

# City Council Proposed 2021 Study and Budget Issues



Sunnyvale

**Public Hearing**

Tuesday, January 12, 2021, 7 p.m.

**Study and Budget Issues Workshop**

Thursday, February 25, 2021, 8:30 a.m.





# City of Sunnyvale

## Notice and Agenda City Council

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Thursday, February 25, 2021

8:30 AM

Telepresence Meeting: City Web Stream |  
AT&T Channel 99 | Comcast Channel 15

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### **Special Meeting: Study Issues and Budget Issues Workshop - 8:30 AM**

*Because of the COVID-19 emergency and the “shelter in place” orders issued by Santa Clara County and the State of California, this meeting of the Sunnyvale City Council will take place by teleconference, as allowed by Governor Gavin Newsom’s Executive Order N-29-20.*

- *Watch the City Council meeting on television over Comcast Channel 15, AT&T Channel 99, at <http://youtube.com/SunnyvaleMeetings> or <https://sunnyvaleca.legistar.com/calendar.aspx>*
- *Submit written comments to the City Council up to 4 hours prior to the meeting to [council@sunnyvale.ca.gov](mailto:council@sunnyvale.ca.gov) or by mail to City Clerk, 603 All America Way, Sunnyvale, CA 94086.*
- *Teleconference participation: You may provide audio public comment by connecting to the teleconference meeting online or by telephone. Use the Raise Hand feature to request to speak (\*9 on a telephone):*

*Meeting online link: <https://sunnyvale-ca-gov.zoom.us/j/96111580540>*

*Meeting call-in telephone number: 833-548-0276 | Meeting ID: 961 1158 0540*

*Pursuant to the Americans with Disabilities Act (ADA) and Executive Order N-29-20, if you need special assistance to provide public comment, contact the City at least 2 hours prior to the meeting in order for the City to make reasonable alternative arrangements for you to communicate your comments. For other special assistance; please contact the City at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting. The Office of the City Clerk may be reached at (408) 730-7483 or [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) (28 CFR 35.160 (b) (1)).*

**CALL TO ORDER**

*Call to Order via teleconference.*

**ROLL CALL****PUBLIC COMMENT**

*This category is limited to 20 minutes with a maximum of up to three minutes per speaker. If you wish to address the Council, please refer to the notice at the beginning of this agenda. This is the time for the public to address the City Council on all the agenda items listed below. No other items may be discussed at this special meeting. If there are many speakers, the Mayor may either shorten the time for individual speakers or extend the time for oral communications. NOTE: The Public Hearing for the proposed 2021 Study and Budget Issues was held on January 12, 2021.*

**INTRODUCTION BY THE CITY MANAGER****FISCAL OUTLOOK PRESENTATION****OVERVIEW OF THE STUDY/BUDGET ISSUES PROCESS****REVIEW, DISCUSSION AND PRIORITY SETTING: STUDY/BUDGET ISSUES****CLOSING REMARKS****AVAILABILITY OF RANKING/NEXT STEPS****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 in the Office of the City Clerk located at 603 All America Way, 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, 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 to access City Hall to*

*view these materials and 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.*

**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 <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 Office of the City Clerk. The City Clerk will distribute your items to the Council following the meeting.*

**Upcoming Meetings**


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





Sunnyvale

## Memorandum

**Date:** 2/11/2021  
**To:** Honorable Mayor and Members of the City Council  
**From:** Kent Steffens, City Manager   
**Subject:** Council Study/Budget Issues Workshop

### Overview

The purpose of the workshop is to identify study issue priorities for the 2021 calendar year. The study issues process provides a method for identifying, prioritizing, and analyzing policy issues in an efficient and effective way. It also provides a structured approach for addressing the large number of policy issues that are raised and considered by Council, while being mindful of resources and organizational bandwidth to conduct the studies.

### Fiscal Overview

During the Study/Budget Issues Workshop, staff will be presenting Council an overview of the City's fiscal outlook and current conditions to inform the Study/Budget Issues prioritization process. Following Council's determination of study issue priorities, the City Manager will advise Council of staff's capacity for completing ranked issues. Any budget issues recommended for inclusion, or any prioritized study issues that require funds to initiate a study, will be presented for Council consideration as part of the FY 2021/22 Budget.

### Context for Decision Making

To help guide Council decision-making, the following is the list of Policy Priorities established and confirmed by Council at its Strategic Session on January 28, 2021:

- Civic Center Campus Modernization
- Ability of Infrastructure to Support Development, Traffic and Active Transportation
- Downtown Sunnyvale
- Improved Processes and Services through the Use of Technology
- Accelerating Climate Action
- Equity, Access and Inclusion

During Council's Strategic Session, staff provided an update on the many projects and initiatives underway that directly support each of the above-mentioned policy priorities and ultimately support the vision for Sunnyvale. As Council reviews the proposed study issues, special attention should be given to their alignment with operational and policy priorities, as well as the fiscal impact against other ongoing services.



## Memorandum

Included in the 2021 study issue workplan process are 30 proposed study issues, of which staff supports ranking 14. It is important to note that “support” indicates that the study issue is a valid policy area, timely, and aligned with City interests. Given the current workload and resource constraints, while staff may “support” a study issue, it does not imply that there are sufficient resources to take on 14 new study/budget issues. The Staff Recommendation section of each study issue paper is drafted at the point in time when the issue was sponsored. The section indicates whether staff feels the policy issue should be considered by Council when ranked for priority, deferred to the next year, dropped from further consideration, or whether staff has no recommendation on the matter.

The 2020 Study Issues Workplan includes a total of 24 study issues, 13 of which were continued from previous years. Since the 2020 workshop, eight study issues have been completed and another three are targeted to be completed by the summer of 2021. Included in this packet is an update on each active study issue in the 2020 Study Issue Workplan, including estimated completion dates. Staff turnover has been a factor impacting completion of study issues. As with last year, the organization continues a significant amount of staff transition. Between retirements and separations, the City experienced approximately 10.5% turnover rate, from key leadership positions to administrative staff. As of January 2021, the City has approximately 32 frozen positions and 8% of staff positions are vacant. Capacity to complete remaining study issues will limit the number of new studies that can be completed in 2021.

The newly proposed and continuing Study Issues are across nine departments as noted in the following tables.

Summary Tables

Citywide Study Issues	
Continuing Study Issues	17
New Study Issues	30
Support	14
Defer	5
Drop	10
None/No Rec.	1
<b>Total</b>	<b>47</b>

	OCM	CDD	ESD	FIN	HRD	ITD	LCS	DPS	DPW
Continuing Study Issues	2	4	1	0	1	0	1	0	8
New Study Issues	4	7	1	1	0	1	3	1	12
Support	3	4	1	1	0	1	1	0	3
Defer	0	2	0	0	0	0	0	0	3
Drop	0	1	0	0	0	0	2	1	6
None/No Rec.	1	0	0	0	0	0	0	0	0
<b>Total</b>	<b>6</b>	<b>11</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>20</b>





## Memorandum

During the Study Issues Workshop, Council will be asked to review potential study issues by department following the steps suggested below:

1. Council may ask questions or clarification on any study issue submitted.
2. Before ranking, issues may be combined, dropped or deferred from ranking consideration by majority vote of Council.
3. Council will discuss remaining study issues and rank for priority consideration. Council Policy 7.3.26 (Study Issues Process) provides for ranking of proposed study and budget issues through either forced or choice ranking. Due to the COVID-19 Pandemic and the telepresence-only nature of the Study Issues Workshop, both ranking methods will take place via roll call vote by the City Clerk as required by the Ralph M. Brown Act, specifically Government Code Section 54953(b)(2), "...All votes taken during a teleconferenced meeting shall be by rollcall."

Council is encouraged to drop rather than defer proposed study issues when a strong interest does not exist. During the Council's deliberations of study issues, Council is encouraged to consider its priorities within the context of approved Strategic Policy Priorities and staff capacity needed to complete ongoing projects and deliver core services.

When drafting study issue papers throughout the year, the scope of the study is based on the details provided during the formal action to sponsor the study. Sometimes the scope as presented may not fully capture the intention of the sponsoring body. Any proposed changes to the scope of any issue paper should be made during a publicly noticed meeting, such as the Study/Budget Issues Workshop and will need to be approved by the Council. If a significant departure from the original scope is made, City staff may request the opportunity to amend its response and/or fiscal impacts.

### Study Issues with a Fiscal Impact

One of the roles of the City administration is to evaluate and present the potential fiscal impacts of a study, including costs to study the item and costs to implement study findings and recommendations, if known. When developing study issue papers, staff evaluates the level of complexity that will be required to complete a thorough, professional examination of the study issue and any effect this examination may have on existing workload and service level responsibilities.

The Fiscal Impact section of each paper also identifies if additional dollars (above current budgeting) will be necessary and how they are proposed to be used. Any non-budgeted costs to complete a study will require appropriation and consideration within our limited funds. As previously noted, any prioritized study that requires funds to initiate a study will be presented for Council's consideration within the FY 2021/22 Budget.

### Study Issues Proposed for Initiation in 2021

On March 16, staff will present a Report to Council identifying the study issues that can be initiated in 2021, consistent with Council's priority order and within departmental resource constraints. Once approved by Council, the study issue presentation dates will be added to the Tentative Council Meeting Agenda Calendar.



## 2021 Study Issues Workshop Boards and Commissions Rankings

Version: 2/17/2021

Board/Commission (Abbreviation)	Meeting Date to Rank Sis	Count of Sis to Rank
Arts Commission (AC)	1/20/2021	2
Bicycle and Pedestrian Advisory Commission (BPAC)	1/21/2021	5
Board of Library Trustees (BLT)		0
Heritage Preservation Commission (HPC)	1/6/2021	3
Housing and Human Services Commission (HHSC)		0
Parks and Recreation Commission (PRC)	1/13/2021	4
Planning Commission (PC)	1/25/2021	3
Sustainability Commission (SC)	1/19/2021	3

List of Study Issues with Rankings by B/Cs

\*Direction to Boards/Commissions Only: Study Issues with an asterisk can not dropped/deferred (2020 Deferred or Below the Line items).

Number	Title		Sponsor	AC	BPAC	BLT	HPC	HHSC	PRC	PC	SC
CDD 18-02	Update and Review of the Heritage Resource Inventory	*	HPC				2				
CDD 19-04	Update to the Historical Context Statement to Include Historical Contributions Made by Asian Americans and Other Minority Groups	*	HPC				1				
CDD 19-06	Programs to Encourage Visitation to Heritage and Landmark Resources	*	HPC				Defer				
CDD 19-07	Develop Citywide Guidelines or Criteria for Allowing Reduced Parking for Development Projects and for Future Conversions of Parking to Other Uses	*	BPAC, PC		Defer					Defer	
CDD 20-02	Develop Landscape Design Standards for Development Projects	*	PC							Defer	
CDD 21-01	Consider Allowing Expansions/Modifications for Existing Legal Non-Conforming Single-Family Uses in Non-Residential Zoning Districts		PC							1	
DPW 20-01	Reducing the City of Sunnyvale's Fossil Fuel Infrastructure and Equipment	*	SC								2
DPW 20-03	Waste Reduction Initiative in Sunnyvale Parks	*	PRC						3		
DPW 20-05	Evelyn Avenue Multi-Use Trail and Bikeway Study	*	BPAC		2						

## 2021 Study Issues Workshop Boards and Commissions Rankings

Version: 2/17/2021

List of Study Issues with Rankings by B/Cs

\*Direction to Boards/Commissions Only: Study Issues with an asterisk can not dropped/deferred (2020 Deferred or Below the Line items).

Number	Title		Sponsor	AC	BPAC	BLT	HPC	HHSC	PRC	PC	SC
DPW 20-11	Evaluate Feasibility of Dog Off-leash Hours in Select Sunnyvale Parks	*	PRC						2		
DPW 21-03	Pedestrian and Bicycle Facility Installation on Tasman Drive from Fair Oaks Avenue to Lawrence Expressway		BPAC		1						
ESD 17-01	Eliminate the Use of Chemical Pesticides on City Owned or Leased Property	*	SC, PRC						4		1
LRS 20-03	Assessment of Needs for Additional /Expanded Outdoor Sports Programs and Facilities	*	PRC						1		
LRS 21-01	Establish an Artist in Residence Program		AC	1							
LRS 21-02	Art in Private Development - Recycle, Reuse, Repurpose		AC	2							

List of Study Issues Proposed by City Council After Scheduled B/C Rankings

Number	Title
CDD 21-02	Review and Potentially Update Commercial Housing Mitigation Fees
DPW 21-04	Bicycle and Pedestrian Improvements on Poplar Ave
DPW 21-05	Pedestrian Improvements on Marion Way
FIN 21-01	Explore a 2022 General Election Ballot Measure to Modify Real Property Tax
OCM 21-02	Creation of a Human Relations Commission
OCM 21-03	Consider the Creation of a Formal Process for City Council Colleague Memorandums
OCM 21-04	Establishing Local Rules for City Council Campaign Contributions That Would Differ from the Requirements of AB 571

## 2021 Study Issues Workshop Boards and Commissions Rankings

Version: 2/17/2021

List of Study Issues Deferred by B/Cs

Number	Title	AC	BPAC	BLT	HPC	HHSC	PRC	PC	SC
CDD 20-04	Encourage Decarbonization Readiness During Electrical Upgrades								Defer
DPW 21-01	Bike Lanes on Hollenbeck Avenue between El Camino Real and Homestead Road		Defer						
DPW 21-02	Community Driven Active Transportation Plan Amendment Process		Defer						

List of Study Issues Dropped by B/Cs

Number	Title								
	n/a								



2021 Study/Budget Issues Workshop  
Summary Worksheet: Study Issues Proposed for Council Consideration

Version: 2/11/2021

#	Title	Required Staff Effort	Cost of Study	Cost to Implement*	B/C Rank	Dept. Rank
OCM 21-01	Understanding and Improving Community Engagement and Communication Between the Public and Council	Moderate	\$ 35,000	Unknown	N/A	N/A
OCM 21-02	Creation of a Human Relations Commission	Moderate	\$ -	Unknown	N/A	<b>3</b>
OCM 21-03	Consider the Creation of a Formal Process for City Council Colleague Memorandums	Moderate	\$ -	Minimal or no cost	N/A	<b>1</b>
OCM 21-04	Establishing Local Rules for City Council Campaign Contributions That Would Differ from the Requirements of AB 571	Minor	\$ -	Minimal	N/A	<b>2</b>

\*Indicates whether there will be a 1-time capital cost and/or ongoing annuals costs upon implementation.  
See Study Issue Paper for detail.







**2021 Study Issues Workshop**  
**Status Report: Continuing and Completed Study Issues**  
**Office of the City Manager**

**OCM**

**Continuing Study Issues**

<b>Number</b>	<b>Study Issue and Status</b>
OCM 19-02	<b>Responsible Construction Ordinance</b> <i>City Attorney hired outside counsel to provide initial analysis and provided City Council with a confidential memo on the issue. Staff will resume outreach with contractors and stakeholders after the COVID-19 pandemic allows for larger gatherings.</i>
OCM 20-01	<b>Service Worker Retention Ordinance</b> <i>Due to the impacts of COVID-19, staff is unable to start on this item until Spring of 2021. The target completion date for this Study Issue is Fall 2021.</i>

**Completed Study Issues**

<b>Number</b>	<b>Study Issue</b>	<b>Date Completed</b>
	<i>n/a</i>	





# City of Sunnyvale

## Agenda Item

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**21-0035**

**Agenda Date: 2/25/2021**

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### **2021 COUNCIL STUDY ISSUE**

#### **NUMBER**

OCM 21-01

**TITLE** Understanding and Improving Community Engagement and Communication Between the Public and Council

#### **BACKGROUND**

**Lead Department:** Office of the City Manager  
**Support Departments:** Office of the City Attorney  
**Sponsor(s):** Councilmembers: Hendricks, Melton, Klein, Smith, Fong  
**History:** 1 year ago: N/A  
2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

At the September 15 City Council meeting, Councilmember Hendricks sponsored a study issue related to improving community engagement and communication between Council and the community. Council expressed interest in a more participatory and inclusive approach for fostering meaningful two-way communication with community members that traditionally do not engage with them on City issues. The focus will be communication between residents and the Council body or individual Councilmembers, not the City organization.

The proposed study issue aligns with community engagement goals outlined in Chapter 2 of the City's General Plan, Goal CV-1: Community Participation and Engagement.

##### **What are the key elements of the Study?**

The Study will assess current communication between Council and members of the public, evaluate processes and methods that could increase two-way communication and meaningful public engagement, and make recommendations for moving forward.

The key elements of the Study include:

- Interviewing individual Councilmembers to define community engagement and better understand metrics for success.
- Reviewing current practices and capacity to support robust two-way engagement.
- Researching best practices and tools for communication and engagement with the public.
- Surveying cities of similar size that have a part-time Council.
- Seeking input from target community groups, including focus group discussions or interviews.
- Analysis of the costs and resources required to implement recommendations.

Staff will present findings at a Study Session and follow up based on the Council discussion.

**Estimated years to complete Study:** 1 year

**FISCAL IMPACT**

**Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Medium
Funding Required for Non-Budgeted Costs:	\$35,000
Funding Source:	Will require budget supplement

The Study would require a moderate amount of staff time in the City Manager's Office to manage a consulting contract, assist with research, evaluate findings, and finalize recommendations. Non-budgeted costs include consultant services. Staff recommends contracting with a communications firm to analyze the City's current efforts, conduct interviews with Councilmembers and key staff, conduct community focus groups with target audiences, and make recommendations based on best practices. The consultant cost varies depending on the number of stakeholder interviews and virtual versus in-person meetings as well as depth of research and recommendations.

**Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs.

**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: Yes

Reviewed by Boards/Commissions: No

**STAFF RECOMMENDATION**

None. Staff makes no recommendation.

Prepared by: Jaqui Guzmán, Deputy City Manager

Reviewed by: John Nagel, City Attorney

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager



# City of Sunnyvale

## Agenda Item

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21-0230

Agenda Date: 2/25/2021

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### 2021 COUNCIL STUDY ISSUE

#### **NUMBER**

OCM 21-02

**TITLE** Creation of a Human Relations Commission

#### **BACKGROUND**

**Lead Department:** Office of the City Manager  
**Support Departments:** Office of the City Attorney  
**Sponsor(s):** Councilmembers: Cisneros, Fong, Din, Melton  
**History:** 1 year ago: N/A  
2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

At the January 12 City Council meeting, Councilmember Cisneros sponsored a study issue related to the creation of a Human Relations Commission.

Councilmember Cisneros stated that the Human Relations Commission would focus on human relations matters that concern public or private opportunities or resources in the community where a community member is treated unfairly due to factors such as race, gender, sexual orientation, citizenship or any other immutable characteristics or protected status.

##### **What are the key elements of the Study?**

The Study will explore the costs and benefits of creating a Human Relations Commission. The proposed Study will include the steps to create such a commission along with a recommendation of the staff resources necessary for supporting the commission. In addition, the Study would explore other municipalities that have Human Relation Commissions and identify their duties and responsibilities. Council would need to provide further direction on the types of policy issues it wanted to address. In addition, the Study would include the size of the Commission, the requirements to be a member and the term of service.

**Estimated years to complete study:** 1 year

#### **FISCAL IMPACT**

##### **Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Moderate
Funding Required for Non-Budgeted Costs:	\$0
Funding Source:	Existing operating funds

The Study would require staff time from the Office of the City Manager to review the structure and

scope of human relations commissions from other municipal agencies, propose a meeting schedule and commission size along with identifying the appropriate department to provide on-going staff support to the Commission. In addition, it would require the staff support to compile the information and hold a study session with Council on the results of the Study.

**Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs, including operating costs for staff time to support the commission.

**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: Yes

Reviewed by Boards/Commissions: None

**STAFF RECOMMENDATION**

Support. This policy issue merits discussion at the 2021 Study Issues Workshop.

Nationwide and local community interest in various human relations topics, including racial equity and inclusion, have been prominent in the last year, warranting a Council discussion of this Study Issue at the 2021 Study Issues Workshop.

Prepared by: David Carnahan, City Clerk

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager



# City of Sunnyvale

## Agenda Item

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**21-0222**

**Agenda Date: 2/25/2021**

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### **2021 COUNCIL STUDY ISSUE**

#### **NUMBER**

OCM 21-03

**TITLE** Consider the Creation of a Formal Process for City Council Colleague Memorandums

#### **BACKGROUND**

**Lead Department:** Office of the City Manager  
**Support Departments:** Office of the City Attorney  
**Sponsor(s):** Councilmembers: Fong, Cisneros, Melton, Din, Klein  
**History:** 1 year ago: N/A  
2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

At the January 12, 2021 City Council meeting, Councilmember Fong sponsored a study issue to create a formal process that would allow City Council members to prepare and circulate memoranda on topics coming before the City Council. These "colleague memos" would be included in the agenda packet for the meeting. Current Council policy does not establish guidelines and standards regarding the preparation, signature authorization, and limitations pertaining to such colleague memos.

##### **What are the key elements of the Study?**

The Study will review the current City Council correspondence policy, evaluate processes and procedures between Councilmembers and make recommendations for the preparations of colleague memos if the Council decided to adopt a policy.

The key elements of the Study include:

- Review applicable provisions of the Charter, Brown Act, and Parliamentary Procedures.
- Evaluate methods and formats for the City Council to express their viewpoints on matters through colleague memos.
- Identify process that would be used to facilitate this communication.
- Survey cities that allow colleague memos.
- Identify a process to ensure that colleague memos comply with the Brown Act and other applicable laws or Council policies and procedures.
- Establish expectations for staff analysis and review of colleague memos (if any).

**Estimated years to complete study:** 6 months to 1 year

#### **FISCAL IMPACT**

**Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Moderate
Funding Required for Non-Budgeted Costs:	\$0
Funding Source:	N/A

The Study would require moderate staff time from the Office of the City Manager to conduct policy research and analysis on the Study.

**Cost to Implement Study Results**

Minimal or no new out-of-pocket costs expected to implement. Potential costs to implement would include staff resources needed to review colleagues memos, e.g. determine fiscal impacts, if Council included that as part of a new policy.

**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: Yes

Reviewed by Boards/Commissions: No

**STAFF RECOMMENDATION**

Support. This policy issue merits discussion at the 2021 Study Issues Workshop.

This issue warrants discussion at the study issues workshop to hear from councilmembers and their desire to communicate with colleagues on issues in advance of Council action. Colleagues memos are being used in other municipalities to facilitate better Council communication. There is no current Council Policy that identifies this topic for reference.

Prepared by: Michelle Zahraie, Management Analyst

Reviewed by: John Nagel, City Attorney

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager





# City of Sunnyvale

## Agenda Item

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21-0232

Agenda Date: 2/25/2021

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### 2021 COUNCIL STUDY ISSUE

#### **NUMBER**

OCM 21-04

**TITLE** Establishing Local Rules for City Council Campaign Contributions That Would Differ from the Requirements of AB 571

#### **BACKGROUND**

**Lead Department:** Office of the City Manager  
**Support Departments:** Office of the City Attorney  
**Sponsor(s):** Councilmembers: Melton, Fong, Din  
**History:** 1 year ago: N/A  
2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

At the January 12 City Council meeting, Councilmember Melton sponsored a study issue related to establishing a local limit on campaign contributions to local candidates that supersedes the requirements of AB 571, which went into effect on January 1, 2021.

AB 571 limits contributions to campaigns for local county and city offices (Government Code section 85301(d)). For FY 2021/22, the limit is \$4,900 per each individual contributor. However, cities may adopt different limits for local campaign contributions (Government Code section 85702.5). Thus, the Council has the option of setting a different local contribution limit, an amount lower or higher than the default limit, or setting no limit for local campaign contributions.

On July 14, 2020, the City Council held a Study Session on Local Campaign Finance, including AB 571 (RTC No. 20-0597). During the Study Session, Councilmembers shared concerns regarding local control versus state mandates setting local campaign limits, whether the state campaign contribution limit is set at the appropriate level for Sunnyvale, and the option of setting no limit. It was noted during discussions that Independent Expenditure Committees are not subject to the state contribution limit nor could a local contribution limit be applied to Independent Expenditure Committees and that these contribution limits do not apply to self-funded candidates. The idea of setting a local contribution limit for the Mayor, with a lower limit set for District Councilmembers was also suggested.

##### **What are the key elements of the Study?**

This Study would include surveying comparable Bay Area cities to identify local contribution limits in neighboring jurisdictions. Staff would identify any considerations that comparable agencies have established. In addition, staff would present options to Council for consideration.

**Estimated years to complete study:** 1 year

**FISCAL IMPACT**

**Cost to Conduct Study**

**(Delete any empty rows in table)**

Level of staff effort required (opportunity cost):	Minor
Funding Required for Non-Budgeted Costs:	\$0
Funding Source:	Existing operating funds

The Study would require minor staff time from the Office of the City Manager to conduct the survey and prepare a summary for Council.

**Cost to Implement Study Results**

Minimal cost is expected to implement including drafting of an implementation ordinance, updates to election materials and outreach to existing campaign committees.

**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: Yes

Reviewed by Boards/Commissions: None

**STAFF RECOMMENDATION**

Support. This policy issue merits discussion at the 2021 Study Issues Workshop.

The topic of local campaign contribution limits was discussed during the July 14, 2020 Study Session on local Campaign Finance. Now that Sunnyvale has conducted its first by-district election in November 2020, Council may want to consider a local campaign contribution limit.

