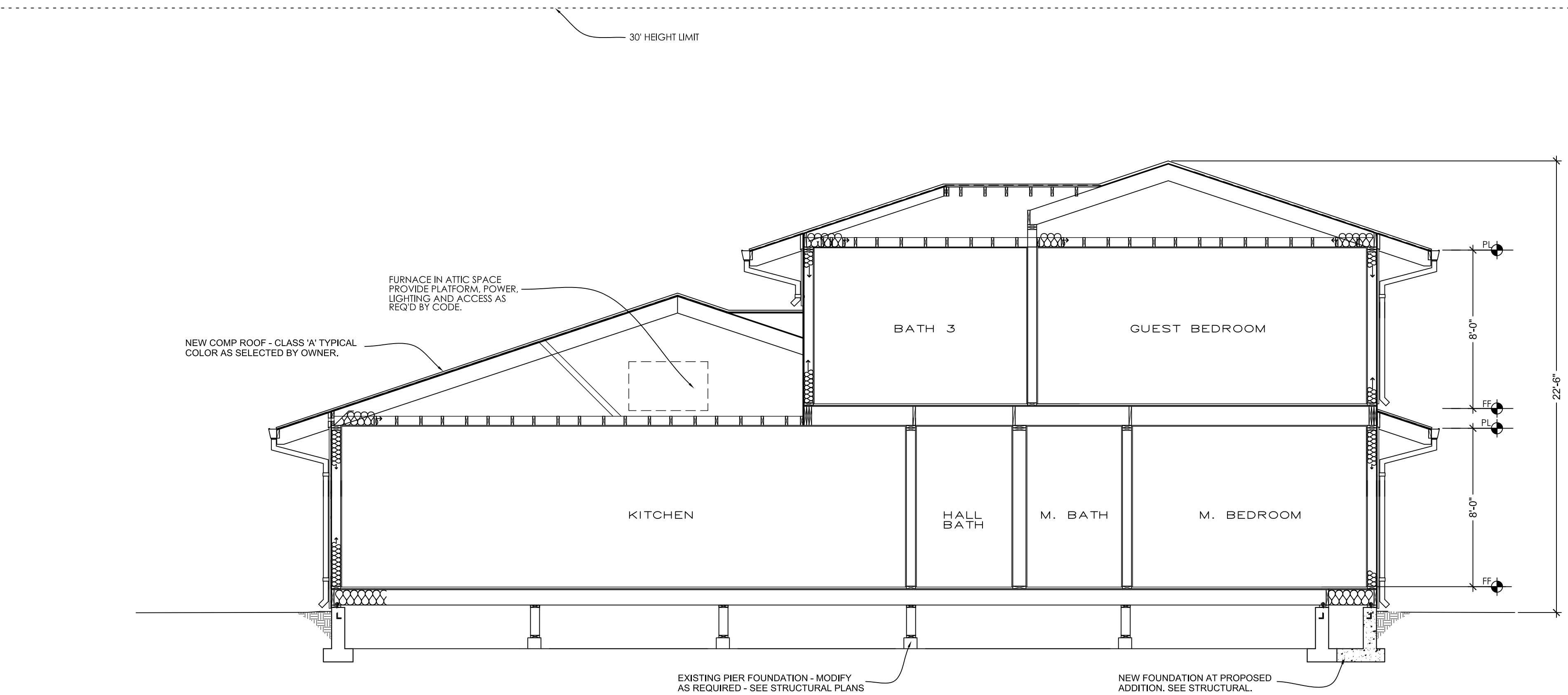
**1 WEST ELEVATION (SIDE YARD)**  
SCALE: 1/4" = 1'-0"



3 STREET ELEVATION  
SCALE: 1/8" = 1'-0"

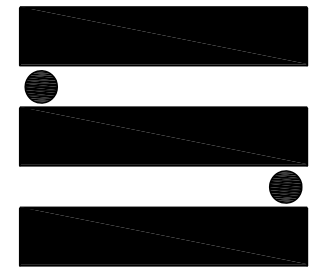


2 TYPICAL WALL SECTION  
SCALE: 3/4" = 1'-0"



1 NORTH / SOUTH BUILDING SECTION  
SCALE: 1/4" = 1'-0"

ARCHITECT



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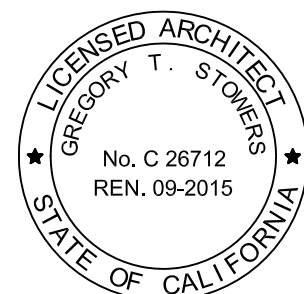
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CELL: 408.406.6048

PROJECT

Fire Damage Reconstruction  
SCHEIDERER RESIDENCE  
945 Lantana Drive, Sunnyvale 94086

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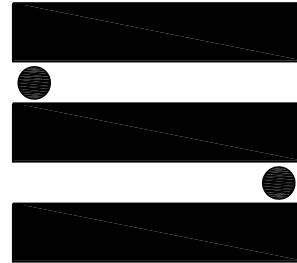
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BUILDING AND  
WALL SECTION  
STREET ELEVATION





ARCHITECT



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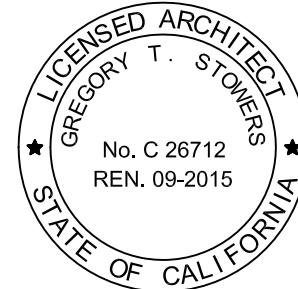
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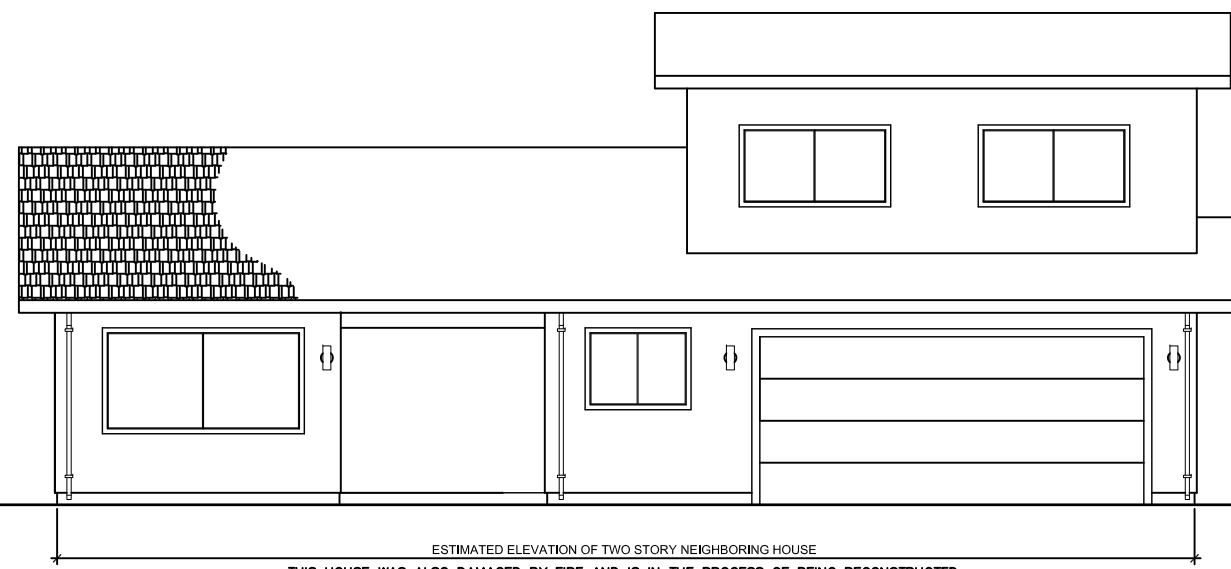
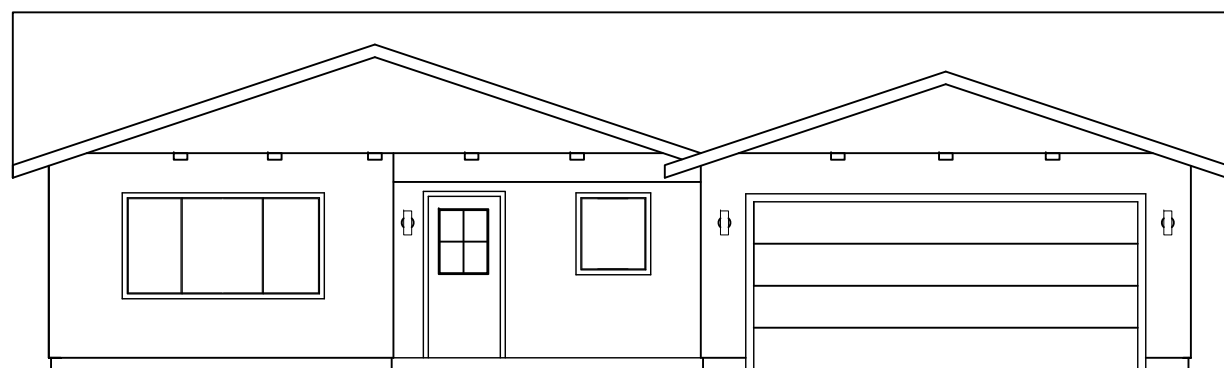
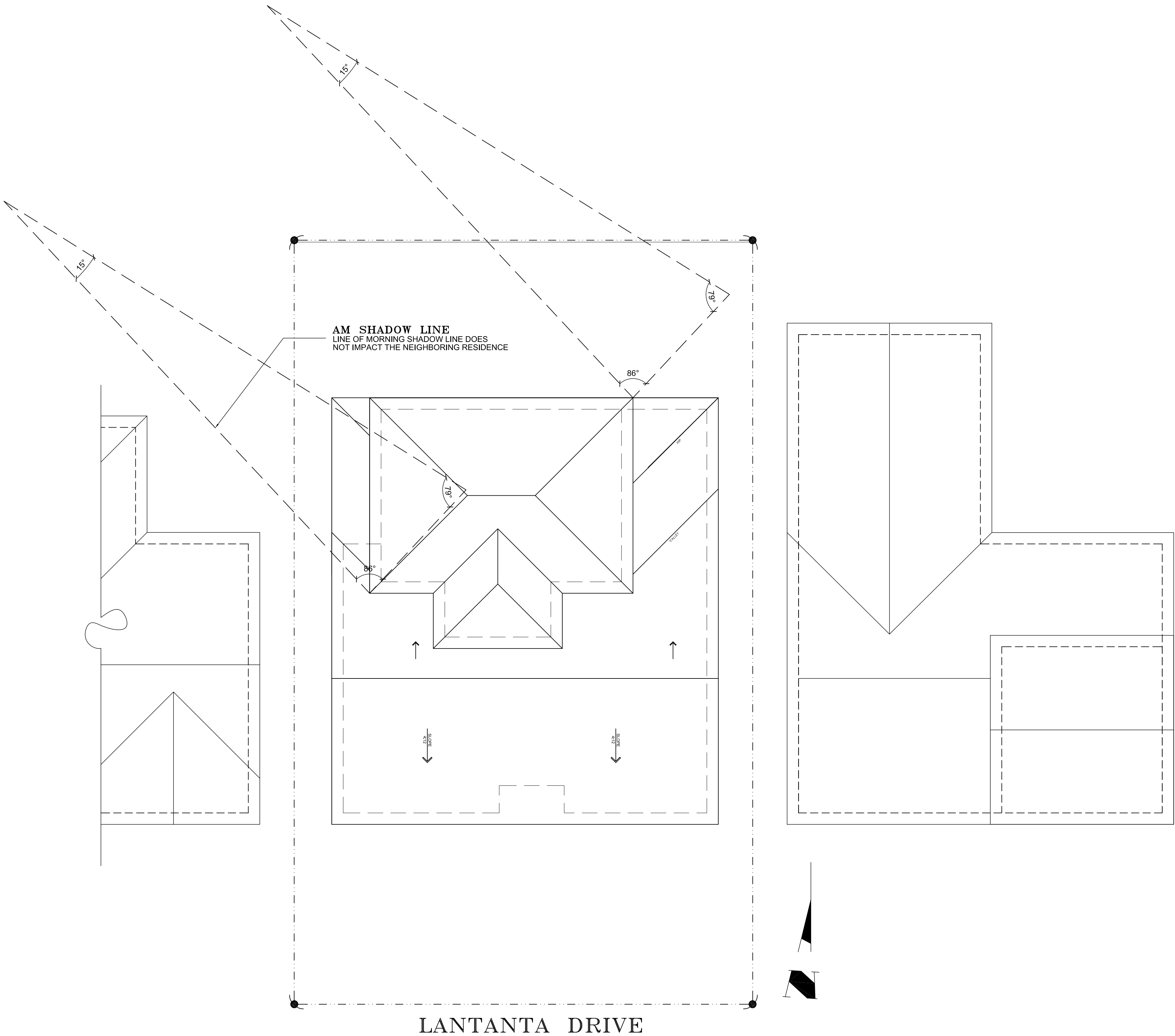
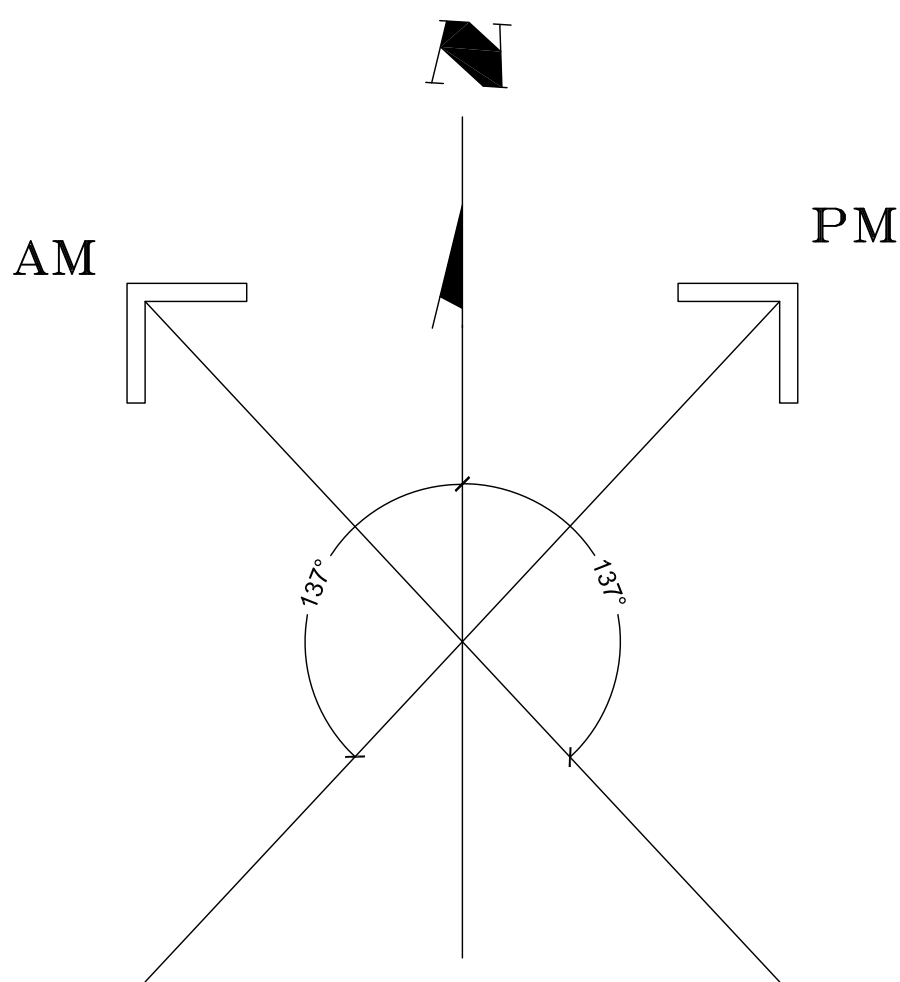
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AM SHADOW STUDY



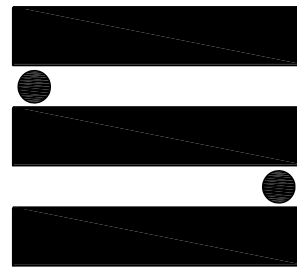
1 SOLAR STUDY  
SCALE: 1/8" = 1'-0"

945 LANTANA DRIVE

ESTIMATED ELEVATION OF TWO STORY NEIGHBORING HOUSE  
THIS HOUSE WAS ALSO DAMAGED BY FIRE AND IS IN THE PROCESS OF BEING RECONSTRUCTED



