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From: Jay <

Date: Tue, Dec 1, 2015 at 9:32 PM

Subject: Insufficient parking at proposed Watt's Development project on De Guine - Part 1

To: "PlanningCommission@sunnyvale.ca.gov" <PlanningCommission@sunnyvale.ca.gov>

Dear Planning Commission,

At the last Planning commission meeting you did the right thing. You evaluated the intent of the solar ordinance, looked at the proposed development and location (Hotel on El Camino) took into account the affected parcels (a restaurant, and already tree shading parking structure) and decided the ordinance was not intended to prevent development on a busy business thoroughfare when it shaded a parking lot and part of the roof of the business next door that 1) did not have an issue with the development and 2) actually would benefit the business from having a hotel next door.

I am asking you to use the same solid logic to require an increase in the number of parking spaces for the proposed Watts Development 450 home town home complex on Duane. As currently planned, the complex only has 0.73 parking place per bedroom/2 parking places per unit. Yes, this meets the city ordinance requirements, but as you ruled with the Solar/Hotel issue, sometimes the city ordinances do not take into account "Reality". Following is a logical argument as to why 0.73 parking places per bedroom/2 parking places per unit is not adequate:

Due to high cost of town homes and rent the following is the norm for town homes :

- 1) Owners include Multi-generational families
- 2) Owners rent extra rooms to tenants
- 3) Owner occupied units turn to rental units over time (25% to 50% in the average town home complex)
- 3) Garages often not used for car parking (they become storage)

As a result, the car per bedroom ratio in most complexes is 1 car per bedroom, or higher.

As a first example:

Sun Pacific town home complex (10 years old).

24 total units

1 bedroom - 4 units: 1 car garage, 1 outdoor reserved

2 bedroom - 16 units: 1 car garage, 1 outdoor reserved

3 bedroom - 4 units: 2 car garage

+ 6 outdoor guest parking spots

total bedrooms: 48

total parking spots: 54

Ratio NOT including guest spots

parking spot/bedroom ratio = 1.0

parking spot/unit ratio = 2.0

Ratio including guest spots

parking spot/bedroom ratio = 1.125

parking spot/unit ratio = 2.25

HOWEVER, this complex does not have enough parking, on average both the the 1 bedroom and 2 bedroom units have 2-3 cars/unit, the 3 bedroom units have 2-4 cars/unit.

As a result occupants either park in the guest spots (and are fined) or the street (sometimes up to 2 blocks away). I know this because I am the one that is responsible for issuing parking violations for the complex, and listen to the complaints from those that get issued fines.

Over time higher density housing (with larger multi-room units) will be filled with people with more vehicles. Look at apartment complexes, most one room apartments put up in the 70-s and 80's had one parking spot per room, now most of those single room apartments have two cars per room (either married couples both working, or roommates) due to the high rents. I see it in our neighborhood every day, I see it in our town home complex, and it is already occurring at other newer complexes in the area.

Proposed Development:

450 total units
2 bedroom - 45 units: 1 car garage, 1.33 outdoor
3 bedroom - 88 units: 1 car garage, 1 outdoor
4 bedroom - 317 units: 2 car garage
+ 313 outdoor guest parking spots

total bedrooms: 1622
total parking spots: 1168

parking spot/bedroom ratio = .73
parking spot/unit ratio = 2.59

On the surface, looking at the parking spot per unit ratio, it appears parking is adequate. But this does not agree with reality, a reality I see every day, a reality where apartments are filled with families, tenants and renters.... each in a room, and each with a car to get to work or to go to school.

The street between Fusion and Stewart Village is already filled with parked cars, as is the end of Duane adjacent to 37 degree north.

Please require 100-300 more parking places for the proposed Watt's Development town home project, if not, in time, the streets across Duane will be even more filled than they are now as there is no street parking on DeGuine, and the south side parking on Duane is being removed and replaced with a bike lane as part of the street diet.

The new development in five to ten years will not be a pleasant place to live. People will be unhappy that they do not have enough parking, the neighborhood across Duane will be unhappy because they will not be able to park in front of their houses, and our part of Sunnyvale will be more of a parking lot than it already is.

Feel free to contact me if you have any questions.

Best Regards,

Jay Herbert

----- Forwarded message -----

From: **Jay**

Date: Fri, Dec 4, 2015 at 6:39 AM

Subject: Insufficient parking at proposed Watt's Development project on De Guine - Part 2

To: "PlanningCommission@sunnyvale.ca.gov" <PlanningCommission@sunnyvale.ca.gov>

Dear Planning Commission,

As I mentioned in the last email, the parking planned for The new 450 unit town home project at Duane and De Guigne is inadequate. It may meet the city's ordinance requirements, but when you consider how town home occupancy changes over time in terms of the number of occupants per room, and that neither Duane nor De Guigne has any on street parking, the proposed complex contains too few parking spaces. The city ordinance has a loop hole that can be manipulated and inadequately considers the number of rooms in complex.

As a second example of parking spot requirements, let's look at Stewart Village, an upscale apartment complex only a block away from the proposed town home development. Stewart Village tag-line is "Love where you Live". The complex features:

- Saltwater pool and spa with cabanas
- Clubhouse with fireplace and flat-screen TVs
- Fitness center
- Internet café business center
- Electric vehicle charging stations

And one more important thing for tenants, **adequate parking**:

The complex has a total of 202 units as follows:

	Rooms	Parking spots
119 - 1BRx1BA homes (1 car garage) =	119	119
65 - 2BRx2BA homes (1 garage) =	130	65
1 - 1 BR town homes (these all have a 2 car direct access garage) =	1	2
17 - 2 BR town homes (these all have a 2 car direct access garage) =	34	34
External parking spots =		119

Total units: 202

Total rooms: 284

Total Parking spaces: 305

Parking spot/Bed Room 305/284 = 1.07

Parking spot/unit ratio 305/202 = 1.51

Stewart Village is a business that in order to keep and draw tenants must provide a quality living experience over the long term, it understands that having a place to park is important.

Unfortunately, the Fusion development next door to Stewart Village, even though its parking spot ratio is higher than that at the proposed development, is not adequate, and as a result, the street between Stewart Village and Fusion, and the street adjacent to the park is parked full.

I am asking you to require an increase in the number of parking spaces for the proposed Watts Development 450 home town home complex on Duane. As currently planned, the complex only has 0.73 parking place per bedroom/2.59 parking places per unit. Yes, this meets the city ordinance requirements, but it is up to you to see that the requirements are incorrect, and in future years as the rooms in the development are filled with people that drive cars, the parking WILL BE inadequate and the development and the neighborhood will not be a "Pleasant place to live." Sometimes the city ordinances are outdated and do not take into account "Reality", the city's development /parking ordinance is a good example of this.

Following is a logical argument as to why 0.73 parking places per bedroom/2.59 parking places per unit is not adequate:

Due to high cost of town homes and rent the following is the norm for town homes :

- 1) Owners include Multi-generational families
- 2) Owners rent extra rooms to tenants
- 3) Owner occupied units turn to rental units over time (25% to 50% in the average town home complex)
- 4) Garages often not used for car parking (they become storage)
- 5) average number of cars for both 1 bedroom and 2 bedroom units is 2-3 cars/unit
- 6) average number of cars for 3 and 4 bedroom units have 2-4 cars/unit.

As a result, the car per bedroom ratio in most complexes is 1 car per bedroom, or higher.