Prepared by: David Carnahan, City Clerk

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

2021 Study/Budget Issues Workshop  
Summary Worksheet: Study Issues Proposed for Council Consideration

Version: 2/11/2021

#	Title	Required Staff Effort	Cost of Study	Cost to Implement*	B/C Rank	Dept. Rank
ITD 20-01	Establish a Formal Smart Cities Initiative and Potential Program	Major	\$ 125,000	Unknown	N/A	<b>1</b>

\*Indicates whether there will be a 1-time capital cost and/or ongoing annuals costs upon implementation.  
See Study Issue Paper for detail.





# City of Sunnyvale

## Agenda Item

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20-0940

Agenda Date: 2/25/2021

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### 2021 COUNCIL STUDY ISSUE

#### **NUMBER**

ITD 20-01

**TITLE** Establish a Formal Smart Cities Initiative and Potential Program

#### **BACKGROUND**

**Lead Department:** Information Technology Department

**Support Departments:** Office of the City Manager

Office of the City Attorney

**Sponsor(s):** Councilmembers: Fong, Goldman, Klein

**History:** 1 year ago: Ranked, Below the Line

2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

The City has completed several Smart City initiatives, such as real-time traffic information, and completed the Smart Cities Council Readiness Assessment in November 2017, which identified high-level areas where the City was making progress in various elements of Smart City initiatives. There is a growing trend for Cities to define their own definition and list of prioritized initiatives as a Smart City. While Sunnyvale continues to make progress in many areas of being a Smart City, it has not explicitly defined our goals or established a program for being a Smart City. This Study Issue was requested by Councilmembers Fong, Goldman and Klein during the May 21, 2019 Council meeting and will seek to establish a formal Smart City initiative and possible program.

##### **What are the key elements of the Study?**

“Smart City” is a loosely defined term; however, many cities have begun to adopt a formal definition to include initiatives to implement and align projects strategically to Smart City goals. This Study Issue will receive assistance from a consultant who can help the City address the following questions/issues:

- What is the City’s definition of a Smart City?
- What Smart City initiatives are applicable to Sunnyvale?
- Which relevant initiatives should departments prioritize and implement?
- What is the 2- to 5-year roadmap for the City to incorporate Smart City benefits?
- What infrastructure changes are needed to promote Smart City initiatives?

**Estimated years to complete Study:** 18 months

#### **FISCAL IMPACT**

##### **Cost to Conduct Study**

Level of staff effort required (opportunity cost): Major

Funding Required for Non-Budgeted Costs:	\$125,000
Funding Source:	Will seek budget supplement

The effort will employ the use of a consulting firm to answer questions and to conduct an assessment to identify potential Smart City initiatives. The consulting firm will work closely with the City Manager's Office, IT and representatives from each City department so that a comprehensive definition and plan can be produced.

**Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs, including capital and operating, as well as revenue/savings.

**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: Yes

Council Study Session: Yes

Reviewed by Boards/Commissions: No

**STAFF RECOMMENDATION**

Support. This policy issue merits discussion at the 2021 Study Issues Workshop.

At a minimum, the Study Issue will set the direction for future initiatives to be aligned with Smart City goals.

Prepared by: Kathleen Boutté Foster, Chief Information Officer

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

2021 Study/Budget Issues Workshop  
Summary Worksheet: Study Issues Proposed for Council Consideration

Version: 2/11/2021

#	Title	Required Staff Effort	Cost of Study	Cost to Implement*	B/C Rank	Dept. Rank
CDD 18-02	Update and Review of the Heritage Resource Inventory	Moderate	\$ 250,000	Unknown	HPC-2	<b>4</b>
CDD 19-04	Update to the Historical Context Statement to Include Historical Contributions Made by Asian Americans and Other Minority Groups	Minor	\$ 25,000	Minimal	HPC-1	<b>3</b>
CDD 19-06	Programs to Encourage Visitation to Heritage and Landmark Resources	Minor	\$ 25,000	Unknown	HPC-Defer	Defer
CDD 19-07	Develop Citywide Guidelines or Criteria for Allowing Reduced Parking for Development Projects and for Future Conversions of Parking to Other Uses	Moderate	\$ 100,000	Unknown	BPAC,PC-Defer	Defer
CDD 20-02	Develop Landscape Design Standards for Development Projects	Moderate	\$ 50,000	Minimal or no cost	PC-Defer	Drop
CDD 21-01	Consider Allowing Expansions/Modifications for Existing Legal Non-Conforming Single-Family Uses in Non-Residential Zoning Districts	Moderate	\$ -	Minimal or no cost	PC-1	<b>1</b>
CDD 21-02	Review and Potentially Update Commercial Housing Mitigation Fees	Major	\$ 60,000	Minimal	N/A	<b>2</b>

\*Indicates whether there will be a 1-time capital cost and/or ongoing annuals costs upon implementation.  
See Study Issue Paper for detail.







**2021 Study Issues Workshop**  
**Status Report: Continuing and Completed Study Issues**  
**Community Development**

**CDD**

**Continuing Study Issues**

<b>Number</b>	<b>Study Issue and Status</b>
CDD 14-09	<b>Comprehensive Update of the Precise Plan for El Camino Real</b> <i>Staff is beginning the review process for the Administrative Draft of EIR (ADEIR) which was submitted to the City in late January 2021. City Council has previously provided feedback on plan policies, vision statement, development standards, etc., which are being incorporated into the Draft Specific Plan, but staff anticipates returning to the City Council for a Study Session to discuss the land use plan further in Spring 2021. Staff anticipates the Draft Specific Plan and EIR will be released for public review and comment in late Spring 2021 and public hearings in late Summer 2021.</i>
CDD 19-01	<b>Evaluation of Right-To-Lease Ordinance</b> <i>Implementation of the Right to Lease Ordinance began in late 2020. This Housing Strategy Tier 1 Item will include outreach with the apartment and landlord community. Staff has begun background research and anticipates outreach in Summer 2021, with a draft Ordinance presented to the Council in Fall 2021.</i>
CDD 19-05	<b>Update to the Heritage Resource Inventory to Include Potential Resources Associated with Technological Innovation</b> <i>Formal funding approved in June 2019. Kick-off of this Study Issue will likely commence in 2021 and will take approximately 1-2 years to complete. Consultant will be hired with supplemental funding.</i>
CDD 20-01	<b>Updates to the Single-Family Home Design Techniques Document</b> <i>Formal funding approved in June 2020. Kick-off of this Study Issues will commence in early 2021 and will take 1-2 years to complete. Consultant will be hired with supplemental funding.</i>

**Completed Study Issues**

<b>Number</b>	<b>Study Issue</b>	<b>Date Completed</b>
CDD 17-09	2017 Housing Strategy	10/13/2020
CDD 11-02	Downtown Development Policies for Parking	8/11/2020
CDD 16-14	Exploring Options for Establishment of a Plaque Program for Heritage Resources	5/19/2020





# City of Sunnyvale

## Agenda Item

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**21-0042**

**Agenda Date: 2/25/2021**

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### **2021 COUNCIL STUDY ISSUE**

#### **NUMBER**

CDD 18-02

**TITLE** Update and Review of the Heritage Resource Inventory

#### **BACKGROUND**

**Lead Department:** Community Development

**Support Departments:** Office of the City Manager

Office of the City Attorney

**Sponsor(s):** Heritage Preservation Commission

**History:** 1 year ago: Ranked, Below the Line

2 years ago: Ranked, Budget Supplement not approved

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

The Heritage Preservation Commission identified a need to examine the City's current Heritage Resource Inventory (Inventory) and explore whether additional properties, including non-residential development, should qualify based on adopted criteria for nomination.

The Inventory was created in 1979 and has been updated periodically. The most recent comprehensive study in 2007 included a citywide survey for consideration of new neighborhood districts and individual heritage resources. Two neighborhoods and five properties were identified and further evaluated in 2009; however, none of these properties and neighborhoods were ultimately added to the Inventory. Over the years, through requests by individual property owners, several properties have been approved for removal from the list, once further study determined that they did not meet or were determined to no longer meet the City's standards for heritage designation.

##### **What are the key elements of the Study?**

Similar to previous Inventory updates, the Study would identify potential properties for nomination both by visually surveying the City, and by conducting research to identify locations where prominent members of Sunnyvale's history lived or where significant local historic events may have taken place. Outreach meetings would be conducted with affected and/or interested property owners and business owners, as well as the broader community. The Study would also examine the current list and the appropriateness of the specific designations.

**Estimated years to complete study:** 1 year

**FISCAL IMPACT****Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Moderate
Funding Required for Non-Budgeted Costs:	\$250,000
Funding Source:	Will seek budget supplement

A consultant would conduct a survey of residential and non-residential developments and help evaluate individual properties for nomination to the City's Heritage Resource inventory.

**Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs.

**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: No

Reviewed by Boards/Commissions: Heritage Preservation Commission

**STAFF RECOMMENDATION**

Support. This policy issue merits discussion at the 2021 Study Issues Workshop.

The last citywide survey was conducted almost 15 years ago. An updated comprehensive study would be needed to further examine the condition of properties within the existing Inventory as well as identify new residential and non-residential properties that could be nominated. In 2019 this Study Issue was ranked however funding was not approved as part of the budget process. Although ranked, this Study Issue fell below the line in 2020. With the continual increase of redevelopment and evolving architectural design within the City, staff recognizes that an updated comprehensive survey of the existing building inventory is needed to help determine whether adequate preservation measures are in place and to identify new residential and non-residential properties that could be nominated. This Study is supported by the General Plan Community Character Chapter and its goal and policies to enhance, preserve and protect Sunnyvale's heritage.

Prepared by: George Schroeder, Senior Planner, Community Development

Reviewed by: Trudi Ryan, Director, Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager



# City of Sunnyvale

## Agenda Item

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**21-0043**

**Agenda Date:** 2/25/2021

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### **2021 COUNCIL STUDY ISSUE**

#### **NUMBER**

CDD 19-04

**TITLE** Update to the Historical Context Statement to Include Historical Contributions Made by Asian Americans and Other Minority Groups

#### **BACKGROUND**

**Lead Department:** Community Development

**Support Departments:** Office of the City Manager

Office of the City Attorney

**Sponsor(s):** Heritage Preservation Commission

**History:** 1 year ago: Ranked, Below the Line  
2 years ago: Ranked, Below the Line

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

The City Council adopted the Historical Context Statement in 2012, which provides a framework for setting goals, policies and action statements that direct the City's heritage preservation program. The Historical Context Statement documents different aspects of the historical development of Sunnyvale, such as land use patterns, important events, and architecture. In addition, prominent figures who have contributed to Sunnyvale's history are included, such as the early Native Americans, Spanish-Mexican settlers, European farmers, and Japanese and Chinese laborers and farmworkers.

The Heritage Preservation Commission identified the need for an update to the Historic Context Statement to include more thorough information about Asian Americans and other minority groups. An updated document could help to inform the Council on potential heritage and landmark resources that are not currently designated for preservation.

##### **What are the key elements of the Study?**

The Study would expand on the current Historical Context Statement with more detailed information on contributions made by Asian Americans and other minority groups to Sunnyvale's rich and diverse history. Research may include a review of existing publications not already referenced in the current Historical Context Statement, meeting with the Sunnyvale Heritage Park Museum staff, and visits to local libraries and the California History Center at De Anza College.

**Estimated years to complete study:** 1 year

#### **FISCAL IMPACT**

##### **Cost to Conduct Study**

Level of staff effort required (opportunity cost): Minor

Funding Required for Non-Budgeted Costs: \$25,000  
Funding Source: Will seek budget supplement

A historical consultant would be hired, who would also have access to additional information that may not be readily available to City staff.

**Cost to Implement Study Results**

Minimal cost expected to implement.

**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: No

Reviewed by Boards/Commissions: Heritage Preservation Commission

**STAFF RECOMMENDATION**

Support. This policy issue merits discussion at the 2021 Study Issues Workshop.

Staff acknowledges that this additional research would provide an opportunity to further recognize the various achievements of a continually growing diverse community and could inform future decisions related to designation of heritage and landmark resources.

Prepared by: George Schroeder, Senior Planner

Reviewed by: Trudi Ryan, Director, Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

**Attachments**

1. Link to Historical Context Statement

## ATTACHMENT 1

Link to the City of Sunnyvale's Context Statement:

<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=26672>







# City of Sunnyvale

## Agenda Item

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**21-0044**

**Agenda Date:** 2/25/2021

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### 2021 COUNCIL STUDY ISSUE

#### **NUMBER**

CDD 19-06

**TITLE** Programs to Encourage Visitation to Heritage and Landmark Resources

#### **BACKGROUND**

**Lead Department:** Community Development

**Support Departments:** Office of the City Manager  
Office of the City Attorney

**Sponsor(s):** Heritage Preservation Commission

**History:** 1 year ago: Ranked, Below the Line  
2 years ago: Deferred by Council

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

The City has approximately 57 structures listed on the Heritage Resources Inventory, as well as a few neighborhoods and several trees. Attachment 1 contains a list of these Heritage Resources and a description of Local Landmarks. The Sunnyvale Bicycle and Pedestrian Advisory Commission sponsored a map created in the 1990s for a self-guided bike tour of resources (Attachment 2), plus some of the exhibits in the Heritage Park Museum include information and pictures of some of these resources. The Heritage Preservation Commission has expressed interest in exploring additional programs to encourage visitation to these resources to educate the community about the City's history.

The following General Plan goal supports the study:

**Goal CC-6 KNOWLEDGE OF SUNNYVALE'S HERITAGE.** Promote knowledge of, and appreciation for, Sunnyvale's heritage and encourage broad community participation in heritage programs and projects.

##### **What are the key elements of the Study?**

Several initial steps would be undertaken including: a survey of other cities to find examples of city-sponsored programs that encourage visitation to heritage resources; interviews with Heritage Park Museum staff; and, discussion with multiple City departments with a relationship to the existing Heritage Preservation programs. The Study would include research of similar efforts by other cities and outreach to various community and business groups. An evaluation of the costs to develop and maintain these programs would be completed. Staff would also conduct outreach to property owners of heritage resources to determine if they are interested in having their property included in a program.

**Estimated years to complete study:** 1 year

**FISCAL IMPACT****Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Minor
Funding Required for Non-Budgeted Costs:	\$25,000
Funding Source:	General Fund

**Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs.

**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: No

Reviewed by Boards/Commissions: Heritage Preservation Commission

**STAFF RECOMMENDATION**

Defer. This policy issue merits discussion at a future Study Issues Workshop.

Staff considers the concept worthy of study, and it would be beneficial to increase community awareness of the City's heritage resources, as supported by the General Plan's Community Character Chapter and its goal to promote knowledge of Sunnyvale's history. Deferral is recommended due to the in-person efforts the study would require with interviews, staff coordination, community outreach, and site visits. It is advisable to discuss the study following the end of the COVID-19 emergency and health orders issued by Santa Clara County and the State of California.

Prepared by: George Schroeder, Senior Planner, Community Development

Reviewed by: Trudi Ryan, Director, Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

**Attachments**

1. Heritage Resources Inventory and Local Landmarks
2. Heritage Bicycle Tour Map



# CITY OF SUNNYVALE

## HERITAGE RESOURCES INVENTORY

### HERITAGE RESOURCES

Sunnyvale's original Heritage Resources Inventory was adopted in 1979, recognizing properties which have architectural or historic significance. Since that time, the City has added over twenty additional Heritage Resources (adoption date in parentheses). Major exterior changes or demolitions must be approved by the Heritage Preservation Commission through a Resource Alteration Permit. For more information, please contact the Planning Division.

<b>BAYVIEW AVENUE</b> 252 S. Bayview <b>BORREGAS AVENUE</b> 655 Borregas (3/22/83) <b>CHARLES STREET</b> 297 Charles <b>COOLIDGE AVENUE</b> 802 Coolidge <b>CRESCENT AVENUE</b> Crescent Avenue Streetscape 148 Crescent 156 Crescent 434 Crescent 448 Crescent <b>FLORA VISTA AVENUE</b> 321 Flora Vista (8/21/90) <b>FRANCES STREET</b> Frances Street Streetscape (400-500 Blocks) 432 S. Frances 454 S. Frances 464 S. Frances 471 S. Frances 498 S. Frances 500 S. Frances 505 S. Frances 575 S. Frances 580 S. Frances <b>GALLOWAY COURT</b> 1409 Galloway	<b>MARY AVENUE</b> 113 S. Mary (2/24/81) <b>MATHILDA AVENUE</b> 221 N. Mathilda 235 S. Mathilda <b>MCKINLEY AVENUE</b> 322 E. McKinley (9/11/84) 384 E. McKinley (8/21/90) 398 E. McKinley (8/21/90) <b>MORSE AVENUE</b> 635 Morse (1/15/85) <b>MURPHY AVENUE</b> Murphy Avenue Streetscape (400-500 Blocks) 161 N. Murphy 445 S. Murphy 519 S. Murphy 523-525 S. Murphy 529 S. Murphy 533-535 S. Murphy 585 S. Murphy 591 S. Murphy <b>OAK COURT</b> 6 Oak Court Oak Court - Hendy Ironworks Lamppost (6/30/87) <b>PASTORIA AVENUE</b> 274 S. Pastoria (moved from Mary/Central Ex.) <b>RAMON DRIVE</b> 1358 Ramon (moved from 1535 Sunnyvale-Saratoga Rd.)	<b>RANERE COURT</b> 1029 Ranere (7/28/81) <b>REMINGTON DRIVE</b> 550 E. Remington - Bianchi Barn (2003) <b>SARA AVENUE</b> 325 Sara (10/4/83) <b>SUNNYVALE AVENUE</b> N. Sunnyvale Avenue Streetscape (100 Block) 184 N. Sunnyvale 229 N. Sunnyvale 506 S. Sunnyvale (1/12/82) 525 S. Sunnyvale (1/12/82) <b>SUNNYVALE-SARATOGA ROAD</b> 1039 Sunnyvale-Saratoga Sunnyvale-Saratoga/Fremont (Fremont High School) <b>TAAFFE STREET</b> Taaffe Streetscape (500 Block) 571 S. Taaffe <b>WASHINGTON AVENUE</b> 306 E. Washington 368 E. Washington (3/22/83) 384 E. Washington (8/24/82) 388 E. Washington (8/24/82) 480 E. Washington <b>WAVERLY STREET</b> 225 Waverly 279 Waverly 381 Waverly <b>WRIGHT AVENUE</b> 1325 Wright
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**HERITAGE TREES**

The following trees are listed in Sunnyvale's Heritage Resources Inventory. Removal of a Heritage Tree must be approved by the Heritage Preservation Commission. For more information, please contact the Planning Division.

<b>BERNARDO AVENUE</b> 1650 S. Bernardo <i>Coast Live Oak</i> <b>CALGARY DRIVE</b> 1748 Calgary Drive <i>Coast Live Oak</i> <b>CALIFORNIA AVENUE</b> 130 E. California (Site of Murphy Homestead) <i>Palm Trees</i> <b>DARTSHIRE WAY</b> 814 Dartshire <i>Dawn Redwood</i> <b>FREMONT AVENUE</b> 871 E. Fremont (Former Butcher's Corner) 3 <i>Coast Live Oak</i> and 1 <i>Valley Oak</i> <b>HENDY AVENUE</b> 501 E. Hendy <i>American Chestnut</i>	<b>HENDY AVENUE</b> 501 E. Hendy <i>American Chestnut</i> <b>HOLLENBECK AVENUE</b> 880-882 Hollenbeck (Bocks Ranch) <i>Sycamores</i> <b>IVES TERRACE</b> <i>Valley Oak</i> <b>MANZANITA AVENUE</b> 755 Manzanita <i>Coast Redwood</i> <b>PASTORIA AVENUE</b> 467 S. Pastoria <i>Coast Redwood</i> <b>PICASSO TERRACE</b> 674 Picasso <i>Coast Live Oaks</i>	<b>REMINGTON DRIVE</b> 550 E. Remington (Community Center) <i>California Live Oak</i> <b>SHERATON DRIVE</b> 696 Sheraton Drive <i>Coast Live Oak</i> <b>SUNNYVALE AVENUE</b> 545 S. Sunnyvale <i>Monkey Puzzle</i> <b>TOWN CENTER LANE</b> 2502 Town Center Lane (Town Center Trees) <i>Variety Tree Grove</i> <b>TIFFANY COURT</b> 679 Tiffany Court <i>Coast Live Oak</i>
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## RESOURCES AND TREES REMOVED FROM THE INVENTORY

The following structures and trees have been removed since the inception of the inventory. Removal date of structures is indicated in parentheses. Properties removed since 2004 have undergone special review by the Heritage Preservation Commission.

<b>ALBERTA AVENUE</b> 666 Alberta (Not Available) <b>BAYVIEW AVENUE</b> 305 S. Bayview (8/21//90) <b>CALIFORNIA AVENUE</b> 444 California (Libby's) (1998) <b>CASCADE DRIVE</b> 1043 Cascade (1994) <b>CHARLES STREET</b> 335 Charles (2018)* <b>CRESCENT AVENUE</b> 120 Crescent (1984) 125 Crescent (1981) 138 Crescent (1984) 410 Crescent (1982) 418 Crescent (1982) 428 Crescent (2002) 454 Crescent (1999) <b>EL CAMINO REAL</b> 140 W. El Camino Real (Olson)(1999) 870 E. El Camino Real (Butcher Farmhouse)(1980) 1111 W. El Camino Real <i>Valley Oak</i>	<b>EVELYN AVENUE</b> 185 E. Evelyn (1986) 394 E. Evelyn (Sunnyvale/Ryan Hotel)(2006)* <b>FAIR OAKS AVENUE</b> 182 Fair Oaks (Cal Cannery) (1986) <b>FLORA VISTA AVENUE</b> 329 Flora Vista (2010) <b>FLORENCE AVENUE</b> 353 Florence (1998) 373 Florence (1999) <b>FRANCES STREET</b> 479 Frances (1994) <b>FREMONT AVENUE</b> 534 W. Fremont (1980) <b>HEATHERSTONE AVENUE</b> 960 Heatherstone <i>Casa Delmas Magnolia</i> <b>MACARA AVENUE</b> 437 Macara (Evulich House (1984)	<b>MATHILDA AVENUE</b> 212 N. Mathilda (1990) 562 S. Mathilda (2018)* <b>MAUDE AVENUE</b> 333 W. Maude (1980) <b>MCKINLEY AVENUE</b> 435 E. McKinley (2018)* 437-439 E. McKinley (1998) 693 W. McKinley (2009)* <b>MORSE AVENUE</b> 316 Morse (2017)* <b>MURPHY AVENUE</b> 461 S. Murphy (2005)* 529 S. Murphy <i>California Black Walnut</i> <b>OLD SAN FRANCISCO ROAD</b> 585 Old San Francisco (2005)* <b>SUNNYVALE AVENUE</b> 102 S. Sunnyvale (Brandt Building) (1983) 199 N. Sunnyvale (2005)* <b>SUNNYVALE-SARATOGA ROAD</b> 1545 Sunnyvale-Saratoga (1992)
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\* Removed by determination of the Heritage Preservation Commission



# CITY OF SUNNYVALE

## LOCAL LANDMARKS

Sunnyvale's Local Landmarks were adopted in 1979, recognizing properties and trees which are particularly important reminders of the community's heritage. Since that time, the City has added additional landmark properties. Major exterior changes must be approved by the Heritage Preservation Commission through a Landmark Alteration Permit. For more information, please contact the Planning Division.

### **BRIGGS-STELLING HOUSE** 822 Springfield Terrace

Originally constructed in the 1870's for George H. Briggs and extensively reconstructed in the 1920's for the Henry S. Stelling family, the mansion recounts the history of Sunnyvale. Briggs was one of the earliest pioneers who came from Boston in 1854. Stelling, the son of one of San Jose's first orchardists, grew pears and award winning cherries. Under his wife's care, the gardens surrounding the mansion became a showcase.

### **COLLINS-SCOTT WINERY** 775 Cascade Drive

Built in 1881 by the Collins brothers, the Collins-Scott Winery is the oldest brick building in Sunnyvale. In 1889 a private railroad was built on the property and more than 300 gallons of wine were shipped daily. In 1927 all of the buildings except the brick distillery were destroyed by fire. In 1965 the present owners, the Duane Heinlen family, remodeled the structure as it stands today.

### **DEL MONTE BUILDING** 114 S. Murphy Avenue

Built in 1904 by the Madison & Bonner packing Company, the building was used for processing dried fruit from nearby orchards. Cannery mergers in 1916 formed the California Packing Corporation now known as "Del Monte." From 1930 to 1986 the building was used for seed processing and research. In 1993, the building was moved to the northeast corner of the 100 block of S. Murphy Avenue (the Murphy Station Heritage Landmark District) to avoid demolition. The building has since been renovated for commercial use.

### **HENDY IRON WORKS** (Northrop Grumman) 501 E. Hendy Avenue

Constructed in 1906, Hendy Iron Works was an industrial pioneer in Sunnyvale. Originally producing equipment for mining gold and silver, the Company supplied Marine Engines in both World War I and World War II. In continuous operation from 1906 to 1946, the company was purchased by Westinghouse Electric in 1947. The water tower stored Sunnyvale's emergency water supply in the early 1900's.

### **LIBBY WATER TOWER** 460 W. California Avenue

McNeill & Libby opened in 1907 and by 1922 became the world's largest cannery. The original tower supplied water to the cannery and its workers and was replaced in 1965 by the present structure.

### **505 S. MURPHY AVENUE**

The residence was built in 1939 by the Homer Pfeiffer family and remained in the family until it was sold in the mid-1980's. It is an excellent example of the Tudor Revival style as applied to the suburban house and embodies distinctive characteristics of homes constructed during this period of architecture.

