



# City of Sunnyvale

## Notice and Agenda

### City Council

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Tuesday, February 7, 2017

4:30 PM

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

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**Special Meetings: Closed Session- 4:30 PM | Study Session- 6 PM | Regular Meeting- 7 PM**

#### **4:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)**

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

##### **2 Roll Call**

##### **3 Public Comment**

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

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

###### **[17-0139](#)**

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

Agency designated representatives: Teri Silva, Director of Human Resources; Deanna J. Santana, City Manager  
Employee organization: Service Employees International Union (SEIU)

###### **[16-1134](#)**

Closed Session held pursuant to California Government Code Section 54956.8: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: "Block 15 Affordable Housing Site" located at 365-407 S. Mathilda Avenue and 388-406 Charles Street (APNs 165-13-045, 165-13-046, 165-13-068, 165-13-069, 165-13-073, 165-13-074)

City negotiators: City Manager Deanna Santana, Director of Community Development Trudi Ryan and Housing Officer Suzanne Isé

Negotiating parties: The Related Companies of California,

LLC

Under negotiation: Price and terms of payment for a proposed long-term ground lease of City property (Exclusive Negotiating Agreement)

## **5 Adjourn Special Meeting**

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

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

### **2 Roll Call**

### **3 Public Comment**

### **4 Study Session**

[16-0087](#)

Board and Commission Interviews

## **5 Adjourn Special Meeting**

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

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

### **CALL TO ORDER**

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

### **SALUTE TO THE FLAG**

### **ROLL CALL**

### **CLOSED SESSION REPORT**

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

[17-0194](#)

SPECIAL ORDER OF THE DAY - National African American History Month

[17-0197](#)

SPECIAL ORDER OF THE DAY - National Slavery and Human Trafficking Prevention Month

[17-0212](#)SPECIAL ORDER OF THE DAY - Certificate of Recognition to  
Director of Environmental Services Upon His Retirement**ORAL COMMUNICATIONS**

*This category provides an opportunity for members of the public to address Council on items not listed on the agenda and is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the Mayor) with a maximum of up to three minutes per speaker.*

*Please note the Brown Act (Open Meeting Law) does not allow Councilmembers to take action on an item not listed on the agenda. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.*

**CONSENT CALENDAR**

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

**1.A**    [17-0018](#)            Approve City Council Meeting Minutes of January 24, 2017

**Recommendation:** Approve the City Council Meeting Minutes of January 24, 2017 as submitted.

**1.B**    [17-0019](#)            Approve City Council Meeting Minutes of January 31, 2017

**Recommendation:** Approve the City Council Meeting Minutes of January 31, 2017 as submitted.

**1.C**    [16-1042](#)            Approve the List(s) of Claims and Bills Approved for Payment  
by the City Manager

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

**1.D**    [17-0056](#)            Award of Contract for the Corporation Yard Site Feasibility  
and Modernization Plan (F17-010) and Approval of Budget  
Modification No. 30 in the Amount of \$81,724

**Recommendation:** 1) Award a contract in substantially the same form as Attachment 1 to the report and in an amount not to exceed \$259,749 to Kappe Architects Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met; 2) approve a 10% contract contingency in the amount of \$25,975; and 3) approve Budget Modification No. 30 in the amount of \$81,724 to provide additional project funding.

**1.E** [17-0145](#) Approve the Third Amendment to Outside Counsel Agreement with Bertrand, Fox & Elliot for Litigation Services

**Recommendation:** Authorize the City Attorney to execute a Third Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Bertrand, Fox & Elliot to increase the not-to-exceed amount by \$100,000, for a new not-to-exceed contract amount of \$325,000.

**1.F** [17-0163](#) Adopt Ordinance No. 3108-17 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone certain 54 Contiguous Properties located between Carlisle Way, Dartshire Way and Mallard Way from R-0 (Low Density Residential Zoning District to R-0/S (Low Density Residential/Single-Story) Zoning District

**Recommendation:** Adopt Ordinance No. 3108-17.

**1.G** [17-0164](#) Adopt Ordinance No. 3109-17 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone certain 25 Contiguous Properties located between Torrington Drive on the North Side, Sesame Drive on the West Side and includes Snowberry Court from R-1 (Low Density Residential) Zoning District to R-1/S (Low Density Residential/Single-Story) Zoning District

**Recommendation:** Adopt Ordinance No. 3109-17.

**1.H** [17-0206](#) Adopt Ordinance No. 3110-17 to Repeal Chapter 9.54 (Human Habitation of Vehicles) of Title 9 (Public Health, Safety & Welfare) and Amend Section 10.16.140 (Parking for Certain Purposes Prohibited) of Chapter 10.16 (Parking Regulations) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code

**Recommendation:** Adopt Ordinance No. 3110-17.

## **PUBLIC HEARINGS/GENERAL BUSINESS**

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

- 2      [17-0072](#)      Authorize the City Manager to Explore a Partnership with the Sunnyvale School District for the Joint Development and Operations of the Lakewood Branch Library and Learning Center

**Recommendation:** Alternative 1: Authorize the City Manager to proceed with a feasibility study and to explore a partnership with the Sunnyvale School District for the joint development and operations of a Lakewood Branch Library and Learning Center.

- 3      [16-0664](#)      Next Steps and Possible Options for the Sale of Property Located at 1050 & 1060 Innovation Way (Onizuka) and approval of Budget Modification No. 28

**Recommendation:** Alternatives 1, 2 and 4: 1) Direct staff to proceed with a Request for Proposal for real estate broker services for the sale of the property on the open market; 2) Direct staff to proceed with the drafting of an amendment to the Moffett Park Specific Plan for City Council consideration at a future date to allow higher floor area ratio in connection with redevelopment of the Onizuka Parcels as described in the report, and 4) Approve Budget Modification No 28 to Appropriate \$20,000 for updated appraisals and a Phase I Environmental Assessment.

- 4      [17-0205](#)      Appoint a Council Representative to the Santa Clara Valley Water District Water Commission

**Recommendation:** Alternatives 1 and 2: 1) Appoint a Councilmember to serve at the City's primary representative on the Water Commission; and 2) Appoint a Councilmember to serve as the City's alternate representative on the Water Commission.

- 5      [17-0070](#)      Approve the Statement on Our City Values and Public Service Affirming the City of Sunnyvale's Commitment to Serving Our Diverse Community in a Respectful, Equitable, and Inclusive

Manner

**Recommendation:** Alternative 1: Approve and authorize the Mayor to sign the Statement on Our City Values and Public Service affirming commitment to serving our diverse community in a respectful, equitable, and inclusive manner attached as Attachment 1 to the report.

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

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

-Council

-City Manager

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

[17-0021](#) Tentative Council Meeting Agenda Calendar

[17-0015](#) Information/Action Items

### **ADJOURNMENT**

### **NOTICE TO THE PUBLIC**

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

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

*which is subject to Code of Civil Procedure 1094.5.*

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

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

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

**Planning to provide materials to Council?**

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

**Upcoming Meetings**

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

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

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



# City of Sunnyvale

## Agenda Item

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**17-0139**

**Agenda Date:** 2/7/2017

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

Agency designated representatives: Teri Silva, Director of Human Resources; Deanna J. Santana, City Manager

Employee organization: Service Employees International Union (SEIU)



# City of Sunnyvale

## Agenda Item

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**16-1134**

**Agenda Date:** 2/7/2017

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Closed Session held pursuant to California Government Code Section 54956.8: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: "Block 15 Affordable Housing Site" located at 365-407 S. Mathilda Avenue and 388-406 Charles Street (APNs 165-13-045, 165-13-046, 165-13-068, 165-13-069, 165-13-073, 165-13-074)

City negotiators: City Manager Deanna Santana, Director of Community Development Trudi Ryan and Housing Officer Suzanne Isé

Negotiating parties: The Related Companies of California, LLC

Under negotiation: Price and terms of payment for a proposed long-term ground lease of City property (Exclusive Negotiating Agreement)



# City of Sunnyvale

## Agenda Item

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**16-0087**

**Agenda Date: 2/7/2017**

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Board and Commission Interviews



# City of Sunnyvale

## Agenda Item

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**17-0194**

**Agenda Date: 2/7/2017**

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SPECIAL ORDER OF THE DAY - National African American History Month



# City of Sunnyvale

## Agenda Item

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**17-0197**

**Agenda Date: 2/7/2017**

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SPECIAL ORDER OF THE DAY - National Slavery and Human Trafficking Prevention Month



# City of Sunnyvale

## Agenda Item

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**17-0212**

**Agenda Date: 2/7/2017**

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SPECIAL ORDER OF THE DAY - Certificate of Recognition to Director of Environmental Services  
Upon His Retirement



# City of Sunnyvale

## Agenda Item

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**17-0018**

**Agenda Date: 2/7/2017**

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**SUBJECT**

Approve City Council Meeting Minutes of January 24, 2017

**RECOMMENDATION**

Approve the City Council Meeting Minutes of January 24, 2017 as submitted.



# City of Sunnyvale

## Meeting Minutes - Draft City Council

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Tuesday, January 24, 2017

5:00 PM

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

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**Special Meeting: Closed Session-5 PM | Regular Meeting-7 PM**

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

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

Vice Mayor Larsson announced the items for Closed Session and invited any members of the public to provide public comments before convening to Closed Session.

Vice Mayor Larsson called the meeting to order at 5 p.m.

#### **2 Roll Call**

**Present:** 7 - Mayor Glenn Hendricks  
Vice Mayor Gustav Larsson  
Councilmember Jim Griffith  
Councilmember Larry Klein  
Councilmember Nancy Smith  
Councilmember Russ Melton  
Councilmember Michael S. Goldman

#### **3 Public Comment**

No speakers.

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

[16-1133](#)

Closed Session held pursuant to California Government Code Section 54956.8: CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN 213-12-001 1142 Dahlia Court/1197 Lily Avenue (commonly referred to as Corn Palace)  
Agency negotiator: City Manager Deanna Santana; Director of Community of Development Trudi Ryan; Director of Public Works Manuel Pineda; City Property Administrator Ryan Sandoval

Negotiating parties: Gabriel Francia Trustee, or authorized buyer

Under negotiation: Price and terms of payment

[16-0329](#)

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

Title: City Attorney

## **5 Adjourn Special Meeting**

Vice Mayor Larsson adjourned the meeting at 6:31 p.m.

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

### **CALL TO ORDER**

Mayor Hendricks called the meeting to order.

### **SALUTE TO THE FLAG**

Mayor Hendricks led the salute to the flag.

### **ROLL CALL**

**Present:** 7 - Mayor Glenn Hendricks  
Vice Mayor Gustav Larsson  
Councilmember Jim Griffith  
Councilmember Larry Klein  
Councilmember Nancy Smith  
Councilmember Russ Melton  
Councilmember Michael S. Goldman

Councilmember Goldman arrived at 7:05 p.m.

### **CLOSED SESSION REPORT**

Vice Mayor Larsson reported the Council met in Closed Session pursuant to California Government Code Section 54956.8: Conference with Real Property Negotiators; nothing to report.

Vice Mayor Larsson reported the Council met in Closed Session pursuant to California Government Code Section 54957: Public Employee Performance Evaluation: City Attorney; nothing to report.

**SPECIAL ORDER OF THE DAY****17-0003** SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Mayor and Vice Mayor

The ceremonial Oath of Office for Mayor Glenn Hendricks was administered by his son, Griffin Hendricks.

Mayor Hendricks provided incoming remarks.

The ceremonial Oath of Office for Vice Mayor Gustav Larsson was administered by Sue Harrison.

Vice Mayor Larsson provided incoming remarks.

**ORAL COMMUNICATIONS**

Councilmember Griffith announced Board and Commission recruitment and an upcoming application deadline.

Mitchell Harnett, study.com, provided information regarding Mountain View Working Scholars and submitted written materials.

Andrew Boone spoke regarding the quality of public involvement in Sunnyvale, and expressed concerns regarding the Mary Avenue overcrossing. Boone spoke regarding alternatives for solving traffic issues on Lawrence Expressway and regarding Valley Transportation Authority's proposal for bus only lanes on El Camino Real.

Zachary Kaufman spoke regarding campaign finance reform.

Adam Hogsett spoke regarding the cost of attending local universities and the minimum wage in Sunnyvale.

**CONSENT CALENDAR**

Councilmember Melton stated he would abstain from voting on Item 1.A as he did not participate in the Council meeting, and he would recuse himself from voting on Item 1.M as he participated in decisions regarding the matter while a member of the Planning Commission.

Councilmember Goldman stated he would abstain from voting on Item 1.A as he did not participate in the Council meeting, and he would recuse himself from voting on Item 1.M as he was vocal regarding the subject matter.

Councilmember Smith stated she would abstain from voting on Item 1.A as she did

not participate in the Council meeting.

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

**Yes: 7 -** Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Klein  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No: 0**

**1.A**     [16-1034](#)     Approve City Council Meeting Minutes of December 13, 2016

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve the City Council Meeting Minutes of December 13, 2016 as submitted.

The motion carried by the following vote:

**Yes: 4 -** Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Klein

**No: 0**

**Abstain: 3 -** Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**1.B**     [16-1040](#)     Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Approve the list(s) of claims and bills.

**1.C**     [17-0035](#)     Approval to Modify Contract to Provide Employment and Training Services for NOVA Ready to Work Grant

Authorize the City Manager to execute an amendment to the agreement with City of San Francisco (Office of Economic and Workforce Development) for workforce development services to increase the contract amount by \$300,000 for a new

contract amount of \$1,280,000 for services through October 31, 2018.

- 1.D**      [16-0954](#)      Approve a Transportation/Traffic Impact Fee Reimbursement Agreement with Christensen Holdings LP for Construction of Mathilda Avenue Median Improvements at 433 N. Mathilda Avenue and Approve Budget Modification No. 25 to appropriate \$49,556 to a new Project, Improvements at Mathilda and Maude

Approve Cost Reimbursement Agreement, in substantially the same form as Attachment 2 to the report, with Christensen Holdings LP for the Construction of Additional Improvements for the Mathilda median and authorize the City Manager to Execute the Agreement and Approve Budget Mod No. 25 in the amount of \$49,556.

- 1.E**      [16-1022](#)      Authorization to Amend Three Temporary Personnel Services Agreements for Fire Inspection Services (F17-061) and Approval of Budget Modification No. 26 in the Amount of \$480,000

1) Approve Budget Modification No. 26 in the amount of \$480,000 in Development Enterprise Fund Reserves to provide funding for fire protection system plan review and inspection services; and 2) authorize the City Manager to execute the amendments, in substantially the same form as Attachment 1 to the report, to increase the not exceed contract amounts for the existing temporary personnel services agreements as follows: a) 4Leaf, Inc. from \$75,000 to \$155,000; b) Fire & Risk Alliance, LLC from \$175,000 to \$375,000 and c) Jensen Hughes, Inc. from \$175,000 to \$375,000.

- 1.F**      [16-0996](#)      Adopt a Resolution Authorizing the City Manager to Execute an Agreement for Purchase of Certain Property Rights and Acceptance of Two Temporary Construction Easements and Two Aerial Easement Deeds in Relation to the Fair Oaks Avenue Overhead Bridge Rehabilitation Project.

Adopt the resolution authorizing the City Manager or her designee to execute the Agreement for Purchase of Certain Property Rights with Monument 3: Realty Fund VII, LTD and with Monument 3: Realty Fund VIII, LTD in the amount of \$382,275, and accept on the behalf of the City two aerial easement deeds and two temporary construction easements in relation to the Fair Oaks Avenue Overhead Bridge Rehabilitation Project.

- 1.G**      [17-0036](#)      Approve the Second Amendment to Outside Counsel Agreement with Burke, Williams & Sorensen, LLP for

### Litigation Services

Authorize the City Attorney to execute a Second Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Burke, Williams & Sorensen, LLP, to extend the term of the Agreement until April 13, 2020, and to increase the not to exceed amount by \$27,000, for a new not to exceed contract amount of \$127,000.

- 1.H**      [17-0115](#)      Approve the Second Amendment to Outside Counsel Agreement with Renne Sloan Holtzman Sakai, LLP for Labor Negotiation Services

Authorize the City Attorney to execute a Second Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Renne Sloan Holtzman Sakai, LLP, to increase the not to exceed amount by \$50,000, for a new not to exceed contract amount of \$150,000.

- 1.I**      [17-0028](#)      Adopt a Resolution Authorizing the City Manager to Execute an Agreement with the State Board of Equalization and any other related document for Implementation of the Local Prepaid Mobile Telephony Services Collection Act (Collection of UUT for Prepaid Wireless Service)

Adopt a Resolution Authorizing the City Manager to execute the Agreement with the State Board of Equalization and any other related documents for Service for Implementation of the Local Prepaid Mobile Telephony Services Collection Act.

- 1.J**      [17-0031](#)      Award of Bid No. PW17-10 for the Wolfe-Evelyn Water Plant Reconstruction Re-bid Project, Finding of California Environmental Quality Act (CEQA) Categorical Exemption and Approval of Budget Modification No. 27 in the Amount of \$2,000,000

1) Make a finding of CEQA categorical exemption pursuant to CEQA Guidelines Section 15302(c) for the replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity; 2) award a contract, in substantially the same form as Attachment 2 to the report and in the amount of \$3,428,450 to JMB Construction Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met; 3) approve a 10% construction contingency in the amount of \$342,845; and 4) approve Budget Modification No. 27 in the amount of \$2,000,000 to provide additional project funding.

- 1.K**      [16-1140](#)      Award of Contract for Electric Golf Car Lease for the Sunnyvale and Sunken Gardens Golf Courses (F17-054)

Award a four year Municipal Master Lease Agreement, in substantially the same form as Attachment 2 of the report, in the amount of \$286,056 to Yamaha Golf Car Company for the lease of eighty electric golf cars and authorize the City Manager to execute the Lease.

**1.L**      [17-0032](#)      Award of Bid No. PW17-14 for the Fair Oaks Park Recreation Building and Skate Park Lighting Project and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

1) Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 for alterations to existing facilities involving negligible or no expansion of use beyond that which presently exists; 2) award a contract in substantially the same form as Attachment 2 to the report and in the amount of \$777,314 to ICC General Contractors Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met; and 3) approve a 10% construction contingency in the amount of \$77,731.

**1.M**      [16-1170](#)      Adopt Ordinance No. 3107-17 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone certain property located at 895 East Fremont Ave. (APN Number 211-25-033) from Neighborhood Business/EI Camino Real Precise Plan (C-1/ECR) to Medium Density Residential/EI Camino Real Precise Plan (R-3/ECR)

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to adopt Ordinance No. 3107-17.

The motion carried by the following vote:

**Yes:** 5 - Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Klein  
Councilmember Smith

**No:** 0

**Recused:** 2 - Councilmember Melton  
Councilmember Goldman

## **PUBLIC HEARINGS/GENERAL BUSINESS**

**2**      [16-1141](#)      Make Required Findings and Approve Conversion Impact

Report for Blue Bonnet Mobile Home Park, Located at 617 E.  
Evelyn Avenue in Sunnyvale

Interpreters announced availability of headsets for Spanish, Vietnamese and Chinese language translations.

Director of Community Development Trudi Ryan provided the staff report and recommended continuance of the item to March 7 to allow residents a 30-day noticing period for review of new information from an attorney representing some of the park residents.

Public Hearing opened at 7:35 p.m.

John Cordes, Bicycle and Pedestrian Advisory Commission member speaking for himself, highlighted comments by the attorney for the residents of the mobile home park. Cordes recommended the transition not be approved until additional low income and very low income housing can be created.

Vincent Swerkes, resident of Blue Bonnet, stated moving to another park is not a viable option and spoke in opposition to approval of the Conversion Impact Report. Swerkes stated his experience was that AutoTemp has not been helpful, approachable or available and has only recommended one option. Swerkes requested Council take a closer look at the impact report.

Andrew Boone stated he would like to see the mobile home park preserved.

Pin Liang Li, resident and owner at Blue Bonnet, requested Council not close the park or that residents be given enough to have a permanent housing solution. Li stated the ordinance is outdated and owners need enough resources to relocate and have similar conditions.

Mary Lou Clark, President of Blue Bonnet Mobile Home Community Association, stated she agreed with comments by the previous speaker. Clark stated safe, secure, and affordable housing is a common good of the community.

Mike McKenna on behalf of Mrs. Freeman, an owner and resident at the mobile home park, spoke regarding affordable housing in Sunnyvale and the importance of maintaining diversity in the community.

Natalie Swerkes, real estate professional and daughter-in-law of one of the residents of the mobile home park, provided information regarding limited active listings for mobile homes in Sunnyvale. Swerkes stated the owners need more

money to relocate or the park should not be closed.

Mei-Ling Stefan urged Council to find some way to keep Blue Bonnet Mobile Home Park.

Public Hearing closed at 8:02 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to continue the hearing to a date certain, March 7, 2017.

The motion carried by the following vote:

**Yes: 7 -** Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Klein  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No: 0**

- 3**      [16-1131](#)      Authorize City Manager to Execute a First Amendment to the Agreement Between the City of Sunnyvale and the Valley Transportation Authority for the State Route 237/US 101/Mathilda Avenue Interchange Improvement Project

Director of Public Works Manuel Pineda provided the staff report.

Public Hearing opened at 8:17 p.m.

Andrew Boone spoke regarding the VTA Measure B Complete Streets Policy and how it will apply to the project and recommended design improvements to widen sidewalks and bike lanes for pedestrians and cyclists. Boone stated removal of continuous on-ramps is an improvement.

Public Hearing closed at 8:20 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve Alternative 1: Authorize the City Manager to Execute the First Amendment to the Agreement Between the City of Sunnyvale and the Valley Transportation Authority for the Mathilda Avenue/Route 237/Route 101 Interchange Improvement Project to extend the term until December 31, 2018, increasing the not to exceed amount of the City's financial contribution from \$4,000,000 to

\$8,000,000 and other minor amendments.

The motion carried by the following vote:

**Yes:** 7 - Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Klein  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No:** 0

- 4**      [16-1143](#)      Proposed Project: Introduction of Ordinance to REZONE 54 contiguous lots (53 single-family homes and a lot owned by the California Water Service) from R-0 (Low Density Residential) to R-0/S (Low Density Residential/Single-Story)  
File #: 2016-7467  
Location: Multiple properties bound by Panama Park on the west, Dartshire Way on the south, Mallard Way on the east and Carlisle Way on the north including Coventry and Cornwall Courts.  
1403-1457 Mallard Way (APNs: 309-11-039 through 309-11-041, 309-11-053 to 309-11-055, and 309-11-022),  
800-862 Carlisle Way (APNs: 309-11-036 through 309-11-038 and 309-12-013), 321-361 Dartshire Way (APNs:309-11-023 through 309-11-025 and 309-12-029 through 309-12-032),  
854-870 Cornwall Court (APNs: 309-11-042 through 309-11-052), 812-827 Coventry Court (APNs: 309-12-019 through 309-12-026), and 1402-1458 Kingfisher Way (APNs: 309-11-026 through 309-11-035, 309-12-014 through 309-12-018, and 309-12-027 through 309-12-028).  
Zoning: R-0  
Applicant / Owner: Paul Healy (plus multiple owners)  
Environmental Review: The Ordinance being considered is categorically exempt from review pursuant to CEQA Guidelines Section 15305 (minor alteration in land use) and Section 15061(b)(3) (a general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the activity is not subject to CEQA).

Mayor Hendricks stated he grew up in an Eichler and lives in an Eichler in a single-story overlay district, but not near the properties in this item.

Councilmember Melton reported he heard this item and the next item as a Planning Commissioner and in consultation with the City Attorney, because both of the items are legislative, has determined he does not have a conflict of interest and there is no need for him to recuse himself from participating in the items.

Councilmember Goldman reported he lives in an Eichler but has no conflict of interest with this item, but as a signer of the petition for the next item, will recuse himself from participating in that item.

Planning Officer Andy Miner provided the staff report.

Public Hearing opened at 8:31 p.m.

Applicant Paul Haley provided information and a PowerPoint presentation regarding the application and urged support for the height limitation.

Sheau Voon Lee spoke in support of the single story combining district.

Mei-Ling Stefan provided information regarding the single story combining district.

Peter Stefan spoke in support of the single story combining district and provided information regarding privacy.

Sang Park provided information and a PowerPoint presentation regarding the privacy impacts of second-story houses on Eichler houses, and requested approval of the proposal.

Eberhard Waiblinger spoke in support of the application, citing privacy considerations.

Tina Baumgartner spoke in support of the petition.

Terry Grossman spoke in support of the petition, citing privacy considerations.

Joni Lindenstruth spoke in support of approval of the request.

Applicant Paul Haley stated that the California Water parcel should not be impacted by the application.

Public Hearing closed at 8:53 p.m.

MOTION: Councilmember Klein moved and Vice Mayor Larsson seconded the motion to approve Alternatives 1 and 2: 1) Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 and 15061(b)(3); and 2) Introduce an Ordinance to Rezone 53 contiguous single family homes and a lot owned by California Water Service from R-0 (Low Density Residential) to R-0/S (Low Density Residential/Single Story).

City Clerk Kathleen Franco Simmons read the ordinance title.

The motion carried by the following vote:

**Yes:** 7 - Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Klein  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No:** 0

Council recessed at 9:23 p.m.

Council reconvened at 9:30 p.m. with all Councilmembers present.

- 5**      [16-1167](#)      Proposed Project: Introduction of Ordinance to REZONE 25 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)  
File #: 2016-7578  
Location: 1156-1198 Sesame Drive (APNs: 202-08-007 through 202-08-016), 1136-1160 Snowberry Court (APNs: 202-08-022 through 202-08-031), and 614-646 Torrington Drive (APNs: 202-08-017 through 202-08-021)  
Zoning: R-1  
Applicant / Owner: François Cornillon (plus multiple owners)  
Environmental Review: The Ordinance being considered is categorically exempt from review pursuant to CEQA Guidelines Section 15305 (minor alteration in land use) and Section 15061(b)(3) (a general rule that CEQA only applies to projects that have the potential for causing a significant effect

on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the activity is not subject to CEQA).

Councilmember Goldman stated he signed the petition, recused himself, and left the room.

Mayor Hendricks stated he grew up in an Eichler near the area but has no financial interest in the property and that he lives in an Eichler in a single-story overlay.

Planning Officer Andy Miner provided the staff report.

Public Hearing opened at 9:36 p.m.

Applicant Francois Cornillon provided information regarding the application.

William Veruti spoke regarding the small space between homes in the neighborhood, and stated second story homes would impact the solar access and enjoyment of the homes.

Public Hearing closed at 9:40 p.m.

**MOTION:** Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve Alternatives 1 and 2: 1) Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 and 15061(b)(3); 2) Introduce an Ordinance to Rezone 25 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single Story).

City Clerk Kathleen Franco Simmons read the ordinance title.

The motion carried by the following vote:

**Yes:** 6 - Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Klein  
Councilmember Smith  
Councilmember Melton

**No:** 0

**Recused:** 1 - Councilmember Goldman

Following action on Item 5, Councilmember Goldman returned to the room and took his seat at the dais.

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

Vice Mayor Larsson reported his attendance at a meeting of BAWSCA in which a proposal from the State Water Resources Control Board regarding the San Joaquin River and its tributaries was discussed.

Councilmember Klein reported his attendance at a meeting of the Cities Association of Santa Clara County in which Mayor Hendricks was selected as a representative to the Citizens' Oversight Committee for Measure A.

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

#### **-Council**

Councilmember Goldman proposed to sponsor a study issue regarding the voting process for Vice Mayor and suggested the process be handled by seniority. There was no co-sponsor.

Councilmember Goldman proposed to sponsor a study issue regarding Measure M and suggested the City propose a similar narrowed measure.

Mayor Hendricks stated he is working with staff to find alternatives to bring to Council and requested that before it be sponsored as a potential study issue, to allow those alternatives to be presented. Councilmember Goldman accepted Mayor Hendricks' request.

City Manager Deanna Santana provided additional information.

#### **-City Manager**

City Manager Santana requested Council contact her if they need support in their IGR assignments; reported information regarding advocacy on the City's position regarding the BAWSCA issue; reminded Council of the upcoming Strategic Sessions at the Community Center and the 4:30 p.m. Closed Session on February 7; and provided comments regarding the Information Only reports in the agenda packet.

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

[16-0510](#)

Tentative Council Meeting Agenda Calendar

- [17-0013](#) Information/Action Items
- [17-0048](#) Board/Commission Resignation (Information Only)
- [17-0131](#) Mayoral Announcement of Dissolution of Mayor-Appointed Ad Hoc Advisory Committee: Lawrence Station Area Plan Citizen Advisory Committee Appointment Committee (Information Only)
- [17-0132](#) Adopted 2017 Priority Advocacy Issues (Information Only)
- [17-0133](#) Update on the SMaRT Station Memorandum of Understanding Negotiation with the City of Milpitas (Information Only)
- [16-0203](#) Board/Commission Meeting Minutes

**ADJOURNMENT**

Mayor Hendricks adjourned the meeting at 10:02 p.m.



# City of Sunnyvale

## Agenda Item

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**17-0019**

**Agenda Date: 2/7/2017**

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**SUBJECT**

Approve City Council Meeting Minutes of January 31, 2017

**RECOMMENDATION**

Approve the City Council Meeting Minutes of January 31, 2017 as submitted.



# City of Sunnyvale

## Meeting Minutes - Draft City Council

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Tuesday, January 31, 2017

5:00 PM

Council Chambers, City Hall, 456 W. Olive  
Ave., Sunnyvale, CA 94086

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

### **5 P.M. SPECIAL COUNCIL MEETING (Study Session)**

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

Vice Mayor Larsson called the meeting to order at 5:02 p.m.

#### **2 Roll Call**

**Present:** 7 - Mayor Glenn Hendricks  
Vice Mayor Gustav Larsson  
Councilmember Jim Griffith  
Councilmember Larry Klein  
Councilmember Nancy Smith  
Councilmember Russ Melton  
Councilmember Michael S. Goldman

#### **3 Public Comment**

Vice Mayor Larsson announced public comment would be held following the presentation.

#### **4 Study Session**

[17-0086](#) Valley Transportation Authority (VTA) Presentation on the Next Network Draft Plan for Proposed Changes to Transit in Sunnyvale

Director of Public Works Manuel Pineda provided a brief introduction. Valley Transportation Authority Transportation Planner Adam Berger provided a report and PowerPoint presentation. City Manager Deanna Santana provided additional information.

Public Comment opened at 5:48 p.m.

The following speakers addressed the Council regarding this subject matter:  
Daniel Howard (provided written materials)

Kevin Jackson, Bicycle and Pedestrian Advisory Commission member, speaking for himself

Robert Neff

Serge Rudaz

Kerry Haywood, Moffett Park Business Group

Public Comment closed at 5:57 p.m.

## **5 Adjourn Special Meeting**

Vice Mayor Larsson adjourned the meeting at 5:59 p.m.

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

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

Vice Mayor Larsson called the meeting to order at 6:01 p.m.

### **2 Roll Call**

**Present:** 7 - Mayor Glenn Hendricks  
Vice Mayor Gustav Larsson  
Councilmember Jim Griffith  
Councilmember Larry Klein  
Councilmember Nancy Smith  
Councilmember Russ Melton  
Councilmember Michael S. Goldman

### **3 Public Comment**

Vice Mayor Larsson announced public comment would be held following the presentation.

### **4 Study Session**

[17-0064](#) Land Use and Transportation Element and Environmental Impact Report

Director of Community Development Trudi Ryan provided the staff report and PowerPoint presentation.

Public Comment opened at 6:43 p.m.

The following speakers addressed the Council regarding this subject matter:

Diane Casey, DDS

Arlene Goetze

Sally Terris

Gary Guiffre, El Camino Real Plan Advisory Committee

Kevin Jackson, Horizon 2035 member, speaking for himself

Carol Weiss

Meredith Rupp, intern with Greenbelt Alliance South Bay

John Cordes, Bicycle and Pedestrian Advisory Commission member, speaking for himself

Arpila, Sierra Club Loma Prieta Chapter

Bruce Terris

Sue Harrison, LUTE CAP Committee, speaking for herself

Public Comment closed at 7:01 p.m.

## **5 Adjourn Special Meeting**

Vice Mayor Larsson adjourned the meeting at 7:02 p.m.

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

### **CALL TO ORDER**

Mayor Hendricks called the meeting to order.

### **SALUTE TO THE FLAG**

Mayor Hendricks led the salute to the flag.

### **ROLL CALL**

**Present:** 7 - Mayor Glenn Hendricks  
Vice Mayor Gustav Larsson  
Councilmember Jim Griffith  
Councilmember Larry Klein  
Councilmember Nancy Smith  
Councilmember Russ Melton  
Councilmember Michael S. Goldman

### **ORAL COMMUNICATIONS**

Councilmember Klein announced board and commission recruitment and an extended application deadline.

Josh Grossman, Housing and Human Services Commission, spoke in support of a Welcoming City resolution and submitted written materials.

### **CONSENT CALENDAR**

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

**Yes:** 7 - Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Klein  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No:** 0

**1.A**     [17-0017](#)     Approve City Council Meeting Minutes of January 10, 2017  
Approve the City Council Meeting Minutes of January 10, 2017 as submitted.

**1.B**     [16-1041](#)     Approve the List(s) of Claims and Bills Approved for Payment  
by the City Manager  
Approve the list(s) of claims and bills.

**1.C**     [16-1135](#)     Award of Contract for the Energy-Efficient Light Emitting Diode  
(LED) Streetlight Conversion 2016 Project (F16-115)  
1) Award a contract in substantially the same form as Attachment 1 to the report  
and in the amount of \$2,172,293 to Tanko Lighting, Inc. and authorize the City  
Manager to execute the contract when all necessary conditions have been met;  
and 2) approve a contract contingency in the amount of \$127,707.

**1.D**     [17-0046](#)     Award of Bid No. PW17-08 for Annual Slurry Seal 2017 and  
Finding of CEQA Categorical Exemption  
1) Make a finding of CEQA categorical exemption pursuant to CEQA Guidelines  
Section 15301 (Class 1, Existing Facilities) as it relates to the rehabilitation of  
existing streets involving negligible or no expansion of the existing use, 2) Award a  
construction contract, in substantially the same format as Attachment 2 to the  
report and in the amount of \$523,456, to Intermountain Slurry Seal, Inc. for the  
2017 Annual Slurry Seal Project, and authorize the City Manager to execute the  
contract when all the necessary conditions have been met; and 3) Approve a 10%  
construction contingency in the amount of \$52,346.

**1.E**     [17-0047](#)     Receive and File the City of Sunnyvale Investment Report -

## 4th Quarter 2016

Receive and file the City of Sunnyvale FY 2016/17 Fourth Quarter 2016 (Period 7) Investment Report.

- 1.F**      [17-0055](#)      Award of Contract for the Preparation of a Caltrain Grade Separation Study at Mary and Sunnyvale Avenues (F17-001) and Approval of Budget Modification No. 29 in the Amount of \$229,794 (2016 Council Study Issue)

1) Award a contract, in substantially the same form as Attachment 1 to the report and in an amount not to exceed \$663,449 to BKF Engineers, and authorize the City Manager to execute the contract when all the necessary conditions have been met; 2) approve a 10% contract contingency in the amount of \$66,345; and 3) approve Budget Modification No. 29 to provide \$229,794 in additional project funding.

**PUBLIC HEARINGS/GENERAL BUSINESS**

- 2**            [17-0040](#)      Proposed Modification to the Water Rate Structure for Mobile Home Parks for Fiscal Year 2016/17

Director of Finance Tim Kirby provided the staff report and stated no protests were received.

Public Hearing opened at 7:12 p.m.

No speakers.

Public Hearing closed at 7:12 p.m.

MOTION: Councilmember Klein moved and Councilmember Smith seconded the motion to approve Alternatives 1 and 2: 1) Find that the project is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(8) and CEQA Guideline 15273 because it approves rates and charges for the purposes of (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment or materials; (3) meeting financial reserve needs and requirements; and (4) obtaining funds for capital projects necessary to maintain current service levels; and 2) Adopt a Resolution to Modify the FY 2016/17 Utility Fee Schedule for mobile home park owners.

The motion carried by the following vote:

**Yes: 7 -** Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Klein  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No: 0**

- 3**      [17-0024](#)      Authorize the City Manager to Execute a Memorandum of Understanding (MOU) for Recycling and Solid Waste Processing and Transfer Services with the City of Milpitas and Approve the Addendum to the Previously Certified SMaRT Station Environmental Impact Report

Director of Environmental Services John Stufflebean provided the staff report. City Manager Santana provided additional information.

Public Hearing opened at 7:16 p.m.

No speakers.

Public Hearing closed at 7:16 p.m.

MOTION: Councilmember Smith moved and Councilmember Melton seconded the motion to approve Alternatives 1 and 2: 1) Authorize the City Manager to execute the MOU for Recycling and Solid Waste Processing and Transfer Services with City of Milpitas for the SMaRT Station to process, transfer and market or dispose recyclables, yard trimmings and municipal solid waste; 2) Make the Findings Required by the California Environmental Quality Act (CEQA) in Attachment 5 in the report and Approve the Addendum to the Previously Certified SMaRT Station Environmental Impact Report.

The motion carried by the following vote:

**Yes: 7 -** Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Klein  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No: 0**

- 4      [17-0141](#)      Amend the Schedule of Pay in the Salary Resolution to provide Salary Increases effective February 12, 2017, for Pay Plan Category A (Public Safety Dispatcher, Senior Public Safety Dispatcher, and Public Safety Dispatcher-In-Training) pursuant to the City's current Memorandum of Understanding (MOU) with the Communication Officers Association (COA)

Director of Human Resources Teri Silva provided the staff report.

Public Hearing opened at 7:21 p.m.

No speakers.

Public Hearing closed at 7:21 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Melton seconded the motion to approve Alternative 1: Adopt a Resolution Amending the City's Salary Resolution to Amend the Schedule of Pay for Pay Plan Category A (Public Safety Dispatcher, Senior Public Safety Dispatcher, and Public Safety Dispatcher In Training) pursuant to the City's current MOU with the COA.

The motion carried by the following vote:

**Yes:** 7 - Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Klein  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No:** 0

- 5      [17-0112](#)      Introduce an Ordinance to Repeal Chapter 9.54 (Human Habitation of Vehicles) of Title 9 (Public Health, Safety and Welfare) and Amend Section 10.16.140 (Parking for Certain Purposes Prohibited) of Chapter 10.16 (Parking Regulations) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code

Deputy Chief of Public Safety Dave Pitts provided the staff report.

Public Hearing opened at 7:28 p.m.

No speakers.

Public Hearing closed at 7:28 p.m.

MOTION: Councilmember Klein moved and Councilmember Smith seconded the motion to approve Alternative 1: Introduce an Ordinance (presented as Attachment 1 to this report) to Repeal Chapter 9.54 (Human Habitation of Vehicles) of Title 9 (Public Health, Safety and Welfare) and Amend Section 10.16.140 (Parking for Certain Purposes Prohibited) of Chapter 10.16 (Parking Regulations) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code.

City Clerk Kathleen Franco Simmons read the ordinance title.

The motion carried by the following vote:

**Yes: 7 -** Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Klein  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No: 0**

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

Councilmember Melton reported his attendance as an alternate at a meeting of the Airport Land Use Commission in which Sunnyvale's Land Use and Transportation Element was presented and discussed.

Councilmember Klein reported his attendance at a meeting of the ABAG General Assembly and provided information regarding the ABAG merger with MTC.

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

##### **-Council**

Councilmember Goldman expressed appreciation for the strategic priorities sessions.

Councilmember Smith spoke regarding immigration issues and offered a motion that Council make a statement regarding its support of immigrants at a future meeting.

Mayor Hendricks suggested that rather than making it a formal motion, he would prefer to take it as input and work with the city manager to come back to Council with an item for consideration or with information.

Councilmember Smith withdrew the motion.

**-City Manager**

City Manager Santana reported letters were sent to the FAA today and copies would be provided to Council; noted the 4:30 p.m. Closed Session start time on February 7; stated the Onizuka and Unilever items would be separated; Onizuka would be considered on February 7 and Unilever on a separate date; reported a Closed Session was added on February 21 at 5 p.m.; and reported Summit Denali School had a court order to comply by January 27 and received their temporary certificate of occupancy today.

**INFORMATION ONLY REPORTS/ITEMS**

[17-0020](#) Tentative Council Meeting Agenda Calendar

[17-0014](#) Information/Action Items

**ADJOURNMENT**

Mayor Hendricks adjourned the meeting at 7:38 p.m.



# City of Sunnyvale

## Agenda Item

16-1042

Agenda Date: 2/7/2017

### REPORT TO COUNCIL

#### SUBJECT

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

#### BACKGROUND

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

List No.	Date	Total Disbursements
852	01/15/17 through 01/21/17	\$2,782,284.99

#### ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" with the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

#### PUBLIC CONTACT

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

#### RECOMMENDATION

Approve the list(s) of claims and bills.

