

RESPONSE TO COUNCIL QUESTIONS RE: 7/28/2020 CITY COUNCIL AGENDA

Agenda Item #: 2

Title: Approve Recommendations for funding levels on Grant Applications for Fiscal Year 2020/21 for the Community Event and Neighborhood Grant Program; and Approve Program Changes to the Community Events and Neighborhood Grant Program

Council Question: Many of the events could be impacted by COVID-19. What flexibility will grantees have to use their grant for an event that has a different size, nature, or timing from their proposal? Some examples:

Staff Response: Most applicants anticipated the challenges of planning an event given the uncertainties of COVID 19 and wrote their proposals requesting some amount of flexibility. Due to the fluidity of the pandemic and protocols permitting public gatherings, staff suggests Council authorize staff to work individually with each group to support development of alternative events, up to the amount approved, for events meeting County Health guidelines while supporting the mission of the grant program and bringing people together during this challenging time.

An additional option would be for staff to encourage all groups whose events cannot be held before January, 2021 to reapply under the new grant funding calendar-year schedule.

Council Question: The county health order currently limits outdoor gatherings to a maximum of 60 people, and the state order may be even more restrictive. This is much less than the minimum expected attendance of 500 people required for a community event grant. Can a grant be used for a much smaller event?

Staff Response: Yes, see above.

Council Question: Neighborhood Night Out will almost certainly be postponed. Could a grant for an NNO event be used for another similar neighborhood event if NNO is repeatedly delayed or is cancelled for 2020?

Staff Response: Yes. See above. Any group that does not hold their event before June 30, 2021 would need to re-apply for the next round of grants which will be awarded on a calendar year schedule going forward.

Council Question: Can a grant still be used for an NNO event next summer beyond the City's current fiscal year?

Staff Response: No. The group would need to reapply for a grant for the next calendar year, however, there would be no "penalty" for cancelled events this year.

Council Question: If an event is cancelled at the last minute due to health orders or out of an abundance of caution, can a grant still be used to reimburse expenses that were already incurred?

Staff Response: Yes. Any expenses, as long as they are allowable under the grant guidelines, can be submitted for reimbursement even if events are cancelled.

Agenda Item #: 4

Title: Proposed Project: Related applications on a 0.82-acre site: REZONE: Introduce an Ordinance to extend the PD Combining District boundary to include the 585 and 595 Columbia Avenue parcels. SPECIAL DEVELOPMENT PERMIT: To allow demolition of existing residential structures and construction of 18-unit residential subdivision consisting of three-story townhomes with associated site improvements and deviations from minimum rear setback, maximum distance between main buildings and maximum distance to a trash enclosure, and VESTING TENTATIVE MAP: To create 18 residential lots and one common area lot. Location: 475 N. Fair Oaks and 585 & 595 Columbia Ave. File #: 2019-7415 Zoning: R-3/PD and R-3 Applicant / Owner: ADL 11 LLC (applicant) / Henry E Shepherd Trustee and Chung Tai Intl Chan Buddhist Assn (owner) Environmental Review: Class 32 Categorical Exemption (Infill Development) Project Planner: Cindy Hom, 408-730-7411, chom@sunnyvale.ca.gov

Council Question: It looks like the reason this item is coming to Council is because of the rezone. Is this correct? Are there any other reasons this item exceeds the authority of the Planning Commission and is necessarily coming to Council?

Staff Response: You are correct. This item is referred to Council solely due to the rezoning application. It has been the practice to refer the entire application to Council when there is a rezoning.

Council Question: Will the new development be all-electric?

Staff Response: No. The applicant proposes to have gas cooktops and forced air units for heating. The project needs to meet the Green Building Program requirement of 90 points minimum on the GreenPoint Rated Checklist with Build It Green Certification.

Council Question: The Chung Tai Intl Chan Buddhist Assn is listed as one of the project's owners. Does Staff have any knowledge as to whether the Association intends to own any of the 18 completed units?