**MURPHY STATION  
LANDMARK DISTRICT**  
100 Block of South Murphy  
Avenue

"Murphy Station" was established when Martin Murphy Jr., a California Pioneer, granted the railroad the right- of-way through his land in 1864. The stop saw the arrival and departure of important dignitaries who visited Murphy's Bayview Ranch, a focal point of political and social activity in the Santa Clara Valley.

In 1898 William Crossman, a real estate developer, purchased 200 acres from Murphy and named the town Encinal, "Place where the live oak grows." The first post office and general store were built on this street near the site of Murphy Station. The town was renamed Sunnyvale in 1901 and incorporated in 1912. The railroad and industrial buildings ran east and west and the business district ran north and south, providing the base from which Sunnyvale grew. The 100 block of South Murphy Avenue is the original downtown commercial district. Most of the structures were built between 1900 and 1940.

**SPALDING HOUSE**  
1385 Ramon Drive

Built in the early 1920's by C.C. Spalding, the mansion served as his family residence. Spalding was the first treasurer of the City of Sunnyvale and is best remembered for his contributions to the development of Murphy Avenue. He organized and established the Bank of Sunnyvale in 1906 and later became a State Legislator.

**STOWELL HOUSE**  
901 Sunnyvale/Saratoga  
Road

The Stowell House is so named because until 1999, when Dolly Stowell died, it had been the family residence of Sunnyvale pioneer Charles Stowell and his descendents. Stowell bought the home from F. C. Fry in 1899, who had built the home circa 1890. Stowell and his brother-in-law Charles Spaulding were prominent businessmen in the community. They built the S & S building on the corner of Murphy Avenue and Washington Avenue. They also were involved in the construction of several other prominent buildings, including the First Baptist Church and the U.S. Post Office.

**VARGAS REDWOOD TREES**  
1004 Carson Drive

These Coast Redwoods were planted in 1900 by Manuel Vargas, "Mr. Sunnyvale." The saplings were gathered during a family outing to Pescadero, and planted at the entrance to the Vargas family home.

**WRIGHT RANCH**  
1234 Cranberry Avenue

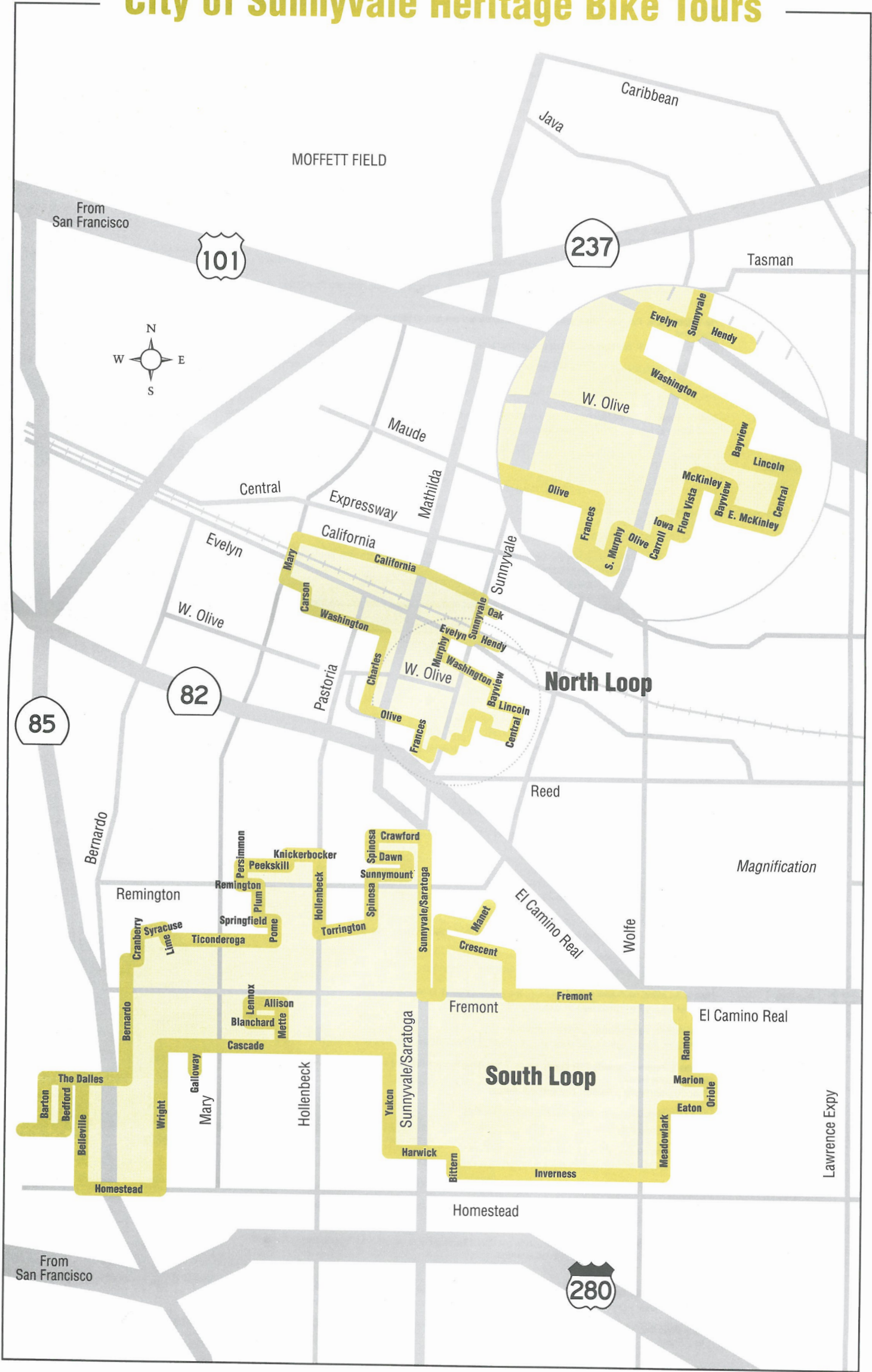
Originally part of a 320 acre ranch, this is Sunnyvale's oldest remaining ranch house. It was built circa 1870 by William Wright, a 49'er who left the gold fields to raise grain and stock.





# Self-Guided Bicycle Tours

## City of Sunnyvale Heritage Bike Tours





# City of Sunnyvale Heritage Bicycle Tours

South Loop — 13.9 miles

Address	Directions and Description	Date of Landmark	Segment Mileage	Total Mileage
Community Center — OPHIE	<b>Manet at Remington.</b> Site of the Orchard Heritage Park Interpretive Exhibit (OHPiE). The ten-acre apricot orchard is owned by the city and cared for by Charlie Olson. Look at the fountains and art at the Community Center. <i>South on Manet to Crescent, take left, continue on Crescent bike crossing to make a right on Rembrandt then left on Fremont Ave. to make a right on Eleanor and a left onto Ramon.</i>		0.0	0.0
			1.1	1.1
1385 Ramon	<b>Spalding House.</b> This home was built on Sunnyvale Ave. in 1916 and moved to its present location in the 1980's. Mr. Spalding was the first treasurer of Sunnyvale and later a state legislator. With Charles Stowell, he developed the Murphy Ave. business district and established the Bank of Sunnyvale. <i>Keep South on Ramon turning left onto Marion, the right onto Oriole, right onto Eaton, left onto Meadowlark Lane, right onto Inverness, right onto Bittern, left onto Harwich, which crossing Saratoga/Sunnyvale turns into Alberta, right onto Yukon.</i>	1916		
775 Cascade	<b>Collins-Scott Winery.</b> It is the oldest brick building in Sunnyvale. At one time there was a private railroad on the property which shipped 300 gallons of wine daily. <i>Continue West on Cascade, right onto Mette, left onto Blanchard, right onto Lennox.</i>	1881	0.6	4.7
1970's Era Eichler mini-loop	These are example of the <b>last Eichlers</b> to be built in Sunnyvale. They are much bigger than those of the 1950's. <i>Right onto Allison Way, right back onto Mette, and then right onto Cascade going West, left onto Galloway Court.</i>	Early 1970's	0.7	5.4
1409 Galloway Court	This house was originally built in <b>bungalow style</b> and has been tastefully expanded more than once. <i>Left onto Cascade, left onto Wright Ave., right onto Homestead Road, right onto Belleville Way, left onto The Dalles Ave., left onto Bedford, right onto Barton.</i>	1911	2.1	7.5
<b>Stevens Creek Tree Canopy</b>	This <b>section of virgin trees</b> was ignored by the early settlers and has never been disturbed. Access is behind West Valley Elementary School, which contains a bridge access across Stevens Creek over to Los Altos. <i>North on Barton, right onto The Dalles, take the bicycle bridge across 85, left onto Bernardo, right onto Ticonderoga, left onto Cranberry.</i>		1.1	8.6
1234 Cranberry Avenue	<b>The Wright House.</b> This is the oldest ranch house in Sunnyvale and was built by William Wright, who was a 49'er. It is now being refurbished. <i>Take Cranberry North, take right onto Syracuse, right onto Lime, left onto Ticonderoga, left onto Pome, left on Springfield Terrace.</i>	1870	0.9	9.5
1175 Pome Ave. (visible only from Springfield Terrace)	<b>The Briggs-Stelling House.</b> This home was built in the 1870's and reconstructed in the 1920's. Briggs was an early pioneer who came to Sunnyvale in 1854. <i>Turn left onto Pome, left onto Plum, left onto Remington, right onto Persimmon, right onto Peekskill, right onto Ranere Court.</i>	1870's	1.0	11.4
1029 Ranier Court	<b>Caviglia Ranch.</b> Built in the Spanish Eclectic Revival style with iron grills and balconies,. James Caviglia owned 30 acres of cherries. <i>Make right onto Peekskill, make right onto Knickerbocker, right onto Hollenbeck, right onto Torrington Drive.</i>	1934	1.0	11.4
1950-60's <b>Eichler Homes</b>	<i>Continue on Torrington, turns into Spinosa, right onto Sunnymount, left onto Dawn Drive, right onto Spinosa.</i> This is end of section containing Eichler homes. <i>Continue North on Spinosa, on entering the Los Palmas Park—on the right will be access to Crawford Drive, make the right and continue with a right onto Sunnyvale-Saratoga Road.</i>		1.0	12.4
901 Sunnyvale-Saratoga	<b>The Stowell House.</b> It is in the Queen Anne style and is on the oldest continuously-worded farm in Sunnyvale. Three generations of this family have graduated from Fremont High School. <i>Continue South on Sunnyvale-Saratoga until Fremont Avenue.</i>	1890	0.7	13.1
1279 Fremont Avenue	<b>Fremont High School.</b> This school is one of Sunnyvale's most significant architectural monuments. It was designed and started by William Henry Weeks in the style of many public buildings of the era. <i>Make a U-turn at Fremont Avenue, now you are going North, turn right onto Crescent Avenue.</i>	1926	0.3	13.4
Crescent	<b>Easter Gables Project.</b> The bungalows left on this street were part of the 1920's poultry business and their deep lots had chicken houses in the back. <i>Turn left onto Manet to the Community Center.</i>	1929	0.5	13.9

North Loop — 5.7 miles

Address	Directions and Description	Date of Landmark	Segment Mileage	Total Mileage
260 N. Sunnyvale Ave.	<b>Martin Murphy, Jr., house and museum.</b> The Parks and Recreation building houses the Sunnyvale Museum which has photos and artifacts of local interest. Pick up walking tour brochure of Murphy Ave. <i>Starting from parking lot, turn right on California, turn right on Sunnyvale, bike up to 229 Sunnyvale Ave.</i>	Ca. 1850 prefabricated home, razed in		
229 N. Sunnyvale Ave.	Unusual <b>one story wood framed bungalow</b> with three front gables. Note vertical vent on porch, repeated on upper gable. <i>Backtrack to park, take a left on California Ave., right into Oak Ct.</i>	1910		
Oak Court	This is the first <b>cul de sac</b> in Sunnyvale. <b>Hendy lamppost</b> in the center, which was manufactured at Hendy Iron Works, was installed in 1937 <i>Left on California, left on Sunnyvale Ave., left on Hendy,, then left into the Iron Man Museum</i>	1937 lamppost	0.1	0.1
			0.6	0.7
<b>Iron Man Museum.</b>	For tour of museum, call 735-2020. Original building with arches is now a National Engineering Landmark. <i>Backtrack on Hendy, left onto Sunnyvale Ave., turn right onto Evelyn, left on Murphy</i>	1906		
100 Block of Murphy Ave.	<b>Historical District of Sunnyvale.</b> Original commercial district. Walking tour brochure available at Murphy Park Museum <i>Left on Washington, right on Bayview, left on Lincoln, right on Central Ave., right on E. McKinley</i>	1897 to 1940	0.4	1.1
437, 439 E. McKinley	<b>Cannery Office</b> in 1925, moved to present location in 1942 <i>Continue on McKinley, right on Bayview, left on McKinley, left on Flora Vista</i>	1906 or 1907	0.5	1.6
Flora Vista	<b>One of the oldest residential districts</b> in Sunnyvale, also its narrowest street <i>Right on Iowa, left on Carroll, right on Olive, left on S. Murphy Ave.</i>	1920's	0.2	1.8
505 S. Murphy	<b>Homer Pfeiffer House.</b> Built for a cannery supervisor <i>Continue on Murphy, right through automotive parking lot just before El Camino, to Rooster T. Feathers</i>	1940	0.5	2.3
157 W. El Camino	<b>Rooster T. Feathers, formerly Andy Capp's Tavern,</b> where Nolan Bushnell first field tested the video game "Pong" which started the video game industry <i>Continue past Rooster T. Feathers, turn right onto Frances</i>	1970's	0.4	2.7
400 and 500 Blocks of Frances	<b>First Historic Residential District Home</b> sold originally for \$600 <i>Left on Olive, left on Taaffe</i>	1930's	0.2	2.9
500 Block of S. Taaffe	The <b>Magnolias</b> were planted in 1937-38. Homes from 1925-1937 <i>Backtrack to Olive, turn left, cross Mathilda at the light, right on Charles St.</i>	1925-37	0.1	3.0
297 Charles	<b>Dalton House.</b> Mr. Dalton was one of the first daily commuters to San Francisco	1908	0.5	3.5
283 Charles	<b>Welford Cochran House.</b> Daughter Edwina Benner was Sunnyvale's, and California's, first woman mayor in 1924 <i>Continue down Charles, left at Washington, right on Carson</i>	1906		
1004 Carson	<b>Manuel Vargas Redwoods</b> at the corner of Carson and Mary. These trees were planted by Mr. Vargas, later known as "Mr. Sunnyvale", at the entrance to the Vargas' 10 acre farm <i>Right on Mary</i>	1900	0.7	4.2
113 S. Mary	<b>Irvine House.</b> Dutch Colonial subtype of the Colonial Revival style. Designed by the San Jose firm of Wolfe & Higgins <i>Continue on Mary, cross RR tracks, right on California, right at Sobrante into Applied Signal Tech parking lot</i>	1919	0.1	4.3
444 W. California	<b>Libby Water Can.</b> The original water tower supplied the cannery and its employees. Painted in 1985 by Sunnyvale artist Anita Kaplan. <i>Turn right on California, back to Murphy Park</i>	Ca. 1940's	0.9	5.2
			0.5	5.7





# City of Sunnyvale

## Agenda Item

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21-0077

Agenda Date: 2/25/2021

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### 2021 COUNCIL STUDY ISSUE

#### **NUMBER**

CDD 19-07

**TITLE** Develop Citywide Guidelines or Criteria for Allowing Reduced Parking for Development Projects and for Future Conversions of Parking to Other Uses

#### **BACKGROUND**

**Lead Department:** Community Development

**Support Departments:** Office of the City Manager

Office of the City Attorney

**Sponsor(s):** Planning Commission

**History:** 1 year ago: Deferred by City Council

2 years ago: Deferred by Planning Commission

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

The general parking standards in the Sunnyvale Municipal Code (SMC) establish required parking for residential and non-residential development based on a variety of factors. For residential uses, the number of bedrooms, the number of assigned spaces to a dwelling unit, and the type (i.e., private enclosure or open) also affect the requirements for parking. Lower parking space rates are established for affordable housing, senior housing and housing for persons with disabilities. Non-residential parking is based on the use and has both minimum and maximum parking requirements.

The SMC includes provisions for parking adjustments to non-residential uses and special housing developments. Other reductions (if not covered by an adjustment) require approval of a Variance or approval of a Special Development Permit (only allowed within specified zoning districts). The Planning Commission has asked if there are circumstances where reduced parking could be appropriate, such as: a multi-family project that may be able to increase the total number of units if parking requirements are reduced, or on a single-family property where the size of an existing one-car garage restricts the total allowable square footage of the house, thereby potentially restricting large or extended families from living together in one dwelling.

The Planning Commission also suggested this Study may be important when discussing the future of autonomous vehicles, and whether parking structures could be converted to other uses in the future.

##### **What are the key elements of the Study?**

There are certain areas within the City where parking standards are reduced compared to the generic citywide standards (e.g., Downtown Specific Plan, Lawrence Station Area Plan). Generally, the areas with reduced parking standards are located near major transit stations, but reduced parking standards have also been considered in other areas of the City (e.g., Peery Park Specific Plan) if a

project can demonstrate other trip reduction strategies. Additionally, it may be appropriate to study all parking standards to determine if the City has other general parking standards that could be reduced.

This Study may include:

- Evaluation of the City's current parking regulations in comparison to other cities;
- Examination of the covered parking requirement for single-family zoning districts;
- Mapping major or frequent transportation lines to see if there are other areas of the City where reduced parking may be appropriate;
- Consider establishing Council policy for alternative parking options such as unbundled parking;
- Considering and developing guidelines or criteria that could be used to evaluate a project requesting reduced parking standards; and
- Establishing guidelines for future conversion of parking into other uses if autonomous vehicles become a primary means of transportation in the future.

**Estimated years to complete study:** 2 years

### **FISCAL IMPACT**

#### **Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Moderate
Funding Required for Non-Budgeted Costs:	\$100,000
Funding Source:	Will seek budget supplement

Non-budgeted costs would be utilized to hire a consultant who specializes in parking requirements, design guidelines, and has specialized knowledge in the parking industry.

#### **Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs, including capital and operating, as well as revenue/savings.

### **EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: No

Reviewed by Boards/Commissions: Bicycle and Pedestrian Advisory Committee, Planning Commission

### **STAFF RECOMMENDATION**

Defer. This policy issue merits discussion at a future Study Issues Workshop.

Staff recommends deferral of this Study Issue due to other efforts being considered and the unknowns of key components of the Study as described further below.

- The future of autonomous vehicles and how that affects parking standards is still unknown. True autonomous vehicles will not be parked on a site but could be in near-continuous service. Self-piloted single occupancy vehicles could still require a high number of parking spaces. The future of this technology and how it impacts parking needs is not yet known.
- With the addition of BART into San Jose, and the future electrification of Caltrain, the Santa

Clara Valley Transportation Authority (VTA) will be making changes to some of their routes. These changes may lead to increased bus routes or headways within Sunnyvale and could justify the potential to reduce parking in some areas of the City that had not been previously considered within area-wide plans.

- Until more is known about converting parking garages to other uses (residential or office), it would be difficult to establish policies for that concept. It may be useful for an independent study of this one aspect of the issue in future years.
- Staff believes that evaluating the existing single-family parking regulations and comparing the City's regulations with other jurisdictions could be a valuable study. Further enhancement of permeable pavement may warrant a look at the regulation that limits front yard paving on a single-family lot. A future study could also consider the impact of reduced parking in single-family residential areas due to accessory dwelling units.
- Finally, VTA has already reduced route frequencies due to COVID-19 impacts on ridership and is conducting a study to temporarily modify headways on many of the routes until ridership increases. This could last for several years and may mean that more people will be driving to their destinations due to the lack of transportation or out of caution.

Prepared by: Trudi Ryan, Director, Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager





# City of Sunnyvale

## Agenda Item

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21-0076

Agenda Date: 2/25/2021

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### 2021 COUNCIL STUDY ISSUE

#### **NUMBER**

CDD 20-02

**TITLE** Develop Landscape Design Standards for Development Projects

#### **BACKGROUND**

**Lead Department:** Community Development Department

**Support Departments:** Office of the City Manager  
Office of the City Attorney  
Department of Public Works

**Sponsor(s):** Planning Commission

**History:** 1 year ago: Deferred by City Council  
2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

The City has general landscaping design standards in the Council adopted Citywide Design Guidelines and zoning requirements for water efficient landscaping. However, these guidelines and regulations do not currently have detailed design standards relating to various landscaping/tree types and sizes. Species and size requirements have been added by the Planning Commission on a case by case basis for development projects during the public hearing. In lieu of continuing this practice (and to ensure the added requirements are Council policies based on objective standards), it would be ideal to update City policy on landscape requirements through a Design Standards document. Updated landscaping design standards would provide decision-makers, applicants, and staff with the necessary information to ensure ad hoc decisions on landscaping requirements do not occur and all decisions are based on Council-adopted policies.

##### **What are the key elements of the Study?**

This Study may include:

- Consideration of various types and sizes of landscaping and what is most appropriate for different sized development projects or areas of a development (e.g. parking lot, walkways, setbacks, etc.):
  - Including study on larger properties and appropriate sizing of trees vs. smaller properties;
- Definitions of terms for landscaping requirements, such as “genetic estate-sized” trees;
- Preparation of a list of preferred trees, with emphasis on long-lived, drought tolerant and, to the extent practical, native species;
- Consideration of what areas of the City are best suited for specific types and sizes of trees;
- Creation of “Best Practices” for designing landscaping plans;

- Surveying other cities to compare standards; and
- Working with a consultant to consider, and potentially develop, standards or criteria for landscaping.

**Estimated years to complete study:** 1 year

### **FISCAL IMPACT**

#### **Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Moderate
Funding Required for Non-Budgeted Costs:	\$50,000
Funding Source:	SB2 grant

Funding would be utilized to hire a landscape design specialist, likely a planning firm with that specialty, to develop landscape design standards for development projects. Consultant costs would also include formatting the final document to incorporate in the City's Consolidated Design Guidelines. An application for SB 2 grants to prepare objective zoning and design standards including landscaping has been approved and this Study Issue is included as part of the objective standards task.

#### **Cost to Implement Study Results**

Minimal or no cost expected to implement.

### **EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: No

Reviewed by Boards/Commissions: Planning Commission

### **STAFF RECOMMENDATION**

Drop. This policy issue does not merit discussion at a future Study Issues Workshop.

Staff agrees that creation of landscape design standards is beneficial because it would create clear and consistent criteria for applicants and decision-makers to avoid ad hoc decisions relating to landscape design at public hearings; this work will be completed as part of grant funding the City has received. Staff will complete the request for proposals process to hire a consultant for the work prior to the Study Issue Workshop and is scheduled to complete the effort by June 2022.

Prepared by: Amber Blizinski, Principal Planner

Reviewed by: Trudi Ryan, Director, Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager





# City of Sunnyvale

## Agenda Item

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**21-0124**

**Agenda Date: 2/25/2021**

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### **2021 COUNCIL STUDY ISSUE**

#### **NUMBER**

CDD 21-01

**TITLE** Consider Allowing Expansions/Modifications for Existing Legal Non-Conforming Single-Family Uses in Non-Residential Zoning Districts

#### **BACKGROUND**

**Lead Department:** Community Development Department

**Support Departments:** Office of the City Manager

Office of the City Attorney

**Sponsor(s):** City Manager

**History:** 1 year ago: N/A  
2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

There are residentially developed properties in non-residential zoning districts that are considered legal non-conforming. A legal non-conforming use is one that was built legally but is now within a Zoning District or Specific Plan area where the use is no longer allowed. Title 19 (Zoning) of the Sunnyvale Municipal Code does not currently allow legal non-conforming single-family homes to expand, which restricts the size of these existing residential structures to their original size, but does allow the property owner to add one streamlined Accessory Dwelling Unit (ADU) to the site. Until recently residential development was allowed in all non-residential zoning districts, subject to approval of a Use Permit (or related permit), which considered compatibility of these uses with surrounding uses. State housing laws have affected how local regulations for housing need to be administered and the City recently removed "with approval of a use permit" for several non-residential zoning districts. The City Council has heard from single-family homeowners within the Peery Park Specific Plan (PPSP) area whose homes are legal non-conforming uses that cannot be expanded beyond the addition of an 800 sq. ft. streamlined ADU. These property owners have been provided information on the process and fees for requesting a General Plan Amendment and rezoning of their site and on the allowances for the ADU; however, they desire additional floor area beyond what is currently allowed. A preliminary search suggests that only these four single-family residential properties are located in any of the industrial zoning districts (they are all in the PPSP zoning district), and that about 20 additional single-family houses are located in other non-residential zoning districts which have the same constraints.

##### **What are the key elements of the Study?**

The primary focus of the Study will be on single-family houses and would explore changes to the non-conforming use regulations for residential development. For further context, a complete survey of residential sites would be prepared to understand the full extent of the non-conforming residential

issue. There are three primary actions that could be considered during this Study:

1. General plan amendment and rezoning of the sites to allow the residential uses to be conforming;
2. Modifications to the non-conforming use section of the zoning code that would enable some expansion of a non-conforming single-family.
3. No changes to zoning code, general plan or zoning district which would leave these properties as legal non-conforming.

The Study would provide a complete list of non-conforming residential uses throughout the City. This information will be used as part of the Housing Element update and may include recommendations for follow up action for those properties.

**Estimated years to complete study:** 1 year

### **FISCAL IMPACT**

#### **Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Moderate
Funding Required for Non-Budgeted Costs:	\$0
Funding Source:	n/a

#### **Cost to Implement Study Results**

Minimal or no cost expected to implement.