ARCHITECT



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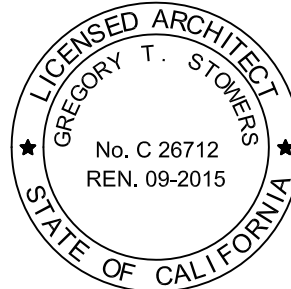
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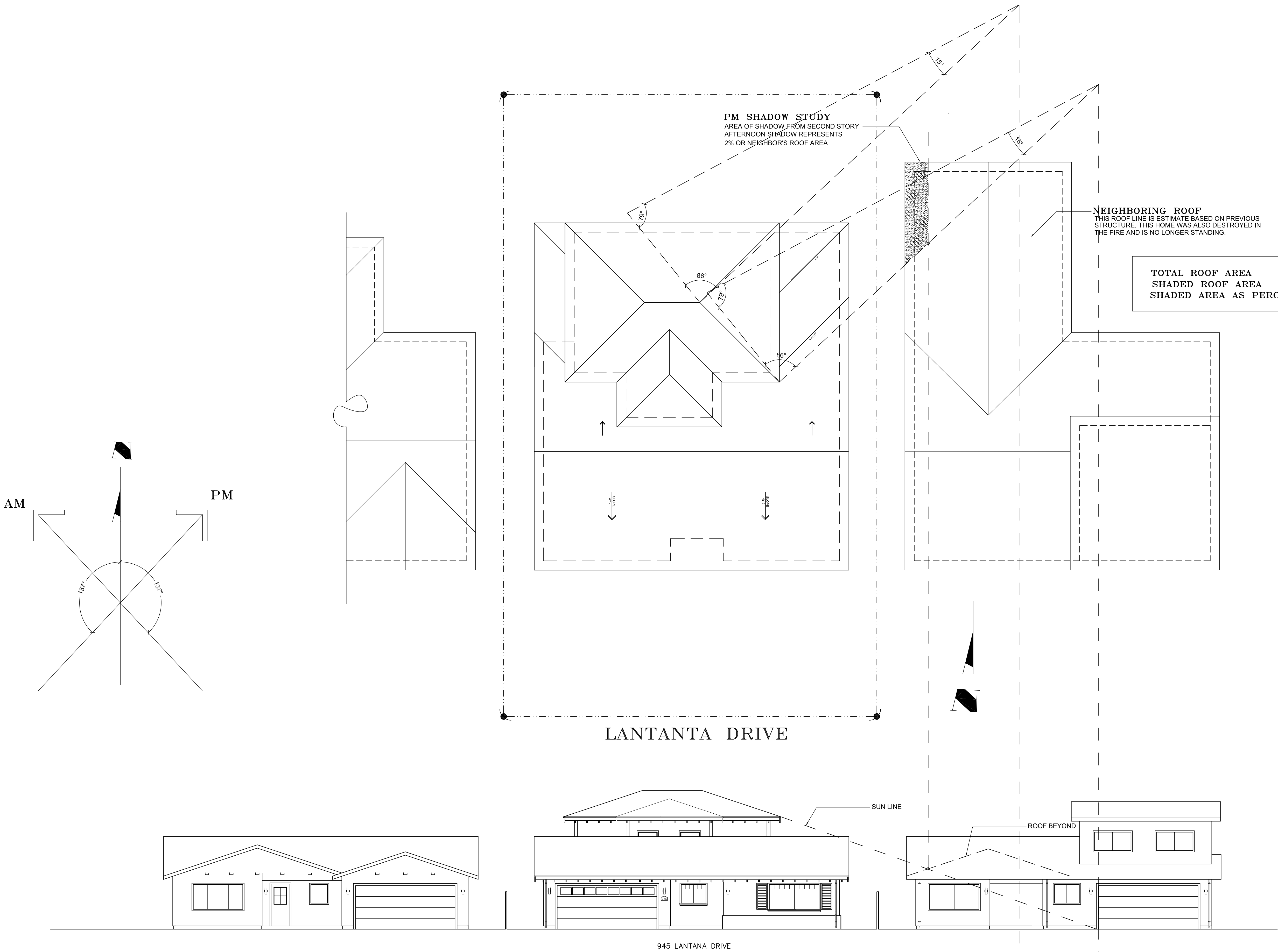
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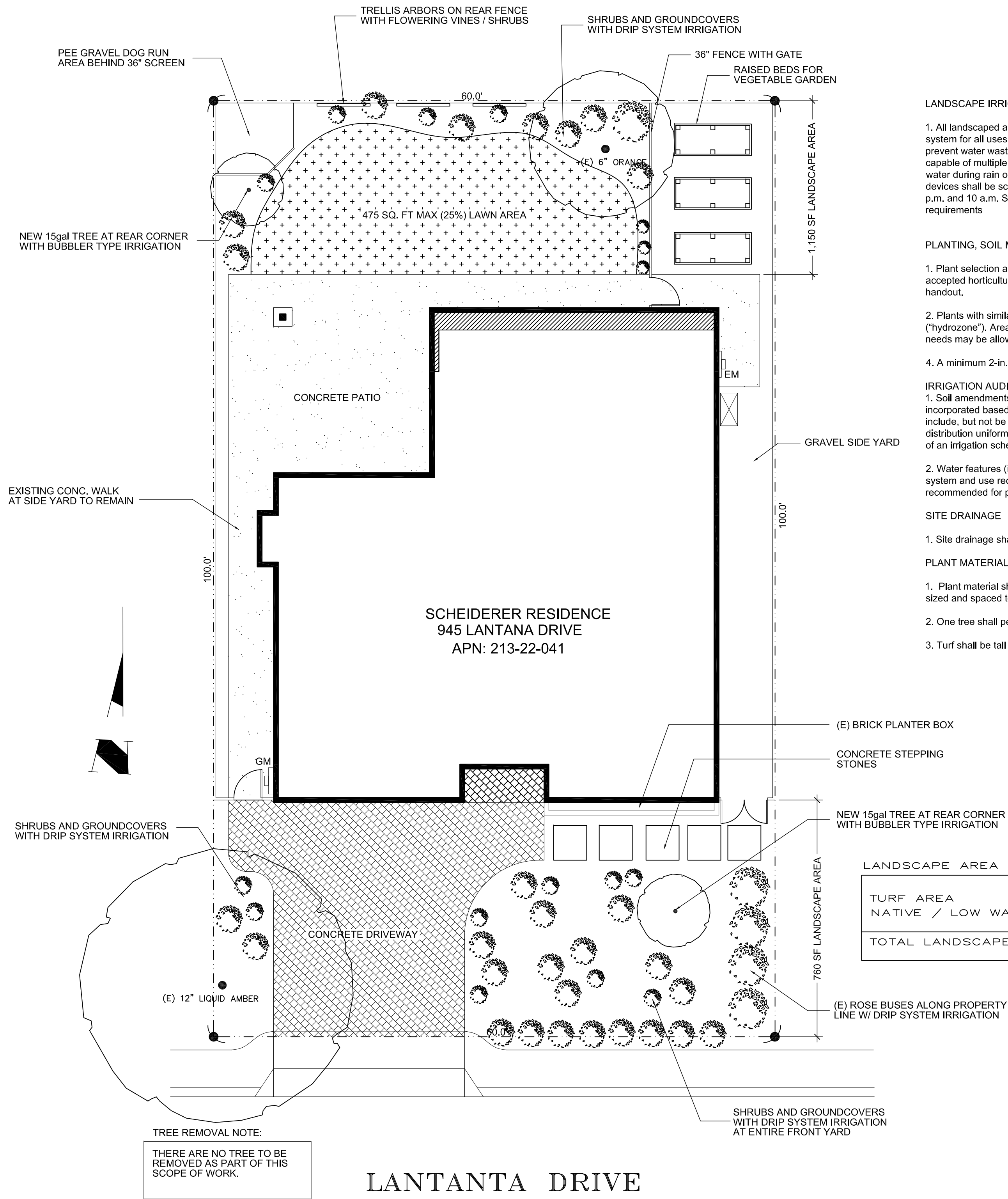
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PM SHADOW STUDY



1 PM SOLAR STUDY  
SCALE: 1/8" = 1'-0"



1 LANDSCAPE PLAN  
SCALE: 1/8" = 1'-0"

ARCHITECT

**STOWERS ASSOCIATES ARCHITECTS**

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PROJECT

**Fire Damage Reconstruction**

**SCHEIDERER RESIDENCE**

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SCALE AS NOTED

PRELIMINARY LANDSCAPE PLAN

#	Street	Type	APN	Stories	Lot Area	Garage Area	Living Area	FAR	Notes
927	Lantana	Dr	21321026	1	7084	437	1533	28%	
923	Lantana	Dr	21321027	1	6500	437	1533	30%	
919	Lantana	Dr	21321028	1	6288	437	1533	31%	
915	Lantana	Dr	21321029	1	8584	437	1533	23%	
<b>831</b>	<b>Mangrove</b>	<b>Av</b>	<b>21321030</b>	<b>1</b>	<b>10533</b>	<b>437</b>	<b>1533</b>	<b>19%</b>	<b>Low FAR</b>
835	Mangrove	Av	21321031	1	6410	437	1533	31%	
839	Mangrove	Av	21321032	1	6303	413	1488	30%	
918	Lantana	Dr	21322017	1	6601	413	1488	29%	
922	Lantana	Dr	21322018	1	6100	420	1688	35%	
926	Lantana	Dr	21322019	1	6200	413	1488	31%	
930	Lantana	Dr	21322020	1	6100	437	1533	32%	
934	Lantana	Dr	21322021	1	6200	420	1688	34%	
<b>938</b>	<b>Lantana</b>	<b>Dr</b>	<b>21322022</b>	<b>2</b>	<b>6100</b>	<b>420</b>	<b>2345</b>	<b>45%</b>	<b>Existing 2-story</b>
942	Lantana	Dr	21322023	1	6200	437	1533	32%	
946	Lantana	Dr	21322024	1	6100	437	1533	32%	
950	Lantana	Dr	21322025	1	6200	420	1688	34%	
954	Lantana	Dr	21322026	1	6100	437	1533	32%	
<b>958</b>	<b>Lantana</b>	<b>Dr</b>	<b>21322027</b>	<b>2</b>	<b>6200</b>	<b>437</b>	<b>2165</b>	<b>42%</b>	<b>Existing 2-story</b>
962	Lantana	Dr	21322028	1	6100	437	1533	32%	
966	Lantana	Dr	21322029	1	6200	437	1609	33%	
970	Lantana	Dr	21322030	1	6100	420	1688	35%	
974	Lantana	Dr	21322031	1	6100	420	1688	35%	
<b>978</b>	<b>Lantana</b>	<b>Dr</b>	<b>21322032</b>	<b>2</b>	<b>6427</b>	<b>413</b>	<b>2098</b>	<b>39%</b>	<b>Existing 2-story</b>
977	Lantana	Dr	21322033	1	6414	437	1533	31%	
973	Lantana	Dr	21322034	1	6000	420	1688	35%	
969	Lantana	Dr	21322035	1	6000	413	1488	32%	
<b>965</b>	<b>Lantana</b>	<b>Dr</b>	<b>21322036</b>	<b>2</b>	<b>6000</b>	<b>420</b>	<b>2248</b>	<b>44%</b>	<b>Existing 2-story</b>
961	Lantana	Dr	21322037	1	6000	413	1488	32%	
957	Lantana	Dr	21322038	1	6000	437	1533	33%	
953	Lantana	Dr	21322039	1	6000	413	1530	32%	
<b>949</b>	<b>Lantana</b>	<b>Dr</b>	<b>21322040</b>	<b>2</b>	<b>6000</b>	<b>413</b>	<b>2560</b>	<b>50%</b>	<b>High FAR, 2-story, adj. to site</b>
<b>945</b>	<b>Lantana</b>	<b>Dr</b>	<b>21322041</b>	<b>2</b>	<b>6000</b>	<b>423</b>	<b>2577</b>	<b>50%</b>	<b>Project site, proposed FAR</b>
941	Lantana	Dr	21322042	1	6000	437	1533	33%	
937	Lantana	Dr	21322043	1	6000	437	1533	33%	
933	Lantana	Dr	21322044	1	6664	437	1533	30%	

Average FAR 34%

George Schroeder &lt;gschroeder@sunnyvale.ca.gov&gt;



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**House Rebuild -- 945 Lantana Dr**

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Mon, May 18, 2015 at 6:20 PM

To: gschroeder@sunnyvale.ca.gov

Hello Mr. Schroeder,

We are neighbors of Robin and Dan Scheiderer, who are currently going through the review process for rebuilding their house at 945 Lantana Drive (file #2015-7099). We wanted to let you know that we have discussed the plans with them and definitely support their planned design.

Since fire destroyed their home last June, we have been eagerly anticipating the renovation of this house and the return of our good neighbors. Anything you can do to speed their project along would be appreciated.

Best regards and thank you for your attention,  
Teresa Goode and Rex Chow



# City of Sunnyvale

## Agenda Item 3

15-0206

Agenda Date: 5/27/2015

### REPORT TO HOUSING AND HUMAN SERVICES COMMISSION AND PLANNING COMMISSION

#### SUBJECT

Introduce an Ordinance and Two Resolutions to Approve Two New Affordable Housing Impact Fees: Housing Impact Fee for Nonresidential Development and Housing Impact Fee for Rental Housing

#### REPORT IN BRIEF

Recent Council direction to expand the Housing Mitigation Fee and to establish a new fee for rental housing developments requires amendments to the Sunnyvale Municipal Code (SMC). A draft ordinance (**Attachment 1**) and two resolutions (**Attachments 2 and 3**) have been prepared to make these changes.

The Housing Impact Fee for Nonresidential Development, set at \$15 per net new square foot for all office/R&D and industrial projects (\$7.50 for the first 25,000 square feet) and \$7.50 per square foot for all retail and lodging projects, will apply to all new commercial, industrial, R&D, retail and lodging projects in any zone, unless otherwise exempted, as outlined in Exhibit C to **Attachment 2**.

The Housing Impact Fee for Rental Housing, set at \$17 per net new habitable square foot, applies to all new rental developments and includes provisions to allow developers several alternatives to paying the fee. Any alternative compliance option, other than providing standard affordable units within the project (the "on-site" option) will require approval by Council.

Revenues generated by these fees will be used to subsidize and assist in the production, preservation and renovation of units affordable to lower-income households.

Staff recommends that Council approve Alternative 1: Approve the Draft Ordinance and Fee Resolutions establishing the Housing Impact Fees for Nonresidential Development and Housing Impact Fee for Rental Housing, as provided in **Attachments 1, 2, and 3**.

#### BACKGROUND

At the December 9, 2014, City Council meeting, Council heard a presentation and took public testimony concerning a proposed commercial linkage fee, which would expand the existing Housing Mitigation Fee (HMF), for affordable housing and reviewed the associated impact fee nexus study (RTC 14-0673). Following that hearing, Council directed staff to prepare an ordinance to expand the HMF to include all office/industrial, retail, and lodging development projects in any zone; and to set the initial fee at \$15 per net new square foot for all office/R&D and industrial projects (\$7.50 for the first 25,000 square feet) and \$7.50 per square foot for all retail and lodging projects, both adjusted annually for inflation as part of the annual fee schedule adoption. The draft ordinance prepared to implement this Council direction, provided in **Attachment 1** to this report, refers to this expanded fee as the "Housing Impact Fee for Nonresidential Development."

At the March 17, 2015, City Council meeting, Council heard a presentation and took public testimony concerning a proposed Housing Impact Fee for Rental Housing (*Rental Housing Impact Fee* is used in this report) for New Market-Rate Rental Housing Developments and reviewed the associated impact fee nexus study (RTC 14-0846). Following that hearing, Council directed staff to prepare an ordinance and set the initial fee at \$17 per habitable square foot for all new market-rate rental housing developments, adjusted annually as part of the City Fee Schedule. The Council further directed the following: 1) allow developers to provide affordable units within a project instead of paying the impact fee, as well as other possible options such as providing off-site affordable units or dedicating land; 2) require any alternative options, except for the provision of standard on-site affordable units as allowed by the ordinance to be approved by Council; 3) require all affordable units provided to satisfy the fee requirement to be restricted for an affordability term of at least 55 years; and 4) that the developer should strive to locate affordable units close to transit.

At both of the above hearings, Council directed staff to return within two years to re-evaluate and possibly adjust the rates of the new fees.

### **EXISTING POLICY**

#### **General Plan, Housing Element**

**Goal A:** Assist in the provision of adequate housing to meet the diverse needs of Sunnyvale's households of all income levels.

**Policy A.4:** Continue to require office and industrial development to mitigate the demand for affordable housing.

**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.

### **ENVIRONMENTAL REVIEW**

This action is not a project for purposes of CEQA because it is an administrative or organizational activity that will not result in a direct or indirect physical change in the environment (Guideline 15378 (b)(4)).

### **DISCUSSION**

Economics and Planning Systems, Inc., (EPS) prepared the Housing Mitigation Nexus and Fee Study in September 2014 and updated the Nexus-Based Affordable Housing Fee Analysis for Rental Housing in December 2014. Both reports identify a maximum defensible nexus-based fee that could be charged to office/industrial, retail, and lodging development projects in any zone, and to new multifamily rental residential developments in Sunnyvale. These fees mitigate the demand for affordable rental housing generated by new jobs and new market-rate rental development in Sunnyvale.

Before Council can adopt the new fees, the SMC must be amended to establish regulations for their implementation. To do this, staff is proposing to amend Section 19.22.035 of the Zoning Code (Title 19), which is the section that established the current HMF for high-intensity industrial developments, and create a new Chapter 19.75 entitled "Housing Impact Fees". The new Chapter 19.75 will contain two new sections: Section 19.75.030, Housing Impact Fees for Nonresidential Development (formerly known as the HMF); and Section 19.75.040, Housing Impact Fees for Rental Housing. A draft ordinance (**Attachment 1**) has been prepared to make these changes to the SMC.

**Attachments 2 and 3** are resolutions to amend the City fee schedule to establish the fee rates for FY 2015-16 (one resolution for each new fee).

### **Housing Impact Fee for Nonresidential Development**

The Housing Impact Fee for Nonresidential Development, also referred to as the commercial linkage fee, will apply to new office, research and development (R&D), industrial, retail, and lodging development projects, as defined in the draft ordinance and resolution, in any zoning district. The draft resolution sets the fee at \$15 per net new square foot for all office/R&D and industrial projects (\$7.50 for the first 25,000 square feet) and \$7.50 per net new square foot for all retail and lodging projects, both adjusted annually for inflation as part of the annual fee schedule adoption.

### **Exempt Uses**

The Housing Impact Fee for Nonresidential Development will apply to all new commercial, industrial, R&D, retail and lodging projects in any zone, unless otherwise exempted.

The Housing Mitigation Nexus and Fee Study only covered office, R&D, industrial, retail, and lodging uses. Consistent with many cities, certain nonresidential uses would not be assessed a housing impact fee, such as educational institutions, health care uses and places of assembly. The nexus study did not evaluate a possible fee for these specific uses.

Therefore, the draft ordinance and resolution exempt the above land uses and several other uses that would not generate significant jobs. The list below summarizes the major use types that are exempted in the draft ordinance:

- Child and Adult Day Care, Hospitals, Assisted Living Facilities and Convalescent Hospitals;
- Agriculture and Resource Uses;
- Public Uses;
- Stand-alone Parking Structures and Surface lots; and
- Education, Recreation and Places of Assembly.

A complete Zoning Use Table identifying exempt and non-exempt uses is provided as Exhibit C to the Housing Impact Fee for Nonresidential Developments Resolution (**Attachment 2**).

### **Alternative Compliance**

As an alternative to paying the Housing Impact Fee for Nonresidential Development, a developer may request to mitigate the housing impacts through construction of residential units on an appropriate housing site, the dedication of land or the provision of other resources. The Community Development Director may approve this request if the proposed alternative furthers affordable housing opportunities in the City to an equal or greater extent than payment of the fee.

### **Grandfathering Provision for Pipeline Projects**

Any nonresidential project that would otherwise be subject to the new nonresidential fee but has obtained an approved (entitled) planning permit or has submitted an application that has been deemed complete by the Planning Division before the effective date of the ordinance will not be subject to the new fee. However, some of these “pipeline” projects are still subject to the current HMF (i.e., “high intensity” projects in industrial zones as described in Section 19.22.035) and will continue to be subject to that fee, payable at the rate in effect at the time of building permit issuance. For the next several years, there will be two similar fee rates in the fee schedule, one for the existing HMF

and one for the new Housing Impact Fee for Nonresidential Development, until all of the pipeline projects subject to the existing HMF have been completed, at which time the HMF can be removed from the fee schedule.

Payment of the Housing Impact Fee for Nonresidential Developments will be due at the time a building permit is issued for the project subject to the fee.

### **Housing Impact Fee for Rental Housing**

The Council approved a Rental Housing Impact Fee of \$17 per habitable square foot for all new market-rate residential rental developments, adjusted annually as part of the City Fee Schedule. Council's direction was based on the desire to identify a revenue source that would enable the City to continue to provide affordable rental housing opportunities to lower-income households. Payment of the Rental Housing Impact Fee (RHIF) will be due at the time that building permits are issued for a project.

Council's direction also included provisions that allow developers to provide affordable housing units within a new rental project instead of paying the impact fee, and other options, such as providing off-site affordable units or dedicating land. Any alternative compliance option, other than providing standard affordable units within the project (the "on-site" option) will require approval by Council.

