



# City of Sunnyvale

## Notice and Agenda City Council

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Tuesday, April 23, 2019

6:00 PM

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

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**Special Meeting: Closed Session - 6 PM | Regular Meeting - 7 PM**

### **6 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**

[19-0270](#)

Closed Session held pursuant to California Government Code Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Tina Murphy, Director of Human Resources; Kent Steffens, City Manager

Employee organization: Sunnyvale Managers Association (SMA) and Sunnyvale Employees Association (SEA)

#### **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**

[19-0371](#) SPECIAL ORDER OF THE DAY - Certificate of Recognition to City Clerk Upon Her Retirement

[19-0474](#) SPECIAL ORDER OF THE DAY - Earth Month

**ORAL COMMUNICATIONS**

*This category provides an opportunity for members of the public to address the City 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 the Council 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** [19-0414](#) Approve City Council Meeting Minutes of April 9, 2019

**Recommendation:** Approve the City Council Meeting Minutes of April 9, 2019 as submitted.

- 1.B [19-0329](#) 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.C [18-0692](#) Re-Appointment of Councilmember Gustav Larsson to the Boards of the Bay Area Water Supply and Conservation Agency and the Bay Area Regional System Financing Authority to Serve a Four-Year Term from July 1, 2019 to June 30, 2023

**Recommendation:** Re-appoint Councilmember Gustav Larsson to the boards of both the Bay Area Water Supply and Conservation Agency and the San Francisco Regional Water System Financing Authority.

- 1.D [19-0445](#) Approve Road Maintenance and Rehabilitation Proposed Projects List for the Road Repair and Accountability Act of 2017 - Local Streets and Roads (SB1) Funding Program

**Recommendation:** Approve the Road Maintenance and Rehabilitation Updated Proposed Projects List for the Road repair and Accountability Act of 2017 - Local Streets and Roads Funding Program and find the action exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15378(b)(4) as 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.

- 1.E [19-0449](#) Award of a Contract to HF&H Consultants, LLC for Consultant Assistance with Negotiations for Selection of Solid Waste & Recycling Collection Franchisee

**Recommendation:** Take the following actions:

- Award a contract in substantially the same form as Attachment 1 to the report in the not-to-exceed amount of \$139,720 (\$126,140 for base services and \$13,500 for optional services)
- Approve a 10% contingency in the amount of \$13,972
- Authorize the City Manager to execute the contract when all necessary conditions have been met

- 1.F [19-0473](#) Adopt Ordinance No. 3144-19 to add Chapter 2.30 to Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code relating to the Appointment Process for filling City Council Vacancies

**Recommendation:** Adopt Ordinance No. 3144-19.

- 1.G [19-0488](#) Ratify Mayor Klein's Appointment to the Association of Bay Area Governments (ABAG)-Metropolitan Transportation Commission (MTC) Housing Legislative Working Group

**Recommendation:** Staff makes no recommendation. By approval of the consent calendar, Council ratifies Mayor Klein's appointment to the ABAG-MTC Housing Legislative Working Group for the 2019 Legislative session.

#### **PUBLIC HEARINGS/GENERAL BUSINESS**

*If you wish to speak to a public hearing/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 [19-0398](#) Appoint Applicant to the Personnel Board

**Recommendation:** Staff makes no recommendation.

3 [19-0208](#)

CONTINUED FROM JANUARY 29, 2019.

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).

The project includes interior and exterior improvements of an existing industrial building for an educational use, the installation of a tri-level mechanical lift parking structure in the rear serving 22 parking spaces, and a request for adjustment to the minimum parking requirements.

Location: 824 San Aleso Avenue (APN: 204-02-006)

File #: 2017-7986

Zoning: PPSP-NT - Peery Park Specific Plan - Neighborhood Transition

Applicant / Owner: Artik Art & Architecture (applicant) / 824 San Aleso, LLC (owner)

Environmental Review: The project is exempt from additional California Environmental Quality Act (CEQA) review per CEQA Guidelines section 15168(c)(2) and (4) and Public Resources Code Section 21094(c). The project is within the scope of the Peery Park Specific Plan Program EIR as no new environmental impacts are anticipated and no new mitigation measures are required.

