

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014
RESOLUTION NO. 16-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
ADOPTING AMENDMENTS TO THE POLICY AND PROCEDURES MANUAL
FOR ADMINISTERING DEED RESTRICTED AFFORDABLE HOUSING UNITS**

WHEREAS, the City of Cupertino (the "City") has since 1993 implemented an Office and Industrial Housing Mitigation Program and a Residential Housing Mitigation Program, described in the Housing Element of the General Plan, requiring the payment of housing mitigation fees by non-residential development and residential projects with six units or less, and requiring the provision of moderate-income and median-income housing in developments with seven units or more (the "Housing Mitigation Program"); and

WHEREAS, the Policy and Procedures Manual for Administering Deed Restricted Affordable Housing Units serves as the day-to-day operational manual for both City staff and its Below Market-Rate (BMR) program administrator for BMR units generated by the City's Housing Mitigation Program; and

WHEREAS, from time to time the Policy and Procedures Manual for Administering Deed Restricted Affordable Housing units is to be updated for clarity, to ensure consistency in review of applications, and to ensure compliance with state law.

THEREFORE, BE IT RESOLVED:

Section 1. After careful consideration of the facts, exhibits, staff report, testimony, and other evidence submitted in this matter, the City Council finds as follows:

1. The foregoing recitals are true and correct and incorporated into this resolution by this reference.
2. The Policy and Procedures Manual for Administering Deed Restricted Affordable Housing Units has been updated to amend the appeal procedures and conflict of interest provisions.
3. Adoption of this resolution is exempt from the California Environmental Quality Act because the proposed changes to the Policy and Procedures Manual for Administering

Deed Restricted Affordable Housing Units are not a project, in that the adoption of the Manual is an administrative activity that will not result in direct or indirect physical changes in the environment (CEQA Guidelines Section 15378(b)(5)).

Section 2.

The City Council hereby approves the amendments to the Policy and Procedures Manual for Administering Deed Restricted Affordable Housing Units as shown in Exhibit "A" attached to this resolution.

PASSED AND ADOPTED this 2nd day of August 2016, at a meeting of the City Council of the City of Cupertino by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Grace Schmidt
City Clerk

Barry Chang
Mayor, City of Cupertino

Exhibit A

**Policy and Procedures Manual for Administering Deed Restricted
Affordable Housing Units
(Attached)**