If a developer opts to provide affordable units on-site instead of paying the fee, the draft ordinance allows the developer to be credited \$300,000 for every very low-income unit provided on-site and/or \$150,000 for every low-income unit provided on-site, up to the total fee amount owed by the project. These amounts are based on the subsidy amounts required to develop affordable units, which the recent rental impact fee nexus study determined to be \$302,496 for a very low-income unit and \$146,233 for a low-income unit. These subsidy levels will be adjusted periodically as needed to reflect significant changes in the costs to develop affordable units.

An example is provided in Table 1 below to illustrate how this option would work. In this example, the developer opts to provide five very low and five low income units within the project in exchange for a \$2.25 million credit against the project's fee obligation, which is approximately \$2.26 million for a project of 140 new units. In case any fee obligation remains after the affordable unit credits are applied, the developer may opt to provide another affordable unit or just pay the remaining balance, which is \$11,000 in the example below. In addition, developers may opt to pay a larger portion of the fee and provide fewer units in lieu, as a variation on this option.

Table 1: Credit for Affordable Units Provided On-Site In-Lieu of RHIF

<b>Unit Affordability Level</b>	<b>Credit Toward RHIF</b>	<b>Number of Units Provided in Project</b>	<b>Total Credit</b>
Very Low Income	\$300,000	5	\$1,500,000
Low Income	\$150,000	5	\$750,000
Total Credit for Project for On-Site Affordable Units			\$2,250,000
RHIF Owed by Project (140 units @ 950 HSF each x \$17)			\$2,261,000
Balance of RHIF owed by project			\$11,000

All of the affordable units provided instead of the fee payment will be subject to 55-year affordability restrictions, and developers should strive to provide them in a location that is easily accessible to



public transit.

Although not originally discussed at the March 17, 2015 Council meeting, the draft resolution sets the fee for rental developments of 4 to 7 units at \$8.50 per habitable square foot and developments with 8 or more units at \$17.00 per habitable square foot. This responds to concerns expressed about the greater financial impact of the impact fee on smaller projects, similar to the discussion regarding the Housing Impact Fee for Nonresidential Development. Council/Planning Commission could also consider exempting from the impact fee residential projects with less than eight units, similar to the threshold for when ownership housing projects are required to provide inclusionary units.

#### Alternative Compliance Options for Rental Projects

As an alternative to payment of the RHIF or providing on-site units, as described above, a rental housing developer subject to the fee may request to mitigate the project's impacts through various alternative compliance options. Such requests may be granted by Council, if it determines that the proposed alternative will contribute to the City's affordable housing stock to an equal or greater extent than payment of the fee.

Any off-site units or sites to be dedicated for affordable housing shall be near public transit to the extent required by the City. As a condition of approving any of the alternative compliance options, Council may require that the developer provide a greater number of affordable units and/or a greater degree of affordability (i.e., extremely low units) than would otherwise be required to off-set the project's fee obligation, consistent with guidelines to be developed for this purpose by the Community Development Department.

1. Off-site Affordable Housing Units: The developer may propose to provide affordable housing units in another new residential development in Sunnyvale, provided those units meet the requirements noted above.
2. Unit Conversion/Preservation: The developer may propose to convert existing residential units in another location into affordable housing, or provide financial incentives to extend the affordability term of an affordable housing development with expiring rent restrictions.
3. Land Dedication/Partnership: The developer may propose to dedicate land and/or grant funds to a non-profit developer for the development of affordable housing units. This option shall be substantially consistent with the requirements of the comparable alternative provided in Municipal Code Section 19.67.090(c)(2), and as further described in the draft Ordinance.

#### Provisions for Pipeline Projects

Pipeline projects include those new rental development projects that have obtained Planning approval (entitlements), and those for which the developer has submitted a planning application and it has been deemed complete by the Planning Division, prior to the effective date of the ordinance. Such pipeline projects will be exempt from paying the RHIF.

As directed, staff will return to Council within two years with information regarding implementation of the new fee programs so that Council may re-evaluate and possibly adjust the fees.

Council is scheduled to consider this item at its June 23 meeting.

#### **FISCAL IMPACT**

The new Housing Impact Fees enacted through the proposed ordinance and resolutions have the potential to generate significant fee revenues for funding affordable housing projects. Once a

considerable amount of funds have been collected, staff will begin issuing requests for proposals for affordable rental housing projects periodically to use the available funds in a timely manner.

It should be noted that it is likely that a portion of new market-rate rental project developers may opt to provide affordable units on-site rather than paying the fees. Other cities with rental impact fees in place for some time have reported that many developers pursue this option, so the revenues generated could be significantly less than projected if that tendency prevails in Sunnyvale as well. In addition, when the market for new rental development slows, as it has in prior downturns, there may be some years when few rental projects are proposed or built, in which case fee revenues will be minimal.

### **PUBLIC CONTACT**

Public contact was made through posting of the Housing and Human Service Commission and Planning Commission agendas on the City's official-notice bulletin board and on the City's website. The agendas and staff report were also made available in the Office of the City Clerk and the Reference Section of the City of Sunnyvale's Public Library.

### **ALTERNATIVES**

Recommend that Council:

1. Approve the Draft Ordinance and Fee Resolutions establishing the Housing Impact Fees for Nonresidential Development and Housing Impact Fee for Rental Housing, as provided in **Attachments 1, 2, and 3.**
2. Approve the Draft Ordinance and Fee Resolutions establishing the Housing Impact Fees for Nonresidential Development and Housing Impact Fee for Rental Housing, as provided in **Attachments 1, 2, and 3,** with modifications as directed by Council.

### **RECOMMENDATION**

Alternative 1: Approve the Draft Ordinance and Fee Resolutions establishing the Housing Impact Fees for Nonresidential Development and Housing Impact Fee for Rental Housing, as provided in **Attachments 1, 2, and 3.**

Alternative 1 implements the previous direction of the City Council to expand and increase the existing housing impact fee for Nonresidential projects and to establish a new housing impact fee for rental housing projects. The Housing Impact Fees for Nonresidential Development and Housing Impact Fee for Rental Housing will provide the City with important new sources of revenue to address the increasing demand for affordable housing. This action will result in the development of new housing affordable to lower-income households. These new fees will complement other existing City programs for providing affordable housing in the City, such as the inclusionary zoning requirements for new for-sale housing, density bonus incentives, zoning for adequate sites, direct subsidies of affordable units using federal grants and other available resources.

Prepared by: Ernie Defrenchi, Affordable Housing Manager

Reviewed by: Suzanne Isé, Housing Officer

Reviewed by: Trudi Ryan, Planning 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. Draft Ordinance Amending Section 19.22.035 and Adding Chapter 19.75, both of Title 19:

Zoning, of the Sunnyvale Municipal Code

2. Fee Resolution: Housing Impact Fee for Nonresidential Development
3. Fee Resolution: Housing Impact Fee for Rental Housing

## ORDINANCE NO. \_\_\_\_-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE AMENDING CHAPTER 19.22  
(INDUSTRIAL ZONING DISTRICTS) AND ADDING  
CHAPTER 19.75 (HOUSING IMPACT FEES) OF TITLE 19  
(ZONING) OF THE SUNNYVALE MUNICIPAL CODE TO  
ALLOW HOUSING IMPACT FEES FOR  
NONRESIDENTIAL DEVELOPMENT AND RENTAL  
HOUSING

WHEREAS, pursuant to City Council direction to expand the Housing Mitigation Fee and to establish a new fee for rental housing developments, the City of Sunnyvale ("City") staff has reviewed the provisions in the zoning code related to the Housing Mitigation Fee, and desires to make certain changes to the code for the purpose of expanding the Housing Mitigation Fee to include housing impact fees for nonresidential development and rental housing.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 19.22.035 AMENDED. Section 19.22.035 of Chapter 19.22 (Industrial Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.22.035. Requirements for high-intensity industrial development.**

(a) Purpose. The purpose of this section is to mitigate the ~~housing and~~ traffic impacts of high-intensity industrial development, ~~including the demand for affordable housing created by additional jobs.~~

(b) Applicability. This section applies to high-intensity industrial development in the M-S or M-3 zoning district. High-intensity industrial development means any project that creates new floor area exceeding floor area ratio (FAR) thresholds defined in Table 19.32.020 (Building Height, Lot Coverage and Floor Area Ratio) or exceeding seventy percent FAR in industrial intensification areas defined in Section 19.32.070 (Floor area ratio (FAR).)

~~—(c)— Housing Mitigation Fee. High-intensity industrial developments are subject to a housing mitigation fee.~~

~~—(1)— Use of Housing Mitigation Fees. Housing mitigation fees are placed in the city's housing fund and used to support the provision of affordable housing within the city. The provision of housing may include funding the creation or acquisition of new units, providing assistance to potential home buyers, and assisting with the maintenance and rehabilitation of existing units.~~

~~————— (2) — Calculation of Fee. The amount of the fee is set by the city fee resolution and is imposed on a per square foot basis for new gross floor area exceeding specified FAR thresholds. For calculation purposes, the floor area allowed is seventy percent FAR for industrial intensification sites or the FAR limitation in Table 19.32.020 (Building Height, Lot Coverage and Floor Area Ratio) for all other industrial sites. The fee amount is calculated as follows:~~

~~(Gross floor area) minus (Floor area allowed) multiplied by (per square foot fee) equals (total housing mitigation fee).~~

~~————— (3) — Exemptions to Gross Floor Area. The following areas are exempt from the gross floor area used in housing mitigation fee calculations:~~

~~————— (A) — Recreational facilities such as gyms, showers, indoor pools, locker rooms;~~

~~————— (B) — Cafeterias, auditoriums, atria or other special presentation rooms not easily converted to work areas;~~

~~————— (C) — Architectural design features not utilized for occupancy or storage;~~

~~————— (D) — Childcare facilities;~~

~~————— (E) — Hazardous materials storage; and~~

~~————— (F) — Existing structures that were vacated or demolished no more than twelve months prior to the filing date of the development application.~~

~~————— (4) — Timing of Payment. Housing mitigation fees shall be paid prior to issuance of the first grading or building permit for the project. A developer may pay all or a portion of the fee owed at any time prior to issuance of the building permit, at the rate in effect at the time payment is made. For phased projects, the amount due shall be paid on a pro-rata basis across the entire square footage of the approved development, and each portion shall be paid prior to the issuance of any grading or building permit for each phase.~~

~~————— (5) — Alternative to Payment. As an alternative to payment of the housing mitigation fee, a developer may request to mitigate the housing impacts through construction of residential units on an appropriate housing site, the dedication of land or the provision of other resources. The director may approve this request if the proposed alternative furthers affordable housing opportunities in the city to an equal or greater extent than payment of the housing mitigation fee.~~

~~————— (6) — Adjustments to Mitigation Fee. An adjustment, reduction or waiver of the required housing mitigation fee may be granted at the time the development application is approved under the following circumstances:~~

~~————— (A) — Additions to Existing High FAR Buildings. For projects adding square footage to existing structures exceeding FAR thresholds, housing mitigation fees shall be paid only on the additional square footage.~~

~~————— (B) — Absence of Nexus. The approving body may waive housing mitigation fees for projects that have no nexus between development impact and housing need. The applicant bears the burden of proof for this finding. If subsequent use or structure changes occur that trigger the need for housing, the waiver is revoked and housing mitigation payment shall be calculated and due at that time. Notice of this waiver, with the condition regarding subsequent use changes, shall be recorded with the county of Santa Clara.~~

(~~cd~~) Transportation Demand Management Plan.

(1) Standard M-S and M-3 Floor Area Ratios. Projects requiring a use permit for floor area ratio may be required to submit a transportation demand management (TDM) plan, at the determination of the approving body.

(2) Industrial Intensification Areas. Projects greater than seventy percent in the industrial intensification areas described in Section 19.32.070 (Floor area ratio (FAR)) are required to submit a TDM plan for the entire project site. The TDM plan shall demonstrate that vehicle-trip rates for the project do not exceed the projected trip generation of a seventy percent FAR project.

(3) Green Building Incentives. TDM plans may also be required for projects to use green building incentives, as described in Chapter 19.39 (Green Building Regulations).

SECTION 2. CHAPTER 19.75 ADDED. Chapter 19.75 (Housing Impact Fees) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby added to read as follows:

### **Chapter 19.75**

#### **HOUSING IMPACT FEES**

**19.75.010. Findings and Purpose.**

**19.75.020. General Applicability.**

**19.75.030. Housing Impact Fees for Nonresidential Development.**

**19.75.040. Housing Impact Fees for Rental Housing.**

**19.75.050. Waiver.**

**19.75.060. Enforcement.**

**19.75.070. Severability.**

**19.75.010. Findings and Purpose.**

(a) Findings. The city council finds that:

(1) Regional housing prices and rents have increased at a significantly higher rate than general wages;

(2) The lack of affordable housing in Sunnyvale forces many residents to pay a very high percentage of their income for housing or to commute considerable distances, adding to air pollution and traffic congestion in Sunnyvale and adjacent communities;

(3) New housing developments do not provide enough housing affordable to low and moderate income households, and continued new development which does not include housing for low and moderate income households will serve to further aggravate the current shortage of affordable housing by reducing the scarce supply of undeveloped land;

(4) Based on a nexus analysis to evaluate the impact of new commercial, industrial, research & development, retail, hotel/motel and market-rate rental housing developments, these new developments generate an increased

demand for affordable housing which must be mitigated through the imposition of housing impact fees; and

(5) Such housing impact fees are a necessary part of the City's efforts to meet the regional housing needs of the Bay Area as required by state law.

(b) Purpose. This chapter requires the payment of housing impact fees for certain types of development in order to address the shortage of affordable housing in the City of Sunnyvale and as partial compliance with California Government Code Section 65583(c), which expresses the state housing policy that requires cities to assist in the development of adequate housing to meet the needs of low and moderate income households. Housing impact fees are placed in the city's Housing Mitigation Fund and used to support the provision of affordable housing within the city. The provision of affordable housing may include funding the creation or acquisition of new units, providing assistance to potential home buyers and assisting with the maintenance and rehabilitation of existing units.

#### **19.75.020. General Applicability.**

(a) New Construction. Projects that include new nonresidential construction or new market-rate rental housing construction shall be subject to the housing impact fees required in this chapter. Payment of the housing impact fees shall be added as a condition of approval for all development projects subject to this chapter.

(b) Pipeline Projects. The following development projects shall be exempt from payment of the housing impact fees required in this chapter:

(1) Projects for which a development application pursuant to this title has been filed and deemed complete by **[insert effective date of ordinance here]**.

(2) Projects that have received final approval pursuant to this title by **[insert effective date of ordinance here]** and which are subsequently the subject of a pending application for modifications to the approved plans or permit, except that any increase in floor area from the amount already approved shall be subject to the housing impact fees required by this chapter.

(3) Pipeline projects not subject to the new housing impact fees are still required to pay any applicable housing mitigation fees that were in existence at the time of application submission.

(c) Adoption of Housing Impact Fees. Housing impact fee amounts for each applicable use are established by the fee resolution adopted by the City Council, which may be amended from time to time by Council. The fee amounts shall be adjusted annually based on the Consumer Price Index for all urban consumers for the San Francisco-Oakland-San Jose area unless otherwise modified by Council. Such fees shall not exceed the cost of mitigating the impact of developments on the need for housing for low and moderate income households in the City.

(d) Timing of Payment. Housing impact fees shall be paid prior to issuance of the first building permit for the project. A developer may pay all or a portion of the fee owed at any time prior to issuance of the building permit, at the

rate in effect at the time payment is made. For phased projects, the amount due shall be paid on a pro rata basis across the entire square footage of the approved development, and each portion shall be paid prior to the issuance of any building permit for each phase.

**19.75.030. Housing Impact Fees for Nonresidential Development.**

(a) Applicability. Housing impact fees shall be imposed on all new construction of commercial, industrial, research & development, office, retail and hotel/motel development projects, regardless of zoning designation of the project site, unless otherwise exempted under this chapter. A detailed matrix of land uses that trigger the payment of the housing impact fee is incorporated as part of the fee resolution adopted by Council.

(b) Calculation of Fee. The amount of the fee in the fee resolution is imposed on a per square foot basis for net new gross floor area. A reduced fee shall apply to the first 25,000 square feet for commercial, industrial and research & development projects, as detailed in the fee resolution. The formula below shall be used in calculating the amount of the housing impact fee:

(Gross square feet nonresidential floor area) minus  
(existing square feet floor area) multiplied by  
(per square foot fee) equals (total housing impact fee).

(c) Exemptions to Net New Gross Floor Area. The following areas are exempt from the net new gross floor area used in housing impact fee calculations for nonresidential developments:

(1) Any incidental and accessory storage, structures or appurtenances, such as sheds, trash enclosures, ground-mounted equipment enclosures, garden features, trellises or shade structures;

(2) Architectural design features not utilized for occupancy or storage;

(3) For industrial, research & development or office uses:  
(A) Child care facilities for the care of children of onsite employees;

(B) Freestanding amenities buildings for onsite employees with uses such as cafeterias, recreational and athletic facilities, gyms, showers and locker rooms; and

(C) Buildings designed exclusively for the storage of hazardous materials;

(4) Existing structures that were vacated or demolished no more than twelve months prior to the filing date of the development application.

(d) Alternative to Payment. As an alternative to payment of the housing impact fee, a developer may request to mitigate the housing impacts through construction of residential units on an appropriate housing site, the dedication of land or the provision of other resources. The director may approve this request if the proposed alternative furthers affordable housing opportunities in the city equal to the payment of the housing mitigation fee.



**19.75.040. Housing Impact Fees for Rental Housing.**

(a) Applicability. A housing impact fee shall be imposed for new market-rate rental housing developments in the City of four (4) units or more, unless the applicant elects to provide one of the alternatives listed in subsection (d). For purposes of this chapter, new market-rate housing developments shall include developments that have recorded a condominium map but the developer intends to initially rent the units. In the event the developer has paid the fees and later sells the units within fifty-five (55) years of the fee payment, developer shall receive credit for the housing impact fees paid against the BMR ownership obligations in Chapter 19.67, as further described in the BMR Developer Guidelines.

(b) Calculation of Fee. Developments of eight (8) units or more shall pay the full fee established by Council resolution. Developments consisting of four (4) to seven (7) units shall pay fifty (50) percent of the fee established by Council resolution. The formula below shall be used in calculating the required housing impact fee for new market-rate rental housing developments:

(New habitable square foot area of all market-rate units) minus  
(existing habitable square foot area of all units) multiplied by  
(per square foot fee) equals (total housing impact fee).

(c) Habitable Square Foot Area. Habitable square foot area means the total interior living area of each dwelling unit within a project, and does not include areas outside of the dwelling units such as common areas, corridors, parking facilities, outside storage lockers and shared laundry facilities.

(d) Alternatives In Lieu of Housing Impact Fee. As an alternative to paying the housing impact fee for rental housing developments, an applicant may request to provide affordable units on-site, dedicate land for affordable housing or provide affordable units off-site, as detailed in this section.