Prepared by: Pete Gonda, Purchasing Officer  
Reviewed by: Timothy J. Kirby, Director of Finance  
Reviewed by: Walter C. Rossmann, Assistant City Manager  
Approved by: Deanna J. Santana, City Manager

#### ATTACHMENTS

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

1/23/2017

City of Sunnyvale

**LIST # 852**

Page 1

**List of All Claims and Bills Approved for Payment**  
**For Payments Dated 1/15/2017 through 1/21/2017**

Sorted by Payment Number

<b>Payment No.</b>	<b>Payment Date</b>	<b>Vendor Name</b>	<b>Invoice No.</b>	<b>Description</b>	<b>Invoice Amount</b>	<b>Discount Taken</b>	<b>Amount Paid</b>	<b>Payment Total</b>
xxx287922	1/17/17	ADAMSON POLICE PRODUCTS	INV231511	Ammunition	15,225.00	0.00	15,225.00	<b>\$15,225.00</b>
xxx287923	1/17/17	ADVANCE DESIGN CONSULTANTS INC	1630915-01	Contracts/Service Agreements	4,800.00	0.00	4,800.00	<b>\$4,800.00</b>
xxx287924	1/17/17	AFFORDABLE TURF & SPECIALTY TIRE	4016659	Parts, Vehicles & Motor Equip	168.85	0.00	168.85	<b>\$168.85</b>
xxx287925	1/17/17	AIR EXCHANGE INC	39594	Facilities Maint & Repair - Labor	187.50	0.00	187.50	<b>\$1,638.23</b>
			39594	Facilities Maint & Repair - Materials	1,450.73	0.00	1,450.73	
xxx287926	1/17/17	AIRGAS USA LLC	9941178955	Equipment Rental/Lease	179.37	0.00	179.37	<b>\$364.14</b>
			9941905271	Equipment Rental/Lease	184.77	0.00	184.77	
xxx287927	1/17/17	ALBERT S AYERS JR	122716-01	Rec Instructors/Officials	661.50	0.00	661.50	<b>\$661.50</b>
xxx287928	1/17/17	AMERICAN FIDELITY ADMINISTRATIVE SVCS	17675	Professional Services	650.65	0.00	650.65	<b>\$650.65</b>
xxx287929	1/17/17	AMOS KU	010217PURCHASE	DED Services/Training - Books	73.51	0.00	73.51	<b>\$243.54</b>
			SE					
			010617PURCHASE	DED Services/Training - Books	170.03	0.00	170.03	
			SE					
xxx287930	1/17/17	ASTRA RADIO COMMUNICATIONS	82342	Clothing, Uniforms & Access	885.80	0.00	885.80	<b>\$885.80</b>
xxx287931	1/17/17	B & A FRICTION MATERIALS INC	564540	Parts, Vehicles & Motor Equip	22.21	0.00	22.21	<b>\$85.20</b>
			564628	Parts, Vehicles & Motor Equip	62.99	0.00	62.99	
xxx287932	1/17/17	BACKFLOW PREVENTION SPECIALISTS INC	5295	Miscellaneous Equipment Parts & Supplies	160.00	0.00	160.00	<b>\$320.00</b>
			5298	Miscellaneous Equipment Parts & Supplies	160.00	0.00	160.00	
xxx287933	1/17/17	BAKER & TAYLOR	4011770934	Library Acquisitions, Books	67.06	0.00	67.06	<b>\$929.88</b>
			4011770934	Library Materials Preprocessing	2.54	0.00	2.54	
			4011782861	Library Acquisitions, Books	387.47	0.00	387.47	
			4011782861	Library Materials Preprocessing	7.26	0.00	7.26	
			4011794908	Library Acquisitions, Books	443.93	0.00	443.93	
			4011794908	Library Materials Preprocessing	21.62	0.00	21.62	
xxx287934	1/17/17	BAUER COMPRESSORS INC	0000219563	Safety Equipment Maintenance & Repair	3,921.51	0.00	3,921.51	<b>\$4,964.97</b>
			0000219566	Safety Equipment Maintenance & Repair	1,043.46	0.00	1,043.46	
xxx287935	1/17/17	BIBLIOTHECA ITG LLC	S10023006-US	Library Periodicals/Databases	3,256.73	0.00	3,256.73	<b>\$3,256.73</b>
xxx287936	1/17/17	BIGGS CARDOSA ASSOC INC	70158	Consultants	7,661.79	0.00	7,661.79	<b>\$42,972.29</b>
			70456	Consultants	35,310.50	0.00	35,310.50	

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

For Payments Dated 1/15/2017 through 1/21/2017

Sorted by Payment Number

<b>Payment No.</b>	<b>Payment Date</b>	<b>Vendor Name</b>	<b>Invoice No.</b>	<b>Description</b>	<b>Invoice Amount</b>	<b>Discount Taken</b>	<b>Amount Paid</b>	<b>Payment Total</b>
xxx287937	1/17/17	BURTONS FIRE INC	S35138	Parts, Vehicles & Motor Equip	163.07	0.00	163.07	<b>\$163.07</b>
xxx287938	1/17/17	CDM SMITH	90004464	Consultants	173,845.62	0.00	173,845.62	<b>\$173,845.62</b>
xxx287939	1/17/17	CENTURY GRAPHICS	45705	Clothing, Uniforms & Access	2,249.13	0.00	2,249.13	<b>\$2,861.56</b>
			45706	Clothing, Uniforms & Access	612.43	0.00	612.43	
xxx287940	1/17/17	CHEMSEARCH	2559260	Chemicals	5,368.45	0.00	5,368.45	<b>\$5,368.45</b>
xxx287941	1/17/17	CIMEXTEK INC	4867	Professional Services	175.00	0.00	175.00	<b>\$350.00</b>
			5298	Professional Services	175.00	0.00	175.00	
xxx287942	1/17/17	CONSOLIDATED PARTS INC	5035907	Electrical Parts & Supplies	203.81	0.00	203.81	<b>\$203.81</b>
xxx287943	1/17/17	COSMOPOLITAN CATERING LLC	E45493	Employee Recognition Expenses	14,738.07	0.00	14,738.07	<b>\$14,738.07</b>
xxx287944	1/17/17	COUNTY OF SANTA CLARA OFC OF THE SHERIFF	1800055217	Prisoner Transport	661.32	0.00	661.32	<b>\$661.32</b>
xxx287945	1/17/17	CROP PRODUCTION SERVICES INC	31735696	Materials - Land Improve	870.00	0.00	870.00	<b>\$1,131.00</b>
			31841911	Materials - Land Improve	261.00	0.00	261.00	
xxx287946	1/17/17	D W NICHOLSON CORP	7075	Salaries - Contract Personnel	22,163.96	0.00	22,163.96	<b>\$22,163.96</b>
xxx287947	1/17/17	DTN ENGINEERS INC	389C.08	Engineering Services	2,076.00	0.00	2,076.00	<b>\$3,440.28</b>
			389C.10	Engineering Services	1,364.28	0.00	1,364.28	
xxx287948	1/17/17	DAHLIN GROUP	1610-240	Consultants	1,800.00	0.00	1,800.00	<b>\$10,160.55</b>
		ARCHITECTURE/PLANNING	1611-341	Consultants	8,360.55	0.00	8,360.55	
xxx287949	1/17/17	DEEPTI SAWHNEY	122216PURCHASE	DED Services/Training - Books	103.77	0.00	103.77	<b>\$103.77</b>
			SE					
xxx287950	1/17/17	EP 21	0056641-IN	General Supplies	106.56	0.00	106.56	<b>\$106.56</b>
xxx287951	1/17/17	ECONOMIC DRIVING SCHOOL	12216	Rec Instructors/Officials	1,689.44	0.00	1,689.44	<b>\$1,689.44</b>
xxx287952	1/17/17	ESBRO	33488	Chemicals	364.31	0.00	364.31	<b>\$364.31</b>
xxx287953	1/17/17	EVOQUA WATER TECHNOLOGIES LLC	902892893	Miscellaneous Services	162.00	0.00	162.00	<b>\$162.00</b>
xxx287954	1/17/17	FEDEX	5-653-78460	Postage	9.61	0.00	9.61	<b>\$9.61</b>
xxx287955	1/17/17	FIRE & RISK ALLIANCE LLC	132-001-06	Miscellaneous Services	5,182.00	0.00	5,182.00	<b>\$5,182.00</b>
xxx287956	1/17/17	GARDENLAND POWER EQUIPMENT	437246	Hand Tools	217.95	0.00	217.95	<b>\$1,429.41</b>
			438741	Supplies, Safety	334.16	0.00	334.16	
			438743	Misc Equip Maint & Repair - Labor	115.50	0.00	115.50	
			438743	Misc Equip Maint & Repair - Materials	137.97	0.00	137.97	
			439525	Misc Equip Maint & Repair - Labor	82.50	0.00	82.50	
			439525	Misc Equip Maint & Repair - Materials	355.43	0.00	355.43	



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			048566	HazMat Disposal - Hazardous Waste Disposal	815.25	0.00	815.25	
xxx287980	1/17/17	ON ASSIGNMENT LAB SUPPORT	LAB550259093	Salaries - Contract Personnel	1,200.00	0.00	1,200.00	<b>\$8,856.00</b>
			LAB550260319	Salaries - Contract Personnel	1,560.00	0.00	1,560.00	
			LAB550262740	Salaries - Contract Personnel	936.00	0.00	936.00	
			LAB550263960	Salaries - Contract Personnel	1,200.00	0.00	1,200.00	
			LAB550265228	Salaries - Contract Personnel	1,560.00	0.00	1,560.00	
			LAB550269128	Salaries - Contract Personnel	840.00	0.00	840.00	
			LAB550270292	Salaries - Contract Personnel	1,560.00	0.00	1,560.00	
xxx287981	1/17/17	PAYFLEX SYSTEMS USA INC	000337618	Miscellaneous Payment	1,249.10	0.00	1,249.10	<b>\$1,249.10</b>
xxx287982	1/17/17	PAN ASIAN PUBLICATIONS INC	U-15045	Library Acquisitions, Books	1,876.48	0.00	1,876.48	<b>\$1,876.48</b>
xxx287983	1/17/17	PINE CONE LUMBER CO INC	674996	Materials - Land Improve	213.34	0.00	213.34	<b>\$1,513.33</b>
			677938	Materials - Land Improve	61.29	0.00	61.29	
			678197	Materials - Land Improve	1,238.70	0.00	1,238.70	
xxx287984	1/17/17	PREFERRED BENEFIT INSURANCE ADMIN INC	EIA19561	Insurances - Dental	56,589.60	0.00	56,589.60	<b>\$68,253.80</b>
			EIA19561	Insurances - Vision	11,664.20	0.00	11,664.20	
xxx287985	1/17/17	QUALITY ASSURANCE SOLUTIONS LLC	CA-2016-078	Miscellaneous Services	450.00	0.00	450.00	<b>\$450.00</b>
xxx287986	1/17/17	READYREFRESH BY NESTLE	06L0028805083	General Supplies	20.44	0.00	20.44	<b>\$76.80</b>
			16L0023249071	General Supplies	56.36	0.00	56.36	
xxx287987	1/17/17	RENNE SLOAN HOLTZMAN SAKAI LLP	33385	Legal Services	7,506.45	0.00	7,506.45	<b>\$9,572.63</b>
			33414	Legal Services	2,066.18	0.00	2,066.18	
xxx287988	1/17/17	SAFEWAY INC	804952-010517	Food Products	10.21	0.00	10.21	<b>\$62.55</b>
			806936-011017	Food Products	52.34	0.00	52.34	
xxx287989	1/17/17	SAN FRANCISCO BAY BIRD OBSERVATORY	1027	Water Lab Services	1,569.00	0.00	1,569.00	<b>\$1,569.00</b>
xxx287990	1/17/17	SANTA CLARA ADULT EDUCATION	13381	DED Services/Training - Training	8,860.50	0.00	8,860.50	<b>\$8,860.50</b>
xxx287991	1/17/17	SANTA CLARA COUNTY CITIES MGRS ASSN	SANTANA2017	Meetings	400.00	0.00	400.00	<b>\$400.00</b>
xxx287992	1/17/17	SHRED-IT USA	8121489273	Records Related Services	99.00	0.00	99.00	<b>\$99.00</b>
xxx287993	1/17/17	SILICON VALLEY POLYTECHNIC INSTITUTE	01082017-392	DED Services/Training - Training	300.00	0.00	300.00	<b>\$21,525.00</b>
			01082017-393	DED Services/Training - Training	2,700.00	0.00	2,700.00	
			01082017-394	DED Services/Training - Training	300.00	0.00	300.00	

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			12302016-385	DED Services/Training - Training	2,565.00	0.00	2,565.00	
			13202016-386	DED Services/Training - Training	2,565.00	0.00	2,565.00	
			13202016-387	DED Services/Training - Training	2,565.00	0.00	2,565.00	
			13202016-388	DED Services/Training - Training	2,565.00	0.00	2,565.00	
			13202016-389	DED Services/Training - Training	2,565.00	0.00	2,565.00	
			13202016-390	DED Services/Training - Training	2,700.00	0.00	2,700.00	
			13202016-391	DED Services/Training - Training	2,700.00	0.00	2,700.00	
xxx287994	1/17/17	SMART & FINAL INC	156415-111716	Food Products	45.95	0.00	45.95	<b>\$219.18</b>
			164652-113016	General Supplies	116.84	0.00	116.84	
			167788-120516	General Supplies	56.39	0.00	56.39	
xxx287995	1/17/17	STEVEN C DOLEZAL PHD	NOV2016	Professional Services	2,550.00	0.00	2,550.00	<b>\$2,550.00</b>
xxx287996	1/17/17	SUBURBAN PROPANE	2060172	Fuel, Oil & Lubricants	31.24	0.00	31.24	<b>\$63.19</b>
			2060569	Fuel, Oil & Lubricants	31.95	0.00	31.95	
xxx287997	1/17/17	SUNNYVALE CHAMBER OF COMMERCE	22220	Membership Fees	1,060.00	0.00	1,060.00	<b>\$1,060.00</b>
xxx287998	1/17/17	SUNNYVALE PUBLIC SAFETY OFFICERS ASSN	DENTAL0117	Insurances - Dental	28,110.00	0.00	28,110.00	<b>\$28,110.00</b>
xxx287999	1/17/17	SUNNYVALE PUBLIC SAFETY OFFICERS ASSN	DISABILITY0117	Insurances - Long Term Disability	3,667.00	0.00	3,667.00	<b>\$3,667.00</b>
xxx288000	1/17/17	SUPPLYWORKS	388721227	Inventory Purchase	161.10	1.48	159.62	<b>\$159.62</b>
xxx288001	1/17/17	UNIVERSITY OF CALIFORNIA SANTA CRUZ	57005	DED Services/Training - Training	524.00	0.00	524.00	<b>\$949.00</b>
			57384	DED Services/Training - Training	425.00	0.00	425.00	
xxx288002	1/17/17	VWR INTERNATIONAL LLC	8046844910	General Supplies	439.57	0.00	439.57	<b>\$890.67</b>
			8046983244	General Supplies	424.06	0.00	424.06	
			8047053452	General Supplies	27.04	0.00	27.04	
xxx288003	1/17/17	VALLEY CONCRETE	15-2912	Construction Services	2,264.00	0.00	2,264.00	<b>\$2,264.00</b>
xxx288004	1/17/17	WALTS CYCLE	392	Misc Equip Maint & Repair - Materials	221.73	0.00	221.73	<b>\$221.73</b>
xxx288005	1/17/17	WEST COAST ARBORISTS INC	121046	General Supplies	31,476.00	0.00	31,476.00	<b>\$31,476.00</b>
xxx288006	1/17/17	WEST VALLEY STAFFING GROUP	189248	Professional Services	3,387.63	0.00	3,387.63	<b>\$6,052.05</b>
			189819	Professional Services	2,664.42	0.00	2,664.42	
xxx288007	1/17/17	WINSUPPLY OF SILICON VALLEY	668420 01	Materials - Land Improve	2,351.65	0.00	2,351.65	<b>\$2,399.58</b>
			668835 00	Electrical Parts & Supplies	47.93	0.00	47.93	
xxx288008	1/17/17	PALO ALTO FACILITY	B1689443	Deposits Payable - Warrants	10,000.00	0.00	10,000.00	<b>\$10,000.00</b>

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xxx288009	1/19/17	AMA GOLF	140076	Inventory Purchase	744.18	0.00	744.18	<b>\$744.18</b>
xxx288010	1/19/17	AT&T	2576604308	Software As a Service	251.24	0.00	251.24	<b>\$251.24</b>
xxx288011	1/19/17	ACCESS HARDWARE	5643498-IN	Bldg Maint Matls & Supplies	7,288.46	0.00	7,288.46	<b>\$8,674.16</b>
			5643965-IN	Bldg Maint Matls & Supplies	842.71	0.00	842.71	
			5644602-IN	Bldg Maint Matls & Supplies	39.97	0.00	39.97	
			5644603-IN	Bldg Maint Matls & Supplies	39.97	0.00	39.97	
			5644671-IN	Bldg Maint Matls & Supplies	320.80	0.00	320.80	
			5644723-IN	Bldg Maint Matls & Supplies	142.25	0.00	142.25	
xxx288012	1/19/17	ACUSHNET CO	903277841	Inventory Purchase	696.61	0.00	696.61	<b>\$931.27</b>
			903504077	Inventory Purchase	234.66	0.00	234.66	
xxx288013	1/19/17	ADAMSON POLICE PRODUCTS	INV231394	Clothing, Uniforms & Access	971.77	0.00	971.77	<b>\$1,338.11</b>
			INV231791	Clothing, Uniforms & Access	161.98	0.00	161.98	
			INV232025	Clothing, Uniforms & Access	204.36	0.00	204.36	
xxx288014	1/19/17	AIR EXCHANGE INC	39601	Facilities Maint & Repair - Labor	62.50	0.00	62.50	<b>\$869.94</b>
			39601	Facilities Maint & Repair - Materials	562.24	0.00	562.24	
			39602	Facilities Maint & Repair - Labor	62.50	0.00	62.50	
			39602	Facilities Maint & Repair - Materials	182.70	0.00	182.70	
xxx288015	1/19/17	AIRGAS USA LLC	9057895501	General Supplies	806.96	0.00	806.96	<b>\$2,820.90</b>
			9058407667	General Supplies	145.77	0.00	145.77	
			9940484894	General Supplies	252.88	0.00	252.88	
			9941178954	Equipment Rental/Lease	672.21	0.00	672.21	
			9941217037	General Supplies	244.95	0.00	244.95	
			9941905270	Equipment Rental/Lease	698.13	0.00	698.13	
xxx288017	1/19/17	ALLSTATE INSURANCE CO	CLAIM#1617-03	Liability Claims Paid	1,033.65	0.00	1,033.65	<b>\$1,033.65</b>
			7					
xxx288018	1/19/17	ALPINE AWARDS INC	5514506	Clothing, Uniforms & Access	727.57	0.00	727.57	<b>\$727.57</b>
xxx288019	1/19/17	ANDERSON PACIFIC ENGINEERING	PRMRYTRTON	Construction Services	87,522.00	0.00	87,522.00	<b>\$87,522.00</b>
			E#06					
xxx288020	1/19/17	ANNE GAILLARD	19620824005	DED Services/Training - Books	90.00	0.00	90.00	<b>\$90.00</b>
xxx288021	1/19/17	BAY AREA NEWS GROUP DIGITAL FIRST MEDIA	0005843209	Advertising Services	179.00	0.00	179.00	<b>\$390.00</b>
			0005852413	Advertising Services	211.00	0.00	211.00	
xxx288022	1/19/17	BELLECCI & ASSOC INC						<b>\$18,837.00</b>



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			811329	General Supplies	63.62	0.00	63.62	
			811440	General Supplies	195.75	0.00	195.75	
xxx288045	1/19/17	EQUIFAX INFORMATION SERVICES LLC	4077260	General Supplies	34.63	0.00	34.63	<b>\$34.63</b>
xxx288046	1/19/17	EVOLIBRI CONSULTING	3369	Contracts/Service Agreements	200.00	0.00	200.00	<b>\$200.00</b>
xxx288047	1/19/17	FARMERS INSURANCE CO	CLAIM#1617-090	Liability Claims Paid	5,569.80	0.00	5,569.80	<b>\$5,569.80</b>
xxx288048	1/19/17	FEDEX	5-630-08579	Mailing & Delivery Services	5.77	0.00	5.77	<b>\$5.77</b>
xxx288049	1/19/17	FISHER SCIENTIFIC CO LLC	4923721	General Supplies	327.12	0.00	327.12	<b>\$1,027.36</b>
			5014897	General Supplies	700.24	0.00	700.24	
xxx288050	1/19/17	FOSTER BROS SECURITY SYSTEMS INC	285023	Bldg Maint Matls & Supplies	169.87	0.00	169.87	<b>\$169.87</b>
xxx288051	1/19/17	GLOBAL ACCESS INC	15195	Software As a Service	236.00	0.00	236.00	<b>\$236.00</b>
xxx288052	1/19/17	GOLDEN GATE PETROLEUM	693371	Inventory Purchase	8,936.05	0.00	8,936.05	<b>\$8,936.05</b>
xxx288053	1/19/17	GRAINGER	9280876773	Hand Tools	78.30	0.00	78.30	<b>\$251.41</b>
			9281452194	Hand Tools	25.60	0.00	25.60	
			9281452202	Hand Tools	99.35	0.00	99.35	
			9291583343	Hand Tools	-78.30	0.00	-78.30	
			9291583350	Hand Tools	-99.35	0.00	-99.35	
			9291583368	Hand Tools	-25.60	0.00	-25.60	
			9325314939	Inventory Purchase	251.41	0.00	251.41	
xxx288054	1/19/17	GRANITEROCK CO	1003360	Materials - Land Improve	1,524.41	0.00	1,524.41	<b>\$1,524.41</b>
xxx288055	1/19/17	HACH CO INC	10056783	General Supplies	463.50	0.00	463.50	<b>\$3,969.75</b>
			10170168	General Supplies	3,506.25	0.00	3,506.25	
xxx288056	1/19/17	HYDROSCIENCE ENGINEERS INC	262015020	Engineering Services	4,310.00	0.00	4,310.00	<b>\$4,760.00</b>
			2620152021	Engineering Services	450.00	0.00	450.00	
xxx288057	1/19/17	IDEXX DISTRIBUTION GROUP	3009833413	General Supplies	809.05	0.00	809.05	<b>\$2,961.69</b>
			3009924336	General Supplies	2,152.64	0.00	2,152.64	
xxx288058	1/19/17	IMSA	ID#83075-2017	Membership Fees	425.00	0.00	425.00	<b>\$425.00</b>
xxx288059	1/19/17	ICE MACHINE RENTALS	34059	Miscellaneous Services	150.08	0.00	150.08	<b>\$150.08</b>
xxx288060	1/19/17	INFORMATION SERVICES DEPT	ISD-39080	Software As a Service	3,744.00	0.00	3,744.00	<b>\$3,744.00</b>
xxx288061	1/19/17	INSIGHT PUBLIC SECTOR INC	1100512202	Hardware Maintenance	18,704.52	0.00	18,704.52	<b>\$18,805.32</b>
			1100512768	Software Licensing & Support	100.80	0.00	100.80	

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xxx288062	1/19/17	IRVINE & JACHENS INC	1689	Clothing, Uniforms & Access	104.61	0.00	104.61	<b>\$104.61</b>
xxx288063	1/19/17	KENNEDY JENKS CONSULTANTS	107721	HazMat Disposal - Hazardous Waste Disposal	1,646.60	0.00	1,646.60	<b>\$1,646.60</b>
xxx288064	1/19/17	KIMLEY HORN & ASSOC INC	8697419	Consultants	32,146.70	0.00	32,146.70	<b>\$32,146.70</b>
xxx288065	1/19/17	KOHLWEISS AUTO PARTS INC	01PC6390	Inventory Purchase	446.13	8.92	437.21	<b>\$677.86</b>
			01PC6831	Inventory Purchase	245.56	4.91	240.65	
xxx288066	1/19/17	LC ACTION POLICE SUPPLY	356169CR	Clothing, Uniforms & Access	-28.95	0.00	-28.95	<b>\$4,775.39</b>
			359476	Clothing, Uniforms & Access	385.69	0.00	385.69	
			359629	Clothing, Uniforms & Access	545.84	0.00	545.84	
			359885	Clothing, Uniforms & Access	119.63	0.00	119.63	
			359899	Clothing, Uniforms & Access	126.85	0.00	126.85	
			359951	Clothing, Uniforms & Access	20.04	0.00	20.04	
			360098	Clothing, Uniforms & Access	14.69	0.00	14.69	
			360193	Clothing, Uniforms & Access	661.20	0.00	661.20	
			360243	Clothing, Uniforms & Access	111.14	0.00	111.14	
			360244	Clothing, Uniforms & Access	41.16	0.00	41.16	
			360251	Clothing, Uniforms & Access	396.74	0.00	396.74	
			360272	Clothing, Uniforms & Access	209.47	0.00	209.47	
			360273	Clothing, Uniforms & Access	23.91	0.00	23.91	
			360278	Clothing, Uniforms & Access	174.00	0.00	174.00	
			360279	Clothing, Uniforms & Access	43.50	0.00	43.50	
			360280	Clothing, Uniforms & Access	43.50	0.00	43.50	
			360281	Clothing, Uniforms & Access	43.50	0.00	43.50	
			360281A	Clothing, Uniforms & Access	43.50	0.00	43.50	
			360378	Clothing, Uniforms & Access	75.54	0.00	75.54	
			360521	Clothing, Uniforms & Access	421.31	0.00	421.31	
			360522	Clothing, Uniforms & Access	421.31	0.00	421.31	
			360554	Clothing, Uniforms & Access	93.38	0.00	93.38	
			360558	Ballistic Equipment - Body Armor/Vests	788.44	0.00	788.44	
xxx288068	1/19/17	LCC PENINSULA DIVISION	168902	Membership Fees	28,961.00	0.00	28,961.00	<b>\$28,961.00</b>
xxx288069	1/19/17	LEVEL 3 COMMUNICATIONS LLC	50556825	Telecommunication Services	3,639.63	0.00	3,639.63	<b>\$7,046.69</b>

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			50571447	Telecommunication Services	3,407.06	0.00	3,407.06	
xxx288070	1/19/17	M&M COMMUNICATIONS INC	US0340	Miscellaneous Services	300.00	0.00	300.00	<b>\$470.00</b>
			US0341	Miscellaneous Services	170.00	0.00	170.00	
xxx288071	1/19/17	MIDWEST TAPE	94662574	Library Acquis, Audio/Visual	300.89	0.00	300.89	<b>\$1,736.91</b>
			94662576	Library Acquis, Audio/Visual	388.31	0.00	388.31	
			94662578	Library Acquis, Audio/Visual	250.46	0.00	250.46	
			94663964	Library Acquis, Audio/Visual	488.12	0.00	488.12	
			94663966	Library Acquis, Audio/Visual	309.13	0.00	309.13	
xxx288072	1/19/17	OMNISITE	53065	Miscellaneous Services	300.00	0.00	300.00	<b>\$300.00</b>
xxx288073	1/19/17	PINE CONE LUMBER CO INC	679352	Materials - Land Improve	102.93	0.00	102.93	<b>\$645.89</b>
			679354	Materials - Land Improve	124.87	0.00	124.87	
			679523	Materials - Land Improve	84.20	0.00	84.20	
			679865	Inventory Purchase	337.26	3.37	333.89	
xxx288074	1/19/17	POLYDYNE INC	1101204	Chemicals	28,793.34	0.00	28,793.34	<b>\$28,793.34</b>
xxx288075	1/19/17	PROSPECT SILICON VALLEY	4016	Contracts/Service Agreements	6,504.80	0.00	6,504.80	<b>\$6,504.80</b>
xxx288076	1/19/17	REED & GRAHAM INC	879617	Materials - Land Improve	697.36	0.00	697.36	<b>\$697.36</b>
xxx288077	1/19/17	SSA LANDSCAPE ARCHITECTS INC	5626	Engineering Services	3,241.50	0.00	3,241.50	<b>\$3,241.50</b>
xxx288078	1/19/17	SANTA CLARA VALLEY WATER DISTRICT	GN013262	Construction Services	739,552.46	0.00	739,552.46	<b>\$739,552.46</b>
xxx288079	1/19/17	SECURITY CONTRACTOR SERVICES INC	525387A-IN	Materials - Land Improve	47.72	0.00	47.72	<b>\$47.72</b>
xxx288080	1/19/17	SMART & FINAL INC	176006-121616	Food Products	23.62	0.00	23.62	<b>\$242.08</b>
			179169-122016	Food Products	2.39	0.00	2.39	
			179169-122016	General Supplies	89.03	0.00	89.03	
			189424-010417	Food Products	121.08	0.00	121.08	
			190165-010517	General Supplies	5.96	0.00	5.96	
xxx288081	1/19/17	TJKM	0045624	Consultants	18,551.64	0.00	18,551.64	<b>\$30,826.64</b>
			0045775	Consultants	12,275.00	0.00	12,275.00	
xxx288082	1/19/17	TEKEIVA FARLEY	CLAIM#1617-041	Liability Claims Paid	1,389.90	0.00	1,389.90	<b>\$1,389.90</b>
xxx288083	1/19/17	US SECURITY ASSOC INC	1521484	Professional Services	450.00	0.00	450.00	<b>\$2,037.57</b>
			1522017	Professional Services	938.00	0.00	938.00	
			1522018	Professional Services	649.57	0.00	649.57	

**List of All Claims and Bills Approved for Payment**  
For Payments Dated 1/15/2017 through 1/21/2017

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
xxx288084	1/19/17	UNITED PARCEL SERVICE	0000966608017	Mailing & Delivery Services	909.34	0.00	909.34	<b>\$909.34</b>
xxx288085	1/19/17	UNITED SITE SERVICES INC	114-4777227	Equipment Rental/Lease	349.44	0.00	349.44	<b>\$349.44</b>
xxx288086	1/19/17	W-TRANS	18573	Engineering Services	305.00	0.00	305.00	<b>\$305.00</b>
xxx288087	1/19/17	WECK LABORATORIES INC	W6L3794	Water Lab Services	103.02	0.00	103.02	<b>\$103.02</b>
xxx288088	1/19/17	WEST LITE SUPPLY CO INC	49493C	Electrical Parts & Supplies	251.93	0.00	251.93	<b>\$251.93</b>
xxx288089	1/19/17	CA GOVERNORS OFFICE OF EMERGENCY SERVICE	02/06-09/2017	Training and Conferences	900.00	0.00	900.00	<b>\$900.00</b>
xxx288090	1/19/17	DEPT OF FORESTRY & FIRE PROTECTION	139864	Training and Conferences	308.00	0.00	308.00	<b>\$676.00</b>
			139921	Training and Conferences	368.00	0.00	368.00	
xxx288091	1/19/17	DEPT OF FORESTRY & FIRE PROTECTION	139741	Training and Conferences	1,608.00	0.00	1,608.00	<b>\$1,608.00</b>
xxx288092	1/19/17	DISPATCH TRAINING & CONSULTING	02/05-08/2017	Training and Conferences	400.00	0.00	400.00	<b>\$400.00</b>
xxx288093	1/19/17	JAN BROWN & ASSOC	19283	Legal Services	1,354.80	0.00	1,354.80	<b>\$2,391.50</b>
			19289	Legal Services	678.70	0.00	678.70	
			19290	Legal Services	358.00	0.00	358.00	
xxx288094	1/19/17	KIRBY CANYON RECYCLING & DISPOSAL FAC	DEC2016	Landfill Fees to be Allocated	863,495.52	0.00	863,495.52	<b>\$863,495.52</b>
xxx288095	1/19/17	SOUTH BAY REGIONAL PUBLIC SAFETY	217316	Training and Conferences	395.00	0.00	395.00	<b>\$395.00</b>
xxx288096	1/19/17	STATE WATER RESOURCES CONTROL BOARD	101626	Environmental Services	183.87	0.00	183.87	<b>\$183.87</b>
xxx288097	1/19/17	ABBOTT	645ALMANORS ITE	Miscellaneous Payment	5,418.69	0.00	5,418.69	<b>\$5,418.69</b>
xxx288098	1/19/17	AGUSTIN PROPERTIES	065429	Business License Tax	122.04	0.00	122.04	<b>\$122.04</b>
xxx288099	1/19/17	AML TRANSCRIPTION	070105	Business License Tax	17.06	0.00	17.06	<b>\$17.06</b>
xxx288100	1/19/17	MADELINE & ROBERT GAMBLE	PROJ2014-3118	Permit - Fire Prev Construct	1,327.21	0.00	1,327.21	<b>\$1,327.21</b>
xxx288101	1/19/17	SHIRPA SODHI	334684	Refund Recreation Fees	148.00	0.00	148.00	<b>\$148.00</b>
xxx288102	1/19/17	SUSAN GUZZETTA	071573	Business License Tax	53.62	0.00	53.62	<b>\$53.62</b>
xxx288103	1/19/17	YUGABYTE INC	BL071978 CRBAL	Business License Tax	63.95	0.00	63.95	<b>\$63.95</b>
xxx002545	1/20/17	CALIFORNIA PUBLIC EMP RETIREMENT SYSTEM	14885509	Retirement Benefits - PERS - Replacement Benefit Fund	105,418.92	0.00	105,418.92	<b>\$105,418.92</b>

**Grand Total Payment Amount**

**\$2,782,284.99**



# City of Sunnyvale

## Agenda Item

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17-0056

Agenda Date: 2/7/2017

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### **REPORT TO COUNCIL**

#### **SUBJECT**

Award of Contract for the Corporation Yard Site Feasibility and Modernization Plan (F17-010) and Approval of Budget Modification No. 30 in the Amount of \$81,724

#### **REPORT IN BRIEF**

Approval is requested to award a contract to Kappe Architects of San Rafael in the amount of \$259,749 for profession design services associated with the Corporation Yard Site Feasibility and Modernization Plan and 10% for a design contingency in an amount of \$25,975. Approval is also requested for Budget Modification No. 30 to provide \$81,724 in additional project funding.

#### **EXISTING POLICY**

Consistent with the provisions of Chapter 2.08 of the Sunnyvale Municipal Code, architectural work is solicited through a Request for Proposals (RFP) process, unless otherwise exempt from the competitive bidding process. Contracts resulting from RFPs are awarded based on best value to the City, rather than the lowest bid price as in the case of an Invitation or Bids (IFB).

#### **ENVIRONMENTAL REVIEW**

This award for a feasibility study and modernization plan does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Furthermore, the action being considered is exempt from CEQA pursuant to CEQA Guidelines section 15262 as it is feasibility or planning study for a possible future action that the City Council has not approved, adopted, or funded. If one or more of the potential alternatives are deemed to be feasible, it is expected that environmental review under the California Environmental Quality Act (CEQA) would be undertaken at a later time in conjunction with project design phases.

#### **BACKGROUND AND DISCUSSION**

The Corp Yard Site Feasibility and Modernization Plan (Plan) provides for the development of a master plan to replace aged buildings and facilities to meet current needs and standards. The Plan will evaluate the condition and the need for each building and facility and determine the optimal replacement scope and schedule. A space needs assessment will determine the space needs of each division using the Corporation Yard including Public Works Operations, Parks, Environmental Services, Finance (Central Stores), Public Safety, and Information Technology (cell towers).

The goal of the project is to develop a plan for the renovation of the existing Corp Yard to a facility that improves site utilization, creates facilities for optimum job performance and efficiency, provides a safe and efficient workplace for all employees, projections for future needs, and potential funding strategies. It shall meet regulatory, and permit requirements, and integrate sustainable design

objectives and strategies.

The Corporation Yard is approximately 8.72 acres in size and consists of parking, storage, and several buildings. The larger buildings on the site such as the warehouse, fleet maintenance and administration buildings were constructed between 1950 and 1953. The Public Safety evidence storage building was constructed in 1985 and the temporary parks office was built in 1994. The facility currently provides work space for more than 200 employees. This includes shared workspace for field crews, as well as office space for management and support staff. Due to the age of the facility and configuration, it is inefficient and undersized for today's needs and standards. Due to the number of employees, vehicles, and equipment on site, parking and circulation is also undersized and inefficient.

A Request for Proposals (RFP) process was utilized to solicit proposals to complete the project. The RFP was advertised in August 2016, and five responsive proposals were received on September 14 from LDA Architects Inc., The KPA Group, Kappe Architects, Dougherty & Dougherty Architects and BRW Architects. The qualifications of the proposers were evaluated by staff from the Public Works Department. Kappe Architects was selected as the top ranked team for several reasons including:

- Extensive experience with similar projects
- Familiarity, understanding and anticipation of issues and opportunities for the City's project
- Advanced abilities and experience with community outreach and simulation techniques

The initial submitted pricing ranged from \$212,000 to \$923,000. Kappe's proposed pricing in the amount of approximately \$274,000 was subsequently negotiated to \$259,749 without a reduction in work scope. Separately, the City would need to assemble the funds for the proposed replacement/repairs needed to modernize the facility.

### **FISCAL IMPACT**

Budgeted funds in the amount of \$204,000 are available in Capital Project 830590, Corporation Yard Building Replacement Master Plan. Additional funding in the amount of \$81,724 will be required to complete the work. Funding is provided by the General Fund, Wastewater Fund, Water Supply and Distribution Fund, and General Services Fund (Fleet and Facilities Management Sub-Funds). The allocations are based on each fund's square footage occupying the Corporation Yard.

Budget Modification No. 30 has been prepared to appropriate additional funding to the Corporation Yard Building Replacement Master Plan project.

**Budget Modification No. 30  
FY 2016/17**

	<b>Current</b>	<b>Increase/ (Decrease)</b>	<b>Revised</b>
<b>Infrastructure Renovation and Replacement Fund</b>			
<u>Revenue</u>			
830590-Corporation Yard Building Replacement Master Plan (Transfer In from Various Funds - Listed Below)	\$204,000	\$81,724	\$285,724
<u>Expenditures</u>			
830590-Corporation Yard Building Replacement Master Plan	\$204,000	\$81,724	\$285,724
<b>General Fund</b>			
<u>Reserves</u>			
Budget Stabilization Fund	\$50,034,227	(\$38,890)	\$49,995,337
<u>Expenditures</u>			
Transfer to the Infrastructure Renovation and Replacement Fund (Corporation Yard Building Replacement Master Plan)	\$97,078	\$38,890	\$135,968
<b>Wastewater Management Fund</b>			
<u>Reserves</u>			
Rate Stabilization Reserve	\$2,707,579	(\$4,103)	\$2,703,476
<u>Expenditures</u>			
Transfer to the Infrastructure Renovation and Replacement Fund (Corporation Yard Building Replacement Master Plan)	\$10,243	\$4,103	\$14,346
<b>Water Supply and Distribution Fund</b>			
<u>Reserves</u>			
Rate Stabilization Reserve	\$1,450,111	(\$8,111)	\$1,442,000
<u>Expenditures</u>			
Transfer to the Infrastructure Renovation and Replacement Fund (Corporation Yard Building Replacement Master Plan)	\$20,246	\$8,111	\$28,357

**General Services Fund/Fleet  
Services Sub-Fund**
Reserves

Equipment Reserve	\$1,075,016	(\$21,776)	\$1,053,240
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Expenditures

Transfer to the Infrastructure Renovation and Replacement Fund (Corporation Yard Building Replacement Master Plan)	\$54,356	\$21,776	\$76,132
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**General Services  
Fund/Facilities Management  
Services Sub-Fund**
Reserves

Equipment Reserve	\$1,223,350	(\$8,844)	\$1,214,506
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Expenditures

Transfer to the Infrastructure Renovation and Replacement Fund (Corporation Yard Building Replacement Master Plan)	\$22,077	\$8,844	\$30,921
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**PUBLIC CONTACT**

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

**RECOMMENDATION**

1) Award a contract in substantially the same form as Attachment 1 to the report and in an amount not to exceed \$259,749 to Kappe Architects Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met; 2) approve a 10% contract contingency in the amount of \$25,975; and 3) approve Budget Modification No. 30 in the amount of \$81,724 to provide additional project funding.

Prepared by: Pete Gonda, Purchasing Officer

Reviewed by: Timothy J. Kirby, Director of Finance

Reviewed by: John Stufflebean, Director of Environmental Services

Reviewed by: Manuel Pineda, Director of Public Works

Reviewed by: Walter C. Rossmann, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

**ATTACHMENT**

1. Draft Consultant Services Agreement

**DRAFT CONSULTANT SERVICES AGREEMENT BETWEEN CITY OF  
SUNNYVALE AND KAPPE ARCHITECTS FOR THE CORPORATION YARD  
SITE FEASIBILITY & MODERNIZATION PLAN PROJECT**

THIS AGREEMENT dated \_\_\_\_\_ is by and between the CITY OF SUNNYVALE, a municipal corporation ("CITY"), and KAPPE ARCHITECTS a California corporation. ("CONSULTANT").

WHEREAS, CITY desires to secure professional services necessary for development of a safe and efficient design, technical studies, producing text and illustrations, and preparing cost estimates for the Corporation Yard Site Feasibility & Modernization Plan project; and

WHEREAS, CONSULTANT represents that it, and its sub-consultants, if any, possess the professional qualifications and expertise to provide the required services and are licensed by the State of California to practice engineering in the required disciplines;

NOW, THEREFORE, THE PARTIES ENTER INTO THIS AGREEMENT.

1. Services by CONSULTANT

CONSULTANT shall provide services in accordance with Exhibit "A" entitled "Scope of Work". All exhibits referenced in this Agreement are attached hereto and are incorporated herein by reference. To accomplish that end, CONSULTANT agrees to assign Ron Kappe to this project, to act in the capacity of Project Manager and personally direct the professional services to be provided by CONSULTANT.

Except as specified in this Agreement, CONSULTANT shall furnish all technical and professional services, including labor, material, equipment, transportation, supervision and expertise to perform all operations necessary and required to satisfactorily complete the services required in this Agreement.

2. Notice to Proceed/Completion of Services

- (a) CONSULTANT shall commence services upon receipt of a Notice to Proceed from CITY. Notice shall be deemed to have occurred three (3) calendar days after deposit in the regular course of the United States mail.
- (b) When CITY determines that CONSULTANT has satisfactorily completed the services defined in Exhibit "A," CITY shall give CONSULTANT written Notice of Final Acceptance, and CONSULTANT shall not incur any further costs hereunder. CONSULTANT may request this determination of completion when, in its opinion, it has satisfactorily completed the Scope of Work (Exhibit "A"), and if so requested, CITY shall make this determination within fourteen (14) days of such request.

3. Time for Performance

The term of this Agreement shall be from the date of execution through project construction, unless otherwise terminated. CONSULTANT shall deliver the agreed upon services to CITY as specified in Exhibit "A". Extensions of time may be granted by the City Manager upon a showing of good cause.

4. Payment of Fees and Expenses

Payments shall be made to CONSULTANT on a monthly basis as set forth in the attached Exhibit "B" entitled "Compensation Schedule." All compensation will be based on monthly billings as provided in Exhibit "B." Compensation will not be due until said detailed billing is submitted to CITY within a reasonable time before payment is expected to allow for normal CITY processing. An estimate of the percent of total completion associated with the various categories of the services shall be furnished by CONSULTANT with said billing. When applicable, copies of pertinent financial records will be included with the submission of billing(s) for all direct reimbursables. Compensation shall not exceed the amounts set forth in Exhibit "B" for each phase, and shall include base services as identified in in Exhibit "A". In no event shall the total amount of compensation payable under this agreement exceed the sum of Two Hundred Fifty Nine Thousand Seven Hundred Forty Nine and No/Dollars (\$259,749.00) unless upon written modification of this Agreement. All invoices, including detailed backup, shall be sent to City of Sunnyvale, attention Accounts Payable, P.O. Box 3707, Sunnyvale, CA 94088-3707.

CONSULTANT will be reimbursed as promptly as fiscal procedures will permit upon receipt by the CITY of itemized invoices in triplicate. Invoices shall be submitted no later than 45 calendar days after the performance of work for which CONSULTANT is billing. Invoices shall detail the work performed on each milestone and each project as applicable. Invoices shall follow the format stipulated in the Compensation Schedule and shall reference the project title. The final invoice must contain the final cost and all credits due CITY. The final invoice should be submitted within 60 calendar days after completion of CONSULTANT's work.

5. No Assignment of Agreement

CONSULTANT bind themselves, their partners, successors, assigns, executors, and administrators to all covenants of this Agreement. Except as otherwise set forth in this Agreement, no interest in this Agreement or any of the work provided for under this Agreement shall be assigned or transferred, either voluntarily or by operation of law, without the prior written approval of CITY. However, claims for money due to or to become due to CONSULTANT from CITY under this Agreement may be assigned to a bank, trust company or other financial institutions, or to a trustee in bankruptcy, provided that written notice of any such assignment or transfer shall be first furnished to CITY. In case of the death of one or more members of CONSULTANT's firm, the surviving member or members shall complete the services covered by this Agreement. Any such assignment shall not relieve CONSULTANT from any liability under the terms of this Agreement.

6. Consultant is an Independent Contractor

CONSULTANT is not an agent or employee of CITY but is an independent contractor with full rights to manage its employees subject to the requirements of the law. All persons employed by CONSULTANT in connection with this Agreement will be employees of CONSULTANT and not employees of CITY in any respect. CONSULTANT is responsible for obtaining statutory Workers' Compensation coverage for its employees.

7. Consultant's Services to be Approved by a Registered Professional

All reports, costs estimates, plans and other documents which may be submitted or furnished by CONSULTANT shall be approved and signed by a qualified registered professional in the State of California. The title sheet for calculations, specifications and reports, and each sheet of plans, shall bear the professional seal, certificate number, registration classification, expiration date of certificate and signature of the professional responsible for their preparation.

8. Standard of Workmanship

CONSULTANT represents and maintains that it is skilled in the professional calling necessary to perform the services and its duties and obligations, expressed and implied, contained herein, and CITY expressly relies upon CONSULTANT's representations regarding its skills and knowledge. CONSULTANT shall perform such services and duties in conformance to and consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California.

The plans, designs, specifications, estimates, calculations reports and other documents furnished under the Scope of Work (Exhibit "A") shall be of a quality acceptable to CITY. The criteria for acceptance of the work provided under this Agreement shall be a product of neat appearance, well-organized, technically and grammatically correct, checked and having the maker and checker identified. The minimum standard of appearance, organization and content of the drawings shall be that used by CITY for similar projects.

9. Responsibility of CONSULTANT

CONSULTANT shall be responsible for the professional quality, technical accuracy and the coordination of the services furnished by it under this Agreement. Neither CITY's review, acceptance nor payment for any of the services required under this Agreement shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement and CONSULTANT shall be and remain liable to CITY in accordance with applicable law for all damages to CITY caused by CONSULTANT's negligent performance of any of the services furnished under this Agreement.

Any acceptance by CITY of plans, specifications, calculations, construction contract documents, reports, diagrams, maps and other material prepared by CONSULTANT shall not, in any respect, absolve CONSULTANT for the responsibility CONSULTANT has in accordance with customary standards of good engineering practice in compliance with applicable Federal, State, County and/or municipal laws, ordinances, regulations, rules and orders.

10. Right of CITY to Inspect Records of CONSULTANT

CITY, through its authorized employees, representatives, or agents, shall have the right, at any and all reasonable times, to audit the books and records including, but not limited to, invoices, vouchers, canceled checks, time cards of CONSULTANT for the purpose of verifying any and all charges made by CONSULTANT in connection with this Agreement. CONSULTANT shall maintain for a minimum period of three (3) years from the date of final payment to CONSULTANT or for any longer period required by law, sufficient books and records in accordance with generally accepted accounting practices to establish the correctness of all charges submitted to CITY by CONSULTANT. Any expenses not so recorded shall be disallowed by CITY.

11. Confidentiality of Material

All ideas, memoranda, specifications, plans, calculations, manufacturing procedures, data, drawings, descriptions, documents, discussions or other information developed or received by or for CONSULTANT and all other written information submitted to CONSULTANT in connection with the performance of this Agreement shall be held confidential by CONSULTANT and shall not, without the prior written consent of CITY be used for any purposes other than the performance of the Project services, nor be disclosed to an entity not connected with the performance of the Project services. Nothing furnished to CONSULTANT which is otherwise known to CONSULTANT or is or becomes generally known to the related industry shall be deemed confidential. CONSULTANT shall not use CITY's name, insignia or distribute exploitative publicity pertaining to the services rendered under this Agreement in any magazine, trade paper, newspaper or other medium without the express written consent of CITY.

12. No Pledging of CITY's Credit

Under no circumstances shall CONSULTANT have the authority or power to pledge the credit of CITY or incur any obligation in the name of CITY.

13. Ownership of Material

All material, including information developed on computer(s), which shall include, but not be limited to, data, sketches, tracings, drawings, plans, diagrams, quantities, estimates, specifications, proposals, tests, maps, calculations, photographs, reports and other material developed, collected, prepared or caused to be prepared, under this Agreement shall become property of CITY following payment in-full for the Services performed by the CONSULTANT, but CONSULTANT may retain and use copies thereof.

CITY shall not be limited, in any way, in its use of said material, at any time, for work associated with Project. However, CONSULTANT shall not be responsible for damages resulting from the use or modification made of said material for work other than Project, including, but not limited to the release of this material to third parties for work other than on Project.