Over time higher density housing (with larger multi-room units) will be filled with people with more vehicles. Look at apartment complexes, most one room apartments put up in the 70-s and 80's had one parking spot per room, now most of those single room apartments have two cars per room (either married couples both working, or roommates) due to the high rents. I see it in our neighborhood every day, I see it in our town home complex, and it is already occurring at other newer complexes in the area.

Proposed Development:

450 total units
2 bedroom - 45 units: 1 car garage, 1.33 outdoor
3 bedroom - 88 units: 1 car garage, 1 outdoor
4 bedroom - 317 units: 2 car garage
+ 313 outdoor guest parking spots

total bedrooms: 1622
total parking spots: 1168

parking spot/bedroom ratio = .73
parking spot/unit ratio = 2.59

On the surface, looking at the parking spot per unit ratio, it appears parking is adequate. But this does not agree with reality, a reality I see every day, a reality where apartments are filled with families, tenants and renters.... each in a room, and each with a car to get to work or to go to school.

The parking spot per Bedroom is the number that matters.

Please require 100-300 more parking places for the proposed Watt's Development town home project, if not, in time, the streets across Duane will be even more filled than they are now as there is no street parking on De Guigne, and the south side parking on Duane is being removed and replaced with a bike lane as part of the street diet.

The new development in five to ten years will not be a pleasant place to live. People will be unhappy that they do not have enough parking, the neighborhood across Duane will be unhappy because they will not be able to park in front of their houses, and our part of Sunnyvale will be more of a parking lot than it already is.

Feel free to contact me if you have any questions.

Best Regards,

Jay Herbert

—— Forwarded message ——

From: Jay <

Date: Sat, Dec 5, 2015 at 5:39 PM

Subject: Insufficient parking at proposed Watt's Development project on De Guine - Part 3

To: "PlanningCommission@sunnyvale.ca.gov" <PlanningCommission@sunnyvale.ca.gov>

The goal of a planning commission is to look at a proposal made in the present, evaluate the data, and decide if in the future it is the right thing for the city of Sunnyvale. Looking into the future is a challenging and complex task, but it is one that needs to be done.

Sometimes looking at the past opens a window into the future. The neighborhood where our town home complex is located has mostly apartments, many of which are one and two bedroom unit. When they were planned, approved and built, most families had one car. The apartment developments were built with parking of one car per unit. As a result, now (in the future) the streets are parking lots, with apartment dwellers often parking 2 blocks or more away from their unit. The plan at the time did not take into account what might occur in the future.

The proposed development on De Guigne and Duane is in the present. I'm asking you to look the Watt's De Guigne and Duane proposal as it will be in the future.

Following is a summary of the previous two emails:

Due to high cost of town homes and rent, the following is the norm for town homes:

- 1) Owners include multi-generational families
- 2) Owners rent extra rooms to tenants
- 3) Owner occupied units turn to rental units over time (25% to 50% in the average town home complex)
- 4) Children obtain cars
- 5) Garages often not used for car parking (they become storage)

As a result, the car per bedroom ratio in most town home complexes is 1 car per bedroom, or higher.

Sun Pacific town home complex:

Total bedrooms: 48

Total parking spots: 54

Parking spot/bedroom ratio = **1.125**

Parking spot/unit ratio = 2.25

Stewart Village Apartment Complex:

Total rooms: 284

Total Parking spaces: 305

Parking spot/bedroom $305/284 = 1.07$

Parking spot/unit ratio $305/202 = 1.51$

Watt's Development 450 town home proposal:

Total bedrooms: 1622

Total parking spots: 1168

Parking spot/bedroom ratio = .73

Parking spot/unit ratio = 2.59

On the surface, looking at the parking spot per unit ratio, it appears parking is adequate. But this does not agree with reality, a reality I see every day, a reality where apartments are filled with families, tenants and renters.... each in a room, and each with a car to get to work or to go to school.

The street between Fusion and Stewart Village is already filled with parked cars, as is Duane Court adjacent to 37 Degree North.

Please increase the parking places for the proposed Watt's Development town home project by 100-300 spaces. If not, in time, the streets across Duane will be even more filled than they are now as there is no street parking on De Guigne, and there will be less parking on Duane when the bike lane and street diet are completed.

The new development in five to ten years will not be a pleasant place to live. People will be unhappy that they do not have enough parking, the neighborhood across Duane will be unhappy because they will not be able to park in front of their houses, and our part of Sunnyvale will be more of a parking lot than it already is.

Feel free to contact me if you have any questions.

Best Regards,

Jay Herbert

P.S. I have done similar studies for the Fusion Development (better parking spot/bedroom ratio that is similar to Stewart Village because the city required a higher than code required number of parking spots) and 37 degree north (already becoming a problem due to its high number of bedrooms per unit, ratios which is similar to the proposed development)

Call for Equitable Development of 915 Deguine

Stan Hendryx, Hendryx & Associates
Sunnyvale, California
December 7, 2015

Prepared for the City of Sunnyvale
Planning Commission, City Council, City Staff

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Call for Equitable Development of 915 Deguine

Stan Hendryx, Hendryx & Associates
Sunnyvale, California
December 7, 2015

I. SUMMARY

1. Sunnyvale, we have a problem. The problem is a critical shortage of affordable housing for our service workers — our teachers, public safety workers, health care workers, civil servants, retail workers, restaurant workers, retail workers, hospitality workers, laborers, teamsters, technicians, clerical staff, and corporate support personnel. This shortage forces these people, who typically earn less than 80% of median household income, to commute long distances to Sunnyvale on a daily basis or to abandon their jobs in Sunnyvale and find employment elsewhere, affordable and closer to home. Skyrocketing rents in Sunnyvale in recent years has brought this chronic problem to a critical point. There is a growing shortage of willing workers in service occupations across the board in Sunnyvale. A crisis is at hand. Worker shortages are increasingly threatening the education of our children, our public safety, our community services, and the viability of our businesses large and small. This trend is tearing at the fabric of our community. It is destabilizing. It threatens at once Sunnyvale's quality of life, its environment, and its economy. We are unavoidably linked in our civic ecosystem, dependent on each other. At some point, we must recognize the need to affirmatively further fair housing for these people in Sunnyvale. Our future and theirs depends on it.

2. Sunnyvale's appellation as the Heart of Silicon Valley derives from its role as the birthplace of the semiconductor industry, which has transformed the world. A dark side of this legacy is pollution caused by accidental discharge of hazardous materials into the environment of semiconductor research facilities and fabrication plants in Sunnyvale. One such site is 915 Deguine, comprising 25 acres in northeast Sunnyvale. In the 1970's, Hazardous

wastes were generated and stored in underground storage tanks, two of which leaked and caused groundwater and soil contamination. The site was declared a Superfund Site by the U.S. Environmental Protection Agency. Remedial treatment has been ongoing at this site for thirty-five years to clean up the mess. The remediation has been successful to the point where the land can now be safely used for residential purposes. Watt Development purchased the land for that purpose. City Council voted a few weeks ago to rezone the property for residential mixed use. Watt is proposing a to construct 450 owner-occupied townhouses on the site, including 56 subsidized below-market-rate (BMR) units. None of these units, including the BMR units, are affordable by people having less than 80% of median income. Watt's plan has not been approved, nor should it be; the Planning Commission is scheduled to review it on December 14.

3. Availability of such a large tract of land for development presents a unique opportunity for Sunnyvale. It is probably the largest tract to become available during the tenure of the current City Council. As such, it presents a distinct opportunity to use the land to address the shortage of affordable housing for our service workers and other benefits.