Staff Response: According to the applicant, the Association will not be purchasing any of the units back.

Council Question: Is this the first project in Sunnyvale that would be approved using SB330?

Staff Response: All residential projects are subject to SB 330. The applicant did not request any benefits from SB 330 and the City did not "use" SB 330 for review; standards in SB 330 do impact the project.

Council Question: Does this project have Solar on the roofs? Didn't Sacramento pass a law that all new buildings had to have Solar installed on them?

Staff Response: Yes, State law does require projects three story and under to include solar panels with the project. There are exemptions possible if there is not enough roof area or there are shading issues. No exemption has been requested.

Council Question: Will the garages be appropriately wired for electric car charging?

Staff Response: Yes, garages will be prewired for electric cars; however, it is up to the future property to install the desired charger.

Council Question: Is this an all-electric development? If no, can we require this as part of the Special Development Permit?

Staff Response: No, it is not proposed to be an all-electric development. The cooktops and forced-air heating units are proposed to be natural gas. There is currently no requirement for all-electric projects, and without that objective standard, Council cannot require all electric buildings (per SB 330).

Council Question: Page 1 of 11, under the Issues section it states: Loss of Rental housing, neighborhood compatibility.

- How specifically are these issues being addressed?
- Page 4 of 11: Site Layout says "...complements the neighborhood".

Staff Response: State law requires at least as many units removed to be replaced and includes standards for how many new units are required to be affordable based on the rental rates of the existing units. In this project's case, the Chung Tai International Chanbuddhist Association used the 11-unit apartment building as a monastery for the Association's monks. Because the owner has not rented out these units and the monastery was operated as a communal religious community rather than individual residents living in individual dwelling units, staff determined that the apartment building does not fall within the scope of SB 330, which is intended to prevent gentrification and loss of affordable housing.

Council Question: Page 2 of 11 states: "The proposal also includes a Rezone to extend the Planned Development Combining District, which currently includes the parcel at 475 N. Fair Oaks to include the parcels at 585 and 595 Columbia Ave.....". Would it be possible to share a map the Planned Development Combining District that is being expanded? It would just be nice to see the existing District boundary that is being expanded.

Staff Response: Please see the rezone map on page 3 of Attachment 7. The map shows that two of the three subject properties are currently zoned R-3 that need to be zoned R-3/PD for the proposed development. As seen in the exhibit, most of the adjoining neighborhood is zoned R-3. Adding the PD combining district would not constitute spot zoning because the base zoning is the same.

Council Question: Page 2 of 11, explains the Housing Accountability Act (HAA). "An important goal of the HHA is to promote affordable housing:

- How does this project do that? We appear to be removing fifteen less costly housing units and in return we are getting 18 new more expensive units (2 of which will be BMR). How is this promoting affordable housing?

Staff Response: As stated earlier, the monastery is considered congregate living, not rental residential units, so SB 330 would not apply to those units. It was determined that the units in the 11-unit apartment building were not market rentals for more than 5 years.

Council Question: Project Data Sheet. Why isn't the Building Height flagged with a *? The maximum is 30 feet, but with SB330 they are going to 35. Even though SB330 is the mechanism to allow going to 35 feet, shouldn't this be "flagged" on the Data Sheet?

Staff Response: The existing building heights are 30', and the allowed height is 35'. The project meets the 35' height limit.

Council Question: How tall is the "centralized trash enclosure" that requires the reduced rear setback Deviation?

- Can anything be done to reduce odor, since there will be a reduced set-back to other properties?
- Will garbage service here include full recycling? Including a Food Scrape program? Yes, I see this on page A-1.1.

Staff Response: It will have an overall height of 10'-5". The trash enclosure will have a roof to contain views and odors. Environmental Services Department reviewed the enclosure to ensure it meet the sizing and capacity criteria based on the number of units and anticipated waste generation.