14. Hold Harmless/Indemnification

To the extent permitted by law (including, without limitation, California Civil Code section 2782.8), CONSULTANT agrees to indemnify, defend and hold harmless CITY, its officers and employees from any and all claims, demands, actions, causes of action, losses, damages, liabilities, known or unknown, and all costs and expenses, including reasonable attorneys' fees in connection with any injury or damage to persons or property to the extent arising out of any negligence, recklessness or willful misconduct of CONSULTANT, its officers, employees, agents, contractor, subcontractors or any officer, agent or employee thereof in relation to CONSULTANT's performance under this Agreement. Such defense and indemnification shall not apply in any instance of and to the extent caused by the sole negligence, recklessness or willful misconduct of CITY, its officers, employees, agents or representatives.

15. Insurance Requirements

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

16. No Third Party Beneficiary

This Agreement shall not be construed or deemed to be an agreement for the benefit of any third party or parties and no third party or parties shall have any claim or right of action hereunder for any cause whatsoever.

17. Notices

All notices required by this Agreement, other than invoices for payment which shall be sent directly to Accounts Payable, shall be in writing, and shall be personally delivered, sent by first class with postage prepaid, or sent by commercial courier, addressed as follows:

To CITY: Manuel Pineda, Director of Public Works  
Department of Public Works  
CITY OF SUNNYVALE  
P. O. Box 3707  
Sunnyvale, CA 94088-3707

To CONSULTANT: Kappe Architects  
Attn: Ron Kappe  
801 D Street  
San Rafael, CA 94901

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

18. Waiver

CONSULTANT agrees that waiver by CITY of any one or more of the conditions of performance under this Agreement shall not be construed as waiver(s) of any other condition of performance under this Agreement.

19. Amendments

No alterations or changes to the terms of this Agreement shall be valid unless made in writing and signed by both parties.

20. Integrated Agreement

This Agreement embodies the agreement between CITY and CONSULTANT and its terms and conditions. No verbal agreements or conversation with any officer, agent or employee of CITY prior to execution of this Agreement shall affect or modify any of the terms or obligations contained in any documents comprising this Agreement. Any such verbal agreement shall be considered as unofficial information and in no way binding upon CITY.

21. Conflict of Interest

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

22. California Agreement

This Agreement has been entered into in the State of California and this Agreement shall be governed by California law.

23. Records, Reports and Documentation

CONSULTANT shall maintain complete and accurate records of its operation, including any and all additional records required by CITY in writing. CONSULTANT shall submit to CITY any and all reports concerning its performance under this Agreement that may be requested by CITY in writing. CONSULTANT agrees to assist CITY in meeting CITY's reporting requirements to the state and other agencies with respect to CONSULTANT's work hereunder. All records, reports and documentation relating to the work performed under this Agreement shall be made available to City during the term of this Agreement.

24. Termination of Agreement

If CONSULTANT defaults in the performance of this Agreement, or materially breaches any of its provisions, CITY at its option may terminate this Agreement by giving written notice to CONSULTANT. In the event of such termination, CONSULTANT shall be compensated in proportion to the percentage of satisfactory services performed or materials furnished (in relation to the total which would have been performed or furnished) through the date of receipt of notification from CITY to terminate. CONSULTANT shall present CITY with any work product completed at that point in time.

Without limitation to such rights or remedies as CITY shall otherwise have by law, CITY also shall have the right to terminate this Agreement for any reason upon ten (10) days' written notice to CONSULTANT. In the event of such termination, CONSULTANT shall be compensated in proportion to the percentage of services performed or materials furnished (in relation to the total which would have been performed or furnished) through the date of receipt of notification from CITY to terminate. CONSULTANT shall present CITY with any work product completed at that point in time.

If CITY fails to pay CONSULTANT, CONSULTANT at its option may terminate this Agreement if the failure is not remedied by CITY within (30) days after written notification of failure to pay.

25. Subcontracting

None of the services covered by this Agreement shall be subcontracted without the prior written consent of CITY. Such consent may be issued with notice to proceed if subcontract consultants are listed in the project work plan.

26. Fair Employment

CONSULTANT shall not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, condition of physical handicap, religion, ethnic background or marital status, in violation of state or federal law.

27. Changes

CITY or CONSULTANT may, from time to time, request changes in the terms and conditions of this Agreement. Such changes, which are mutually agreed upon by CITY and CONSULTANT, shall be incorporated in amendments to this Agreement.

28. Other Agreements

This Agreement shall not prevent either Party from entering into similar agreements with others.

29. Severability Clause

In case any one or more of the provisions contained herein shall, for any reason, be held invalid, illegal or unenforceable in any respect, it shall not affect the validity of the other provisions which shall remain in full force and effect.

30. Captions

The captions of the various sections, paragraphs and subparagraphs, of the contract are for convenience only and shall not be considered nor referred to for resolving questions of interpretation.

31. Entire Agreement; Amendment

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

32. Miscellaneous

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

IN WITNESS WHEREOF, the parties have executed this Agreement.

ATTEST:

CITY OF SUNNYVALE ("CITY")

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

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

APPROVED AS TO FORM:

KAPPE ARCHITECTS  
("CONSULTANT")

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

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

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

**Exhibit A**  
**SCOPE OF WORK FOR**  
**Corporation Yard Site Feasibility and Modernization Plan**  
**Project No. PR-15/05-16**

**I. Project Information**

*A. Description*

This project provides for the development of a Corporation Yard Site Feasibility and Modernization Plan (Plan) for the replacement of buildings at the City Corporation Yard (Corp Yard). The condition and needs of each building should be evaluated, and scopes, schedules and estimates for replacement should be developed that will optimize space needs and efficiency while minimizing costs and disruption to existing operations. The administration, fleet maintenance, warehouse, sign shop, key shop, meter shop, carpenter shop, evidence room, parks temporary office and storage room buildings, vehicle wash/fueling/storage areas, waste disposal areas, HVAC systems, site security systems, and all other offices and restrooms will be evaluated and included in the Plan.

*B. Location*

The project is located at the City of Sunnyvale Corporation Yard at 221 Commercial Street in Sunnyvale. It is bordered by Commercial Street to the east, East California Avenue to the south and private properties to the west. A portion of the north side is bordered by a private property in addition to a City owned parcel that is currently rented out.

*C. Existing Conditions*

The Corp Yard is approximately 8.72 acres in size and consists of parking, storage, and several buildings. The larger buildings on the site such as the warehouse, fleet maintenance and administration buildings were constructed between 1950 and 1953. The evidence storage building was constructed in 1985 and the temporary parks office was built in 1994. The facility currently includes work space for a number of city employees. Due to the age of the facility and configuration, it is inefficient and undersized for today's needs and standards. Due to the number of employees, vehicles, and equipment on site, parking and circulation is also undersized and inefficient.

The construction type and condition of the buildings and their plumbing, HVAC and electrical systems varies. They have undergone various improvements and additions over the years. A list of record drawings and previous facility evaluations is included in Section IV. The plans are available upon request.

Materials and supplies are stored in various locations throughout the property, and in some cases, stored in open, unprotected racks. There is limited covered area, to protect equipment and materials from degrading in the sun. Materials and storage areas include but are not limited to:

- Material bins for rock and similar products
- Sandbag pickup area for the public
- Street light poles
- New vehicle storage
- Other large or heavy construction materials including pipes, fittings, valves, barriers, crack seal equipment, benches, vaults, manholes, gratings, etc.

- Evidence vehicles
- Hazardous materials (both materials used for work, and waste for disposal)
- Large size and heavy equipment; with additional equipment forthcoming
- Trees and other plant life
- Storage of “Homeless” encampment belongings

The site includes a number of monitoring wells that have been installed to observe the status and movement of subterranean plumes of contaminants that originated off-site and are moving through the soils under the Corp Yard. Any location or re-location of facilities must take these wells into consideration.

## II. **Consultant Scope of Services**

The consultant will perform all architectural/engineering and project management related work necessary to review available City records, interview staff, visit the site to inspect and evaluate the condition of the existing buildings, and assess the space needs of the divisions currently using the buildings. The condition assessment should consist of an inspection and assessment of each facility to identify deficiencies, problems, maintenance items, hazards, and risks, as well as any issues related to ADA accessibility, NPDES, and code violations. It should also include an evaluation of mechanical systems and electrical equipment, lights, and controls. The space needs assessment should determine the space needs of each division using the Corp Yard, which includes:

- Public Works - PW Operations (Street Operations, Fleet Services, Facility Services)
- Public Works - Parks, Golf & Trees - including Boulevard Maintenance
- Environmental Services - Water Supply & Distribution, Sewer Collection
- Finance - Central Stores
- Public Safety - Property Storage, Evidence Storage, Emergency Communications

Results of the condition evaluation and the needs assessment will form the foundation of the Plan for the expansion, renovation, and/or replacement of the existing facilities.

The City also owns the property at 239 Commercial Street which is directly adjacent to the Corp Yard along the north side. The Plan should investigate the possibility of utilizing this property for additional space. It should also investigate the sale of the property for a possible source of funding to replace the existing buildings at the existing site.

A separate project to install solar car ports and solar structures to meet electrical needs of the Corp Yard is under development. A concept plan showing potential locations is available for review. Consultant shall utilize this information and incorporate it into the Plan.

Consultant services shall include, but are not limited to: Project management, Site Assessment and Studies, and Site Alternatives, as further detailed below.

### A. *Project Management*

The consultant will be the primary responsible party for managing the project’s schedule and consultant contract budget. The consultant is expected to maintain frequent and timely communication with City staff throughout the duration of the project.

All project schedules shall be prepared in Gantt chart format, utilizing Microsoft Project software. Three weeks for each City review shall be included. Schedule updates shall be provided at all progress meetings.

Consultant's own team should have provisions for quality assurance/quality control over work product prepared for the City. The consultant shall host an FTP site throughout the project's duration for electronic file sharing.

E-Builder license and training: The selected consultant will be required to use e-Builder™ software and protocols included in that software during this project. Consultant is responsible for sending one representative to attend one 4-hour City-provided training session. City will provide consultant with one e-Builder software license for the duration of the project. E-Builder software shall be utilized for all project management documentation and correspondence. The use of project management communications herein described is in addition to and does not replace or change any contractual responsibilities of the consultant.

The Final Corporation Yard Site Feasibility and Modernization Plan shall be comprised of site assessment and studies from Section B, and site alternatives from Section C, as detailed below.

#### *B. Site Assessment and Studies*

Consultant shall be responsible for preparation of a number individual studies and assessments for the Corp Yard including but not limited to:

##### Conditions Assessment

- Perform site inspections and evaluate the needs and condition of each building and facility.
- Evaluate mechanical systems, HVAC systems, plumbing, electrical equipment, lights, and controls. Ensure all systems are in compliance with current building codes. Provide recommendations for functionality, efficiency, and whether or not the systems meet Staff's needs.
- Identify deficiencies, hazards, risks, ADA, NPDES, and code violations throughout the facility.
- Identify structures and facilities in need of rehabilitation or replacement.

##### Space Needs Assessment

- Interview the various divisions utilizing space at the Corp Yard to determine current and projected space needs along with constraints and facility requirements.
- Provide building programming for all functional areas utilized by the Corp Yard staff including but not limited to: administration, fleet maintenance, warehouse, sign shop, key shop, meter shop, carpenter shop, evidence room, parks temporary office and storage room buildings, vehicle wash/fueling/storage areas, waste disposal areas, HVAC systems, personnel offices, restrooms, locker-rooms, lunchroom, conference rooms, and public reception area.
- Investigate options for building replacement or rehabilitation.
- Include Room Data analysis detailing size and use of each room.

- Investigate the option of the addition of a “Field Emergency Operations Center” that is equipped to serve as a staging area in response to local emergencies.

Site Security System Evaluation

- Investigate options for security systems for: (1) public access to the main lobby; and, (2) access to rear parking.

Regulatory Requirements

- Identify regulatory requirements and approvals needed for the implementation of the Plan and future considerations.
- Provide a Memorandum of determination of the future project’s CEQA needs.

Utility Coordination

- Provide as needed outreach and coordination with franchise utility companies to obtain records and determine facilities that need to be relocated or adjusted as a result of future construction activities.

The individual studies used above shall be compiled into a draft Plan. Consultant shall submit six (6) hardcopies and digital copies (PDF and native format) of each study/assessment. In addition to the abovementioned, the draft Plan shall contain, at minimum, a Table of Contents, Executive Summary, and Project Introduction. The draft Plan shall be submitted to City Staff for review and comment prior to the “all hands workshop” discussed in Section C. The Consultant shall address all City comments and it is anticipated that the draft Plan may need to go through up to three iterations of review. Deliverables for each subsequent submittal shall include six (6) hard copies and digital copies of revised material. Ultimately the Plan shall include Site Concepts, Project Phasing, Design Estimates, Construction Estimates, overall Project Budget, and Schedule; however, these items will be included upon completion of the Site Alternatives as listed in Section C.

Although design of buildings is not in the scope of this Plan, it should be kept in mind that subsequent future design of facilities shall incorporate “green” building/construction practices, sustainability, energy efficiency, and low operations and maintenance costs; and that future buildings as a part of this project shall be designed to achieve a mutually agreed upon LEED goal that is consistent with budget constraints.

*C. Site Alternatives*

Utilizing the final draft Plan as listed in the previous section, the Consultant shall be responsible for preparing three alternative site concepts for Staff’s review. The concepts shall be scaled color schematics, and shall be presented to City Staff at an “all hands” workshop. Feedback from City Staff at this workshop shall be incorporated in the preparation of two “final alternatives”- one with an expanded footprint including the adjacent parcel at 239 Commercial Street; and the other utilizing the existing space but considering the sale of the adjacent parcel for a possible source of funding for the project. The two “final alternatives” shall include construction phasing information, design estimates, construction estimates, overall project budget, and schedule. Construction phasing shall include options for constructing the project as one large project versus several individual smaller projects.

Subsequently, the two “final alternatives” shall be presented to the City Council by City Staff. The consultant will be expected to attend the City Council meeting in support of City Staff. The consultant shall be responsible for preparing meeting materials needed, including but not limited to poster boards, PowerPoint presentation, and scaled color renderings.

Consultant shall compile all documentation and other information generated and prepared under this section and incorporate it with the draft Plan developed in Section B to create a Final Corporation Yard Site Feasibility and Modernization Plan. Consultant shall submit six (6) hard copies and digital copies (PDF and native format) upon completion.

#### **IV. Available Documents**

The list below is available for information only.

- Record drawings. The City does not guarantee the accuracy or completeness of record drawings. Consultant shall verify all information to their professional satisfaction. Auto Shop floor and roof plans 003-301; Administration floor and roof plans 003-302; Warehouse floor plan 003-303; Evidence building floor plan and roof plan 003-304; Sign Shop floor and roof plan 003-305; Utility building floor plan and roof plan 003-306; Fencing Diagram CP-B-12; Porch Design CP-B-17; Site Plan PR-1957; Lumber Rack CP-B-43; Site improvements CP-B161 & 62; Air conditioning plans CP-B-88-1 & 2; Evidence Building CP-P-109; Remodeling Plans PR-61-3; Office Addition PR-62-4; Corp Yard Additions PR-63-6; Chain link fence plans PR-63-7; Monorail PR-64-3; Fire Sprinkler PR-64-5; Site Improvements PR-67-8; Telemetry Enclosure PR-71-5; Corp Yard Expansion PR-76-4; Mezzanine PR-80-17; Sign Shop Building PR-83-1; Corp Yard Improvements PR-85-13; Fuel Tank Replacement PR-87-3; Paint Booth Improvements PR-89-4; Service Station PR-90-8; Seismic Strengthening PR-92-9; Roof Replacement PR-97-10 & PR-06/01-07; Water Meter Shop A-173-2 & A-174-3;
- City of Sunnyvale Office Space Standards.
- Long Range Facilities Plan prepared by Carter Goble Lee, August 22, 2008.
- Cell Tower Lease Agreements with AT&T and T-Mobile.
- Utility block maps for City sanitary sewer and storm drain are available on the City's website. City staff will provide water facilities block maps as necessary.<http://sunnyvale.ca.gov/Departments/PublicWorks/UtilityMaps.aspx>
- Tract Map 1025
- Bench marks for vertical control are listed on the City's website: <http://sunnyvale.ca.gov/Departments/PublicWorks/BenchMarks,RecordMapsandRecordDrawings.aspx>
- City standard specifications and details are available on the City's website: <http://sunnyvale.ca.gov/Departments/PublicWorks/CityStandardDetailsandSpecifications.aspx>

The below information will be provided during design to the consultant.

- GIS data for property lines, street center lines, and one (1) foot contours
- Aerial photographs from 2015 (ArcGIS format)
- City standard plan cover sheet

**Kappe Architects Team  
City of Sunnyvale**

Proposed Consultant Schedule 7 Months including City review periods (3 wks per review)	Month 1, Jan 2017				Month 2, Feb 2017				Month 3, Mar 2017				Month 4, April 2017				Month 5, May 2017				Month 6, June 2017				Month 7, July 2017				Aug-17		
	Wk 1	Wk 2	Wk 3	Wk 4	Wk 5	Wk 6	Wk 7	Wk 8	Wk 9	Wk 10	Wk 11	Wk 12	Wk 13	Wk 14	Wk 15	Wk 16	Wk 17	Wk 18	Wk 19	Wk 20	Wk 21	Wk 22	Wk 23	Wk 24	Wk 25	Wk 26	Wk 27	Wk 28	Wk 29	Wk 30	
<b>Task 1 : Site building evaluations</b>																															
Kick-off Meeting with Project Manager, stakeholders																															
Prepare schedule for team site visits, evaluations																															
Team review of previous reports, relevant materials, code review																															
Team engineers preliminary reports of findings																															
Meetings with facilities staff, space needs																															
Space Needs Assessment Spreadsheet, Room Data																															
Programming Summaries																															
Sustainability Goals, Preliminary LEED Goals																															
Civil, NPDES, site drainage, filtration issues identified																															
Preliminary ADA analysis, identify issues																															
Preliminary Planning and Building Code Analysis																															
Investigate utilization, sale of 239 Commercial St. property																															
Engineer evaluation, recommendations for cell towers																															
Prepare Preliminary Report of Findings, Recommendations																															
Project Manager Review, stakeholders review																															
<b>Task 2 : Programming, Alternative Site Configurations</b>																															
Incorporate PM, stakeholders comments																															
Programming, Final																															
Preliminary Space Plans, Site Plans, Architects																															
Civil Engineer review alternative site design																															
Maintenance Equipment Report, FF&E spreadsheet																															
Engineer's reports of findings, recommendations, Final																															
Confirm sustainability goals, LEED goals																															
Project Manager Review, stakeholders review																															
<b>Task 3 : Site and Master Plan Layouts, Alternatives</b>																															
Incorporate PM, stakeholders comments																															
Space Plan, Site Plan Alternatives finalized																															
MEP, IT Analysis																															
Structural Engineer Analysis																															
Civil Engineer Analysis																															
ADA analysis																															
Concept level cost estimates for alternatives																															
Draft Program, Site and Space Plans																															
Project Manager Review, stakeholders review																															
<b>Task 4 : Prepare Document Package, Workshop</b>																															
Incorporate PM, stakeholders comments																															
Prepare Space and Site Document Package																															
"All Hands" Workshop																															
Incorporate all review comments																															
Two "Final Alternatives"- budget, schedule, phasing																															
City Council Presentation																															
Final Corporation Yard Site Feasibility/Modernization Plan																															
Project Manager review and acceptance																															

City of Sunnyvale- KAPPE ARCHITECTS TEAM Prop 11/7/2016																							
Attachment C - Cost Proposal		KAPPE ARCHITECT, TEAM LEAD			MDG FLEET MAINT			G&B MEP,FP, IT, SECURITY							ZFA Structural			BkF		LSA			
Task #	Task Description	Project Manager	Job Captain	Drafting Support		Principal QA/QC	Project Manager	Drafting Support		Project Manager	Mech	Electrical	Low Voltage	Plumb+ FP	Admin	Energy & Sustainability		Principal QA/QC	Project Manager	Sr. Eng.		Civil	Sr. Estimator
		KAPPE	KOZAK	HABIB		PYNN	ZIMMERMAN	WEISMANT EL		SINGH	SINGH	STEFFEN	STEFFEN	YEAGER	MAHON	TIFFANY		ZUCCO	ESPINO	PANCOAST			SAYLOR
		\$170	\$105	\$95	Total Hours	\$185	\$147	\$115	Total Hours	\$250	\$250	\$250	\$250	\$190	\$85	\$230	Total Hours	\$250	\$170	\$140	Total Hours	Fee/Hr or LS	\$ 160
1	Project Management	40	24	12	76	6	7	0	13	6	0	0	0	0	0		6	1	2			-	
2	Site Assessment and Studies (Field Review of site improvements and visual utilities)	57	74	35	166	6	38	60	104		37	37	20	30	8	8	140	1	8	78		\$8,000	
3	Site Alternatives, Workshop Programming	48	69	32	149	6	37	49	92		39	30	20	22	7		118	1	8	8		\$16,000	
4	Final Site Alternatives	33	55	25	113	0	10	0	10		16	12	4	12	2		46	1	8			45	\$ 7,200
5	Space Plan, Site Plan	25	70	26	121	0	10	0	10		4	4		2			10	1	73				
6	Final Report, 2 "Final" Alternatives	23	40	25	88	0	0	0	0								0	1	4			10	\$ 1,600
7	e-builder staff training		4	2	6	0	0																
	<i>Subtotal hours</i>	226	336	157	719	18	102	109		6	96	83	44	66	17	8	320	6	103	86			
	<i>Proposal Subtotal Subtotal Fee</i>	\$ 38,420	\$35,280	\$ 14,915	\$ 88,615	\$3,330	\$14,994	\$12,535	\$ 30,859	\$ 1,500	\$ 24,000	\$20,750	\$11,000	\$12,540	\$ 1,445	\$1,840	\$ 73,075	\$ 1,500	\$17,510	\$ 12,040	\$ 31,050	\$ 24,000	\$ 8,800

TEAM SUMMARY, NO OPTIONAL SERVICES	
KAPPE ARCHITECTS	\$ 88,615
MDG	\$ 30,859
G&B	\$ 73,075
ZFA	\$ 31,050
BkF	24,000
LSA	\$ 8,800
<b>FEE PROPOSAL, SUBTOTAL</b>	<b>\$ 256,399</b>

Reimbursable Expenses Plane Flights, Hotel, Meal, Gas, Prints/Reproductions	\$ 3,350
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<b>FEE PROPOSAL TOTAL</b>	<b>\$ 259,749</b>
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## Exhibit "C"

### INSURANCE REQUIREMENTS FOR CONSULTANTS

Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work by the Consultant, his agents, representatives, or employees.

**Minimum Scope and Limits of Insurance:** Consultant shall maintain limits no less than:

1. **Commercial General Liability:** \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury, personal injury and property damage. ISO Occurrence Form CG 0001 is required.
2. **Automobile Liability:** \$1,000,000 per accident for bodily injury and property damage. ISO Form CA 0001 is required.
3. **Workers' Compensation** and **Employer's Liability:** \$1,000,000 per accident for bodily injury or disease.
4. **Errors and Omissions** Liability Insurance appropriate to the Consultants Profession: \$1,000,000 per occurrence and \$2,000,000 aggregate.

#### **Deductibles and Self-Insured Retentions**

Any deductibles or self-insured retentions must be declared and approved by the City of Sunnyvale. The consultant shall guarantee payment of any losses and related investigations, claim administration and defense expenses within the deductible or self-insured retention.

#### **Other Insurance Provisions**

The **general liability** and **automobile liability** policies are to contain, or be endorsed to contain, the following provisions:

1. The City of Sunnyvale, its officials, employees, agents and volunteers are to be covered as additional insureds with respects to liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of the Consultant; premises owned, occupied or used by the Consultant; or automobiles owned, leased, hired or borrowed by the Consultant. The coverage shall contain no special limitations on the scope of protection afforded to the City of Sunnyvale, its officers, employees, agents or volunteers.
2. For any claims related to this project, the Consultant's insurance shall be primary. Any insurance or self-insurance maintained by the City of Sunnyvale, its officers, officials, employees, agents and volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the City of Sunnyvale, its officers, officials, employees, agents or volunteers.

4. The Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
5. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, cancelled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by mail has been given to the City of Sunnyvale.

### **Claims Made Coverage**

If the General Liability and/or Errors & Omissions coverages are written on a claims-made form:

1. The retroactive date must be shown, and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided for at least five years after completion of the contract work.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the contract effective date, the Consultant must purchase an extended period coverage for a minimum of five years after completion of contract work.
4. A copy of the claims reporting requirements must be submitted to the City of Sunnyvale for review.

### **Acceptability of Insurers**

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City of Sunnyvale.

### **Verification of Coverage**

Consultant shall furnish the City of Sunnyvale with original a Certificate of Insurance effecting the coverage required. The certificates are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates are to be received and approved by the City of Sunnyvale prior to commencement of work.



# City of Sunnyvale

## Agenda Item

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17-0145

Agenda Date: 2/7/2017

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### REPORT TO COUNCIL

#### SUBJECT

Approve the Third Amendment to Outside Counsel Agreement with Bertrand, Fox & Elliot for Litigation Services

#### REPORT IN BRIEF

Approval is requested for a Third Amendment to the Outside Counsel Agreement with the law firm of Bertrand, Fox & Elliot for legal services and representation of the City in the matter of *Rivera v. City of Sunnyvale*, Case No. 113CV240935, currently pending in the Santa Clara County Superior Court. This Third Amendment is needed to cover the costs associated with the co-defendant's recently filed motion to amend their cross-complaint to include a new cause of action for dangerous condition of public property and proceeding to trial on this case, which are estimated to be \$100,000.

#### BACKGROUND

Gregory Fox, a trial attorney who specializes in the areas of municipal tort defense and constitutional and civil rights law, and partner in the law firm of Bertrand Fox & Elliot, was retained by the City Attorney under Section 908 of the City Charter to represent the City and provide legal services and representation in tort cases and police liability and civil rights matters. Mr. Fox has extensive litigation experience and has aggressively litigated cases on behalf of the City, with a significant number of claims dismissed or adjudicated in favor of the City. The Agreement was entered in May 2013, and the not to exceed amount has been increased twice to the current not to exceed amount of \$225,000. The term of the Agreement expires in December 2018.

#### DISCUSSION

Mr. Fox is providing advice and representation on a number of matters, and provides on-call advice related to claims and litigation. This current case involves a dangerous condition lawsuit against the City from tree root damage to sewer lines on the property. The City settled its case with the original plaintiff, Rivera; however, the co-defendant, Casa de Amigos Mobilehome Park (Casa), filed a cross-complaint against the City for declaratory relief, indemnification, apportionment of fault, an injury to property, for which the City is still incurring defense costs. Casa is alleging that Shamel Ash trees are damaging its sewer system and causing its sewer system to back up, has caused damage to mobilehome driveways and foundations along the Persian and Tasman perimeter of the property, which is subjecting Casa to claims filed by its renters. The trial was originally set for February 14, 2017, but Casa has recently filed a motion to amend their operative cross-complaint to include a new cause of action for dangerous condition of public property. On January 31, 2017, the Court vacated the trial date, which will result in a trial setting hearing being set for some time in March 2017. It is estimated that the City will incur an additional \$100,000 in legal fees associated with this new cause of action. Therefore, it is necessary to amend the Agreement to allow for an additional \$100,000 in potential legal expenses, for a new not-to-exceed amount of \$325,000.

**ENVIRONMENTAL REVIEW**

The action being considered does not constitute a “project” with the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378 (b) (4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

**FISCAL IMPACT**

Funds are available in the FY 2016/17 Liability and Property Insurance Fund for this Third Amendment.

**PUBLIC CONTACT**

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

**RECOMMENDATION**

Authorize the City Attorney to execute a Third Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Bertrand, Fox & Elliot to increase the not-to-exceed amount by \$100,000, for a new not-to-exceed contract amount of \$325,000.

Prepared by: Nichole G. Anglin, Paralegal  
Reviewed and Approved by: John A. Nagel, City Attorney

**ATTACHMENT**

1. Draft Third Amendment to Outside Counsel Agreement

**THIRD AMENDMENT TO  
OUTSIDE COUNSEL SERVICES AGREEMENT  
BETWEEN THE CITY OF SUNNYVALE AND  
BERTRAND, FOX, ELLIOT, OSMAN & WENZEL,  
A PROFESSIONAL CORPORATION  
(Rivera v. City of Sunnyvale)**

THIS THIRD AMENDMENT TO OUTSIDE COUNSEL SERVICES AGREEMENT is entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by the CITY OF SUNNYVALE (“City”), a municipal corporation and BERTRAND, FOX, ELLIOT, OSMAN & WENZEL, a professional corporation, engaged in the practice of law in California (“Outside Counsel”).

**RECITALS**

**WHEREAS**, on May 13, 2013, City and Outside Counsel entered into an agreement entitled, “Outside Counsel Services Agreement between the City of Sunnyvale and Bertrand, Fox, Elliot, Osman & Wenzel (Rivera v. City of Sunnyvale)” (“Agreement”) to advise and represent City in the litigation matter referred to as Rivera v. City of Sunnyvale, et al.; and

**WHEREAS**, the City settled the case with the original plaintiff Rivera, the co-defendant Casa de Amigos Mobilehome Park filed a cross-complaint against the City, and the litigation continues; and

**WHEREAS**, on November 18, 2015, City and Outside Counsel entered into a First Amendment to the Agreement to increase the amount of total compensation and extend the term; and

**WHEREAS**, on April 26, 2016, City and Outside Counsel entered into a Second Amendment to the Agreement to increase the amount of total compensation; and

**WHEREAS**, City and Outside Counsel desire to amend the amended Agreement to increase the amount of total compensation allowed by \$100,000;

**NOW, THEREFORE**, the parties agree to amend the Agreement as follows:

1. Section 3.0 is hereby amended to read as follows:

**3.0 COMPENSATION, REIMBURSEMENT AND METHOD OF PAYMENTS.**

**3.1 Compensation.** Fees for all legal services provided hereunder shall be charged in accordance with Second Revised Exhibit “A” which is attached and incorporated by reference. Second Revised Exhibit “A” may be amended, from time to time, to alter fees and charges applicable hereto provided that a letter agreement is duly signed and

approved by the City Attorney. The total amount of fees and expenses shall not exceed \$325,000.00. Outside Counsel shall notify the City prior to incurring billable costs in excess of 95% of the not-to-exceed amount.

3. First Revised Exhibit A, "Fee Schedule" is amended to read as shown in Second Revised Exhibit A, attached and incorporated into this Third Amendment.

4. All of the terms and conditions of the amended Agreement not specifically modified by this Third Amendment shall remain in full force and effect.

WITNESS THE EXECUTION HEREOF on the day and year first written above.

**CITY OF SUNNYVALE**, a municipal corporation

**BERTRAND, FOX, ELLIOT, OSMAN & WENZEL**, a California professional corporation

By \_\_\_\_\_  
JOHN A. NAGEL  
City Attorney

By \_\_\_\_\_  
GREGORY M. FOX  
Vice President

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

**SECOND REVISED EXHIBIT A**

**FEE SCHEDULE**

BERTRAND, FOX, & ELLIOT

RATE SCHEDULE

Partners (litigation matter)	\$185
Partners (non-litigation matter)	\$185
Associates	\$170



# City of Sunnyvale

## Agenda Item

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**17-0163**

**Agenda Date: 2/7/2017**

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### **SUBJECT**

Adopt Ordinance No. 3108-17 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone certain 54 Contiguous Properties located between Carlisle Way, Dartshire Way and Mallard Way from R-0 (Low Density Residential Zoning District to R-0/S (Low Density Residential/Single-Story) Zoning District

### **RECOMMENDATION**

Adopt Ordinance No. 3108-17.

### **ATTACHMENT**

1. Ordinance No. 3108-17

**ORDINANCE NO. 3108-17**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE PRECISE ZONING PLAN, ZONING DISTRICTS MAP, TO REZONE CERTAIN 54 CONTIGUOUS PROPERTIES LOCATED BETWEEN CARLISLE WAY, DARTSHIRE WAY AND MALLARD WAY FROM R-0 (LOW DENSITY RESIDENTIAL ZONING DISTRICT TO R-0/S (LOW DENSITY RESIDENTIAL/SINGLE-STORY) ZONING DISTRICT**

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT OF PRECISE ZONING PLAN. The Precise Zoning Plan, Zoning Districts Map, City of Sunnyvale (Section 19.16.050 of the Sunnyvale Municipal Code) hereby is amended to rezone certain 54 contiguous properties located at 1403-1457 Mallard Way (APNs: 309-11-039 through 309-11-041, 309-11-053 to 309-11-055, and 309-11-022), 800-862 Carlisle Way (APNs: 309-11-036 through 309-11-038 and 309-12-013), 321-361 Dartshire Way (APNs:309-11-023 through 309-11-025 and 309-12-029 through 309-12-032), 854-870 Cornwall Court (APNs: 309-11-042 through 309-11-052), 812-827 Coventry Court (APNs: 309-12-019 through 309-12-026), and 1402-1458 Kingfisher Way (APNs: 309-11-026 through 309-11-035, 309-12-014 through 309-12-018, and 309-12-027 through 309-12-028) to the R-0/S (Low Density Residential/Single-Story) Zoning District. The location of the property is set forth on the scale drawing attached as Exhibit A.

SECTION 2. FINDINGS. Pursuant to Section 19.92.080 of the Sunnyvale Municipal Code provides, the City Council may approve a general plan or zoning amendment upon finding that the amendment, as proposed, changed or modified is deemed to be in the public interest. Section 19.26.200 of the Sunnyvale Municipal Code provides that the purpose of a single-story combining district is to preserve and maintain single-family neighborhoods of predominantly single-story character. The City Council finds that the proposed rezoning of the above parcels from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story) is in the public interest because it would achieve the preservation of a predominantly R-1, single-story residential neighborhood where the majority of property owners in the proposed district desire to maintain the neighborhood's single-story character.

SECTION 3. CEQA - EXEMPTION. The City Council finds that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 of Title 14 of the California Code of Regulations (minor alterations in land use limitations that do not result in any changes in land use or density). In addition, the ordinance is exempt under the general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the activity is not subject to CEQA. (Section 15061(b)(3)). The Council therefore directs that the Planning Division

may file a Notice of Exemption with the Santa Clara County Clerk in accordance with the Sunnyvale Guidelines for the implementation of CEQA adopted by Resolution No. 118-04.

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

SECTION 5. PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on January 24, 2017, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  
RECUSAL:

ATTEST:

APPROVED:

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

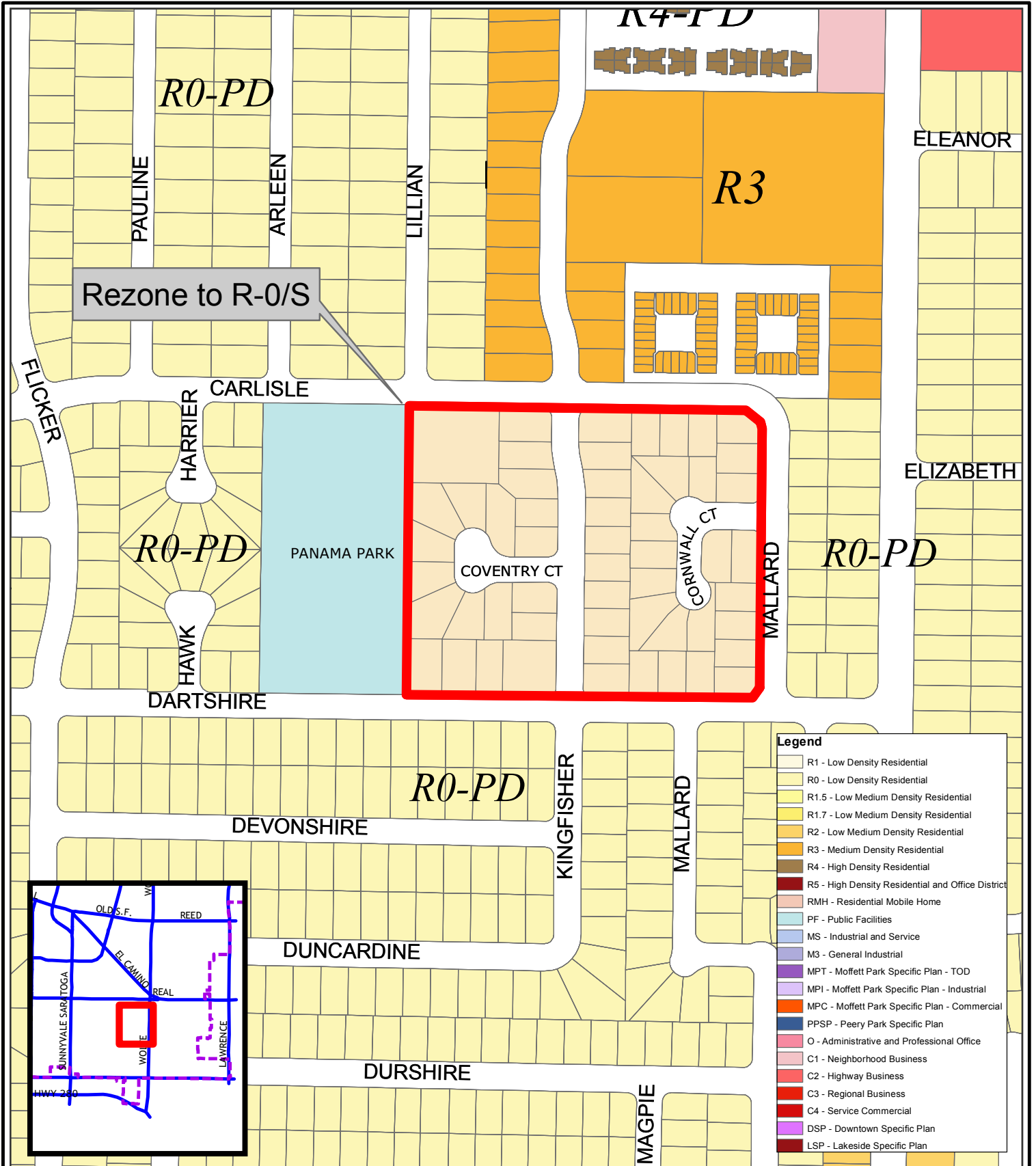
\_\_\_\_\_  
Mayor

(SEAL)

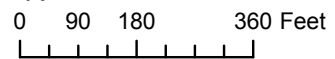
APPROVED AS TO FORM:

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

**EXHIBIT A**



2016-7467 | Rezone Map  
 Rezone 54 contiguous single-family lots from R-0 to R-0/S (Single Story).





# City of Sunnyvale

## Agenda Item

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**17-0164**

**Agenda Date: 2/7/2017**

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### **SUBJECT**

Adopt Ordinance No. 3109-17 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone certain 25 Contiguous Properties located between Torrington Drive on the North Side, Sesame Drive on the West Side and includes Snowberry Court from R-1 (Low Density Residential) Zoning District to R-1/S (Low Density Residential/Single-Story) Zoning District

### **RECOMMENDATION**

Adopt Ordinance No. 3109-17.

### **ATTACHMENT**

1. Ordinance No. 3109-17

## ORDINANCE NO. 3109-17

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE PRECISE ZONING PLAN, ZONING DISTRICTS MAP, TO REZONE CERTAIN 25 CONTIGUOUS PROPERTIES LOCATED BETWEEN TORRINGTON DRIVE ON THE NORTH SIDE, SESAME DRIVE ON THE WEST SIDE AND INCLUDES SNOWBERRY COURT FROM R-1 (LOW DENSITY RESIDENTIAL) ZONING DISTRICT TO R-1/S (LOW DENSITY RESIDENTIAL/SINGLE-STORY) ZONING DISTRICT**

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT OF PRECISE ZONING PLAN. The Precise Zoning Plan, Zoning Districts Map, City of Sunnyvale (Section 19.16.050 of the Sunnyvale Municipal Code) hereby is amended to rezone certain 25 contiguous properties located at 1156-1198 Sesame Drive (APNs: 202-08-007 through 202-08-016), 1136-1160 Snowberry Court (APNs: 202-08-022 through 202-08-031), and 614-646 Torrington Drive (APNs: 202-08-017 through 202-08-021) to the R-1/S (Low Density Residential/Single-Story) Zoning District. The location of the property is set forth on the scale drawing attached as Exhibit A.

SECTION 2. FINDINGS. Pursuant to Section 19.92.080 of the Sunnyvale Municipal Code provides, the City Council may approve a general plan or zoning amendment upon finding that the amendment, as proposed, changed or modified is deemed to be in the public interest. Section 19.26.200 of the Sunnyvale Municipal Code provides that the purpose of a single-story combining district is to preserve and maintain single-family neighborhoods of predominantly single-story character. The City Council finds that the proposed rezoning of the above parcels from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story) is in the public interest because it would achieve the preservation of a predominantly R-1, single-story residential neighborhood where the majority of property owners in the proposed district desire to maintain the neighborhood's single-story character.

SECTION 3. CEQA - EXEMPTION. The City Council finds that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 of Title 14 of the California Code of Regulations (minor alterations in land use limitations that do not result in any changes in land use or density). In addition, the ordinance is exempt under the general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the activity is not subject to CEQA. (Section 15061(b)(3)). The Council therefore directs that the Planning Division may file a Notice of Exemption with the Santa Clara County Clerk in accordance with the Sunnyvale Guidelines for the implementation of CEQA adopted by Resolution No. 118-04.

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

SECTION 5. PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on January 24, 2017, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  
RECUSAL:

ATTEST:

APPROVED:

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

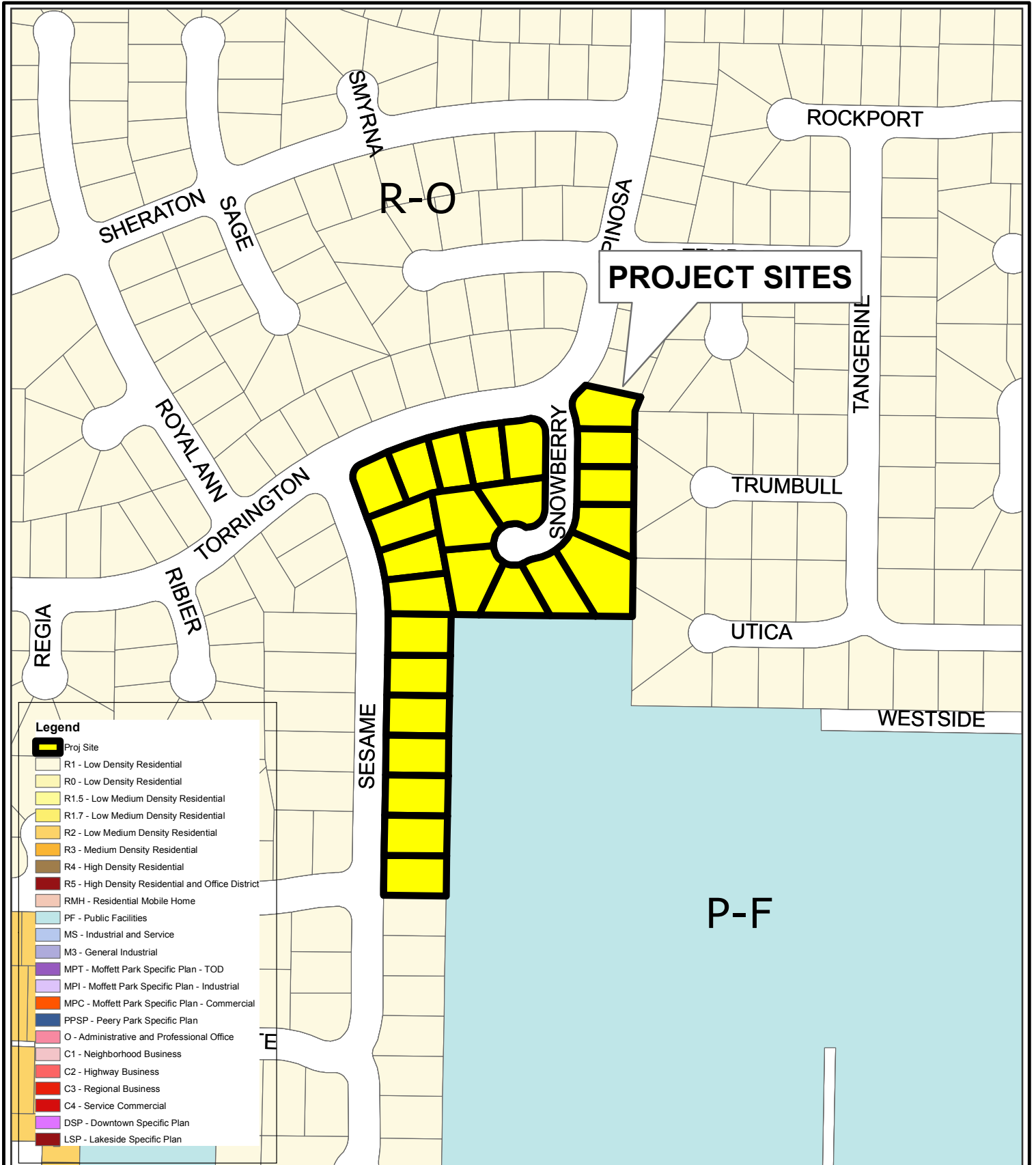
\_\_\_\_\_  
Mayor

(SEAL)

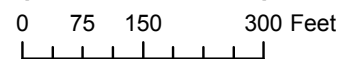
APPROVED AS TO FORM:

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

# EXHIBIT A



2016-7578  
 REZONE 25 SINGLE FAMILY HOME PARCELS FROM R-1 TO R-1/S (SINGLE STORY)  
 300-ft Area Map





# City of Sunnyvale

## Agenda Item

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**17-0206**

**Agenda Date: 2/7/2017**

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### **SUBJECT**

Adopt Ordinance No. 3110-17 to Repeal Chapter 9.54 (Human Habitation of Vehicles) of Title 9 (Public Health, Safety & Welfare) and Amend Section 10.16.140 (Parking for Certain Purposes Prohibited) of Chapter 10.16 (Parking Regulations) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code

### **RECOMMENDATION**

Adopt Ordinance No. 3110-17.