4. This report describes in some detail the problem and concomitant problems it creates, and the opportunity 915 Deguine presents. Solving this problem will take time, concerted effort and commitment by all stakeholders, including government, developers, investors, business owners, residents, service workers, and non-governmental agencies. It is necessarily an innovative, collaborative effort by all concerned. It may require a reordering of priorities by some, for the sake of the long-term social, economic, and environmental well-being of our city. 915 Deguine should mark a significant first step in this new direction. The report concludes with recommendations for some next steps in this direction. The overall recommendation is that the Watt proposal should not be approved in its present form. Rather, the stakeholders should work together to develop a plan for sustainable equitable development of fair housing at 915 Deguine.

II. THE HOUSING PROBLEM IN SUNNYVALE

A. Low-income Housing Needs

5. The housing crisis described above is chronic, at least 30 years old. The old joke used to be that “the cost of living is high, but it beats the alternative.” Not any more. The alternative for our service workers is, increasingly, to quit Sunnyvale and find life elsewhere, or endure long commutes. Several bits of data collected recently are given here that illustrate the problem. There seems little doubt that more rigorous data collection and analysis will support these anecdotes.

6. An indicator used by our schools for the number of poor and disadvantaged families in their district is the number of students receiving free or reduced-cost lunches. To qualify, these children must come from families with incomes below 50% and 80% of the median, respectively. Michael Gallagher, Deputy Superintendent of Sunnyvale School District, reported at the December 4, 2015, session of Leadership Sunnyvale that the percentage of their students receiving free or reduced lunches in June 2010 was 51.4%. By June 2015 this had dropped to 40.6%. Presently, the rate is about 36%, a remarkable drop of over 4% in four months. This drop is attributable to families having moved out of Sunnyvale, not their having become more prosperous. Children from more prosperous families partially replaced the departing students. He pointed out that one clear cause of the displacement was the demolition of low-cost housing in the vicinity of Vargas Elementary School and its replacement by multi-unit luxury dwelling units. He called this trend “gentrification.”

7. According the Director of the local YMCA, who lives in an older apartment house near El Camino and Wolfe, rents in her building have increased year-over-year by 13% to 20%, each year for the last two years. She also said that about 95% of her staff of 186 lives outside of Sunnyvale, because of the high cost of housing here. The Y serves several thousand Sunnyvale residents. She doesn’t know how long she can hold on to her job, for the rent.

8. A young teacher couple recently quit when they had a baby and felt the housing situation in Sunnyvale offered them no future. They moved out of the area.

9. A nurse reported commuting weekly from Elk Grove, near Sacramento. She stayed in a hotel in Fremont and commuted daily to Sunnyvale to work. She finally quit.

10. Another nurse recently quit her job in Sunnyvale to become a nanny, because the pay was better.

11. Participants in another Leadership Sunnyvale session were asked to prepare a statement of what they each see as the most pressing issue for Sunnyvale. Out of 11 participants, 9 said that affordable housing for low- to moderate-income people is the number-one issue facing Sunnyvale. A top recommendation of the group: institute rent control.

12. According to a supervisor in the Santa Clara County Health Department, there is a distinct tendency for high density and tenement living among lower income families.

13. A Planner on the City Staff said that the BMR units in owner-occupied dwellings are targeted for those making 80% to 120% of median; this is considered moderate income. They are not targeted to low-income, which is generally regarded as less than 80% of median. The BMR rental units are targeted to low-income people. He acknowledged that there is always a long waiting list for these units. Importantly, new market-priced rental units in Sunnyvale are not accessible to low-income families. Sunnyvale home ownership is out of the question for virtually all of these people. Sunnyvale's housing policy is well described as gentrification. With the recent rapid rise in rents, Sunnyvale may be nearing a tipping point.

B. Sunnyvale Rental Housing Inventory

14. The following table gives the inventory of rental units in Sunnyvale, from the U.S. Census Bureau's American Community Survey 5-year Housing Data, by Place, for Sunnyvale, as of 2012, available [here](#).

Table 1 Sunnyvale Rental Housing Inventory – 2012

Type	Number	Percent
Total Housing Units	56,134	100%
Occupied	54,043	96.27%
Vacant	2,091	3.73%
Owner Occupied housing units	25,595	47.36% of occupied units
Renter Occupied housing units	28,448	52.64% of occupied units
Renter Occupied 1-person Household	8,872	31.19% of renter occupied units
Renter Occupied 2-person Household	8,292	29.15%
Renter Occupied 3-person Household	5,702	20.04%
Renter Occupied 4-person Household	3,381	11.88%
Renter Occupied 5-person Household	1,238	4.35%
Renter Occupied 6-or-more Household	963	3.39%
Average occupancy	2.39/unit	Assuming no more than 6/unit
Median Year Structure Built for Renter Occupied Units	1975	
Renter occupied units Built 2000 or later	1,509	5.3%
Renter occupied units Built before 1980	18,139	63.76%
Renter occupied units Built 1980-1999	8,800	30.93%
Renter occupied units Built 1950-1979	16,609	58.38%
Renter occupied units Built 1949 or earlier	1,530	5.38%
Median number of rooms – Owner Occupied	6	
Median number of rooms – Renter Occupied	4	
Units in structure: 2 to 4 units	5,231	9.32% of all structures
Units in structure: 5 to 19 units	10,030	17.87%
Units in structure: 20 or more	11,168	19.9%
Units in structure: Mobile home, etc.	3,867	6.89%
Renter-occupied units: 1, detached	3,180	11.18% of rental units
Renter-occupied units: 1, attached	1,556	5.47%
Renter-occupied units: 2 to 4	4,503	15.83%
Renter-occupied units: 5 to 19	8,617	30.29%
Renter-occupied units: 20 or more units	9,997	35.14%
Renter-occupied units: Mobile home, etc.	595	2.09%
No bedroom (Studio)	1,937	6.81% of rental units
No bedroom (Studio): Less than \$200/mo	36	1.86% of studios
No bedroom (Studio): \$200 to \$499/mo	168	8.67%
No bedroom (Studio): \$500 to \$999/mo	601	31.03%
No bedroom (Studio): \$1000/mo or more	1,132	58.44%
1 bedroom	10,456	36.75% of rental units
1 bedroom: Less than \$200/mo	16	0.15% of 1 bedroom units
1 bedroom: \$200 to \$400/mo	327	3.13%
1 bedroom: \$500 to \$999/mo	872	8.34%
1 bedroom: \$1000/mo or more	9,091	86.95%
1 bedroom: no cash rent	150	1.43%

Type	Number	Percent
2 bedroom	11,703	41.14% of rental units
2 bedroom: Less than \$200/mo	0	0% of 2 bedroom units
2 bedroom: \$200 to \$499/mo	89	0.76%
2 bedroom: \$500 to \$599/mo	293	2.5%
2 bedroom: \$1000 or more	10,987	93.88%
2 bedroom: no cash rent	332	2.85%
3 or more bedrooms	4,352	15.3% of rental units
3 or more bedrooms: Less than \$200/mo	0	0% of 3 or more bedrooms
3 or more bedrooms: \$200 to \$400/mo	92	2.11%
3 or more bedrooms: \$500 to \$999/mo	241	5.54%
3 or more bedrooms: \$1000/mo or more	3,763	86.47%
3 or more bedrooms: no cash rent	256	5.88%
Units with cash rent less than \$499/mo	764	2.69% of rental units
Units with cash rent \$500 to \$599/mo	178	0.63%
Units with cash rent \$600 to \$699/mo	266	0.94%
Units with cash rent \$700 to \$799/mo	375	1.32%
Units with cash rent \$800 to \$899/mo	550	1.93%
Units with cash rent \$900 to \$999/mo	1,159	4.07%
Units with cash rent \$1000 to \$1249/mo	4,837	17.0%
Units with cash rent \$1250 to \$1499/mo	6,671	23.45%
Units with cash rent \$1500 to \$1999/mo	8,467	29.76%
Units with cash rent \$2000/mo or more	4,441	15.61%
Units with no cash rent	740	2.6%
Median contract rent	\$1,465	