### **EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: No

Reviewed by Boards/Commissions: Planning Commission

### **STAFF RECOMMENDATION**

Support. This policy issue merits discussion at the 2021 Study Issues Workshop.

Although the single-family parcels mentioned in the study parameters are typically not large properties, the existing floor area ratio for development of the four Pastoria Avenue parcels ranges from 10% to 22%. This is low compared to what is allowed in Sunnyvale's typical single-family zoning districts and may warrant study on the subject and potential changes to the zoning regulations.

Prepared by: Amber Blizinski, Principal Planner

Reviewed by: Andrew Miner, Assistant Director, Community Development Department

Reviewed by: Trudi Ryan, Director, Community Development Department

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager



# City of Sunnyvale

## Agenda Item

21-0154

Agenda Date: 2/25/2021

### 2021 COUNCIL STUDY ISSUE

#### **NUMBER**

CDD 21-02

**TITLE** Review and Potentially Update Non-Residential Housing Mitigation Fees

#### **BACKGROUND**

**Lead Department:** Community Development Department

**Support Departments:** Office of the City Manager

Office of the City Attorney

Finance Department

**Sponsor(s):** Councilmembers Fong, Larsson, Melton

**History:** 1 year ago: N/A

2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

The purpose of this study is to examine whether higher non-residential housing impact fees are justified and desirable. The Housing Mitigation fee program was comprehensively updated in 2015. This Study would review the program and potentially update the structure, the amount of the fee or both. A Housing Mitigation Fee (HMF) was first approved by City Council in 1983 to address the impacts of development and prevent the jobs/housing imbalance from becoming more severe. The fee was set at \$7.19 per square foot (s.f.) for projects over a certain size and remained at that amount until 2002; it only applied to developments in industrial zoning districts with high floor area ratios (FARs) that required City Council approval. In 2002, the HMF was increased slightly and was indexed annually based on the CPI and remained limited to high FAR developments in industrial zoning districts. In 2015, the HMF was expanded to include office/industrial, retail, and lodging development projects in any zoning district; and the initial fee was set at \$15 per net new square foot for all office/R&D and industrial projects, and \$7.50 per square foot for all retail and lodging projects, both adjusted annually for inflation as part of the annual fee schedule adoption. The fee was also renamed the "Housing Impact Fee for Nonresidential Development."

As of January 1, 2021, the fees are:

Commercial Use	Fee Amount
Office/Industrial/R&D	<ul style="list-style-type: none"><li>• First 25,000 s.f. = \$9.00/s.f.</li><li>• All remaining s.f. = \$18.00/s.f.</li></ul>
Retail/Lodging	<ul style="list-style-type: none"><li>• \$9.00/s.f.</li></ul>

**What are the key elements of the Study?**

The Study would require hiring of a consultant to prepare a new nexus study to review the current fees and compare them to development feasibility, which would ensure any change in fees would not hinder new development in the city. A nexus study would review development in each of the land use categories and calculate the maximum justifiable fee that would apply per square foot for each land use based on a variety of factors including: estimated number of employee households that would be supported by the jobs in the new development, the portion of those households expected to have household income levels that are insufficient to afford market rate housing, and the “feasibility gap” to build housing units with sufficient subsidy to accommodate those households needing below market rate housing. Sunnyvale’s last nexus study was completed in 2014. Preparing a new nexus study will help protect the City from potential legal challenges that may arise due to increasing the fees. The nexus study would then be presented to the Council to review the acceptable fee range for the non-residential uses for consideration on increasing, decreasing, or maintaining the fees. The Study Issue would also include a review of similar fees in other jurisdictions to be able to compare the existing Sunnyvale fees and fee levels justified by the nexus study.

The Study would ensure compliance with Council Policy 2.3.3 Strategies for Affordable Housing and the Use of Housing Mitigation Fees.

**Estimated years to complete Study:** 1 year from start date

**FISCAL IMPACT****Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Major
Funding Required for Non-Budgeted Costs:	\$60,000
Funding Source:	Will seek budget supplement

The cost of this Study is mainly the cost needed to hire an economic consultant. This type of data analysis is not completed in house. Staff needs to manage the consultant and provide all necessary data for the study, facilitate various outreach meetings with the development community, and support Commission/Council hearings which all lead to this Study being a major work effort.

**Cost to Implement Study Results**

Minor costs in the near and short term. Staff time would be covered by operating budgets. In the short-term, should the Study result in the need or desire to modify the existing fees, staff would hold several outreach meetings, update various documents, and Council would need to adopt a new fee resolution; In the mid-term staff would be tracking which developments would be subject to the older or newer fees. Long-term no costs are anticipated.

**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: Yes

Reviewed by Boards/Commissions: Planning Commission, Housing and Human Services

Commission.

**STAFF RECOMMENDATION**

Support. This policy issue merits discussion at a Study Issues Workshop.

Affordable housing remains a high priority for the City and the Housing Mitigation Fee is an important tool to fund affordable housing projects.

Prepared by: Jenny Carloni, Housing Officer

Reviewed by: Trudi Ryan, Director, Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager



2021 Study/Budget Issues Workshop  
Summary Worksheet: Study Issues Proposed for Council Consideration

Version: 2/17/2021

#	Title	Required Staff Effort	Cost of Study	Cost to Implement*	B/C Rank	Dept. Rank
DPW 19-11	Exterior Lighting Dark Sky Ordinance and Standards	Moderate	\$ 150,000	Minimal or no cost	N/A	Drop
DPW 20-01	Reducing the City of Sunnyvale's Fossil Fuel Infrastructure and Equipment	Moderate	\$ 500,000	Unknown	SC-2	Defer
DPW 20-03	Waste Reduction Initiative in Sunnyvale Parks	Moderate	\$ 50,000	Unknown	PRC-3	<b>3</b>
DPW 20-05	Evelyn Avenue Multi-Use Trail and Bikeway Study	Major	\$ 350,000	Unknown	BPAC-2	Drop
DPW 20-11	Evaluate Feasibility of Dog Off-leash Hours in Select Sunnyvale Parks	Moderate	\$ 75,000	Unknown	PRC-2	<b>2</b>
DPW 20-12	Roadway Safety at El Camino Real and Poplar Ave	Moderate	\$ 125,000	Unknown	N/A	Drop
DPW 20-13	Lighting of Current and Future City Owned Dog Parks	Moderate	\$ 50,000	Unknown	N/A	<b>1</b>
DPW 21-03	Pedestrian and Bicycle Facility Installation on Tasman Drive from Fair Oaks Avenue to Lawrence Expressway	Major	\$ 200,000	Unknown	BPAC-1	Drop
DPW 21-04	Complete Missing Gaps of Sidewalk on East Side of Poplar Avenue between El Camino Real and Peterson Middle School	Moderate	\$ 75,000	Unknown	N/A	Defer
DPW 21-05	Pedestrian Improvements on Marion Way between Norman Drive and Oriole Avenue	Moderate	\$ 60,000	Unknown	N/A	Defer

\*Indicates whether there will be a 1-time capital cost and/or ongoing annual costs upon implementation.  
See Study Issue Paper for detail.





**Continuing Study Issues**

<b>Number</b>	<b>Study Issue and Status</b>
DPW 14-13	<p><b>Scoping of Grade Separations for Caltrain Crossings at Mary Avenue and Sunnyvale Avenue</b></p> <p><i>The City is currently refining concept designs and undertaking preliminary traffic analysis related to grade separation at both Mary and Sunnyvale Avenues. A study session will be planned with the City Council in Spring 2021 to review the results.</i></p>
DPW 17-05	<p><b>Orchard Heritage Park and Heritage Park Museum - Analysis and Options for the Long-Term Operations and Maintenance of Orchard Heritage Park and Review of the Sunnyvale Historical Society and Museum Association Proposed Expansion of the Sunnyvale Heritage Park Museum Site</b></p> <p><i>Staff evaluated proposals and conducted interviews of the consultants. Selection will be made in February 2021.</i></p>
DPW 18-07	<p><b>Feasibility of Acquiring Control of Caltrans Traffic Signals on El Camino Real</b></p> <p><i>Caltrans has responded that they are not willing to relinquish El Camino Real traffic signals but willing to delegate operations and maintenance responsibility of the traffic signals to the City. The City's consultant has started the process to gather data on projected operations and maintenance costs for Council consideration.</i></p>
DPW 18-11	<p><b>Analysis of Sunnyvale Golf Program and Property Options</b></p> <p><i>Staff is currently reviewing and providing feedback on the draft study.</i></p>
DPW 19-07	<p><b>Ascertain Suitable Location(s) for the Installation of Youth Cricket Batting Cages and Potential Funding Sources</b></p> <p><i>Verde Design has been selected as the consultant for this study issue and the study issue is now in process.</i></p>
DPW 19-10	<p><b>Improving Traffic Operations at Fremont/Bernardo/Hwy 85</b></p> <p><i>Caltrans has responded back that they are not agreeable to relinquishing or delegating operations and maintenance responsibility for the Fremont/Bernardo/Hwy 85 interchange area traffic signals.</i></p>
DPW 20-02	<p><b>Improve Bicycle and Pedestrian Access at Sunnyvale Caltrain Station</b></p> <p><i>Staff is pursuing grant funding to prepare the study. The Sustainable Communities Grant administered by Caltrans has been identified as a possible funding source. The competitive grant has an application deadline in February 2021 with the project selections announced in June 2021. Projects chosen for grant awards may begin project activities in Fall 2021.</i></p>
DPW 20-15	<p><b>Improve Bicycle and Pedestrian Access at Sunnyvale Caltrain Station</b></p> <p><i>City staff is meeting with the County the first week of February to discuss the concept and gauge interest. If the County is agreeable to exploring moving forward, City's next step will be to develop an RFP for consultant services to study: economic impacts to the City and region, financing strategies and models, civil engineering review, and outreach/community engagement.</i></p>

## Completed Study Issues

Number	Study Issue	Date Completed
DPW 19-01	Consider the Feasibility of Establishing an Eruv in Sunnyvale	9/29/2020



# City of Sunnyvale

## Agenda Item

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**21-0034**

**Agenda Date: 2/25/2021**

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### **2021 COUNCIL STUDY ISSUE**

#### **NUMBER**

DPW 19-11

**TITLE** Exterior Lighting Dark Sky Ordinance and Standards

#### **BACKGROUND**

**Lead Department:** Department of Public Works

**Support Departments:** Office of the City Manager

Office of the City Attorney

Community Development

**Sponsor(s):** Councilmembers: Smith, Melton, Klein, Goldman, Fong

**History:** 1 year ago: Ranked, Below the Line

2 years ago: Ranked, Below the Line

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

At the February 5, 2019 Council meeting, Councilmember Smith proposed a study issue to study exterior lighting compliance with Dark Sky philosophies, and creation of a possible ordinance and standards.

Current practice for roadway lighting follows internationally and nationally recommended lighting design practices to maintain and/or improve light quality for roadway safety, and achieves sustainability goals, preserves natural resources and reduces light pollution. The City follows Caltrans guidelines for roadway lighting design and voluntarily follows Dark Sky compliance by requiring the standards set forth in the Model Lighting Ordinance (MLO) issued by Illuminating Engineering Society (IES) and the International Dark Sky Association (IDA). The principles within these documents and their standards are utilized in all new and retrofit streetlights along roadways. Compliance with the guidelines and standards to ensure the essence of Dark Sky friendly lighting aimed to minimize glare, reduce light trespass and help protect night sky is monitored by City staff through construction equipment submittal reviews. .

For parking lot, parking structures, mixed-use developments, and various Specific Area Plans lighting, the City uses a myriad of Design Guidelines, such as the Citywide Design Guidelines, Sunnyvale Municipal Code - Title 19, Bird Safe Building Design Guidelines, Parking Structure Design Guidelines, Toolkit for Mixed-Use Development, Precise Plan for El Camino Real, Public Draft Lawrence Station Area Plan, Moffett Park Specific Plan, Sunnyvale Downtown Specific Plan and Peery Park Specific Plan, which contain standards for brightness, energy efficiency, pole height, shielding, and glare or direct illumination of any public street or other property. In practice, conditions of approval are imposed on lighting to address design. None of the adopted standards directly address maximum lighting levels. See Attachment 1 for excerpts from the various Design Guidelines

mentioned in the previous paragraph and Attachment 2 for the typical Conditions of Approval.

This Study Issue would develop standards and/or a lighting ordinance for Dark Sky compliance for all roadway and parking lot lighting within the City to include new and replacement fixtures, both public and private areas.

### **What are the key elements of the Study?**

The Study would review the current City Roadway Lighting practices, design standards and zoning related practices and standards, and will develop standards and/or a lighting ordinance for Dark Sky compliance.

The study could include:

- Evaluation of existing lighting Design Standards and Guidelines.
- Review of Caltrans, US Department of Energy (USDOE), California Energy Commission (CEC), AASHTO and & Federal Highway Administration (FHWA), IDA and IES guidelines and standards for Roadway and Parking Lighting Design consistency with City standards.
- Review of City's Planning, Zoning, and Building standards for private parking lots.
- Recommendations to prepare and adopt a lighting ordinance or lighting design standards that comply with International Dark Sky Association standards.

**Estimated years to complete Study:** 1 year

### **FISCAL IMPACT**

#### **Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Moderate
Funding Required for Non-Budgeted Costs:	\$150,000
Funding Source:	Will seek budget supplement

The cost associated with this Study will be for consultant services, which includes the review of policies, standards and guidelines produced by Caltrans, AASHTO, FHWA, USDOE, CEC, and IDA, City Planning, Building, and Zoning, and, to develop new design standards requiring Dark Sky compliant fixtures. City staff will work with the consultant to determine the feasibility of the project.

#### **Cost to Implement Study Results**

Minimal or no cost expected to implement on a gradual basis through development activity or City-standard replacements; any changes to current practice would be incorporated into existing projects.

### **EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No  
Council Study Session: No  
Reviewed by Boards/Commissions: None

### **STAFF RECOMMENDATION**

Drop. This policy issue does not merit discussion at a Study Issues Workshop.

Current City Standards already include requirements for Dark Sky Compliance; Transportation and

Traffic staff reviews all construction equipment submittals to ensure all fixtures meet this requirement.

The City currently follows internationally and nationally recommended practices and design guidelines in the streetlighting industry for roadway lighting and associated IDA compliance where practical. Compliance with Dark Sky has been achieved for the majority of the City for standard streetlights with the recent retrofits of cobra head High Pressure Sodium (HPS) fixtures to Light Emitting Diodes (LED) technology. Decorative streetlights (approximately 835 Downtown and Peery Park fixture standards) meet IDA standards as the fixtures are cutoff type designed to direct the light to the ground. Parking lot and Exterior lighting also meet IDA as the various City Design Guidelines and Specific Area Plans already include standards for brightness, energy efficiency, pole height, shielding and avoiding glare or direct illumination of any public street or other property

Prepared by: Carmen Talavera, Senior Traffic Engineer

Reviewed by: Dennis Ng, Transportation and Traffic Manager

Reviewed by: Chip Taylor, Director, Public Works

Reviewed by: Trudi Ryan, Director, Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

### **ATTACHMENTS**

1. Excerpts from Various Design Guidelines
2. Typical Conditions of Approval
3. Model Lighting Ordinance (MLO)



## Excerpts from Various Design Guidelines

### Citywide Design Guidelines – Updated 2014

PC-2.9.

#### Lighting.

- a. Brightness. Lighting must provide a minimum average of 0.5 foot candles.
- b. Energy efficiency. High energy- efficient lighting, including LED lighting is encouraged. Lights which interfere with color recognition, such as sodium vapor is discouraged.
- c. Pole Height. Light poles are limited to 8 feet in height for pedestrian and residential areas. Light poles may extend up to 16 feet in height in other areas. Light poles must not exceed the height of the main building.
- d. Shielding. Shield light sources to prevent any glare or direct illumination on public streets or adjacent properties.

### Sunnyvale Municipal Code - Title 19. Zoning

19.42.050. Lights—Restrictions.

Lights, spotlights, floodlights, reflectors, and other means of illumination shall be shielded or equipped with special lenses in such a manner as to prevent any glare or direct illumination on any public street or other property. When adjacent to residential zoning districts, non-residential light standards located within the required setback areas as defined in Section 19.34.030 shall be a maximum of eight feet high. (Ord. 2714-02 § 4; Ord. 2623-99 § 1; prior zoning code § 19.24.040).

### Bird Safe Building Design Guidelines – Adopted January 28, 2014

11. No up lighting or spot lights on site;
12. Ensure all site lighting uses shielded fixtures;
13. Turn building lights off at night or incorporate blinds into window treatment to use when lights are on at night;
14. Create smaller zones in internal lighting layouts to discourage wholesale area illumination

## Parking Structure Design Guidelines – Adopted July 28, 2015

### **Lighting**

- LT-1. Parking garages should utilize full spectrum lighting to increase safety and comfort. The placement of fixtures should be designed to minimize light pollution from the garage.
- LT-2. Utilize shielded fixtures to minimize light pollution and glare from both within and outside the garage.
- LT-3. Design lighting levels for the unique circumstances and location of the garage. Higher levels are recommended for remote areas subject to security considerations (e.g., stairways, elevators and pedestrian access points). In general, minimum lighting levels should be equal to the following illumination levels measured at 30” from the finished floor:

	Horizontal Illumination (footcandles)
Vehicle entrance	40
Vehicle exit	20
Stairwells, exit lobbies	20
Parking areas	
General parking areas	6
Minimum at bumper walls	2
Ramps and corners	
Roof and surface	2
<i>Source: Parking Structures: Planning, Design, Construction, Maintenance and Repair - Second Edition - Chrest/Smith/Bhuyan</i>	

## Toolkit for Mixed-Use Development – Adopted July 2015

PD-4.6

Shield parking lot lighting from adjacent uses.

## Precise Plan for El Camino Real – 2007

### 3.4.7 NEIGHBORHOOD INTERFACES

Design and operate developments along El Camino Real with respect for neighbors in adjacent residential areas.

- a. Neighborhood outreach meetings during design and entitlement of new or rehabilitated developments.
- b. Solid 8-foot wall to separate uses.



- c. Landscaped buffer area of at least 20 feet.
- d. Lighting shielded from residential areas.
- e. Building entrances and illuminated signs oriented away from residential areas.
- f. Location of trash enclosures, generators, compressors and other noise-generating equipment away from residential areas.
- g. Compliance with guidelines for commercial/residential interfaces.

#### 4.1.8 DESIGN SITE LIGHTING TO COMPLEMENT THE ARCHITECTURE AND LANDSCAPING OF THE PROJECT

- a. Limit the height of parking standards to 15 feet. Lower pole heights are encouraged along pedestrian pathways.
- b. Utilize full cutoff fixtures to avoid glare impacts.
- c. Non-essential site lighting should not be illuminated after closing of the on-site business.

#### 4.3.5 DESIGN SITE LIGHTING TO MINIMIZE LIGHT INTRUSIONS ON SURROUNDING RESIDENTIAL AREAS

- a. Use only fully shielded lighting fixtures for all site and building lights to eliminate glare.
- b. Use the minimum amount of wattage and coverage needed to satisfy specific security needs.
- c. Select lighting fixtures which are attractive and complementary to the design of the building
- d. Mount fixtures to the lowest height level consistent with the functional needs of the lighting. In no case should fixtures be mounted at a height greater than 15 feet.
- e. Emphasize low level, uniform lighting to avoid abrupt changes from bright lights to darkness.
- f. Limit the lighting of project signs that are visible from nearby residences to indirect sources. Fixtures should be shielded to avoid direct view of the bulb.
- g. Lighting reduction and energy efficient timer systems are required after normal business hours except for lighting that is needed for general safety and security.

#### 4.6.11 MOUNT SITE LIGHTING ON LOW POLES AND USE SHIELDED FIXTURES

## Public Draft – Lawrence Station Area Plan – February 2015

### Lighting

#### Lighting Goal

- L-G1** Use lighting to create a nighttime environment that:
- Creates a sense of safety and security
  - Is appealing and attractive
  - Meets the functional needs for vehicular and pedestrian circulation
  - Defines specific gateways streets, and subareas
  - Enhances special areas, such as retail districts, parks, and natural features.

#### L-UDG8

Use pole heights that relate to the scale of the street and its users.

- Along pedestrian corridors and retail areas that are pedestrian in scale, mount luminaires on poles not exceeding 15 feet in height.
- On all other streets, mount luminaires on poles not exceeding 20 feet in height.

#### L-UDG9

In situations where light fixtures with a visible light source are desired, provide shielding or directionality to avoid glare into adjacent buildings.

#### Lighting Guidelines

- L-UDG1** As part of the Streetscape Master Plan, prepare a Lighting Master Plan for the Plan area. Include a lighting standard specific to the Plan area in order to create a unique district within the City.
- L-UDG2** Consider Dark Sky goals and requirements in the preparation of the Lighting Master Plan and selection of luminaires during project design.
- L-UDG3** Provide roadway illumination levels that are not excessive, yet adequate for safe vehicle operation at the design speed of the street.
- L-UDG4** Utilize energy-efficient lighting, such as light-emitting diode (LED) bulbs.
- L-UDG5** Use luminaires that provide white light, rather than yellow light, in primary pedestrian retail locations, including San Ysidro Way Extension, Willow Avenue north of Aster and in the Lawrence Station Plaza Area. White light, such as that provided by LED's, renders colors more naturally and attractively than that provided by high pressure sodium (HPS) and similar luminaires, thereby enhancing merchandizing and making the street feel more secure.
- L-UDG6** Consider the use of luminaires that provide white light, on all streets and pedestrian ways in the Plan area.
- L-UDG7** Use poles and fixtures that are attractive and complement the character of the street and building environment.

## Moffett Park Specific Plan - Updated 2013

### Lighting Plan

#### Lighting Plan Required.

An exterior lighting plan is required for new development, subject to the approval of the Director of Community Development. Lighting plans shall include a photometric plan and specific luminary type and pole design.

Required elements of the plan include:

- a. Sodium Vapor or other technology that provides and equivalent level of energy savings.
- b. Provide photo cells for on/off control on all security and area lights.
- c. All exterior security lights shall be equipped with vandal-resistant covers.
- d. Wall mounted fixtures shall not extend above the roof or parapet of the building.
- e. Pole height (including base and fixture) shall not exceed 22 feet in height, an alternative height may be permitted by demonstrating its necessity in order to achieve green building design techniques for energy efficiency and outdoor lighting.

f. Parking areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of the on-site structure(s).

g. Provision of appropriate lighting for artwork, subject to approval of the Art Commission. Up-lighting is discouraged.

h. Lights, spotlights, floodlights, reflectors, and other means of illumination shall be shielded or equipped with special lenses in such a manner as to prevent any glare or direct illumination on any public street or other property. Lighting shall be directed downward when feasible in consideration of preserving a "dark sky."

i. Pedestrian-scaled lighting shall be provided, as appropriate, for the pedestrian areas adjacent to the lighting.

j. Timers and sensors are encouraged to reduce unnecessary level of illumination during off-peak hours of usage.

## Peery Park Specific Plan – Adopted September 20, 2016

### **2.4.2 RESIDENTIAL-FACING FAÇADE REQUIREMENTS**

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#### **A. Façade Design**

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##### **1. Illumination**

a. The following requirements shall apply at all floors above the second story of buildings where visible from adjacent residential neighborhoods within 1,000 feet:

i. Exterior façade ("wall wash") lighting shall not be permitted, e.g. parapet or accent wall lighting.

ii. Shading devices with automatic timers shall be installed over all exposed windows to block exterior display of interior lighting after 8 p.m. and before 7 a.m. every day.

iii. To minimize emission of interior light at exterior windows, ambient room lighting shall be activated/deactivated by room occupancy sensors.

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## **D. Lighting**

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### **1. Height**

- a. To support pedestrian scale, building-mounted area lighting should be a maximum of fourteen (14) feet above finished grade.
  - b. To support pedestrian scale, pole-mounted lighting at plazas, walkways, and entry areas should locate light sources ten to fourteen (10 to 14) feet above finished grade. Taller lighting may be used to accent gateways or as supplementary area lighting.
- 

## Sunnyvale Downtown Specific Plan 2020

**GG-D.11** Light poles on the top level of a parking garage shall not be placed along the exterior walls but located sufficiently inward from the exterior walls so they are not readily visible from the street. The fixtures shall be shielded to avoid up-lighting.

**GG-F.9** Adequate lighting in plazas should be included for evening/nighttime uses and security and should be integrated as design features, to provide ambient lighting. Path lighting may be used to highlight main pedestrian circulation. Pole lighting should be placed adequately and equipped with necessary cut-off fixtures, to prevent light pollution and glare to the adjacent properties.

### **Street Lighting**

**GG-G.21** Street lighting should be compatible in style and aesthetics with the street furnishings in the surrounding environment.

**GG-G.22** Sufficient lighting should be provided to ensure safe pedestrian movement along The Loop and pedestrian priority ways during low light periods.

**GG-G.23** Low brightness lighting fixtures utilizing warm, color-corrected light sources with appropriate beam cut-off are encouraged to minimize uncontrolled nighttime light and glare.