(1) On-site units. An applicant may request to provide a certain number of the rental units in the residential project at rents affordable to very-low income households or low income households, or a combination of both very-low income and low income units. The number of rental units shall be in accordance with the fee-to-units conversion chart as further set forth in the fee resolution. The request to provide on-site units may be granted by the director.

(2) Off-site units or dedication of land. As an additional alternative, the applicant may request to designate affordable units in an off-site location or to dedicate land for the construction of affordable units. The applicant shall strive to find a location for the off-site units or the dedication of land that is accessible to public transit. Any off-site units shall be either new or renovated to near-new conditions. Such requests shall be granted in the sole discretion of the City Council if the City Council determines that the proposed alternative will mitigate the impact of the project on the need for affordable housing.

(3) In calculating the number of required affordable rental units either on-site or off-site, any fraction of a whole unit shall be satisfied by either

developing one additional affordable unit or by paying the remaining fee amount as further described in the fee-to-units conversion chart set forth in the fee resolution.

(4) All affordable units developed either on-site or off-site must remain affordable for a minimum period of fifty-five (55) years.

(5) In lieu of payment of the fees and to ensure compliance with the Costa-Hawkins Rental Housing Act and City requirements, the applicant must enter into an Affordable Housing Developer Agreement with the City to be recorded against the property. The affordable units shall be administered in accordance with Chapter 19.69 and the Affordable Housing Developer Guidelines.

#### **19.75.050. Waiver.**

Notwithstanding any other provision of this chapter, the requirement to pay the housing impact fee may be waived, adjusted or reduced by the City Council if an applicant shows, based on substantial evidence, that there is no reasonable relationship between the impact of the proposed development and the requirement to pay the housing impact fee, or that applying the requirements of this chapter would take property in violation of the United States Constitution or California Constitution.

#### **19.75.060. Enforcement.**

The provisions of this chapter shall apply to all agents, successors and assigns of an applicant proposing or constructing a development governed by this chapter. The City may institute any appropriate legal actions or proceedings necessary to ensure compliance herewith, including but not limited to, actions to revoke, deny or suspend any permit, including a development approval, building permit or certificate of occupancy. The City shall be entitled to costs and expenses for enforcement of the provisions of this chapter, or any agreement pursuant thereto, as awarded by the court, including reasonable attorneys' fees.

#### **19.75.070. Severability.**

If any portion of this chapter is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, that decision will not affect the validity of the remaining portions of this zoning code. The city council declares that this chapter and each portion would have been adopted without regard to whether any portion of this chapter would be later declared invalid, unconstitutional, or unenforceable.

**SECTION 3. 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 4. 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 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 6. 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 \_\_\_\_\_, 2015, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, 2015, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  
RECUSAL:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
Date of Attestation: \_\_\_\_\_

\_\_\_\_\_  
Mayor

(SEAL)

APPROVED AS TO FORM:

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

## RESOLUTION NO. \_\_\_\_-15

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SUNNYVALE ADOPTING HOUSING IMPACT FEES FOR  
NONRESIDENTIAL DEVELOPMENTS FOR THE  
CREATION OF AFFORDABLE HOUSING**

WHEREAS, to mitigate the impact of high-intensity industrial development on the need for affordable housing within its boundaries, in 1983 the City created housing mitigation fees for certain employment-generating high-intensity industrial development in the M-S and M-3 zoning districts in accordance with Sunnyvale Municipal Code section 19.22.035; and

WHEREAS, in 2009, Council directed staff to study the possible expansion and/or increase of the City's housing mitigation fee as part of the 2009-2014 Housing Element implementation plan in order to meet the diverse needs of Sunnyvale's households of all income levels and to meet the regional housing needs as required by state law; and

WHEREAS, the current shortage of affordable housing has caused many lower- and middle-wage workers to commute longer distances from less expensive areas resulting in increased traffic in the City, and has also caused local residents' housing costs to increase due to high levels of demand for existing housing resulting in a severe housing cost burden for many residents; and

WHEREAS, to further implement the affordable housing goals, objectives, policies and programs of the City's 2009-2014 Housing Element and those of the recently adopted 2015-2023 Housing Element update, and to ensure that the housing impact fees adopted hereunder do not exceed the actual affordable housing impacts attributable to the development projects to which the fees relate, the City has received and considered a report from Economic & Planning Systems, Inc. ("EPS") dated September 8, 2014, entitled "Housing Mitigation Nexus and Fee Study" (the "Nexus Study"); and

WHEREAS, the Nexus Study documented a reasonable relationship between the need for affordable housing and the deleterious impacts of new nonresidential development; and

WHEREAS, the Nexus Study demonstrated that to fully mitigate the impacts of new nonresidential development on the need for affordable housing, the maximum nexus-supported housing impact fees would be equivalent to \$295 per square foot for retail & restaurants, \$114 per square foot for office, industrial and research & development, and \$76 per square foot for lodging developments (i.e., hotels and motels); and

WHEREAS, to ensure that nonresidential projects remain economically feasible, the adopted housing impact fees are lower than the amount needed to fully mitigate the impacts for each type of nonresidential development, as shown in the Nexus Study; and

WHEREAS, to encourage and support small business development, the adopted housing impact fees assessed on commercial, industrial and research & development projects shall be half the fee amount for the first 25,000 square feet; and

WHEREAS, after multiple community outreach meetings, Council study sessions and City commission meetings, the Council considered the Nexus Study and various staff reports at a public hearing on December 9, 2014, and directed staff to draft a Nonresidential Development Housing Impact Fees Ordinance and Resolution for Council adoption; and

WHEREAS, the Council desires to expand its existing housing impact fees for nonresidential development and to adopt the housing impact fees by resolution as authorized by section 19.75.030 of the Housing Impact Fees Ordinance, which fees do not exceed the justified fees needed to mitigate the actual affordable housing impacts attributable to the development projects to which the fees relate, as determined by the Nexus Study; and

WHEREAS, section 19.75.030 of the Housing Impact Fees Ordinance also allows the Council to adopt by resolution a standardized list of specific uses subject to the housing impact fees as well as uses exempt from the payment of housing impact fees, and the Council desires to do so; and

WHEREAS, the use of the Housing Impact Fees will be restricted to mitigating the affordable housing impacts of nonresidential developments and will be deposited into the City's Housing Mitigation Fund to be used for affordable housing programs and projects; and

WHEREAS, at least ten days prior to the date this resolution is being considered, data was made available to the public indicating the amount of cost, or estimated cost, required to provide the service for which the fee or service charge is levied and the revenue sources anticipated to provide the service, including general fund revenues in accordance with Government Code Section 66019; and

WHEREAS, no persons have requested notice of these fees in accordance with Government Code Section 66019; and

WHEREAS, notice of the hearing on the proposed fees was published twice in the manner set forth in section 6062a of the Government Code and was otherwise given in the manner required by law.

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

1. The Council hereby adopts the housing impact fees for nonresidential development projects shown on Exhibit "A", attached hereto and incorporated by reference herein.

2. The Council hereby adopts the "Nonresidential Land Use Matrix" set forth in Exhibit "B", attached hereto and incorporated by reference herein.

3. The Council further finds that all of the housing impact fees adopted pursuant to this Resolution do not exceed the actual affordable housing impacts of the development projects to which those housing impact fees relate, as further set forth in the Nexus Study.

4. The housing impact fees and land use matrix are adopted in conjunction with the Housing Impact Fee Ordinance and shall become effective 60 days from and after the date of adoption of this Resolution.

5. Staff shall return to the City Council within two years after adoption to reevaluate and possibly modify the housing impact fee.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

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City Clerk  
(SEAL)

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Mayor

APPROVED AS TO FORM:

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City Attorney

**Housing Impact Fees for Nonresidential Development**

Non-residential Development - industrial/office/research & development	\$7.50 per net new sq. ft. for the first 25,000 sq.ft. \$15.00 per net new sq. ft. after 25,000 sq. ft.
Nonresidential Development - retail/hotels/motels	\$7.50 per net new sq. ft.
Pipeline Projects: (complete applications prior to effective date of ordinance)	\$9.74 per sq. ft.

**\*All fees will be adjusted annually based on the Consumer Price Index for all urban consumers for the San Francisco-Oakland-San Jose area**

LAND USES	HOUSING IMPACT FEE
<b>A. RESIDENTIAL</b>	
1. Single-family dwelling	RESIDENTIAL - NO FEE
2. Two-family dwelling	RESIDENTIAL - NO FEE
3. Multi-family dwelling	RESIDENTIAL - NO FEE
4. Mobilehome park	RESIDENTIAL - NO FEE
5. Single-room occupancy (SRO) facilities	RESIDENTIAL - NO FEE
6. Live/work unit	RESIDENTIAL - NO FEE
7. Residential care facility, 6 or fewer residents	RESIDENTIAL - NO FEE
8. Residential care facility, 7 or more residents	RESIDENTIAL - NO FEE
9. Boarding house	RESIDENTIAL - NO FEE
10. Emergency shelter	RESIDENTIAL - NO FEE
<b>B. CHILD AND ADULT DAY CARE</b>	
11. Child care center	EXEMPT
12. Adult day care center	EXEMPT
<b>C. EDUCATION, RECREATION AND PLACES OF ASSEMBLY</b>	
13. Education- primary and high school	EXEMPT
14. Education- institution of higher learning	EXEMPT
15. Education- recreation and enrichment	EXEMPT
16. Recreational and athletic facility	EXEMPT
17. Private nonprofit recreation ( <i>need to rephrase</i> )	EXEMPT
18. Place of assembly -business serving	EXEMPT
19. Place of assembly-community serving*	EXEMPT
<b>D. COMMERCIAL RETAIL AND SERVICE</b>	
19. Retail sales (excluding types listed individually below)	RETAIL/HOTEL/MOTEL
19a. With drive-through	RETAIL/HOTEL/MOTEL
20. Shopping center	RETAIL/HOTEL/MOTEL
21. Liquor store	RETAIL/HOTEL/MOTEL
22. Animal-related uses ( <i>need to rephrase</i> )	RETAIL/HOTEL/MOTEL
23. Retail service, light	RETAIL/HOTEL/MOTEL
24. Retail service, heavy	RETAIL/HOTEL/MOTEL
25. Financial institution	RETAIL/HOTEL/MOTEL
25a. With drive through	RETAIL/HOTEL/MOTEL
26. Hotel	RETAIL/HOTEL/MOTEL
27. Gasoline station	RETAIL/HOTEL/MOTEL
28. Vehicle sales, retail or vehicle rental	RETAIL/HOTEL/MOTEL
29. Vehicle sales, wholesale or autobroker	RETAIL/HOTEL/MOTEL
30. Sale or rental of heavy equipment or machinery	RETAIL/HOTEL/MOTEL
31. Vehicle service and repair	RETAIL/HOTEL/MOTEL
32. Car wash	RETAIL/HOTEL/MOTEL
<b>E. RESTAURANT AND ENTERTAINMENT</b>	
33. Restaurant, with or without beer and wine	RETAIL/HOTEL/MOTEL
33a. With general liquor	RETAIL/HOTEL/MOTEL
33b. With drive-through	RETAIL/HOTEL/MOTEL
33c. With entertainment	RETAIL/HOTEL/MOTEL
34. Take-out only restaurant	RETAIL/HOTEL/MOTEL
35. Nightclub, bar or entertainment use	RETAIL/HOTEL/MOTEL
36. Adult business	RETAIL/HOTEL/MOTEL
<b>F. INDUSTRIAL, MANUFACTURING AND WAREHOUSING</b>	



37. Heavy industrial	OFFICE/INDUSTRIAL/R&D
38. Light industrial	OFFICE/INDUSTRIAL/R&D
39. Hazardous waste management facility	OFFICE/INDUSTRIAL/R&D
40. Warehousing or commercial storage	OFFICE/INDUSTRIAL/R&D
41. Distribution Center	OFFICE/INDUSTRIAL/R&D
42. Self storage	EXEMPT
<b>G. OFFICE AND MEDICAL</b>	
43. Professional office or medical office	OFFICE/INDUSTRIAL/R&D
44. Corporate office or research and development office	OFFICE/INDUSTRIAL/R&D
45. R&D office of explosives or propellant	OFFICE/INDUSTRIAL/R&D
46. Medical clinic	OFFICE/INDUSTRIAL/R&D
47. Assisted Living	EXEMPT
48. Convalescent hospital	EXEMPT
49. Hospital	EXEMPT
<b>H. AGRICULTURAL AND RESOURCE</b>	
50. Agricultural use	EXEMPT
51. Salt evaporation pond	EXEMPT
<b>I. PUBLIC</b>	
52. Public use	EXEMPT
<b>J. OTHER USES</b>	
53. Stand-alone parking structures and surface lots	EXEMPT
<i>*Includes community centers, places of worship, fraternal lodges, etc</i>	

**DOWNTOWN SPECIFIC PLAN**

LAND USES	HOUSING IMPACT FEE
<b>Detailed Description of Allowable Development by Block</b>	
<b>A. RESIDENTIAL</b>	
1. Single-family dwelling	RESIDENTIAL - NO FEE
2. Two-family dwelling	RESIDENTIAL - NO FEE
3. Multiple-family dwellings	RESIDENTIAL - NO FEE
4. Mobilehome park	RESIDENTIAL - NO FEE
5. Single room occupancy (SRO) facilities	RESIDENTIAL - NO FEE
6. Live/work unit	RESIDENTIAL - NO FEE
7. Shared living, small	RESIDENTIAL - NO FEE
8. Shared living, large	RESIDENTIAL - NO FEE
9. Emergency shelter	RESIDENTIAL - NO FEE
<b>B. CHILD AND ADULT DAY CARE</b>	
10. Child care center	EXEMPT
11. Adult day care center	EXEMPT
<b>C. EDUCATION, RECREATION AND PLACES OF ASSEMBLY</b>	
12. Education- primary and high school	EXEMPT
13. Education- institution of higher learning	EXEMPT
14. Education- recreation and enrichment	EXEMPT
15. Recreational and athletic facility	EXEMPT
16. Private nonprofit recreation	EXEMPT
17. Place of assembly -business serving	EXEMPT
18. Place of assembly-community serving*	EXEMPT
<b>D. COMMERCIAL RETAIL AND SERVICE</b>	
19. Retail sales (excluding types listed below)	RETAIL/HOTEL/MOTEL
19a. With drive-through	RETAIL/HOTEL/MOTEL
20. Shopping Center	RETAIL/HOTEL/MOTEL

21. Gasoline station	RETAIL/HOTEL/MOTEL
22. Liquor store	RETAIL/HOTEL/MOTEL
23. Vehicle sales or rental, retail	RETAIL/HOTEL/MOTEL
24. Autobroker or vehicle sales, wholesale	RETAIL/HOTEL/MOTEL
25. Sale or rental of heavy equipment or machinery	RETAIL/HOTEL/MOTEL
26. Animal-related Uses	RETAIL/HOTEL/MOTEL
27. Retail service use, light	RETAIL/HOTEL/MOTEL
28. Retail service use, heavy	RETAIL/HOTEL/MOTEL
29. Financial institution	RETAIL/HOTEL/MOTEL
29a. With drive through	RETAIL/HOTEL/MOTEL
30. Hotel	RETAIL/HOTEL/MOTEL
31. Vehicle service and repair	RETAIL/HOTEL/MOTEL
32. Car wash	RETAIL/HOTEL/MOTEL
<b>E. RESTAURANT AND ENTERTAINMENT</b>	
33. Restaurant, with or without beer and wine	RETAIL/HOTEL/MOTEL
33a. With general liquor or entertainment use	RETAIL/HOTEL/MOTEL
33b. With drive through	RETAIL/HOTEL/MOTEL
34. Take-out only restaurant	RETAIL/HOTEL/MOTEL
35. Nightclub, bar or entertainment use	RETAIL/HOTEL/MOTEL
36. Adult business	RETAIL/HOTEL/MOTEL
<b>F. INDUSTRIAL, MANUFACTURING AND WAREHOUSING</b>	
37. Heavy industrial	OFFICE/INDUSTRIAL/R&D
38. Light industrial	OFFICE/INDUSTRIAL/R&D
39. Hazardous waste management facility	OFFICE/INDUSTRIAL/R&D
40. Warehousing or commercial storage	OFFICE/INDUSTRIAL/R&D
41. Distribution center	OFFICE/INDUSTRIAL/R&D
42. Self storage	EXEMPT
<b>G. OFFICE AND MEDICAL</b>	

43. Professional office or medical office	OFFICE/INDUSTRIAL/R&D
44. Corporate office or research and development office	OFFICE/INDUSTRIAL/R&D
45. R&D office of explosives or propellants	OFFICE/INDUSTRIAL/R&D
46. Medical clinic	OFFICE/INDUSTRIAL/R&D
47. Convalescent hospital	EXEMPT
48. Hospital	EXEMPT
<b>H. AGRICULTURAL AND RESOURCE-RELATED USES</b>	
49. Agricultural use	EXEMPT
50. Salt evaporation pond	EXEMPT
<b>I. PUBLIC USES</b>	
51. Public use	EXEMPT
<b>J. OTHER USES</b>	
52. Stand-alone parking structures and surface lots	EXEMPT

*\*Includes community centers, places of worship, fraternal lodges, etc*

<b>MOFFETT PARK SPECIFIC PLAN</b>	
<b>LAND USES</b>	<b>HOUSING IMPACT FEE</b>
<b>A. RESIDENTIAL</b>	
1. Single-family dwelling	RESIDENTIAL - NO FEE
2. Two-family dwelling	RESIDENTIAL - NO FEE
3. Multiple-family dwellings	RESIDENTIAL - NO FEE
4. Mobilehome park	RESIDENTIAL - NO FEE
5. Single room occupancy (SRO) facilities	RESIDENTIAL - NO FEE
6. Live/work unit	RESIDENTIAL - NO FEE
7. Shared living, small	RESIDENTIAL - NO FEE
8. Shared living, large	RESIDENTIAL - NO FEE
9. Emergency shelter	RESIDENTIAL - NO FEE
<b>B. CHILD AND ADULT DAY CARE</b>	
10. Child care center	EXEMPT
11. Adult day care center	EXEMPT
<b>C. EDUCATION, RECREATION AND PLACES OF ASSEMBLY</b>	
12. Education- primary and high school	EXEMPT
13. Education- institution of higher learning	EXEMPT
14. Education- recreation and enrichment	EXEMPT
15. Recreational and athletic facility	EXEMPT
16. Private nonprofit recreation	EXEMPT
17. Place of assembly -business serving	EXEMPT
18. Place of assembly-community serving	EXEMPT
<b>D. COMMERCIAL RETAIL AND SERVICE</b>	
19. Retail sales, individual tenants space	RETAIL/HOTEL/MOTEL
19a. With drive-through	RETAIL/HOTEL/MOTEL
20. Retail sales, individual tenant space over	RETAIL/HOTEL/MOTEL
20a. With drive-through	RETAIL/HOTEL/MOTEL
21. Shopping Center	RETAIL/HOTEL/MOTEL
22. Gasoline station	RETAIL/HOTEL/MOTEL
23. Liquor store	RETAIL/HOTEL/MOTEL
24. Vehicle sales or rental, retail	RETAIL/HOTEL/MOTEL
25. Autobroker or vehicle sales, wholesale	RETAIL/HOTEL/MOTEL
26. Heavy machinery sales or rental	RETAIL/HOTEL/MOTEL
27. Animal-related Uses	RETAIL/HOTEL/MOTEL
28. Retail service - primarily serving business	RETAIL/HOTEL/MOTEL