### **ATTACHMENT**

1. Ordinance No. 3110-17

**ORDINANCE NO. 3110-17**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO REPEAL CHAPTER 9.54 (HUMAN HABITATION OF VEHICLES) OF TITLE 9 (PUBLIC HEALTH, SAFETY & WELFARE) AND AMEND SECTION 10.16.140 (PARKING FOR CERTAIN PURPOSES PROHIBITED) OF CHAPTER 10.16 (PARKING REGULATIONS) OF TITLE 10 (VEHICLES AND TRAFFIC) OF THE SUNNYVALE MUNICIPAL CODE**

WHEREAS, in June 2014, the U.S. Court of Appeals for the Ninth Circuit held that the Los Angeles vehicle habitation ordinance was unconstitutionally vague in violation of the First and Fourteenth Amendments (*Desertrain, et al. v. City of Los Angeles* (9th Cir. June 19, 2014) 754 F.3d 1147); and

WHEREAS, In 2004, in *Burkow v. City of Los Angeles* (2000) 119 F.Supp.2d 1076, a federal district court held that that a prohibition on parked cars, based exclusively on the display of a “for sale” sign, was unconstitutional because it was not narrowly tailored to the City’s interest; and

WHEREAS, the City of Sunnyvale desires to repeal and amend certain sections of the Sunnyvale Municipal Code related to provisions that have been held invalid by these cases.

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

SECTION 1. Chapter 9.54 REPEALED. Chapter 9.54 (Human Habitation of Vehicles) of Title 9 (Public Health, Safety & Welfare) of the Sunnyvale Municipal Code is hereby repealed in its entirety.

SECTION 2. Section 10.16.140 AMENDED. Section 10.16.140 (Parking for Certain Purposes Prohibited) of Chapter 10.16 (Parking Regulations of Title 10 (Vehicles and Traffic) is hereby amended to read as follows:

**10.16.140. Parking for certain purposes prohibited.**

It is unlawful for any person to park a vehicle upon any roadway for the purpose of washing, greasing or repairing such vehicle, except repairing necessitated by an emergency.

SECTION 3. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, section 15378(b)(5), that this action is not a project that requires review under the California Environmental Quality Act (“CEQA”) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

SECTION 4. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

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

SECTION 6. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on January 31, 2017, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  
RECUSAL:

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

(SEAL)

APPROVED AS TO FORM:

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



# City of Sunnyvale

## Agenda Item

17-0072

Agenda Date: 2/7/2017

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### REPORT TO COUNCIL

#### SUBJECT

Authorize the City Manager to Explore a Partnership with the Sunnyvale School District for the Joint Development and Operations of the Lakewood Branch Library and Learning Center

#### BACKGROUND

On July 31, 2012, the City Council held a special joint session with the Library Board of Trustees to study future facility options for the Library and Civic Center. As a result of that discussion, the City Council directed staff to explore the construction of a branch library at the Lakewood School and Park site. The project was envisioned to be a joint facility with the Sunnyvale School District ranging in size between 10,000 to 12,000 square feet.

It should be noted that the “Sunnyvale Library of the Future Community Needs Assessment and Library Plan of Service” adopted by the City Council in 2007, stated that “to be cost effective and achieve an economy of scale, branch libraries should be of large enough critical mass to serve a significant portion of the total population. In Sunnyvale, the total service population and geographical area of the community, combined with greater proximity for some residents to regional libraries, strongly suggests consideration of no more than one branch library in addition to a main library. No less than 16,000 to 24,000 square feet should be considered, as a facility of smaller size would not require significantly less staff and might not make available the materials and services that would fully accommodate an area in the community.”<sup>1</sup> However, the subsequent economic downturn that occurred resulted in the downsizing of the project as the projected source of funding was limited to the proceeds resulting from the future sale of the Raynor Activity Center

In 2012, the City Council declared the Raynor Activity Center surplus property and authorized the sale of the property. Following a competitive process, the property was sold to Stratford School. A lawsuit was filed against the City in January 2014 alleging that the City did not properly perform the requisite environmental review under the California Environmental Quality Act prior to the sale of the Raynor property and that the Park Preservation Act was not properly followed. Both the Superior Court and the Sixth Appellate District Court ruled in favor of the City on the two causes of action. Consequently, the sale of Raynor Activity Center was completed on June 2, 2016 and the funding is now available to proceed with the development of a Branch Library.

#### EXISTING POLICY

CC-7.2a: Study the space needs of the Library as the population grows and diversifies and recommend the most appropriate configuration for services and facilities.

CC-10.6: Leverage available resources by pursuing co-funded and/or cooperative agreements for provision and maintenance of programs, facilities and services, in order to maximize benefits to the community. Partners may include, but are not limited to, school districts, non-profit groups,

governmental agencies and businesses.

CC-12: Maximum access to recreation services, facilities and amenities. The City strives to maximize access to all of its services, facilities and amenities.

LT-8.7: Conduct a cost/benefit analysis to determine whether the general community would be well-served during no-school hours by capital improvements to school-owned open space and/or recreational facilities. The cost/benefit analysis should take into account ongoing maintenance costs and responsibilities. When it is determined that the community would be well-served by the capital improvement, the City will consider funding a share of the costs of those improvements proportionate to the City's use.

LT-8.8: Support the acquisition or joint use through agreements with partners of suitable sites to enhance Sunnyvale's open spaces and recreational facilities based on community need and through such strategies as development of easements and right-of-ways for open space use, conversion of sites to open space from developed use of land and landbanking.

### **ENVIRONMENTAL REVIEW**

The action being considered is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061 (b) (3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In addition, this action is exempt pursuant to CEQA Guidelines section 15262 as it is feasibility or planning study for a possible future action that the City Council has not approved, adopted, or funded.

### **DISCUSSION**

Over the past several months, the City has continued to seek the best strategy for implementing the Lakewood Branch Library including a review of prior planning work, evaluating synergies with other City-approved projects and the impact of cost escalation resulting from the delay in the original project timeline. As a result of these efforts, staff is recommending that the project be re-defined from a singular Branch Library concept to a more inclusive concept of up to 17,000 square foot Branch Library and Learning Center that will serve as a primary resource of literacy, learning and wellness activities for the residents of North Sunnyvale.

#### **From Library to Library and Learning Center**

North Sunnyvale is an area of the City that has traditionally been underserved with respect to access to library, open space, and community services. Enclosed as Attachment 1 to the report is a map of local libraries<sup>2</sup> with circles illustrating a two-mile service area radius from the nearest library. North Sunnyvale is the only area within the City of Sunnyvale where residents must travel more than two miles to access library services.

Socio-economically, North Sunnyvale is an area of great need with 64% of the students at Lakewood Elementary qualifying for free or reduced lunch and 47% designated as English learners. At the same time, North Sunnyvale is an area of the City that has experienced significant growth in housing. This creates a situation where it is difficult for neighbors to connect with one another or to create a sense of community. As such, these conditions suggest that the Lakewood site presents a unique

opportunity to realize the City Council's General Plan goals for North Sunnyvale with respect to providing access to library services, open space and recreational programs. An opportunity to explore a more comprehensive set of needed services, combined with a larger facility to provide them, responds to the current demographic needs while also taking into consideration the rapidly growing community that will also require proximity to these uses. Given that that the proposed facility was smaller than what was envisioned to serve the long-term needs of this part of Sunnyvale, now is a good time to explore partnership opportunities to better serve the community and expend public funds on a facility that is responsive to this growing, and changing, community.

To date, the City Council has approved two separate projects for Lakewood Park: the Branch Library; and a Park Renovation and Enhancement Project. A third project for Demolition of the Lakewood Pool is being considered for inclusion in the FY 2017/18 Recommended Budget. The demotion of the Lakewood Pool is a condition of the Open Space Agreement between the City and the School District that must be completed by December, 2018.

As staff began to analyze the three separate projects, it became clear that efficiencies could be realized by aligning the various Lakewood projects. For example, while community space and meeting rooms were envisioned as part of the branch library, by integrating the renovation of the recreation building<sup>3</sup> into the branch library project, additional square footage could be realized. Moreover, by co-locating amenities like restrooms, storage and staff work space, it is possible to apply park dedication funds to the project that would not be eligible otherwise. In this way, the limited funding for the Library could be leveraged to create a space that will better meet the educational, social and recreational needs of the community. In addition, because the Lakewood Park Renovation and Enhancement Project would encompass the entire park site, combining the projects allows greater flexibility with respect to design, layout and community engagement. It was the realization that the various projects could add greater value collectively that led to the concept of a Branch Library and Learning Center.

On July 26, 2016, staff provided the City Council with an Informational Memo on the Branch Library (Attachment 2 to the report) indicating that the schedule for the Lakewood Park Renovation and Enhancement Project would be accelerated in order to align it with the Branch Library project schedule. In order to accomplish this with current resources, the timeline for the Fair Oaks Park Renovation Project was also proposed for deferral.

### **Branch Library Assumptions**

As noted earlier, staff revisited the assumptions for the original branch library project, which were originally scaled to fit the available anticipated budget regardless of the full set of service needs. These assumptions include:

- 1) The size of the Branch Library would be 10,000 to 12,000 square feet;
- 2) The Branch would be open 42 hours a week but closed on Friday and Saturdays;
- 3) The Branch would have limited staff with support from the Main Library on a rotational basis;
- 4) The Branch Library would be built on the existing footprint of the park building at Lakewood Park, separate from the recreation building; and
- 5) The sole source of funding would be the proceeds from the sale of the Raynor Activity Center.

In light of the demographics, projected demands for service, staff recommends that the original assumptions related to size and operations be re-evaluated. Additionally, given that there has been

significant cost escalation since 2012, the City needs to reevaluate the true cost and “right size” of the facility to best respond to the community and its service needs. With the assumption of the existing footprint is a constraint, an initial concept was developed to determine the maximum square footage allowable. It was determined that a 17,000 square foot facility that would combine library and recreational services could be accommodated on the existing site. In order to accommodate this expansion, staff also began to explore opportunities to enhance the project by leveraging various funding sources (park dedication funds, potential community benefit dollars, etc).

An opportunity that has re-emerged is a partnership with the Sunnyvale School District. The District recently completed its own capital improvement program at Lakewood Elementary and has embarked on an effort to position the school as “Lakewood Tech EQ” - a school environment focused on developing their students’ technology skills and social smarts for 21<sup>st</sup> century living. As part of their capital improvement program, the School engaged the community in a visioning process. This process identified the need for increased parent education, positive out-of-school activities for youth and the integration of community resources to help support families achieve their educational, social and recreational goals. In light of the alignment of these goals with the City’s goals, City and District representatives met informally in December to explore the feasibility of a partnership agreement similar in nature to what currently exists at the Columbia Neighborhood Center (CNC).

Subsequent meetings were held in early January to brainstorm potential benefits of a partnership including use of school district’s land, shared parking, shared operations, shared funding and shared communications with stakeholders. While both parties expressed strong mutual interest in a partnership agreement, it was noted that such a partnership would impact not only the scope of a project, but also the timing and cost for development. With this in mind, the parties agreed to formally evaluate the impact of a partnership agreement with respect to scope, approval and site requirements, opportunities for joint operations, equitable contributions of the parties and the impact of those items on project timelines and costs.

An item to award a design contract for the Branch Library Project was tentatively scheduled for Council consideration on January 31, 2016. However, this item was pulled in order to allow the City Council to consider the benefits that might be realized as a result of a partnership with the Sunnyvale School District.

Currently, the Lakewood Branch Library and Learning Center has an estimated cost of \$20.2 million for what is now envisioned to be up to 17,000 square foot Library and Learning Center.<sup>4</sup>The FY 2016/17 Budget Includes approximately \$17.8 million over three years to construct the Lakewood Branch Library (\$11.5 million from the proceeds of the sale of Raynor Activity Center) and to renovate and enhance Lakewood Park (\$6.3 million). Staff was also preparing an increase to the Lakewood Branch Library Project for the FY 2017/18 Recommended Budget that would include the demolition of the Lakewood Pool by December, 2018 in accordance with the agreement with the District.

The previously recommended assumptions related to staffing and hours of operation also require re-evaluation. It will be important that the appropriate staffing be designated to the site and that hours to support the objectives of providing parent education, out-of-school activities integration of community services be allocated. As an indication of their commitment to the partnership, the District has already identified an existing position that will be reallocated to support the City/School District collaboration in the Lakewood community.

In order to determine whether a partnership is viable, the parties have agreed that it would be prudent to conduct a feasibility study. A list of key questions and considerations to be addressed by the feasibility study is enclosed as Attachment 3 to the report. These questions relate to four general areas:

1. Process and Approvals required by the City, School District and/or State if project is located on School District Property.
2. Site Factors
3. Agreement, Use and Operations (Including ongoing costs and staffing levels)
4. Contributions by the Parties

It is estimated that the feasibility study will cost approximately \$50,000 and require two to three months to complete. The parties have agreed to share equally in the cost of this study, if the respective governing bodies approve staff's recommendation to explore a partnership for the Lakewood Branch Library and Learning Center. Upon completion of the study, the parties would reconvene to determine whether the joint development and operation of the Lakewood Branch Library and Learning Center is mutually beneficial and financially viable.

It is important to note that the proposed feasibility study will further delay the award of the design contract for the Branch Library by several months. As such, it is anticipated that the cost of the project will also increase relative to cost escalation. This is an important consideration as the overall cost of the project has already been impacted by the delay in the original construction timeline. As a result, it is estimated that costs have escalated at a rate of approximately 4% per year for the period between 2012 and 2017 (or approximately \$2.5 million).

The potential benefits of a partnership, however, could have sizeable impact to our community, the quality of the project, and the on-going collaboration between the City and the School District. Additional benefits such as shared staffing and shared operations as well as joint, long term planning at Lakewood and other School District sites would serve the long-term interests of both parties.

### **FISCAL IMPACT**

Staff estimates the cost of the feasibility study to be approximately \$50,000. The District has agreed to a 50/50 share of this cost. The City's share of the study will be charged to the existing Lakewood Branch Library project.

### **PUBLIC CONTACT**

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

### **ALTERNATIVES**

1. Authorize the City Manager to proceed with a feasibility study and to explore a partnership with the Sunnyvale School District for the joint development and operations of a Lakewood Branch Library and Learning Center.
2. Other direction as appropriate.

**STAFF RECOMMENDATION**

Alternative 1: Authorize the City Manager to proceed with a feasibility study and to explore a partnership with the Sunnyvale School District for the joint development and operations of a Lakewood Branch Library and Learning Center.

Prepared by: Cynthia Bojorquez, Director, Library and Community Services

Reviewed by: Manuel Pineda, Director, Public Works

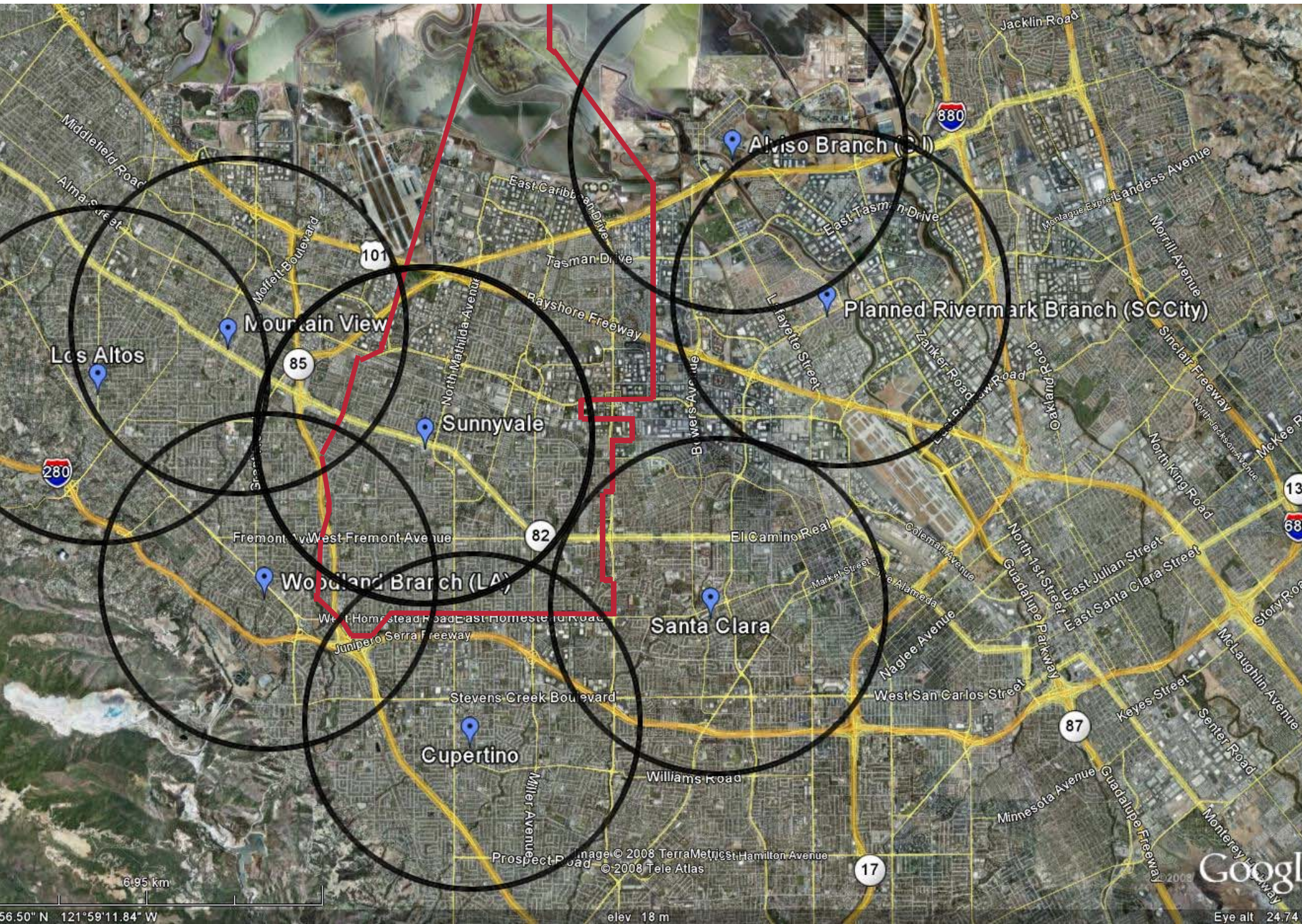
Reviewed by: Walter C. Rossmann, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Map 2-mile service area radius for local libraries
2. Library Branch Update Informational Memo dated 7/26/16 (16-0605)
3. Feasibility Study Key Questions and Considerations

1. Page 91, Community Needs Assessment and Library Plan of Service, dated June 28, 2007.
2. For purposes of this attachment, local libraries include those run by the City of Sunnyvale, the City of Santa Clara, the City of Cupertino and the County of Santa Clara.
3. Renovation of the recreation building is an element of the Park Renovation and Expansion project.
4. \$13.5 million from the sale of Raynor Activity Center; \$242,362 from State Library Funds; \$257,638 from the Friends of the Sunnyvale Library, \$2.2 million in Park Dedication funds and \$4 million from other funds (potentially from Community Benefit funds)



October 1, 2008

City of Sunnyvale Boundary



# City of Sunnyvale

## Agenda Item

16-0605

Agenda Date: 7/26/2016

### **REPORT TO COUNCIL**

#### **SUBJECT**

Status on the Branch Library Project and Deferral of Fair Oaks Park Project (Information Only)

#### **BACKGROUND**

In 2013, the City released a Request for Qualifications for solicitation of parties interested in purchasing the Raynor Activity Center property. The goal of the sale of the property was to re-purpose an underutilized City asset and to use the proceeds to fund a new branch library located at Lakewood Park. Seven proposals were received with Stratford School ranking the highest. A lawsuit was filed against the City in January 2014 alleging that the City did not properly perform environmental review under the California Environmental Quality Act prior to the sale of the Raynor property, and that the Park Preservation Act was not properly followed by the City. Both the Superior Court and the Sixth Appellate District Court ruled in favor of the City on both causes of action. The sale of Raynor Park closed escrow on June 2, 2016, which made the funds available to proceed with the branch library project.

#### **DISCUSSION**

Initially the sale of the Raynor Activity Center was scheduled to occur in 2014, however the ensuing litigation delayed construction of the new library. Due to the uncertainty of the timeframes associated with the delay, during the 2015 Capital Project Budget cycle, staff identified three other major projects to move forward with, including: Washington Community Swim Center, Fair Oaks Park Renovation and Enhancement, and Lakewood Park Renovation and Enhancement. These are all major projects requiring significant staff hours with a combined budget of approximately \$22 million that will require the development of conceptual design options, council and commission actions, and appropriate community outreach.

As the litigation has been resolved and the sale of the Raynor property is complete, the new Lakewood Branch Library Facility project has again become a priority. In order to accommodate this project into the current workload plan, staff must defer one of the other major projects previously mentioned since there is not enough capacity to work on more than three major projects at one time (it must be noted that staff is working on approximately 75 capital projects that are currently active.) Staff has reviewed the workload plan and as a result believes it is best to defer the Fair Oaks Park project by approximately 12-18 months so the Lakewood Branch Library project can begin. Staff felt it was best to continue work on the Washington Community Swim Center since a design consultant has already been selected.

Staff also determined that since the new library is being designed and constructed separately from the overall improvements at Lakewood Park project, it is ideal to work on both projects simultaneously so all locations and improvements can be coordinated amongst the two projects. As an example, the library project already anticipated incorporating the Lakewood Park recreation

building. Having a combined building will allow space to be used for community meetings, study groups or programming throughout the day. Although not currently in the budget, as part of a future action staff will propose for Council consideration allocating the appropriate funding from the Park Dedication Fund for the recreation building portion of the project.

Although the overall reconstruction of Fair Oaks Park will be delayed, the City has already moved on a number of improvements at Fair Oaks Park due to several Housing grants that were received. These improvements include: an auxiliary restroom, parking lot repairs, landscaping improvements and new skate park lighting. Based on this progress at Fair Oaks Park, staff will proceed in this direction and make the appropriate updates during the 2017 Capital Project Budget cycle.

### **PUBLIC CONTACT**

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

Prepared by: Craig Mobeck, Assistant Director of Public Works

Reviewed by: Manuel Pineda, Director of Public Works

Reviewed by: Cynthia Bojorquez, Director of Library and Community Services

Reviewed by: Kent Steffens, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

Lakewood Branch Library and Learning Center Partnership Opportunity  
Key Questions and Considerations

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I. Process and Approvals

- A. Will this project be required to go through review by the Department of the State Architect (DSA)?
- B. What are the key project elements that would trigger DSA review?
- C. What are the DSA impacts to the design fees and soft costs?
- D. Are there additional costs to the construction costs of the project due to the DSA approval process?
  - 1. If so, can those be quantified to some level to understand order of magnitude impact?
- E. If DSA review is required, this will elongate the design and approvals process schedule.
  - 1. How much will this extend the schedule?
  - 2. What will be the impact to project costs from escalation due to extended schedule?
- F. Will the design-decision making process require School District input throughout the process?
  - 1. If so, what is their anticipated level of involvement and does this lengthen the design process?
- G. How will disputes in the decision-making process be resolved? Who will have final authority?

II. Site Factors

- A. Can the existing pool site at Lakewood support the anticipated 17,000 square foot library, associated site elements and parking?
  - 1. If not, what other site areas are available for siting the Library?
  - 2. Alternatively, can the library be smaller in size or be two story in order to fit on school district property? (Two stories is not typically recommended for a library of this size)
- B. Does the School District require that the Library be located on school property to honor the shared agreement?
- C. If the existing pool site is the selected site, what are the costs and factors for consideration of adequately preparing the building pad and subgrade?
- D. Are the City and School District willing to create a shared parking agreement?
- E. Would there be an expectation on the part of the District for LEED design requirements? If so, what would those be?
- F. What expectations would there be relative to minimizing disruption to school activity during construction?

### III. Agreement, Use, and Operations

- A. What would be the operational cost benefit resulting from a partnership with School District?
- B. What will be the terms of the agreement that will be mutually beneficial to the City and the School District?
- C. Will the land remain as School District property or will the land be purchased or leased by the City? What would be the terms of lease and/or purchase?
- D. If land remains School District property, what future impacts will this have on the City Library from an operational and/or future upgrade perspective?
- E. If modeling after the CNC agreement, what elements would need to be altered for the Lakewood Branch and School District partnership to be successful?
- F. Do the impacts to the project in time, complexity and cost outweigh the benefits of the partnership?
- G. Are there any synergies or community benefits to the shared agreement such as a nicer facility, better operational or functional use, greater draw/diversity of users, school/neighborhood pride, etc?
- H. What would be the District's expectations relative to use of the facility?
- I. What would be the increase to on-going staff and operational costs?
- J. What would be the desired level of service with respect to hours of operation, assignment of staff and level of programming?

### IV. Contributions of the Parties

- A. What financial contribution can the District commit to with respect to joint development?
- B. Does the District have the capacity to contribute to on-going operations/maintenance similar to the arrangement at Columbia?
- C. Would the District's contribution be a lump sum or would it require invoicing? At what frequency?
- D. Would there be any special reporting requirements related to the District's contribution?
- E. Would there be opportunities to jointly fundraise to support future operations?



# City of Sunnyvale

## Agenda Item

16-0664

Agenda Date: 2/7/2017

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### REPORT TO COUNCIL

#### SUBJECT

Next Steps and Possible Options for the Sale of Property Located at 1050 & 1060 Innovation Way (Onizuka) and approval of Budget Modification No. 28

#### BACKGROUND

The Onizuka Air Force Station was designated by the federal government for closure in 2005, and as part of the Base Realignment and Closure (“BRAC”) process, the City Council acted as the Onizuka Local Redevelopment Authority (“LRA”) in order to adopt a local redevelopment plan and dispose of the surplus federal property. As part of a February 8, 2011 Study Session, possible public uses for the property surfaced (without any City Council action), including the following:

- Branch Library
- Educational and Medical Facilities
- City Park
- Law Enforcement and Emergency Operations Center
- City Corporation Yard
- Data Center

On March 1, 2011, the City Council acting as the LRA voted 7-0 (LRA 11-001 - Attachment 2) to authorize a number of actions related to the property. On December 13, 2011 the City Council acting as the LRA approved the Onizuka Air Force Station Amended Redevelopment Plan (Attachment 3). The preferred land use for Parcels D and E are uses consistent with the current Moffett Park Industrial (MP-I) zoning, excluding intensive office uses. An alternative was also identified to combine Parcels D and E with the adjacent Foothill-De Anza (FHDA) parcel for a park use if the public benefit conveyance of the FHDA parcel did not occur. Ultimately, FHDA was granted its requested public benefit conveyance, and the City received a quit claim deed for Parcels D and E from the United States Air Force in May 2013. This deed included a restriction to use the property for “homeless purposes” pursuant to the McKinney-Vento Act, but allowed the transfer of this restriction to an off-site location. With approval of the affordable housing projects at 620 Maude Avenue (formerly known as “the Armory site”), the Air Force released the homeless housing restriction on Parcels D and E in August 2013.

The combined City site totals 5.02 acres (approximately 4.60 acres are developable - Attachment 1) and provides redevelopment opportunities that could benefit from its highly visible location at the entrance to Moffett Park, next to State Highway 237 and near light rail. The existing MP-I zoning for the site allows a range of uses consistent with the Moffett Park Specific Plan (MPSP), including office, industrial, commercial, lodging and public facility uses. An appraisal of the site was completed by Valbridge Property Advisors in 2015, noting the value at approximately \$17 million based on the highest and best use for both parcels combined.

On May 16, 2016, Council directed staff to return to Council with a resolution that would declare the Onizuka parcels as surplus (RTC-0077). However, after reviewing the BRAC process and consulting with outside legal counsel that assisted the City with the Onizuka base closure process, staff has determined that the Surplus Lands Act would not apply since the reuse of the federal surplus property was already formally adopted by Council acting as the LRA in the Amended Redevelopment Plan in 2011 and thereafter approved by the Air Force. The Plan contemplated the future sale or lease of the Onizuka parcels consistent with the Moffett Park Specific Plan. This means that the City has already fulfilled requirements that allow the City to freely determine next steps for the disposition of this site.

### **Civic Center Context**

It is important to note that as part of the funding discussions for the Civic Center Modernization Project, the Onizuka, Unilever, and Downtown Charles Street properties were included as potential funding sources for Civic Center improvements. A specific use has only been designated for the downtown Charles Street properties pursuant to Council action in December 2015, which is for an affordable housing project. Onizuka has continued to be included as a potential funding source for the Civic Center consistent with Council direction to pursue the Civic Center Modernization Project using a phased approach. The sale of surplus land comprises a large part of funding available for Phase 1 of the Civic Center Modernization Project. To the extent that the City cannot attain market rate value for the sites, funding from other revenue sources would need to be identified if the City Council desires to proceed with Phase 1.

### **EXISTING POLICY**

**Council Policy 1.2.7 Acquisition, Leasing and Disposition of City-Owned Real Property** Section 3: Disposing of surplus property shall be done in a manner to maximize the benefit to the community and should be done whenever real estate market conditions are favorable to the City.

Section 3.D: The City may use any of the following methods or combination thereof to maximize the benefit to the community. Methods of disposition should be determined on a case-by-case basis and may include:

- Auction
- Negotiated Sale
- Exchange
- Lease
- Request for Proposal

Discounts will not be negotiated unless an extraordinary need or circumstance is recognized by the City Council prior to negotiation, setting forth the amount of the discount and the justification for it. The purpose of this requirement is to demonstrate to the community that the City is not making a gift of public assets.

Section 3.E: Costs associated with the disposition of property shall come from proceeds of the sale or charged to the fund which owns the property. Unless otherwise directed by the City Council, net proceeds from disposition of surplus property owned by the General Fund shall be placed into the General Fund Reserve for Capital Improvements. Proceeds from the sale of land or facilities originally purchased with monies from a specific fund shall be returned to that fund, except when a

fund no longer exists, it will be at the direction of City Council.

### **Moffett Park Specific Plan (MPSP)**

*Moffett Park General Industrial MP-I:* The MP-I sub-district is intended for general industrial development at moderate Floor Area Ratio (FAR) due to its proximity to regional transportation facilities and transit services. The MPSP contemplated the long-term use of the Onizuka property as a military parcel. In the event the site was no longer used for military purposes the plan allows for redevelopment as a research and development or office facility. Other public or educational uses of the property would also be allowed under the MPSP.

### **Onizuka Local Redevelopment Authority (LRA) Amended Redevelopment Plan**

#### *Citizen Advisory Committee (CAC) Reuse Objectives*

- Seek development options which maximize “highest and best use” and the highest fair market value.
- Seek disposition and development which creates a highly visible and widely recognized “landmark class” facility design - identified with Sunnyvale, with an important City entryway, with Onizuka AFS and/or Silicon Valley.

### **ENVIRONMENTAL REVIEW**

Declaring City-owned real property as property for sale does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Any future development shall be subject to the CEQA requirements.

### **DISCUSSION**

As discussed in the background section of this report, the formal surplus process for Onizuka has already been completed. With that taken into consideration, staff has reviewed the possible next steps and has developed three alternatives:

#### *Selling in the Open Market*

The City could move forward and market the property to determine what its best and highest value is in the open market per the MPSP, MP-I zoning, and LRA Amended Redevelopment Plan. The property is located within the Moffett Specific Plan Area, which is a highly desirable location, and has seen significant development over the last few years. If this is the desired approach, staff would contract with a real estate broker through a Request for Proposals (RFP) process to help assist with marketing Onizuka and obtaining all necessary reports and appraisals. This cost can be negotiated as a fixed amount for their services or a percentage of the sale price, which will be taken out of the proceeds. Once offers are received they would be brought back to Council for consideration.

The Onizuka parcel is within the Moffett Park Specific Plan in a prominent location that should be highly desirable. In an effort to ensure that the property is used to its maximum value and takes advantage of its visibility the Council can also consider increasing the amount of development beyond the currently allowed 35% FAR. This would require that Council initiate an amendment to the Moffett Park Specific Plan before staff would conduct the analysis and environmental review. The amendment could look at removing the restriction on the use of the development reserve with the current zoning of Moffett Park Industrial zoning district (MP-I) and could also examine amending the zoning to Moffett Park-Transit Oriented Development zoning district (MP-TOD). MP-I has a base zoning of 35% FAR with potential for 50% and 60% FAR based on green building achievements. MP-

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TOD has a base zoning of 50% FAR with potential for 70% and 80% FAR based on green building levels. If Council desires to explore amending the MPSP the development potential could be within the existing development reserve and capacity for the MPSP area. There are a number of key considerations as to why increasing the FAR should be considered:

- The property is located at a prime location within MPSP, and additional FAR would give more flexibility and opportunities
- The property is within walking distance to Light Rail
- Additional FAR fits within the context of recent land use approvals and new construction in close proximity to the site
- It could increase the value of the property

Consultant assistance would be needed for this process and the specific plan amendment study would take approximately six to nine months. Staff would propose to explore this process and the sale concurrently to determine what would be feasible. This includes a discussion with the selected real estate consultant to help determine the overall land use benefits and value added to the property by including the reserve compared to the existing allowed development.

#### *Negotiate Directly with Foothill-De Anza*

As presented to Council by Foothill-De Anza staff on August 23, 2016, Foothill-De Anza has been highly satisfied with their new campus adjacent to the City's Onizuka Parcel. Staff received an updated unsolicited interest letter from Foothill-De Anza Community College District in January 17, 2017 (Attachment 4), for 1060 and 1050 Innovation Way. They are proposing collaboration with Fremont Union High School District and the University of California, Santa Cruz, for the ultimate build out of their current parcel located at 1070 Innovation Way. Council could direct staff to negotiate directly with Foothill-De Anza for purchase of the properties. Prior to starting that process staff would get an updated appraisal, to determine the current value and help staff evaluate the Foothill-De Anza proposal. The estimated cost for the appraisal is approximately \$10,000. If Foothill-De Anza makes a specific proposal, staff would bring it back to Council for consideration to sell the property to Foothill-De Anza or pursue other options.

#### *Other Uses*

Staff could prepare a feasibility study to determine if the site would be suitable for other uses. For example, as part of the 2011 Council discussion, the Council considered a potential sports complex/public park and raised other potential uses for the site. However, it is important to note that this was based on the City also obtaining the adjacent property Foothill-De Anza now owns and that no further City Council action was taken on the possibility of pursuing other uses. The combined 14.2-acre site was considered the minimum acreage needed for a sports park that could accommodate multi-use athletic fields and concessions. The LRA Amended Redevelopment Plan did not identify a possible park use on Parcels D and E only given the limited size and triangular configuration of the combined site. However, the MP-I zoning does not preclude recreational uses or public facilities. If the Council would like to pursue a feasibility study for a park, staff would bring back a draft RFP for Council consideration to hire a consultant to complete this process.

Staff would also complete a Phase I environmental assessment for the properties under all alternatives.

**FISCAL IMPACT**

Proceeds from the sale of the would be reserved in the General Fund Capital Improvement Projects Reserve for use on future capital projects consistent with Council Policy 1.2.7. Completing the sale will reduce operating costs for property management and repairs. Longer-term redevelopment of the property will result in higher property tax revenues to the City. If the Council proceeds with an alternative that requires proceeding with appraisals and Phase 1 environmental assessments, up to \$25,000 will need to be appropriated.

Budget Modification No. 28 appropriates \$25,000 to a new project to fund the Phase 1 environmental assessments and property appraisals.

**Budget Modification No. 28  
FY 2016/17**

	<u>Current</u>	<u>Increase/ (Decrease)</u>	<u>Revised</u>
<b>General Fund</b>			
<u>Expenditures</u>			
New Project - City Owned	\$0	\$20,000	\$20,000
Property Environmental Assessments and Property Appraisals			
 <u>Reserves</u>			
Capital Improvement Project Reserve	\$33,082,063	(\$20,000)	\$33,062,063

**Funding Source**

This project is funded by the General Fund, Capital Improvement Project Reserve.

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website. No mailed notices to properties within 1000 feet of the property was required under Council Policy 1.2.7 as the Onizuka property is not being declared surplus property pursuant to Government Code section 54220 et seq.

**ALTERNATIVES**

1. Direct staff to proceed with a Request for Proposal for real estate broker services for the sale of the property on the open market.
2. Direct staff to proceed with the drafting of an amendment to the Moffett Park Specific Plan for Council consideration at a future date to remove the restriction on the use of the development reserve with the current zoning of Moffett Park Industrial zoning district (MP-I) and to allow higher floor area ratio in connection with redevelopment of the Onizuka Parcels as described in the report.
3. Direct staff to negotiate directly with Foothill-De Anza for sale of 1060 and 1050 Innovation Way property and return to Council with a proposal for consideration.
4. Approve Budget Modification No 28 to appropriate \$20,000 for updated

- appraisals and a Phase I Environmental Assessment.
5. Direct staff to develop an RFP for Council consideration to proceed with a masterplan process for a City park and determine possible capital and operation costs.
  6. Direct staff not to proceed with Alternatives 1, 2, 3, 4 or 5 and proceed as otherwise directed by Council.

### **STAFF RECOMMENDATION**

Alternatives 1, 2 and 4: 1) Direct staff to proceed with a Request for Proposal for real estate broker services for the sale of the property on the open market; 2) Direct staff to proceed with the drafting of an amendment to the Moffett Park Specific Plan for City Council consideration at a future date to allow higher floor area ratio in connection with redevelopment of the Onizuka Parcels as described in the report, and 4) Approve Budget Modification No 28 to Appropriate \$20,000 for updated appraisals and a Phase I Environmental Assessment.

This alternative aligns with the Council approved MPSP and LRA Amended Redevelopment Plan for the property. Maximizing the value of the property and using an open and competitive process to sell the property is consistent with existing Council policy to maximize benefits to the community and does not preclude continued participation in the process by Foothill-De Anza.

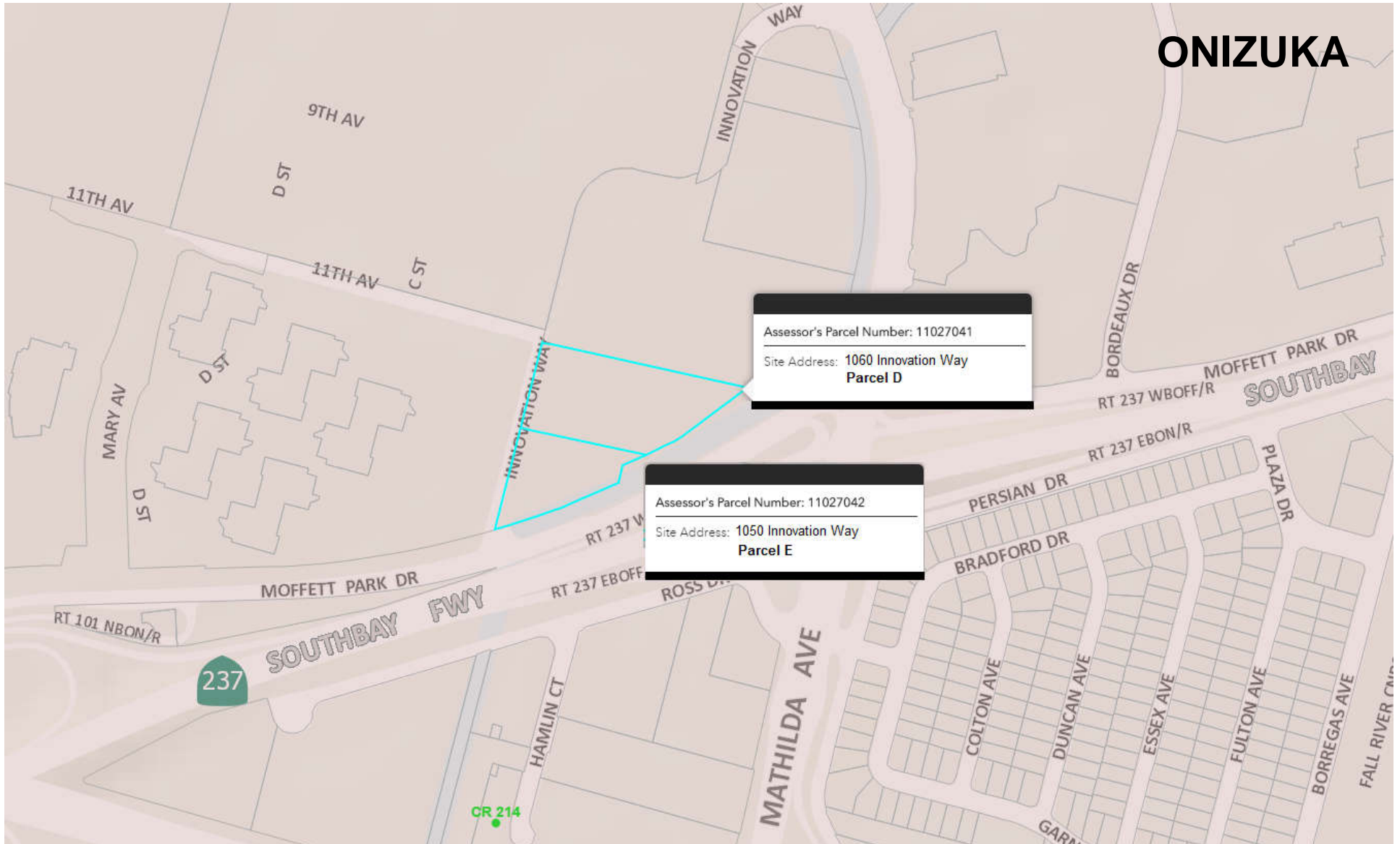
Assigning the development reserve to the property could allow for construction of a building that better aligns with the properties visibility and prime location and could maximize its value. Staff would consult with the selected real estate consultant to help determine the benefits associated with the reserve and the possible concerns with extending the timeline for sale. It is important to note that the development reserve process will require consultant assistance and a future council action for a budget modification and contract award.

Prepared by: Ryan Sandoval, City Property Administrator  
Reviewed by: Manuel Pineda, Director, Public Works  
Reviewed by: Timothy J. Kirby, Director, Finance  
Reviewed by: Kent Steffens, Assistant City Manager  
Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Vicinity Map
2. Local Redevelopment Authority Report LRA 11-001
3. Amended Redevelopment Plan
4. Foothill De Anza Letter - Onizuka

# VICINITY MAP



**REPORT TO CITY COUNCIL AND ONIZUKA  
LOCAL REDEVELOPMENT AUTHORITY**NO: LRA 11-001**Joint City Council/LRA Meeting: March 1, 2011****SUBJECT: 2010-7313 Alternative Land Use Options for Onizuka Air Force Station, including Possible Public Benefit Conveyances (PBC)****REPORT IN BRIEF**

On October 5, 2010 the Onizuka Local Redevelopment Authority (LRA) provided direction to staff to abandon the auto center concept and Economic Development Conveyance (EDC) and to amend the Redevelopment Plan to pursue alternative land uses for the Onizuka Air Force Station (OAFS) site consistent with the Moffett Park Specific Plan (MPSP) and existing MP-I zoning for the property, with the exception of office uses that generated significant peak hour vehicular trips. The Council asked staff to further evaluate possible PBC uses such as a branch library, education facility, public health care facility, corporation yard, City park or law enforcement/emergency operations center. Further, they asked staff to investigate the feasibility of a data center and possibly adapting the Blue Cube for such a use.

On February 8, 2011 staff provided the LRA with an evaluation of possible PBCs and data center (see Attachment A). Staff provided three options for consideration and recommended Option #3 which included pursuing a PBC for expansion of the Fire Station #5 site and designating the remainder of the surplus property for development consistent with the Moffett Park Specific Plan. Staff also recommended consolidating the housing claims to the southern portion of the site with preference to negotiate with the housing providers to relinquish their claims (see Attachment B). During the study session discussion, the LRA indicated support Option 2 for a fire station PBC and a public park/sports complex PBC. The LRA further expressed support for the staff recommendation that the public park/sports complex should be cost neutral. If Option 2 is selected as the preferred land use plan for the amended Redevelopment Plan, staff would analyze if the public park/sports complex could be cost neutral, or if financial participation from the City would be required to create a financially feasible project.