## Typical Conditions of Approval

### EXTERIOR LIGHTING PLAN:

Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for review and approval by the Director of Community Development. Driveway and parking area lights shall include the following:

- a) Sodium vapor (or illumination with an equivalent energy savings).
- b) Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.
- c) Provide photocells for on/off control of all security and area lights.
- d) All exterior security lights shall be equipped with vandal resistant covers.
- e) Wall packs shall not extend above the roof of the building.
- f) Lights shall have shields to prevent glare onto adjacent residential properties. [COA] [PLANNING]

### PHOTOMETRIC PLAN:

Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. The plan shall meet the specifications noted in the Standard Development Requirements. [COA] [PLANNING]

### LIGHTING POLE HEIGHTS:

Pole heights shall not to exceed (POLE HEIGHTS: 8, 15, 24) feet. [COA] [PLANNING]

### LIGHTING SPACING:

Installation of lights at a minimum of 50 feet intervals along all private streets. [COA] [PLANNING]



## Attachment 3

Model Lighting Ordinance (MLO) – Hyperlink  
[Model Lighting Ordinance | International Dark-Sky Association](#)







# City of Sunnyvale

## Agenda Item

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**21-0040**

**Agenda Date: 2/25/2021**

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### **2021 COUNCIL STUDY ISSUE**

#### **NUMBER**

DPW 20-01

**TITLE** Reducing the City of Sunnyvale's Fossil Fuel Infrastructure and Equipment

#### **BACKGROUND**

**Lead Department:** Department of Public Works

**Support Departments:** Office of the City Manager  
Office of the City Attorney  
Environmental Services Department  
Community Development Department

**Sponsor(s):** Sustainability Commission

**History:** 1 year ago: Deferred by Council  
2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

The Climate Action Playbook (adopted August 2019) includes Strategies 2 and 3 to decarbonize buildings and transportation. The Sustainability Commission has proposed that the City should review methods to support these strategies and proactively prepare the City's infrastructure to ensure a transition to decarbonizing the City's facilities, operations, and vehicles. Furthermore, identifying ways to implement targets in the Climate Action Playbook Strategies 2 and 3, also supports Council Policy 1.1.9 - Sustainable Development and Green Buildings, as well as Council Policy 3.7.2 - Reduction of Carbon Dioxide Emissions from City Operations.

##### **What are the key elements of the Study?**

The intent of the Study is to ascertain what would be required to reduce the City's fossil fuel infrastructure and equipment to optimize energy efficiency, electrify buildings and equipment, increase the City fleet with zero-emissions, and decarbonize City buildings.

##### **Key Elements:**

- 1) Identify fossil fuel infrastructure within the City that, under normal circumstances would need preventive maintenance, repair or replacement over the next 30 years to 2050 (the span of the Climate Action Playbook targets). This could include, but is not limited to, underground gasoline fuel tanks and associated equipment for supplying gasoline fleet vehicles (e.g., police, fire, general); natural gas vehicle fleet capital equipment; equipment that uses natural gas (such as for heating buildings and water) at City facilities; and natural gas pipelines feeding City facilities.
- 2) Comprehensively evaluate a pathway for electrifying all City-controlled vehicles, including those under contract (such as recycling/garbage).

- 3) For each category of infrastructure, identify the projected amount of money that would be needed to replace existing or anticipated future infrastructure with new non-fossil fuel options through 2050.
- 4) Develop a plan to phase out (or minimize) fossil fuel use in City operations and use associated savings to calculate costs of alternatives and return on investment. Use current funding to replace existing infrastructure with electric or renewable energy infrastructure in alignment with the Climate Action Playbook priorities.

**Estimated years to complete study:** 2 years

### **FISCAL IMPACT**

#### **Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Moderate
Funding Required for Non-Budgeted Costs:	\$500,000
Funding Source:	Will seek budget supplement

The cost is for consultant services that are necessary to complete the Study. The consultant team will require different levels of expertise including engineering, environmental, and transportation.

#### **Cost to Implement Study Results**

Unknown. Study would include an assessment of potential costs, including capital and operating, as well as revenue/savings.

### **EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: No

Reviewed by Boards/Commissions: Sustainability Commission

### **STAFF RECOMMENDATION**

Defer. This policy issue merits discussion at a future Study Issues Workshop.

Identifying fossil fuel infrastructure and equipment and examining a pathway to electrification is essential for the City to decarbonize its buildings, fleet, and other infrastructure over the next 30 years and achieve the City's Climate Action Playbook targets for Strategies 2 and 3.

City staff is already working on electrifying all new (City-owned) buildings and pool cars. Staff is also investigating the feasibility of replacing the existing compressed natural gas garbage trucks with electric trucks as they come up for replacement as part of the new solid waste collection franchise agreement.

As a part of the City's Climate Action Playbook implementation, the City has immediate plans to begin addressing fossil fuel infrastructure by addressing its end uses, namely use of fossil fuels in buildings and vehicles. Specific next moves that address this are:

- Move 2.D - Electrify municipal buildings upon rebuild or significant remodel, including Civic Center, and
- Move 3.L - Electrify Municipal Fleet as vehicles are replaced and continue to seek incentives for electric vehicles and charging infrastructure.

Addressing the end uses through these moves will facilitate eventual phasing out of fossil fuel infrastructure that serves buildings and the fleet today.

Furthermore, there is a limited or no market for certain types of electric vehicles and equipment, such as police interceptors, backhoes, and fire trucks. All of these may still require ongoing support infrastructure, such as underground fuel tanks, and for the foreseeable future will be dependent on fossil fuel. An evaluation of how all existing buildings can be converted from natural gas to electricity, heavy-duty and public safety vehicles to electric, plus viable options for non-fossil fueled backup generators should wait until technology evolves a bit further. For this reason, staff recommends that this Study Issue be deferred to a later date.

Prepared by: Tamara Davis, Sr. Management Analyst

Reviewed by: Chip Taylor, Director, Public Works

Reviewed by: Ramana Chinnakotla, Director, Environmental Services

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager





# City of Sunnyvale

## Agenda Item

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**21-0028**

**Agenda Date: 2/25/2021**

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### 2021 COUNCIL STUDY ISSUE

#### **NUMBER**

DPW 20-03

**TITLE** Waste Reduction Initiative in Sunnyvale Parks

#### **BACKGROUND**

**Lead Department:** Department of Public Works  
**Support Departments:** Environmental Services Department  
Office of the City Manager  
**Sponsor(s):** Parks and Recreation Commission  
**History:** 1 year ago: Ranked, Below the Line  
2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

By creating opportunities to recycle in public spaces, municipalities can capture more materials for recycling, create and support a culture of recycling, and demonstrate the value of recycling materials. As a City, Sunnyvale has an opportunity to lead efforts to reduce garbage going to the landfill. Recreation Services and Parks staff regularly receive requests from residents and parks users to add recycling capabilities in Sunnyvale parks.

##### **What are the key elements of the study?**

This Study will consider the impact of separating waste (i.e., plastic, aluminum cans, food scraps, etc.) in Sunnyvale's public parks. The Study will analyze the fiscal impacts both operationally and in capital outlay required to separate waste at the park site rather than downstream at the Sunnyvale Materials Recovery and Transfer Station. The Study will also analyze the potential positive benefits, economic and social, of separating park waste on-site rather than further down the stream.

**Estimated years to complete study:** 1 year

#### **FISCAL IMPACT**

##### **Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Moderate
Funding Required for Non-Budgeted Costs:	\$50,000
Funding Source:	Will seek budget supplement

The cost associated with the Study is to hire a waste management consultant to evaluate current practices regarding waste generated in parks and to provide cost estimates to separate recyclables at park sites. The consultant will also be expected to provide feedback on potential benefits of

separating waste at parks. The level of effort is considered moderate as staff and management will be meeting with the consultant to advise on current practices, use of current infrastructure and other various challenges at each park site in the City.

**Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs, including capital and operating, as well as revenue/savings.

**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: Yes

Reviewed by Boards/Commissions: Parks and Recreation Commission

**STAFF RECOMMENDATION**

Support. This policy issue merits discussion at the 2021 Study Issues Workshop.

Staff supports this Study Issue as it directly relates to the City's Policies and Goals:

Policy 3.2.1 Solid Waste Management - Goals and Policies

Goal 3.2E. Minimize potential future City liability for wastes generated in the City.

Goal 3.2F. Maintain sound financial strategies and practices that will enable the City to provide comprehensive solid waste management services to the community while keeping refuse rates at or below countywide averages for cities using cost of service pricing.

Prepared by: Jim Stark, Superintendent of Parks and Golf

Reviewed by: Cherise Brandell, Director, Library and Recreation Services

Reviewed by: Chip Taylor, Director, Department of Public Works

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager



# City of Sunnyvale

## Agenda Item

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**21-0041**

**Agenda Date: 2/25/2021**

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### **2021 COUNCIL STUDY ISSUE**

#### **NUMBER**

DPW 20-05

**TITLE** Evelyn Avenue Multi-Use Trail and Bikeway Study

#### **BACKGROUND**

**Lead Department:** Public Works

**Support Departments:** Office of the City Manager  
Office of the City Attorney

**Sponsor(s):** Bicycle and Pedestrian Advisory Commission

**History:** 1 year ago: Deferred by Council  
2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

This Study will evaluate the potential of installation of a two-way Class I or Class IV bicycle facility on the north side of Evelyn Avenue between Bernardo Avenue and the Caltrain Station.

Evelyn Avenue is a two-lane east-west arterial that extends from the city limits at Mountain View, passes by the Sunnyvale Caltrain Station, through the Sunnyvale downtown district, then continues to Reed Avenue. It is located immediately south of the Caltrain railroad tracks from the western city limits to downtown Sunnyvale. Between the western city limits and Florence Street, and between S. Wolfe Road and Reed Avenue, Evelyn Avenue has a posted speed limit of 35 miles per hour (mph). Through downtown Sunnyvale, Evelyn Avenue has a posted speed limit of 30 mph. Sidewalks are present along both sides of the roadway for most of the corridor, except for the segment between the western city limits and Florence Street, where sidewalk is only present on the south side of the street. Class II bike lanes are present for the entire corridor, and on-street parking is permitted along certain segments of the roadway. There is also a center two-way left turn lane or median island on Evelyn Avenue for almost the entire corridor.

In January 2017, Councilmember Klein (now Mayor Klein) proposed a similar study issue to 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. This Study Issue (DPW 17-12) was co-sponsored by Vice Mayor Larsson (now Councilmember Larsson) and Councilmember Melton. Councilmember Klein discussed this as an opportunity to create a pedestrian and bike friendly connection between Downtown Sunnyvale and Downtown Mountain View and connect two Caltrain Stations. The final categorization in 2017 for this Study Issue was Priority C, meaning the study would only be absorbed in the current year (2017) if capacity presented itself; if not, it would carry forward for City Council consideration in the next Study Issue cycle.

This Study Issue was brought back to City Council for ranking at the 2018 Study Issues Workshop. The City Council voted 7-0 to drop this Study Issue for two reasons: 1) Staff was getting ready to begin the Bicycle Plan Update (currently known as the Active Transportation Plan), and bicycle improvements on Evelyn Avenue would be included in the evaluation; and 2) BPAC had other bicycle improvement priorities in the City. As a result, this Study Issue was dropped at the 2018 Study Issues Workshop.

Staff has completed development and City Council adopted the Active Transportation Plan (ATP) on August 25, 2020, which includes the Bicycle Plan, Pedestrian Safety and Circulation Plan, and the Safe Routes to School Plan. The ATP evaluated the bicycle and pedestrian needs along the Evelyn Avenue Corridor and provided the recommendation of implementing a Class IV facility from Bernardo Avenue to Mathilda Place and upgrading the Class II facility from Frances Street to Deodar Way to Class IIB.

On the eastern end of the corridor, Evelyn Avenue connects to the Lawrence Station Area Plan (LSAP) area via Aster Avenue, and to Santa Clara via Reed Avenue. Both Aster Avenue and Reed Avenue are part of the Lawrence Station Area Plan area, where the City is currently reviewing the potential roadway configuration for the two streets to better serve the land uses in the LSAP. The recommendations provided in the LSAP will be coordinated and consistent with the ATP.

There are two other projects Sunnyvale is currently working on that are in close proximity of Evelyn Avenue:

- **Bernardo Avenue Pedestrian/Bicycle Undercrossing** - Sunnyvale and Mountain View are currently working on a joint project to evaluate the alignment of a pedestrian/bicycle undercrossing under the existing Caltrain railroad track and Central Expressway at Bernardo Avenue. The alignment of the undercrossing ramp on the south side of the railroad tracks would likely be parallel to Evelyn Avenue.
- **Caltrain Grade Separations at Sunnyvale Avenue and Mary Avenue** - Sunnyvale is currently conducting a feasibility study on grade separating the railroad tracks at Sunnyvale Avenue and Mary Avenue. Several alternatives are being evaluated, which includes grade separating Evelyn Avenue from Mary Avenue.

The City of Mountain View developed the Mountain View Transit Center Master Plan in March 2018, where they plan to incorporate a two-way Class IV Cycle Track along the north side of Evelyn Avenue from the eastern end of the Mountain View Transit Center to the Stevens Creek Trail/State Route 85 by removing one westbound travel lane. Eastbound Evelyn Avenue will remain as a two-lane roadway with a Class II bike lane. Between the Stevens Creek Trail and the Mountain View/Sunnyvale city limits, which is approximately one mile in distance, the existing Class II bike lane on both sides of Evelyn Avenue would remain.

Since Evelyn Avenue is identified as a Cross-County Bicycle Corridor in the Santa Clara Valley Transportation Authority (VTA) Countywide Bicycle Plan (May 2018) that connects neighboring cities, it should be evaluated to determine the most appropriate bicycle facilities that are similar to the bike improvements along the corridor.



**What are the key elements of the Study?**

The Study will include a review of existing bicycle usage and future forecasted usage on Evelyn Avenue. It will also evaluate the most appropriate bicycle facilities for each segment of Evelyn Avenue based on roadway widths and travel patterns, and to be consistent with the Complete Streets policy and the recently adopted Vision Zero Plan. The Study will evaluate the feasibility of installing a two-way Class I Multi-Use path on the north side of the roadway between Bernardo Avenue and the Sunnyvale Caltrain Station. This will include the coordination with Caltrain to determine right-of-way constraints. The Study will perform an on-street parking study to determine the existing on-street parking usage and whether on-street parking could be removed. In addition, the Study will evaluate the feasibility of removing the two-way center turn lane and the potential operation impacts to the corridor. The Study will also alternatively study whether a Class IV Bikeway can be constructed along the same stretch in lieu of a Class I facility. The Study will also evaluate other bicycle improvements for locations with right-of-way constraints as well as improvements at the intersections along the corridor. In addition, the Study will evaluate how the proposed Bernardo Avenue undercrossing and the Grade Separations at Sunnyvale and Mary Avenues will interact with the bicycle and pedestrian facilities on Evelyn Avenue. Lastly, the Study will include public outreach to businesses and residents along the Evelyn Avenue Corridor and gather feedback on the preferred bicycle facilities on this corridor. The City will coordinate with the City of Mountain View to determine the feasibility of providing a continuous Class I or Class IV two-way facilities on the north side of Evelyn Avenue at the Sunnyvale/Mountain View city limits.

**Estimated years to complete study:** 2 years

**FISCAL IMPACT****Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Major
Funding Required for Non-Budgeted Costs:	\$ 350,000
Funding Source:	Will seek budget supplement

The cost associated with this Study would be for consultant services to perform the Study as listed under the Key Elements of the Study. City staff will work with the consultant throughout the process in the development of parking study, the recommended improvements, as well as the public outreach efforts.

**Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs, including capital and operating, as well as revenue/savings for recommended improvements that are within the public right-of-way.

**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: Yes

Council Study Session: Yes

Reviewed by Boards/Commissions: Bicycle and Pedestrian Advisory Commission

**STAFF RECOMMENDATION**

Drop. This policy issue does not merit discussion at a Study Issues Workshop.

The ATP was approved by City Council on August 25, 2020, which identified a Class IV Separated Bikeway on Evelyn Avenue between Bernardo Avenue and Mathilda Place as a future bikeway

improvement. The recommended improvement in the ATP is consistent with the improvement as suggested in this Study Issue.

On Evelyn Avenue between Mathilda Place and the Sunnyvale Caltrain Station, given that there are existing trees in the median and bridge structure columns on the north side of the street, the road cannot be reconfigured to install a Class I or Class IV bicycle facility, and therefore, no additional bicycle improvements were identified in the direct vicinity on Evelyn Avenue.

Prepared by: Lillian Tsang, Principal Transportation Engineer

Reviewed by: Dennis Ng, Transportation and Traffic Manager

Reviewed by: Chip Taylor, Director, Public Works

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager



# City of Sunnyvale

## Agenda Item

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21-0032

Agenda Date: 2/25/2021

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### 2021 COUNCIL STUDY ISSUE

#### **NUMBER**

DPW 20-11

**TITLE** Evaluate Feasibility of Dog Off-leash Hours in Select Sunnyvale Park(s)

#### **BACKGROUND**

**Lead Department:** Department of Public Works

**Support Departments:** Office of the City Manager  
Office of the City Attorney  
Library and Recreation Services

**Sponsor(s):** Parks and Recreation Commission

**History:** 1 year ago: Ranked, Below the Line  
2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

A group of residents attended City Council (February 27, 2020) and Park and Recreation Commission (October 9, 2019; November 13, 2019; January 8, 2020; and February 11, 2019) meetings, requesting off-leash dog hours at one or more City parks. Residents suggested that City parks should have specified hours during the day where the public can let their dogs run off-leash in selected areas. Some of the benefits of increasing accessibility of off-leash dog parks included: promoting good canine health and socialization; building community and decreasing travel to remote dog parks.

Nearby cities, such as Mountain View and Foster City, currently provide off leash dog hours in selected City Parks. Cupertino is currently doing a 10-month off-leash dog area trial at Jollyman Park which was scheduled to end on July 31, 2020. Due to the COVID-19 pandemic and Shelter-In-Place orders, the trial was ceased from March 24 to June 4, 2020. The City of Cupertino decided to extend the trial to June 30, 2021 to acquire sufficient data and extended the hours of the park to an hour before sunrise and an hour after sunset. Residents highlighted these examples during public comment at both Park and Recreation Commission and City Council meetings.

##### **What are the key elements of the Study?**

This Study will consider the impact of allowing off-leash dogs during specified hours in City parks. In addition to analyzing the positive benefits of allowing dogs to be off-leash, the Study will analyze the potential effect on other park users, such as soccer and little league baseball, the effect on park maintenance and exposure to potential legal liabilities for both the City and residents. The Study will also provide recommendations related to best practices for allowing off-leash dog areas in City parks

(i.e., rules, park location, hours, etc.) including a possible pilot project.

Completion of this Study will provide data to assist in evaluating the feasibility of allowing off-leash dog hours in Sunnyvale parks.

**Estimated years to complete study:** 1 year

### **FISCAL IMPACT**

#### **Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Moderate
Funding Required for Non-Budgeted Costs:	\$75,000
Funding Source:	Will seek budget supplement

The cost associated with the Study is to hire a consultant to conduct the feasibility study. The level of effort is considered moderate as staff will be facilitating public outreach, meeting with the consultant to advise on current and past practices, reviewing park locations and history and making any necessary changes to the Sunnyvale Municipal Code. The Study would also include an assessment of potential costs including operating and capital.

#### **Cost to Implement Study Results**

Unknown. Study would assess potential costs.

### **EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: Yes

Reviewed by Boards/Commissions: Parks and Recreation Commission

### **STAFF RECOMMENDATION**

Support. This policy issue merits discussion at the 2021 Study Issues Workshop.

Currently, the only public areas in the City where dogs are allowed off-leash are the fenced in dog parks at Las Palmas Park and Seven Seas Park. The Study will give City staff and City Council the necessary information to determine if they want to move forward with allowing dogs to be off leash during certain hours at select City parks.

Previously in 2013, the feasibility of off-leash alternatives was looked at as part of *Study Issue DPW 13-14 Feasibility of Establishing Additional Dog Parks and Alternatives in Sunnyvale's Park System*. On July 23, 2013 City Council considered this item in RTC No. 13-178 *Discussion and Possible Action Regarding Feasibility of Establishing Additional Dog Parks and Off-Leash Alternatives in Sunnyvale's Park System and Budget Modification No. 2*. City Council voted in favor of Alternative 1 - Approve Budget Modification No. 2 to appropriate \$100,000 from the Park Dedication Fund in FY 2013/14 for the purpose of making improvements to Las Palmas Dog Park, including the addition of natural grass and a separate area for small dogs. Council also approved Alternative 2 - Approve inclusion of new dog parks at Lakewood and Fair Oaks Parks as part of the scope of work for the approved major renovation capital projects at each site in the Park Dedication Fund 20-year plan. However, Council did not approve Alternative 3 which would have directed staff to amend the Sunnyvale Municipal Code to allow dogs off-leash at designated locations and times in Sunnyvale's

Park system and establish rules for such under the authority of the Director of Public Works. At that time, there were concerns from a risk management and liability perspective that unfenced, off-leash options posed a substantial risk due to the unpredictability of dog behavior. Many residents that frequently use parks also opposed having off-leash areas, based on negative experiences with off-leash dogs.

Since there are new pilot and trial studies in nearby cities, the data from those studies would help provide additional information for this analysis that may be different from the previous analysis in 2013.

Prepared by: Jim Stark, Superintendent of Parks

Reviewed by: Damon Sparacino, Superintendent of Recreation Services

Reviewed by: Cherise Brandell, Director, Library and Recreation Services

Reviewed by: Chip Taylor, Director, Public Works Department

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager





# City of Sunnyvale

## Agenda Item

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21-0038

Agenda Date: 2/25/2021

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### 2021 COUNCIL STUDY ISSUE

#### **NUMBER**

DPW 20-12

**TITLE** Roadway Safety at El Camino Real and Poplar Avenue

#### **BACKGROUND**

**Lead Department:** Department of Public Works

**Support Departments:** Office of the City Manager  
Office of the City Attorney

**Sponsor(s):** Councilmembers: Melton, Goldman, Smith, Fong, Klein

**History:** 1 year ago: Ranked, Below the Line  
2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

El Camino Real (State Route 82) is a six-lane divided arterial that extends from the city limits at Mountain View to the city limits at Santa Clara. The roadway is a regionally significant arterial corridor with primarily retail and commercial land uses along the corridor, but there are changes underway to consider more residential developments along the corridor. El Camino Real is owned and operated by the State of California.

Petersen Middle School is located one block south of the intersection of El Camino Real and Poplar and students regularly cross through the intersection. The City has adopted a Vision Zero Plan but does not include the intersection of El Camino Real/Poplar Avenue as part of the priority improvement locations or part of the critical network. The City's Active Transportation Plan was recently approved by City Council, which includes a Safe Routes to School and Bicycle plan at the intersection of El Camino Real and Poplar Avenue.

##### **What are the key elements of the Study?**

The Study will include a review of collisions, existing sight distances, lighting levels, traffic volumes, corridor operations, the City's Active Transportation Plan (Bicycle Master Plan, Pedestrian Circulation Plan and Safe Routes to School Plan) and El Camino Real Corridor Specific Plan. The principles and practices described in the City's Vision Zero Plan will be used as part of the Study. The Study could lead to specific safety improvements at the intersection; some examples may be: curb bulbouts, protected left turn movements, signal timing improvements, sharrows on Poplar Avenue, high visibility crosswalks, advanced limit lines or advance warning signs. As the Study involves the intersection of El Camino Real at Poplar Avenue, the City will coordinate the Study with Caltrans. Coordination and outreach will also be included with Santa Clara Unified School District, Peterson Middle School, the surrounding neighborhood and public. The Study will not include the establishment of a school speed limit, as Caltrans determines the safest and most appropriate speed

limit for the roadway based on the California Vehicle Code and the California Manual for Uniform Traffic Control Devices. However, Caltrans has recently lowered the speed limit on El Camino Real throughout Sunnyvale from 40 MPH to 35 MPH.

**Estimated years to complete Study:** 1 year

### **FISCAL IMPACT**

#### **Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Moderate
Funding Required for Non-Budgeted Costs:	\$125,000
Funding Source:	Will seek budget supplement

The cost associated with the Study would be for consultant services to perform the Study as described under the Key Elements of the Study, as well as to conduct community outreach activities and to coordinate with Caltrans staff. City staff will work with the consultant throughout the project process in development of the Study, recommended improvements, coordination with Caltrans and public outreach efforts.

#### **Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs, including capital and operating, as well as revenue/savings.

### **EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: No

Reviewed by Boards/Commissions: N/A

### **STAFF RECOMMENDATION**

Drop. This policy issue does not merit discussion at a future Study Issues Workshop.

Caltrans recently reviewed the intersection of El Camino Real at Poplar Avenue for operational improvements including modifications to signing and striping. They implemented signal timing improvements such as Leading Pedestrian Intervals, all-red intervals and increased pedestrian walk and don't walk times. Caltrans has also installed school warning and pedestrian yield signs and changed the crosswalks crossing El Camino Real to high visibility crosswalks. In addition, the City is currently in the process of implementing a quick build project to establish a pedestrian area on the east side of Poplar Avenue to improve student access to Peterson Middle School. Finally, the City has completed the Active Transportation Plan, which identified improvements for Poplar Avenue from a pedestrian and bicyclists perspective and streets surrounding Peterson Middle School from a Safe Routes to School perspective. Through the Active Transportation Plan, operational efforts by staff and discussions with the Santa Clara Unified School District, additional improvements in the school area may be developed and implemented.