15. The median contract rent requires an income of about \$58,600/year, figuring 30% of gross income is budgeted for rent. Sunnyvale's median household income, 2009-2013 was \$100,093 (<http://quickfacts.census.gov/qfd/states/06/0677000.html>), so the median rent was accessible in 2012 to those with income above 58.55% of the median. Rent of \$2000/mo would require an income of about \$80,000, or 79.93%, right at the low-income level. Low-income is generally considered to be 50% to 80% of median. The poverty level is generally considered to be about 50% of median. As of 2012, there were 15,540 rental units in Sunnyvale under \$1500/mo, 54.27% of rental units, and 23,907, 84% of rental units, under \$2000/mo. The issue at hand is the stock of suitable housing available at a price the service worker can afford. To assess this, we need data about the number of service workers in Sunnyvale and the distribution of their wages.

C. Other data needed

16. Sunnyvale rents have risen dramatically since 2012, so Table 1 is out of date and needs to be updated for current planning purposes. The corrections are expected to be large, perhaps as much as 30% or so, based on the anecdotal evidence, and cannot be ignored.

17. Data in addition to the inventory is needed to explicate the low-income housing problem. Data from the U.S. Department of Housing and Urban Development (HUD) is available at <http://egis.hud.opendata.arcgis.com>, from which Table 1 was derived. A lot of data on the population of low- and very-low income households by census tract is available through HUD's Affirmatively Furthering Fair Housing Tool (AFFH Tool), available at <http://affht.vsolvit.com>. AFFH is described below.

18. Two other datasets that are needed are the distribution of wages paid to service workers in Sunnyvale, preferably by census tract of work location; and home and work locations for workers and residents, to determine commuting patterns. Some of this data is probably available; some may need to be collected. Policy drives data. Sunnyvale may need to establish a policy that requires this data; Federal laws can likely justify this. These data need to be researched and the quality and granularity of any data found needs to be assessed for its suitability this purpose. The HUD data is mainly residence-centered, rather than workplace-centered, so other sources will likely need to be sought for the workplace-related data.

D. Traffic and Sustainability

19. Traffic is obviously impacted by commuting, which is a major sustainability issue. Equitable development supports sustainability. Equitable development *is* sustainable development.

20. It is self-evident that having people living close to work reduces trips, miles traveled and greenhouse gas (GHG) emissions. Each 4 miles of a daily commute in a typical gasoline-powered car emits about 1 ton of GHG per year. According to the Census Bureau,

Sunnyvale's population swells by about 20,000 each workday. Assuming inbound commute distance averaging 20 miles, commuting into Sunnyvale emits 100,000 tons of GHG per year. Clearly, planning for sustainability needs to include making it possible for people, including service people, to live close to where they work. Sustainability requires a balanced city.

21. It is well known that the feasibility of public transportation infrastructure is highly dependent on density. For example, transportation energy expenditure (annual gigajoules per capita) has been estimated for several of the world's major cities, as shown in Table 2.

Table 2 Transportation Energy vs. Density

City	Density (people per acre)	Transportation Energy (GJ/capita/year)
Houston	5.7	73
Sunnyvale*	10	65
San Francisco	28	56
New York	43	45
London	55	12
Hong Kong	320	3

Source: Ferrão and Fernández, *Sustainable Urban Metabolism*, MIT Press, 2013

*interpolated

22. Increasing local density within the city increases the viability of local transportation. 915 Deguine is adjacent to an existing, relatively new multi-unit development to the East, off Santa Real Avenue, the San Miguel and San Miguel East neighborhoods to the Northeast. (See photo at the end of this report.) Adding high-density development at 915 Deguine might well justify development of a neighborhood transit hub connecting to Lawrence Station, Sunnyvale Train Station, Downtown, El Camino Real, and Fremont High School.

E. Sunnyvale Vision, Goals and Policies

Vision and Goals

23. The Sunnyvale General Plan includes a lofty vision for the city: "Sunnyvale is an attractive, safe, environmentally-sensitive community which takes pride in the diversity of its people, the innovation of its businesses and the responsiveness of its government." (p.2-33)

24. “The Community Vision and the Long-range Planning Goal seek ... to accommodate growth in a balanced manner, so development of new housing units generally keeps up with development of new jobs, and infrastructure capacity improvements keep up with the growth overall.” (p.2-44) The City has the desire. It needs to find the will and the way. The General Plan identifies specific issues that 915 Deguine provides an opportunity to address in a meaningful way (p.2-28):

- “Lack of sufficient affordable housing...
- Overuse of energy and natural resources in the face of global environmental problems.
- Limited participation of many minority and foreign-born residents in the overall life of the community.
- Insufficient number and variety of retail establishments to meet the needs of the community.
- Lack of access to public and private services for residents of northern neighborhoods.
- Lack of sufficient high-quality arts and entertainment venues to meet the needs of the community.”

25. 915 Deguine is in a northern neighborhood. Building luxury townhouses there does not address these needs.

26. The General Plan Land Use element has guided the City for 58 years: “Since the first General Plan was adopted for Sunnyvale in 1957, the City has expressed its goals for the future with emphasis in four broad areas:

- Appropriate housing
- Strong economy
- Transportation efficiency
- Community character

These areas are comprehensive and interwoven concepts. They have a timeless quality and continue to provide a solid platform for the City’s land use and transportation goals.”

27. Policy LT-1.3b, “Promote shorter commute trips and ease congestion by advocating that all communities provide housing and employment opportunities.” (p.3-4)
Minimum Wage

28. Rent is one factor in the affordability equation; the other is wages. The minimum wage in Sunnyvale is \$10.30/hour, or \$21,424/year for full time work, 21.4% of median, well below the poverty level. At it’s December 1, 2015, meeting, City Council voted to

raise the minimum wage in Sunnyvale to \$15/hour by 2018. This is a step in the right direction for our service workers, but still only gives \$31,200, 31.17% of median at 2012 levels. Because of inflation of rents, this is likely to be essentially at or near the same ratio in 2018 as today, around 20% of median, in terms of housing purchasing power.

Housing Policy

29. Sunnyvale has for years demonstrated a pattern of permitting and constructing a disproportionate number of ownership residential units, townhouses and condominiums, as opposed to rental units. This has been done ostensibly to promote tenure within the city, since homeowners typically have a greater stake in the city than renters, who are more transient. Ownership is also the most profitable to develop. All of the owner-occupied units, including the 12.5% quota of below-market-rate units, are priced above what a typical service worker can afford.