## **BACKGROUND**

### **Onizuka Redevelopment Plan**

The LRA adopted the Onizuka Redevelopment Plan on December 9, 2008, with a preferred land use plan for an auto center concept. Staff was directed to submit this plan to the Department of the Air Force (AF) and the Department of Housing and Urban Development (HUD). Staff also submitted an accompanying Homeless Assistance Submission (HAS) to HUD in response to the Notices of Interest (NOI) received from two homeless housing providers. The LRA also received a grant from the Office of Economic Adjustment (OEA) to fund the development of a business plan and related studies to support an EDC application.

Following the LRA decision in October 2010, staff submitted an amendment to the current grant to change the scope of work to perform additional analysis and technical studies. The grant modification was approved by OEA on January 12, 2011. The funds can be used to fund LRA staff hours to amend the Redevelopment Plan, HAS and LBA. But OEA has clarified that the grant funds cannot be used for City staff to prepare the PBC applications.

Action on the HAS by HUD is pending a determination on the preferred land use and further discussions between the LRA, AF, and the homeless housing providers on the terms of the Legally Binding Agreement (LBA). Additionally, approval of the Onizuka Redevelopment Plan by the AF is dependent on HUD acceptance of the HAS. The AF is seeking full closure and transfer of the property by September 2011.

The Air Force has indicated concern with the amount of time associated with completing the PBC process by the projected closure date. The AF has requested that the LRA submit PBC application(s) by April 15, 2011 to the appropriate federal sponsoring agency, if that is the LRAs preferred alternative. Based on the support expressed by the LRA for the two PBCs, this would be the Federal Emergency Management Agency (FEMA) for the fire station expansion and the National Park Service (NPS) for the public park/sports complex.

## **DISCUSSION**

The Onizuka Air Force Station Base Realignment and Closure (BRAC) process has included consideration of multiple land use options since the process began in early 2006. Since the decision of the LRA to discontinue the auto center concept in October 2010, staff has been evaluating the feasibility of various PBC opportunities. Qualifying PBC uses are analyzed in Attachment A. Under the BRAC regulations, surplus land could be acquired by a public agency or qualifying non-profit entity for a PBC use at no cost or at a

significantly discounted land cost. The LRA was presented with an analysis of PBC options on February 8, 2011, during which time the LRA indicated support for two City PBCs to acquire additional land for Fire Station #5 and for a public park/sports complex. The following discussion describes the staff work that would be required to implement both PBC options.

### **Homeless Housing**

The LRA has received two claims to construct homeless housing at the OAFS site. The first is Charities Housing for 1.9 acres at the northern tip of the site. MidPeninsula Housing has the second claim for 4.2 acres located at the southwest corner of the site. Since the initial submittal, both providers have reduced the amount of land requested for their proposed projects. As of January 2011, the Charities Housing claim is now 1.5 acres to construct 31 housing units and the MidPeninsula Housing claim is now 3.1 acres to construct 63 units. The proposed reductions will require approval by the LRA, modifications to the HAS and LBA and approval by the Department of Housing and Urban Development (HUD).

Staff is working with both providers to verify the financial feasibility of the proposed projects based on the current availability of financing and site constraints (e.g. lack of support services in the area). Depending on the information provided, the LRA may choose to: support both providers; support only one provider; not support any housing at the site; or work with the providers to relinquish their claims at the site. As discussed at the February 8 LRA study session, constructing housing at the site does not conform to the Moffett Park Specific Plan and is problematic due to the lack of convenient services for residents and the isolated location. Staff believes that the preferred solution is working with the providers to relinquish their claims and incorporating the surplus land into the public park PBC to create a larger site for more play fields. Since the LRA indicated support for a public park/sports complex, staff proposes to further negotiate with the homeless housing providers to relinquish their claims at OAFS.

The best solution seems to be to identify an alternative site for the homeless housing providers. Coincidentally, the City-owned Armory site, located on Fair Oaks and Maude, will become available in June 2011. The Armory site is a prime site for affordable housing because it is centrally located with convenient access to community facilities and services. The site is approximately 2.4 acres, which is about half the size of the area requested by both providers. The site is zoned High Density Residential (R-4), which allows up to 36 units/acre, and a density bonus is permissible for affordable housing. Staff has initiated preliminary discussions with the providers on their interest in pursuing a joint housing development on the property.

If the City Council is open to offering the Armory site for housing, the City could continue to offer Housing Mitigation Funds to the providers as an incentive to relinquish their claims at OAFS, similar to the current LBA when the LRA expected to pursue an EDC. One concept is to agree to provide Housing Mitigation Funds to the providers to relinquish their claims and to enter into a concurrent agreement to sell the Armory site to the providers using these same funds. These funds would then be deposited or transferred into the City's General Fund.

### **Department of Veteran Affairs (VA)**

The VA originally submitted a claim for an approximately 3.1-acre site in 2006 that included Building 1002, two small supporting buildings and site area for parking. In 2010, they submitted a request to AF for additional land to the north of their original claim. This request increases the total claim to 5.0 acres and will allow for future expansion of the office and additional parking. However, the additional requested area encroaches into the existing Charities Housing claim. The amended claim is subject to review and approval by the LRA and AF. No action has been taken by the AF pending LRA decision on amending the Redevelopment Plan.

Recently, the VA expressed interest for an even larger site totally 7 acres, although a formal request has not been submitted yet. The larger site would accommodate an expanded office facility and possibly utilize an existing parking structure. The additional land would encroach southward into the area proposed for the public park/sports complex PBC. The feasibility of a sports complex depends on maximizing the amount of land available for development of play fields. Whereas the request for additional land to the north is supportable, expanding the VA site to the south would impact the feasibility of a sports complex.

### **Fire Station Expansion (PBC)**

The Department of Public Safety (DPS) has recommended extending the southern property line of the Fire Station #5 site by 150 feet to the south (approximately one acre) to allow for better access, training and staging area, parking and storage. The expanded fire station site would total approximately two acres. The PBC for expanding the fire station site would be sponsored by FEMA and could be acquired as a no-cost conveyance. The associated costs for removal of existing northern property line fencing, grading for access, new southern perimeter fencing, demolition of existing hose drying ramp and construction of new ramp are estimated to be approximately \$315,000. A no-cost PBC for expanding the fire station site was supported by the LRA at its February 8 study session. Assuming the property is transferred to the City this year, the above project funds would need to be budgeted in FY 2011-12.

### **Public Park/Sports Complex (PBC)**

The Department of Community Services has indicated that based on existing demand for the City's existing sports fields there is an increasing need for additional facilities in the community for organized sports. The City is unable to satisfy the service level demand of various youth sports groups involved in soccer and baseball due to the growth in number of children involved, and the desire of those groups to expand their playing seasons. Staff has been unable to meet the demands of adult soccer players for many years as well. In fact, it was unable to meet that demand even before the Santa Clara Unified School District transformed a large number of multi-purpose playing fields into Full Circle Farm. Cricket players have also been very vocal about the need for additional fields in Sunnyvale. Should the City enter into a private-public partnership for the development of a sports complex at the Onizuka site, market demand will play a significant role in the determining the type of fields constructed, since they will be expected to more than offset development and operating costs.

As previously stated, the feasibility of a sports complex on the OAFS site will depend on maximizing the available land. This would require maintaining the current southern boundary of the VA site as shown in Option 2. In addition, if an agreement is reached with the homeless housing providers to relinquish their claims, the resulting site area for a public park/sports complex would be approximately 12.71 acres. This would accommodate a minimum of four multi-use fields, restroom facilities and a concession/maintenance building.

A PBC for a public park/sports complex would be sponsored by the National Park Service (NPS). Staff has initiated discussions with NPS staff in anticipation of moving forward on this PBC application. The PBC regulations allow land to be acquired for a qualifying public park PBC at a reduced cost of at least 50 percent of the assessed value, but many park sites are acquired through a no-cost conveyance. Staff believes a PBC request could be structured to justify a no-cost conveyance, but this will require further discussions with NPS. As part of the PBC process, NPS will require an application that demonstrates: the community need for public park and recreational uses; the City's operational and financial capability to develop and maintain the park; the suitability of the site for park use; and a description of the proposed park facilities, including a site plan and development schedule. NPS staff will evaluate the PBC request based on the documentation of community need and the feasibility of the financial plan. They indicated that the general expectation is that the City should be capable of completing the park for public use within three years and can consider phased development.

Staff very roughly estimates that the development cost for a public park/sports complex on a 12.71-acre site would be approximately \$17 million with annual on-going operational costs of \$130,000. These costs would be further analyzed as site plans are developed. In addition, a Phase II environmental assessment (with soil sampling) is recommended to determine the possible need for additional soil remediation. Although a Phase I assessment has been completed by the AF as part of its required compliance with the National Environmental Protection Act (NEPA), the assessment assumed an office or auto center concept, which would not result in "sensitive" user groups. Staff received preliminary estimates ranging between \$20,000 and \$30,000 for a Phase II assessment (approximately five to six soil samples and associated testing), and is recommending allocating park dedication in-lieu fees for this purpose. The estimated development cost cited above (\$17 million) includes a contingency of \$1 million for soil remediation.

The development and operations costs for a public park/sports complex may either be funded by the City or the City may work with a private developer/vendor to finance, construct and operate the sports complex. The City Council expressed support for this use if the City would not incur capital and operational costs, i.e. the project would be "cost neutral." This would necessitate partnering with a developer/vendor, which is a business model other cities has employed for such complexes. If the City Council authorizes pursuing the public park PBC, the financial feasibility of a sports complex at this location on a 12.71-acre site would need to be verified. Staff would assess the interest and financial capability of potential developers/vendors to develop and operate the sports complex and confirm with NPS that a no-cost conveyance is possible. Additional investigative studies are also advised, such as a market and financial feasibility analysis, site plan studies, and a refinement of development and operational costs. Staff recommends allocating up to \$100,000 in park dedication in-lieu fee funds to engage a consultant(s) to conduct these studies, which include the estimated cost for the Phase II assessment. These studies will take three to six months to complete.

Extensive upfront funds will be needed for demolition, site preparation, park development and possibly site remediation. Staff expects that the City will have to supplement development costs with park dedication in-lieu fees in order to create a financially feasible project. Allocation of these funds for a sports complex may require deferring or delaying funding of other identified park facility needs. However, the Onizuka Air Force Station presents an opportunity for the City to acquire a substantial site at potentially no cost. Staff will also determine if a viable business plan could be devised such that on-going operating costs could be fully covered by the vendor. This would mean projected operating revenues would cover operations, maintenance, replacement, finance and other reoccurring costs with allowance for a reasonable developer/vendor profit.

If the City concludes the PBC process and acquires the property in the next year, but development of the public park/sports complex or an agreement with a developer/vendor is still pending, then initial funds will need to be allocated for interim caretaker costs. These include costs for security, maintenance, utilities and other incidental items. Staff will estimate these costs during the PBC process, which could be substantial depending on how quickly the project materializes. Discussions with VA could also occur on the possibility of partnering on security and property management.

### **General Plan Conformance**

The following goals and policy statements are applicable and support the expansion of fire station and the creation of a park/sports complex.

- **Fire Station:**

**Policy A.1** - Assure that equipment and facilities are provided and maintained to meet reasonable standards of safety, dependability, and compatibility with fire service operations.

**A.1e** - Work cooperatively with the appropriate City Departments in issues related to the acquisition, use, maintenance, and modification of facilities.

- **Public Park/Sports Complex:**

**Goal 2.2A Open Space** - The City strives to provide and maintain adequate and balanced open space and recreation facilities for the benefit of maintaining a healthy community based on community needs and the ability of the city to finance, construct, maintain, and operate these facilities now and in the future. It is the City's policy, therefore, to:

**Policy 2.2.A.8** - Support the acquisition or joint use through agreements with partners of suitable sites to enhance Sunnyvale's open spaces and recreation facilities based on community need and through such strategies as development of easements and right-of-ways for open space use, conversion of sites to open space from developed use of land, and land banking.

**Policy 2.2.A.9** - Refrain from engaging in the development of open space and/or recreational facilities without prior assurance that ongoing maintenance needs will be addressed.

**Goal 2.2.C Regional Approach** - The City embraces a regional approach to providing and preserving open space and providing open space and recreational services, facilities and amenities for the broader community.

**Policy 2.2.C.2** - Support public and private efforts in and around Sunnyvale to acquire, develop and maintain open space and recreation facilities and services for public use.

**Policy 2.2.D.12** - Give priority to acquiring/developing open space and recreational amenities and programs where the needs are greatest and/or which will meet the greatest needs.

## **OPTION 2 NEXT STEPS**

At the LRA study session, support was expressed for Option 2: Fire Station Expansion and Public Park/Sports Complex PBCs. In anticipation of the LRA possibly endorsing this option, staff has outlined the following next steps in the planning process to implement this option, some of which can occur concurrently:

### **Fire Station Expansion PBC:**

- Budget initial project funds for basic site improvements.
- Prepare submittal of PBC application to FEMA with:
  - Financing plan;
  - Needs assessment; and
  - Cost estimate for site improvements

### **Public Park/Sports Complex PBC:**

- Further outreach to developers/vendors to determine interest and financing options.
- Prepare market assessment and financial feasibility analysis.
- Determine interim caretaker costs for security, utilities and other incidental expenses until park development occurs, and budget project funds accordingly.
- Prepare conceptual site plan to refine the park concept and determine the number of fields and other facilities.
- Prepare submittal of PBC application to NPS with:
  - Financing plan;
  - Assessment of community need;
  - Refined cost estimates for development and operations;
  - Environmental clearance: Phase II Study (\$20-\$30,000); and
  - Other technical studies as may be required by NPS.

### **Negotiations with Homeless Housing Providers:**

- Negotiate an agreement with MidPeninsula Housing and Charities Housing on relinquishing their claims and acquiring an alternative site such as the Armory site.
- Revise Homeless Assistance Submittal (HAS).
- Revise Legally Binding Agreement (LBA).
- Submit revised LBA and HAS to HUD for review and approval.

### **Revise Redevelopment Plan:**

- Amend Redevelopment Plan based on LRA direction.
- Present to LRA for review and approval in May 2011, if possible.
- Submit Amended Redevelopment Plan to the Air Force for a Record of Decision.

### **FISCAL IMPACT**

Pursuing both PBCs for a public park and fire station expansion will require initial costs associated with preparing the PBC applications. As previously mentioned, staff recommends allocating up to \$100,000 in park dedication in-lieu fee funds for investigative studies to determine the financial feasibility of a public park/sports complex. These funds would be used to prepare a Phase II environmental site assessment (estimated at \$20,000 to \$30,000), a market and financial feasibility analysis, conceptual site plans, and a refinement of development and operational costs. The City will also need to budget funds for several short-term items: 1) caretaker costs until a sports complex developer/vendor is identified and contracts/agreements are signed (to be determined during PBC process); and 2) basic site improvement costs associated with the fire station expansion for fencing and site improvements, estimated at \$315,000.

At the present time, the remaining balance in the OEA grant is \$130,178, \$10,000 of which is available for additional studies to finalize the Redevelopment Plan, such as possibly the environmental site assessment (staff verifying with OEA.) Staff would evaluate whether the remaining grant funds are sufficient to complete the Redevelopment Plan and related work. It is possible that OEA might provide additional grant assistance, but further discussions with OEA staff would be necessary to determine this. OEA funds may be used to cover LRA staff costs to prepare the amended Redevelopment Plan, HAS and LBA and related LRA documents and for continuing coordination with the AF, VA and the homeless housing providers. OEA staff

has indicated that grant funds cannot be used to cover City staff costs to prepare the PBC applications.

## **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site. Mailed notices were delivered to all property owners and tenants within 300 feet of the subject site. Sunnyvale auto dealers, the members of the LRA's former Citizen's Advisory Committee, the Moffett Park Business and Transportation Association, Juniper Networks and the two homeless housing providers were also notified about the LRA hearing.

## **ALTERNATIVES**

- **Option 1: Baseline**

This option assumes the current status quo for VA claims and homeless housing providers and not pursuing the remaining surplus of 8.6 acres, which will be sold by the Air Force and redeveloped by a private developer consistent with the Moffett Park Specific Plan (see Attachment B, Option 1).

- **Option 2: Fire Station Expansion and Public Park/Sports Complex PBCs**

This option involves the City pursuing PBCs for the expansion of Fire Station #5 site and the creation of a public park/sports complex and the consolidation of the homeless housing provider claims to the southern portion of the site. This option also supports an enlargement of VA site to approximately four acres. The LRA may choose to recognize the homeless housing claims on the site or negotiate with the providers to relinquish their claims. Staff recommends that the preferred alternative is relinquishment of the housing claims to create a maximum site for the park (see Attachment B, Option 2).

- **Option 3: Fire Station Expansion PBC Only and Preferred Uses Consistent with Moffett Park Specific Plan**

This option involves the City only pursuing a PBC for the expansion of the Fire Station #5 site and the consolidation of the homeless housing

provider claims to the southern portion of the site. The remainder surplus property would be sold by the Air Force. The LRA may choose to recognize the homeless housing claims on the site or negotiate with the providers to relinquish their claims. The additional area may be folded into the surplus property and developed consistent with the Moffett Park Specific Plan (see Attachment B, Option 3). In addition, the LRA may restrict high traffic generating office uses or conditionally allow office uses with specific requirements to address potential traffic concerns as noted above.

### **RECOMMENDATION**

If the City Council/LRA supports Option 2 for Fire Station and Public Park PBCs, then staff recommends authorizing the City Manager to pursue the following actions:

#### **LRA Actions:**

1. Discuss with the homeless housing providers the feasibility of relinquishing their claims on the Onizuka AFS site, and revise the HAS and LBA accordingly;
2. Amend the Redevelopment Plan for LRA adoption to reflect Option 2.

#### **City Council Actions:**

1. Initiate discussions with FEMA to submit a PBC request for expanding the Fire Station #5 site, including preparing a needs assessment, financing plan and refined cost estimates;
2. Initiate discussions with NPS and potential sports complex developers/vendors to submit a PBC request for a public park, including preparing a needs assessment, conceptual park plan and financing plan;
3. Allocate up to \$100,000 in park-dedication in-lieu fee funds for a Phase II environmental assessment, market and financial feasibility analysis, site plan studies and a refinement of development and operational costs for the public park PBC;
4. Determine options and the fiscal impacts to the City for interim caretaker obligation of the public park PBC site; and
5. Authorize discussions with the two homeless housing providers on the City's Armory site as a possible alternative site for affordable housing.

With the adoption of the above recommendation, staff anticipates returning to the LRA in May 2011 to adopt the Amended Redevelopment Plan. Staff would also report on the status of discussions with the homeless housing providers and may have a revised HAS and LBA for review and approval. Additionally, staff would report on the status of the investigative studies and discussions

with NPS, Air Force and potential sports complex developers/vendors on the public park PBC. Finally, depending on the progress of discussions with FEMA on the fire station PBC, review and approval of a PBC application may occur at this meeting.

Prepared by:

Hanson Hom  
Director of Community Development  
Prepared by: Shaunn Mendrin, Senior Planner

Approved by:

Gary M. Luebbbers  
City Manager

**Attachments**

- A. LRA Study Session Report, dated February 8, 2011
- B. Onizuka Land Use Options
- C. LRA Study Session Summary Minutes, dated February 8, 2011

# Attachment A



**COMMUNITY DEVELOPMENT DEPARTMENT  
OFFICE MEMORANDUM**

DATE: **February 8, 2011**

TO: **Onizuka Local Redevelopment Authority (LRA)**

FROM: **Hanson Hom, Director of Community Development** *HH*

THROUGH: **Gary Luebbers, City Manager** *GL*

RE: **Alternative Land Use Options for Onizuka Air Force Station,  
including Possible Public Benefit Conveyances (PBC)**

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**PURPOSE**

The purpose of this memo and study session item is to present the LRA with possible PBC options of a fire station expansion and/or park for a recreational field facility and to receive feedback regarding the preferred option.

**BACKGROUND**

On October 5, the LRA provided direction to staff to abandon the auto center concept and Economic Development Conveyance (EDC) and to amend the Redevelopment Plan to pursue alternative land uses for the Onizuka AFS site consistent with the Moffett Park Specific Plan (MPSP) and existing MP-I zoning for the property, with the exception of office uses that generated significant peak hour vehicular trips. They asked staff to further evaluate possible PBC uses such as a branch library, education facility, public health care facility, corporation yard, City park or law enforcement/emergency operations center. Further, they asked staff to investigate the feasibility of a data center and possibly adapting the Blue Cube for such a use.

As the LRA is aware, the Air Force (AF) is scheduled to close the Onizuka site and deliver the respective parties their requested land by September 2011. The Air Force has indicated concern with the amount of time associated with completing the PBC process by the projected closure date. The AF has requested that the LRA submit PBC application(s) by April 15, 2011 to the appropriate federal sponsoring agency, if that is the LRAs preferred alternative. Based on the two options, this would be the Federal Emergency Management Agency (FEMA) for the fire station expansion and the National Park Service for the public park (see discussion below).

## **DISCUSSION**

### **Homeless Housing**

Two homeless housing providers have submitted claims for land at the Onizuka site. The first is Charities Housing which has a claim of 1.9 acres at the northern tip of the site. MidPen Housing Corporation has the second claim for 4.2 acres located at the southwest corner of the site. Since the initial submittal, both providers have reduced the amount of the land requested to fine tune the proposed projects. As of January 2011, the Charities Housing claim is now 1.5 acres and the MidPen Housing claim is now 3.1 acres. The proposed reductions will require approval by the LRA, modifications to the Legally Binding Agreement and approval by the Department of Housing and Urban Development (HUD).

Staff is working with both providers to verify the financial feasibility of the proposed projects based on the current availability of financing and site constraints (lack of support services in the area). Depending on the information provided, the LRA may choose: to support both providers; only support one provider; not support any housing at the site; or work with the providers to relinquish their claims at the site. Staff will provide additional information at the LRA meeting in early March.

The requested reductions and recent direction from the LRA to study alternative land uses provide the opportunity to reevaluate the feasibility of housing at the site. One possibility if the LRA supports the homeless housing claims is to relocate the claims to the southern area of the site to work on a combined project. This combined project at the southern edge of the site would allow for a possible fire station expansion onto the Charities Housing claim (see discussion below). In addition, the LRA may pursue alternative site location(s) for the housing providers in the Legally Binding Agreement (LBA). Based on the claims the providers have (if exercised and approved by HUD), a total of 120 units will need to be provided, unless modified through negotiations between the providers and HUD.

### **Veteran Administration (VA)**

The VA has requested additional land to the north of their original claim. The additional area is approximately 1.9 acres and will allow for future expansion of the office space and additional parking area. The additional area would encroach into the existing Charities Housing claim (unless moved to the southern corner) reducing it below their updated area of 1.5 acres. The additional area is subject to review and approval by the LRA.

### **Land Use Alternatives**

Staff researched the land uses alternatives and PBC Options discussed at the October 5, 2010 LRA meeting. Staff finds that only two of the PBC uses appear to be potentially feasible at the site. Attachment A briefly summarizes the uses that

the LRA requested staff to further evaluate. The following provides further discussion on the potential land use options for two possible PBCs and/or MPSP.

- **Fire Department Expansion (PBC)**

The Department of Public Safety (DPS) has indicated that the existing Fire Station (#5) needs better access, updating and additional space. DPS has recommended that the Station #5 site extend the southern property line to the south 150 feet to allow for better access, parking and storage and the future ability to construct a new fire station. The PBC for the fire station site expansion would be sponsored by the FEMA and the land could be acquired as a no cost conveyance. The associated costs for a simple land acquisition for better site access, parking and storage is estimated to cost approximately \$630,000 for design, demolition and construction of improved access, paving, fencing and landscaping. The estimated costs for a new fire station and expansion would be approximately \$7.5 million with annual on-going operational costs of \$1.8 million. The funding source for the new station would be the General Fund.

- **Public Park/Sports Complex (PBC)**

The Department of Community Services has indicated that there is a need for larger recreational fields in the community. Based on the current land configuration, the central portion (8.6 acres) of the Onizuka site could accommodate up to three multi-use fields, bathrooms and a concession/maintenance building. A PBC for a public park would be sponsored by the National Park Service (NPS) and the land acquisition costs would start at a 50% reduction with a possible no-cost conveyance. The costs associated for demolition and site preparation may be credited in the acquisition fee. The estimated costs for a new park facility on the 8.6 acres would be approximately \$11 million with annual on-going operational costs of \$90,000. The funding source for the new park would be the park dedication in-lieu fees, private financing or a combination of both.

In addition, if the Homeless Housing providers are combined to the southern corner of the site and then relocated, this additional area may be added to the park area. It may accommodate additional recreational fields, parking and passive space as determined by the Community Services Department. The additional area may increase the total park development cost to approximately \$17 million and \$130,000 for on-going operational costs.

A Phase II study (soil sampling) will need to be completed to verify if any soil contamination exists. Although a Phase I study has been completed by the AF as part of its required compliance with the National Environmental Protection Act (NEPA), the completed Phase I assumed an office or auto center concept, which would not result in "sensitive" user groups. Staff received preliminary estimates ranging between \$20,000 and \$30,000 for

approximately five to six soil samples and associated testing. The estimated development costs cited above (\$11 million) include approximately \$1 million for soil remediation.

If the sports complex is constructed and operated by the City, then all costs (construction and operation) would be burdened by the City. Funding would come from the Park Dedication In-lieu Fund or General Fund and funding may need to be pulled from existing projects in order to comply with NPS timelines (as established through negotiations). An alternative is working with a private company to construct and operate the sports complex. This would require a long term lease with the provider and a management plan that complies with NPS requirements to achieve a no-cost PBC.

### **Moffett Park Specific Plan (No PBC)**

The Moffett Park Specific Plan (MPSP) is designed to support a mix of development geared towards Class A office and Research and Development (R&D) uses. These uses could be appropriate for the site due to the proximity of light rail and availability of alternative means of transportation to accommodate the traffic associated with these uses. In addition, the site is located at a gateway into the Moffett Park area, as designated in the Community Design Sub-Element.

The site is zoned MP-I which allows a variety of uses ranging from Class Office to R&D uses. MP-I limits development to a 0.35 FAR with the ability to increase to 0.50 FAR. However, the MPSP currently limits the Onizuka site to 0.35 FAR with no ability to exceed this limit. Therefore, redevelopment of the surplus area (assuming the homeless housing claims are relinquished) is capped at approximately 193,000 square feet of commercial and industrial space.

The LRA has indicated concerns regarding office uses at the site due to the potential congestion on Mathilda between State Highway 101 and Innovation Way. To address these concerns, the LRA has possible options for alleviating congestion, which include the following:

- a) Require a Traffic Impact Analysis (TIA) for any new or redevelopment of the site and identifying possible traffic mitigation measures through this analysis.
- b) Require a Transportation Demand Management (TDM) program with a higher traffic reduction goal than specified in the MPSP (currently 20%).
- c) Modify the MPSP and Zoning Code to allow development consistent with the MP-I Zoning (maximum FAR of 0.50 or up to 260,000 square feet), and reduce the available Moffett Park Development Reserve (currently 3.4 million square feet) equal to the amount of new development.
- d) Maintain the current 0.35 FAR (193,000 square feet) and reduce the Moffett Park Development Reserve by this amount.

As noted above, the subject property is a gateway parcel into the Moffett Park area and it provides the opportunity for a project that will serve as a defining entry feature into the area. The above traffic options could alleviate traffic congestion.

### **PBC PROCESS**

As part of the PBC process, the sponsoring agency will require a deed restriction limiting the use of the land and establish timelines for improvements of the property to achieve the specified use. The PBC for the expansion of the fire station may be developed in several ways ranging from the need for land to allow clear and safe access to the site to the full demolition and construction for a new fire station. If the LRA chooses to move forward with this option, staff will provide alternatives and implications for the fire station property expansions. A PBC for a park will require actions (studies, demolition and or construction) to occur within three years of the transfer of the property or otherwise agreed upon with the sponsoring agency. A PBC application will typically require a financing plan, environmental determination, and public benefit documentation (need assessment). As noted above a Phase II will be required as part of the PBC application for submittal to the NPS. The LRA may establish action timelines with the NPS as part of the park PBC.

### **OPTIONS**

The following options are available for LRA consideration based on the October 5, 2010 direction:

- **Option 1: Baseline**

This option assumes the current status quo for VA claims and homeless housing providers and not pursuing the remaining surplus of 8.6 acres, which will be sold by the Air Force and redeveloped by a private developer consistent with the Moffett Park Specific Plan (see Attachment B, Option 1).

- **Option 2: Fire and Park PBCs**

This option would involve the City pursuing PBCs for the expansion of Fire Station #5 site and the creation of a public park/sports complex and the consolidation of the homeless housing provider claims to the southern portion of the site. The LRA may choose to recognize the homeless housing claims on the site or the LRA may negotiate with the providers to relinquish their claims. If relinquished, the additional area may be folded into the park area (see Attachment B, Option 2):

- **Option 3: Fire PBC**

This option would involve the City only pursuing a PBC for the expansion of the Fire Station #5 site and the consolidation of the homeless housing provider claims to the southern portion of the site. The remainder surplus property would be sold by the Air Force. The LRA may choose to recognize the homeless housing claims on the site or the LRA may negotiate with the

providers to relinquish their claims. The additional area may be folded into the surplus property and developed consistent with the Moffett Park Specific Plan (see Attachment B, Option 3). In addition, the LRA may restrict high traffic generating office uses or conditionally allow office uses with specific requirements to address potential traffic concerns as noted above.

### **NEXT STEPS**

A public hearing is scheduled for March 1, 2011 and it is anticipated that the LRA will take action on the preferred land use and PBC options. The following actions will be requested at the March 1, 2011 meeting:

1. Decision on preferred land use(s);
2. Direct staff to submit a PBC request for City PBC(s) with Department of Defense (DoD), AF and federal sponsoring agencies, if directed by LRA;
3. Direct staff to begin preparing an amended Redevelopment Plan based on the preferred land use(s);
4. Direct staff to begin preparing amendments to the Homeless Assistance Submission (HAS) and Legally Binding Agreement (LBA); and
5. Direct staff to initiate preparation of supplemental technical studies as applicable.

The amended Redevelopment Plan and HAS will be presented to the LRA for action in May 2011.

### **RECOMMENDATION**

The subject site is located in an identified gateway area (Community Design Sub-Element) and redevelopment of the site is prime for Class "A" corporate office or a commercial use and could set a strong entry statement that complements the Moffett Park area. The site is highly visible and is a key gateway feature into Moffett Park.

The funding required for the Fire Station PBC may be minimal depending on how the project is proposed to FEMA. Given budget constraints, the sports/recreation field complex would only be feasible if it is financed, constructed and managed by a private entity through an agreement with the City at minimal or no-cost to the City.

Consistent with the intent of the Moffett Park Specific Plan and the Community Design Guidelines and because minimal funding is needed for the Fire Station PBC, staff recommends the LRA consider Option 3: Fire PBC and MPSP uses and to recommend that staff identify tools to address traffic concerns.

Further, staff recommends continuing discussions with the homeless housing providers regarding possible incentives to relinquish their Onizuka claims and identify a more suitable alternative site in Sunnyvale. Staff recommends adopting a Redevelopment Plan without homeless housing if possible. This would likely

require using housing mitigation funds to relocate the homeless housing providers from the Onizuka site. Alternatively, the LRA could choose to not recognize either claim or only one of the homeless housing claims without assistance.

## **BRANCH LIBRARY**

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### **Facility Needs**

A branch library is a smaller service outlet, strategically located in the community. Branches tend to have less in-depth print reference material, small collections and limited programs in general when compared to a main library. As neighborhood-oriented facilities, they usually focus on children, formal learning support for students and adult popular materials. Other features seen locally in branch libraries are information and reader's advisory services, teen collections, magazines and newspapers, public Internet access, self-checkout machines and delivery of reserved items from the main Library. Branch libraries augment main Library services by duplicating the most highly used materials and services. The December 9, 2008 Branch Library Study Issue indicated that the North Sunnyvale area needed a branch library facility, which would serve the residential population.

### **Siting Criteria**

Minimum facility siting requirements for the successful operation of a branch library include:

- The building location is not isolated and there is foot traffic, including on evenings and weekends.
- The building is visible from the street.
- Locate the branch library at a reasonable distance from the main library
- Target areas with significantly high or low numbers of users. Areas with high numbers of users could be targeted to ensure that branch library services would be utilized, and areas of low numbers of users could be targeted to provide services to residents who had not previously utilized library services.
- Establish the branch library in an area of anticipated population growth.

### **Fiscal Impact**

The Branch Library Study provided cost estimates for branch libraries ranging in size from 10,000, 15,000 to 20,000 square feet. The following table indicates the estimated construction/startup costs and ongoing/operation costs. These calculations were based on 2008 indexes and would need to be updated to 2011 indexes and the cost of demolition would also need to be factored in.

<b>Square Footage</b>	<b>Construction &amp; Startup Costs</b>	<b>On-Going Costs</b>
10,000	\$3.9 Million	\$1.3 Million
15,000	\$5.6 Million	\$1.9 Million
20,000	\$7.3 Million	\$2.3 Million

**Staff Conclusion**

The Onizuka site is not appropriate for a branch library. Although the 2009 Branch Library Study Issue indicated that North Sunnyvale area is in need of a branch library, this site is isolated from the community that it would serve due the Route 237 and it is located on the western edge of the City. This is location is contrary to the intent of a branch library, which should be located in the community that it is serving.

## **EDUCATION AND MEDICAL FACILITIES**

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### **Background**

During the initial BRAC process in 2006, the LRA contacted several educational and medical facilities and providers and posted a notice in local papers requesting a Notice of Interest (NOI) from interested parties. At the time, the LRA received NOIs from two homeless housing providers and was contacted by a representative of the Cogswell Polytechnic College. The homeless housing providers filed the NOIs with the sponsoring federal agency (HUD) and Cogswell never filed a NOI.

- **Educational Contacts**

Staff contacted the Department of Education in Washington DC to confirm if they had been contacted by any other educational providers in 2006. Mr. Jack Burrows at the Department of Education indicated that they had only been contacted by the Cogswell Polytechnic College. Mr. Burrows provided the name of the colleges contact. Staff spoke with Bonnie Phelps of Cogswell College and she indicated that they were interested in the office building that the Veterans Administration received. Ms. Phelps was informed that the LRA was potentially considering opening the PBC process again; however, she indicated that there were no other buildings on the site that would serve the needs of the college. Staff also contacted representatives at San Jose State University and the Art Institute and they indicated that there was no interest.

- **Medical Facilities**

Staff also contacted representatives from Kaiser Permanente, Palo Alto Medical Foundation and Health Med Realty (provider of healthcare real estate services). The representatives indicated that they were not interested in locating a health care facility at this site.

### **Staff Conclusion**

Although the site is located in an area with easy access via light rail and major transportation routes, the extensive demolition and site preparation costs appear to be a deterrent in current economic times. Additionally, Kaiser and PAMF have developed regional plans for strategically locating hospitals and support health care facilities, and the Onizuka site does not fit into their overall plans.

## CITY PARK

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### **Facility Needs**

The Open Space and Recreation Sub-Element and Parks of the Future Study (POTF) have cited a need for additional sports fields in Sunnyvale. One of the ways to meet that need would be to develop a grouping of fields in one location. This sports field complex would include lit synthetic soccer, softball multi-use fields, parking lot, restroom, concession building, landscaping, pathways and lighting. It would serve both the Sunnyvale community and regional area.

### **Siting Criteria**

It is beneficial for sports complexes to be located in areas with easy access and areas that would not be as impacted by the intensity of the use. The Onizuka site would be preferable for the following reasons:

- Onizuka is near a major transportation hub of the 85, 237, and 101 freeways. In addition, the newly completed Bay Trail and Stevens Creek Trail are nearby.
- North of Highway 101 in Sunnyvale has been designated by two different reports as lacking in open space.
- The lack of housing in the immediate area allows for nighttime noise and lighting without disturbing residents. In addition, the increase of traffic will not upset or impact any neighborhood.
- This 8.66 acre parcel (center "surplus" parcel) in Sunnyvale which is considered built-out may be one of the last large parcels to become available for some time.

### **Fiscal Impact**

City-Financed: If used for a public sports complex, it is possible that the City could acquire this property from the Federal Government at no cost. The cost to then construct an 8.66 acre park with sports fields and a restroom/concession building is roughly estimated at \$11,050,621. These numbers are contingent on amenities constructed and possible hazardous materials remediation. Annual additional operating costs are estimated at \$10,000 per acre or \$86,600. The 20-year cost increase to the General Fund would be \$1,732,700 without inflation.

Privately-financed: There are firms that help cities create sports facilities that eventually pay for themselves. Under this option, the city would again acquire the property at no cost. A private firm would then finance the development and operation of the sports complex in return for a long-term lease arrangement. Further analysis would need to be conducted if this option were attractive to City Council. Staff would engage with interested private firms to see if the numbers might "pencil out". Arrangements of this nature typically provide for some "below-market" play during non prime-time hours (e.g., youth groups or drop-in play), but require that users pay market rates during evenings and weekends.

**Staff Conclusion**

All factors considered, this represents the most attractive PBC option, assuming the land could be acquired through a no-cost conveyance and a private firm was willing to develop and operate the site at no cost to the City (i.e., in return for a long-term lease arrangement). In this manner, the City would provide additional sports fields to the community at no cost to the City. The site is a good one based on community need, location, limited availability of land and the type of intended facility. The demolition and site preparation work may be cost prohibitive estimated at \$2.5 million. In addition, further studies, such as a Phase II (soil sampling) will need to be conducted to verify that no further soil remediation will be required (study estimated between \$20,000 to \$30,000). If soil remediation is required this could cost an addition \$1.5 to \$2 million.

Staff does not recommend further pursuit of an option that would entail the City financing the development and operation of a sports complex.

## **LAW ENFORCEMENT/EMERGENCY OPERATIONS**

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### **Facility Needs**

Sunnyvale's training facility and fire stations, while well maintained and strategically located, are in need of redesign to reflect the changing, activities of the fire service and the needs of the community due to redevelopment, intensification and height of structures.

The City of Sunnyvale currently has six fire stations located within the City, with Fire Station 5 located adjacent to Onizuka. Generally speaking, all six fire stations have the same basic design except for fire stations 1 and 2 which have three bays for fire apparatus; the remaining stations each have two bays. At this time all bays are being utilized by the 12 first line fire apparatus and two reserve apparatus. There is no capacity for housing additional fire apparatus.

Facility age is a critical influencing factor as it has a significant relationship to the functionality of the facility. As the facilities grow older, they tend to also exceed their intended use. All six fire stations are at least 40 years old. When planned and constructed, they were designed to house two pieces of fire apparatus and a mission primarily focused on firefighting. Contemporary additional operational, training and education needs include hazardous materials, advanced and basic life support, and community education.

### **Siting Criteria**

Regardless of the methodology employed, it is important to recognize that fire station location is a significant resource commitment. Generally speaking, fire stations and other fire protection facilities such as the training center, are placed in the community on the basis of risk analysis and response time requirements. Choosing the location of a fire protection facility involves several years of planning. A considerable amount of coordination is required between the Fire Services Division and other City Departments having responsibility and authority to deal with the community's development. Zoning and land use have a real effect on fire station location and utilization.

Fire Station 5 is sited on a relatively small plot which requires the reverse-backing of a fire apparatus to park inside the bay. The exterior land space is constricted such that common and required life-safety training with hose lines and other equipment are not practical and require the crew to drive to another location in the city to train. The ability to move the southern fence line 150' will greatly increase the useable space for this facility allowing better access and the ability to expand the facility in the future to meet the changing needs of the Moffett Park area.

**Fiscal Impact**

The fiscal impact will vary depending on the project proposed as part of the PBC. A simple expansion of property line 150 feet to the south to accommodate better clearance and access would cost approximately \$630,000 for design, demolition and construction for paving, site access modifications, fencing and landscaping. Current costs for a new fire station would be approximately \$500,000 for demolition and temporary structures and \$7 million to construct a new two story three bay fire station with \$1.8 million per year for on-going operational costs.

**Staff Conclusion**

This location is the current site for Fire Station 5 and is appropriate for emergency and non-emergency response needs. The current parcel of land however, is too small for the contemporary needs related to training, equipment, apparatus size, and station size based on the growing needs of the Moffett Park area. The ability to expand the plot size by 150' on the southern boundary will provide the opportunity to improve site access, additional parking and storage area. In addition, the additional land provides the exceptional opportunity for development of a new station when funding is available.

## **CITY CORPORATION YARD**

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### **Facility Needs**

The current Corporation Yard is located in a primarily industrial area on Commercial Street near Central Expressway. The Corporation Yard occupies 10 acres and contains over 48,000 s.f. of building structures. In 2000, the City purchased an adjacent parcel of land for future expansion of the Yard. Most of the larger buildings were built in the 1950's and will need renovation or replacement, estimated at \$10 million.

A new City corporation yard at the Onizuka site would require the construction of office, storage, workshop, and fleet maintenance buildings, refueling stations, paved vehicle parking areas, and appropriate communications, lighting, utilities and security improvements. Any building, soil or groundwater contamination would need to be addressed prior to occupancy. The facility would serve the entire Sunnyvale Community. The estimate to bring this site into service is over \$35 million.

### **Siting Criteria**

If the City were to move the Corporation Yard to the Onizuka site, it would lose 1.3 acres, or over 56,000 s.f. of land available for vehicle parking and storage. Moving Field Services and Parks operations to the Onizuka site may also present a conflict with the surrounding high technology and R&D companies. The designated City parcel at Onizuka is surrounded by roadways, the V.A., and homeless housing developments, limiting the possibility for future expansion.

### **Fiscal Impact**

The current market value for the existing City Corporation Yard is \$26 million. The estimated costs to create a new facility on the 8.6 acre parcel at Onizuka are approximately \$44 million including \$17.2 million for site acquisition. A Corporation Yard will not qualify for a Public Benefit Conveyance; however, site acquisition costs may be off-set through the associated demolition costs and a negotiated sale with the AF.

### **Staff Conclusion**

Relocating the Public Works and Parks Corporation Yard to the Onizuka site would be problematic due to the high costs that would be required to purchase and setup the site, the loss of 56,200 s.f. of parking or storage space, the inability to expand, traffic issues with the nearby Highway 237 / Mathilda interchange, the compatibility of this industrial use with the surrounding Class A office uses in the immediate area and a poor use of an gateway parcel in Moffett Park.

## **DATA CENTER**

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### **Facility Needs and Financial Impact**

A data center is a facility used to house computer systems and associated components, such as telecommunications and storage systems. Data centers generally require large amounts power, redundant data communications connections, environmental controls (e.g., air conditioning, fire suppression) and security devices.

A data center can occupy one room of a building, one or more floors, or an entire building. Most of the equipment is often in the form of servers mounted in rack cabinets, which are usually placed in single rows forming corridors (so-called aisles) between them.

Based on preliminary discussions with several data center developers, the conclusion is that the reuse of the "blue cube" as a data center is not financially feasible. Data centers need "hardened" facilities. They need structures that will be operational after a natural disaster. Some data center developers typically reinforce their buildings for an "importance factor" of 1.5 above the current seismic code. This means that a data center is 50 percent stronger than code requires in order for the building to remain operational without significant damage.

The other major obstacle is the cost and availability of power. PG&E's power is more expensive than Santa Clara and PG&E's infrastructure is older and more limited in capacity.

A typical data center needs about five to ten acres to site a new data center. The large space is needed for generators, cooling equipment, and parking spaces.