Council Question: Parking

- Parking on this site appears to be very limited. I would even say, not sufficient. (I realize that the site is meeting the zoning mathematical formula for parking).
- The site relies heavily on the use of the two-car garage per unit.
- On page A-2.3, I was able to finally find the width of the garage that cars can enter. (16 feet and 3 inches). Depending on the type of car you drive, this is a very close space to park two cars. Especially, if they are two full size cars.
- BP-31. Bicycle Spaces. It states: " Each private garages shall provide a bike rack hooks....".
 - How many of these bike hooks?
 - Are the garages big enough to park two full size vehicles AND store the bicycles as described?
- What mechanism will be used to ensure that residents park in their garage and not use the 9 un-assigned (Guest) parking spaces?
- AT-5. Parking Lot Maintenance. States "Garage and carport spaces shall be maintained at all times so as to allow for parking of vehicles".
 - How is this enforced?
 - Can this be changed to state the occupants must use their garages before they use the un-assigned spaces?

Staff Response: Projects are reviewed using Council policies and General Plan and zoning standards, and if a project meets a standard, staff cannot recommend more than what is required. The law requires Planning to use objective standards in reviewing a project, including the number of parking spaces required. Two car garages are the typical method of parking for townhomes. A garage door width of 16' or greater is a standard width.

The issue of enforcing residents to use their garage versus the guest spaces has been an on-going concern for a while. Enforcing the use of a garage requires inspection of the garage to determine if there is parking available for cars in the garage, which is not easily done by Neighborhood Preservation. Adding language that residents must use the garages before parking in un-assigned spaces would not remove the potential for not using the garage for parking. If Council wanted to change the condition from “shall” to “must”, they can make that change.

Bike hooks in the garages will hold two bikes. Garages are 400 sq. ft. in size and bike hook will be installed at an elevation that will not obstruct cars.

Council Question: With the fact, we are approving a Special Development Permit, can the Council require additional “Tenant Relocation Assistance” features in PS-4?

- I am having a little trouble understanding why the 11-unit apartment building was excluded from this feature. The fact this was a communal setting rather than individual rental units doesn’t seem relevant. It is still x number of Sunnyvale residents that need to be relocated to some other housing location.
- Attachment 10 is the Tenant Relocation Plan. How do these payments per unit compare to our Mobile Home Tenant Relocation Plans? (Excluding the payments for the Mobile Home Unit itself). I am trying to specifically compare the relocation portion. Are these amounts consistent with what we require for Mobile Home units?

Staff Response: The City does not currently have a Relocation Program for tenants displaced from market rate developments, the only relocation requirement pertains to Mobile Home Park closures or conversions. MHP owners who plan to close or convert their parks, must hire a Relocation Specialist and do thorough analysis on all residents income levels and coach values. Mobile home park residents receive varying amount of relocation assistance and incentives, which varies on their income level, but is often in the range of \$10,000 to \$40,000 in relocation assistance (not factoring in the cost of the mobile home price). For market rate development resulting in displacement of tenants, there is no Sunnyvale specific relocation program and therefore we cannot compare the relocation subsidy rates. The City meets with the developers to understand the displacement impact and discuss market conditions, but cannot request higher relocation amounts for tenants. In addition, there is no evidence of the tenants income status as this information is not required to be obtained. Staff will provide a revised condition of approval that states that **“the developer must comply with all requirements of Government Code Section 66300 (known as the Housing Crisis Act of 2019 or SB 330) with regard to tenant relocation assistance and other protections for displaced tenants, if applicable.”**

Council Question: EP-22. Streetscape Improvements:

- Project Frontage on Fair oaks. It states we will go with a 10-foot-wide sidewalk with tree wells. Is this really what we want to do? There is a previous Townhouse development that fronts Fair Oaks between Columbia and E. Taylor. (The next block) It appears to have added a less wide sidewalk and expanded the street right-of-way; to possibly add bike lanes in the future. Could/should we require something similar here?