30. Some significant rental developments are underway. Their market rents are above what service workers can afford. New multi-unit rental developments have a 12.5% below-market-rate unit quota; these units are often affordable by low-income families. This is helpful, but the number of such units available is seriously insufficient, given the large cumulative imbalance in low-income housing in Sunnyvale. Some service worker families with double income and no kids make enough household income to afford Sunnyvale housing. However, they are pressured by lack of suitable housing to leave as their family grows, as the anecdotal evidence indicates. Service workers are being forced out of the city by new development. New service workers are unable to find housing within the city.

31. Sunnyvale has de facto adopted a policy of gentrification. This historic pattern systematically excludes low-income service workers from housing opportunities in Sunnyvale. The sustainability of this policy, the sustainability of Sunnyvale with the policy, and its legality, is now being questioned.

Job Creation

32. Sunnyvale has embarked on a major economic development campaign, slated to create thousands of high-paying jobs in the technology sector, with expected positive impacts on jobs in the hospitality, retail, and other parts of the service sector, as well as the construction industry. Millions of square feet of new office space are planned or under construction. Twelve new hotels are planned. El Camino Real is brimming with new projects. The downtown redevelopment project is coming to life again. The economic outlook for Sunnyvale seems very bright indeed. However, there is a backside of this picture: exodus of service workers. Either the mid- and long-term negative consequences of this flight are not fully comprehended by decision makers, or else they are being ignored in favor of short-term advantages. Balance and equity have gotten sidetracked in Sunnyvale in recent years.

33. It has been said that each high-paying high tech job created leads to the creation of three service jobs. (Sunnyvale City Council Meeting of December 1, 2015, regarding the minimum wage.) Thus, City policy is driving up the demand for service workers at the same time its housing policy is forcing service workers out of Sunnyvale and reducing the supply of service workers. This is neither equitable nor sustainable.

34. Ordinarily, one would think that the laws of supply and demand would suggest that service worker wages would go up when the demand goes up and the supply goes down. However, this is likely not happen in here. Businesses have alternatives to raising wages. Sunnyvale is part of a regional economy. Some service workers will elect to keep their jobs and commute from a different city. Some businesses and service organizations will continue at a lower level of service. Others will likely close or move out of Sunnyvale. Larger companies may eventually choose to expand elsewhere or shrink their presence in Sunnyvale, if they cannot get needed service workers. Sunnyvale will suffer in any alternative.

III. REGULATIONS

A. Federal Regulations

35. Several Federal and State laws and regulations focus on low-income housing. These laws may compel certain Sunnyvale actions or provide justification for City policies that might be unpopular with some members of the City government, the public or the business community.

36. The laws that require cities to provide affordable housing are rooted in title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601-3609, as amended, known as The Fair Housing Act. The preamble reads “(a) It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.”

37. “The Fair Housing Act not only prohibits discrimination but, in conjunction with other statutes, directs HUD’s program participants to take significant actions to overcome historic patterns of segregation, achieve truly balanced and integrated living patterns, promote fair housing choice, and foster inclusive communities that are free from discrimination.”
(Federal Register, Vol. 80, No. 136, July 16, 2015, p.42272)

38. Sunnyvale is defined as a “program participant” at least under 24 CFR §5.154(b)(1)(i) because it receives more than \$500,000 in Community Development Block Grants (CDBG) in a year. As such, Sunnyvale’s first Assessment of Fair Housing (AFH) submission to HUD is due in 2016, possibly as early as April 1, 2016. §5.160(a)(1)(A) and §91.15(b)(2).

39. Sunnyvale’s historic imbalanced construction of affordable housing is a historic pattern of segregation that The Fair Housing Act and its subordinate rules and regulations aim to rectify.

Affirmatively Furthering Fair Housing

40. HUD’s newest regulation implementing The Fair Housing Act is codified in 24 CFR Parts 5, 91, 92 *et al.* Affirmatively Furthering Fair Housing Rule. This rule became effective August 17, 2015. Part 5—General Program Requirements; Waivers and Part 91—Consolidated Submission for Community Planning and Development Programs are the most pertinent in this case.

41. 24 CFR §5.150 Affirmatively Furthering Fair Housing: Purpose. “[T]he purpose of the Affirmatively Furthering Fair Housing (AFFH) regulations in §§ 5.150 through 5.180 is to provide program participants with an effective planning approach to aid program participants in taking meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination. The regulations establish specific requirements for the development and submission of an Assessment of Fair Housing (AFH) by *program participants (including local governments, States, and public housing agencies (PHAs))*, and the incorporation and implementation of that AFH into subsequent consolidated plans and PHA Plans in a manner that *connects housing and community development policy and investment planning with meaningful actions that affirmatively further fair housing*. A program participant’s strategies and actions must *affirmatively further fair housing* and may include various activities, such as *developing affordable housing, and removing barriers to the development of such housing, in areas of high opportunity*; strategically enhancing access to opportunity, including through: *Targeted investment in neighborhood revitalization or stabilization*; preservation or rehabilitation of existing affordable housing; promoting greater housing choice within or outside of areas of concentrated poverty and greater access to areas of high opportunity; and improving community assets such as quality schools, employment, and transportation.” (*Italics added.*)

42. The italicized phrases above highlight the City's main responsibilities under this Rule that are pertinent to the 915 Deguine project. Sunnyvale is considered an area of high opportunity.

43. HUD AFH Tool, Map 1 Race/Ethnicity, shows that the residential area adjoining 915 Deguine to the north, which includes San Miguel Elementary School one block away, is predominantly Hispanic and Asian/Pacific Islander, which are protected classes under the Civil Right Act. That they are poor is indicated by the fact that 75% of San Miguel's students receive free or reduced cost lunches, and the school also conducts a substantial adult food program. (Leadership Sunnyvale at San Miguel School on December 4, 2015) Because 915 Deguine is a superfund site and is located in a disadvantaged neighborhood, it should qualify for financial assistance under various revitalization and redevelopment programs of the Federal government. Sunnyvale must submit its policies and plans in its AFH for this to happen.

44. Part 5.154 Assessment of Fair Housing (a): "*General*. To develop a successful affirmatively furthering fair housing strategy, it is central to *assess the elements and factors that cause, increase, contribute to, maintain, or perpetuate segregation, racially or ethnically concentrated areas of poverty*, significant disparities in access to opportunity, and *disproportionate housing needs*. For HUD program participants already required to develop plans for effective uses of HUD funds consistent with the statutory requirements and goals governing such funds, an AFH will be integrated into such plans." (*Italics added*.) "HUD funds" includes Sunnyvale's CDBG.

45. The annual AHF replaces the Analysis of Impediments (AI) that program participants were previously required to perform. A key difference is that the AI was not submitted to HUD for approval, whereas an AHF must be submitted and approved. Also, an AHF is more comprehensive than an AI. Accordingly, HUD is providing online data and analysis tools to assist program participants in the preparation of their AFHs. Participants are

expected to supplement the HUD data with their own local data as required to fully describe the conditions and remedies they identify and propose. The content of an AFH is specified in §5.154 and includes, at a minimum, a summary of fair housing issues and capacity; analysis of HUD and local data to identify segregation patterns and trends, identify concentrated areas of poverty, identify disparities in access to opportunity, *identify disproportionate housing needs*; assessment of fair housing issues using the HUD tools; identification of fair housing priorities and goals; strategies and actions to implement goals and priorities; summary of community participation; review of progress since the last annual AFH.

46. Broad community participation is mandatory for each AFH. A summary of the views expressed is to be included in the AFH, including recommendations not accepted.