Prepared by: Dennis Ng, Transportation and Traffic Manager

Reviewed by: Chip Taylor, Director, Public Works

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager





# City of Sunnyvale

## Agenda Item

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**21-0039**

**Agenda Date: 2/25/2021**

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### **2021 COUNCIL STUDY ISSUE**

#### **NUMBER**

DPW 20-13

**TITLE** Lighting of Current and Future City Owned Dog Parks

#### **BACKGROUND**

**Lead Department:** Department of Public Works

**Support Departments:** Office of the City Manager

Office of the City Attorney

**Sponsor(s):** Councilmembers: Fong, Melton, Larsson, Klein

**History:** 1 year ago: Ranked, Below the Line

2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

The City of Sunnyvale has two fenced dog parks (Las Palmas and Seven Seas) where dogs may be off leash. Neither of these dog parks have lighting. Due to the lack of lighting, especially during daylight savings, the dog parks become quite dark in the evening and early morning hours. There has been a desire by some members of the community to have additional hours at the dog park, which would require lights to be installed. However, the addition of hours at the park and installation of lighting to the dog parks may raise concerns from adjacent neighbors and environmentalists due to the increase of activity and artificial lighting during nighttime hours.

##### **What are the key elements of the Study?**

The scope of the Study would include the evaluation of adding lights at both existing and future dog parks located within Sunnyvale. The Study would evaluate the Policy and Park rules related to activities after sunset, when the parks currently close and what policies and rules would need to be modified to accommodate activities if the City added lighting. The Study would look at the impacts including but not limited to, public safety, nearby residents and nighttime light pollution. The Study would also evaluate different types of options for lighting the dog parks and the pathways from the parking lots and other areas to the dog parks. For example, aside from pathway lighting, Las Palmas Park does not have lights for the athletic field nor the passive use areas of the Park. The Las Palmas Tennis Center adjacent and to the north of the dog park is a lit facility until 10:00 p.m. Seven Seas Park, which includes the City's second dog park, only has pathway lighting, which is consistent with its status as a neighborhood serving park. Both Las Palmas Park and Seven Seas Park have adjacent residential housing that may be impacted by new dog park lighting. Different types of lighting will be considered (i.e., solar, motion sensor, etc.). The Study will not evaluate the potential need for additional dog parks or on/off lease as it relates to policy or the Sunnyvale Municipal Code.

**Estimated years to complete Study: 1 year**

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**FISCAL IMPACT****Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Moderate
Funding Required for Non-Budgeted Costs:	\$50,000
Funding Source:	Will seek budget supplement

Costs would include hiring a consultant to conduct an analysis and community outreach of the impact of lighting at current and future dog parks as it relates to public safety, impact to nearby residents, environmental concerns, quality of life and other potential impacts that may arise.

**Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs, including capital and operating, as well as revenue/savings.

**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: No

Reviewed by Boards/Commissions: No

**STAFF RECOMMENDATION**

Support. This policy issue merits discussion at the 2021 Study Issues Workshop.

With the increase in Sunnyvale's resident population there has also been an increase in dog park usage. Lighting the City's dog parks would increase the time residents have to use the City's dog parks. Concerns regarding the impact to quality of life for nearby neighbors, environmental concerns and fiscal impact will also need to be addressed.

Prepared by: Jim Stark, Superintendent of Parks  
Reviewed by: Chip Taylor, Director, Public Works  
Reviewed by: Teri Silva, Assistant City Manager  
Approved by: Kent Steffens, City Manager



# City of Sunnyvale

## Agenda Item

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**21-0047**

**Agenda Date: 2/25/2021**

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### **2021 COUNCIL STUDY ISSUE**

#### **NUMBER**

DPW 21-03

**TITLE** Pedestrian and Bicycle Facility Installation on Tasman Drive from Fair Oaks Avenue to Lawrence Expressway

#### **BACKGROUND**

**Lead Department:** Public Works

**Support Departments:** Office of the City Manager

Office of the City Attorney

**Sponsor(s):** Bicycle and Pedestrian Advisory Commission

**History:** 1 year ago: N/A  
2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

Tasman Drive is designated as a collector street and spans west to east from Morse Avenue in Sunnyvale through Santa Clara and San Jose to Interstate 880 in Milpitas. On the segment of Tasman Drive between Fair Oaks Avenue and Lawrence Expressway in Sunnyvale, the road consists of four lanes (two lanes in each direction) with light rail tracks and stations in the median and left-turn pockets at intersections. Tasman Drive in the study area has a speed limit of 40 MPH and has no bicycle lanes or continuous sidewalk segments. For sections without sidewalks, there is a narrow landscape strip with trees. The segment serves as vehicle access to the Casa de Amigos and Plaza del Rey mobile home communities at Vienna Drive. There is also a shopping center on the northeast corner of Fair Oaks Avenue and Tasman Drive.

There are limited convenient travel options for pedestrians on the study segment. This section of Tasman Drive lacks continuous sidewalks although it has several sidewalk segments. There is one sidewalk segment on the north side of Tasman Drive from Fair Oaks Avenue to approximately 600 feet east of Fair Oaks Avenue. This segment ends approximately 850 feet from the west driveway entrance of Casa de Amigos and 2,500 feet from the Vienna Drive intersection. At the Vienna Drive and Tasman Drive intersection there are sidewalks on all four corners leading to curb ramps and crosswalks across all four legs of the intersection. The crossings allow pedestrians to access the Vienna Drive light rail station in the Tasman Drive median and to cross all intersection approaches. There are no other sidewalk facilities on the north side to Lawrence Expressway. On the south side of Tasman Drive, there are two sidewalk segments. One of the sidewalk segments is from Fair Oaks Avenue and ends midblock approximately 1,650 east of Fair Oaks Avenue and 1,450 feet west of the Vienna Drive intersection. The second sidewalk segment is located from Vienna Drive to Lawrence Expressway. Pedestrians on segments without sidewalk facilities will have to walk on the roadway

shoulder.

The study segment does not have any bicycle facilities. In the vicinity of the study segment, there are Class II bicycle lanes on Tasman Drive west of Fair Oaks Avenue and east of Reamwood Avenue approximately 2,000 feet east of Lawrence Expressway. For bicyclists traveling on the study segment, they can travel within the vehicle lane or shoulder.

The constrained roadway width and right-of-way of the study segment limit the pedestrian and bicycle improvement options. Any improvements to pedestrian and bicycle facilities will probably affect the existing travel lanes. In the late 1990's as part of the Santa Clara Valley Transportation Authority (VTA) Light Rail Train (LRT) construction from Santa Clara through Sunnyvale to Mountain View, Tasman Drive was widened to accommodate the LRT. During the design process it was decided that sidewalks and bicycle lanes could not be accommodated along Tasman Drive without removal of the remaining heritage trees and purchasing mobile home properties on both sides of Tasman in order to accommodate relocation of the sound walls.

### **What are the key elements of the Study?**

The Study will include the necessary elements to evaluate the removal of a travel lane in both directions of Tasman Drive between Fair Oaks Avenue and Lawrence Expressway to install pedestrian and bicycle facilities.

The scope of work will include a geometric survey, traffic safety analysis, traffic capacity and queueing analysis, level of service analysis, public outreach, and a design of conceptual improvement plans. The geometric survey will be used to determine the possible pedestrian and bicycle facility improvement options for Tasman Drive. The traffic safety analysis will be used to determine what modifications are warranted and to include modifications that would address existing traffic safety issues, if any. The traffic capacity, queueing and level of service analysis will be used to determine how any proposed modifications affect or impact existing and future vehicle traffic including, but not limited to, the VTA Congestion Management Program (CMP) intersection at Lawrence Expressway and Tasman Drive that is operated and maintained by Santa Clara County and monitored by the VTA. Public outreach will be conducted to determine the amount of public support for any proposed modifications. Finally, draft concept plans will be developed to demonstrate how any proposed improvements could be implemented including traffic calming features suitable for a Collector Street such as speed feedback signs.

In addition, if the project is implemented, an "after construction" speed survey will be conducted to set new speed limits, if warranted. The speed survey will be required to set enforceable speed limits based on 85th percentile speeds and the analysis included in the speed survey.

**Estimated years to complete study: 2 years**

### **FISCAL IMPACT**

#### **Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Major
Funding Required for Non-Budgeted Costs:	\$200,000
Funding Source:	Will seek budget supplement

The cost associated with this Study would be for consultant services to perform the study as listed under the Key Elements of the Study. City staff will work with the consultant throughout the project process including the analysis and the development of recommendations, as well as the public outreach efforts.

**Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs, including capital and operating, as well as revenue/savings.

**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: No

Reviewed by Boards/Commissions: Bicycle and Pedestrian Advisory Commission

**STAFF RECOMMENDATION**

Drop. This policy issue does not merit discussion at a Study Issues Workshop.

The VTA is in the process of completing the Tasman Drive Complete Streets Corridor Study. The Study is evaluating the possibility of implementing improvements to Tasman Drive that would address bicycle and pedestrian access and comfort levels along the entire corridor within the cities of Milpitas, San Jose, Santa Clara and Sunnyvale. This would include how to address sidewalk and bicycle facility gaps along the corridor, connections to various destinations along Tasman Drive, bicycle and pedestrian crossings across Tasman Drive, intersection improvements, improving access to transit (bus and light rail) stations, and possible parallel multimodal facilities. The Study is currently anticipated to be finalized in early to mid-2021. Staff is working with VTA staff to present the Study to City Council for comments and review prior to adoption by the VTA Board of Directors. Then subsequently VTA staff will coordinate with local agency staff on any subsequent studies of alternatives, new revisions, identification of funding opportunities and implementation.

In addition, the roadway is too narrow to implement pedestrian and bicycle facilities without removing a travel lane. This will affect the intersection operation at Lawrence Expressway and Tasman Drive, which is maintained and operated by Santa Clara County. Also, the intersection is included in the Congestion Management Program, which is monitored by VTA. Any modifications on Tasman Drive that affect the number of travel lanes will need to be coordinated with both Santa Clara County and the VTA.

Finally, due to the Covid-19 global pandemic, traffic levels have decreased from pre-pandemic levels. If the traffic study is conducted during a time when traffic is reduced it may not accurately reflect the traffic capacity needs of the roadway.

Prepared by: Ralph Garcia, Senior Transportation Engineer

Reviewed by: Dennis Ng, Transportation and Traffic Manager

Reviewed by: Chip Taylor, Director, Public Works

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager





# City of Sunnyvale

## Agenda Item

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**21-0198**

**Agenda Date:** 2/25/2021

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### 2021 COUNCIL STUDY ISSUE

#### **NUMBER**

DPW 21-04

**TITLE** Complete Missing Gaps of Sidewalk on East Side of Poplar Avenue between El Camino Real and Peterson Middle School

#### **BACKGROUND**

**Lead Department:** Department of Public Works

**Support Departments:** Office of the City Manager

Office of the City Attorney

**Sponsor(s):** Councilmembers: Melton, Klein, Fong, Cisneros, Din

**History:** 1 year ago: N/A  
2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

Poplar Avenue between Peterson Middle School and El Camino Real is a two-lane local road. It is located within the Raynor Park neighborhood, which was previously annexed from the County of Santa Clara. At the time of the annexation in the 1970s, the residents of Raynor Park expressed a desire to retain the rural character of the neighborhood; therefore, there is currently no sidewalk on either side of the road for the majority of the segment, except for locations where redevelopments occurred and sidewalk was installed as part of the redevelopments. In addition to the various segments of sidewalk already in place, a new segment will be installed in 2021 as part of an adjacent development that egresses at 1316 Poplar. There are no existing bicycle facilities on Poplar Avenue.

Peterson Middle School is located at the southern terminus of Poplar Avenue. It is a neighborhood serving public school with approximately 900 students between Grades 6 to 8. Based on the 2018 Safe Routes to School Education Program Hand Tally survey performed at the school, approximately 22% of the students walk to school, and 16% of the students bike to school. There is a secure bicycle parking corral on the east side of Poplar Avenue at Rosalia Avenue.

In May 2019, as part of the development of the Active Transportation Plan (ATP), the project team conducted a School Walk Audit at Peterson Middle School during school dismissal with the school vice principal, school staff, parents, and city staff. The objective of the School Walk Audit was to understand the areas of concern for students walking and bicycling to school, and for the project team to identify priority infrastructure improvements in the school vicinity to produce a safer walking and bicycling environment for students.

Rosalia Avenue/Poplar Avenue provides one-way vehicular access to the primary drop-off/pick-up

area along the school frontage, therefore, all vehicles exiting the drop-off/pick-up area would travel northbound along Poplar Avenue. Since there is no existing sidewalk nor bicycle facilities on Poplar Avenue, it was observed during the School Walk Audit that students would walk or bike in the vehicular lanes of Poplar Avenue.

In the ATP, the proposed improvements on Poplar Avenue include conducting a study for the removal of on-street parking on one side of the street, and filling in the sidewalk gap, which might consist of a pedestrian/ bicycle path with delineators or implementation of a permanent sidewalk installation.

Staff is currently working with the Santa Clara Unified School District (SCUSD), school administration, Parent Teacher Association, and Poplar residents/property owners to implement quick build improvements to provide a walk/bike area for students during school hours where there currently is no permanent sidewalk. The improvements would include striping in a double yellow centerline, shoulder stripes on both sides of Poplar Avenue and a school crosswalk crossing Bryant Way. Staff has conducted outreach to determine neighborhood/property owner support to prohibit on-street parking on school days from 7:30 a.m. to 3:30 p.m. in order to provide a walking/biking area for students going to and departing from school. The Metropolitan Transportation Commission (MTC) will be releasing a grant call for projects for quick build bicycle and pedestrian improvements in February 2021, which staff intends to submit this project for potential funding for implementation.

### **What are the key elements of the Study?**

The Study will include a topographical land survey to identify the existing right-of-way and utilities on this corridor, and any potential drainage issues. The Study will prepare a conceptual design for permanent sidewalks along Poplar Avenue from El Camino Real to convenient entry points to Peterson Middle School. The Study will prepare a preliminary cost estimate for final design and construction costs. The principles and practices described in the City's Vision Zero Plan and ATP will be used as part of the Study. Coordination and outreach will also be included with SCUSD, Peterson Middle School, the surrounding neighborhood and public.

**Estimated years to complete study:** 1.5 years

### **FISCAL IMPACT**

#### **Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Moderate
Funding Required for Non-Budgeted Costs:	\$ 75,000
Funding Source:	Will seek budget supplement

The cost associated with the Study would be for consultant services to perform the Study as described under the Key Elements of the Study, as well as to conduct community outreach activities and to coordinate with SCUSD, Peterson Middle School and the surrounding neighborhood. City staff will work with the consultant throughout the project process in development of the Study, recommended improvements, coordination with the school district and the school and public outreach efforts.

#### **Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs, including capital and operating, as well as revenue/savings.



**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: No

Reviewed by Boards/Commissions: N/A

**STAFF RECOMMENDATION**

Defer. This policy issue merits discussion at a future Study Issues Workshop.

Staff has learned that MTC will administer a grant for projects involving quick build pedestrian and bicycle improvements and the call for projects will be in February 2021. Staff intends to apply for funding from this grant to implement quick build improvements for sidewalk and bicyclists at this location. The study issue should be reconsidered after the City knows if the grant application was successful.

Prepared by: Lillian Tsang, Principal Transportation Engineer

Reviewed by: Dennis Ng, Transportation and Traffic Manager

Reviewed by: Chip Taylor, Director, Public Works

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager





# City of Sunnyvale

## Agenda Item

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21-0199

Agenda Date: 2/25/2021

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### 2021 COUNCIL STUDY ISSUE

#### **NUMBER**

DPW 21-05

**TITLE** Pedestrian Improvements on Marion Way between Norman Drive and Oriole Avenue

#### **BACKGROUND**

**Lead Department:** Department of Public Works

**Support Departments:** Office of the City Manager  
Office of the City Attorney

**Sponsor(s):** Councilmembers: Melton, Cisneros, Din

**History:** 1 year ago: N/A  
2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

Marion Way between Norman Drive and Oriole Avenue is a two-lane residential collector road. It is located within the Raynor Park neighborhood, which was previously annexed from the County of Santa Clara. At the time of the annexation in the 1970s, the residents of Raynor Park expressed a desire to retain the rural character of the neighborhood; therefore, there is currently no sidewalk on either side of this segment of Marion Way. Marion Way is an existing Class III Bicycle Route, which is a signed bike route where people biking share the roadway with motor vehicles commonly referred to as "sharrows".

Peterson Middle School is located approximately 60 feet east of the intersection on Marion Way and Oriole Avenue. It is a neighborhood serving a public school with approximately 900 students between Grades 6 to 8. Based on the 2018 Safe Routes to School Education Program Hand Tally survey performed at the school, approximately 22% of the students walk to school, and 16% of the students bike to school. Laurelwood Elementary School is located approximately ½ mile from the intersection of Marion Way and Oriole Avenue. It is a neighborhood serving public school with approximately 650 students between Grades K to 5. Based on the 2018 Safe Routes to School Educational Program Hand Tally survey performed at the school, approximately 26% of the students walk to school, and 9% of the students bike to school.

Students attending Laurelwood Elementary School or Peterson Middle School who live northwest of the intersection of Marion Way and Oriole Avenue walk or bike along Marion Way to and from school. However, since there are currently no sidewalks on Marion Way between Norman Drive and Oriole Avenue, students walk on the unpaved pathway on either side of Marion Way. Occasionally there are parked vehicles on the unpaved pathway, therefore, students might need to maneuver around them and travel on the roadway section. Additionally, there is a constrained area adjacent to the

school entrance where the pathway may not meet American Disabilities Act (ADA) clearance due to the convergence of a private homeowner fence and the roadway curbing.

In March 2020, as part of the development of the Active Transportation Plan (ATP), the project team had a meeting with Santa Clara Unified School District (SCUSD) to discuss the potential improvements near the two schools. SCUSD staff suggested that the installation of sidewalks and bike lanes along Marion Way between Norman Drive and Oriole Avenue would be beneficial for students attending either Laurelwood Elementary School or Peterson Middle School in creating a safer walking and bicycling environment for students.

In the ATP, the proposed improvements for this segment of Marion Way includes filling in the short sidewalk gap of approximately 170 feet on the north side of Marion Way. This improvement could be either a roadway shoulder improvement or an implementation of a permanent sidewalk installation.

The Metropolitan Transportation Commission (MTC) will be releasing a grant call for projects for quick build bicycle and pedestrian improvements in February 2021, which staff intends to submit this project for potential funding for implementation.

### **What are the key elements of the Study?**

The Study will include a topographical land survey to identify the existing right-of-way and utilities on this street segment, and any potential drainage issues. The Study will also include the development of active transportation improvements along Marion Way between Norman Drive and Oriole Avenue and prepare conceptual design of the improvements. The Study will prepare a preliminary cost estimate for final design and construction costs. The principles and practices described in the City's Vision Zero Plan and ATP will be used as part of the Study. Coordination and outreach will also be included with SCUSD, Peterson Middle School, Laurelwood Elementary school, the surrounding neighborhoods and public.

**Estimated years to complete study:** 1.5 years

### **FISCAL IMPACT**

#### **Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Moderate
Funding Required for Non-Budgeted Costs:	\$ 60,000
Funding Source:	Will seek budget supplement

The cost associated with the Study would be for consultant services to perform the Study as described under the Key Elements of the Study, as well as to conduct community outreach activities and to coordinate with SCUSD, Peterson Middle School, Laurelwood Elementary School, and the residents in the nearby neighborhood. City staff will work with the consultant throughout the project process in development of the Study, recommended improvements, coordination with the school district and the schools and public outreach efforts.

#### **Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs, including capital and operating, as well as revenue/savings.

**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: No

Reviewed by Boards/Commissions: N/A

**STAFF RECOMMENDATION**

Defer. This policy issue merits discussion at a future Study Issues Workshop.

Due to the COVID-19 global pandemic, schools are not in session, therefore, we will not be able to conduct data collection of the number of children walking or bicycling to school. In addition, the Metropolitan Transportation Commission (MTC) will administer a grant for projects involving quick build pedestrian and bicycle improvements and the call for projects will be in February 2021. Staff intends to apply for funding from this grant to implement quick build improvements for sidewalk paths at this location.

Prepared by: Lillian Tsang, Principal Transportation Engineer

Reviewed by: Dennis Ng, Transportation and Traffic Manager

Reviewed by: Chip Taylor, Director, Public Works

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager



2021 Study/Budget Issues Workshop  
Summary Worksheet: Study Issues Proposed for Council Consideration

Version: 2/11/2021

#	Title	Required Staff Effort	Cost of Study	Cost to Implement*	B/C Rank	Dept. Rank
ESD 17-01	Eliminate the Use of Chemical Pesticides on City Owned or Leased Property	Major	\$ 100,000	Unknown	SC - 1 PRC- 4	<b>1</b>

\*Indicates whether there will be a 1-time capital cost and/or ongoing annuals costs upon implementation.  
See Study Issue Paper for detail.







**2021 Study Issues Workshop**  
**Status Report: Continuing and Completed Study Issues**  
**Environmental Services**

**ESD**

**Continuing Study Issues**

<b>Number</b>	<b>Study Issue and Status</b>
ESD 19-01	<b>Single Use Plastics Strategy</b> <i>Draft study under review; Anticipate presenting to Sustainability Commission in March 2021.</i>

**Completed Study Issues**

<b>Number</b>	<b>Study Issue</b>	<b>Date Completed</b>
	<i>n/a</i>	





# City of Sunnyvale

## Agenda Item

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21-0084

Agenda Date: 2/25/2021

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### 2021 COUNCIL STUDY ISSUE

#### **NUMBER**

ESD 17-01

**TITLE** Eliminate the Use of Chemical Pesticides on City Owned or Leased Property

#### **BACKGROUND**

**Lead Department:** Environmental Services

**Support Departments:** Office of the City Manager  
Office of the City Attorney  
Public Works  
Library and Community Services

**Sponsor(s):** Sustainability Commission

**History:** 1 year ago: Ranked, Budget Supplement Not Approved  
2 years ago: Deferred by Council

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

The Sustainability Commission raised concerns that using chemicals to control weeds and pests may contaminate water and soil leading to negative long-term impacts to human health and non-targeted species (e.g., bees, aquatic life, birds, pets, and beneficial insects).

##### **What are the key elements of the Study?**

The purpose of this Study is to evaluate the effectiveness of the City's current Integrated Pest Management (IPM) Policy (Administrative Policy Manual, Chapter 6, Article 12), levels of pesticide use on City property, assess community support for eliminating pesticide use on City property and identify the potential impact on City operations. Additionally, the Study will also consider opportunities for educating residents about chemical pesticide alternatives.

Key Study elements include:

- Identify current costs to the City for purchasing and applying pesticides (i.e., insecticides, herbicides, fungicides and rodenticides) that are covered in the IPM Plan. Separately identify costs of "Pesticides of Concern" and other chemical pesticides (for example glyphosate) used that are not on the 'concern' list. Identify expected net costs of further reducing and eliminating all pesticide use on City property (e.g., increased cost of mechanical weed removal, physical barriers, etc. as prescribed in the IPM plan minus savings from not purchasing pesticides, using mulch etc.).
- Identify benefits to community and environment. These will not be monetized since it is beyond the scope of this Study to assess the value of environmental benefits.
- Identify cost of a pilot study in selected parks or City properties to measure costs/savings in a

real application.

- Study cost of implementing a public outreach program to encourage pesticide elimination at homes, schools and businesses and provide information on alternative control means.
- Through a survey of residents and businesses, identify level of awareness and concern by the public on this topic and the desire for the City to devote attention to further pesticide reduction and eventual elimination.
- Benchmark and monitor progress of other cities in the region who have undertaken similar actions.
- Review the City's IPM Policy (effective June 1, 2010) and consider cost/benefit to:
  1. Provide public notification prior to the application of pesticides in public areas;
  2. Add reporting measures to allow the public to be informed on the quantities of each chemical pesticide used by the City (or associated contractors) on an annual basis;
  3. Eliminate use of specific synthetic pesticides that have significant known human toxicity and ecotoxicity impacts; and
  4. Eliminate use of synthetic pesticides within a certain distance of playgrounds and creeks/channels where they may pose a threat to human health and water quality.

**Estimated years to complete Study:** 1 year

### **FISCAL IMPACT**

#### **Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Major
Funding Required for Non-Budgeted Costs:	\$100,000
Funding Source:	Would seek budget supplement

The Study would be completed with a mix of staff time and additional consultant services as follows:

- DPW is responsible for landscape management including the application of pesticides and herbicides on City property.
- ESD, with support from DPW, will take the lead in evaluating the public outreach aspects of the study and complete a survey of residents and businesses.
- The consultant, with management from ESD and support from DPW staff, will survey and monitor what other cities in the area have undertaken for similar projects, complete a cost analysis for current practices and possible changes, and identify options for a pilot project and costs associated with it.

The cost does not anticipate a time-in-motion study to estimate potential cost impacts of chemical alternatives, such as mechanical weed removal. The determination of the net cost impact of chemical alternatives, as identified in the study scope, would be estimated based on research of cost impacts experienced by the benchmarked communities. Additional funding beyond the \$100,000 may be needed to conduct time-in-motion studies and such costs will be included in the development of the potential pilot project to measure costs/savings in a real application as identified in this Study Issue.

#### **Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs, including capital and operating, as well as revenue/savings.

**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: No

Reviewed by Boards/Commissions: Sustainability, Parks and Recreation

**STAFF RECOMMENDATION**

Support. This policy issue merits discussion at the 2021 Study Issues Workshop.

The City's current IPM policy has been in place since 2010. City DPW staff receives annual training on the IPM policy, and pest control contractors are required to also comply with the policy when working on City property. In accordance with the IPM policy, pesticides are used only after other controls have been considered and applied and data on pesticide usage are reported to ESD on a monthly basis. Additionally, the City provides education on IPM at environmental outreach events and participates in regional educational campaigns and hosts sustainable landscaping classes in partnership with the Bay Area Water Supply and Conservation Agency (BAWSCA) in the spring and fall.