Project Planner: Momoko Ishijima, (408) 730-7532, [mishijima@sunnyvale.ca.gov](mailto:mishijima@sunnyvale.ca.gov)

**Recommendation:** Alternative 1: Grant the appeal and make the Findings in Attachment 20 of the report to approve the California Environmental Quality Act determination that the project is within the scope of the Peery Park Specific Plan (PPSP) Environmental Impact Report (EIR) and no additional review is required, make the Findings for the Peery Park Specific Plan Conditional Use Permit and parking adjustment, and approve the project as requested by the applicant for a period of 5 years, subject to the recommended Conditions of Approval in Attachment 4 of the Report.

- 4      [19-0462](#)      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. The unit count includes 45 apartment units for very low-income households and 13 below market rate townhome units. Public improvements include the dedication of a 6.5-acre public park, extension of Indian Wells Avenue to the east to connect with the Duane Avenue/Stewart Drive intersection, and associated public improvements. Requested deviations include reduced private useable open space and front setbacks on Indian Wells Avenue and Stewart Drive.
- VESTING TENTATIVE MAP: Lot line adjustment between two existing lots and subdivide one lot into six lots, to create a total of seven lots.
- Park Agreement: Approve an agreement for the design and development of a 6.5-acre park.
- Location: 1 AMD Place (APNs: 205-22-024, 205-22-025), 975 Stewart Drive (205-22-028)  
File #: 2016-8035  
Zoning: Industrial Service/Industrial-to-Residential/Medium Density/Planned Development Zoning District (MS/ITR/R-3/PD) and Industrial Service/Industrial-to-Residential High Density Zoning District (MS/ITR/R-4/PD) Zoning District  
Applicant / Owner: Irvine Company (applicant /owner)  
Environmental Review: Adopt a resolution to make findings

required by CEQA, certify the Environmental Impact Report (EIR), and adopt a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program.

Project Planner: Margaret Netto, (408) 730-7440,  
mnetto@sunnyvale.ca.gov

**Recommendation:** Alternatives 1, 3, 5 and 8: 1) Adopt a Resolution to Certify the Environmental Impact Report including the modified mitigation measures in Attachment 20 to the report; Make the Findings required by the California Environmental Quality Act; and, Adopt the Statement of Overriding Consideration and Mitigation Monitoring Report Program; 3) Introduce an Ordinance to 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); 5) Approve the Special Development Permit and Vesting Tentative Map, and Sense of Place Fees subject to Findings in Attachment 4 to the report and recommended Conditions of Approval in Attachment 7 to the report; and 8) Approve the Park Agreement (Attachment 22 to the staff report) and authorize the City Manager to execute the Park Agreement in substantially the same form

- 5      [19-0423](#)      Approve Adding Three Positions in the Community Development Department (Plan Check Engineer, Building Inspector II and Principal Planner) and Removing the Term Limited designation on one Plan Checker II position; and Adopt a Resolution Amending Resolution No. 190-05 to Amend the City's Salary Resolution to Update the Schedule of Pay to Change the Bargaining Unit for the Principal Planner

**Recommendation:** Alternative 1: Approve Adding Three Positions in the Community Development Department (Plan Check Engineer, Building Inspector II and Principal Planner) and Removing the Term Limited designation on one Plan Checker II position; and Adopt a Resolution Amending Resolution No. 190-05 to Amend the City's Salary Resolution to Update the Schedule of Pay to Change the Bargaining Unit for the Principal Planner Classification; add three positions (Plan Check Engineer, Building Inspector II and Principal Planner); and remove the Term Limited designation on a Plan Checker II position.

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

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

-Council

-City Manager

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

[19-0440](#)      Tentative Council Meeting Agenda Calendar

[19-0441](#)      Information/Action Items

[19-0442](#)      Board/Commission Meeting Minutes

### **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 35.160 (b) (1))*

**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" available at [Sunnyvale.ca.gov/PublicComments](http://Sunnyvale.ca.gov/PublicComments)*

**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 <https://sunnyvaleca.legistar.com> for upcoming Council, board and commission meeting information.*