29. Retail service not primarily serving	RETAIL/HOTEL/MOTEL
30. Financial institution	RETAIL/HOTEL/MOTEL
30a. With drive through	RETAIL/HOTEL/MOTEL
31. Hotel	RETAIL/HOTEL/MOTEL
32. Vehicle service and repair	
33. Car wash	
<b>E. RESTAURANT AND ENTERTAINMENT</b>	
34. Restaurant, with or without beer and wine	RETAIL/HOTEL/MOTEL
34a. With general liquor, entertainment	RETAIL/HOTEL/MOTEL
34b. With drive-through	RETAIL/HOTEL/MOTEL
35. Take-out only restaurant	RETAIL/HOTEL/MOTEL
36. Nightclub, bar or entertainment use	RETAIL/HOTEL/MOTEL
37. Adult business	RETAIL/HOTEL/MOTEL
<b>F. INDUSTRIAL, MANUFACTURING AND WAREHOUSING</b>	
38. Heavy industrial	OFFICE/INDUSTRIAL/R&D
39. Light industrial	OFFICE/INDUSTRIAL/R&D
40. Hazardous waste management facility	OFFICE/INDUSTRIAL/R&D
41. Warehousing or commercial storage	OFFICE/INDUSTRIAL/R&D
42. Distribution center	OFFICE/INDUSTRIAL/R&D
43. Self storage	EXEMPT
<b>G. OFFICE AND MEDICAL</b>	
44. Professional office	OFFICE/INDUSTRIAL/R&D
45. Medical office / medical clinic	OFFICE/INDUSTRIAL/R&D
46. Corporate office or research and	OFFICE/INDUSTRIAL/R&D
47. R&D office of explosives or propellants	OFFICE/INDUSTRIAL/R&D
48. Convalescent hospital	EXEMPT
49. Hospital	EXEMPT
<b>H. AGRICULTURAL AND RESOURCE</b>	
50. Agricultural use	EXEMPT
51. Salt evaporation pond	EXEMPT
<b>I. PUBLIC USES</b>	
52. Public uses	EXEMPT
<b>J. OTHER USES</b>	
53. Stand-alone parking structures and	EXEMPT

<b>COMMERCIAL ZONING DISTRICTS</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-4</b>	<b>HOUSING IMPACT FEE</b>
<b><i>1. Retail Commercial</i></b>					
<b>A. Bakeries</b>	P	P	P	P	RETAIL/HOTEL/MOTEL
<b>B. Drive-through retail sales businesses, except restaurants</b>	UP	UP	UP	N	RETAIL/HOTEL/MOTEL
<b>C. Retail sales businesses</b>	P	P	P	N	RETAIL/HOTEL/MOTEL
<b>D. Outside display of merchandise or products in connection with a retail sales business</b>	MPP	MPP	MPP	N	n.a.
<b>E. Donation centers for used goods</b>	MPP	MPP	MPP	MPP	RETAIL/HOTEL/MOTEL
<b>F. Retail liquor stores within 200 feet of public schools</b>	N	P	P	P	RETAIL/HOTEL/MOTEL
<b>G. Retail liquor stores outside 200 feet of public schools</b>	P	P	P	P	RETAIL/HOTEL/MOTEL
<b><i>2. Service Commercial</i></b>					
<b>A. Bulk sale of building and construction materials, feed, fertilizers, soil conditioners and fuel (except motor vehicle fuel)</b>	N	N	N	UP	OFFICE/INDUSTRIAL/R&D
<b>B. Commercial storage</b>	N	N	N	MPP	OFFICE/INDUSTRIAL/R&D
<b>C. Crafts shops such as cabinetmakers, upholsterers, taxidermists, etc.</b>	N	N	N	MPP	OFFICE/INDUSTRIAL/R&D
<b>D. Custom fabricators</b>	N	N	N	MPP	OFFICE/INDUSTRIAL/R&D
<b>E. Livestock or poultry housing or sales</b>	N	N	N	N	n.a.
<b>F. Open or unenclosed storage ancillary to a permitted use (screened from public view)</b>	P	P	P	P	n.a.
<b>G. Outdoor storage of materials or supplies ancillary to a permitted use, not screened from public right-of-way</b>	N	N	N	MPP	n.a.
<b>H. Printers, copiers, and engravers using chemical processes</b>	N	N	N	MPP	OFFICE/INDUSTRIAL/R&D
<b>I. Repair shops for household appliances and apparel</b>	P	P	P	P	OFFICE/INDUSTRIAL/R&D
<b>J. Retail service uses such as copiers, locksmiths, and engravers not using chemical processes</b>	P	P	P	P	OFFICE/INDUSTRIAL/R&D
<b>K. Self storage “mini warehousing”</b>	N	UP	UP	MPP	EXEMPT

<b>L. Trailer, automobile, boat, motorcycle and truck services and repairs</b>	N	UP	UP	MPP	RETAIL/HOTEL/MOTEL
<b>3. Personal Service</b>					
<b>A. Child care centers with occupancy of 30 or fewer persons</b>	MPP	UP	UP	UP	EXEMPT
<b>B. Child care centers with occupancy of 31 or more persons</b>	UP	UP	UP	UP	EXEMPT
<b>C. Laundry, cleaning business, self-operated laundries, and dry cleaners</b>	UP	UP	UP	MPP	RETAIL/HOTEL/MOTEL
<b>D. Personal service businesses not otherwise specified</b>	P	P	P	UP	RETAIL/HOTEL/MOTEL
<b>4. Eating/Drinking Establishments</b>					
<b>A. Drive-through restaurants</b>	UP	UP	N	N	RETAIL/HOTEL/MOTEL
<b>B. Nightclubs and cocktail lounges, where alcoholic beverages are sold and consumed</b>	UP	UP	P	N	RETAIL/HOTEL/MOTEL
<b>C. Restaurants and fast food restaurants that may have on sale beer and wine alcohol beverage service</b>	MPP	MPP	MPP	MPP	RETAIL/HOTEL/MOTEL
<b>D. Restaurants and fast food restaurants that have on sale general alcoholic beverage service</b>	UP	UP	UP	UP	RETAIL/HOTEL/MOTEL
<b>5. Automotive</b>					
<b>A. Automotive service stations:</b>	UP	UP	UP	UP	RETAIL/HOTEL/MOTEL
1. Retail sales of groceries at permitted stations	MPP	MPP	MPP	MPP	RETAIL/HOTEL/MOTEL
2. Retail sale of beer and wine at permitted stations	UP	UP	UP	UP	RETAIL/HOTEL/MOTEL
<b>B. Car wash facilities</b>	N	UP	UP	UP	RETAIL/HOTEL/MOTEL
<b>C. Automobile/Vehicle repair</b>	N	UP	UP	UP	RETAIL/HOTEL/MOTEL
<b>D. Automotive broker for 3 or fewer vehicles on site</b>	N	MPP	MPP	MPP	RETAIL/HOTEL/MOTEL
<b>E. New or used vehicle sales</b>	N	UP	UP	N	RETAIL/HOTEL/MOTEL
<b>6. Education, Recreation, and Places of Assembly</b>					
<b>A. Education—Recreation and enrichment</b>	MPP	MPP	MPP	N	EXEMPT
<b>B. Education—Primary and high school</b>	UP	UP	UP	N	EXEMPT
<b>C. Education—Institution of higher learning</b>	UP	UP	UP	N	EXEMPT



<b>D. Recreational and athletic facilities</b>	UP	UP	UP	N	EXEMPT
<b>E. Places of assembly—Business serving</b>	UP	UP	UP	UP	EXEMPT
<b>F. Places of assembly—Community serving</b>	UP	UP	UP	N	EXEMPT
<b>G. Cardrooms</b>	N	N	N	N	n.a.
<b>H. Entertainment establishments</b>	UP	UP	UP	N	RETAIL/HOTEL/MOTEL
<b>7. Office</b>					
<b>A. Ground floor dependent office less than 1,000 square feet</b>	P	P	P	MPP	OFFICE/INDUSTRIAL/R&D
<b>B. Ground floor dependent office greater than 1,000 square feet</b>	MPP	MPP	MPP	UP	OFFICE/INDUSTRIAL/R&D
<b>C. Office not located on the ground floor</b>	P	P	P	P	OFFICE/INDUSTRIAL/R&D
<b>D. Financial institutions</b>	MPP	MPP	MPP	UP	RETAIL/HOTEL/MOTEL
<b>E. Research and development office</b>	N	N	N	N	OFFICE/INDUSTRIAL/R&D
<b>F. Medical clinics</b>	MPP	MPP	MPP	UP	OFFICE/INDUSTRIAL/R&D
<b>8. Public Facilities</b>					
<b>A. Bus terminals and other public transportation facilities</b>	UP	UP	UP	UP	EXEMPT
<b>B. Public utility buildings and service facilities</b>	UP	UP	UP	UP	EXEMPT
<b>9. Residential/Boarding/Lodging</b>					
<b>A. Hotel or motel</b>	N	UP	UP	N	RETAIL/HOTEL/MOTEL
<b>B. Residential uses</b>	UP	UP	UP	N	EXEMPT
<b>C. Single room occupancy living facilities</b>	N	UP	UP	N	EXEMPT
<b>D. Single room occupancy residential hotels</b>	N	UP	UP	N	EXEMPT
<b>10. Other</b>					
<b>A. Any use which is obnoxious, offensive or creates a nuisance</b>	N	N	N	N	n.a.
<b>B. Adult business establishments</b>	N	N	N	N	n.a.
<b>C. Assembly, compounding, manufacture or processing of merchandise or products are customarily incidental or essential to permitted retail commercial and service uses</b>	N	N	N	UP	OFFICE/INDUSTRIAL/R&D
<b>D. Massage establishments</b>	P	P	P	P	RETAIL/HOTEL/MOTEL

<b>E.</b> Recycling centers	UP	UP	UP	UP	OFFICE/INDUSTRIAL/R&D
<b>F.</b> Sale or rental of utility trailers, heavy equipment or machinery	N	N	N	UP	RETAIL/HOTEL/MOTEL
<b>G.</b> Storage or parking of commercial, industrial or public utility vehicles	N	N	N	N	n.a.
<b>H.</b> Wholesale storage or warehousing of merchandise or products within a building or premises	N	N	N	P UP	OFFICE/INDUSTRIAL/R&D
<b>I.</b> Facilities for storage of recreational vehicles	N	N	N	MPP	n.a.
<b>J.</b> Animal hospitals and clinics	UP	UP	UP	UP	RETAIL/HOTEL/MOTEL
<b>K.</b> Medical marijuana distribution facility	N	N	N	N	n.a.
<b>L.</b> Payday lending establishment	N	MPP	N	N	RETAIL/HOTEL/MOTEL

[illegible]

OFFICE AND PUBLIC FACILITIES ZONING DISTRICTS	O	P-F	HOUSING IMPACT FEE
<b>1. Office/Care Facilities</b>			
A. Administrative, professional, medical, and research and development offices	P	UP	OFFICE/INDUSTRIAL/R&D
B. Medical clinics	MPP	UP	OFFICE/INDUSTRIAL/R&D
C. Financial institutions such as banks and savings and loan associations	MPP	N	RETAIL/HOTEL/MOTEL
D. Hospitals	N	UP	EXEMPT
E. Rest homes and convalescent hospitals	UP	UP	EXEMPT
<b>2. Public Facilities</b>			
A. Buildings and facilities used by government agencies for government purposes	UP	P	EXEMPT
B. Buildings and facilities used by federal, state or local government agencies (except city of Sunnyvale), for nongovernmental purposes	UP	UP	EXEMPT
C. Public service buildings and accessory uses	UP	UP	EXEMPT
D. Public utility buildings and service facilities	UP	UP	EXEMPT
<b>3. Personal Service</b>			
A. Child care centers with occupancy of 30 or fewer persons	UP	MPP	EXEMPT
B. Child care centers with occupancy of 31 or more persons	UP	UP	EXEMPT
<b>4. Education, Recreation and Places of Assembly</b>			
A. Education – Recreation and Enrichment	N	UP	EXEMPT
B. Education – Primary and High School	N	UP	EXEMPT
C. Education – Institution of Higher Learning	UP	UP	EXEMPT
D. Recreational and Athletic Facilities	N	UP	EXEMPT
E. Places of Assembly – Business Serving	UP	UP	EXEMPT
F. Places of Assembly – Community Serving	UP	UP	EXEMPT
G. Cardrooms	N	N	n.a.
H. Private golf courses	N	UP	EXEMPT
<b>5. Residential/Boarding/Lodging</b>			
A. Residential uses	UP	UP	RETAIL/HOTEL/MOTEL
<b>6. Other</b>			
A. Adult business establishments	N	N	n.a.
B. Outside display of merchandise or products	N	N	n.a.
C. Electric distribution substations	N	UP	EXEMPT
D. Electric transmission substations	N	UP	EXEMPT
E. Massage establishments	P	P	RETAIL/HOTEL/MOTEL
F. Recycling centers	UP	UP	EXEMPT
G. Salt extraction	N	UP	EXEMPT
H. Storage or parking of commercial or industrial vehicles	N	N	n.a.
I. Storage or parking of public utility vehicles	N	N	n.a.
J. Storage of materials, supplies or equipment for commercial or industrial purposes	N	N	n.a.
K. Storage of materials, supplies or equipment for public utility purposes	N	N	n.a.
L. Storage, warehousing, handling, processing or assembling merchandise or products	N	N	n.a.
M. Medical marijuana distribution facility	N	N	n.a.
N. Payday lending establishment	N	N	n.a.

## RESOLUTION NO. \_\_\_\_-15

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SUNNYVALE TO ADOPT HOUSING IMPACT FEES FOR  
RENTAL HOUSING DEVELOPMENTS FOR THE  
CREATION OF AFFORDABLE HOUSING**

WHEREAS, land and construction costs are a key factor preventing the development of new affordable housing. New housing construction in the City which does not include affordable units aggravates the existing shortage of affordable housing by absorbing the supply of available residential land. This reduces the supply of land for affordable housing and increases the price of remaining residential land. At the same time, new market-rate housing contributes to the demand for goods and services in the city, increasing local service employment at wage levels which often do not permit employees to afford housing in the city; and

WHEREAS, rents in Sunnyvale have steadily increased and for recently built projects currently range from an average of \$2,500 for a studio apartment to \$4,600 for a three-bedroom apartment, which are not affordable to households with incomes at or below the area median income; and

WHEREAS, in July 2012, the City eliminated from the Municipal Code the inclusionary affordable housing requirements for new rental housing developments in response to the *Palmer/Sixth Street Properties v. City of Los Angeles* decision and evolving case law, thus diminishing the City's ability to create affordable rental housing; and

WHEREAS, in July 2012, the City Council also directed staff to prepare a Nexus Study to determine the nexus between new market-rate rental housing developments and the increase in local demand for affordable rental housing for purposes of creating housing impact fee; and

WHEREAS, on December 16, 2014, after several community outreach meetings and recommendations from the Housing & Human Services and Planning Commissions, the City Council adopted its 2015-2023 Housing Element update which contemplates, among other things, the goal of encouraging the development of affordable housing to meet the City's assigned share of the regional housing needs as required by state law; and

WHEREAS, to ensure that the housing impact fees adopted hereunder do not exceed the actual affordable housing impacts attributable to the development projects to which the fees relate, the City has received and considered a report from Economic and Planning Systems, Inc. dated December 5, 2014, entitled "Nexus Based Affordable Housing Fee Analysis for Rental Housing" (the "Nexus Study"); and

WHEREAS, the Nexus Study demonstrates that a reasonable relationship exists between the need for affordable housing and the deleterious impacts of new market-rate rental housing development within the City. A reasonable relationship also exists between the fee's use and the impacts of new market-rate rental housing development. Development of new rental housing results in more residents living in the City. The residents who move into new rental housing developments will increase the demand for services provided by the public and private sectors. Some of the public and private sector employees needed to meet the needs of the new City residents earn incomes that only allow these employees to afford housing for moderate-, low-, very low-, and extremely low-income housing. This type of affordable housing is in very short supply within Sunnyvale, and other available housing subsidies are inadequate to meet the need created by new rental housing developments. The rental housing impact fee will be used to help increase the supply of affordable housing in the City to meet the increased need generated by new rental housing developments; and

WHEREAS, after multiple community outreach meetings and commission hearings and recommendations, the Council considered the Nexus Study and various staff reports at a public hearing on March 17, 2015, and directed staff to draft a Rental Housing Impact Fees Ordinance and Resolution for Council adoption; and

WHEREAS, to implement the affordable housing goals, objectives, policies and programs of the City's 2015-2023 Housing Element update, the Council has considered and adopted on this same date a Housing Impact Fees Ordinance that, among other things, authorizes the imposition of housing impact fees for certain market-rate rental housing development projects to mitigate the impact of such projects on the need for affordable housing in the City; and

WHEREAS, the Council also desires to adopt rental housing impact fees for market-rate rental housing development projects as authorized by section 19.75.040 of the Housing Impact Fees Ordinance, which fees do not exceed the justified fees needed to mitigate the actual affordable housing impacts attributable to the development projects to which the fees relate, as determined by the Nexus Study; and

WHEREAS, the Nexus Study demonstrated that to fully mitigate the impacts of new market-rate rental housing development on the need for affordable housing, the maximum nexus-supported housing impact fees would be equivalent to \$55 to \$98 per square foot; and

WHEREAS, to ensure that nonresidential projects remain economically feasible, the adopted housing impact fees are lower than the amount needed to fully mitigate the impacts for market-rate rental housing development, as shown in the Nexus Study; and

WHEREAS, the use of the housing impact fees will be restricted to mitigating the affordable housing impacts of market-rate rental housing developments and will be deposited into the City's Housing Mitigation Fund to be used for affordable housing programs and projects for low-income households; and

WHEREAS, at least ten days prior to the date this resolution is being considered, data was made available to the public indicating the amount of cost, or estimated cost, required to provide the service for which the fee or service charge is levied and the revenue sources anticipated to provide the service, including general fund revenues in accordance with Government Code section 66019; and

WHEREAS, no persons have requested notice of these fees in accordance with Government Code section 66019; and

WHEREAS, notice of the hearing on the proposed fees was published twice in the manner set forth in section 6062a of the Government Code and was otherwise given in the manner required by law.