Other cities in the region are implementing variations of limited pesticide use programs. Some examples are:

The City of Menlo Park eliminated the use of pesticides in all city parks in 2018 (Menlo Park action, February 2018, [www.menlopark.org/DocumentCenter/View/16607/12---Herbicide-Free-Parks?bidId=<http://www.menlopark.org/DocumentCenter/View/16607/12---Herbicide-Free-Parks?bidId=>](http://www.menlopark.org/DocumentCenter/View/16607/12---Herbicide-Free-Parks?bidId=<http://www.menlopark.org/DocumentCenter/View/16607/12---Herbicide-Free-Parks?bidId=>)). Additional costs for FY 20/21 are estimated at approximately \$400,000 (Contract award to pest control contractor, July 2020, [www.menlopark.org/Archive/ViewFile/Item/11429](http://www.menlopark.org/Archive/ViewFile/Item/11429)).

City of Los Altos eliminated the use of synthetic pesticides in city-owned parks and open spaces, relying instead on certified organic pesticide products and IPM techniques (Revised IPM Policy, August 2020, [www.losaltosca.gov/sites/default/files/fileattachments/environmental\\_commission/meeting/48898/item\\_3\\_work\\_plan.pdf](http://www.losaltosca.gov/sites/default/files/fileattachments/environmental_commission/meeting/48898/item_3_work_plan.pdf) [<http://www.losaltosca.gov/sites/default/files/fileattachments/environmental\\_commission/meeting/48898/item\\_3\\_work\\_plan.pdf>](http://www.losaltosca.gov/sites/default/files/fileattachments/environmental_commission/meeting/48898/item_3_work_plan.pdf) - see Attachment B on page 5)

City of Palo Alto limited the use of specific pesticides (e.g. glyphosate), designated pesticide-free locations, and eliminated use of pesticides within 100 feet of playgrounds and creeks (Revised IPM Policy, July 2020, [www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=71323.71&BlobID=79014](http://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=71323.71&BlobID=79014) [<http://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=71323.71&BlobID=79014>](http://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=71323.71&BlobID=79014)). While staff believes that the City's IPM Policy has been effective and overall use of pesticides of concern is minimal, staff supports Council consideration of the Study and an evaluation of the program to further protect human and environmental health.

Prepared by: Nupur Hiremath, Environmental Programs Manager  
Reviewed by: Ramana Chinnakotla, Director, Environmental Services  
Reviewed by: Chip Taylor, Director, Public Works  
Reviewed by: Teri Silva, Assistant City Manager  
Approved by: Kent Steffens, City Manager



2021 Study/Budget Issues Workshop  
Summary Worksheet: Study Issues Proposed for Council Consideration

Version: 2/11/2021

#	Title	Required Staff Effort	Cost of Study	Cost to Implement*	B/C Rank	Dept. Rank
LRS 20-03	Assessment of Needs for Additional /Expanded Outdoor Sports Programs and Facilities	Moderate	\$ 65,000	Unknown	PRC-1	<b>1</b>
LRS 21-01	Establish an Artist in Residence Program	Moderate	\$ 30,000	Unknown	AC-1	Drop
LRS 21-02	Art in Private Development - Recycle, Reuse, Repurpose	Minor	\$ -	Minimal or no cost	AC-2	Drop

\*Indicates whether there will be a 1-time capital cost and/or ongoing annuals costs upon implementation.  
See Study Issue Paper for detail.







**2021 Study Issues Workshop**  
**Status Report: Continuing and Completed Study Issues**  
**Library and Recreation Services**  
*(formerly Library & Community Services, LCS)*  
**Continuing Study Issues**

**LRS**

<b>Number</b>	<b>Study Issue and Status</b>
LRS 19-03	<b>Explore Strategies to Promote Cultural Inclusion in City Programs and Services</b> <i>Based on Council direction at the January 28 Strategic Session, staff is finalizing the Study Issue paper to include the organizational assessment, best practices and comparison of area cities' programs, and options for implementation. A Study Session to receive direction on level of implementation is scheduled for May 4, 2021.</i>

**Completed Study Issues**

<b>Number</b>	<b>Study Issue</b>	<b>Date Completed</b>
LCS 19-02	Consider Options for Establishing an Amnesty Program for Overdue Library Material Fines	5/5/2020
LCS 20-02	Evaluate the Feasibility of Hosting an Annual Halloween Pet Parade	1/12/2021





# City of Sunnyvale

## Agenda Item

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**21-0031**

**Agenda Date: 2/25/2021**

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### **2021 COUNCIL STUDY ISSUE**

#### **NUMBER**

LRS 20-03

**TITLE** Assessment of Needs for Additional Outdoor Sports Programs and Facilities

#### **BACKGROUND**

**Lead Department:** Library and Recreation Services Department

**Support Departments:** Office of the City Manager  
Office of the City Attorney  
Department of Public Works

**Sponsor(s):** Parks and Recreation Commission

**History:** 1 year ago: Ranked, Budget Supplement Not Approved  
2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

Shifts in Sunnyvale's resident demographics and diversity relative to youth, older adults and national origin have led to an increased demand for certain outdoor sports, especially pickleball, tennis and cricket. These activities provide residents the opportunity to take advantage of our favorable year-round weather while providing exercise through social and competitive play. Northern California continues to be a hotbed of activity for tennis. Pickleball is growing rapidly in many neighboring South Bay cities, and cricket is gaining in popularity.

Completion of this Study will assure that Sunnyvale is meeting current and future resident recreation needs while properly planning for future growth in these recreational areas. A competitive analysis, including other South Bay cities, will ensure that Sunnyvale is on the right track in serving the community.

##### **What are the key elements of the Study?**

The purpose of this Study is to consider current recreation trends and community needs relative to certain outdoor sports, especially pickleball, tennis and cricket. The Study would look at programs and facilities in neighboring cities and engage the Sunnyvale community through surveys and needs assessments, including community outreach meetings, relative to the activities. The Study shall also include current facility use and demand, long-range park capital projects and consider future opportunities and partnerships with the potential to impact land use and service delivery for these emerging recreation needs.

**Estimated years to complete study:** 1 year

**FISCAL IMPACT****Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Moderate
Funding Required for Non-Budgeted Costs:	\$65,000
Funding Source:	Will seek budget supplement

The cost associated with the Study is to hire a consultant to evaluate current and future opportunities and facilities available for tennis, pickleball and cricket relative to community interests/needs and compare to neighboring cities. The level of effort is considered moderate as staff and management will be facilitating public outreach and meeting with the consultant to advise on current practices, current infrastructure and capital plans, as well as various opportunities and challenges at current park resources within the City.

**Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs, including capital and operating, as well as revenue opportunities.

**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: Yes

Reviewed by Boards/Commissions: Parks and Recreation Commission

**STAFF RECOMMENDATION**

Support. This policy issue merits discussion at the 2021 Study Issues Workshop.

There are currently no public facilities dedicated to pickleball or cricket within the City of Sunnyvale. While Ortega Park has a public cricket pitch, the fields are predominantly used by youth softball, baseball and soccer, leaving very little availability for cricket play. Additionally, the new synthetic turf field coming as part of the Fair Oaks Park Renovation will be striped with multi-functional field lines, including cricket; however, the overall design and shape of the field is not conducive to regulation cricket play and does not provide for a dedicated pitch.

Prepared by: Damon Sparacino, Superintendent of Recreation Services

Reviewed by: Cherise Brandell, Director, Library and Recreation Services Department

Reviewed by: Chip Taylor, Public Works Director

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager



# City of Sunnyvale

## Agenda Item

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21-0092

Agenda Date: 2/25/2021

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### 2021 COUNCIL STUDY ISSUE

#### **NUMBER**

LRS 21-01

**TITLE** Establish an Artist in Residence Program

#### **BACKGROUND**

**Lead Department:** Department of Library and Recreation Services

**Support Departments:** Office of the City Attorney

**Sponsor(s):** Arts Commission

**History:** 1 year ago: N/A  
2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

In order to expand arts-related recreation programming and provide the community with exposure to the arts year-round, the Arts Commission sponsored this Study Issue. The program would provide an opportunity for artists looking to expand their portfolio while supporting arts in the community.

##### **What are the key elements of the study?**

The purpose of this Study is to consider funding an Artist in Residence program in Sunnyvale. The key elements of this Study are as follows:

- 1) The review and identification of best practices of organizations that have similar programs, identifying key elements that create a successful program;
- 2) Recommended program investments to fill identified gaps in service;
- 3) Analyze costs and resources, including, but not limited to dedicated staff resources, operating budget, public art fund allocations, and organization oversight;
- 4) The identification of grants, donations and/or other outside financial resources available to public art programs; and
- 5) Community outreach to seek input on recommendations with members of the public and stakeholders.

**Estimated years to complete study:** 1 year

#### **FISCAL IMPACT**

##### **Cost to Conduct Study**

Level of staff effort required (opportunity cost): Moderate

Funding Required for Non-Budgeted Costs: \$30,000

Funding Source: Will seek budget supplement

The Study would require moderate staff time from the Department of Library and Recreation Services to conduct research and analysis on the Study. Cost would include hiring of a consultant and staff time to conduct the organizational analysis of the City's current efforts, the identification of best practices, assistance with community engagement and development of a proposed program. Staff time would also be required from multiple departments to review and advise on results of research.

**Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs, including capital and operating, as well as revenue/savings.

**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: No

Reviewed by Boards/Commissions: Arts Commission

**STAFF RECOMMENDATION**

Drop. This policy issue does not merit discussion at a Study Issues Workshop.

This item can be added to the list of potential projects for consideration of use of the Public Art Fund. With the Master Plan for Public Art approved, staff will be working with the Arts Commission and community to prioritize new public art programs and projects. An Artist in Residence program can be funded by the Public Art Fund if the program results in public art for the City.

Prepared by: Trenton Hill, Recreation Services Manager

Reviewed by: Damon Sparacino, Superintendent of Recreation Services

Reviewed by: Cherise Brandell, Director, Library and Recreation Services

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager



# City of Sunnyvale

## Agenda Item

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**21-0093**

**Agenda Date: 2/25/2021**

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### **2021 COUNCIL STUDY ISSUE**

#### **NUMBER**

LRS 21-02

**TITLE** Art in Private Development - Recycle, Reuse, Repurpose

#### **BACKGROUND**

**Lead Department:** Department of Library and Recreation Services

**Support Departments:** Office of the City Attorney  
Environmental Services Department  
Community Development Department

**Sponsor(s):** Arts Commission

**History:** 1 year ago: n/a  
2 years ago: n/a

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

In effort to more closely align with sustainability and climate action efforts in Sunnyvale, the Arts Commission sponsored this Study Issue to recommend private developers solicit sculptural artists that are interested and experienced in using recycled materials. Recycled materials can be molded into larger pieces, as opposed to using metal or glass, and can be used as a part of a multi-media installation.

##### **What are the key elements of the Study?**

The purpose of this Study is to consider amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to encourage developers commission artists who work with recycled materials.

The key elements of this Study are as follows:

- 1) Review and analyze the existing program;
- 2) Review and identify best practices of municipalities or organizations currently encouraging or requiring use of recycled materials;
- 3) Recommend policy changes or municipal code modifications;
- 4) Analyze costs and resources, including but not limited to:  
Staff resources, operating budget and organization oversight;
- 5) Community engagement to seek input on recommendations with members of the public, stakeholders and private developers.

**Estimated years to complete Study:** 1 year

#### **FISCAL IMPACT**

##### **Cost to Conduct Study**

Level of staff effort required (opportunity cost): Minor

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Funding Required for Non-Budgeted Costs:     \$0  
Funding Source:                                   Existing operating funds

The Study would require minor staff time from the Department of Library and Recreation Services to conduct program research and analysis. Costs would include hiring casual staff to conduct the organizational analysis of the City's current efforts, the identification of best practices, and development of proposed municipal code changes. Staff time would also be required from the Community Development Department and Office of the City Attorney to review and advise on amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development).

### **Cost to Implement Study Results**

Minimal to zero. Minor changes to the Sunnyvale Municipal Code and minimal staff time working with developers to consider recycled materials art projects in the future.

### **EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: No

Reviewed by Boards/Commissions: Arts Commission, Planning Commission, Sustainability Commission

### **STAFF RECOMMENDATION**

Drop. This policy issue does not currently merit discussion at a Study Issues Workshop.

Sunnyvale Municipal Code Chapter 19.52 is worded in a such a way to provide private developers flexibility when selecting their artist or electing the in-lieu fee. There may be a limited number of artists that work with recycled materials. The Study could be conducted to potentially recommend use of recycled materials; however, during the Master Plan for Public Art stakeholder engagement process, a majority of developers expressed their preference for flexibility when meeting/fulfilling the Art in Private Development requirement.

With the Master Plan for Public Art approval, staff will be working with the Arts Commission and community to prioritize new public art programs and projects. A recycled materials project can be completed and funded by the Public Art Fund. A recycled art project could be added to the list of potential projects. Additionally, recycled art can be considered when conducting Request for Proposals (RFPs) for artists on upcoming capital improvement projects such as the: Civic Center, Lakewood Branch Library, and/or the Water Pollution Control Plant.

Prepared by: Trenton Hill, Community Services Manager

Reviewed by: Damon Sparacino, Superintendent of Community Services

Reviewed by: Cherise Brandell, Director, Library and Recreation Services

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager



2021 Study/Budget Issues Workshop  
Summary Worksheet: Study Issues Proposed for Council Consideration

Version: 2/11/2021

#	Title	Required Staff Effort	Cost of Study		Cost to Implement*	B/C Rank	Dept. Rank
DPS 21-01	Regulating Drones Over Residential Properties	Moderate	\$	-	Unknown	N/A	Drop

\*Indicates whether there will be a 1-time capital cost and/or ongoing annual costs upon implementation.  
See Study Issue Paper for detail.





**2021 Study Issues Workshop**  
**Status Report: Continuing and Completed Study Issues**  
**Public Safety**

**DPS**

**Continuing Study Issues**

<b>Number</b>	<b>Study Issue and Status</b>
	<i>n/a</i>

**Completed Study Issues**

<b>Number</b>	<b>Study Issue</b>	<b>Date Completed</b>
DPS 19-01	Ban the Sale of Flavored Tobacco Products	10/27/2020





# City of Sunnyvale

## Agenda Item

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21-0080

Agenda Date: 2/25/2021

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### 2021 COUNCIL STUDY ISSUE

#### **NUMBER**

DPS 21-01

**TITLE** Regulating Drones Over Residential Properties

#### **BACKGROUND**

**Lead Department:** Department of Public Safety

**Support Departments:** Office of the City Manager  
Office of the City Attorney

**Sponsor(s):** Councilmembers: Hendricks, Klein, Melton, Goldman

**History:** 1 year ago: N/A  
2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

At the August 25, 2020 City Council meeting, Councilmember Hendricks initiated a Study Issue to research regulations for drones flown over residential properties. Mayor Klein and Councilmembers Melton and Goldman also sponsored the Study Issue. The Study was initiated based upon right to privacy concerns stemming from people flying drones over other people's homes and a concern for children and others being photographed or videotaped without their consent.

##### **What are the key elements of the Study?**

Unmanned aircraft systems (UAS), commonly referred to as drones, weighing more than 55 lbs. or used for commercial purposes, must be registered with the Federal Aviation Administration (FAA). The FAA imposes strict regulations to ensure national airspace safety.

The FAA now requires that small drones, typically flown by hobbyists, weighing more than .55 lbs. (250 grams) and less than 55 lbs., be registered. While regulations are significantly less restrictive for hobbyists, they must still abide by established FAA rules. These rules include restrictions near any emergency or law enforcement incident and on flights near airports without permission, and that the drone operator maintain a visual line of sight at all times.

Congress has provided the FAA with exclusive regulatory authority over aviation safety (49 U.S.C. section 40103(a)(1) ["The United States government has exclusive sovereignty over the airspace of the United States"]). This means that municipalities are not allowed to impose their own regulations related to navigable airspace. Drones are subject to FAA regulation to ensure safety of flight and

safety of people and property on the ground.

This Study would focus on researching drone laws pertaining to local police power concerning privacy, voyeurism, and harassment; subject to time, place and manner restrictions. Public outreach would be done by means of community meetings and a survey to solicit feedback from the community in general and stakeholders, such as drone enthusiasts. It would also include information about significant enforcement challenges related to investigating complaints.

**Estimated years to complete study:** 1 year

### **FISCAL IMPACT**

#### **Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Moderate
Funding Required for Non-Budgeted Costs:	\$0
Funding Source:	N/A

Community outreach would need to be conducted to gauge public support for or against laws regulating the use of drones over residential properties. Outreach to local drone hobbyists and enthusiasts' groups would also be conducted.

#### **Cost to Implement Study Results**

Unknown. The Study would include an assessment of potential costs related to enforcement.

### **EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: No

Reviewed by Boards/Commissions: No

### **STAFF RECOMMENDATION**

Drop. This policy issue does not merit discussion at a Study Issues Workshop.

In 2015, the FAA published a Fact Sheet indicating its intent to classify drones, including drones operated by hobbyists, as aircraft. The FAA reiterated its intent to preempt regulation of the airspace under federal law in the 2015 Fact Sheet and its Part 107 rules (Attachment 1). As such, the areas in which state and local law may regulate operations are limited.

In 2018, the FAA provided a press release on this topic. "The FAA [has] exclusive authority to regulate aviation safety, the efficiency of the navigable airspace, and air traffic control, among other things. State and local governments are not permitted to regulate any type of aircraft operations, such as flight paths or altitudes, or the navigable airspace. Laws traditionally related to state and local police power, including land use, zoning, privacy, and law enforcement operations, generally are not subject to federal regulation" (Attachment 2). This press release taken as a whole shows the extent of FAA preemption.

Based on a survey of several California jurisdictions, no local municipalities were found to have

adopted ordinances regulating drones over residential properties. In limited situations, cities such as the City of Santa Clara have consulted with the FAA prior to adopting a local ordinance prohibiting drone operations over stadiums, within airport flight paths, and in security-sensitive airspace related to large event venues.

The Department of Public Safety has the potential to utilize existing local and state laws to address complaints that rise to the level of a criminal violation.

Prepared by: Ava Fanucchi, Deputy Chief  
Reviewed by: Phan S. Ngo, Director, Public Safety  
Reviewed by: Teri Silva, Assistant City Manager  
Approved by: Kent Steffens, City Manager

**ATTACHMENTS**

1. 2015 FAA Fact Sheet
2. 2018 FAA Press Release





State and Local Regulation of Unmanned Aircraft Systems (UAS)  
Fact Sheet

Federal Aviation Administration  
Office of the Chief Counsel

December 17, 2015

**BACKGROUND**

Unmanned aircraft systems (UAS) are aircraft subject to regulation by the FAA to ensure safety of flight, and safety of people and property on the ground. States and local jurisdictions are increasingly exploring regulation of UAS or proceeding to enact legislation relating to UAS operations. In 2015, approximately 45 states have considered restrictions on UAS. In addition, public comments on the Federal Aviation Administration's (FAA) proposed rule, "Operation and Certification of Small Unmanned Aircraft Systems" (Docket No. FAA-2015-0150), expressed concern about the possible impact of state and local laws on UAS operations.

Incidents involving unauthorized and unsafe use of small, remote-controlled aircraft have risen dramatically. Pilot reports of interactions with suspected unmanned aircraft have increased from 238 sightings in all of 2014 to 780 through August of this year. During this past summer, the presence of multiple UAS in the vicinity of wild fires in the western U.S. prompted firefighters to ground their aircraft on several occasions.

This fact sheet is intended to provide basic information about the federal regulatory framework for use by states and localities when considering laws affecting UAS. State and local restrictions affecting UAS operations should be consistent with the extensive federal statutory and regulatory framework pertaining to control of the airspace, flight management and efficiency, air traffic control, aviation safety, navigational facilities, and the regulation of aircraft noise at its source.

Presented below are general principles of federal law as they relate to aviation safety, and examples of state and local laws that should be carefully considered prior to any legislative action to ensure that they are consistent with applicable federal safety regulations. The FAA's Office of the Chief Counsel is available for consultation on specific questions.

**WHY THE FEDERAL FRAMEWORK**

Congress has vested the FAA with authority to regulate the areas of airspace use, management and efficiency, air traffic control, safety, navigational facilities, and aircraft noise at its source. 49 U.S.C. §§ 40103, 44502, and 44701-44735. Congress has directed the FAA to "develop plans and policy for the use of the navigable airspace and assign by regulation or order the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace." 49 U.S.C. § 40103(b)(1). Congress has further directed the FAA to "prescribe air traffic regulations on the flight of aircraft (including regulations on safe altitudes)" for navigating, protecting, and identifying aircraft; protecting individuals and property on the ground; using the navigable

airspace efficiently; and preventing collision between aircraft, between aircraft and land or water vehicles, and between aircraft and airborne objects. 49 U.S.C. § 40103(b)(2).

A consistent regulatory system for aircraft and use of airspace has the broader effect of ensuring the highest level of safety for all aviation operations. To ensure the maintenance of a safe and sound air transportation system and of navigable airspace free from inconsistent restrictions, FAA has regulatory authority over matters pertaining to aviation safety.

## **REGULATING UAS OPERATIONS**

In § 333 of the FAA Modernization and Reform Act of 2012 (Public Law No. 112-95), Congress directed the Secretary to determine whether UAS operations posing the least amount of public risk and no threat to national security could safely be operated in the national airspace system (NAS) and if so, to establish requirements for the safe operation of these systems in the NAS.

On February 15, 2015, the FAA proposed a framework of regulations that would allow routine commercial use of certain small UAS in today's aviation system, while maintaining flexibility to accommodate future technological innovations. The FAA's Notice of Proposed Rulemaking offered safety rules for small UAS (under 55 pounds) conducting non-recreational or non-hobby operations. The proposed rule defines permissible hours of flight, line-of-sight observation, altitude, operator certification, optional use of visual observers, aircraft registration and marking, and operational limits.

Consistent with its statutory authority, the FAA is requiring Federal registration of UAS in order to operate a UAS. Registering UAS will help protect public safety in the air and on the ground, aid the FAA in the enforcement of safety-related requirements for the operation of UAS, and build a culture of accountability and responsibility among users operating in U.S. airspace. No state or local UAS registration law may relieve a UAS owner or operator from complying with the Federal UAS registration requirements. Because Federal registration is the exclusive means for registering UAS for purposes of operating an aircraft in navigable airspace, no state or local government may impose an additional registration requirement on the operation of UAS in navigable airspace without first obtaining FAA approval.

Substantial air safety issues are raised when state or local governments attempt to regulate the operation or flight of aircraft. If one or two municipalities enacted ordinances regulating UAS in the navigable airspace and a significant number of municipalities followed suit, fractionalized control of the navigable airspace could result. In turn, this 'patchwork quilt' of differing restrictions could severely limit the flexibility of FAA in controlling the airspace and flight patterns, and ensuring safety and an efficient air traffic flow. A navigable airspace free from inconsistent state and local restrictions is essential to the maintenance of a safe and sound air transportation system. See *Montalvo v. Spirit Airlines*, 508 F.3d 464 (9th Cir. 2007), and *French v. Pan Am Express, Inc.*, 869 F.2d 1 (1st Cir. 1989); see also *Arizona v. U.S.*, 567 U.S. \_\_\_, 132 S.Ct. 2492, 2502 (2012) ("Where Congress occupies an entire field . . . even complimentary state regulation is impermissible. Field preemption reflects a congressional decision to foreclose any

state regulation in the area, even if it is parallel to federal standards.”), and *Morales v. Trans World Airlines, Inc.*, 504 U.S. 374, 386-87 (1992).

### **EXAMPLES OF STATE AND LOCAL LAWS FOR WHICH CONSULTATION WITH THE FAA IS RECOMMENDED**

- Operational UAS restrictions on flight altitude, flight paths; operational bans; any regulation of the navigable airspace. For example – a city ordinance banning anyone from operating UAS within the city limits, within the airspace of the city, or within certain distances of landmarks. Federal courts strictly scrutinize state and local regulation of overflight. *City of Burbank v. Lockheed Air Terminal*, 411 U.S. 624 (1973); *Skysign International, Inc. v. City and County of Honolulu*, 276 F.3d 1109, 1117 (9th Cir. 2002); *American Airlines v. Town of Hempstead*, 398 F.2d 369 (2d Cir. 1968); *American Airlines v. City of Audubon Park*, 407 F.2d 1306 (6th Cir. 1969).
- Mandating equipment or training for UAS related to aviation safety such as geo-fencing would likely be preempted. Courts have found that state regulation pertaining to mandatory training and equipment requirements related to aviation safety is not consistent with the federal regulatory framework. *Med-Trans Corp. v. Benton*, 581 F. Supp. 2d 721, 740 (E.D.N.C. 2008); *Air Evac EMS, Inc. v. Robinson*, 486 F. Supp. 2d 713, 722 (M.D. Tenn. 2007).

### **EXAMPLES OF STATE AND LOCAL LAWS WITHIN STATE AND LOCAL GOVERNMENT POLICE POWER**

Laws traditionally related to state and local police power – including land use, zoning, privacy, trespass, and law enforcement operations – generally are not subject to federal regulation. *Skysign International, Inc. v. City and County of Honolulu*, 276 F.3d 1109, 1115 (9th Cir. 2002). Examples include:

- Requirement for police to obtain a warrant prior to using a UAS for surveillance.
- Specifying that UAS may not be used for voyeurism.
- Prohibitions on using UAS for hunting or fishing, or to interfere with or harass an individual who is hunting or fishing.
- Prohibitions on attaching firearms or similar weapons to UAS.