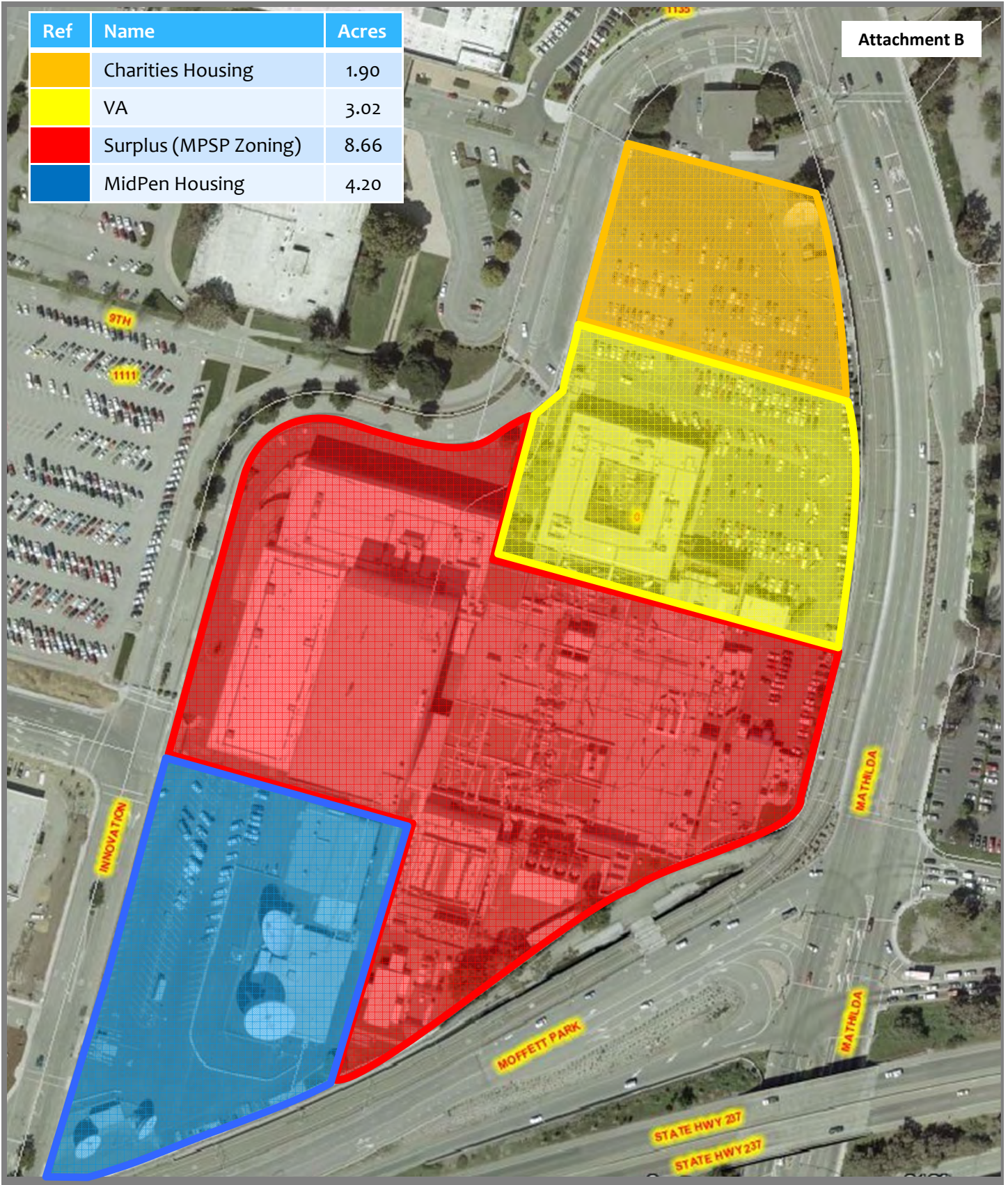
The data center would need about \$25 million to retrofit the blue cube to minimum seismic standards.

### **Staff Conclusion**

The "blue cube" building in the Onizuka site cannot be converted to a data center without a substantial financial investment. However, there may be future interest for a new building for a data center if the amended Redevelopment Plan and preferred land use option were to allow uses consistent with the Moffett Park Specific Plan.

# Attachment B

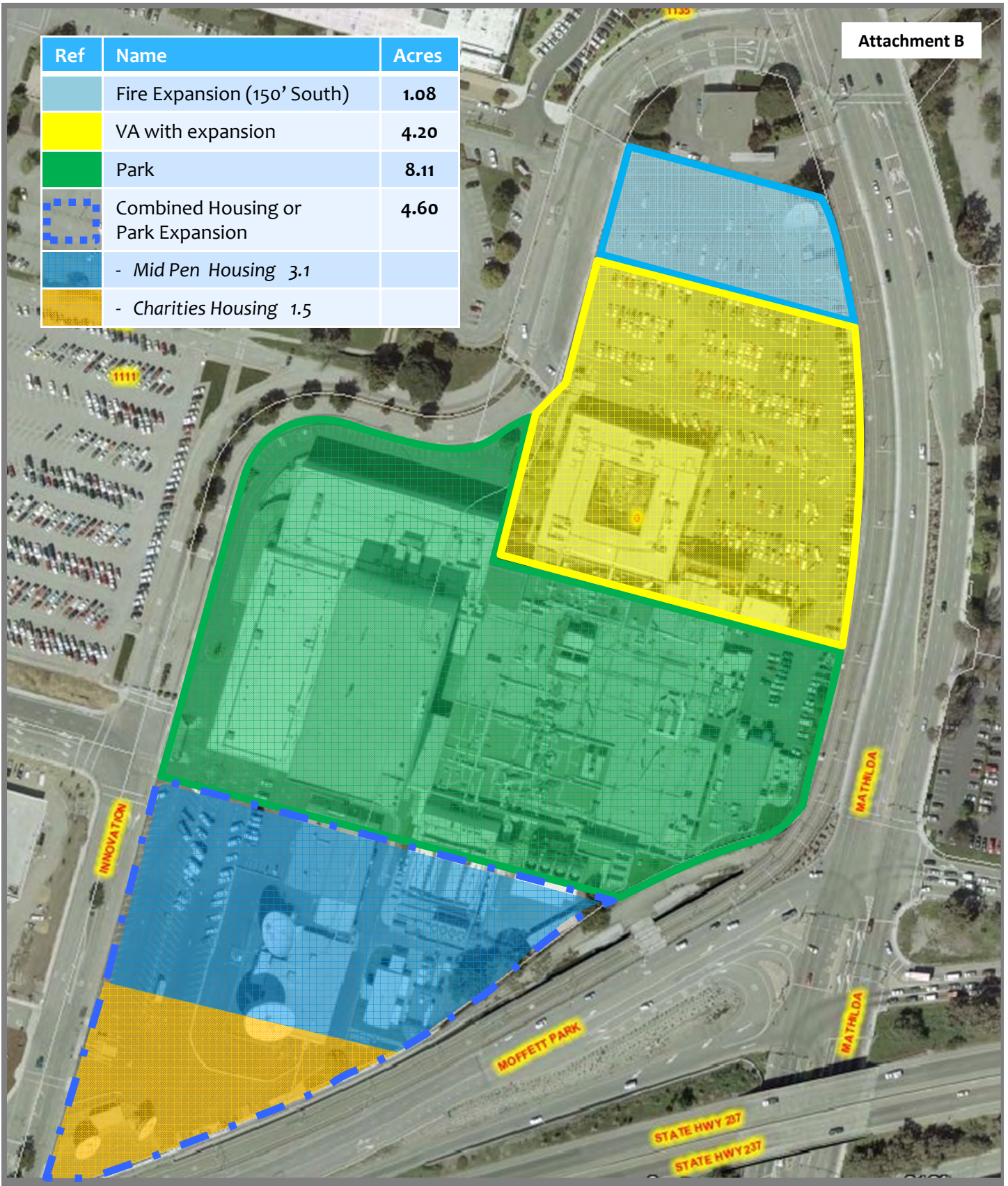
Ref	Name	Acres
	Charities Housing	1.90
	VA	3.02
	Surplus (MPSP Zoning)	8.66
	MidPen Housing	4.20



### OPTION 1: BASELINE

*No PBC, Recognize Charities & MidPen Housing claims and Surplus area designated as Moffett Park Specific Plan (MPSP) Zoning*

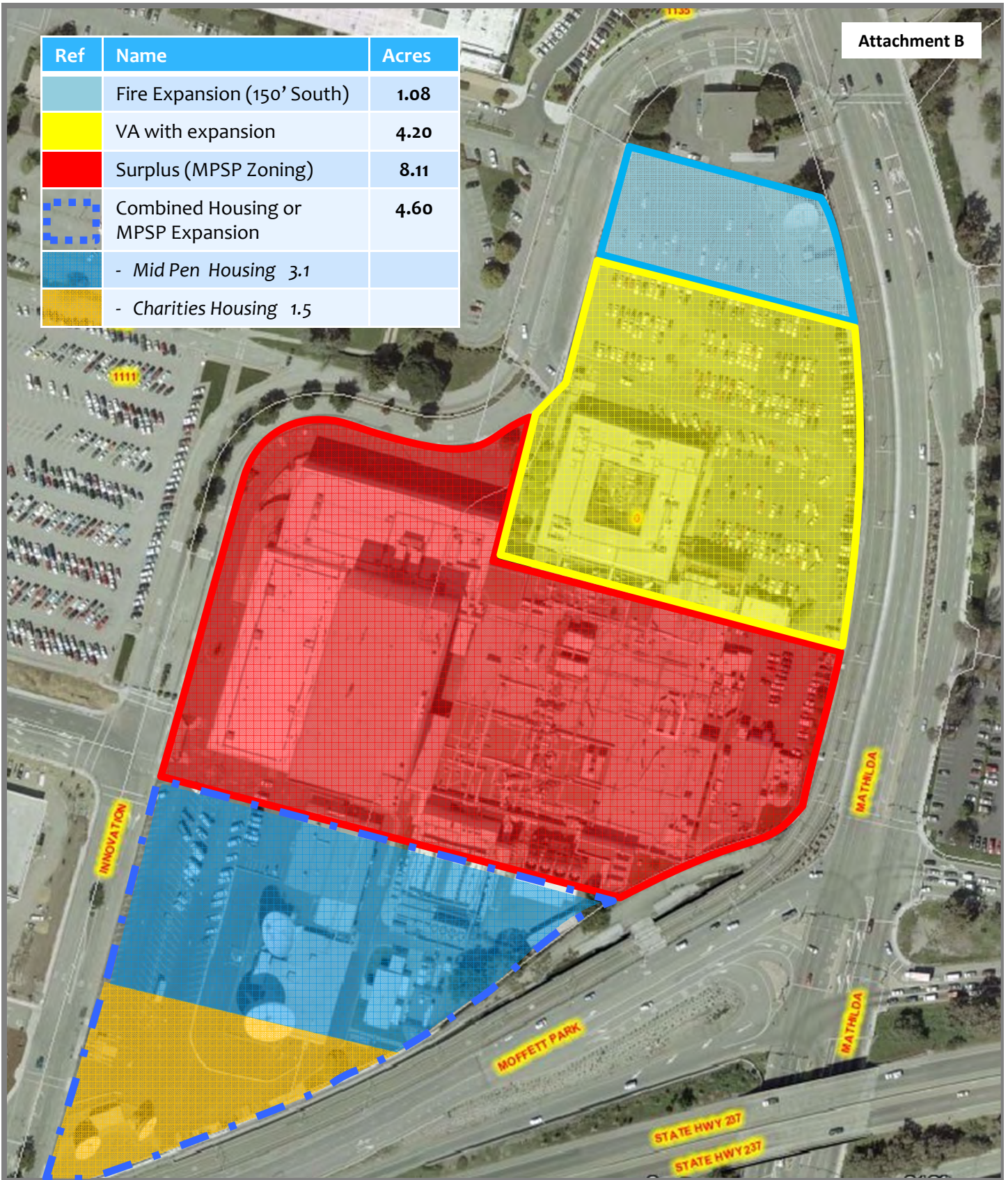
Ref	Name	Acres
	Fire Expansion (150' South)	1.08
	VA with expansion	4.20
	Park	8.11
	Combined Housing or Park Expansion	4.60
	- Mid Pen Housing 3.1	
	- Charities Housing 1.5	



**OPTION 2: DPS AND PARK PBCs**

*Fire and Park PBCs, VA Expansion, and Combined Homeless Housing Site  
(If claims relinquished, park site could be expanded)*

Ref	Name	Acres
	Fire Expansion (150' South)	1.08
	VA with expansion	4.20
	Surplus (MPSP Zoning)	8.11
	Combined Housing or MPSP Expansion	4.60
	- Mid Pen Housing 3.1	
	- Charities Housing 1.5	



### OPTION 3: DPS PBC AND SURPLUS AS MPSP

*Fire PBC, VA Expansion, Surplus Area designated Moffett Park Specific Plan zoning, and Combined Homeless Housing Site  
(If claims relinquished, MPSP area could be expanded)*

# Attachment C

**DRAFT**  
**CITY OF SUNNYVALE**  
**Onizuka Local Redevelopment Authority**  
**DRAFT Study Session Summary**  
**Alternative Land Use Options for Onizuka Air Force Station,**  
**including Possible Public Benefit Conveyances**  
**February 8, 2011 6:00 p.m.**

The Local Redevelopment Authority (LRA) met in study session at City Hall in the West Conference Room, Sunnyvale, California on February 8, 2011 at 6:00 p.m., with LRA Chair Ron Swegles presiding.

**Onizuka LRA Authority Members Present:**

Authority Chair Ron Swegles  
Authority Vice Chair Otto Lee  
Authority Member Melinda Hamilton  
Authority Member Christopher Moylan  
Authority Member Anthony Spitaleri  
Authority Member Jim Griffith  
Authority Member David Whittum

**Onizuka LRA Authority Members Absent:**

None

**City Staff Present:**

Authority Executive Gary Luebbers  
Authority Counsel David Kahn  
Assistant City Manager Robert Walker  
Director of Community Development Hanson Hom  
Director of Finance Grace Leung  
Director of Public Works Marvin Rose  
Director of Libraries Lisa Rosenblum  
Director of Public Safety Don Johnson  
Assistant City Attorney Robert Boco  
Economic Development Manager Connie Verceles  
City Property Manager Mike Chan  
Deputy Chief James Bouziane  
Senior Management Analyst-Finance Brice McQueen  
Affordable Housing Manager Ernie De Frenchi  
Senior Planner Shaunn Mendrin

**Visitors/Guests Present:**

Flaherty Wright, Charities Housing  
Jan Lindenthal, MidPen Housing  
Kerry Haywood, Director of the Moffett Park Business Association  
Robert Hertzfeld, Department of Defense, Office of Economic Adjustment

**Call to Order:**

Authority Chair Swegles called the meeting to order at 6:10 p.m.

**Study Session Summary:**

Hanson Hom presented a power point presentation discussing the alternative land use options for Onizuka Air Force Station, including Possible Public Benefit Conveyances.

An authority member inquired about relocation of the homeless housing providers and possibility of moving the existing fire station to the southerner corner for better access. Staff clarified that it could be considered; however, it would require the construction of a new fire station.

An authority member clarified that a PBC for a park would require reprioritizing fund in the General Fund. Staff clarified that costs for the park would be both initial and ongoing (operational).

An authority member inquired about alternative site locations for the homeless housing providers and if the Armory site was feasible. Staff clarified that the City has been in discussions with the providers and the site is a possible option.

An authority member stated that the City could consider using more passive options for the park PBC (options that would be less expensive).

An authority member inquired about the use of Ellis Street at NASA Ames as a possible means to address traffic congestion. Staff clarified that it is not located within the City's jurisdiction and traffic would be evaluated based on the project proposed.

An authority member clarified that the the initial costs for the fire station PBC would be approximately \$630,000 for the land acquisition and associated minor improvements. The \$7 million would be needed for the construction of a new facility.

An authority member stated that the park PBC was appealing and inquired how the private operator would fit into the equation. Staff clarified that the National Park Service would work with the LRA to establish a timeline.

An authority member inquired about the development approved in the Moffett Park area. Staff clarified that the Moffett Park Specific Plan projected development up to 24 million square feet with an additional

5.44 million available for Transit Oriented Development on a first come first serve basis. Currently, 3.4 million square feet is available in the Development Reserve.

An authority member inquired about number of recreational fields that could be accommodated at the site. Staff clarified that three to six fields could be accommodated depending if we acquire the homeless housing claim area.

An authority member inquired about the ability to consolidate other public safety uses on the proposed fire station PBC. Staff clarified that the site could be used for a joint centralized call center in future.

An authority member inquired if staff knew when the Veterans Administration (VA) was going to finalize the amount of land that amount of land that need. Staff clarified that the VA has indicated that they would like to accommodate additional uses at the site; however the location is dependent on the LRAs decision.

An authority member inquired about the location of housing on the site and proximity to the existing freeways (237 and 101). Staff stated that the site is not appropriate for housing and the LRA has several options moving forward (as indicated in tonight's memo).

An authority member inquired about the Armory site and when the lease was set to expire. Staff clarified that it is set to expire in June 2011.

An authority member inquired about the existing power supply and plant at the site. Staff clarified that the energy costs are high and significant infrastructure improvements will be required (substation). Alternative sites may be more appropriate due to the costs. Staff noted that the MPSP zoning does not preclude a datacenter from locating at the site.

Authority Chair Swegles opened the Study Session to the public.

A member of the public stated that she would like to see the site developed with office space since it is a gateway and she supports the expansion of the fire station.

A member of the public inquired about the level of clean up that will be required at the site. Staff clarified that the current environmental review was completed based on the auto center concept; however, a park use will require additional review.

A member of the public inquired if a financial analysis had been completed based on the proposed uses in the Redevelopment Plan. Staff clarified that they were done for the original Redevelopment Plan.

Robert Hertzfeld, Department of Defense, Office of Economic Adjustment stated that as part of the PBC the LRA would need to provide financial information to demonstrate that the park can be constructed as proposed.

A member of the public stated that there is a need for a recreational sport facility in the area and that he supports such a facility at the site.

An authority member inquired if staff had reached out to sport facility providers. Staff clarified that the City has not formally since there are so many variables especially size of the area.

An authority member asked for a show of hands in favor of a park at the site. Four authority members indicated support.

An authority member stated his understanding of why the site had a .35 FAR, which was a means to address traffic. In addition, recent development in the Moffett Park Area has been greater than anticipated and that Ellis Street could not be a golden ticket to address the issue. He could not support this issue.

**Adjournment:**

Authority Chair Swegles adjourned the meeting at 7:00 p.m.

Respectfully submitted,  
Shaunn Mendrin, Senior Planner



# **Onizuka Air Force Station Local Redevelopment Authority Amended Redevelopment Plan**



**December 13, 2011**

*This Redevelopment Plan was prepared under contract with the City of Sunnyvale, California with financial support from the Office of Economic Adjustment, Department of Defense. The content reflects the views of the City of Sunnyvale and does not necessarily reflect the views of the Office of Economic Adjustment.*

*Prepared by the Community Development Department, City of Sunnyvale, CA*

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## PLAN SUMMARY

The Onizuka Air Force Station Redevelopment Plan is an important milestone in City and Air Force planning for the future reuse of the Onizuka Air Force Station (AFS), which will close no later than September 30, 2011 as a result of action by the Defense Base Closure and Realignment Commission (BRAC).

The Onizuka AFS Local Redevelopment Authority (LRA) has gone through a comprehensive planning process that has included:

- Application of provisions of the existing Sunnyvale General Plan and Moffett Park Specific Plans;
- Formulation of a Citizens Advisory Committee (CAC) that held public meetings to formulate community reuse objectives and advise the LRA on reuse;
- Extensive public involvement efforts utilizing multiple LRA initiatives for community outreach;
- Consideration of Veterans Affairs' (VA) approved fed-to-fed transfer for approximately four (4) acres and evaluation of the VA transfer impacts upon the feasibility of reuse options for the remainder parcels;
- Evaluation of homeless service providers' Notices of Interest (NOIs) in nearly four (4.6) acres, approval of the NOIs, and negotiation of a proposed Legally Binding Agreement with the homeless service providers;
- Evaluation by an expert consultant team of existing site conditions, potential traffic impacts, and the market potential and development feasibility of multiple reuse options for the development of the Onizuka AFS Redevelopment Plan which was adopted by the LRA in 2008;
- Evaluated the feasibility of the preferred Auto Retail Center land use in 2010;
- Reviewed and commented on the Environmental Assessment for the closure of the Onizuka AFS;
- Participated in the Section 106 Process as required by the National Historic Preservation Act, consulting with the Air Force, Veterans Administration, State Historic Preservation Office (SHPO);
- LRA review of feasibility results, public comments and determination of the infeasibility of the auto retail center concept in August and October 2010;

- LRA review of the land use alternatives for public benefit conveyances (PBC) and other uses in February and March 2011;
- LRA direction to amend the 2008 Onizuka AFS Redevelopment Plan; and
- LRA review of amendments to Redevelopment Plan, Legally Binding Agreement and Homeless Assistance Submission and NOI from the Foothill-De Anza Community College District.

Reuse options that were considered by the LRA in 2008, based on recommendations by the CAC, included a variety of potential office including those at VA-style densities, mixed-use conference hotel and office, homeless housing and auto retailing development. However, in March 2011, the LRA initiated the amendment of the Redevelopment Plan to accommodate the VA claim, homeless services claims, emergency service, education and park (alternative) uses for the surplus areas of the site, based on information and comments received in fall 2010 and spring 2011.

The evaluation of the site's existing infrastructure and improvements determined that all existing improvements are economically obsolete and would need to be demolished for redevelopment of the site. There are adequate existing utilities and infrastructure adjacent to the site, and the costs to reconfigure and enhance these systems, deal with geotechnical issues, and address environmental remediation appears to be comparable to that of other Silicon Valley sites that have been successfully redeveloped.

The LRA seeks to retain certain key historic elements on the site, potentially including one or more satellite antenna as well as the Space Shuttle Challenger memorial, in order to enhance future interpretive exhibits and activities that will commemorate the history of the site.

The primary factors affecting the feasibility of various reuse options include:

- Current market conditions;
- Unusually high demolition costs for the unique and obsolete buildings covering much of the site;
- The Moffett Park Specific Plan's limit on the density of future development to 35 percent Floor Area Ratio; and

- Compatibility with the uses allowed with the Moffett Park Specific Plan.
- Recent NOI from the Foothill-De Anza Community College District.

After eliminating potential land uses and considering current site limitations, and which reuse option would benefit the community, the LRA recommends education use and emergency service uses as the City's preferred reuse options for the site. The LRA will support a request for Public Benefit Conveyance for educational uses to be prepared and submitted by Foothill-De Anza Community College District to the Department of Education. The City of Sunnyvale Department of Public Safety will submit a Public Benefit Conveyance application for emergency service uses to the Federal Emergency Management Agency. In addition, the LRA will support the two homeless housing claims at the site.

The amended Redevelopment Plan, Homeless Assistance Submission and Legally Binding Agreement are subject to review and approval by the Department of Housing and Urban Development (HUD). Once approved by HUD, the Redevelopment Plan and potential conveyance will be subject to Air Force review and concurrence. Following final approval by the Air Force, the City would proceed to elect one of two options outlined in the Legally Binding Agreement upon further discussion with the two homeless housing providers: 1) implement the proposed homeless housing program on the Onizuka AFS site, or, 2) transfer their claims to the City's Armory site and construct a substantially equivalent housing program at this off-site location.

*The Onizuka AFS Local Redevelopment Authority wishes to express its thanks to the dedicated staff of the Department of the Air Force, its Real Property Agency and its Center for Environmental Excellence, the Department of Veteran Affairs, and especially the Regional Office of the Office of Economic Adjustment for their financial and technical assistance and support during the duration of this project.*

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# 1. PLAN GOALS AND OBJECTIVES

## **ROLE OF THIS PLAN IN THE BRAC PLANNING PROCESS**

This Plan sets forth the recommendations of the City of Sunnyvale's (City) Onizuka Air Force Station (AFS) Local Redevelopment Authority (LRA) to the U.S. Air Force for the reuse of the Onizuka AFS at North Mathilda Avenue and California Highway 237 in Sunnyvale, California (Onizuka). The site will close no later than September 30, 2011 as a result of its inclusion in the 2005 list prepared by the Defense Base Closure and Realignment Commission (BRAC).

The Onizuka AFS LRA, comprised of members of the Sunnyvale City Council, is the entity recognized by the Department of Defense as responsible for preparation of the redevelopment plan. This Plan, as set forth in the following sections, provides for the reuse and redevelopment of real and personal property pursuant to the requirements set forth in the Department of Defense Base Redevelopment and Realignment Manual (BRRM, March 2006).

Concurrent with submittal of the plan to the Air Force, the LRA will submit an application to the U.S. Department of Housing and Urban Development (HUD) regarding homeless housing accommodation, as set forth in the Defense Base Closure and Realignment Act of 1990, as amended (BRAC law). HUD will review the Redevelopment Plan, required submittal materials and determine whether it is complete and in compliance, or if there are deficiencies that must be addressed.

The Air Force will make final disposal decisions on Onizuka AFS based on the completed National Environmental Policy Act (NEPA) analysis and associated documentation. The disposal decisions identified in those documents are not contractual commitments and they can be amended. The Air Force will also decide on specific property conveyances as outlined by the LRA in the plan. As the BRRM notes, "While the [Air Force] will give deference to the redevelopment plan in preparing the record of decision or other decision documents, it always retains ultimate responsibility and authority to make the final property disposal decisions."

The BRAC process does not affect the City's control over land use and other entitlements as set forth in California planning law. This means that once the Air Force has implemented its property disposal decision(s) for Onizuka, the property recipient(s) will be responsible for securing all necessary approvals from the City in the same manner as any other property owner, including compliance with the California Environmental Quality Act (CEQA). Compliance with CEQA would apply to any non-federal use of the land.

## **SUNNYVALE GENERAL PLAN AND MOFFETT PARK SPECIFIC PLAN**

The City's 1997 General Plan as amended by the 2004 Moffett Park Specific Plan anticipated the continued long-term operation of the Onizuka AFS site by the Air Force. The Specific Plan provides more detailed implementation of the General Plan, and provides Onizuka AFS with a modest development density of no more than 35 percent Floor Area Ratio (FAR), comparable to the historic low-density development pattern in the Moffett Park area.

The Moffett Park Specific Plan excluded Onizuka AFS from the provisions that allow other Moffett Park properties access to a "development reserve" or a transfer of development rights to allow higher density development on targeted parcels. Future development intensification or a change of use on the Onizuka AFS site was not evaluated within the scope the Moffett Park Program (Specific Plan) Environmental Impact Report (pursuant to CEQA) and would require subsequent environmental analysis prior to permit approval involving any intensification or change of use.

The General Plan's economic development goals that are applicable to Onizuka AFS redevelopment include "[sustaining] a strong economy that contributes fiscal support for desired City services and provides a mix of jobs and commercial opportunities," and "[maintaining] and [establishing] policies that promote a strong economy which provides economic opportunities for all Sunnyvale residents within existing environmental, social, fiscal and land use constraints."

The Specific Plan sets forth 11 guiding principles for overall future development in the Moffett Park area, of which the following five are relevant to this stage of the planning process:

- Guiding Principle 1.0: Positively influence the Sunnyvale business climate and enhance economic vitality by providing comprehensive land use policies and permitting processes that encourage development of additional needed Class A office space to diversify the industrial base of Sunnyvale.
- Guiding Principle 2.0: Encourage and support emerging industries.
- Guiding Principle 3.0: Foster cooperative partnerships with businesses, property owners, and the City of Sunnyvale.
- Guiding Principle 4.0: Provide opportunity for strategic retention and attraction of business and private investment.
- Guiding Principle 5.0: Focus areas of higher intensity development in areas adjacent to public transportation facilities.
- Guiding Principle 11.0: Preserve Moffett Park for Industrial Uses into the future and prevent erosion of its industrial base to non-compatible uses.

The Specific Plan also contains details that shape the recommendations and requirements of the Redevelopment Plan, including: land use; circulation and transportation; infrastructure; the general environment; urban design; and implementation and administration.

## **COMMUNITY REUSE OBJECTIVES**

The section of the plan on public involvement describes the work of the Citizens Advisory Committee (CAC) established by the LRA to advise it on the redevelopment of Onizuka AFS. Early in its review, the CAC recommended to the LRA the following goals for guiding deliberations on Onizuka AFS's preferred reuse:

- Partner with the U.S. Department of Veterans Affairs (VA) to pursue disposition and development options that facilitate VA goals to acquire and develop office space on-site or at other more suitable locations, consistent with highest and best use (see the plan section on federal agency requests for further background).
- Seek development options which maximize "highest and best use" and the highest fair market value.

- Seek disposition and development which will appropriately recognize the historic role of the Onizuka AFS mission and achievements in space and in the Cold War, and its seminal impact on the Silicon Valley economy.
- Seek development options which leverage Federal participation in site improvements to ensure the highest development standards, highest and best use, fair market value, and public benefit.
- Seek Office of Economic Adjustment (OEA) predevelopment funding and select planning, disposition and development options which resolve environmental and development issues to accommodate preferred uses.
- Seek alternatives which create maximum employment and other direct benefits for area residents.
- Seek disposition and development which creates a highly visible and widely recognized "landmark class" facility design – identified with Sunnyvale, with an important City entryway, with Onizuka AFS and/or Silicon Valley.

The LRA considered the potential tradeoffs among these goals as it formulated the preferred reuse for the Redevelopment Plan in 2008. Upon further study, based on the direction the LRA, it was determined that the 2008 preferred land use alternative was financially infeasible due to changes in economic conditions that significantly affected the auto industry. The decision of the VA to remain on the Onizuka AFS site also reduced the available acreage and attractiveness of the site for an Auto Retail Center. Additionally, the associated costs for redevelopment of the site for the Auto Retail Center were substantial. While the Amended Redevelopment Plan proposes a significantly different direction for the site, it still achieves the original goals of the CAC.

## **LIMITING CONDITIONS**

This plan's analysis of redevelopment potential and feasibility is based on review of the information made available to the LRA and its consultant team by the Air Force, along with evaluation of information obtained from other sources. Because of national and physical security considerations, the Air Force allowed the LRA and its consultant team only restricted access to Onizuka, its buildings, and documentation on existing structures and site improvements. This was augmented by discussions with site staff on the unclassified structure and site information that could be shared. Additional access was permitted during the feasibility analysis of the Auto Retail Center use and subsequent

alternative use consideration such as the data center concept. Consultants were allowed inside various buildings including Building 1003 ("Blue Cube"), in which case it was determined that reuse of the building was infeasible. In addition, the completed Environmental Assessment and Finding of No Significant Impact, completed by the Air Force, provided additional basis for decisions of the LRA.

This means that assumptions and findings regarding existing structure and site improvement conditions, demolition costs, redevelopment costs, and other key factors that shape this plan may change significantly once more information becomes available. With the relocation of Air Force and contractor personnel from Onizuka AFS to other sites, the Air Force should make all design, engineering, and as-built information on Onizuka AFS structures and sites available to the LRA, including such complex and heavily modified structures as Building 1003 ("Blue Cube"), to facilitate plan refinement and successful implementation.

## 2. EXISTING CONDITIONS

### SITE LOCATION

The Onizuka AFS is an approximately 19.5 acre site located in an area known as the Moffett Business Park in the northern portion of the City of Sunnyvale. It is bordered by Innovation Way to the west and the north, North Mathilda Avenue and the Santa Clara Valley Transportation Authority's light rail track to the east and the south, and West Moffett Park Drive and California Highway 237 to the south, as shown in Figure 2-1.

Figure 2-1: Onizuka Regional Location and Site Context



### SITE CONDITIONS

There are total of 30 existing structures totaling approximately 612,000 square feet located at the Onizuka AFS. The most notable structures are the two-story 1964 Headquarters/Administration building (Building 1002 with 50,000 square feet); the five-level 1969 "Blue Cube" Satellite Control Station (Building 1003 with 170,000 square feet); the 1985 and 1986 two-story Parking Structures that have been partially converted to storage and have had office space added on top (Building 10031 with 102,000 square feet and Building 10032 with 99,000 square feet) and three antenna dishes (see Figure 2-2: Onizuka Regional Building Locations). The rest of the facilities consist of a variety of

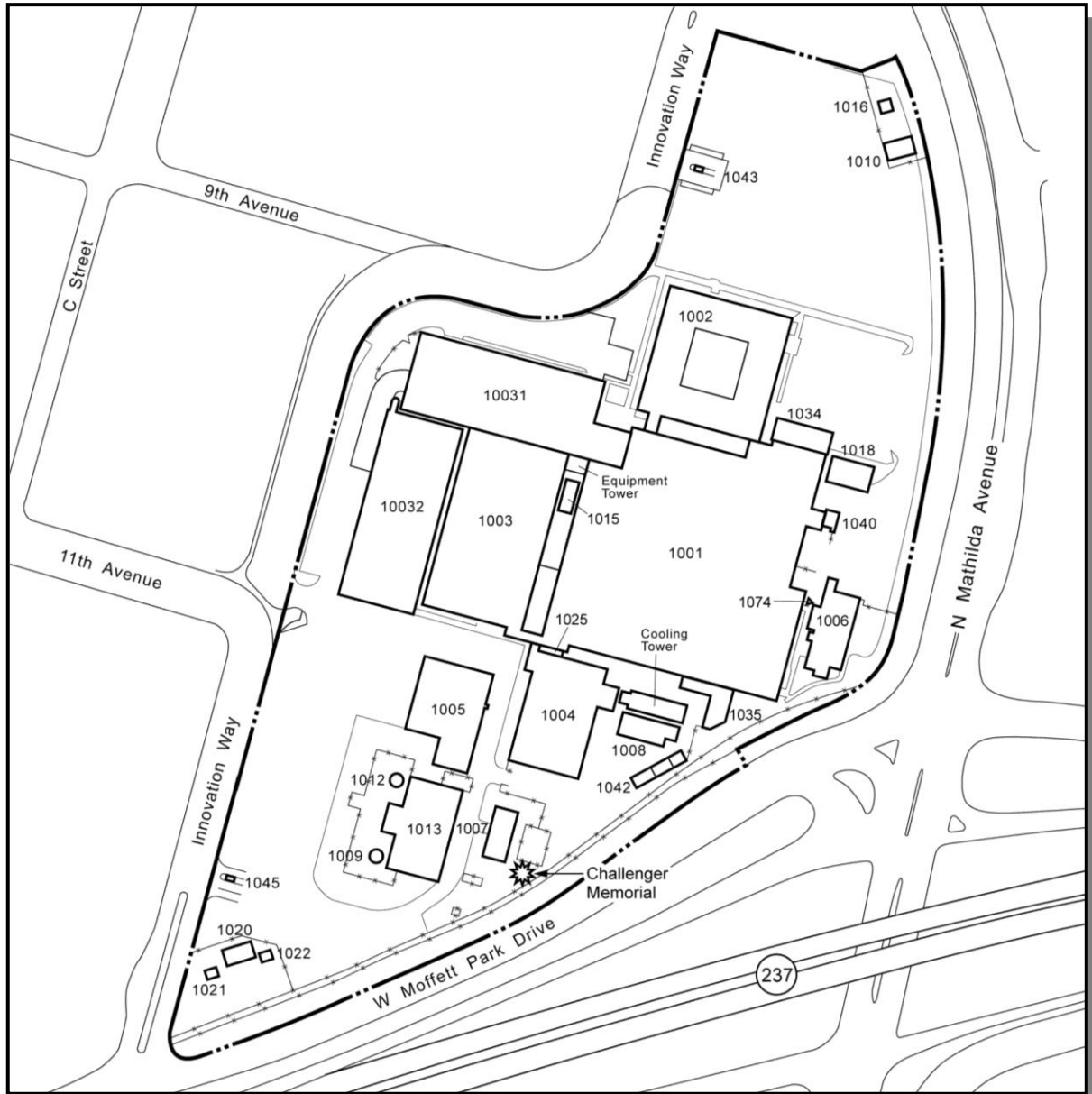
support, facilities operations, maintenance, and other smaller structures. Many of these are steel pre-fabricated "Butler" type buildings.

In 2008, the LRA retained a team of development consultants and civil and structural engineers to evaluate the feasibility of reuse of the existing buildings during the formation of the original Redevelopment Plan. The consultant team found that all of the existing structures are to varying degrees functionally obsolete; need considerable seismic reinforcement; do not comply with current planning and building codes and disabled accessibility (ADA) requirements; and/or are uneconomic to rehabilitate. They would not offer, even if rehabilitated, the quality of space, standards of construction or building configuration that Silicon Valley commercial space users demand.

Redevelopment of the site is expected to involve demolition of all existing structures except for the retention of the VA-rehabilitated structures. The existing Challenger memorial will be relocated to the VA's claimed area. The demolition of nearly 612,000 square feet of existing buildings on Onizuka AFS is estimated to cost approximately \$5 million. Of this demolition estimate, approximately \$2 million is allocated just to Building 1003 (the "Blue Cube") because of the unique and complicated design of the building and its steel-walled security precautions.

Only the easternmost portion of Innovation Way, directly adjacent to Mathilda Avenue up to the current security gate, is publicly owned. The remainder of Innovation Way is owned by adjacent private property owners pursuant to their acquisition of property from Lockheed Martin. This means that reuse of Onizuka AFS will require obtaining new rights of access on Innovation Way, either through a lease, dedication, easement, or other agreement. The to-be-determined cost for future access on Innovation Way so that Onizuka AFS can be redeveloped would need to be included in the determination of fair market value.

Figure 2-2: Onizuka Building Locations



## CULTURAL RESOURCES

The Onizuka AFS was initially established to serve as the command and control center for the first reconnaissance satellite program, the Corona Program. It was developed by the United States Air Force and the Central Intelligence Agency, with assistance from private contractors, such as Lockheed Missiles and Space Division. Shortly thereafter, the National Reconnaissance Organization (NRO) was established to provide oversight of the program.

The Corona Program provided the first satellite reconnaissance photographs of the Soviet Union and China, among other countries. In addition, Corona satellites, controlled from the installation, provided concrete evidence that the missile gap did not exist. As new satellite technologies developed, the installation began to support additional satellites, such as those whose purposes were communications, early missile warning, meteorology, navigation, and nuclear detonation detection. These satellite programs also provided valuable data and support throughout the Cold War. Although many satellite programs remain classified, the constant presence of the NRO at the installation clearly illustrates the crucial role that it played in satellite reconnaissance throughout the Cold War.

As noted above, many of the buildings may not be retrofitted for adaptive reuse and redevelopment would result in the demolition of the existing structures. A historic building inventory and evaluation was conducted in 2004 as part of the development of the redevelopment plan to determine if the site qualified as a significant historic resource. The inventory study found that the existing site could not be deemed eligible for the California Register of Historic Sites and that it was not a historic resource for the purposes of CEQA. However, based on the available information, the City determined that the site may be potentially eligible as a local Heritage Resource and/or as a local Heritage Resource District.

In 2009, the Air Force re-evaluated the site and buildings and conducted further consultations with the State Historic Preservation Office (SHPO) and the City of Sunnyvale. As a result of the re-evaluation, buildings 1001, 1002, 1003, 1004, 10031, and 10032 were recommended as National Register-eligible as the U.S. Air Force Satellite Test Center Historic District under the Criteria A (association with historic events) and Criteria G (achieving significance within the past 50 years).

The proposed redevelopment of the site and transition of land from the Federal Government to the LRA or private developer could result in the potential impact to a historic resource. During the consultation with the Air Force, Veterans Administration and SHPO, through the Section 106 process as required by the National Historic Preservation Act, it was determined that the historic significance of the site resulted from the missions and operations conducted within the buildings rather than the structures themselves. The discussion resulted in the following items to be preserved or recorded:

- Relocation of the Challenger memorial to the Veterans Administration site at Onizuka. *Responsible Origination: Veterans Administration*
- Interpretive display documenting the history of the Onizuka AFS within the lobby of the Veterans Administration building at the site. *Responsible Origination: Veterans Administration, subject to review and approval by SHPO*
- The completion of a Historic American Buildings Survey (HABS) Level-II Type Documentation. Materials will assist in the completion of the interpretive display. *Responsible Origination: Air Force*
- Completion of a lesson plan documenting the Air Force Station's role in the Cold War era. *Responsible Origination: Air Force and to be provided to local school districts by the City of Sunnyvale.*

The Air Force, Veteran Administration and California SHPO have all concurred with the recommended documentation steps through a Memorandum of Understanding in accordance with Section 106 of the National Historic Preservation Act and the BRAC process. The lesson plan has been completed and provided to the City and the HABS Level-II Type Documentation has been completed. The Veterans Administration will complete the remaining items following acquisition of the subject site.

## **ENVIRONMENTAL CONDITIONS**

The Air Force completed an Environmental Assessment (EA) as required by the National Environmental Protection Act. The EA studied the three alternatives considered by the adopted 2008 Onizuka AFS Redevelopment Plan which included an Automotive Retail Center, Corporate Office, and a Hotel, Conference Center and Office Alternative. The assessment found the proposed alternatives would not result in either short- or long-term significant impacts. The resources analyzed in detail were: socioeconomics, land use/aesthetics, transportation, utilities, hazardous materials management, hazardous waste management, Environmental Restoration Program (ERP) sites, storage tanks, asbestos-containing material (ACM), lead-based paint (LBP), geology and soils, water resources, air quality, biological resources, cultural resources, and environmental justice.

The EA disclosed instances of the hazardous materials at the site including, Asbestos-Containing Materials (ACM), Lead-Based Paint and a few hazardous materials spills at

the site. Exposure to ACM and Lead-Based Paint would be mitigated through standard demolition requirements which manage containment during demolition. According to the Air Force document, the noted spills have been cleaned and each incident has been closed. Based on this and completion of the Final Environmental Assessment and issuance of a Finding of No Significant Impact, the Air Force has determined that the site is suitable for disposal and reuse. Supplemental soil sampling and additional environmental assessment may be warranted for either the higher education uses or park use.

Any further remediation required at the site, resulting from the additional soil sampling, would be covered under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), which obligates the United States to conduct remedial action necessitated by the discovery, after transfer, of hazardous substances on the property. In addition, to CERCLA, there are several laws that provide additional protection for the City or other entity acquiring the site through the BRAC process. The parties acquiring the site may choose to obtain environmental insurance to minimize any exposure to legal liability.

## **LAND USE AND ZONING**

The Onizuka AFS is located within the Moffett Park Specific Plan area and is currently zoned Moffett Park Industrial. The current zoning for the site allows uses such as office, higher education, hotel, public safety facilities, emergency services and parks/open space. Adjacent parcels are zoned either Moffett Park Industrial, Moffett Park Transit Oriented, or Moffett Park Commercial. The subject site is limited to a FAR of 35 percent, which would allow up to approximately 280,000 square feet of floor area to the entire site.

## **ON- AND OFF-SITE INFRASTRUCTURE**

As a relatively small site located within a large business park with extensive private commercial development, Onizuka AFS is well served by a combination of private and municipal utilities and infrastructure all adjacent to the property boundary. The Onizuka AFS site utility infrastructure is well-suited for all uses and development densities that are consistent with the Specific Plan. There are no extraordinary off-site utility infrastructure costs anticipated, however; there will be costs to reconfigure utilities that are typical of

redevelopment projects of the same scale as Onizuka AFS reuse. Typical sewer connection and other development impact fees would be paid. Expenses for minimizing storm water discharge are expected to be comparable to other large developments in the area. Division of the site into multiple parcels as a result of VA's approved federal agency to federal agency transfer will necessitate added cost to create separate utility systems. Additional improvements required as part of redevelopment of the site would be addressed in the environmental review specific to the project and may include Traffic Impact Fees and associated mitigation costs for other project related infrastructure improvements.

### 3. FEDERAL AGENCY & HOMELESS SERVICE PROVIDER REQUESTS

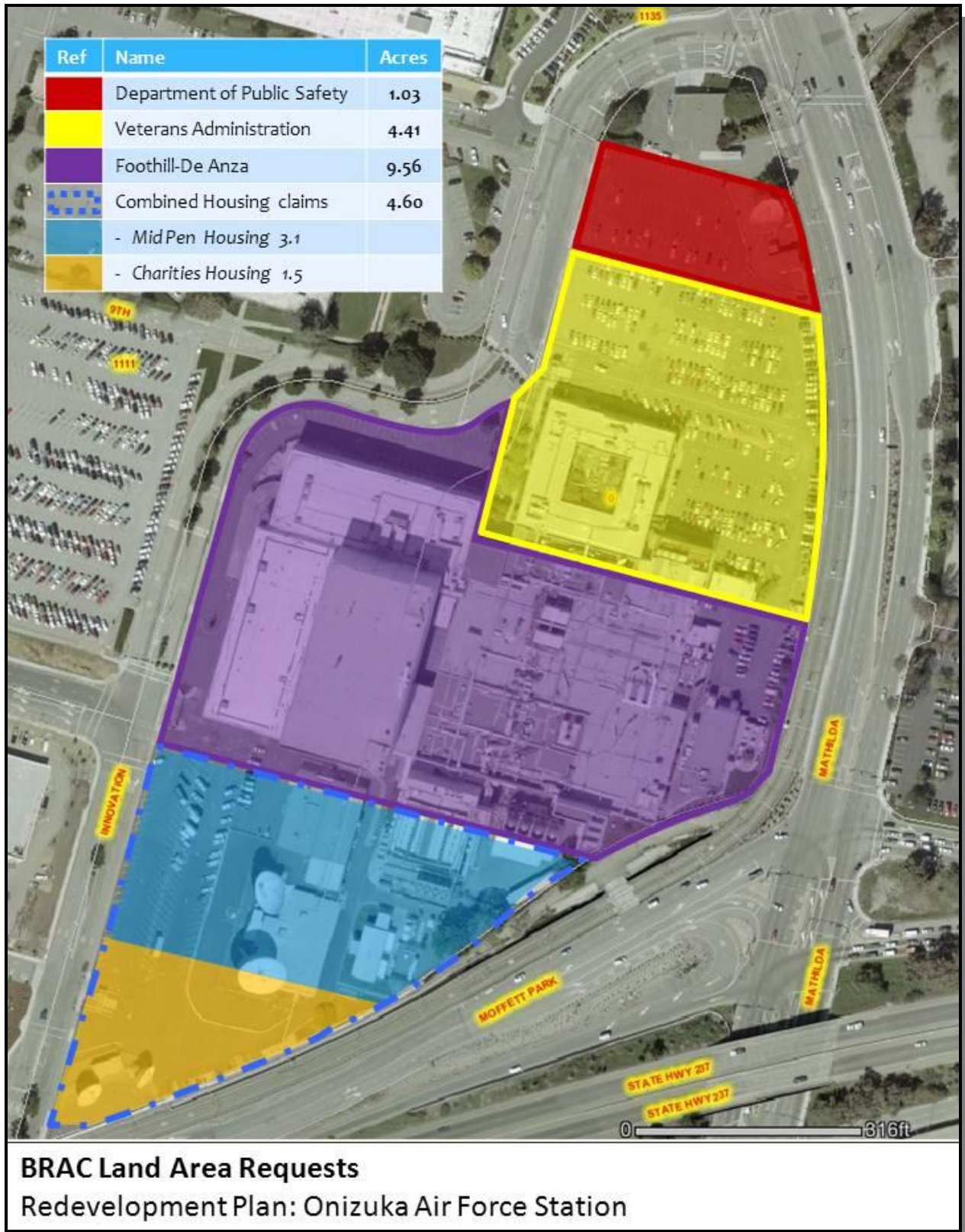
#### **REQUESTS FOR ONIZUKA AFS PROPERTY; POTENTIAL LRA INVOLVEMENT**

This section of the plan describes the requests for Onizuka AFS property that have been received in response to the two outreach processes required for all closing military bases: one for federal agencies that resulted in a request from VA; and the other for local agencies that resulted in Notices of Interest (NOI) from two local homeless service providers (Providers). Following the approved 2008 Redevelopment Plan, the LRA completed an additional feasibility study to further assess the feasibility of the preferred Auto Retail Center concept. The study indicated that it would be feasible; however redevelopment lacked the support needed from local auto dealers. On March 1, 2011, the LRA was considering alternative land uses moving forward and was informed of interest in the site from Foothill-De Anza Community College District (District). At the March 1, 2011 meeting, the LRA moved to amend the Redevelopment Plan to focus on a higher education use or park use for the remaining area. The District submitted a Draft NOI on May 11, 2011 and the Final NOI on September 1, 2011. These requests are shown in Figure 3-1 on the following page.