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

1. The Council hereby adopts the housing impact fees for new market-rate rental housing developments and the developer credits for on-site units shown on Exhibit "A", attached hereto and incorporated by reference herein.
2. The Council further finds that all of the housing impact fees adopted pursuant to this Resolution do not exceed the actual affordable housing impacts of the development projects to which those housing impact fees relate, as further set forth in the Nexus Study.
3. The fees authorized by this Resolution are adopted in conjunction with the Housing Impact Fee Ordinance and shall become effective 60 days from and after the date of adoption of this Resolution.
4. Staff shall return to the City Council within two years after adoption to reevaluate and possibly modify the housing impact fee.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

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City Clerk  
(SEAL)

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Mayor

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City Attorney



**A. Housing Impact Fee for Rental Housing Developments**

1. Developments with 4 – 7 units:	\$8.50 per net new habitable sq. ft.
2. Developments with 8 or more units:	\$17.00 per net new habitable sq. ft.

\*Fees will be adjusted annually based on the Consumer Price Index for all urban consumers for the San Francisco-Oakland-San Jose area

**B. Developer Credit for Affordable Units Provided On-Site In-Lieu of Housing Impact Fee**

<b>On-Site Unit Income Level</b>	<b>Developer Credit Per Unit</b>
Very Low-Income unit	\$300,000
Low-Income unit	\$150,000

If a developer opts to provide affordable units on-site instead of paying the fee, the ordinance allows the developer to be credited \$300,000 for every very low-income unit provided on-site and/or \$150,000 for every low-income unit provided on-site, up to the total fee amount owed by the project. In case any fee obligation remains after the affordable unit credits are applied, the developer may opt to provide another affordable unit or just pay the remaining balance.

These amounts are based on the subsidy amounts required to develop affordable units, which the recent rental impact fee nexus study determined to be \$302,496 for a very low-income unit and \$146,233 for a low-income unit. These subsidy levels will be adjusted periodically as needed to reflect significant changes in the costs to develop affordable units.



# City of Sunnyvale

## Agenda Item 4

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15-0566

Agenda Date: 5/27/2015

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### REPORT TO PLANNING COMMISSION

#### SUBJECT

#### **Review Planning Program Budget and Fees for FY 2015-16**

#### REPORT IN BRIEF

Attached is the Planning Program budget proposed for Fiscal Year (FY) 2015-2016 and FY 2016-2017. The full recommended budget is available online at:

<http://sunnyvale.ca.gov/Departments/Finance/BudgetDocuments.aspx>

Staff recommends that the Commission review the City Manager's Message/Letter of Transmittal. In addition, the Commission should also review the Community Development Department Narrative in Volume I, Operating Budget. This discussion includes information on past and projections of future activity.

The Planning program budget starts on page 40 (of 447) in Volume one (follows the department narrative). Excerpts for just the Planning Program budget are included in Attachment 1.

Boards and Commissions are asked to provide comments to the City Council on the recommended City budget where it could affect the Commission's work.

#### ENVIRONMENTAL REVIEW

The recommendation of the Planning Commission on the budget is not subject to environmental review.

#### DISCUSSION

This budget is the second of two one-year operating budgets for the Planning Division. The structure and hours are the same as the current year (FY 2014-15) budget and the expenses are slightly higher, reflecting changes in the cost of living. In addition, the Planning Division has a supplemental project budget to provide on-call planning services to address the current high demand in development services.

#### **Structure**

The structure of the Planning Division budget has been similar for several budget cycles. Changes in activity numbers changed this fiscal year due to the creation of the Development Services Enterprise fund. The three sections (called a Service Delivery Plan-SDP) for Planning are: an SDP for Policy Planning, one for Development Services (also called zoning administration and current planning), and lastly an SDP for Management, Supervisory, and Administration Support Services.

Starting with the current fiscal year, private development related activities are associated with an enterprise fund for Development Services. The Development Enterprise Fund supports all or some of the activities of the following divisions: Building, Planning, Engineering, Transportation and Traffic, Solid Waste, and Fire.

The entire Policy Planning SDP, and a portion of the Management, Supervisory and Administration

Support SDP (about 25%), will continue to be associated with the General Fund. Policy work is mostly funded from a General Plan Maintenance Fee (GPMF) collected with the issuance of building permits. The GPMF is assessed based on 0.15% of valuation used for building permits (based on a standardized table of values), and is applied to the same projects that are subject to a Construction Tax of 0.54% of building valuation.

The recommended Budget also includes the same Performance Indicators that are in the current budget.

The first budget service area (called Service Delivery Plan or SDP) is Policy Planning. The primary activity affecting the Commission is Policy Reports, the first activity-234110. These policy reports include study issues, general plan updates and similar policy activities.

The second service area is Management, Supervisory and Administration Support Services. The activities include Management/Supervision (budget preparation, employee reviews, attendance at manager meetings, etc.) and Training. The third activity is called Administration and is for those tasks that do not easily fit into project work or the first two activities in this SDP.

The third service area in the Planning program is Development Review. Planning Commission support is provided in the form of the various types of planning permits processed and zoning information provided by the Planning Division staff. Staff support to the Planning Commission is mainly associated with those permit applications requiring a Planning Commission public hearing. Support to the Heritage Preservation Commission (HPC) is similar to that of the Planning Commission, with many fewer applications requiring HPC review.

### **Hours**

FY 2015-2016 includes the same number of hours that included 26,190 hours; about 100 hours of an Assistant Planner are found in the Housing budget.

For well over 30 years, the City has budgeted primarily work hours in the operating programs, with the cost for those hours reflecting costs to the City for holidays, vacation, medical leave, floating holidays, retirement, etc. For the upcoming fiscal years, the typical number of hours budgeted for a full-time Sunnyvale Employee Association (SEA) is 1730 hours and for a manager 1760 hours. The number of hours per classification may be refined (usually down) in proposed budgets based on actual hours in prior years. Employees are paid based on a 2080 hour year.

Staff anticipates that next fiscal year will be as busy as the current fiscal year; however if the volume of applications increases, the enterprise fund balance for Development Service could help justify additional expenses should there be a request to modify the budget. For the Planning Program, the number and classification of full-time employees proposed in the FY 2014-2015 and FY 2015-2016 budgets is the same. The distribution of the hours among the activities is the same as the current fiscal year. As part of application fees for private development proposals, fees are collected to cover project planner attendance at outreach meetings, study sessions and public hearings. These fees cover staff hours over and above budgeted amounts.

Staff support to the Planning and Heritage Preservation Commissions does not change. As in last year's budget, the Planning Commission attendance at the annual Planning Commissioners Academy (previously known as the Planners Institute) is budgeted for 3-4 commissioners to attend. The 3-4 commissioner number is based on the average attendance of the last several years. Next year the academy will likely be in northern or central California. Planning staff will work with the City

Manager to identify appropriate budget if more Commissioners would like to attend and costs exceed budgeted levels.

### **Non-Personnel Expenses**

The majority of the expense for the Planning program is for staff salaries and benefits (about 85%). For non-personnel expenses the budget includes funds for advertising of public hearings, books, office supplies, postage, training, etc. There are also expenses for rent and usage of facilities, furniture, vehicles, etc.

### **Total Expenses**

The following table shows the past and proposed Planning Program Budgets

#### **OVERVIEW OF PLANNING PROGRAM BUDGETS**

	<b>2012/13 Budget</b>	<b>2013/14 Actual</b>	<b>2013/14 Budget</b>	<b>2014/15 Plan</b>	<b>2015/16 Proposed</b>
General Fund	2,302,418	2,466,161	2,479,749	577,959	594,896
Development Enterprise Fund				1,825,607	1,884,170
<b>TOTAL</b>	<b>2,302,418</b>	<b>2,466,161</b>	<b>2,479,749</b>	<b>2,403,566</b>	<b>2,479,066</b>

### **Fee Schedule**

A recommended fee schedule is considered by the City Council along with the recommended budget. Copies of the Planning related fees will be provided to the Planning Commission, if available, prior to the Wednesday May 27, 2015 Planning Commission public hearing. Recommendations for fees are primarily changed due to general cost of living increases. Significantly revised tree replacement in-lieu fees are recommended.

### **PUBLIC HEARING**

At the May 27, 2014 Planning Commission hearing staff will make a short presentation to the Planning Commission on current activity levels and will be available for any questions about the budget. The Planning Commission has the option to make comments on the budget or to make a motion on the budget. The Planning Commission discussion (and motion, if there is one) will be provided to the City Council for the public hearing on the recommended budget on June 9, 2015.

The City Council public hearing on the budget is scheduled for June 9, 2014; adoption is scheduled for June 23, 2014.

### **PUBLIC CONTACT**

Public contact was made through posting of the Planning Commission agenda on the City's official-notice bulletin board and on the City's website.

### **RECOMMENDATION**

Provide comments to the City Council or make a formal recommendation to the City Council on the Recommended FY 2015-2014 budget for the Planning Program.

Prepared by: Trudi Ryan, Planning Officer

**ATTACHMENTS**

1. Recommended Planning Program 234 Budget

City of Sunnyvale  
Program Performance Budget

**Program 234 - Planning**

**Service Delivery Plan 23401 - Policy Planning**

	<b>2012/2013 Actual</b>	<b>2013/2014 Budget</b>	<b>2013/2014 Actual</b>	<b>2014/2015 Current</b>	<b>2015/2016 Plan</b>
<b>Activity 234101, 234102, 234110, 234111, 234112, 234113, 234114, 234115, 234116, 234117, 234118, 234119 - Policy Reports</b>					
Product: A Report to Council					
Costs:	492,080.90	472,492.21	473,284.08	516,864.38	532,397.41
Products:	31.00	30.00	19.00	30.00	30.00
Hours:	5,036.63	4,656.00	4,489.03	4,736.00	4,736.00
<b>Activity 234120, 234121, 234122, 234123 - Intergovernmental Planning Issues</b>					
Costs:	61,436.20	63,522.51	48,574.18	61,094.85	62,498.53
Products:	0.00	0.00	0.00	0.00	0.00
Hours:	314.55	360.00	334.76	335.00	335.00
<b>Totals for Service Delivery Plan 23401 - Policy Planning</b>					
Costs:	<b>553,517.10</b>	<b>536,014.72</b>	<b>521,858.26</b>	<b>577,959.23</b>	<b>594,895.94</b>
Hours:	<b>5,351.18</b>	<b>5,016.00</b>	<b>4,823.79</b>	<b>5,071.00</b>	<b>5,071.00</b>

**City of Sunnyvale  
Program Performance Budget**

**Program 234 - Planning**

**Service Delivery Plan 23402 - Development Review**

	<b>2012/2013 Actual</b>	<b>2013/2014 Budget</b>	<b>2013/2014 Actual</b>	<b>2014/2015 Current</b>	<b>2015/2016 Plan</b>
<b>Activity 234210, 234211, 234212, 234213, 234214 - Staff-level Land Use Permits [Deleted]</b>					
Product: Permit Approved or Denied					
Costs:	254,055.81	321,037.52	353,637.04	0.00	0.00
Products:	981.00	1,000.00	972.00	0.00	0.00
Hours:	2,971.36	3,740.00	4,335.64	0.00	0.00
<b>Activity 234220, 234221, 234222, 234223, 234224, 234225, 234226 - Public Hearing Land Use Permits [Deleted]</b>					
Product: Permit Approved or Denied					
Costs:	788,727.30	756,374.09	864,434.35	0.00	0.00
Products:	126.00	125.00	113.00	0.00	0.00
Hours:	8,450.29	8,668.00	9,067.21	0.00	0.00
<b>Activity 234230, 234231, 234232, 234233 - Land Use and Zoning Information [Deleted]</b>					
Product: Customer Served					
Costs:	460,714.86	502,105.42	450,867.39	0.00	0.00
Products:	12,834.00	13,500.00	13,426.00	0.00	0.00
Hours:	4,922.22	5,285.00	5,026.10	0.00	0.00
<b>Activity 234240, 234241 - Regular Building Plans [Deleted]</b>					
Product: Regular Building Plan Permit Reviewed					
Costs:	38,076.47	84,965.78	55,831.64	0.00	0.00
Products:	359.00	495.00	619.00	0.00	0.00
Hours:	386.83	885.00	556.40	0.00	0.00
<b>Activity 234250 - Express Building Plans [Deleted]</b>					
Product: Minor Building Permit Reviewed					
Costs:	54,340.30	69,508.07	50,959.46	0.00	0.00
Products:	1,233.00	1,045.00	1,157.00	0.00	0.00
Hours:	550.52	757.00	512.37	0.00	0.00

City of Sunnyvale  
Program Performance Budget

**Program 234 - Planning**

**Service Delivery Plan 23402 - Development Review**

	<b>2012/2013</b>	<b>2013/2014</b>	<b>2013/2014</b>	<b>2014/2015</b>	<b>2015/2016</b>
	<b>Actual</b>	<b>Budget</b>	<b>Actual</b>	<b>Current</b>	<b>Plan</b>
<b>Activity 234260 - Redevelopment Agency Support [Deleted]</b>					
Costs:	0.00	11,983.48	0.00	0.00	0.00
Products:	0.00	0.00	0.00	0.00	0.00
Hours:	0.00	100.00	0.00	0.00	0.00
<b>Totals for Service Delivery Plan 23402 - Development Review</b>					
<b>Costs:</b>	<b>1,595,914.74</b>	<b>1,745,974.36</b>	<b>1,775,729.88</b>	<b>0.00</b>	<b>0.00</b>
<b>Hours:</b>	<b>17,281.22</b>	<b>19,435.00</b>	<b>19,497.72</b>	<b>0.00</b>	<b>0.00</b>



**City of Sunnyvale  
Program Performance Budget**

**Program 234 - Planning**

**Service Delivery Plan 23403 - Management, Supervisory, and Administration Support Services**

	<b>2012/2013 Actual</b>	<b>2013/2014 Budget</b>	<b>2013/2014 Actual</b>	<b>2014/2015 Current</b>	<b>2015/2016 Plan</b>
<b>Activity 234310 - Planning Division Management and Supervision [Deleted]</b>					
Costs:	78,423.00	80,557.49	73,897.36	0.00	0.00
Products:	0.00	0.00	0.00	0.00	0.00
Hours:	592.36	625.00	526.81	0.00	0.00
<b>Activity 234320 - Planning Division Administration [Deleted]</b>					
Costs:	47,990.82	52,497.72	63,435.89	0.00	0.00
Products:	0.00	0.00	0.00	0.00	0.00
Hours:	574.96	570.00	843.84	0.00	0.00
<b>Activity 234330 - Planning Division Staff Training and Development [Deleted]</b>					
Costs:	26,571.86	51,116.68	44,827.35	0.00	0.00
Products:	0.00	0.00	0.00	0.00	0.00
Hours:	321.68	522.00	441.81	0.00	0.00
<b>Activity 234340 - Planning Division Management and Supervision</b>					
Costs:	0.00	0.00	0.00	72,682.03	74,958.62
Products:	0.00	0.00	0.00	0.00	0.00
Hours:	0.00	0.00	0.00	595.00	595.00
<b>Activity 234350 - Planning Division Administration</b>					
Costs:	0.00	0.00	0.00	51,006.25	52,653.65
Products:	0.00	0.00	0.00	0.00	0.00
Hours:	0.00	0.00	0.00	580.00	580.00

City of Sunnyvale  
Program Performance Budget

**Program 234 - Planning**

**Service Delivery Plan 23403 - Management, Supervisory, and Administration Support Services**

	<b>2012/2013 Actual</b>	<b>2013/2014 Budget</b>	<b>2013/2014 Actual</b>	<b>2014/2015 Current</b>	<b>2015/2016 Plan</b>
<b>Activity 234360 - Planning Division Staff Training and Development</b>					
Costs:	0.00	0.00	0.00	49,571.90	51,146.15
Products:	0.00	0.00	0.00	0.00	0.00
Hours:	0.00	0.00	0.00	522.00	522.00
<b>Totals for Service Delivery Plan 23403 - Management, Supervisory, and Administration Support Services</b>					
<b>Costs:</b>	<b>152,985.68</b>	<b>184,171.89</b>	<b>182,160.60</b>	<b>173,260.18</b>	<b>178,758.42</b>
<b>Hours:</b>	<b>1,489.00</b>	<b>1,717.00</b>	<b>1,812.46</b>	<b>1,697.00</b>	<b>1,697.00</b>

City of Sunnyvale  
Program Performance Budget

**Program 234 - Planning**

**Service Delivery Plan 23404 - Development Review**

	<b>2012/2013</b>	<b>2013/2014</b>	<b>2013/2014</b>	<b>2014/2015</b>	<b>2015/2016</b>
	<b>Actual</b>	<b>Budget</b>	<b>Actual</b>	<b>Current</b>	<b>Plan</b>
<b>Activity 234410, 234411, 234412, 234413, 234414 - Staff-level Land Use Permits</b>					
Product: Permit Approved or Denied					
Costs:	0.00	0.00	0.00	268,963.35	277,625.40
Products:	0.00	0.00	0.00	1,000.00	1,000.00
Hours:	0.00	0.00	0.00	3,545.00	3,545.00
<b>Activity 234420, 234421, 234422, 234423, 234424, 234425, 234426 - Public Hearing Land Use Permits</b>					
Product: Permit Approved or Denied					
Costs:	0.00	0.00	0.00	754,786.58	779,030.11
Products:	0.00	0.00	0.00	125.00	125.00
Hours:	0.00	0.00	0.00	8,860.00	8,860.00
<b>Activity 234430, 234431, 234432, 234433 - Land Use and Zoning Information</b>					
Product: Customer Served					
Costs:	0.00	0.00	0.00	477,783.49	493,119.50
Products:	0.00	0.00	0.00	13,500.00	13,500.00
Hours:	0.00	0.00	0.00	5,375.00	5,375.00
<b>Activity 234440, 234441 - Regular Building Plans</b>					
Product: Regular Building Plan Permit Reviewed					
Costs:	0.00	0.00	0.00	81,136.48	83,741.85
Products:	0.00	0.00	0.00	495.00	495.00
Hours:	0.00	0.00	0.00	865.00	865.00
<b>Activity 234450 - Express Building Plans</b>					
Product: Minor Building Permit Reviewed					
Costs:	0.00	0.00	0.00	69,676.45	71,894.72
Products:	0.00	0.00	0.00	1,235.00	1,235.00
Hours:	0.00	0.00	0.00	777.00	777.00

City of Sunnyvale  
Program Performance Budget

**Program 234 - Planning**

**Totals for Service Delivery Plan 23404 - Development Review**

<b>Costs:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1,652,346.35</b>	<b>1,705,411.58</b>
<b>Hours:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>19,422.00</b>	<b>19,422.00</b>

**Totals for Program 234**

<b>Costs:</b>	<b>2,302,417.52</b>	<b>2,466,160.97</b>	<b>2,479,748.74</b>	<b>2,403,565.76</b>	<b>2,479,065.94</b>
<b>Hours:</b>	<b>24,121.40</b>	<b>26,168.00</b>	<b>26,133.97</b>	<b>26,190.00</b>	<b>26,190.00</b>



# City of Sunnyvale

## Agenda Item

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**15-0575**

**Agenda Date: 5/27/2015**

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Review Revised Council Policy 7.2.19

**ATTACHMENT**

1. Revised Council Policy 7.2.19

## **Policy 7.2.19    Boards and Commissions**

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### **POLICY PURPOSE:**

The purpose of this policy is to outline those Council policies pertaining to the City's Boards and Commissions Program.

