

RESPONSE TO COUNCIL QUESTIONS RE: 4/23/19 CITY COUNCIL AGENDA

Agenda Item #: 1.D

Title: Approve Road Maintenance and Rehabilitation Proposed Projects List for the Road Repair and Accountability Act of 2017 - Local Streets and Roads (SB1) Funding Program

Council Question: From Page-2 of Staff Report: "Attachment 1 identifies most of the streets in Sunnyvale that currently have a PCI less than 80." Approximately how many streets that are not listed have a PCI of less than 80?

Staff Response: In the StreetSaver software, which is used for pavement condition analysis, the locations are identified as street segments. Of the 1,784 street segments in the City, the total number of streets segments below a PCI of 80 is 1,093.

Council Question: This project proposed 19 location improvements for the SB1 funds. Beyond that, approximately how many other locations will be addressed during 2019-2020, and what will be the expected PCI average at the end of the improvements?

Staff Response: The number of locations included in the 2019-2020 fiscal year is 350 street segments. To project the average PCI increase, requires manually entering the information into the StreetSaver program, which is time consuming. However, staff is in the process of entering that data to extrapolate the PCI from StreetSaver. This process will help fine tune the streets that will be treated. An estimated PCI should be available in the next month.

Council Question: From Attachment 2, what does "OL" stand for?

Staff Response: In the report, "OL" stands for overlay.

Agenda Item #: 3

Title: Proposed Project: Appeal by the Applicant of a decision by the Planning Commission to deny: PEERY PARK SPECIFIC PLAN CONDITIONAL USE PERMIT: to consider a high school for 400 students (Summit School).

Council Question: Per Staff Report: "Complaints will be counted by vehicle" Parking complaints can be reported to the CITY or the SCHOOL. How and how often will the SCHOOL complaints be reported to the CITY (timeliness/etc.) and similarly the CITY-received complaints be reported back to the school (to ascertain if it is a single vehicle)?

Staff Response: Details of reporting will be worked out in the final Parking Management Plan. Initial conversations are to identify a rapid response for both the City and the School that works within available staffing resources.

Council Question: How many proposed offsite parking spaces will be provided (with the conditional proof of the contract)?

Staff Response: The school must provide a minimum of 30 off-site parking spaces to meet the parking requirements for the use [see new condition BP-21 a) v)].

Council Question: Can Staff please confirm that Attachments 5 and 7 (respectively, the Ascent Environmental Checklist and the Hexagon TIA) to the RTC are the same as those that were attached to the January 29, 2019 RTC.

Staff Response: Yes, those are the same documents as attached to the January 29, 2019 RTC.

Council Question: Has the applicant signed a lease for off-site parking?

Staff Response: The applicant has a verbal agreement for a site. The applicant is scheduling a meeting with City staff and the off-site property representative to assure the site is acceptable and that the reservation of 30 spaces will work with other uses on the property. Once a Miscellaneous Plan Permit is issued for an off-site location, a lease/agreement will be signed and provided to the City.

Council Question: To Staff's recollection has a new fine regimine, such as the one contemplated in COA BP-21 (c)(ii), ever been established in Sunnyvale via a project condition of approval?

Staff Response: New fine regimen is a unique program and has not been implemented for other projects in Sunnyvale in the last 30 years.

Council Question: Under BP-21 (c)(ii), what appeal rights, if any, does the holder of the Conditional Use Permit have?

Staff Response: The administrative details of any appeal of an assessed fine will be worked out as part of the final Parking Management Plan. Typically, a fine program would provide an appeal option.

Council Question: Are the terms of BP-21 (c)(ii) consistent with the Sunnyvale Municipal Code, for example Chapter 1?

Staff Response: The concept of the fine/penalty program is consistent with Chapter 1 of the SMC; final details will be added to the Parking Management Plan.

Council Question: Please discuss how Staff came to the amount of \$5,000 as the Base Fine.