#### **VETERANS AFFAIRS**

The VA submitted, and the Air Force approved, a request for Onizuka AFS property pursuant to the federal excess property disposition outreach process that offers excess property to other federal agencies. The VA's request is for Building 1002, a 50,000 square foot office building built in 1964; Building 1018, a 2,200 square foot commercial building built in 1978; and Building 1034, a 4,205 square foot storage building built in 1981. The VA has requested an approximate 4.413 acre site that includes these buildings; sufficient surface parking and a required security buffer around the buildings (see Figure 3-1). The requested 4.413 acres has increased from the 2.4 acres in the previously approved Redevelopment Plan. The opportunity for a larger VA site became available when one of the Providers relocated its claim to the southern portion of the site. The City also indicated an interest in a portion of the previous homeless housing claim to expand existing Fire Station #5, located immediately to the north of the Onizuka AFS site.

Figure 3-1: Onizuka Land Area Claims



This space request is part of a larger VA strategy to incrementally resolve a 300,000 gross square foot administrative space shortage at its Palo Alto and Menlo Park campuses as it tries to plan for a major renovation or replacement of those facilities. VA is actively looking at military bases planned for closure as potential real estate acquisitions through Fed-to-Fed transfer. The VA has also requested the Jones Hall Army Reserve Site in Mountain View which is nearer to its current campuses. The LRA understands that the VA would use the Onizuka AFS space for administrative and dry-lab research support functions.

The LRA understands from VA that under its small renovation program it can spend up to \$10 million to address these issues. The VA, as a federal agency, is responsible for all aspects of its facilities and does not require planning approvals or building permits from the City for renovation or occupancy. The VA's identified budget of \$10 million for Building 1002 rehabilitation appears sufficient to cover seismic retrofit, code improvements, and other renovation costs, based on rehabilitation costs for older Silicon Valley office buildings, even including the Davis-Bacon Act and other federal contracting requirements.

## **NOTICES OF INTEREST**

The other federally-mandated local outreach process, conducted by the LRA, identifies possible local public agency and community-based agency interests to be considered during the LRA's redevelopment planning process. The local outreach produced two NOIs or requests for portions of the Onizuka AFS site from two non-profit housing agencies: MidPeninsula Housing Coalition (MPHC) in partnership with Shelter Network (SN); and The Onizuka Partnership composed of homeless service providers led by Charities Housing Development Corporation (Onizuka Partnership). In addition, the LRA received notification that the District was interested in the land at Onizuka AFS. Since the LRA was reconsidering alternative land uses, the District submitted a draft NOI on May 11, 2011 and the final NOI on September 1, 2011.

## ***Homeless Housing***

The Defense Base Closure and Realignment Act of 1990 charges the LRA with balancing homeless needs with community needs for economic and other development. The Act also requires preparation of a redevelopment plan indicating

the support (buildings, property or funding) being made available to requesting homeless service providers (as set forth in this plan). In balancing these needs the LRA analyzed and weighed a comprehensive list of factors. These included public policies such as the Sunnyvale 2005-2010 Consolidated Plan, the Sunnyvale General Plan and the Moffett Park Specific Plan. The LRA analyzed site conditions including the VA impact on the site.

The LRA received two NOI's for a total of six acres as part of the development of the original 2008 Redevelopment Plan. Originally, MidPen Housing Coalition requested 4.2 acres at the southern tip of the site and Charities Housing Development Corporation requested 1.8 acres at the northern tip of the site. Following direction from the LRA in March 2011, the Providers reduced the amount of land and consolidated both claims to the southern corner of the site. The changes resulted in MidPen Housing Coalition's claim being reduced to 3.1 acres and Charities Housing Development Corporation's claim being reduced to 1.5 acres. The revised NOIs propose to acquire a total of 4.6 acres as no-cost homeless land conveyance for 65 units of service-enriched housing for Sunnyvale's homeless population, (includes two management units) which the 2011 Santa Clara County Homeless Census and Survey estimates at approximately 3,744 persons.

The LRA reviewed the Providers' NOI submissions to identify technical deficiencies, determine financial feasibility, verify each agency's track record with similar projects, and other project criteria. The LRA also evaluated possible project impacts on the remainder parcel, the surrounding neighborhoods, and the needs of the homeless as set forth in the Consolidated Plan. The LRA hired independent expertise for specific analysis of conceptual reuse options including their capacity to feasibly relocate homeless housing and the VA to other, more appropriate locations and considered the analysis as a factor in its "balancing" considerations. Throughout the process the LRA engaged the homeless service providers at scheduled public meetings for presentation of their projects, facility tours for the Onizuka AFS CAC and LRA, and staff interviews. In all, the balancing process involved ten public meetings of the CAC.

The LRA found that the two no-cost homeless conveyances of Onizuka AFS parcels will balance the needs of local homeless (as identified in the NOIs and in the Sunnyvale Consolidated Plan) with the needs of the community for economic development as identified in the Sunnyvale General Plan and the Sunnyvale Moffett Park Specific Plan.

As a consequence, the LRA and both non-profit housing agencies agreed upon core terms of a legally binding agreement (LBA) to approve the NOI requests for two no-cost homeless conveyances. Core items include consolidation of the homeless housing claims to the southern portion of the site, LRA recognition of the housing claims at Onizuka AFS, and a preferred option for the LRA to transfer the homeless housing program to an off-site location at the City-owned "Armory" site (620 E. Maude). This preferred option is subject to further negotiations with the two providers and approval by the City of land use entitlements.

The LRA finds the Providers' NOIs for Onizuka AFS to be consistent with the needs of the homeless and the needs for homeless facilities described in the City of Sunnyvale 2010-2015 Consolidated Plan. The analysis conducted by City staff found the NOI-proposed projects to be feasible proposals from experienced and capable agencies that have constructed and managed affordable housing projects with track records of success throughout the region. The analysis included a review of the proposed financing options (County, State and Federal), cash flow projections for each Provider (included in each NOI), and a detailed review of each agency's NOI related materials to substantiate their ability to perform. The NOIs were revised to address technical deficiencies, direction from the LRA in March 2011 and to ensure compliance with HUD requirements.

The LRA approved terms of a single LBA with the two non-profit housing development corporations (the "agencies") that submitted NOIs on behalf of the homeless. The terms memorialized in the LRA's Homeless Assistance Submission (HAS) and the LBAs approve the two NOIs for a no-cost homeless land conveyance of Onizuka AFS parcels from the Air Force for the construction of homeless housing. According to the terms of the LBA, the City would proceed with one of two options upon further discussion with the two Providers: 1) implement the proposed homeless housing program on the Onizuka AFS site, or, 2) transfer their claims to the City's Armory site and construct a substantially equivalent housing program at this off-site location and provide a total of \$4.1 million in City Housing Mitigation Funds to each Provider (\$8.2 million total).

To facilitate the LRA's vision for reuse of the area south of the VA's claim and to expedite homeless housing construction elsewhere at current construction costs, the LRA agrees to advance pre-construction development funds to assist in the development plans for the Armory site at 620 E. Maude. The conceptual plans for the

Armory site include 68 low-income family apartment flats by MidPeninsula Housing Coalition and 56 low-income efficiency studio units by Development Corporation for a total of 124 dwelling units, an increase from the 65 total units proposed in the amended NOIs. On-site parking will be provided at grade with a concrete podium above, which will include open courtyard areas and three levels of housing. The overall height of the project will be four stories. The proposal for the Armory site is subject to further discussions between the City of Sunnyvale and the providers and approval of land use entitlements, lease and regulatory agreements.

### ***Foothill-De Anza Community College District (District)***

The LRA received notification that the District was interested in the land at the Onizuka AFS. Since the LRA was reconsidering alternative land uses, the District submitted a NOI as required under BRAC process expressing interest in the site for an Education Center. Confirmation of the site for this use was subject to the District completing a "request for offers" process, which was concluded in July 2011. On August 8, the District Board endorsed the Onizuka AFS site as the preferred location for a permanent Education Center, which would be relocated from the City of Palo Alto. In the meantime, District staff engaged in discussions with the Department of Education (DOE) to prepare a Public Benefit Conveyance (PBC) application, which was recently submitted to DOE for preliminary review. The PBC application is for an approximately nine acre site, which the District is hopeful will be approved by DOE as a no-cost education PBC. A final Notice of Intent was submitted to the City of Sunnyvale on September 1, 2011.

The District is requesting a parcel consisting of approximately 9.15 acres. The parcel is currently improved with approximately 550,000 square feet of obsolete improvements that have been utilized by the Air Force since the mid 1960's. The District intends to completely demolish all improvements on the site and construct a new 55,000 square foot, two-story instructional facility with surface parking for approximately 556 cars and a 16,000 square foot campus courtyard as part of the first phase of the development of the site. The second phase (long-term) would include the construction of new 50,000 square foot, two-story building and new four-story parking garage. The second phase is conceptual and would require further refinement when funds become available. The Onizuka AFS site will serve as a permanent home for the Educational Center and will replace the existing facilities at the Cubberley site located within the City of Palo Alto.

The District has been seeking a permanent location to replace the Educational Center that is currently located at the Cubberley Community Center, which is approximately 7 miles southwest of the Onizuka AFS site. The District has rented space at Cubberley Community Center since 1984 and currently utilizes approximately 60,000 square feet at that location to serve 4,000 students each quarter. The Cubberley site is limited by space and the facility is in poor condition. The Cubberley Community Center occupies 36 acres in Palo Alto and is a converted 1955 high school site.

### **District Overview**

For more than 50 years, the District has demonstrated excellence and innovation in academic programs and student services. As one of the largest community college districts in the United States, the Foothill-De Anza Community College District provides credit classes for about 43,000 students per quarter. The colleges are active members of the *League for Innovation in the Community College*, a national consortium of leading two-year institutions. District colleges include the following:

- Foothill College is located at 12345 El Monte Road in Los Altos Hills, California 94022. The 122-acre campus was founded in 1957 and offered its first classes in 1958. Foothill College has an enrollment of 13,000 students and operates out of approximately 60 buildings located on the campus. The original campus design received the Honor Award in 1962 from the American Institute of Architects. The college is accredited by the Western Association of Schools and Colleges. Foothill is also accredited by the American Dental Association Council of Dental Education, American Medical Association Council of Medical Education and Federal Aviation Administration.
- De Anza College is located at 21250 Stevens Creek Boulevard, in Cupertino, California 95014. The 112-acre campus was founded in 1967 and operates out of approximately 70 buildings. De Anza College has an enrollment of 17,000 students. De Anza College is accredited by the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges. Several community resources operate at the De Anza campus including the Flint Center, Euphrat Museum of Art, Fujitsu Planetarium and California History Center. Popular majors include: Accounting, Animation, Automotive Tech, Business, Child Development, Computer Applications and Office Systems, Environmental Studies, Film/Television, Graphic Design,

Intercultural Studies, Manufacturing and Design Technology, Nursing, Paralegal Studies, and Technical Communications.

- The Middlefield Education Center was founded in 1984 and is located in the Cubberley Community Center at 4000 Middlefield Road, Palo Alto, California 94303. Foothill College operates the Middlefield Education Center which serves a student population of 4,000 and operates out of approximately 60,000 square feet of rented space in the former Cubberley High School. The City of Palo Alto leases the space to Foothill for approximately \$1 million per year. The facilities are obsolete and have significant deferred maintenance. Popular courses include: Accounting, Astronomy, Emergency Medical Technician (EMT), Paramedic, Pharmacy Technician, Child Development, Computer, Technology, Information Systems, and Language.

### **Site Selection**

The Educational Center at the Cubberley site currently offers several vocational and career programs (EMT, Paramedic, Pharmacy Technology, Child Development), as well as all general education curriculum needed to complete an AA or AS degree and/or transfer to a four-year college. Foothill staff, faculty and administrators provide student services, instruction and opportunities similar to those on the main campus in Los Altos Hills. It is anticipated that these same services will continue and actually be enhanced with regional partnerships with area education institutions.

The District conducted a district-wide effort in February 2011 to find a permanent home for the Cubberley site. Of the proposals received, the Onizuka AFS site met all of the criteria used by the District in assessing potential sites. This included the following:

- Location - central to freeways and employment
- Accessibility by public transportation (bus and/or light rail)
- Parking availability
- Potential for growth (additional square footage and parking as programs or partners are added)
- Affordability for development and usage

The Onizuka AFS meets all these criteria and more. The site is ideal for access from two freeways, is on the light rail line, has plenty of parking and has a unique historical significance in the area that will be preserved and highlighted.

The District held an election on June 6, 2006 for the issuance and sale of general obligation bonds of the District for various purposes in the maximum amount of \$490,800,000. As per the most recent Bond Measure Report, \$38,000,000 was allocated for acquisition and construction of the new Educational Center. Of the \$38,000,000 allocation, the District has spent \$1,190,570 leaving a balance of \$36,809,430. The total development budget is currently estimated at \$36,737,237 for the Onizuka AFS site.

The LRA and the District will enter into an agreement that outlines the terms for LRA support of an Education Center as a preferred use in the amended Onizuka AFS Redevelopment Plan. The agreement will outline the expectations of the District to pursue an education PBC for the approximately nine-acre site and proposed Education Center in conformance with the City's Moffett Park Specific Plan and Redevelopment Plan.

## 4. PUBLIC INVOLVEMENT

### OUTREACH EFFORT AND PUBLIC COMMENT

The LRA initiated outreach strategies to encourage broad community and stakeholder participation in building the consensus for LRA decisions in planning the reuse of Onizuka AFS. A key institution in the LRA's outreach program was the establishment of the Onizuka AFS CAC in April 2006. Throughout the planning process the CAC acted as an ongoing advisory body to the LRA. The CAC consisted of 14 members representing residents, public agencies and private sector interests.

In April 2006, the LRA formulated the Onizuka AFS BRAC Communication Plan, a comprehensive multi-channel informational program to provide technical reports, staff recommendations and meeting schedules to residents and stakeholders interested in the direction of reuse planning. The plan also included a web site and outreach to homeless service providers, public benefit-eligible entities and other stakeholders who might wish to participate in the federally mandated Notice of NOI process. Individuals and organizations were encouraged to review the web site through regular emails on web site updates, as well as to liaison with both the LRA and the CAC. An objective of these communications was to encourage a community-based consensus on a vision for the civilian reuse of the Onizuka AFS.

#### ***The BRAC Communication Plan***

The City designed the BRAC Communication Plan to keep the public informed and to encourage public participation in the community reuse planning process. Under the plan, BRAC Project staff formulated content, implemented ongoing communications and maintained a comprehensive listing of specific communications deliverables. BRAC staff responsibilities included:

- **News Releases:** News releases in anticipation of key decision meetings, key outreach, significant decisions or actions.
- **Fact Sheets:** Fact sheets and "Overview Project Plans" inform public officials and area residents. Quarterly articles for City newsletters were prepared throughout the planning process to keep Sunnyvale residents informed of progress and status.

- **KSUN-15 TV Slides:** KSUN-15 is Sunnyvale's local government cable television channel. KSUN slides announced the LRA's and CAC's key decision meetings.
- **Onizuka AFS BRAC Web pages:** (Onizuka.inSunnyvale.com) The Onizuka AFS web pages contain comprehensive information about the Onizuka AFS planning process, updates on project milestones, and several outreach channels enabling community members to stay current with the latest project developments. The BRAC program developed, updated and maintained the Onizuka AFS BRAC Web pages as a comprehensive resource for area residents and others interested in Onizuka AFS disposition. The BRAC program notified interested parties of Web page updates. Community outreach and education features found on the BRAC Web pages are highlighted below:

LRA Reviews Amended Redevelopment Plan	Fall 2011
LRA Initiates an Amendment to the Redevelopment Plan for Educational or Public Park Use, Emergency Services Use and Expanded VA site	Spring 2011
LRA Reviews Alternative Land Uses	Winter and Spring 2011
LRA Reviews Auto Center Refinement Study and Determines Auto Retail Center to be Infeasible	Fall 2010
LRA Approves Redevelopment Plan for Auto Retail Center as Preferred Use for Economic Development Conveyance	Winter 2008
Onizuka Citizens Advisory Committee, City Commissions Weigh in on Reuse	Fall 2008
Onizuka AFS Reuse Planning Update	Summer 2008
Sunnyvale Analysis Begins on Onizuka AFS Reuse Options	Winter 2008
Onizuka AFS Reuse Planning Moves Forward	Summer 2007
Sunnyvale to Select Reuse Options for Onizuka AFS	Spring 2007
Onizuka AFS Redevelopment Update	Winter 2007
Community Meets to Help Plan Onizuka AFS Future	Fall 2006
Sunnyvale Community Encouraged to Participate in Onizuka AFS Redevelopment Plan	Summer 2006

Onizuka AFS Closure	Spring 2006
Onizuka AFS To Be Closed	Fall 2005
DOD Moves To Close Onizuka AFS	Summer 2005

- **Signage and/or Displays:** Signage was prepared as required or appropriate for CAC and LRA meetings.
- **Newspaper Ad Prepared:** Advertisement in the *San Jose Mercury News* and *Sunnyvale Sun* soliciting NOIs in the Onizuka AFS property (published not more than 30 days after declaration of surplus status.)
- **Public Inquiry Database:** This activity included sending periodic e-mails to residents, stakeholders and agencies that expressed interest in being added to an information database to receive notification of Onizuka AFS BRAC Web page updates.
- **Posting of Public Meeting Notices, Minutes and Reports:** Provided legal meeting notices, agendas, and minutes and posted these per statute and according to Brown Act regulations to the City's Onizuka AFS Web pages and, as appropriate, City Council.
- **Neighborhood Association Liaison:** Provided content and schedules to the City's Community Outreach Coordinator to include in communications to community residents.
- **Onizuka AFS Redevelopment Hotline:** Dedicated an Onizuka AFS Redevelopment Hotline (408) 730-7739, TDD (408) 730-7501 to provide another opportunity for community comment, information requests or call-backs to discuss any facet of the project.
- **Sunnyvale Auto Dealers:** Coordinated site visits and feasibility study with local auto retailers in Sunnyvale.
- **Moffett Park Business Association:** City representative attend monthly meetings, keeping local business association informed of the progress of the Onizuka AFS closure and land use alternatives.

## **PUBLIC MEETINGS, NOTICES AND REPORTS**

The primary venue for public input regarding the Onizuka AFS property was the project's policy guiding body, the LRA, and the CAC, which the LRA specifically created to advise the LRA on the site's land reuse. Two City Commissions (Heritage Preservation Commission and Planning Commission) whose jurisdiction touched on specific aspects of the Onizuka AFS project also made recommendations to the LRA in 2008. In March 2011, the LRA determined that the original Auto Retail Center was infeasible and initiated amendments to the Redevelopment Plan to focus on a preferred educational use and an alternative park use at the site.

The BRAC Communication Plan strictly follows the City's statutory meeting, agenda and posting requirements which comply with requirements for minimum advance notification period and specifies the venues for posting notification. Below is a description of the public bodies and advisory groups that provided Onizuka AFS-related recommendations and comments during the planning phase.

**Local Redevelopment Authority:** In January 2006, Sunnyvale City Council unanimously approved a resolution requesting the Department of Defense recognize the City Council as the LRA for Onizuka AFS. Formally recognized as the LRA, the City Council became the primary community point of contact for all matters relating to the base closure. This includes conducting outreach efforts and designing the comprehensive reuse plan to guide Onizuka AFS's redevelopment. LRA members are listed below:

### **Assignment/Member**

Authority Chair (Vacant)

Authority Vice Chair Otto Lee

Authority Member Melinda Hamilton

Authority Member Jim Griffith

Authority Member Christopher R. Moylan

Authority Member Anthony Spitaleri

Authority Member David Whittum

*Former Authority Members*

Authority Member Ron Swegles

Authority Member John Howe

### **Onizuka AFS LRA Executive Committee**

**Assignment/Member**

Authority Chair (Vacant)

Authority Vice Chair Otto Lee

Authority Member Christopher R. Moylan

**Citizen's Advisory Committee:** One key step in the early planning process was the establishment of a CAC representing residents and diverse stakeholders within the community. The CAC provided advisory recommendations to the LRA throughout the planning process and development of the 2008 Redevelopment Plan. CAC members are listed below:

**Assignment/Member**

LRA Chair, Ron Swegles, Chair

Community Representative, Dean Chu, Vice Chair

LRA Member, John Howe

Mountain View City Council, Nick Galiotto

Organized Labor, Raymundo Ferdin

Sunnyvale Business, Thom Bryant

Sunnyvale Business, Howard Chuck

Sunnyvale Education, Glenn Evans

(Preceded in the position by Geoffrey Kiehl)

Sunnyvale Education, Nancy Newkirk

Homeless Assistance Volunteer, Sarah Wasserman

Community Representative, Robert Lopez

Community Representative, Josephine Lucey

Community Representative, Charles Rogers

Community Representative, Cynthia Cotton

Note: Santa Clara County Supervisors declined representation on the CAC.

**Sunnyvale Heritage Preservation Commission:** The Sunnyvale Heritage Preservation Commission held a public hearing on August 6, 2008 to review and comment on the preliminary assessment of Onizuka AFS's historic significance. The commission was specifically charged with reviewing and making recommendations regarding landmark sites. Comments were forwarded to the LRA in the December 2, 2008 staff report.

Recommendations from the Heritage Preservation Commission were further addressed in the Environmental Assessment (May 2011) prepared by the Air Force for the closure of the Air Force Station. The recommendations resulted in the evaluation of the site structures, documentation of the programs conducted at the site, formal historic survey, integration of an interpretive display within the lobby of the VA building to commemorate the role of Onizuka AFS in the Cold War era, and relocation of the Challenger Memorial to the VA property. City staff also requested the Air Force to retain the satellite dish for possible future use or incorporation into the site as an artifact. Interest has been expressed by a non-profit group to refurbish and reactivate the remaining dish and ancillary structure for educational purposes. In addition, the LRA participated in the Section 106 process which included consultation with the Air Force, Veteran Administration and California SHPO. No further review was required by the Heritage Preservation Commission, due to completed environmental review and concurrence with SHPO.

**Sunnyvale Planning Commission:** The seven-member Sunnyvale Planning Commission conducted a public hearing on July 28, 2008 to discuss and receive public comments on the Onizuka AFS land reuse options and the CAC recommendations. The comments of the commission and the public who spoke at the hearing were forwarded to the LRA for consideration at the December 2, 2008 and December 9, 2008 meetings. The Planning Commission conducted a public hearing on September 26, 2011 to discuss and receive public comments on the Amended Onizuka AFS Redevelopment Plan. Similarly, comments were received and forwarded to the LRA for consideration. The Commission's overall responsibility is to review and make recommendations to the City Council on the City's General Plan, land use, zoning, development ordinances, permits, environmental reviews and related policies procedures.

### ***Community Participation: Public Meetings Schedule***

LRA and CAC meetings have provided opportunities for the involvement, participation and comments of community residents and stakeholders. Notices, agenda, minutes, and staff reports have been provided to the public at the LRA's Onizuka AFS web site, *Onizuka.inSunnyvale.com*. LRA meeting agendas and minutes are also noted on the City Council pages of the City's web site. Appendix A of this plan contains a listing of community outreach activities including a comprehensive listing of Onizuka AFS-related public meetings.

## **PLAN REVIEW, COMMENT, AND ADOPTION**

### ***Draft Amended Onizuka AFS Redevelopment Plan: Availability for Public Review and Comment***

Meetings of the LRA, the LRA Executive Committee and the CAC on the Redevelopment Plan met all statutory notice requirements and provided opportunity for public participation. The CAC held ten public meetings with opportunity for public comment at different stages in the preparation of the Redevelopment Plan for community input. Pursuant to the Public Meeting Schedule and Communication Plan above, the key steps in the BRAC and Redevelopment Plan process were and have been posted on the Onizuka AFS Web page for presentation and discussion at public hearings. Following the adoption of the 2008 Redevelopment Plan, the LRA publicly noticed all LRA meetings during the review of the Auto Center Refinement Study and alternative land uses. The Planning Commission will review the Draft Amended Onizuka AFS Redevelopment Plan on September 26, 2011, which provides opportunity for public comment regarding the amendments to the previously approved Redevelopment Plan.

### ***Adoption of the Final Amended Onizuka AFS Redevelopment Plan***

The Draft Redevelopment Plan, which is consistent with the LRA action of March 1, 2011, was posted to the LRA's Onizuka AFS BRAC Web page (*Onizuka.inSunnyvale.com*) on approximately September 23, 2011, two weeks prior to LRA's October 4, 2011 public hearing. Notification of the September 23, 2011 Planning Commission meeting and the October 4, 2011 LRA meeting was mailed to properties within 300 feet and all interested parties.

## 5. CONCEPTUAL LAND USE ALTERNATIVES

### LAND USE FACTORS

The adopted 2008 Redevelopment Plan took into consideration the Homeless Housing Claims and the Veterans Administration Claim at the site. The land use options studied in the Plan included an Auto Retail Center, High Quality Hotel and Conference Center and Class A Office/Research and Development use and were dependent on the relocation of the VA's claim and finding an alternative site for the housing claims. The preferred land use alternative for the site was the Auto Retail Center.

The feasibility of the preferred land use was further studied in 2009-2010 and discussion with the VA continued as the closure of Onizuka AFS moved forward. Further discussions in 2010 determined that the VA was unable to find an alternative site to meet their program needs and budget constraints. The feasibility study of the Auto Retail Center concept began in 2009, which accounted for the VA claim at the site. The feasibility study found that the Auto Retail Center concept could be feasible. However, due to market conditions and the constrained land area, support from local auto dealers diminished. In October 2010, the LRA determined that the Auto Retail Center was infeasible and directed staff to study alternative land uses. In March 2011, the LRA initiated the amendment of the Redevelopment Plan to consider the following uses with emphasis on possible PBC uses:

- Educational Use (Alternative)
- Public Park/Sports Complex Use (Alternative)
- Expanded Site for Veterans Administration Office Use
- Homeless Housing Program on consolidated area for MidPeninsula Housing Coalition and Charities Housing Development Corporation
- Possible Transfer of Homeless Housing Program to City-owned "Armory" Site
- City of Sunnyvale Emergency Services (Fire Station #5 expansion)

## **LRA PREFERRED REUSE: EDUCATIONAL USE, EMERGENCY SERVICES, MOFFETT PARK SPECIFIC PLAN**

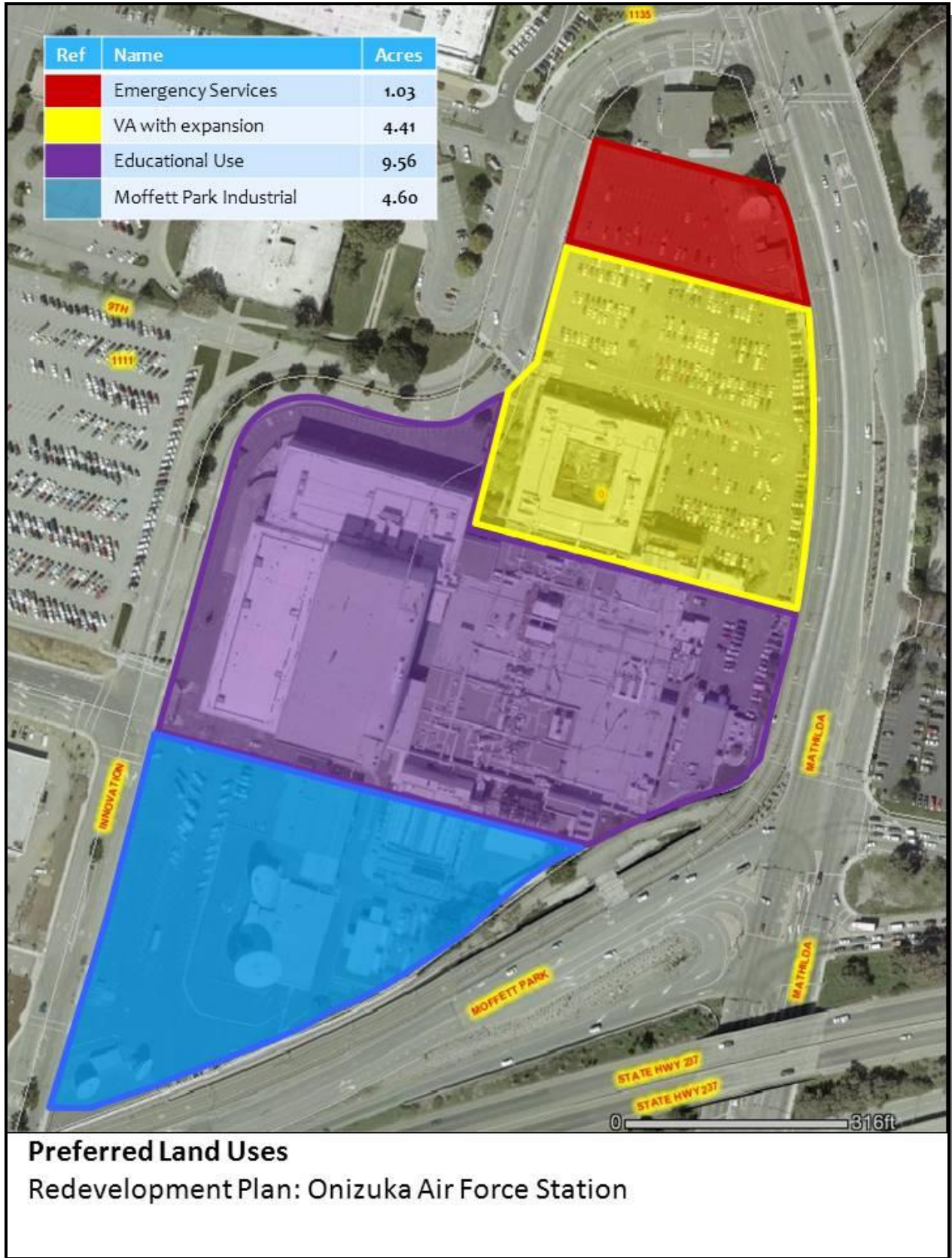
The LRA has identified an Educational Use for the land to the south of the VA claim and Emergency Services for the land north of the VA claim as the preferred reuse options. In deciding the recommended land use for the Redevelopment Plan the LRA considered several important elements of a land use decision that would create the greatest benefit for the Sunnyvale community. Figure 5-1 indicates the locations of the preferred land uses.

The educational use emerged as the best overall reuse option for an approximately nine acre area south of the VA claim, based on the following: 1) the site's freeway accessibility; 2) light rail accessibility; 3) location and adjacency to supportive industries; 4) compatibility with current Zoning; and 4) ways to minimize additional peak traffic congestion at the Mathilda Avenue entryway to Moffett Park. The Emergency Services use for an approximately one-acre parcel immediately north of the VA site and adjacent to existing Fire Station #5 would allow the existing Fire Station site to be expanded from .72 acres to approximately 1.75 acres. The additional area will provide for a training space for personnel and equipment which does not currently exist, and allow for multi-agency and multi-apparatus training evolutions. These considerations resulted in selection of the educational and emergency services uses as the preferred land uses for the site.

### ***Educational Use***

The District has indicated the need for the 9.56 acres site to accommodate the relocation of the existing Cubberley in Palo Alto. The NOI indicates that the District anticipated constructing a new 55,000 square foot, two-story instructional facility with parking for approximately 556 cars, and a 16,000 square foot campus courtyard. Long-term goals for the site include the addition of a second new 55,000 square foot, two-story building and new four-story parking structure for the site. The District will request that the land be conveyed through a no-cost PBC which will be sponsored by the DOE. Conveyance of the land will include educational use only encumbered (restrictions) on the land.

Figure 5-1: Preferred Onizuka Land Uses



The District has also indicated interest in the additional 4.6 acres requested by the housing providers. This area could provide unencumbered land for the District to use for franchise or profit generating uses. This may include a bookstore, food court, or other collaborative business related uses within the 4.6 acre area.

The proposed first phase would be at FAR of 13 percent, which is well within the maximum FAR of 35 percent allowed by the Moffett Park Specific Plan. Based on the long-term goals of the District, the total FAR would be approximately 26 percent. Educational uses are allowed through the review of a Special Development Permit (SDP) within the Moffett Park Industrial Zoning. Although a SDP would be required for private development, it will not be required for the District as their Board has elected to act independently of the local zoning standards. This is a typical practice of most school districts. Uses not related to school activities would be subject to the City's Zoning requirements. The LRA will negotiate specific terms for redevelopment, including administrative review rights, with the District.

### ***Emergency Services***

The Department of Public Safety has indicated the need for additional land for Fire Station #5 and area for additional safety training. The Project will increase the useable space at Fire Station #5 from .72 acres to approximately 1.75 acres. The additional area would provide for a training space for personnel and equipment which does not currently exist, and allow for multi-agency and multi-apparatus training evolutions. The training is not limited to only Sunnyvale personnel, but may also include Community Emergency Response groups such as Sunnyvale Neighbors Actively Prepared (SNAP) and other Community-based groups and regional agencies. The direct benefits will include, but are not limited to, enhanced training opportunities in a geographic area of the City which do not currently exist. Emergency Service uses are consistent with the Moffett Park Specific Plan and permitted without review within the Moffett Park Industrial Zoning.

Acquisition of the land for Emergency Services would be completed through a PBC and the sponsoring Federal Agency would be the Federal Emergency Management Agency (FEMA). The City would request a no-cost conveyance through FEMA. The land would be restricted to emergency uses and minor improvements as outlined the PBC

and the City would have to coordinate timelines to install any noted improvements such as fencing to secure the area.

### ***Moffett Park Specific Plan (Moffett Park Industrial)***

The southern portion of the site, where the housing claims are located, is currently zoned Moffett Park Industrial (MP-I). The preferred reuse for this area would allow uses consistent with the current zoning, excluding intensive office uses that would generate significant AM/PM peak hour traffic as determined by City. Development on the site will be allowed a maximum FAR of 35 percent as per the Moffett Park Specific. The current housing claims may either be developed at the site as proposed or relocated to an alternative site. If the LRA elects to transfer the proposed homeless housing projects to the Armory site, then this area may be allowed to be developed with uses which include, but are not limited to, possible education-related uses complementary to the Education Center.

### **ALTERNATIVE LAND USE: PUBLIC PARK/SPORTS COMPLEX**

The Department of Community Services has identified a need for additional athletic fields in the community for organized sports. The park area would serve the Moffett Park area and the community at large. The amount of land designated for this use should be the largest available, which would require incorporation of the southern parcel (designated as Moffett Park Industrial) into the park area. The resulting total area available for the public park/sports complex would be approximately 14.15 acres. It is anticipated that the area could accommodate a minimum of four multi-use fields, bathroom facilities and a concession/maintenance building. Figure 5-2 illustrates the alternative land use for the site.

Figure 5-2: Alternative Onizuka Land Uses



Acquisition of the land for a park use would be through a PBC for a public park/sports complex, which would be sponsored by the National Park Service (NPS) and the land acquisition costs would start at a 50% reduction with a possible no cost conveyance. The City would have to demonstrate the need, operational and financial capability to develop and maintain the park, suitability of the site for park use, and a description of the proposed park utilization, including a site plan and development time line. NPS will evaluate the PBC based on the financial feasibility of the proposal.

The public park/sports complex and its associated costs may either be funded by the City or the City may work with a private developer/vendor to finance, construct and operate the sports complex. Due to the extensive amount of funding needed for demolition, site preparation and development, the City will need to consider supplementing these costs with park dedication in-lieu fees. Funding allocation for a sports complex will most likely require deferring or delaying funding of other projects and will depend on the acquisition costs of the site (possibly no cost or a significantly reduced cost).

### ***Moffett Park Specific Plan (Moffett Park Industrial) – Alternative***

If public park/sports complex is implemented and the LRA elects to transfer the proposed homeless housing projects to the Armory site, the southern area located at the Onizuka AFS site would be incorporated into the public park/sports complex to provide a larger area for the alternative land use.

## **6. IMPLEMENTATION**

### **BALANCING HOMELESS ASSISTANCE AND COMMUNITY NEEDS**

The preferred educational use, with implementation of the LBAs that the LRA has negotiated with the Providers, balances the need of the homeless assistance with the need of the community for redevelopment of the Onizuka AFS site to allow uses that provide services for the community. The HAS that the LRA will submit to HUD with this Plan complies with HUD's requirements for balancing homeless needs and community needs.

The LRA balances the needs of the homeless by approving both Provider NOIs on Onizuka AFS for a combined total of 4.6 acres. If the LRA chooses to assist the housing providers in relocating the proposed projects to the Armory site, it will provide a site much better suited for housing due to its proximity to transit and other services. In addition, the Armory site location will allow a greater variety of housing units and affordability levels, which will better serve the community.

### **DEMOLITION OF EXISTING FACILITIES**

Redevelopment of the Onizuka AFS site would require demolition of all the existing buildings on the areas specified for educational or park use. Demolition will seek to maximize recycling, including sale of scrap steel. The high cost of the required demolition represents an extraordinary burden that impacts development feasibility, as well as the value that the Air Force can expect to receive from the site.

### **ENVIRONMENTAL INVESTIGATION AND REMEDIATION**

Transfer of the property from the Air Force and its subsequent redevelopment has been evaluated by the Air Force and a Finding of No Significant Impact has been issued. The LRA has also completed an Initial Study and Mitigated Negative Declaration (MND) to evaluate the proposed uses and potential impacts resulting adoption of the plan. A Greenhouse Gas Analysis and Traffic Impact Study were completed as part of the study. The MND determined that the preferred land uses would not have a significant impact on the environment. Redevelopment of the site will require supplemental

environmental review based on refined project details pursuant to CEQA. It is recommended that additional soil sampling and environmental site assessment may be recommended as part of the review. In addition, Onizuka AFS's structures, because of their age, are expected to contain significant amounts of asbestos and lead-based paint, and potentially PCB's and other solvents. This will need to be remediated as part of the demolition work, with responsibility falling upon the future property owners or developers of the Onizuka AFS parcels.

## **PLANNING REQUIREMENTS**

The preferred land uses (education use and emergency services) and alternative land use (Park/Sports Complex) are both included as planned uses in the Moffett Park Specific Plan. The Specific Plan supports educational, office, emergency services and park uses either permitted "as of right" or through the review of a Special Development Permit. A Guiding Principle of the Specific Plan is "to provide strategic retention and attraction of business and private investment" and a Specific Plan Objective is "to allow for balanced development that minimizes environmental and fiscal impacts to the City." The proposed Educational Center or park/sports complex would provide greater opportunities for the community and would provide further support for the surrounding Moffett Park business community.

## **MEMORANDUM OF AGREEMENT**

The LRA and the Foothill De-Anza Community College District have negotiated terms of a Memorandum of Agreement to outline the obligations of the LRA and the District. The Agreement also outlines the development and reuse of the site as follows:

- The development of the site including maximum density and intensity of uses, the general location of uses, the number and size of legal lots, the maximum height and size of the proposed improvements, requirements for the dedication and reservation of land for public purposes, for right of way and frontage dedications, utility easements, utility connections, storm drainage, infrastructure, traffic mitigation requirements and other standards of development applicable to the development of the site shall be consistent with City of Sunnyvale governmental regulations including, but not limited to the City of Sunnyvale Redevelopment Plan and City of Sunnyvale Moffett Park Specific Plan, with respect to the AFS Property.

- The Agreement acknowledges that development in compliance with the Redevelopment Plan and the City's Moffett Park Specific Plan was a primary inducement in securing the LRA's consideration and adoption of the Redevelopment Plan and the LRA's support and approval of such District Department of Education Public Benefit Conveyance Application.
- The City shall have administrative review a Concept Plan for the development of the site.
- The District will process the appropriate environmental documents for individual projects as required by CEQA and its implementing regulations. The District shall also notify the City of all projects on the District Property as that term is defined by CEQA.
- During development of the project the District shall hold regular meetings to coordinate the planning, development, and operational issues of mutual concern, including the preparation, submission and review of concept plans, short range and long range development plans and Construction Documents.

The Agreement contains several additional items to provide sureties for the both the LRA/City of Sunnyvale and the District. The negotiated terms have been reviewed and approved by the Community College District Board.

## 7. RECOMMENDED CONVEYANCE AND DISPOSITION STRATEGY

### **PUBLIC BENEFIT CONVEYANCES**

Upon approval of the Onizuka AFS Redevelopment Plan by the LRA, the District and the City of Sunnyvale Department of Public Safety will submit requests for no-cost PBC to the sponsoring federal agency (Department of Education for education use and the Federal Emergency Management Agency for fire station site expansion). The sponsoring agency will review the applications and render a decision on the requested PBCs and, if an agreement is reached, convey the property to the respective parties. If the education use PBC is not implemented, the City of Sunnyvale will pursue a public park PBC through the Department of the Interior, National Park Service (sponsoring federal agency).

### **DISPOSITION STRATEGY**

The LRA proposes a disposition strategy with the following elements:

- No-cost PBC to the 1.03 acres to the City of Sunnyvale Department of Public Safety for emergency services and training area.
- No-cost PBC of the 9.56 acres to the District for an Educational Center to replace the Cubberley site in Palo Alto.
- The Providers accept the land requests at Onizuka AFS through a homeless housing conveyance and the two Providers implement the proposed homeless housing program on the Onizuka AFS site;

OR

- The homeless housing providers will relocate the proposed projects to the City's Armory site and construct a substantially equivalent housing program at this off-site location and a total of \$4.1 million in City funds be provided to each Provider (\$8.2 million total) and land area located at the Onizuka AFS site will be transferred to the LRA.
- Park Alternative: If the District is not able to receive approval of the PBC or the project is not feasible, the LRA would move forward with solicitation of park development requests and prepare PBC application to submit to the National Park Service to acquire the land at a reduced or no-cost conveyance.

## APPENDIX

### PUBLIC MEETING SCHEDULE

The following meetings were held for public involvement during preparation of the redevelopment plan.

<u>Date</u>	<u>Meeting and Agenda</u>
January 10, 2006	<p>The Sunnyvale City Council passes resolution requesting that the DoD recognize the Sunnyvale City Council as the Local Redevelopment Authority for Onizuka Air Force Station.</p> <ul style="list-style-type: none"><li>• <i>Resolution Requesting that the Department of Defense Recognize the Sunnyvale City Council as the Local Redevelopment Authority for Onizuka Air Force Station – City Report</i></li></ul>
April 6, 2006	<p>The Department of Defense (DoD) - recognizes the City of Sunnyvale as the Local Redevelopment Authority (LRA) for Onizuka Air Force Station.</p>
April 11, 2006	<p>The LRA approves bylaws, makes LRA appointments to the Executive Committee, calls for Citizen's Advisory Committee volunteers, and authorizes an application for grant funding from DoD's Office of Economic Adjustment.</p> <ul style="list-style-type: none"><li>• <i>Convene the Onizuka Air Force Station Local Redevelopment Authority (LRA) to: Approve the LRA bylaws; select LRA officers; select the LRA executive committee; authorize staff to apply for an Office of Economic Adjustment community base reuse planning grant; and approve the Citizen's Advisory Committee (CAC) bylaws and select two LRA members to serve on the CAC – LRA Report</i></li><li>• <i>Authorize Local Redevelopment Authority Staff to Communicate Positions and Open Dialog Regarding Department of Veterans Affairs Interest in Onizuka Air Force Station Property – LRA Report</i></li></ul>

**Date**

**Meeting and Agenda**

May 16, 2006

The LRA approves the Onizuka LRA reuse planning process and the advertisement requesting NOIs.