Staff Response: The comparison project is within the Fair Oaks Junction Sense of Place Plan, which calls for wider sidewalks. With the subject project’s proximity to Maude Avenue and Fair Oaks Park, it

is desired to have a wider 10' sidewalk with tree wells to facilitate pedestrian movements, in lieu of a sidewalk/parkstrip configuration. In 2012, when the project at the corner of Taylor and Fair Oaks was approved, emphasis on multi-modal transportation was not as clearly defined as in current times. Ultimately, the vision for Fair Oaks Avenue is the wider sidewalk configuration.

Council Question: EP-28 Red Paint Zone

- Great comments about the Red Curb East of the Drive Way on the North side of Columbia Ave. (It says “Westerly”, shouldn’t this be Easterly? (Or am I look at the map wrong).
- How far away from the corner of Columbia and Fair Oaks will parking be allowed on the North side of Columbia? We should ensure parking is not allowed too close to the corner to allow for good sight radius and safety.
- Will a high-visibility cross-walk be added on Columbia at Fair Oaks?

Staff Response: There is currently no on-street parking allowed on N. Fair Oaks Avenue. This COA was written incorrectly and the red portion should be modified as shown below:

Developer shall paint red zone ~~on the north side of Columbia Ave, from the edge of curb ramp to twenty feet past the curb return northerly and~~ on the north side of Columbia Ave, from the curb ramp to twenty feet past the curb return westerly (exclude curb ramp). The curb paint shall be per City requirements identified during the off-site improvements review. Sheets C1.0 through C6.1 of the plan set dated 04/15/20 is subject to change during the plan check process. [COA] [PUBLIC WORKS]

Given there is currently no parking allowed on N. Fair Oaks Avenue, it will remain as no parking allowed. On the Columbia Avenue side, staff is requiring the applicant to install red zone twenty feet past the curb return westerly, which is consistent with Sunnyvale Municipal Code 10.16.020(d):

The city traffic engineer is authorized, consistent with the latest standards or guidelines established by Caltrans, to install appropriate markings or signage creating “no parking” zones extending twenty feet from curb returns at all intersections controlled by yield signs, stop signs, or traffic signals. (Ord. 2981-12 § 2; Ord. 2524-95 § 1; Ord. 2435-93 § 1).

For this project, staff did not require the developer to install red curb east/west of the project driveway.

No crosswalk is required to be installed on Columbia Avenue at Fair Oaks Avenue, however, the applicant is required to install directional curb ramps facing Columbia Avenue at the northwest and southwest corners.

Council Question: Is there any type of strategy for where the construction vehicles and vehicles of construction workers will park? Street parking appears to be limited and this could be a large impact to the surrounding residents.

- EP-26. How will this be enforced? “.... Construction worker parking need to be stored on-site.....”.

Staff Response: City does not allow for contractor parking or staging on-street. Typically, a construction company will sequence their work in order to utilize a portion of the site for

parking/staging purposes. A contractor may also elect to lease a portion of private property nearby for these uses.

Council Question: On page “No Page number” – Vesting Tentative Map. Lot 1 has (ADA) on it. What are the special features that make this ADA? I assume that ADA in this context means American Disabilities Act. Why is the designated Handicap Parking space clear on the other side of the property? Would it make more sense for the ADA unit to be Unit 10?

Staff Response: The open space would typically be for guests of any unit and the resident of the ADA unit could use the attached garage. It is probably feasible for the ADA unit closer to Unit 10.

Council Question: I don’t see this discussed anywhere. Was anything done to reduce the view from windows/balconies/roofs decks on the North side of Units 10 through 18, from looking down into the housing units that are directly North? (i.e. A-4.2. I don’t see a North elevation). Can we see this view? Is this what I am looking at on page A-4.1? (View C) These views seem to be farther back than the building will be.