### **1. POLICY STATEMENT:**

This policy pertains only to Council-appointed boards and commissions. Many of its provisions are rooted in the City Charter, and where any conflict exists between this policy and the City Charter, the City Charter shall prevail.

**A.** Boards and commissions are created by the City Council for the following general purposes:

- (I) To recommend to City Council specific policy-related issues for possible Council study and action, and to provide a forum and opportunity for broad community participation in the identification and prioritization of those issues; and
- (II) To advise City Council on specific policy issues Council has chosen to study, and to provide a forum and opportunity for broad community input on those issues.
- (III) See also Section 2.I, Duties.

**B.** Boards and commissions shall not involve themselves in administrative/operational matters or the implementation of Council policy, except as requested by the city manager or his/her designated staff. (See also Section 2.I., Duties.)

### **2. BOARD AND COMMISSION BYLAWS**

**A.** The City maintains ten Council-appointed boards and commissions.

As a matter of policy, it serves the public interest to have the greatest possible public access to board and commission meeting. As such, meeting locations for boards and commission shall be selected by staff according to the following guidelines:

- Meeting rooms should be of a size adequate to allow for public participation.
- Commissions should meet in a location permitting recurring usage of that location to the greatest extent possible.
- Boards and commissions should preferably meet in either Council Chambers or the West Conference Room at City Hall.

## COUNCIL POLICY MANUAL

- (I) Arts Commission: This five-member commission acts in an advisory capacity to the City Council in matters pertaining to the arts and the development and promotion of arts programs and activities. Meetings are held on the third Wednesday of each month at 7 p.m.
- (II) Bicycle and Pedestrian Advisory Commission: This seven-member commission acts in an advisory capacity to the City Council on bicycle and pedestrian issues. Meetings are held on the third Thursday of each month at 6:30 p.m.
- (III) Board of Building Code Appeals: formed by Municipal Code Ordinance 1315. This five-member board has final decision-making authority in all appeals related to building construction, including interpretation of building codes. Meetings are held only as necessary, on the third Wednesday of the month at 6 p.m.
- (IV) Board of Library Trustees: formed by City Charter Section 1013. This five-member board acts in an advisory capacity to the City Council on library related issues. Meetings are held on the first Monday of each month at 7 p.m. If the first Monday is a City observed holiday, the meeting will be held on the second Monday of the month.
- (V) Heritage Preservation Commission: formed by City Charter Section 1015. This seven-member commission acts in an advisory capacity to the City Council and has certain decision-making authority on the restoration, maintenance and operation of heritage resources throughout the City. Meetings are held on the first Wednesday of every other month beginning in January (and on the first Wednesday of alternate months when needed) at 7 p.m.
- (VI) Housing and Human Services Commission: This seven-member commission acts in an advisory capacity to the City Council on programs, policies, and other issues regarding housing and human services. Meetings are held on the fourth Wednesday of each month at 7 p.m.
- (VII) Parks and Recreation Commission: formed by City Charter Section 1011. This five-member commission acts in an advisory capacity to the City Council in matters and services pertaining to parks, open space, playgrounds, entertainment, other cultural and recreational activities. Meetings are held on the second Wednesday of each month at 7 p.m.
- (VIII) Personnel Board: formed by City Charter Section 1007. This five-member board acts in an advisory capacity to the City Council and city manager in matters pertaining to personnel administration. Meetings are held only as necessary, on the third Monday of each month at 5 p.m.

## COUNCIL POLICY MANUAL

- (IX) **Planning Commission:** formed by City Charter Section 1009. This seven-member commission acts in an advisory capacity to the City Council and has some decision-making authority on land use and development of the City. Meetings are held on the second and fourth Monday of each month at 8 p.m.
- (X) **Sustainability Commission:** This seven-member commission acts in an advisory capacity to the City Council to provide expertise on major policy areas related to the environmental sustainability goals of the Climate Action Plan (CAP) and General Plan. Meetings are held on the third Monday of each month at 7 p.m. If the third Monday is a City observed holiday, the meeting will be held on the third Tuesday of the month at 7 p.m.

### **B. Eligibility and Membership**

No board or commission members shall hold any paid office or employment in the City Government. All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment (exceptions: Bicycle and Pedestrian Advisory Commission, Category Two, per Section 2. B. (IV) (b) (ii)), Sustainability Commission, Category Two, per Section 2.B. (IV) (d) (ii)). If at any time during their term any member of a board or commission shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the board or commission and said position shall be declared vacant by the City Council.

#### **(I) Spouses, Household Members, and Relatives**

No individual shall be eligible to serve on a City board or commission, chartered or otherwise, who has a spouse, household member living under the same roof, or designated relative (parent, step-parent, grandparent, child, sister, brother, niece, nephew, uncle, or aunt of the individual or of the individual's spouse), currently serving as a member of the City Council, or employed as the city manager, assistant city manager, assistant to the city manager, city attorney, department director or assistant director or equivalent for the City of Sunnyvale.

#### **(II) Concurrent Service**

No member of any board or commission listed herein, chartered or otherwise, may serve on more than one board or commission at the same time.

- (a) Exception:



## COUNCIL POLICY MANUAL

Members of the Board of Building Code Appeals may serve on another board or commission at the same time.

(III) **Specific membership requirements for charter-related Boards and Commissions are as follows:**

(a) Board of Building Code Appeals:

To be eligible for appointment, each appointee shall be qualified by experience and training to pass upon matters pertaining to building construction. (*Source: Municipal Code Chapter 16.08*)

(b) Personnel Board:

To be eligible for appointment, each appointee shall neither hold public office or employment nor be a candidate for any other public office or position, nor be a former City employee. (*Source: City Charter Section 1007*)

No individual shall be eligible to or continue to serve on the Personnel Board who has a spouse, household member, or designated relative (parent, step-parent, grandparent, child, sister, brother, niece, nephew, uncle, or aunt of the individual or of the individual's spouse), employed by the City of Sunnyvale *in a position which has the right to have a disciplinary matter heard before the Personnel Board.*

Two of the five members shall be appointed by the City Council from a list of five persons to be nominated by election of the employees in the classified service. (*Source: City Charter Section 1007*)

(c) Planning Commission:

To be eligible for appointment, each appointee shall not hold any paid office or employment in the City government, *except that the city manager or his/her designated representative, shall serve as an ex-officio member of the Commission.* (*Source: City Charter Section 1009*)

(IV) **Specific membership requirements for non-charter-specified Boards and Commissions are as follows:**

(a) Arts Commission:

The members of this commission shall have a demonstrated interest in the arts (such as visual, performing, literary) and in the art programs of the City. It is preferable that the Arts Commission include at least one

## COUNCIL POLICY MANUAL

member with a background in visual arts and at least one member with a background in performing arts.

### (b) Bicycle and Pedestrian Advisory Commission

The members of the commission shall be selected from two categories:

- i. Category One (four members) shall be bicyclists or pedestrians in the City of Sunnyvale. Every person in this category shall, at the time of his or her appointment, be a registered voter of the City and shall maintain his or her principal place of residence within the City. Should any person so appointed cease to be an elector of the City or cease to maintain his or her principal place of residence within the City, that person shall be ineligible to continue to serve as a member of the commission.
- ii. Category Two (three members) shall include members of the PTA or other parent groups, administrations of schools in Sunnyvale, commute coordinators for major employers within the City, members of neighborhood associations, principals or teachers from Sunnyvale schools or persons interested in park and recreational activities in the City.

### (c) Housing and Human Services Commission:

The members of the Housing and Human Services Commission shall have a demonstrated interest in housing or human services issues.

### (d) Sustainability Commission

The Sustainability Commission shall be open to individuals with a demonstrated interest in environmental sustainability issues. The members of the commission shall be selected from two categories:

- i. Category One (minimum of three members) shall be Sunnyvale registered voters.
- ii. Category Two (minimum of one member) shall include members of the Sunnyvale business community. Such members need not be Sunnyvale residents.

## (V) **Limitation on Terms**

Any person appointed to a board or commission shall be immediately eligible, upon the expiration of their term or resignation prior to completion of their term if appointed to a different board or commission, to serve on a different board or commission.

## COUNCIL POLICY MANUAL

All board and commission members are eligible to serve two successive four-year terms on the same board or commission. No person who has served two such successive four-year terms shall be eligible for appointment to that same board or commission for two years following the expiration of the second full term for which the member was appointed and served. Serving an unexpired term of up to 2 years in length shall not count toward years served in terms of eligibility.

### C. Recruitment

Through the Office of the City Manager, efforts will be made to fill board or commission vacancies as soon as practical. Upon notification of a vacancy, whether planned or unplanned, staff shall inform Council of the status of recruitment efforts to fill the vacancy.

### D. Appointment

Appointments of board and commission members shall be placed on the agenda at a City Council meeting.

The appointment process will be conducted according to one of the following two methods. In the event that one or more Councilmembers participate via teleconference, voting shall be done using individual candidate votes. Otherwise, the choice of methods is at the discretion of the Mayor on a commission-by-commission basis.

#### Individual Candidate Votes:

The Mayor will announce by board or commission each vacancy including its term, and then will read each applicant's name. Council will vote on each applicant. The candidate receiving the most affirmative votes and at least four affirmative votes will be appointed. Should no candidate receive at least four affirmative votes, the vacancy will remain. The process is repeated for each board or commission.

#### ~~Ranked-Choice~~ Paper Votes:

The Mayor will announce each board or commission in an order predetermined by the City Clerk to facilitate a speedy process and to accommodate applicants who specify multiple preferences. The City Clerk will distribute individual voting sheets to be completed by each Councilmember. ~~A ranked vote shall count as an affirmative vote.~~ The candidate receiving the most votes~~highest ranking~~ and at least four affirmative votes will be appointed. Should no candidate receive at least four affirmative votes, the vacancy will remain.

#### Resolving ties:

Should a tie between the candidates receiving the most affirmative votes occur, the affected applicants will be voted on again. If a tie still remains, and the

## COUNCIL POLICY MANUAL

affected applicants each have received at least four affirmative votes, the Mayor would ask the city attorney to draw the name of the person to be appointed.

If vacancies still exist after the appointment process is conducted, staff shall inform Council of alternative courses of action.

### (I) **Exception:**

#### (a) Board of Building Code Appeals

- i. In the event an appeal to be heard by the Board of Building Code Appeals is filed and the board lacks a quorum, the Director of Community Development shall select a temporary board member(s) to hear such an appeal. Any temporarily appointed board member(s) shall hear no more than three appeals within 12 months and shall meet all eligibility requirements as described in this policy.

### E. **Oath of Office**

Each board and commission member, before entering upon the discharge of the duties of his/her office, shall sign the City's Model of Excellence (an attachment to the Code of Ethics document) and take, subscribe to, and file with the city clerk the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of (here inserting the name of office) according to the best of my ability." (*Source: City Charter Section 910*)

After taking the Oath of Office and signing the ~~Code of Ethics~~Model of Excellence in the Office of the City Clerk, each board and commission member shall have the opportunity to receive a ceremonial Oath of Office at a regularly scheduled Council meeting.

### F. **Required Training/Conferences and Disclosure Obligations**

- (I) Mandatory training shall be provided to all board and commission members by the City through the Office of the City Manager, including an orientation session for new members. Training shall be delivered as deemed necessary by the Council and/or city manager and may include topics germane to a specific board or commission and/or training generic to all boards and commissions (e.g. ethics training or "how to run a meeting" for board and commission chairs).

## COUNCIL POLICY MANUAL

- (II) Conferences are conducted periodically by outside groups to assist members of boards and commissions in meeting their respective responsibilities more effectively. The City's interests are often served by participation in the educational and training programs offered at the conferences. Each member of City boards and commissions may attend related training and/or conferences, provided that the conference subject matter pertains directly to the function of the board and commission and that funds for this purpose have been budgeted.
- (III) Designated boards and commissions are subject to conflict of interest provisions of the Political Reform Act and must file Statements of Economic Interests. Statements must be filed within 30 days of taking office and thereafter annually, as well as upon leaving office.

California Government Code Section 87200 (the Political Reform Act) specifically applies to:

- Members of the Planning Commission

The City's Conflict of Interest Code requires appointees of designated boards and commissions to file Statements of Economic Interests. The City's Conflict of Interest Code designates members of the following boards and commissions to file Statements of Economic Interests:

- Members of the Board of Building Code Appeals
- Members of the Heritage Preservation Commission
- Members of the Housing and Human Services Commission

### **G. Officers**

#### **(I) Selection of Chair and Vice Chair**

Unless otherwise dictated by City Charter, each board and commission shall, within the month of July each year, or during the next regularly scheduled meeting if a July meeting is not otherwise necessary, elect one of its members as presiding officer, to serve commencing after the end of the meeting, upon completion of mandatory chair training and ideally in time to advise staff on the agenda for the next regularly-scheduled meeting. The Board of Building Code Appeals must meet in July to select a chair and vice chair if no meetings are scheduled in the future. The selection of chair and vice chair shall be the last item on the agenda at the scheduled meeting. All boards and commissions shall select their chair and vice chair in accordance with practices and procedures outlined by the Office of the City Clerk.

## COUNCIL POLICY MANUAL

### (II) Chair's Role and Responsibilities

- (a) Attends training in how to be an effective chair prior to assuming the role.
- (b) Presides at meetings of the board or commission, and follows Brown Act requirements for conducting meetings.
- (c) Serves as a liaison to Council at City Council meetings.
- (d) Coordinates the scheduling of special meetings or cancellation of a meeting with the staff liaison.
- (e) Coordinates the setting of the agenda with the staff liaison. Should the chair and the staff liaison disagree regarding the agenda, the city manager shall have final authority subject to appeal to the City Council.
- (f) Board and commission chairs or a designated alternate may always attend Council meetings to present the board or commission's position to Council. However, they must attend Council meetings to present the board or commission's position to Council on any non-consent calendar item previously addressed by the board or commission when only action minutes from the board or commission meeting are available to Council. The chair or designated alternate shall report back to their board or commission on Council's discussion and ultimate decision.
- (g) Counsels and administers verbal reprimands and written warnings to board and commission members who do not comply with City policy.
- (h) Meets with Council in a study session setting on a regular schedule at least annually.~~quarterly or otherwise schedule.~~

### (III) Vice Chair's Role and Responsibilities

- (a) Attends training in how to be an effective vice chair prior to assuming the role.
- (b) Serves as the presiding officer in the absence of the chair.
- (c) Joins board or commission chairs in meetings with Council in a study session setting on a regular schedule at least annually, per Section G.(II)(h).~~quarterly or otherwise schedule.~~

## H. Meetings, Attendance and Quorums (see also Council Policy 7.3.8 Posting of Agendas and Procedure for Confirming Proper Posting and Notice of Meetings)

### (I) Meetings

Each board and commission shall hold regular meetings and special meetings as it may require. All meetings shall be open to the public and

## COUNCIL POLICY MANUAL

meet Brown Act requirements (with the exception of certain disciplinary review proceedings of the Personnel Board).

All board and commission meetings shall operate under Parliamentary Procedure. Should this policy and Parliamentary Procedure conflict, this policy shall take precedence.

### (II) **Attendance**

Each member of a City board or commission is expected to attend all regularly scheduled meetings\*, and as many special meetings as possible. When a board or commission member knows in advance that he/she will be absent from a meeting, the member shall give advance notice to the chair and/or staff liaison.

The board/commission chair shall, in consultation with the staff liaison, propose that each absence be “excused” or “unexcused”. Each board or commission shall then determine by general consent (or, failing to achieve general consent, by majority vote) their members’ absences from regularly scheduled meetings as excused or unexcused\*\* and shall include that record in official meeting minutes. Absences from special meetings shall be recorded but shall not be classified as “excused” or “unexcused”.

Unexcused absences from three consecutive regularly scheduled meetings, or from more than 25% of all regularly scheduled meetings over any twelve consecutive month period, shall result in that member’s seat being declared vacant by the city clerk. Any declaration of vacancy based on unexcused absence from more than 25% of all regularly scheduled meetings over any consecutive 12-month period shall be appealable to the City Council. (Declarations based on absence from three consecutive regularly scheduled meetings are Charter-based and are not appealable.)

Board and commission members are responsible for monitoring their own attendance records. Staff shall prepare for the City Council semi-annual reports of all the City’s boards and commissions showing the attendance of each member at both regular and special meetings during the past 12 months. The percent of regularly scheduled meetings attended shall only be shown for board and commission members having been in office at least six months.

Council shall take into consideration board and commission member attendance records, including tardiness, when evaluating the overall performance of board and commission members.

\* *Regularly scheduled meetings* are defined as those in alignment with the general description provided the public as to the times that board or

## COUNCIL POLICY MANUAL

commission routinely meets. For example, if the Heritage Preservation Commission is advertised as meeting the first Wednesday of every month, meetings held on these dates only shall be considered “regular meetings”. Any other meetings shall be considered special meetings. Regularly scheduled meeting *dates and times* for all boards and commissions shall be posted on the City’s Web site and in the Boards and Commissions Handbook.

**\*\* *Excused absences*** shall be limited to those which meet both of the following requirements:

- (a) The absent member must have informed the chair and/or the City staff liaison to the board or commission, of their intended absence prior to the scheduled meeting. (Failure to inform the chair or the staff liaison prior to the meeting shall result in an unexcused absence, unless extenuating circumstances prevent advance notice), *and*
- (b) The absence is due to one of the following:
  - i A death in the family,
  - ii Personal illness,
  - iii Board or commission-related business,
  - iv Personal leave (limited to one per fiscal year for those boards/commissions meeting monthly or less frequently and to 10% of regularly scheduled meetings for those meeting more frequently)
  - v Emergency, or
  - vi Decision by member’s supervisor in employment or required military service,
  - vii Maternity leave.

### (III) **Quorums**

Boards and commissions have a quorum present when a majority of their ~~total~~current membership is present. “~~Total~~Current membership” means the number of members indicated in Section 2.A (I) through (VIII) provided for when the board or commission was created; i.e., the Planning Commission has a total membership of seven.~~is defined as the official membership, less any seats that are formally vacant through resignation, unfilled vacancy or removal.~~

### (IV) **Majority and Abstentions**

Board and/or commission motions shall be approved by a majority of legal votes cast. Members who fail to vote are presumed to have waived the



## COUNCIL POLICY MANUAL

exercise of their right and to have consented to allow the will of the organization to be expressed by those voting. The tabulation of a vote is based on the number of members present *and* voting. Abstentions are not counted, since a member who abstains voluntarily relinquishes his or her vote, and is not counted in the results. (*Source: The Standard Code of Parliamentary Procedure, 4<sup>th</sup> Edition*)

### (V) **Ad-hoc Committees**

Ad-hoc committees may be established as required to facilitate the study of Council-directed or staff-requested initiatives. These committees will be project-specific and will function only for the duration of the project.