- *Convene the Onizuka Air Force Station Local Redevelopment Authority (LRA) to Approve the Onizuka LRA Reuse Planning Process and to Approve the Draft Advertisement Requesting Notices of Interest in Surplus Onizuka Property – LRA Report*

June 15, 2006

The LRA Executive Committee appoints CAC members.

- *Onizuka Air Force Station (AFS), Citizen's Advisory Committee (CAC) Recruitment – LRA Report*

June 28, 2006

The LRA publishes advertisements in the *San Jose Mercury News* and *Sunnyvale Sun* soliciting NOIs from state and local governments, homeless services providers and other parties interested in the property.

June 29, 2006

The CAC convenes its first special meeting with an opportunity for public comment to begin to advise the Local Reuse Authority in planning for civilian reuse.

July 1, 2006 through  
September 13, 2006

The LRA conducts outreach to homeless assistance providers and public benefit entities via letters, e-mails and phone calls to announce availability of Onizuka property and solicit NOIs.

July, 25, 2006

The LRA delegates determination of Evaluation Criteria for Homeless Service Providers submitting NOIs to the Onizuka LRA Executive Committee.

- *Delegation of Determining Evaluation Criteria for Homeless Services Providers Submitting Notices of Interest in the Onizuka Site to the Onizuka Local Redevelopment Authority's Executive Committee, Council Report #06-005*

August 23, 2006

Tour conducted of the Onizuka AFS site with the CAC, entities considering NOI submittals, and Sunnyvale Heritage Preservation Commission.

**Date**

**Meeting and Agenda**

August 24, 2006	<p>The CAC convenes a special meeting with an opportunity for public comment to review homeless service evaluation criteria.</p> <ul style="list-style-type: none"><li>• <i>Determining Information Required of Homeless Services Providers Submitting Notices of Interest in the Onizuka Air Force Station Site – CAC Report</i></li></ul>
August 29, 2006	<p>The LRA Executive Committee specifies information to be provided by entities submitting NOIs for Onizuka AFS.</p> <ul style="list-style-type: none"><li>• <i>Determining Information Required of Homeless Services Providers Submitting Notices of Interest in the Onizuka Air Force Station Site, LRA Report #06-006</i></li></ul>
September 13, 2006	<p>The Air Force Real Property Agency, the DoD Office of Economic Adjustment, the U.S. Department of Housing and Urban Development and the Local Redevelopment Authority conduct a workshop for homeless assistance providers considering submission of NOIs.</p> <ul style="list-style-type: none"><li>• <i>Onizuka Air Force Station Base Realignment and Closure (BRAC) Process – PowerPoint Presentation</i></li><li>• <i>Instructions for Completing A Notice of Interest, Onizuka Air Force Station, Local Redevelopment Authority – PowerPoint Presentation</i></li></ul>
October 4, 2006	<p>The Sunnyvale Heritage Preservation Commission holds a study session on the historic significance of Onizuka Air Force Station.</p> <ul style="list-style-type: none"><li>• <i>Information Report: Preliminary Assessment of the Historic Significance of Onizuka Air Force Station – City Report</i></li></ul>
October 4, 2006	<p>The CAC conducts a second Onizuka site tour with entities considering NOIs.</p>
October 25, 2006	<p>The CAC convenes a special meeting with an opportunity for public comment to review the Overview of Land Use Planning for the Onizuka AFS Site and the Overview of Homeless Needs contained in the <i>City of Sunnyvale 2005-2010 Consolidated Plan</i>.</p>

<b><u>Date</u></b>	<b><u>Meeting and Agenda</u></b>
	<ul style="list-style-type: none"> <li>• <i>Land Use Planning “Primer” for the Onizuka AFS Site – City PowerPoint Presentation</i></li> </ul>
December 5, 2006	Two nonprofit housing agencies submit NOIs for acreage to construct housing units.
December 13, 2006	<p>The CAC convenes a special meeting with an opportunity for public comment to review goals for Onizuka's civilian reuse.</p> <ul style="list-style-type: none"> <li>• <i>Goals for Onizuka Transition to Civilian Use (Information Only) – CAC Report</i></li> </ul>
January 25, 2007	<p>The CAC convenes a special meeting with an opportunity for public comment to provide recommendations to the LRA on the conditions of property and the two NOIs submitted by homeless service agencies.</p> <ul style="list-style-type: none"> <li>• <i>DRAFT Onizuka BRAC – Preliminary Review of Conditions of Property, and Notices of Interest Received (Information Only) – City Report</i></li> </ul>
January 30, 2007	<p>The LRA convenes a study session to review and give input on the two NOIs received.</p> <ul style="list-style-type: none"> <li>• <i>Onizuka BRAC – Preliminary Review of Conditions of Property, and Notices of Interest Received (Information Only), LRA Report #07-001</i></li> </ul>
March 21, 2007	<p>The CAC convenes a special meeting with an opportunity for public comment to recommend to the LRA that five reuse options be further analyzed.</p> <ul style="list-style-type: none"> <li>• <i>Onizuka Air Force Station Conceptual Reuse Options for Base Realignment and Closure – DRAFT – City Report</i></li> </ul>
March 27, 2007	<p>The LRA convenes a public hearing to adopt five conceptual reuse options for further analysis: corporate offices, hotel/conference center, auto center, VA-style offices and homeless housing.</p> <ul style="list-style-type: none"> <li>• <i>Onizuka Air Force Station Conceptual Reuse Options for Base Realignment and Closure, LRA Report #07-002</i></li> </ul>
May 8, 2007	The LRA selects LRA Officers and Executive Committee Members.

**Date**

**Meeting and Agenda**

May 30, 2007	<ul style="list-style-type: none"><li>• <i>Annual Selection of LRA Officers and LRA Executive Committee Members</i>, LRA Report #07-003</li></ul> <p>The CAC convenes a special meeting with an opportunity for public comment to review homeless housing issues to prepare for balancing the needs of the homeless with community needs for economic and other development.</p>
June 12, 2007	<ul style="list-style-type: none"><li>• <i>Onizuka Air Force Station: Homeless Housing Notice of Interest, Deficiency Correction Phase, and Alternative Site Strategy (Information Only)</i> – City Report</li></ul> <p>The LRA reviews the alternative site strategies for the Onizuka site and initiation of NOI deficiency correction phase.</p>
June 15, 2007	<ul style="list-style-type: none"><li>• <i>Onizuka Air Force Station: Homeless Housing Notice of Interest, Deficiency Correction Phase, and Alternative Site Strategy (Information Only)</i> LRA Report #07-004</li></ul> <p>The LRA Executive Committee reappointments Citizen's Advisory Committee members.</p>
September 19, 2007	<ul style="list-style-type: none"><li>• <i>Appointment of Onizuka Air Force Station Citizen's Advisory Committee Members</i>, LRA Report #07-005</li><li>• <i>Onizuka Air Force Station (AFS), Citizen's Advisory Committee (CAC) Recruitment</i> – City Report</li></ul> <p>The CAC convenes a special meeting with an opportunity for public comment to review and comment on the alternative site analysis and path forward for reviewing NOIs.</p>
November 19, 2007	<ul style="list-style-type: none"><li>• <i>Alternative Site Analysis for Proposed Homeless Housing and Path Forward for Review Notices of Interest (NOI) Proposals submitted by Homeless Service Providers for Onizuka Air Force Station (Information Only)</i> – City Report</li></ul> <p>The CAC convenes a special meeting for homeless service providers to present their NOI projects.</p>
January 24, 2008	<p>The CAC convenes a special meeting with an opportunity for public comment to review and make recommendations on balancing the needs of the VA, Homeless and the Community.</p>

<b><u>Date</u></b>	<b><u>Meeting and Agenda</u></b>
January 24, 2008	<ul style="list-style-type: none"> <li>• <i>Update and Proposed Path Forward for Onizuka AFS: Balancing the Needs of Veterans Affairs, Homeless and the Community – City Report</i></li> </ul> <p>LRA Executive Committee makes appointments to the CAC.</p>
January 24, 2008	<ul style="list-style-type: none"> <li>• <i>Onizuka LRA Executive Committee Appointment of Citizen Advisory Committee Members – LRA Report</i></li> </ul> <p>LRA staff convenes a meeting of Sunnyvale auto dealerships to survey and identify their retention and expansion needs, plans, and interest in a retail Auto Center at Onizuka.</p>
February 6, 2008	<p>Joint CAC/LRA meeting and tour of low/income and homeless housing similar to NOI proposals at Onizuka.</p>
February 12, 2008	<p>The LRA reviews the proposed path forward and balancing the needs of Veterans Affairs, homeless and the Community at Onizuka AFS.</p> <ul style="list-style-type: none"> <li>• <i>Update and Proposed Path Forward for Onizuka AFS: Balancing the Needs of Veterans Affairs, Homeless and the Community, LRA Report #08-001</i></li> </ul>
March 27, 2008	<p>The CAC convenes a special meeting with an opportunity for public comment to review and unanimously accept Technical Report on Analysis and Feasibility of Conceptual Reuse Options.</p> <ul style="list-style-type: none"> <li>• <i>Review and Acceptance of Onizuka Air Force Station Redevelopment Plan - Technical Report: Analysis and Feasibility of Conceptual Reuse Options – City Report</i></li> </ul>
April 29, 2008	<p>The LRA Executive Committee appoints member to the CAC.</p> <ul style="list-style-type: none"> <li>• <i>Review Onizuka Air Force Station Citizen's Advisory Committee Membership, Current Vacancy, and Duration – City Report</i></li> </ul>
June 24, 2008	<p>The LRA reviews proposed terms of agreement with homeless service providers that have submitted Notices of Interest in surplus property at Onizuka AFS.</p>

<b><u>Date</u></b>	<b><u>Meeting and Agenda</u></b>
July 16, 2008	<ul style="list-style-type: none"> <li>• <i>Proposed Terms of Agreement with Homeless Service Providers that have Submitted Notices of Interest in Surplus Property at Onizuka Air Force Station – LRA Report #08-002</i></li> </ul> <p>The CAC convenes a special meeting with an opportunity for public comment to review consultant land use analysis and make recommendation to the LRA.</p>
July 28, 2008	<ul style="list-style-type: none"> <li>• <i>Request for Recommendation of Land Re-Use for Onizuka Air Force Station – CAC Report</i></li> </ul> <p>The Sunnyvale Planning Commission comments on Land Reuse for the Onizuka Air Force Station.</p>
August 6, 2008	<ul style="list-style-type: none"> <li>• <i>Request for Recommendation of Land Re-Use for Onizuka Air Force Station – City Report</i></li> </ul> <p>The Sunnyvale Heritage Preservation Commission reviews consultant's historic analysis report and makes a recommendation to the LRA.</p>
August 26, 2008	<ul style="list-style-type: none"> <li>• <i>Preliminary Assessment of the Local Historic Significance of Onizuka Air Force Station – City Report</i></li> </ul> <p>The LRA selects LRA Officers and Executive Committee Members.</p>
September 16, 2008	<ul style="list-style-type: none"> <li>• <i>Selection of LRA Officers and LRA Executive Committee Members, LRA Report #08-003</i></li> </ul> <p>The LRA convenes a closed session to discuss method of conveyance of Surplus Federal Property; Price and Terms of Payment.</p>
September 30, 2008	<p>The LRA convenes a closed session to discuss method of conveyance of Surplus Federal Property.</p>
September 30, 2008	<p>The LRA convenes a study session to review dates for upcoming LRA meetings and public hearings leading to LRA adoption of the Final Onizuka AFS Reuse Plan.</p> <ul style="list-style-type: none"> <li>• <i>Onizuka LRA Study Session Discussion</i></li> </ul>
October 14, 2008	<p>The LRA convenes a public hearing to Adopt Public Hearing Dates for the Onizuka Air Force Station (AFS) Reuse Plan.</p>

<b><u>Date</u></b>	<b><u>Meeting and Agenda</u></b>
November 18, 2008	<ul style="list-style-type: none"> <li>• <i>Adopt Public Hearing Dates for Onizuka Air Force Station (AFS) Reuse Plan, LRA Report #08-004</i></li> </ul> <p>The LRA holds a study session on the Draft Onizuka AFS Reuse Application.</p>
December 2, 2008	<p>The LRA convenes a public hearing to review the Onizuka AFS Reuse Application.</p>
December 9, 2008	<ul style="list-style-type: none"> <li>• <i>Recommended Reuse of Onizuka Air Force Station: Onizuka Redevelopment Plan, Homeless Assistance Submission, and Approval to Apply for Department of Defense Funding, LRA Report #08-005</i></li> </ul> <p>The LRA adopts Onizuka AFS Redevelopment Application</p> <ul style="list-style-type: none"> <li>• <i>Adoption of Onizuka Air Force Station Redevelopment Plan and Homeless Assistance Submission, LRA Report #08-006</i></li> </ul>
February 2009 through October 2010	<p>Preparation and LRA review of the <i>Onizuka Auto Center Refinement Study</i>.</p>
August 11, 2009	<p>The LRA selects LRA Officers and Executive Committee Members.</p> <ul style="list-style-type: none"> <li>• <i>Selection of LRA Officers and LRA Executive Committee Members, LRA Report #09-001</i></li> </ul>
August 11, 2009	<p>The LRA reviews project activities underway since the LRA's approval of the December 9, 2008 Redevelopment Plan.</p> <ul style="list-style-type: none"> <li>• <i>Onizuka Air Force Station Status Report, LRA Report #09-002</i></li> </ul>
January 26, 2010	<p>The LRA approves contract award to Basile Baumann Prost Cole &amp; Associates to refine the Auto Center concept and prepare a business plan for an economic conveyance of Onizuka AFS.</p>

**Date**

**Meeting and Agenda**

	<ul style="list-style-type: none"><li>• <i>Award of Contract to Refine the Auto Center Concept and Prepare a Business Plan for Economic Development Conveyance of the Onizuka Air Force Station (F0910-36), LRA Report #10-001</i></li></ul>
August 31, 2010	<p>The LRA holds a study session to review the results of the Onizuka Auto Center Refinement Study.</p>
	<ul style="list-style-type: none"><li>• <i>Study Session on Onizuka Auto Center Refinement Study and Economic Development Conveyance Process, LRA Report</i></li></ul>
September 28, 2010	<p>The LRA selects LRA Officers and Executive Committee Members.</p>
	<ul style="list-style-type: none"><li>• <i>Selection of LRA Officers and LRA Executive Committee Members, LRA Report #10-002</i></li></ul>
September 28, 2010	<p>The LRA holds public hearing on the Onizuka Auto Center Refinement Study. Discussion is carried over to the October 5, 2010 meeting.</p>
	<ul style="list-style-type: none"><li>• <i>Onizuka Auto Center Refinement Study and Economic Development Conveyance Process, LRA Report #10 -003</i></li></ul>
October 5, 2010	<p>The LRA continues the September 28, 2010 public hearing on Onizuka Auto Center Refinement Study and determines that it is infeasible due to site configuration and lack of interest from local dealers. LRA initiates further study of alternative land uses.</p>
	<ul style="list-style-type: none"><li>• <i>Auto Center Refinement Study and Economic Development Conveyance Process, (continued from September 28, 2010), LRA Report #10-003</i></li></ul>
February 8, 2011	<p>The LRA holds a study session to discuss Public Benefit Conveyance options for Onizuka Air Force Station.</p>
	<ul style="list-style-type: none"><li>• <i>Alternative Land use Options for Onizuka Air Force Station including Possible Public Benefit Conveyances (PBC), City Report</i></li></ul>
March 1, 2011	<p>The LRA holds a joint public hearing with the Sunnyvale City Council to review land use options for Onizuka, including possible Public Benefit Conveyance uses</p>

**Date**

**Meeting and Agenda**

	<ul style="list-style-type: none"><li>• 2010 – 7313 <i>Alternative Land Use Options for Onizuka Air Force Station, including Possible Public Benefit Conveyance (PBC)</i>, LRA Report #11-001</li></ul>
September 26, 2011	Planning Commission reviews the amended Redevelopment Plan. <ul style="list-style-type: none"><li>• Recommends approval to the LRA</li></ul>
October 4, 2011	The LRA convenes a public hearing to review the amendments to the 2008 Onizuka AFS Redevelopment Application. <ul style="list-style-type: none"><li>• LRA reviewed amendments.</li></ul>
December 13, 2011	The LRA convenes a public hearing to review the amendments to the 2008 Onizuka AFS Redevelopment Application.

## ACKNOWLEDGEMENTS

The following persons and organizations are greatly appreciated for their significant contribution to the Redevelopment Plan (2008) and to the Amended Redevelopment Plan (2011).

### **City of Sunnyvale**

#### ***Sunnyvale City Council***

Mayor Melinda Hamilton  
Vice Mayor Jim Griffith  
Councilmember Otto Lee  
Councilmember Christopher R. Moylan  
Councilmember Anthony Spitaleri  
Councilmember David Whittum  
*Former Councilmembers*  
Councilmember Ron Swegles  
Councilmember John Howe

#### ***Planning Commission***

Glenn Hendricks, Chair  
Gustav Larsson, Vice Chair  
Bo Chang  
Maria Dohadwala  
Arcadi Kolchak  
Brandon Sulser  
Nick Travis  
*Former Commissioners*  
Dianne McKenna  
Harriet Rowe  
Larry Klein  
Charles Hungerford

#### ***DOD, Office of Economic Adjustment***

Gary Kuwabara, Western Regional Director  
Robert Hertzfeld, Project Manager  
Amanda Leiker Fagan, Project Manager  
Former Western Regional Director  
Anthony Gallegos

### **Heritage Preservation Commission *Redevelopment Plan, 2008***

Chair, Jeanine Stanek  
Vice Chair, Nancy McDonough  
Frenchie Marsolais  
David Squellati  
Nirmala Vaidyanathan  
Amrit Verma

### ***Onizuka Citizens Advisory Committee Redevelopment Plan, 2008***

LRA Member, Ron Swegles, Chair  
Community Representative, Dean Chu,  
Vice Chair  
LRA Member, John Howe  
Mountain View City Council, Nick Galiotto  
Organized Labor, Raymundo Ferdin  
Sunnyvale Business, Thom Bryant  
Sunnyvale Business, Howard Chuck  
Sunnyvale Education, Glenn Evans  
(Predecessor: Geoffrey Kiehl)  
Sunnyvale Education, Nancy Newkirk  
Homeless Assistance Volunteer, Sarah  
Wasserman  
Community Representative, Robert Lopez  
Community Representative, Josephine Lucey  
Community Representative, Charles Rogers  
Community Representative, Cynthia Cotton

**DOD, Office of Economic Adjustment**

Anthony Gallegos, Western Regional Director  
Amanda Leiker Fagan, Project Manager  
Robert Hertzfeld, Project Manager

**LRA Consultant Team**

**Auto Center Refinement Summary Report,  
August 2010**

**BBP & Associates LLC**

Ralph Basile, Principal  
Brain Dowling, Senior Associate

**Onizuka Air Force Station Local  
Redevelopment Authority Redevelopment  
Plan, December 9, 2008**

**Bay Area Economics (BAE)**

Ron Golem, Principal  
David Shiver, Principal  
Steve Murphy, Senior Associate

**LRA Outside Legal Counsel**

***Kutak Rock LLP***

George R. Schlossberg, Partner

**City of Sunnyvale Staff (by Department)**

***Office of the City Manager***

Gary Luebbers, City Manager  
Robert Walker, Assistant City Manager  
Connie Verceles, Economic Development  
Manager

***Community Development***

Hanson Hom, Director of Community  
Development  
Trudi Ryan, Planning Officer  
Shaunn Mendrin, Senior Planner  
Suzanne Ise, Housing Officer  
Ernie DeFrenchie, Affordable Housing  
Manager  
Terilyn Anderson, BRAC Project Assistant

***Office of the City Attorney***

David Kahn, City Attorney  
Robert Boco, Assistant City Attorney

***Public Works***

Kent Steffens, Director of Public Works  
Mark Rogge, Assistant Director

***Finance***

Grace Leung, Finance Director  
Drew Corbett, Budget Manager  
Lisa Sandigo, Accountant



January 17, 2017

Deanna Santana, City Manager  
City of Sunnyvale  
Post Office Box 3707  
Sunnyvale, CA 94088-3707

Dear Ms. Santana:

Please accept this letter as an amended expression of interest by the Foothill-De Anza Community College District in acquiring the parcel located at 1060 Innovation Way in Sunnyvale. We are also interested in acquiring the parcel located at 1050 Innovation Way.

As I stated in my letter to you of August 24, 2016, we have been in conversation with the Fremont Union High School District and the University of California, Santa Cruz, regarding a tripartite collaboration in the ultimate build out of our current parcel at 1070 Innovation Way. We are envisioning STEM pathways targeting underrepresented populations possibly in a Middle College model that would proceed through Foothill and De Anza to UC Santa Cruz. Our proximity to Moffett Business Park and the growing support from the businesses there for internships and faculty professional development bring together some unprecedented opportunities to meet the educational and workforce needs of our community.

The surplusing of 1050 and 1060 Innovation Way has sparked our collective thinking regarding even greater possibilities for our tripartite programming if additional land were available.

Thank you in advance for notifying us as to the processes and timelines we should follow as the City of Sunnyvale engages in its deliberations.

Sincerely,

Judy C. Miner, Ed.D.  
Chancellor

cc: George Blumenthal, Chancellor, University of California, Santa Cruz  
Polly Bove, Superintendent, Fremont Union High School District



# City of Sunnyvale

## Agenda Item

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17-0205

Agenda Date: 2/7/2017

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### REPORT TO COUNCIL

#### SUBJECT

Appoint a Council Representative to the Santa Clara Valley Water District Water Commission

#### BACKGROUND

On January 23, 2017, the Santa Clara Valley Water District's Office of the Clerk of the Board requested confirmation of Sunnyvale's representative/alternate appointments, or notification of new appointments, to the Water Commission for a two-year term. The Water Commission is charged with assisting the Water Board with policies and issues pertaining to water supply, flood protection and environmental stewardship.

Typically, all Council appointments are made annually in January; however, this assignment was incorrectly identified as an Outside Agency appointment versus a Council appointment.

The purpose of this Report is for Council to appoint a primary and alternate representative. Appointees represent the City's interests and influence policies and regulations of other agencies.

#### EXISTING POLICY

**Council Policy 7.4.12, Council Appointments to Intergovernmental Agencies**

**Council Adopted Code of Ethics and Conduct for Elected and Appointed Officials**

#### ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" with the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378 (b) (5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

#### DISCUSSION

The District's Board of Directors is seeking representatives and alternates who can commit to regularly attending Water Commission meetings to participate in discussions, vote on action items, and report important information back to the Council. When a representative is not available to attend a meeting, the appointed alternate representative attends on their behalf. When making IGR appointments, Council considers the City's overall intergovernmental priorities as well as the particular interests and backgrounds of individual Councilmembers.

This Commission meets from Noon to 2 p.m. at the Santa Clara Valley Water District Boardroom on the fourth Wednesday of the month, unless a holiday falls on that Wednesday or in April, when the Commission meets on the second week. Upcoming meeting dates include April 12, 2017; July 26, 2017; October 25, 2017; and January 24, 2018.

As noted in Council Policy 7.4.12, *Council Appointments to Intergovernmental Agencies*, staff support will be provided to Councilmembers serving on IGR bodies as directed by the City Manager. Typically, staff support consists of reviewing and advising on upcoming committee agendas for issues pertaining to Sunnyvale and, as needed, assist Council in presenting those issues.

In previous years, the City has appointed a staff member to serve as alternate. The Water District is encouraging elected officials to serve as alternates. Most of the alternates on the Water Commission are now elected; City staff recommends the Council appoint another Councilmember to serve as the alternate representative.

**FISCAL IMPACT**

None.

**PUBLIC CONTACT**

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

**ALTERNATIVES**

1. Appoint a Councilmember to serve at the City's primary representative on the Water Commission.
2. Appoint a Councilmember to serve as the City's alternate representative on the Water Commission.

**STAFF RECOMMENDATION**

Alternatives 1 and 2: 1) Appoint a Councilmember to serve at the City's primary representative on the Water Commission; and 2) Appoint a Councilmember to serve as the City's alternate representative on the Water Commission.

Prepared by: Yvette Blackford, Senior Management Analyst  
Reviewed by: Walter C. Rossmann, Assistant City Manager  
Approved by: Deanna J. Santana, City Manager



# City of Sunnyvale

## Agenda Item

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17-0070

Agenda Date: 2/7/2017

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### **TITLE**

Approve the Statement on Our City Values and Public Service Affirming the City of Sunnyvale's Commitment to Serving Our Diverse Community in a Respectful, Equitable, and Inclusive Manner

### **DISCUSSION**

Since the General Election in 2016, the City has received an increase in the number of inquiries and comments regarding our commitment to serving our diverse community. Additionally, several businesses active in Sunnyvale have made national public statements expressing strong support and protection for Silicon Valley residents. The Statement on Our City Values and Public Service (Statement) attached to this report (Attachment 1) is intended to affirm the City's position of service delivery to all members of our community and the inclusive values that we intend to continue to maintain.

Specifically, this Statement will be used to respond to residents, businesses and other inquiries:

- Received via the City's Customer Relationship Management (CRM) system,
- Direct emails to the City Manager or City Council,
- Made available on the City's website, or
- Used for legislative purposes.

Staff recommends that the Council authorize the Mayor to sign the Statement reflecting the City's commitment to serving its diverse community.

### **EXISTING POLICY**

General Plan, Chapter 6, Safety & Noise, Goal SN-3 Safe and Secure City: Ensure a safe and secure environment for people and property in the community by providing effective public safety response and prevention.

General Plan, Chapter 6, Safety & Noise, Goal SN-4: Public Confidence in Police Services: Increase and maintain public confidence in the ability of the Public Safety Department to provide quality police services

Council Policy 7.0(B)(3): To ensure that local governments are consulted and their issues considered, support collaborative efforts and continued relations with, and funding from, other agencies, the State or the Federal Government, for matters where mutual concerns exist (i.e. immigration enforcement, terrorism prevention, safety of public utility systems, local/state/national disasters or emergencies, and homeland security directives), which could have an impact on the delivery of City services.

### **ENVIRONMENTAL REVIEW**

The approval of this Statement does not meet the definition of a project under Public Resources

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Code Section 21065, thus, no environmental assessment under the California Environmental Quality Act is required.

**FISCAL IMPACT**

No fiscal impact.

**PUBLIC CONTACT**

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

**ALTERNATIVES**

1. Approve and authorize the Mayor to sign the Statement on Our City Values and Public Service affirming commitment to serving our diverse community in a respectful, equitable, and inclusive manner attached as Attachment 1 to the report.
2. Do not approve or authorize the Mayor to sign the statement.
3. Provide other direction.

**STAFF RECOMMENDATION**

Alternative 1: Approve and authorize the Mayor to sign the Statement on Our City Values and Public Service affirming commitment to serving our diverse community in a respectful, equitable, and inclusive manner attached as Attachment 1 to the report.

Prepared by: Walter C. Rossmann, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

**ATTACHMENT**

1. Statement on Our City Values and Public Service

# CITY OF SUNNYVALE

*The Heart of Silicon Valley<sup>sm</sup>*

456 WEST OLIVE AVENUE SUNNYVALE, CALIFORNIA 94086 (408) 730-7473

## Statement on Our City Values and Public Service

Glenn Hendricks  
Mayor

Gustav Larsson  
Vice Mayor

Jim Griffith  
Councilmember

Larry Klein  
Councilmember

Nancy Smith  
Councilmember

Russ Melton  
Councilmember

Michael S. Goldman  
Councilmember

As the “Heart of the Silicon Valley,” Sunnyvale is a thriving community that is a highly desirable place to live, work, and play. Comprised of approximately 150,000 residents and about 9,000 active businesses, we are a community that emulates the spirit of all American ideals particularly worth noting now:

- Valuing our individual experiences and supporting and protecting people of any ethnicity, disability, gender, sexual orientation, or gender identity;
- Honoring cultural and religious traditions; and
- Valuing and embracing the diverse backgrounds, nationalities, ancestries, and ethnicities.

Sunnyvale has a large representation of immigrants from all over the world that are part of our thriving community. Per the Census 2015 American Community Survey (for 2011-2015), over 48% of Sunnyvale’s population is made up of foreign-born residents representing over 25 countries, with about 45% speaking languages other than English. Our local economy reflects both the diversity of our community, as reflected in the rich mixture of restaurants, small businesses, and availability of wide-ranging diverse goods and services. This is matched by our widely recognized global technology businesses with offices in Sunnyvale that depend on the talent and skills of members of the local and international community, such as: Amazon, Apple, GoDaddy, Google, LinkedIn, Lockheed Martin, Microsoft, Plug and Play Tech Center, Tesla, Yahoo!, and many more that contribute to the innovation economy.

We strongly believe that diversity and inclusiveness are strengths that are part of the foundation of Sunnyvale’s incredible local history. Recognized as the “nation’s safest city” (Smart Asset) and the “#1 best performing cities” (Milken Institute), Sunnyvale’s thriving, diverse community and local economy help shape the world’s innovation, and are key components of what make Sunnyvale a great place to live and work. We are proud of Sunnyvale’s record of leading the innovation economy and recognize the significant role that our immigrant population has played in advancing these efforts.

Likewise, Sunnyvale's municipal practices embrace these principles and our employees uphold them each day. The City's General Plan highlights our commitment to safety for all community members and specifically states the goal to ensure a safe and secure environment for people and property in the community by providing effective public safety response and prevention. Through strong local partnerships, the City's service delivery ethic ensures that we serve the needs of all community members with respect, professionalism, dignity, and fair and equitable treatment, regardless of race, religion, ancestry, ethnicity, disability, gender, sexual orientation, or gender identity. Specifically, all City employees are responsible to serve all members of the public with courtesy, impartiality, fairness, and equality under the law at all times<sup>1</sup>. This model of inclusion and integration is critical to the general welfare of the City, and supports and protects our residents, business community, and quality of life. Indeed, this philosophy is the underpinning of the remarkable standard of public service that the community continues to receive and expect.

For these reasons, the City of Sunnyvale affirms its long history of inclusiveness and its public service ethic of helping our City continue to thrive as a culturally diverse community where all are welcome, safe and acknowledged.

Glenn Hendricks  
Mayor

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<sup>1</sup> Administrative Policy, Chapter 1. General Management and Chapter 3. Personnel



# City of Sunnyvale

## Agenda Item

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**17-0021**

**Agenda Date: 2/7/2017**

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Tentative Council Meeting Agenda Calendar



# City of Sunnyvale

## Tentative Council Meeting Agenda Calendar

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### Friday, February 17, 2017 - City Council

#### Public Hearings/General Business

**16-0057** 8:30 A.M. SPECIAL COUNCIL MEETING  
Study/Budget Issues Workshop

### Tuesday, February 21, 2017 - City Council

#### Closed Session

**17-0190** 5 P.M. SPECIAL COUNCIL MEETING (Closed Session)  
Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS  
Agency designated representatives: Teri Silva, Director of Human Resources; Deanna J. Santana, City Manager  
Employee organization: Sunnyvale Employee Association (SEA)

#### Study Session

**16-1102** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Board and Commission Interviews

### Tuesday, February 28, 2017 - City Council

#### Study Session

**17-0030** 5 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Mary Avenue Overcrossing - Environmental Impact Report

**17-0059** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Water Pollution Control Plant Update

#### Special Order of the Day

**17-0196** SPECIAL ORDER OF THE DAY - Arbor Day Celebration and Proclamation

#### Public Hearings/General Business

**16-0086** Appoint Applicants to Boards and Commissions

**16-0571** Introduction of Ordinance to Amend Sections of Sunnyvale Municipal Code Title 10 for Revision in Traffic Control Authority and Rescind Resolution No. 203-95 and Related Amendments Designating Speed Limits for Certain Streets and Multi-Way Stops, and Adopt New Speed Limits

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Resolution

- 16-0871** Approve the Downtown Pay Parking a Pilot Program for Paid Parking in Downtown Caltrain Commuter Lots and Adopt Resolution Amending the FY 2016/17 Citywide Fee Schedule to Include Daily and Monthly Parking Permit Rates for those Parking Lots
- 16-0992** Approve Loan and Regulatory Agreements with MP Edwina Benner Associates, LP for a Loan of \$7.43 Million in Housing Mitigation Funds and a Loan of \$600,000 in HOME Funds for Edwina Benner Plaza Affordable Housing Development at 460 Persian Drive
- 16-0857** Consider Terms of Exclusive Negotiating Agreement (ENA) with RELATED California for Development of Affordable Housing on City Property (Block 15 Housing Site)

**Tuesday, March 7, 2017 - City Council**

**Study Session**

- 17-0069** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Land Use and Transportation Element (LUTE)

**Special Order of the Day**

- 17-0106** SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and Commission Members

**Public Hearings/General Business**

- 17-0162** Make Required Findings and Approve Conversion Impact Report for Blue Bonnet Mobile Home Park, Located at 617 E. Evelyn Avenue in Sunnyvale  
- Continued from January 24, 2017

**Tuesday, March 28, 2017 - City Council**

**Special Order of the Day**

- 17-0195** SPECIAL ORDER OF THE DAY - National Library Week

**Public Hearings/General Business**

- 16-0242** Individual Lockable Storage Requirements for Multi-Family Housing (Study Issue)
- 17-0026** File #: 2015-7256  
Location: 520 Almanor Ave. (APNs 165-43-016, -017 and -018)  
Proposed Project: Related applications on a 4.4-acre site:  
PEERY PARK PLAN REVIEW PERMIT to construct a 207,620-square foot, four-story corporate/research and development office building with a freestanding parking structure (partially below grade level) and up to 4,000

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square feet of retail for a total of 110% FAR, and includes onsite and right-of-way improvements.  
Applicant / Owner: Lane Partners, LLC  
Environmental Review: The project does not require additional CEQA review per CEQA Guidelines Section 15168(c)(2) and (4). The project is within the scope of the Peery Park Specific Plan (PPSP) Program EIR as there are no new anticipated environmental impacts and no new mitigation measures required.

**17-0208** Approve the 2016 Annual Progress Report on Implementation of the General Plan Housing Element

**Tuesday, April 11, 2017 - City Council**

**Public Hearings/General Business**

**15-0605** Land Use and Transportation Element and Environmental Impact Report

**17-0130** Proposed Project: Related General Plan Amendment and Rezoning applications:  
GENERAL PLAN AMENDMENT: To change the land use designation from Industrial to Residential High Density (27-45 du/ac) for 210 W. Ahwanee Avenue, a 0.41-acre site; 214 W. Ahwanee Avenue, a 0.31-acre site; and 220 W. Ahwanee Avenue, a 1.18-acre site.  
REZONE: Introduction of an Ordinance to rezone 210 W. Ahwanee Avenue, a 0.41-acre site; 214 W. Ahwanee Avenue, a 0.31-acre site; and 220 W. Ahwanee Avenue, a 1.18-acre site from Industrial and Service with a Planned Development combining district (M-S/PD) to High Density Residential with a Planned Development combining district (R-4/PD).  
File #: 2016-7082  
Location: 210, 214, and 220 W. Ahwanee Avenue (APNs: 204-03-003, 204-03-002, and 204-03-043, resp).  
Zoning: M-S/PD  
Applicant / Owner: M Designs Architects/Kishore Polakala (210 W. Ahwanee Avenue), City of Sunnyvale/Multiple property owners (214 and 220 W. Ahwanee Avenue)  
Environmental Review: Mitigated Negative Declaration

**Tuesday, April 25, 2017 - City Council**

**Public Hearings/General Business**

**16-1099** Hold Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing and Adopt Resolution Related to Proposed Issuance of Tax Exempt Revenue Bonds for Rehabilitation of the Eight Trees Apartments at 183 Acalanes Drive in Sunnyvale

**16-1103** Consider MP Eight Trees LLC Proposal for \$2,600,000 in Housing Mitigation Funds (HMF) for Rehabilitation of Eight Trees Apartments at 183 Acalanes Drive and Approve Budget Modification No. \_\_\_ to Appropriate

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Funding from the Housing Fund

- 17-0134** File #: 2016-7753  
Location: 1457-1493 Firebird Way (APNs: 309-14-035 through 309-14-044 and 309-27-050 through 309-27-055), 1459-1495 Flamingo Way (309-14-045 through 309-14-047 and 309-27-044 through 309-27-049) and 677-691 Dunholme Way (APNs: 309-14-048 through 309-14-051).  
Zoning: R-0  
Proposed Project: Introduction of Ordinance to REZONE 29 contiguous single family home lots from R-0 (Low Density Residential) to R-0/S (Low Density Residential/Single-Story)  
Applicant / Owner: Susann Luschas (plus multiple owners)  
Environmental Review: The Ordinance being considered is categorically exempt from review pursuant to CEQA Guidelines Section 15305 (minor alteration in land use) and Section 15061(b)(3) (a general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the activity is not subject to CEQA).
- 17-0135** File #: 2016-7734  
Location: Ticonderoga Drive, Pimento Avenue  
Zoning: R-1 Single Family Low Density  
Proposed Project: Introduction of Ordinance to REZONE 29 contiguous lots from R-(Low Density Residential) to R-1/S (Low Density Residential/Single-Story). The lots face Ticonderoga Drive between Mary Avenue and Pome Avenue and Pimento Avenue north of Ticonderoga Drive.  
Applicant / Owner: Molly Kauffman/(and multiple owners)  
Environmental Review: Categorically Exempt

**Tuesday, May 9, 2017 - City Council**

**Special Order of the Day**

- 17-0128** 6 P.M. SPECIAL COUNCIL MEETING
- SPECIAL ORDER OF THE DAY - Department of Public Safety Special Awards

**Public Hearings/General Business**

- 17-0120** 2017 1st Quarterly Consideration of General Plan Amendment Initiation Requests
- 17-0188** File #: 2016-7293  
Location: 1008 E. El Camino Real (APN 313-03-011) and 1314-1320 Poplar Ave. (APN 313-03-013)  
Proposed Project: Related applications on a 2.1-acre site:  
REZONE: Introduction of an Ordinance to rezone the property at

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1314-1320 Poplar Ave. from R-1/ECR (Low Density Residential/Precise Plan for El Camino Real) to C-2/ECR (Highway Business Commercial/Precise Plan for El Camino Real); and  
SPECIAL DEVELOPMENT PERMIT: Redevelop a former mobile home park (Conversion Impact Report certified and closure approved in January 2016) and existing duplex property into a 108-unit apartment complex, where 20% of units will be affordable to very low income households. The complex will consist of one five-story building (four stories above amenities and parking on the ground floor plus one level of parking underground) facing El Camino Real and one three-story building facing Poplar Ave.  
Applicant / Owner: St. Anton Communities / Sunnyvale Park LLC;  
Alhambra Apartments LP  
Environmental Review: Mitigated Negative Declaration

**Tuesday, May 16, 2017 - City Council**

**Study Session**

17-0073                    6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Board and Commission Interviews

**Public Hearings/General Business**

17-0103                    Agenda items pending- to be scheduled

**Wednesday, May 17, 2017 - City Council**

**Study Session**

17-0074                    6 P.M. SPECIAL COUNCIL MEETING ONLY (Study Session)  
Board and Commission Interviews

**Tuesday, May 23, 2017 - City Council**

**Public Hearings/General Business**

17-0107                    Appoint Applicants to Boards and Commissions

**Thursday, May 25, 2017 - City Council**

**Public Hearings/General Business**

17-0076                    8:30 A.M. SPECIAL COUNCIL MEETING  
Budget Workshop

**Tuesday, June 6, 2017 - City Council**

**Special Order of the Day**

17-0110                    SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and  
Commission Members

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**Public Hearings/General Business**

- 17-0137** Proposed Utility Rate Increases for FY 2017/18 Rates for Water, Wastewater, and Solid Waste Utilities for Services Provided to Customers Within and Outside City Boundaries; Finding of CEQA Exemption Pursuant to Public Resource Code Section 21080(b)(8) and CEQA Guidelines Section 15273
- 17-0138** Adopt a Resolution to Cause Charges for Non-Payment of Delinquent Utility Charges to be placed on the FY 2017/18 County of Santa Clara Property Tax Roll
- 17-0192** Annual Public Hearing on FY 2017/18 Budget and Resource Allocation Plan and Establishment of Appropriations Limit

**Tuesday, June 20, 2017 - City Council**

**Public Hearings/General Business**

- 17-0193** Adoption of the FY 2017/18 Budget, Fee Schedule, and Appropriations Limit

**Tuesday, July 11, 2017 - City Council**

**Public Hearings/General Business**

- 17-0079** Agenda items pending- to be scheduled

**Tuesday, July 25, 2017 - City Council**

**Public Hearings/General Business**

- 17-0080** Agenda items pending- to be scheduled

**Tuesday, August 8, 2017 - City Council**

**Public Hearings/General Business**

- 17-0121** 2017 2nd Quarterly Consideration of General Plan Amendment Initiation Requests

**Tuesday, August 22, 2017 - City Council**

**Public Hearings/General Business**

- 17-0083** Agenda items pending- to be scheduled

**Tuesday, September 12, 2017 - City Council**

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**Public Hearings/General Business**

17-0093            Agenda items pending- to be scheduled

**Tuesday, September 26, 2017 - City Council**

**Public Hearings/General Business**

17-0094            Agenda items pending- to be scheduled

**Tuesday, October 3, 2017 - City Council**

**Public Hearings/General Business**

17-0095            Agenda items pending- to be scheduled

**Tuesday, October 17, 2017 - City Council**

**Public Hearings/General Business**

17-0096            Agenda items pending- to be scheduled

**Tuesday, November 7, 2017 - City Council**

**Public Hearings/General Business**

17-0122            2017 3rd Quarterly Consideration of General Plan Amendment Initiation  
Requests

**Tuesday, November 28, 2017 - City Council**

**Public Hearings/General Business**

17-0098            Agenda items pending- to be scheduled

**Tuesday, December 12, 2017 - City Council**

**Study Session**

17-0108            6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Discussion of Upcoming Selection of Vice Mayor for 2018

**Public Hearings/General Business**

17-0089            Agenda items pending- to be scheduled

**Tuesday, December 19, 2017 - City Council**

**Public Hearings/General Business**

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**17-0159** Receive and File the FY 2016/17 Budgetary Year-End Financial Report, Comprehensive Annual Financial Report (CAFR) and Approve Budget Modification No. XX and Sunnyvale Financing Authority Financial Report

**Tuesday, January 9, 2018 - City Council**

**Public Hearings/General Business**

**17-0091** Agenda items pending- to be scheduled

**Tuesday, January 23, 2018 - City Council**

**Public Hearings/General Business**

**17-0092** Agenda items pending- to be scheduled

**Friday, January 26, 2018 - City Council**

**Study Session**

**17-0099** 8:30 A.M. SPECIAL COUNCIL MEETING  
Strategic Session-Prioritization & Policy Priorities Update

**Tuesday, February 6, 2018 - City Council**

**Public Hearings/General Business**

**17-0123** 2017 4th Quarterly Consideration of General Plan Amendment Initiation Requests

**Friday, February 16, 2018 - City Council**

**Public Hearings/General Business**

**17-0101** 8:30 A.M. SPECIAL COUNCIL MEETING  
Study/Budget Issues Workshop

**Tuesday, February 27, 2018 - City Council**

**Public Hearings/General Business**

**17-0102** Agenda items pending- to be scheduled

**Date to be Determined - City Council**

**Public Hearings/General Business**

**16-0618** File #: 2015-7756 Consider Below Market Rate Alternative Compliance Plan for the Ownership Project at 803 El Camino Real



# City of Sunnyvale

## Agenda Item

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**17-0015**

**Agenda Date: 2/7/2017**

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Information/Action Items

**2017 INFORMATION/ACTION ITEMS**  
**COUNCIL DIRECTIONS TO STAFF**

No.	Date Assigned	Directive/Action Required	Dept	Due Date	Date Completed
1.	8/18/15	Look for potential matching funds for the Lawrence/Wildwood project and adjust TIF assumptions as needed	DPW	May 2017	
2.	12/13/16	Provide a City Manager Biweekly Report item to provide information about how workers compensation insurance costs have changed over the last several years	HR		
3.	1/10/17	Include the dropped 2016 study issue on wage theft with current study issues for Council ranking	OCM		<b>1/30/17</b>

## NEW STUDY/BUDGET ISSUES SPONSORED BY COUNCIL IN 2017

No.	Date Requested	Study Issue Title	Requested By	Dept	Issue Paper Approved by City Manager
1.	1/10/17	Evaluate the Development of a Class I Bicycle and Pedestrian Trail along Evelyn Avenue adjacent to the Caltrain Railroad Tracks, Between Sunnyvale and Mountain View	Klein Melton Larsson	DPW	<b>2/1/17</b>
2.	1/10/17	Evaluate Proposing a Charter Amendment to Revise Section 604 Regarding Filling Vacant Council Seats by Special Election	Klein Griffith Melton Larsson Goldman Smith Hendricks	OCM	<b>1/30/17</b>