- If it’s the same elevation as we see as the elevation on Columbia, then it seems these units will look right down into the property/units to the North. (page AA-3.2)
- The same issue seems to exist on the Western elevation, but to a smaller extent.
- How tall is the North Perimeter Wall? What is it made of?

Staff Response: There is an existing line of trees that provide screening of the adjacent apartment building to the north. It interfaces with the side elevation of the apartment building and carport. The other interior units’ interface with residential property that large rear yard.

The 3 story buildings have a setback of 42’ from the west property line. The north perimeter wall will be a 6-foot-tall horizontal wood fence.

Agenda Item #: 5

Title: Adoption of the Draft 2020-2025 HUD Consolidated Plan and Draft 2020 HUD Action Plan

Council Question: I'm concerned that the Housing and Community Services Commission didn't have the opportunity to review and provide comment on a 5-year plan. What, specifically, is the streamlined HUD process that bypasses this.

Staff Response: The Housing Commission has been provided updates on the Consolidated Plan process throughout its planning period (about one year). The Plan has changed very little from the 2015 Consolidated Plan, all goals and priorities are the same. HUD established a range of COVID impact modifications to the normal public hearing and plan adoption requirements, including only one public hearing required and a five-day public review process. It should be noted that this plan was put through two public review opportunities, a 30-day review in mid-March (days after shelter in place went into effect), and then a second 12 day review period with the new CDBG-CV funding addition.

Council Question: If Council referred it for review, would there be another HCS Commission Meeting and another Council meeting in time for the City to meet the filing deadline?

Staff Response: No, the HUD deadline for both Action Plan and Consolidated Plan is August 15, 2020. The Housing Commission does not meet again until August 26, 2020.

Council Question: The staff report mentions that public feedback will be provided before the Council action. When will that feedback be provided to Council?

Staff Response: No public feedback was received during either public comment period on the Action Plan and Consolidated Plan. The Consolidated Plan consultants held a variety of workshops for the public, in which those comments were used to draft the plan; no comments for Sunnyvale were received since the draft was published. For both reports, we will end the public comment period at the City Council meeting, and will incorporate any oral or written public comments received during the City Council meeting into the plan which is submitted to HUD.

Council Question: What is the justification for \$50K toward housing rehabilitation? How many homeowners have taken advantage of the program in recent years?

Staff Response: Housing staff annually puts a minimum of \$50k towards the Housing Rehabilitation Program. Typically, between 10-15 households are approved for the various types of grants and loans offered through this program per year. In the last fiscal year, Housing received over 20 applications. We have already received five new applications this fiscal year. The types of grants and loans available are outlined at the following link:

<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=22886>.

Council Question: What are the requirements for an organization to qualify as a CHDO?

Staff Response: A CHDO is a private nonprofit, community-based organization that has staff with the capacity to develop affordable housing for the community it serves. In order to qualify for designation as a CHDO, the organization must meet certain requirements pertaining to their legal status, organizational structure, and capacity and experience, including: legal/tax exempt status, financial management capacity/accountability, staff capacity to carry-out HOME-funded activities, experience serving the community and Board representation by community members. Sunnyvale currently has one certified CHDO. CHDO funds are difficult for most cities to allocate as they can only be used towards certain development activities which are often the most expensive, and CHDO allocation are very limited.

Council Question: The public contact for this item included documents on display at the Library and at City Hall. How are members of the public able to access these documents given COVID-19 closures.

Staff Response: Staff is posting the Council agenda on the City's official-notice bulletin board outside City Hall, Sunnyvale Public Library and Department of Public Safety. We also make the agenda and report available at the Office of the City Clerk and on the City's website. If the public does not have computer access, they can go to the City Clerk's Office and there is a telephone number located on the outside for the public to contact them. Staff maintains a binder of the complete agenda and materials if the public wishes to review. Staff will bring the materials outside for review or select a safe location in the City Hall building for the public.