47. The area south of 915 Deguine to the railroad is industrial, populated by some of Sunnyvale's high-performing technology companies. Apple occupies a building adjacent to 915 on the south, at 455 Deguine. Stewart Drive hosts many high-tech companies, including Trimble and Vitria, and others. Geographic access to Sunnyvale jobs is not a problem for people living at 915 Deguine. They will be within easy walking or biking distance to many jobs, even Moffat Park and Peery Park. See the map at the end of this report.

Executive Order 12898

48. Executive Order 12898, entitled "Executive Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," issued on February 11, 1994, declares that Federal agencies shall make it part of their mission to achieve environmental justice (EJ) "by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." EJ is a shared responsibility among Federal agencies, since many issues overlap and involve more than one agency, e.g., HUD,

DOT, EPA are all potentially involved in the 915 Deguine project. This provides multiple avenues for assistance as well as accountability.

49. Since 915 Deguine is in a neighborhood of low-income minority population, it is subject to environmental justice actions. Environmental justice means that disadvantaged people are not to be disproportionately made to endure bad environmental conditions.

According to the U.S. EPA, the kind of housing discrimination practiced in Sunnyvale is an environment justice issue. (Carlton Eley, EPA Office of Environmental Justice, personal communication, November 30, 2015). According to Mr. Eley, “[Housing imbalance] is also a NEPA issue. The National Environmental Policy Act (NEPA) requires the preparation of social impacts assessments. “A serious housing imbalance” from development is a social impact that should be documented before development is approved rather than rendered invisible.”

Superfund Site Status

50. 915 Deguine was contaminated in the 1970s by leakage from two underground hazardous waste storage tanks. The soil contamination was remedied by 1982. Remedying the groundwater contamination has been much more difficult. The site was added to the National Priorities (“Superfund”) List in 1990. The groundwater contamination remediation has been ongoing since, and will continue as long as waste is left on the site. However, except for a restrictive covenant that the groundwater not be used for drinking water purposes, the site “currently protects human health and the environment.” This enabled the rezoning of the site for residential use. The EPA issued this Protective Statement on September 15, 2014 AMD 915 Deguine Fourth 5-year Report:

51. “The remedy at the AMD 915 Site currently protects human health and the environment because the restrictive covenant prohibits the use of site groundwater for drinking water purposes, and indoor air concentrations of volatile contaminants have been below protective levels. However, in order to [be] protective in the long term, the following actions

need to be taken: 1) record a new environmental restrictive covenant for the property that is consistent with current California law [California Civil Code §1471], 2) establish a broader strategy for groundwater restoration for the site taking into account the upgradient sites and 3) an Explanation of Significant Differences should be issued to set new clean up goals for the chemicals considering the new MCLs.” (U.S. EPA, Fourth Five-year Review for AMD 915 Deguine, §10 Protectiveness Statement, p.45, September 15, 2014)

52. The soil contamination at 915 Deguine was remedied by 1982. “Two interim remedial actions for soil were completed in 1981 and 1982 by AMD. The first action involved the removal of a waste solvent tank and the photoresist stripper tank in June 1981. This excavation resulted in the removal of approximately 1,500 cubic yards of soil, but the soil was not analyzed for VOCs [volatile organic compounds] at that time. Additional investigation of the area in July 1990 included VOC analysis and indicated that the original action had been successful because no remaining soil exceeded 1 part per million (ppm) of VOCs.

53. “The second action included the removal of the ANS from the Pad C area north of the AMD 915 facility. The ANS and approximately 5,500 cubic yards of soil were removed from December 1981 through January 1982. The excavation depth ranged from approximately 15 to 28 feet bgs [below ground surface], and the excavation was backfilled with sand-cement slurry to a depth of approximately 5 feet bgs. Excavated materials were disposed of at an off-site commercial disposal facility. The shoring for the excavation remained in place. In July of 1990, additional data collection to investigate remaining potential sources of soil contamination was completed as part of the final remedial investigation (RI) study. The only analytes detected in the soil samples at that time were 1,2,4-trichlorobenzene and 1,2,3-trichlorobenzene. These analytes were present at levels below 1 part per million (ppm), which represented insignificant soil contamination. Thus, following completion of the (RI), it was determined that the interim remedial actions for soil had

been successful.” (U.S. EPA, Fourth Five-year Review for AMD 915 Deguine, p.9, September 15, 2014)

B. State Regulations
Regional Housing Need Allocation (RHNA)

54. “The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its Housing Element. As part of this process, the California Department of Housing and Community Development (HCD) identifies the total housing need for the San Francisco Bay Area for an eight-year period (in this cycle, from 2014 to 2022). The Association of Bay Area Governments must then develop a methodology to distribute this need to local governments. Once a local government has received its final RHNA, it must revise its Housing Element to show how it plans to accommodate its portion of the region’s housing need.

55. “Senate Bill 375, “The California Sustainable Communities and Climate Protection Act of 2008,” established a new framework for the RHNA. SB 375 requires each of the state’s 18 metropolitan areas, including the Bay Area, to develop a Sustainable Communities Strategy (SCS) with the goals of reducing greenhouse gas (GHG) emissions from cars and light trucks and accommodating all needed housing growth within the region. This law seeks to ensure that future land uses (through RHNA and other plans) are coordinated with long-term transportation investments.” (*Regional Housing Need Plan, San Francisco Bay Area: 2014-2022*, Association of Bay Area Governments (ABAG), p.4)

56. The aim of the RHNA is to promote orderly growth of California. The RHNA derives from the California Department of Housing and Community Development (HCD), who estimates the total housing need for each of 18 regions in the State every eight years. This accounts for the expected growth in different parts of California, due to births, deaths, immigration and emigration, over the next eight-year period. The quota is given to an

authority in each region, who allocates the regional totals to the cities in the region. ABAG is the regional authority for the Bay Area. Sunnyvale's Mayor represents the City on ABAG. The allocation is determined by negotiations following a methodology developed by ABAG. The Bay Area and Sunnyvale allocations by income level are given in Table 3.

Table 3 RHNA Housing Quotas by Income for the Bay Area: 2014 – 2022

2014 – 2022 RHNA by Income	Percent	Units (ABAG)	Sunnyvale
Very Low Up to 50 Percent of Area Median Income	24.8%	46,680	1,640
Low Between 51 and 80 Percent of Area Median Income	15.4%	28,940	906
Moderate Between 81 and 120 Percent of Area Median Income	17.8%	33,420	932
Above Moderate Above 120 Percent of Area Median Income	42.0%	78,950	1,974
Total	100.0%	187,990	5,452

57. Notice that the Very Low and Low levels constitute 40.2% of the total. However, only 12.5% of the total is BMR, leaving 27.7%, or 1,510 units of non-subsidized affordable housing units in Sunnyvale. The State and Federal governments subsidize BMR. This is only the growth portion; it does not include the cumulative deficit of affordable housing in Sunnyvale. Until we get more data on the deficit, we don't know the extent of the problem.

58. Recall from Table 1 that as of 2012, there were 15,540 rental units in Sunnyvale under \$1500/mo, 54.27% of rental units. Thus, Sunnyvale's RHNA quota for Low and Very Low is 2,546, or 16.38% of the 2012 inventory, through 2022, just to avoid increasing the deficit.