## **I. Duties**

Aside from obligations related to attendance and training noted elsewhere in this policy, the general duties for all board and commission members are:

### (I) **General Duties**

#### (a) **Work Plans**

Each board and commission shall create an Annual Work Plan which is a 12-month calendar of the policy issues the board/commission will be acting on during the year.

#### (b) **Study Issues Process**

The Study Issues process is designed to assist City Council with setting priorities for the coming calendar year. Board and commission members have two roles in this process:

- To advise Council regarding the identification of policy issues to study
- To advise Council on those issues Council has decided to study

Within one month of origin, new study issue papers sponsored by Council or a board or commission will be presented to respective boards or commissions, or at the next regular meeting of the respective board or commission.

#### (c) **Budget**

Board and commission members have two roles in the budget process:

## COUNCIL POLICY MANUAL

- To advise Council regarding the identification of budget issues
- Provide Council a recommendation regarding the city manager's recommended budget for content under the purview of their board or commission.

### (d) Operational Issues

Board and commissions may serve as advisory bodies to staff regarding operational issues upon request by staff.

## (II) **Specific Duties**

### (a) Arts Commission

- i Review those portions of master plans of park or facility development or expansion which relate to the arts, for adequacy, appearance and other appropriate criteria, in an attempt to ensure good design and then make recommendations to City Council.
- ii Review and make recommendations on the Arts Sub-Element of the General Plan.
- iii Review and make recommendations regarding agreements with arts-related outside groups and recommend funding allocations.
- iv Make policy recommendations regarding the purchase of art for public buildings and for art in private development in accordance with Council Policy 6.4.3. *Art in Private Development*.
- v Study the regional and state Arts Master Plans and make recommendations to the City Council.

### (b) Bicycle and Pedestrian Advisory Commission

- i Recommend priorities for bicycle and pedestrian projects for the annual TDA Article 3 funding application cycle.
- ii Participate in periodic review and revision of the Bicycle Plan and Map.
- iii Review and make recommendations on changes to the Sunnyvale Municipal Code related to bicycles and pedestrians.
- iv Review and make recommendations on Federal, State and regional policy proposals related to bicycles and pedestrians.
- v Develop recommendations on promotion of bicycling and walking as viable, sustainable means of transport.
- vi Review and make recommendations on the applicable sections of the General Plan.

### (c) Board of Building Code Appeals

## COUNCIL POLICY MANUAL

- i Consider and make determinations on appeals of building code decisions made by the Chief Building Official or Fire Marshal. *(Source: Sunnyvale Municipal Code Chapter 16.16.020)*
  - ii Consider and make determinations on appeals of green building requirements made by the director of community development. *(Source: Sunnyvale Municipal Code Chapter 19.39)*
- (d) Board of Library Trustees
  - i Review and make recommendations on the Library Sub-Element of the General Plan.
  - ii Assess community conditions which affect Library goals and policies.
  - iii Review and make recommendations regarding agreements with outside groups and recommend funding allocations.
- (e) Heritage Preservation Commission
  - i Act in an advisory capacity to the City Council in all matters pertaining to heritage resources, landmark sites and landmark districts. *(Source: City Charter Section 1016)*
  - ii Exercise such functions with respect to any heritage resource, landmark site or landmark district as may be prescribed by ordinance. *(Source: City Charter Section 1016)*
  - iii Decision-making authority on resource alteration permits and landmark alteration permits as well as actions to remove a heritage resource from the list of heritage resources. These decisions are final unless appealed to the City Council.
  - iv Final decision-making authority on appeals of staff decisions of minor landmark and resources alteration permits.
  - v Recommendations to City Council on new heritage resource and landmark sites and districts (including buildings, landscapes, and other artifacts that are considered significant in Sunnyvale's history).
  - vi Recommendation to the City Council on Heritage Housing and other heritage zoning districts.
  - vii Participation in the development and promotion of museums and City archives.
- (f) Housing and Human Services Commission
  - i Review and make recommendations on the Housing and Community Revitalization Sub-Element and Socioeconomic Element of the General Plan.
  - ii Review proposed funding policies and grant applications by eligible housing and human service\* agencies for Community Development Block Grant (CDBG) HOME and/or other available funds for public services and/or housing projects, and

## COUNCIL POLICY MANUAL

make funding recommendations to Council in response to the proposals received.

- iii Hold public hearings on draft HUD Consolidated Plans and Annual Action Plans to receive public input and provide recommendations to Council regarding the content of those plans.
- iv In the interest of efficiency and certainty of the land use planning and development process, the Housing and Human Services Commission shall not be involved formally in matters within the responsibility of the Sunnyvale Planning Commission, as defined by State law and the Charter and ordinances of the City of Sunnyvale, in any manner that would delay or interfere with consideration of land use permit applications or legislative decisions affecting particular properties. The commission shall not be formally involved in issues pertaining directly to current or future human services programs which are directly provided by, co-sponsored by, or relate directly (in the case of outside funding) to the programs provided by City departments for which the Council has established an advisory board or commission, unless dual responsibility therefore is explicitly authorized by a City Council-approved Agenda Calendar or work plan.
- v Study, evaluate and recommend policies relating to human rights and human relations issues related to housing and human services\* in Sunnyvale.

\*human services as defined by Council Policy 5.1.3

### (g) Parks and Recreation Commission

- i Study, evaluate and recommend to the City Council policies relating to parks and recreation activities, such as:
  - Community center use policy
  - Park building use policy
  - Picnic facility use policy
  - License agreements
- ii Review master plan of park development or expansion for adequacy, appearance and other appropriate criteria in an attempt to assure good design and make recommendations to the Council.
- iii Review and make recommendations regarding agreements with parks and recreation related outside groups and recommend funding allocations.
- iv Study, evaluate and recommend to the City policies relating to human rights and human relations issues that may arise when addressing issues such as inclusion in the use of City parks and

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recreation facilities, program accessibility and cultural diversity.

### (h) Personnel Board

- i Hear appeals of any officer or employee in the Classified Service who is reclassified, suspended, demoted or removed, and report its finding to the City Council and City Manager; the findings and conclusions of the Personnel Board shall be final and no appeal may be taken therefrom. (*Source: City Charter Section 1008*)
- ii After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of the civil service rules and regulations. (*Source: City Charter Section 1008*)
- iii Perform such other duties with reference to personnel administration, not inconsistent with this Charter, as the City Council may require by ordinance. (*Source: City Charter Section 1008*)

### (i) Planning Commission

- i After a public hearing thereon, recommend to the City Council the adoption, amendment, or repeal of Master, General, or Precise Plans, or any part thereof, for the physical development of the City. (*Source: City Charter Section 1010*)
- ii Exercise such functions with respect to land subdivisions, planning, and zoning as may be prescribed by ordinance. (*Source: City Charter Section 1010*)
- iii Exercise such other functions as now or may be hereafter authorized by the provisions of Title 7 entitled “Planning” of the Government Code of California, or as hereafter amended or added to, insofar as they do not conflict with the provisions of the Charter. (*Source: City Charter Section 1010*)
- iv Decision-making authority on a variety of discretionary land use applications (e.g. use permits, special development permits, variances, specified design reviews, tentative maps and appeals of decisions of the Zoning/Administrative Hearing Officer). These decisions are final unless appealed to the City Council.
- v Final decision-making authority on appeals of staff decisions on minor land use applications (e.g. Tree Removal Permits, Miscellaneous Plan Permits).
- vi Provide recommendations to City Council on legislative actions such as zoning code amendments, rezoning of property, amendments to the General Plan, and new and

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revised specific plans as well as related applications considered at the same time as a legislative action.

- vii Review and make recommendations on the entire General Plan (all Elements and Sub-elements) as updates and amendments are considered.
  - viii Review and act on environmental documents in compliance with the California Environmental Quality Act (CEQA), when related to any of the above actions.
- (j) Sustainability Commission
- i. Advise Council on policy issues addressing sustainability goals.
  - ii. Advise Council on how to strategically accelerate Sunnyvale's progress towards sustainability and recommend priorities, in order to promote continued regional leadership in sustainability.
  - iii. Periodically review policies governing specific practices, such as greenhouse gas (GHG) emissions reduction, water conservation, renewable energy, energy efficiency, waste reduction, and urban forestry. Illustrative examples include creation of infrastructure for low emission vehicles, habitat restoration and conservation, biodiversity preservation, and reduction of toxics in the waste stream.
  - iv. Advise Council on ways to drive community awareness, education, and participation in best practices.
  - v. Review and make recommendations to Council on Federal, State and regional policies related to sustainability which impact Council's goals and policies.

### (III) Additional Duties

Additional duties may be conferred upon specific boards and/or commissions by the City Council. These shall be memorialized via the City Charter or by revision to this policy.

## **J. Interaction with City Council, Public, Staff, and other Board and Commission Members**

The city manager shall appoint a staff liaison to support each board and commission.

In addition to their role as advisors to the Council, boards and commissions serve as liaisons between the City and the general public regarding issues under their purview at City sponsored meetings or events. Each board and commission functions as a communication link between the community and the City,

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explaining City programs and recommendations, advocating established City policy and services, as well as providing a channel for citizen expression.

Outside of official board or commission meetings, individual board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose. In private settings, board and commission members may communicate at any time and on any subject with individual members of the City Council, and may express to them individual viewpoints and opinions. In public, however, all members shall represent the official policies or positions of their board or commission, with the following exception: during a Council public hearing on any item addressed by the board or commission, any member may speak under standard time limits, but shall indicate whether their testimony represents an official position (majority opinion) or a minority opinion of the board/commission to which they belong. The chair shall represent the majority view of the board or commission, but may report on any minority views as well, including his or her own. When an official board or commission position differs from staff's recommendation on a particular policy issue, then at the Mayor's discretion additional time may be provided to the chair of the board or commission (or his/her designee) to explain the position of the board/commission or to rebut statements made by staff or the public. If new information is brought to light during a public hearing which was not shared previously with the board or commission, the Mayor may allow the board or commission chair to respond. If the Council deems the new information sufficient to warrant additional study, then by majority vote Council may remand the issue back to the board or commission for further study prior to taking other action itself. (*Source: Code of Ethics and Conduct for Elected and Appointed Officials*)

Individual opinions and positions may be expressed by board and commission members regarding items that have not come before the particular board/commission to which they belong. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Sunnyvale, nor will they allow the inference that they do. (*Source: Code of Ethics and Conduct for Elected and Appointed Officials*)

Although a board or commission may disagree with the final decision the Council makes, the board or commission shall not act in any manner contrary to the established policy adopted by the Council. (*Source: Code of Ethics and Conduct for Elected and Appointed Officials*)

Board and commission members shall adhere to the City's Code of Ethics and Conduct for Elected and Appointed Officials. Council conduct with boards and commissions is also covered in the City's Code of Ethics and Conduct for Elected and Appointed Officials.

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Council shall be kept informed of the activities of boards and commissions by virtue of the board and commission minutes.

Council shall conduct regular joint meetings with Chairs and Vice Chairs per paragraph G.(II)(h) with the intention to review and improve overall effectiveness of commission meetings.

Council shall consider joint study sessions with boards and commissions as warranted.

Council shall encourage members of the public to submit issues and/or concerns to the appropriate board or commission prior to Council considering the matter.

*(Source: Community Engagement Sub-Element 7.2C.5(a))*

Board and commission members with individual concerns of a non-operational nature may seek guidance in any of the following ways:

- (I) Consult with the board/commission chair. If possible, this is the preferred course of action.
- (II) Consult with the Mayor.
- (III) Consult with another Councilmember.

When a commission has questions about the commission's duties or the interpretation of Council policy, the commission may direct an inquiry to:

- (I) The Mayor.
- (II) The Council Subcommittee on Bylaws.
- (III) The full Council.

When sharing public correspondence with boards and commissions, staff shall be guided by the following principles:

- Facilitate communication of information on policy issues from the public to the boards and commissions
- Adhere to the law and Council policy (the two Council policies that most relate to this issue are: "Outside of official b/c meetings, individual b/c members are not authorized to represent the City or their b/c unless specifically designated by the Council or the b/c to do so for a particular purpose", and "Boards and commissions may serve as advisory bodies to staff regarding operational issues upon request by staff.")
- Treat all the City's boards and commissions equitably
- Provide all boards and commissions the information needed to do their jobs
- Avoid misleading the public



- Utilize staff time efficiently and effectively

**K. Recognition**

An annual event to recognize the service of all board and commission members, as well as citizens serving on special Council ad-hoc committees, shall be coordinated through the Office of the City Manager.

Outgoing board and commission members who have served their full term shall receive a certificate of appreciation and a small memento of appreciation. The type of certificates and mementos provided are at the discretion of the Office of the City Manager, shall not exceed the gift limit established by the Fair Political Practices Commission in effect at the time, and will be suitable for the occasion.

**L. Resignation/Completion of Term**

When a board or commission member resigns from his or her seat, the member shall notify the Mayor in writing (email, fax or letter), with copies to the staff liaison, city clerk and city manager, indicating the effective date and the reason(s) for resignation. When the resignation notice is received by the Office of the City Clerk, staff shall notify Council of the resignation and the status of recruitment efforts to fill the vacancy.

Upon resignation or completion of board or commission assignment, individuals shall not represent themselves further as a board or commission member.

**M. Sanctions**

Counseling, verbal reprimands and written warnings may be administered by the Mayor to board and commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective board or commission, the city clerk, the city attorney, the city manager, and the City Council. Written reprimands administered by the Mayor shall not be included in packets for public meetings and shall not be publicized except as required under the Public Records Act. (*Source: Code of Ethics and Conduct for Elected and Appointed Officials*)

Any form of discipline involving formal censure, or affecting board or commission member status (i.e., removal from office or removal of chairperson status), shall be imposed by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation. The Report to Council shall be distributed in accordance with normal procedures, including hard copies to numerous public facilities and posting online. Any Report to Council addressing alleged misconduct by a board or commission member shall be routed through the Office of the City Attorney for review of whether any information is exempt from

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disclosure (subject to redaction) based on privacy interests authorized under the Public Records Act.

### **N. Investigations**

When deemed warranted, the Mayor or majority of Council may call for an investigation of board or commission member conduct. Should the city manager or city attorney believe an investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall ask the city manager and/or the city attorney to investigate the allegation and report the findings.

The results of any such investigation shall be provided to the full Council in the form of a Report to Council, and shall be placed on the agenda of a noticed public meeting as “Information Only”. Any such report shall be made public and distributed in accordance with normal procedures (i.e., hard copies to numerous public locations and posted online). Any report to Council addressing the investigation of board and commission members shall be routed through the Office of the City Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Records Act.

It shall be the Mayor and/or the Council’s responsibility to determine the next appropriate action. These actions include, but are not limited to: take no further action; discussing and counseling the individual on the violations; placing the matter on a future public hearing agenda to consider sanctions; forming a Council ad hoc subcommittee to review the allegation, the investigation and its findings, as well as to recommend sanction options for Council consideration.

### **O. Removal**

The members of each board or commission shall be subject to removal by motion of the City Council approved by at least four affirmative votes, for the following reasons:

- (I) Failure to maintain eligibility requirements
- (II) Failure to take the required Oath of Office
- (III) Failure to complete required training
- (IV) Failure to meet attendance requirements
- (V) Failure to fulfill board or commission duties
- (VI) Failure to adhere to Council policy governing boards and commission member interaction with City Council, the public, staff, and/or other board or commission members.
- (VII) Violation of Code of Ethics and Conduct

### **P. Administrative Policies**

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The city manager shall have full authority to develop and implement any administrative policies and practices deemed necessary to support the operation of all boards and commissions.

### **Q. Council Liaisons to Boards and Commission**

The City Council shall appoint one councilmember to serve as a council liaison to each board and commission, except for the Planning Commission, the Personnel Board, and the Board of Building Code Appeals. Appointments shall change every six months, with the roster established annually as part of the City Council intergovernmental relations appointment process. The method of assignment shall be automatic rotation using seat numbering and alphabetic ordering of commissions. Attendance at board or commission meetings by the council liaison is encouraged but not mandatory. Council liaisons may informally arrange for a council alternate when scheduling conflicts arise.

During a board or commission meeting, the Council liaison shall serve a role similar to that of the staff liaison. The primary responsibility for providing information to boardmembers or commissioners belongs to the staff liaison, but the council liaison may provide additional information at the request of the chair when questions fall beyond the scope of staff's expertise. The council liaison may raise points of order when procedural issues arise.

During board or commission meetings, authority resides with the board or commission chair. Council liaisons shall refrain from:

- i. Interfering with the smooth operation of board or commission meetings
- ii. Acting in a manner that undermines the chair's authority
- iii. Participating in policy discussions except when providing factual information at the request of the chair
- iv. Speaking on behalf of the full Council without appropriate authority
- v. Acting as spokesperson for the board or commission.

When questions or concerns arise regarding the conduct of a council liaison, the chair of the board or commission should consult with the Mayor for possible resolution. When the liaison in question is the Mayor, the chair should consult with the Vice Mayor for possible resolution.

### **R. Bylaw Revisions**

Boards and commissions may craft additional bylaw provisions specific to themselves as long as they do not conflict with Sections A through P above. Any additional bylaw provisions must be approved by the City Council.

### **S. Council Subcommittee**

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A standing subcommittee of three members of City Council shall review all bylaw revisions. The role of the subcommittee shall be to review the proposed bylaws before consideration for action by the full Council. Subcommittee meetings are subject to Brown Act noticing requirements.

((Adopted: RTC 07-148 (5/1/07); clarity update 9/21/07; Revised by RTC 08-043 (2/12/08) in accordance with Council action on 11/27/07 and 1/29/08; Revised by RTC 08-294 (10/14/08); Revised by RTC 09-047 (2/24/09); Revised by RTC 09-098 (5/12/09); clerical update (5/15/09); Revised by RTC 09-315 (12/15/09); Revised by RTC 10-143 (5/25/10) in accordance with Council action on 3/23/10); Revised by RTC 10-217 (8/31/10); Revised by RTC 10-249 (9/14/10); Revised by Resolution 458-10 (11/9/10); Revised by RTC 11-009 (1/25/11) in accordance with Council action on 12/7/10); Amended: RTC 11-184 (8/23/2011); Amended by Council action (9/13/2011); Amended by Council action (12/6/2011); Revised by RTC 12-010 (2/7/2012); Amended by Council action, Item #5 (5/15/2012); [Revised by RTC 15-0401 \(4/21/2015\)](#))

Lead Department: Office of the City Manager