### **CONTACT INFORMATION FOR QUESTIONS**

The FAA’s Office of the Chief Counsel is available to answer questions about the principles set forth in this fact sheet and to consult with you about the intersection of federal, state, and local regulation of aviation, generally, and UAS operations, specifically. You may contact the Office of Chief Counsel in Washington, D.C. or any of the following Regional Counsels:

FAA Office of the Chief Counsel  
Regulations Division (AGC-200)  
800 Independence Ave. SW  
Washington, DC 20591  
(202) 267-3073

Central Region  
Office of the Regional Counsel  
901 Locust St., Room 506  
Kansas City, MO 64106-2641  
(816) 329-3760  
(IA, KS, MO, NE)

Great Lakes Region  
Office of the Regional Counsel  
O'Hare Lake Office Center  
2300 East Devon Ave.  
Des Plaines, IL 60018  
(847) 294-7313  
(IL, IN, MI, MN, ND, OH, SD, WI)

Northwest Mountain Region  
Office of the Regional Counsel  
1601 Lind Ave. SW  
Renton, WA 98055-4056  
(425) 227-2007  
(CO, ID, MT, OR, UT, WA, WY)

Southwest Region  
Office of the Regional Counsel, 6N-300  
10101 Hillwood Parkway Dr.  
Fort Worth, TX 76177  
(817) 222-5099  
(AR, LA, NM, OK, TX)

Alaskan Region  
Office of the Regional Counsel  
222 West 7<sup>th</sup> Ave.  
Anchorage, AK 99513  
(907) 271-5269  
(AK)

Eastern Region  
Office of the Regional Counsel  
1 Aviation Plaza, Room 561  
Jamaica, NY 11434-4848  
(718) 553-3285  
(DC, DE, MD, NJ, NY, PA, VA, WV)

New England Region  
Office of the Regional Counsel  
12 New England Executive Park  
Burlington, MA 01803  
(781) 238-7040  
(CT, ME, MA, NH, RI, VT)

Southern Region  
Office of the Regional Counsel  
1701 Columbia Ave., Suite 530  
College Park, GA 30337  
(404) 305-5200  
(AL, FL, GA, KY, MS, NC, SC, TN)

Western-Pacific Region  
Office of the Regional Counsel  
P.O. Box 92007  
Los Angeles, CA 90009  
(310) 725-7100  
(AZ, CA, HI, NV)

## APPENDIX – LIST OF AUTHORITIES

### Federal Statutes

- 49 U.S.C. §§ 40103, 44502, and 44701- 44735 (former Federal Aviation Act of 1958, as amended and recodified).
- FAA Modernization and Reform Act of 2012, Public Law No. 112-95 (Feb. 14, 2012), Subtitle B, “Unmanned Aircraft Systems.”

### Federal Regulations

- Title 14 of the Code of Federal Regulations, Chapter 1.

### The U.S. Supreme Court

- “Congress has recognized the national responsibility for regulating air commerce. Federal control is intensive and exclusive. Planes do not wander about in the sky like vagrant clouds. They move only by federal permission, subject to federal inspection, in the hands of federally certified personnel and under an intricate system of federal commands. The moment a ship taxis onto a runway it is caught up in an elaborate and detailed system of controls. It takes off only by instruction from the control tower, it travels on prescribed beams, it may be diverted from its intended landing, and it obeys signals and orders. Its privileges, rights, and protection, so far as transit is concerned, it owes to the Federal Government alone and not to any state government.” *Northwest Airlines v. State of Minnesota*, 322 U.S. 292, 303 (1944)(Jackson, R., concurring).
- “If we were to uphold the Burbank ordinance [which placed an 11 p.m. to 7 a.m. curfew on jet flights from the Burbank Airport] and a significant number of municipalities followed suit, it is obvious that fractionalized control of the timing of takeoffs and landings would severely limit the flexibility of FAA in controlling air traffic flow. The difficulties of scheduling flights to avoid congestion and the concomitant decrease in safety would be compounded.” *Burbank v. Lockheed Air Terminal Inc.*, 411 U.S. 624, 639 (1973).
- “The Federal Aviation Act requires a delicate balance between safety and efficiency, and the protection of persons on the ground ... The interdependence of these factors requires a uniform and exclusive system of federal regulation if the congressional objectives underlying the Federal Aviation Act are to be fulfilled.” *Burbank* at 638-639.
- “The paramount substantive concerns of Congress [in enacting the FAA Act] were to regulate federally all aspects of air safety ... and, once aircraft were in ‘flight,’ airspace management....” *Burbank* at 644 (Rehnquist, J. dissenting).

## U.S. Courts of Appeals

- “Air traffic must be regulated at the national level. Without uniform equipment specifications, takeoff and landing rules, and safety standards, it would be impossible to operate a national air transportation system.” *Gustafson v. City of Lake Angeles*, 76 F.3d 778, 792-793 (6th Cir. 1996)(Jones, N., concurring).
- “The purpose, history, and language of the FAA [Act] lead us to conclude that Congress intended to have a single, uniform system for regulating aviation safety. The catalytic events leading to the enactment of the FAA [Act] helped generate this intent. The FAA [Act] was drafted in response to a series of fatal air crashes between civil and military aircraft operating under separate flight rules .... In discussing the impetus for the FAA [Act], the Supreme Court has also noted that regulating the aviation industry requires a delicate balance between safety and efficiency. It is precisely because of ‘the interdependence of these factors’ that Congress enacted ‘a uniform and exclusive system of federal regulation.’” *Montalvo v. Spirit Airlines*, 508 F.3d 464, 471 (9th Cir. 2007), citing *City of Burbank v. Lockheed Air Terminal Inc.*, 411 U.S. 624, 638-39 (1973).
- “[W]hen we look to the historical impetus for the FAA, its legislative history, and the language of the [FAA] Act, it is clear that Congress intended to invest the Administrator of the Federal Aviation Administration with the authority to enact exclusive air safety standards. Moreover, the Administrator has chosen to exercise this authority by issuing such pervasive regulations that we can infer a preemptive intent to displace all state law on the subject of air safety.” *Montalvo* at 472.
- “We similarly hold that federal law occupies the entire field of aviation safety. Congress' intent to displace state law is implicit in the pervasiveness of the federal regulations, the dominance of the federal interest in this area, and the legislative goal of establishing a single, uniform system of control over air safety. This holding is fully consistent with our decision in *Skysign International, Inc. v. Honolulu*, 276 F.3d 1109 (9<sup>th</sup> Cir. 2002), where we considered whether federal law preempted state regulation of aerial advertising that was distracting and potentially dangerous to persons on the ground. In upholding the state regulations, we held that federal law has not ‘preempt[ed] altogether any state regulation purporting to reach into the navigable airspace.’ *Skysign* at 1116. While Congress may not have acted to occupy exclusively all of air commerce, it has clearly indicated its intent to be the sole regulator of aviation safety. The FAA, together with federal air safety regulations, establish complete and thorough safety standards for interstate and international air transportation that are not subject to supplementation by, or variation among, states.” *Montalvo* at 473-474.
- “[W]e remark the Supreme Court's reasoning regarding the need for uniformity [concerning] the regulation of aviation noise, see *City of Burbank v. Lockheed Air Terminal*, 411 U.S. 624 (1973), and suggest that the same rationale applies here. In *Burbank*, the Court struck down a municipal anti-noise ordinance placing a curfew on jet flights from a regional airport. Citing the ‘pervasive nature of the scheme of federal

regulation,’ the majority ruled that aircraft noise was wholly subject to federal hegemony, thereby preempting state or local enactments in the field. In our view, the pervasiveness of the federal web is as apparent in the matter of pilot qualification as in the matter of aircraft noise. If we upheld the Rhode Island statute as applied to airline pilots, ‘and a significant number of [states] followed suit, it is obvious that fractionalized control ... would severely limit the flexibility of the F.A.A ....’ [citing *Burbank*] Moreover, a patchwork of state laws in this airspace, some in conflict with each other, would create a crazyquilt effect ... The regulation of interstate flight-and flyers-must of necessity be monolithic. Its very nature permits no other conclusion. In the area of pilot fitness as in the area of aviation noise, the [FAA] Act as we read it ‘leave[s] no room for ... local controls.’ [citing *Burbank*]. *French v. Pan Am Express, Inc.*, 869 F.2d 1, 6 (1st Cir. 1989).







# **Press Release – FAA Statement–Federal vs. Local Drone Authority**

## **For Immediate Release**

July 20, 2018

Congress has provided the FAA with exclusive authority to regulate aviation safety, the efficiency of the navigable airspace, and air traffic control, among other things. State and local governments are not permitted to regulate any type of aircraft operations, such as flight paths or altitudes, or the navigable airspace.

However, these powers are not the same as regulation of aircraft landing sites, which involves local control of land and zoning. Laws traditionally related to state and local police power – including land use, zoning, privacy, and law enforcement operations – generally are not subject to federal regulation.

Cities and municipalities are not permitted to have their own rules or regulations governing the operation of aircraft. However, as indicated, they may generally determine the location of aircraft landing sites through their land use powers.

In the context of Unmanned Aircraft Systems (UAS) – popularly called “drones” — the Department of Transportation’s UAS Integration Pilot Program (IPP), directed by the President, will provide the FAA with insight on how to best involve local jurisdictions in the integration of UAS into the airspace (PDF) in a way that also alleviates their concerns. On May 9, the Secretary of Transportation announced the selection of 10 state, local, and tribal governments as participants in the pilot program. These entities will partner with private sector participants to safely explore the further integration of drone operations. We’re looking forward to working with the IPP participants as we look to the future.

###



2021 Study/Budget Issues Workshop  
Summary Worksheet: Study Issues Proposed for Council Consideration

Version: 2/11/2021

#	Title	Required Staff Effort	Cost of Study	Cost to Implement*	B/C Rank	Dept. Rank
FIN 21-01	Explore a 2022 General Election Ballot Measure to Modify Real Property Tax	Major	\$ 50,000	Unknown	N/A	<b>1</b>

\*Indicates whether there will be a 1-time capital cost and/or ongoing annual costs upon implementation.  
See Study Issue Paper for detail.





**2021 Study Issues Workshop**  
**Status Report: Continuing and Completed Study Issues**  
**Finance**

**FIN**

**Continuing Study Issues**

<b>Number</b>	<b>Study Issue and Status</b>
	<i>n/a</i>

**Completed Study Issues**

<b>Number</b>	<b>Study Issue</b>	<b>Date Completed</b>
FIN 19-01	Evaluate Options for Revisions to the Sunnyvale Business License Tax	6/30/2020





# City of Sunnyvale

## Agenda Item

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**21-0308**

**Agenda Date: 2/25/2021**

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### **2021 COUNCIL STUDY ISSUE**

#### **NUMBER**

FIN 21-01

**TITLE** Explore a 2022 General Election Ballot Measure to Modify the Real Property Transfer Tax

#### **BACKGROUND**

**Lead Department:** Department of Finance

**Support Departments:** Office of the City Manager  
Office of the City Attorney

**Sponsor(s):** Councilmembers: Fong, Larsson, Din, Cisneros, Melton,  
Klein

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

Like many cities across the country, the City of Sunnyvale faces increasing costs to deliver programs and projects as well as increased costs and demands for service. The need to invest in projects and replace the City's aging infrastructure that have been deferred or unfunded is critical. Additionally, this work effort exists in the context of projected increases of existing personnel and operating costs. As these costs are projected to outpace revenue growth, and to find capacity to invest in projects and expand the services expected from the community, new and existing revenue sources should be periodically evaluated. One of the revenue sources that is directly under the City's control is Real Property Transfer Tax.

##### **What are the key elements of the study?**

Real Property Transfer Tax (RPTT) is assessed by the County of Santa Clara, under State law, on all property sales in the City. The current tax rate is \$1.10 per \$1,000 in sales value. The revenue is then split with the City, yielding an effective tax rate for the City of \$0.55 per \$1,000 in sales value. Charter cities have the ability to impose their own RPTT. Under these circumstances, the full value of the \$1.10 tax rate reverts to the County, and the City receives anything above that rate. This means that in order to recover the same amount of revenue currently received, if applied the same way the tax is today, a 50% increase in the tax rate would be required. However, the tax could be structured differently than it currently is. Councilmember Fong specifically proposed a tax structure with no increased tax for property sales below \$3 million, and a progressively higher rate for larger property sales.

Increasing or significantly changing the City's Real Property Transfer Tax would require voter approval. Councilmember Fong specifically proposed a "general tax" which can be approved by a simple majority of voters. To qualify as a general tax, new revenues would accrue to the General Fund, and could not be committed to specific programs or projects prior to voter approval. This Study will explore different options for increasing the City's RPTT, including placing floors and caps on the

sales values and incorporating annual adjustments for inflation.

The Study will also include funding for polling on the tax. Prior to polling, staff will return to Council to request feedback on different options, and narrow down what tax scenarios to poll on. Upon completion of polling, a decision would be presented to Council about moving forward with a ballot measure. At that time an additional appropriation may be required for public education and the costs to place a measure on the ballot.

**Estimated years to complete study:** 1.5 years

### **FISCAL IMPACT**

#### **Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Major
Funding Required for Non-Budgeted Costs:	\$50,000
Funding Source:	Will seek budget supplement

The cost will be for a polling consultant. If no action is taken to move forward with polling no additional cost will be required.

#### **Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs, including capital and operating, as well as revenue/savings.

### **EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: Yes

Reviewed by Boards/Commissions: No

### **STAFF RECOMMENDATION**

Support. This policy issue merits discussion at the 2021 Study Issues Workshop.

While staff supports discussion of this Study Issue, it is important to note that prior polling done in April of 2018 on Real Property Transfer Tax reflected little support for increasing this tax. This may possibly be resolved through modification of the tax in a way that doesn't increase the cost of housing in Sunnyvale.

Prepared by: Tim Kirby, Director of Finance

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager





**2021 Study Issues Workshop**  
**Status Report: Continuing and Completed Study Issues**  
**Human Resources**

**HRD**

**Continuing Study Issues**

<b>Number</b>	<b>Study Issue and Status</b>
HRD 19-01	<b>Develop a Workforce Initiative That Creates Partnerships to Develop a Pipeline for Students to Enter Public Sector Employment</b> <i>City continues to participate in County-wide internship program for high school and college students. Final recommendations to Council will be made after COVID-19 emergency ends.</i>

**Completed Study Issues**

<b>Number</b>	<b>Study Issue</b>	<b>Date Completed</b>
	<i>n/a</i>	



City of Sunnyvale  
2021 Proposed Study Issues and Budget Issues

DEPARTMENT OF HUMAN  
RESOURCES

NO STUDY ISSUES PROPOSED



City of Sunnyvale  
2021 Proposed Study Issues and Budget Issues

OFFICE OF THE CITY ATTORNEY

NO STUDY ISSUES PROPOSED



City of Sunnyvale  
2021 Proposed Study Issues and Budget Issues

NOVA

NO STUDY ISSUES PROPOSED





City of Sunnyvale  
2021 Proposed Study Issues and Budget Issues

**NO BUDGET ISSUES PROPOSED**



## **Policy 7.1.7      Budget Issue Process**

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### **POLICY PURPOSE:**

One of Council's primary roles is to approve an annual budget. While the city manager submits a proposed budget to Council, Council can propose the addition of one-time or ongoing expenses through budget supplements.

It is the purpose of this policy to identify those aspects of the City's Budget Issue process for which Council has established required standards. This policy is in no way intended to constrain the actions or options of the city manager with respect to the number or type of budget issues or supplements he or she includes in the context of his/her recommended budget, to Council, and those aspects of the City's Budget Issue process not addressed by this policy are considered administrative or operational in nature, and shall be established under the authority of the city manager.

### **POLICY STATEMENT:**

#### **1. Budget Issue Sponsorship**

A Council sponsored budget issue must receive the support of at least two councilmembers in order for staff to prepare a budget issue paper, and for the issue to be considered at the Council Study/Budget Issues Workshop, and subsequently during the budget approval process.

#### **2. Selection of Budget Issues**

Any Council-proposed budget addition of a one-time or ongoing expenditure is subject to the budget issue process. Exceptions to this approach include emergency issues, and urgent budgetary issues that must be completed in the short term to avoid serious negative consequences to the City, subject to a majority vote of Council. Exceptions such as this shall be processed as budget modifications in accordance with established Department of Finance practice.

#### **3. Deadlines for Councilmember-Proposed Budget Issues**

A. New Council-proposed budget issues are due to the city manager no later than three weeks in advance of the annual Study/Budget Issues Workshop. If the public hearing is held less than three weeks before the workshop, councilmembers may also sponsor issues *introduced by the public* at the public hearing, but must do so during that Council meeting.

B. Additional budget issues may be proposed during the annual workshop.

#### **4. Drop or Deferral of Issues**

A. At the Study/Budget Issues Workshop, Council shall drop, defer, or refer to the subsequent budget workshop each proposed budget issue. Any issue that is dropped by a majority vote of Council will not be eligible for consideration during next year's process unless sponsored by a majority of the Council. Any issue that is deferred shall automatically be returned for Council's consideration the following

## COUNCIL POLICY MANUAL

year. Any issue referred to the budget shall be brought back as budget supplements for Council's consideration during the subsequent budget workshop, whether or not the City Manager includes the issue in his/her recommended budget.

Lead Department: Finance

(Adopted: RTC 014-0568 (9/30/14))



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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File #: 21-0026, Version: 1

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### REPORT TO COUNCIL

#### **SUBJECT**

Annual Public Hearing-Discussion of Potential Council Study Issues and Budget Issues for Calendar Year 2021

#### **BACKGROUND**

The annual public hearing on study and budget Issues provides the opportunity for members of the public to comment on proposed issues for study or budget consideration, and/or to suggest potential new issues. The public may provide further testimony regarding study and budget issues during the February 25, 2021 annual Study and Budget Issues Workshop.

A study issue is a topic of concern that can result in a new City policy or a revision to an existing policy. A budget issue represents a new City service or a change in the level of an existing City service (including possible service reduction or elimination). During the workshop, Council reviews and ranks study issues for completion during 2021 and identifies budget issues to be forwarded to the City Manager for consideration in the FY 2021/22 budget.

To help guide decision making, staff recommends that Council continue to focus on prioritizing study and budget issues that align with existing policy priorities. City Council will review operational priorities and adopted policy priorities during their Strategic Session on January 28, 2021. The following is the list of policy priorities established by Council during the 2020 Strategic Session:

1. Civic Center Modernization
2. Accelerating Climate Action
3. Open Space Acquisition Planning: Future of Golf Courses
4. Improved Processes and Services through the Use of Technology
5. Downtown Sunnyvale
6. Ability of Infrastructure to Support Development and Traffic

Council may update the priorities listed above at its January 28, 2021 Strategic Session meeting.

#### **Study Issues and Budget Issues Process**

The study issues process provides a method for identifying, prioritizing and analyzing policy issues important to the community. It provides a structured approach for addressing the large number of issues that are raised each year, allowing Council to rank the issues and set priorities within the limits of time and resources.

The budget issues process provides a method for identifying and addressing proposals to add a new service, eliminate a service, or change the level of an existing service.

## **Important Steps in the Process Leading to the Study and Budget Issues Workshop**

- Study issues and budget issues are proposed year-round by Council, boards and commissions, the public, and the City Manager.
- Boards and commissions will review and rank proposed budget and study issues under their purview; these rankings are forwarded to Council for consideration.
- The study issue paper is designed to capture the intent and interests that originated the issue. The purpose of the budget issue summary form is to briefly summarize the issue and provide an initial estimate of the fiscal impact. Staff prepares study issue papers and budget issue papers for all qualifying issues. The issue papers describe the topic of concern and provide information Council will use to determine whether to further explore each issue.

### **EXISTING POLICY**

**Council Policy 7.3.26** *Study Issues Process*

**Council Policy 7.1.7** *Budget Issues Process*

**Council Fiscal Policy 7.1.1 A.1.2** which states, "A Fiscal Issues Workshop will be held each year prior to preparation of the City Manager's Recommended Budget to consider budget issues for the upcoming Resource Allocation Plan."

### **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**

Staff has prepared study issue and budget issue papers proposed to date; materials can be viewed on the City's Website under Study Issues:

[Sunnyvale.ca.gov/government/council/study/studyissues.htm](http://Sunnyvale.ca.gov/government/council/study/studyissues.htm), at the Sunnyvale Public Library, or at the City Clerk's office. Copies will also be available to the public at the public hearing on study issues and budget Issues.

### **Status of Current Study Issues**

The 2021 Study Issues Work Plan includes a total of 17 study issues, 13 of which were continued from previous years. Since the 2020 workshop, seven study issues have been completed and another two are targeted to be completed by Summer 2021. The remaining eight have target completion dates of late 2021 through 2022.

As of December 2020, 24 study issues are proposed for consideration at the 2021 Study and Budget Issues Workshop. Staff is recommending support positions for nine studies based on their merit; it is not, however, an indication of staff capacity to conduct the study.

During the Study/Budget Issues Workshop on February 27, 2020, Council voted to direct staff to meet and confer with the Duo Duo Project regarding Study Issue *LCS 20-02 Evaluate the Feasibility of Sunnyvale Library and Community Services Hosting an Annual Halloween Pet Parade* to discuss

the scope of the study issue. The study was initiated during the July 10, 2019 Parks and Recreation Commission (PRC) meeting, where staff presented a request to waive all city service fees associated with hosting the 2019 Sunnyvale Pet Parade. During the PRC meeting, Sunnyvale Pet Parade Chairs also presented a request for fee waiver along with a suggestion that the City consider co-sponsoring the event in the future. The PRC and Council approved the waiver of all city service fees (\$6,400) associated with the 2019 Pet Parade. Additionally, the Sunnyvale Pet Parade (Duo Duo Project) has been awarded grant allocation through the Community Event Grant Program in 2019 (\$2,800) and 2020 (\$4,500) and has been supported through cross promotion by the City through various social media channels. Based on discussions regarding Study Issue LCS 20-02 between staff and the Sunnyvale Pet Parade Chairs (Andrea Gung and Tony Spitaleri), it was determined that the preference would be for Duo Duo Project to maintain operation of the event, where they will continue seeking City support through an annual fee waiver request and Community Event Grant Program application. Therefore, since the request for the pet parade committee was met through another City supported process, the study issue is considered complete.

### **Study Issues/Budget Issues Public Hearing**

The annual public hearing on study and budget issues is a critical step in the City's policy-setting process. Several policy issues are submitted annually for possible study by City Council in the upcoming calendar year. The purpose of the hearing is to invite public comment on the relative importance of proposed issues, and for the public to suggest new issues for Council's consideration. Issues proposed by the public must be sponsored by at least two Councilmembers to be considered at the Study and Budget Issues Workshop. Staff has advised the board and commission chairs, during recent commission training and meeting presentations, that the workshop is also the appropriate time for them to testify on issues recommended by their board or commission.

Should new issues be added during the January public hearing, those issue papers will be written and posted online prior to the February 25 workshop. The deadline for Council-initiated study or budget issue papers is February 4 (3 weeks prior to the workshop per Council policy). However, in the interest of transparency, staff requests that new study issues and budget issues are proposed and co-sponsored at a public Council meeting, making the February 2 Council meeting the last date.

### **Study and Budget Issues Workshop**

On February 25, 2021, Council will conduct a workshop dedicated to the review of all proposed study and budget issues. Council will prioritize or rank study issues that are not dropped or deferred. Budget issues receiving majority support from Council will be forwarded to the City Manager for consideration in the upcoming fiscal year's recommended budget.

Following the Council workshop, and based on Council's priority rankings, the City Manager identifies the number of Council-ranked study issues that can be completed during the calendar year without disrupting service delivery or modifying service levels set by Council. Staff updates the Tentative Council Meeting Agenda Calendar for the coming year, identifying when the results of staff's study of specific policy issues will be brought back to Council for action.

All budget issues referred to the City Manager are returned for Council's consideration as part of the City Manager's Recommended Budget for the next fiscal year in the form of budget supplements. These supplements are considered by the City Manager in the context of all other budgetary needs

and may or may not be recommended by the City Manager for funding.

For many years, this process has provided both City Council and City staff with a valuable planning and management tool. It allows Council to set priorities for examining policy issues, provides preliminary review of budget issues, and allows staff to balance policy study with the delivery of day-to-day City services.

### **FISCAL IMPACT**

There is no fiscal impact associated with this report. Each issue paper provides information regarding fiscal impact where warranted, including an estimated cost of studying the issue and estimated implementation costs if known. Staff recommends any Council-prioritized study issues that require funding be resubmitted as a budget supplement to be considered within the context of all new requests for funding in the FY 2021/22 Recommended Budget. This is consistent with past practice.

### **PUBLIC CONTACT**

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

The public hearing is open to the public and public testimony regarding study issues and budget issues will be heard by Council. Copies of study and budget issue papers may be viewed by accessing the City's Website under Study Issues at:

[Sunnyvale.ca.gov/government/council/study/studyissues.htm](http://Sunnyvale.ca.gov/government/council/study/studyissues.htm)

The February 25 workshop is open to the public and will be televised live and rebroadcast on KSUN, Channel 15. Consistent with past Council practice, public testimony will be provided at the beginning of the workshop.

### **STAFF RECOMMENDATION**

No action is needed at this time. Councilmembers may request new study issues and/or budget issues be developed for review at the annual Study and Budget Issues Workshop; a minimum of two Councilmembers is required to sponsor either.

Prepared by: Michelle Zahraie, Management Analyst

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

### **ATTACHMENTS**

1. Proposed 2021 Study Issue Papers