59. "Santa Clara County has the highest median household income in the nation, at \$93,500, [U.S. Census Bureau has Sunnyvale at \$100,093 2009-2013] and two other Bay Area urban centers are in the top 10, but the tech-fueled geyser of wealth has created a widening gap between high earners and middle- and low-income workers, according to a report released Monday..."High tech industries are driving the gains in the Bay Area," said Jim Diffley, senior

director of IHS Economics, which prepared the study for the [U.S. Conference of Mayors]. "The problem is a good share of the gains in the economy during the rebound aren't going to the lower half or the middle class in income distribution. We have to be careful that economic growth benefits all income levels."" (Mercury News, August 11, 2014. [Get article here.](#))
Senate Bill 535

60. "Assembly Bill 32, the California Global Warming Solutions Act of 2006, marked a watershed moment in California's history. By requiring in law a sharp reduction of greenhouse gas (GHG) emissions, California set the stage for its transition to a sustainable, low-carbon future. AB 32 was the first program in the country to take a comprehensive, long-term approach to addressing climate change, and does so in a way that aims to improve the environment and natural resources while maintaining a robust economy." [AB 32 Overview](#) SB 535 creates the Greenhouse Gas Reduction Fund and program for managing the proceeds from the Cap-and-Trade auctions of AB 32.

61. "The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020. The act requires the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions. The act authorizes the state board to include use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature.

62. “This bill would require the California Environmental Protection Agency to identify disadvantaged communities for investment opportunities, as specified. The bill would require the Department of Finance, when developing a specified 3-year investment plan, to allocate 25% of the available moneys in the Greenhouse Gas Reduction Fund to projects that provide benefits to disadvantaged communities, as specified, and to allocate a minimum of 10% of the available moneys in the Greenhouse Gas Reduction Fund to projects located within disadvantaged communities, as specified. The bill would require the Department of Finance, when developing funding guidelines, to include guidelines for how administering agencies should maximize benefits for disadvantaged communities. The bill would require administering agencies to report to the Department of Finance, and the Department of Finance to include in a specified report to the Legislature, a description of how administering agencies have fulfilled specified requirements relating to projects providing benefits to, or located in, disadvantaged communities.” (SB 535, Legislative Counsel’s Digest, September 30, 2012)

63. Since 915 Deguine is located in a disadvantaged community, providing affordable housing at that location would both benefit the community and be in the community. It appears likely that such a project at 915 Deguine would be eligible for financial assistance from the Greenhouse Gas Reduction Fund, especially if the housing were made available to people who work in Sunnyvale but currently live more than, say, 20 miles from Sunnyvale.

The Quimby Act

64. California Government Code §66477 is known as the Quimby Act. The aim of the Quimby Act is to enable cities and counties to continue to provide a certain level of convenient neighborhood park space and recreational facilities for residents of new residential developments. The Quimby Act allows cities to require developers to dedicate land for parks or recreational facilities that serve residents of a development, or to pay a fee in lieu of such amount of land, or a combination of land and fees. The amount of land and fee-equivalents is

based on the residential density of the development, in persons per household. It is a rebuttable presumption that the density of a development is the same as the average density of the city as a whole as of the most recent Federal census. The density of Sunnyvale is 2.64 persons per household, per the 2010 Federal census. The amount of the fee can be at most the lesser of 5 acres per 1000 people or the actual ratio of city park acreage to city population as of the most recent Federal census, but least 3 acres per 1000 residents of the development. Sunnyvale's ratio 5.2 acres per person in 2010, so Sunnyvale is entitled to collect up to 5 acres per 1000 residents in a new development. In-lieu payments are based on fair market value of land. Sunnyvale land is currently valued around \$4 million per acre.

65. "The city... shall develop a schedule specifying how, when, and where it will use the land or fees, or both, to develop park or recreational facilities to serve the residents of the subdivision." GC §66477(6)(A)(i) Sunnyvale has not been developing such schedules; no such schedule exists for the Watt proposal at 915 Deguine. The fee collected from a development must be expended within five years on land or recreational facilities within the neighborhood of the development, or be returned, without any deductions, to the then-record property owners in the development. Fees can be expended in areas beyond the neighborhood, but only under significant restrictive conditions, including a public hearing and a finding that residents of the development will use the facility. The specified radius of the "neighborhood of the development" is designated by the city consistent with the adopted general plan or specific plan of the city. Sunnyvale's general plan specifies a radius of one-quarter mile for parks less than three acres and school open space, and one-half mile for larger parks. (General Plan, p.3-33) Private land and improvements thereto in the neighborhood can be dedicated provided it is for active recreational use of the residents of the development. If such park and recreational facilities are provided by a public agency other than a city or county, e.g., a school district, the city or county and the other public agency shall jointly determine the amount and location of the

land or fees paid. Sunnyvale has a number of park joint use agreements with school districts, including with San Miguel School, which is located about one-quarter mile north of 915 Deguine boundary. The nearby San Miguel East residential area is underserved by parks by these General Plan standards. (See General Plan Figure 3-5, p.3-34) The City has not specified a particular park density goal, park acres per 1000 people, but the General Plan says such a goal “would be helpful” and implies a goal of 5 acres per 1000 people city-wide.

66. “In 1990, the National Recreation and Park Association (NRPA) developed standards or guidelines which recommended 4-6 acres of open space per 1000 population. Although it would be helpful to have a standard for the amount and kind of open space appropriate for the Sunnyvale community, the NRPA has since acknowledged the difficulty in setting standards that would be applicable to all communities, given each community’s unique characteristics. The 1990 NRPA standard is, however, still widely used as a starting point of discussion. At 5.7 acres per 1000 [in 2005], Sunnyvale falls well within that guideline.” (General Plan, p.3-35. See also Figure 3-34, p.3-33.) Sunnyvale has been adding population without commensurate additions to parkland, so the ratio had fallen to 5.2 by 2010. Today, it is about 4.9. It is projected to go to 4.2 by 2020 if the rate of growth continues without parkland additions.

67. Originally, a park dedication of 5.8 acres was proposed for the 25-acre 915 Deguine site. Watt is proposing to dedicate acres, at the corner of Deguine and Duane, and pay \$13 million in in-lieu fees.

68. “Furthermore, the April 2013 subsurface investigation for the City of Sunnyvale (Ground Zero Analysis, Inc. 2013) suggests that, as part of redevelopment plans, the project proponent intended to dedicate approximately 5.8 acres to the City of Sunnyvale for a public park. The current owner may build a small private park on the property for future

residents of apartments and condos.” (U.S. EPA, Fourth Five-year Review for

AMD 915 Deguine, p.7)

Sunnyvale Park Dedication Fees

69. Council deliberated Staff recommendation RTC 10-245 to establish a park dedication fee of 5 acres per 1000 on August 11, 2010. Council voted to adopt the Staff recommendation, which was implemented by two ordinances, one for subdivisions, i.e. owner-occupied units, and one for rental housing.

70. Municipal Code §18.010.040 Density formula gives the park dedication acreage requirements per dwelling unit within a subdivision by dwelling category. The 2010 Federal density of 2.64 persons per household (unit) is used here to convert the requirement from acres per unit to acres per 1000 persons, as used in the Quimby Act. The Requirements given below are applicable from July 1, 2014:

Dwelling Category	Density Units per Acre	Requirements Acres per Unit	Requirements Acres per 1000 Persons
Low density residential	7 or fewer	0.01375	5.2
Low-medium density residential	Over 7 to 14	0.0125	4.7
Medium density residential	Over 14 to 27	0.009	3.4
High density residential	Over 27	0.009	3.4

This same table appears in MC §19.74.040, where it applies to rental housing.