Staff Response: \$5,000 as the Base Fine was derived from discussions between Summit and City staff. The City Council direction was to identify an amount that was a significant penalty for non-compliance.

Council Question: For the purposes of COA GC(4)(b), please clarify who is the "final review authority".

Staff Response: In this case, the final review authority is the City Council, as it is the City Council which is making the final decision on the Conditional Use Permit. Currently, all revocations, per SMC, require City Council action.

19.98.130. Revocation.

A permit may be revoked by the city council, after a public hearing thereon, by an affirmative vote of a majority of its voting members, when the city council finds a violation of or noncompliance with the conditions of approval of such permit.

Council Question: Is it intended under COA BP-21 (c)(iii) that the City would have rights to review an individual student's discipline record so as to enforce this provision? Is this COA consistent with the requirements of the Family Educational Records Protection Act (FERPA)?

Staff Response: No, it is not intended that the City would have rights to review any student's discipline record. The COA is consistent with FERPA.

Council Question: COA BP-21 (a)(vi) requires sending an annual letter to neighbors. Who are the neighbors, are they just the immediately adjacent properties, or homes and businesses within X feet, or all homes and businesses on certain streets, etc?

Staff response: Neighbors include property owners and residents within at least 1,000 feet of the school site (the same group that has been notified of the public hearing), and the contacts for any neighborhood associations that fall within the 1,000 feet.

Council Question: COA BP-21 (c) sets a threshold on parking complaints per month. Am I right to assume these are valid parking complaints only?

Staff response: Yes, that is correct, valid complaints only and by vehicle, not number of complainants.

Agenda Item #: 4

Title: Proposed Project: Approve related applications on a 34.7-acre site:

REZONE: the site from M-S/ITR/R-3/PD (Industrial and Service/Industrial-to-Residential/Medium Density Residential/Planned Development) and M-S/ITR/R-3/PD (Industrial and Service/Industrial-to-Residential/High Density Residential/Planned Development) TO R-3/PD (Medium Density Residential/Planned Development) R-4/PD (High Density Residential Planned Development) and P-F (Public Facilities).

SPECIAL DEVELOPMENT PERMIT: Demolish existing industrial/office buildings (formerly AMD campus) and construct 1,051 residential units, including 944 units in three to five-story apartment buildings and 107 units in three-story townhome style buildings.

Council Question: I see mention of trash and recycling as part of the waste management plan, but nothing concerning FoodCycling. What are the plans for handling FoodCycle collection as these 1000+ units are being added?

Staff Response: Irvine does not yet have an approved Waste Management Plan for this project. For the plan to be approved, it will need to show and describe how all materials discarded from these residences (including food scraps and other organics) are collected, stored and presented for collection in compliance with the Muni Code and the organics diversion requirements of SB 1383. The implementing regulations for SB 1383 are not in final form, however, City staff is clear on where the State is headed with the regulations.

Council Question: Attachment 11, Page 61, the second bullet discusses the hours that Lawrence Expressway can be used by construction vehicles traveling to the site. At the Public Hearing, I would like to discuss possibly changing the permissible hours to include not only 9am to 3pm (as currently stated) but also 10pm to 6am. Can Staff please comment as to whether such a modification would be feasible or desirable.

Staff Response: A change to construction vehicle hours on Lawrence Expressway is already noted in *Errata Minor edits to the MMRP*, Attachment 20 – Mitigation Measure 4.11-4: Increase Metering Rate at U.S. 101 Lawrence Expressway Diagonal OnRamp. This phrase has been *deleted*: If Lawrence Expressway is used, the time of use shall be limited to 9:00 a.m. to 3:00 p.m.

There are no longer any restrictions on vehicle travel times. Note that actual construction times, including idling and other vehicle related noise will be limited by the Sunnyvale Municipal Code hours of construction, a required Construction Management Plan (COA BP-29), and the MMRP.