71. It is noted that the low-density residential requirement exceeds the Quimby limit of 5.0. The medium- and high-density requirements are well outside the NPRA recommended range of 4-6 acres per 1000 people, to which the General Plan subscribes.

72. It is unknown how it came to be that medium- and high-density residential developments are granted such low park dedication fees. This seems upside down: intuitively,

people in high density housing need more nearby park space because they have less space at home. Park utilization studies are needed to determine the right ratio for Sunnyvale.

IV. THE 915 DEGUINE NEIGHBORHOOD

73. The neighborhood of 915 Deguine is shown in the map at the end of this report. Its demographics were described previously.

74. San Miguel Elementary School is located one-quarter mile to the North, on San Miguel Avenue. The City has a joint use agreement for public use of the School's playground and athletic field after school hours.

75. King's Academy, a private High School on the former Sunnyvale High School site, adjoins 915 Deguine on the West. Fair Oaks Park is next to King's Academy, on the West. At 15.3 acres, Fair Oaks Park is the third-largest neighborhood park in Sunnyvale, with many amenities. The City has a joint use agreement for public use of the Academy's playground and athletic field after school hours, in conjunction with the Park. It is about three-quarters of a mile walk from the center of 915 Deguine to the center of Fair Oaks Park. The distance could be shortened by establishing a public walkway to Fair Oaks Park from the Southwest corner of 915 Deguine through the athletic field South of the Academy buildings.

76. The area South of 915 Deguine is industrial, populated mostly by high-tech companies, as has been said. Residential areas lay East and North of 915 Deguine. A substantial multi-unit development is to the East. To the North and East are many single-family homes of the San Miguel and East San Miguel neighborhoods. Park dedication funds from development of 915 Deguine could be productively applied to site and build a park between 915 Deguine and East San Miguel that would serve both neighborhoods.

77. Swegles Park, 1 acre, is located at the Southeast corner of 915 Deguine. Swegles is one of Sunnyvale's newest parks, comprising an athletic field, a few picnic tables and a small playground.

78. A small retail strip called Fair Oaks Plaza is located North of 915 Deguine, at the corner of Deguine and Duane. It is rundown and partially empty and is inadequate to serve the immediate retail needs of this neighborhood. It could be productively redeveloped, possibly expanded to include the entire block.

79. Equitable development of 915 Deguine presents a golden opportunity to Sunnyvale to address multiple goals at the same time, goals of Sunnyvale, of the neighborhood, and of the region: affordable housing, reduction in traffic and GHG emissions, school and neighborhood improvements. Building a public transportation hub at 915 Deguine, with full support for bike and pedestrian ways to the industrial areas South and East would take pressure off the intersections of Duane with Fair Oaks Blvd. and Lawrence Expressway, which are at service level F during peak hours. The best way to improve these intersections is to increase the local density around the 915 Deguine, San Miguel, and San Miguel East neighborhoods to the point that local public transport becomes viable. This will reduce transportation energy consumption and GHG emissions. Redevelopment of Fair Oaks Plaza, perhaps with some mixed-use retail at 915 Deguine, would be expected help to further reduce trips outside the neighborhood by making essential retail and services available within the neighborhood. San Miguel School is a major asset to this community, widely recognized for excellence in serving this disadvantaged community in so many ways. Equitable development of 915 Deguine would trigger a cascade of improvements to this neighborhood and Sunnyvale as a whole.

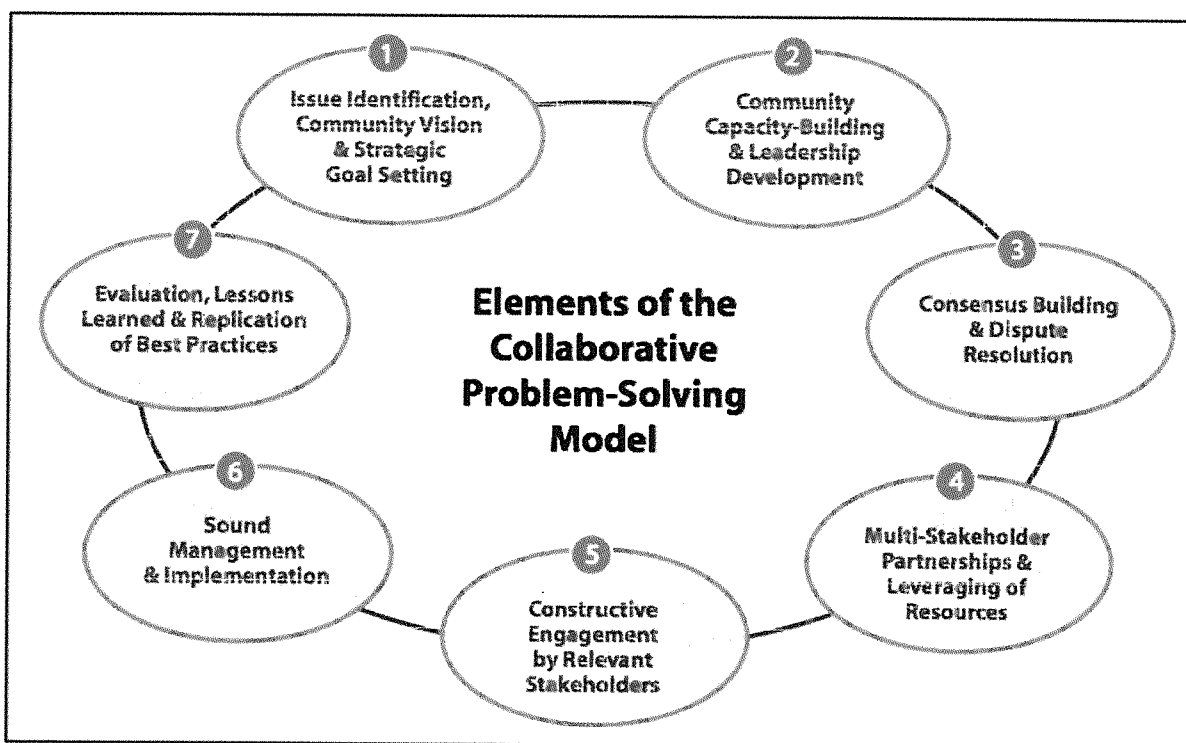
80. Equitable growth is balanced growth. Equitable growth is sustainable growth. Equitable growth is providing housing for our service workers as well as our high tech workers. How proud we all will be to see the San Miguel neighborhoods transformed into a model of equitable growth and development. Its all here, or can be: jobs, housing, schools, parks, retail, transport. Live, work and play in San Miguel. It is entirely appropriate that Sunnyvale, about the highest income city in the highest income county in the nation, should do this. Don't settle.

V. RECOMMENDATIONS

81. The first recommendation of this report is that Watt's proposal for 915 Deguine should not be approved in its present form.

82. This report does not make specific recommendations for the development of 915 Deguine. That is the task for the stakeholders in this project to decide – all of them or representatives of each stakeholder group, including Watt. Stakeholder groups were partially enumerated at the beginning of this report. None are to be left out of the dialog. The second recommendation is that the City support an collaborative group to develop the strategy and master plan for the San Miguel area, including 915 Deguine, as part of its AFH preparations.

83. A view of the way forward is suggested along the lines of the EPA's Environment Justice Collaborative Problem-Solving Model. It is intended for solving hard problems involving many stakeholders having disparate views and interests.



VI. 915 DEGUINE NEIGHBORHOOD MAP

