



City of Sunnyvale

Notice and Agenda City Council

Tuesday, January 10, 2023

7:00 PM

Online and Council Chambers, City Hall,
456 W. Olive Ave., Sunnyvale, CA 94086
(607 All America Way for map directions)

Regular Meeting - 7 PM | Regular Meeting: Sunnyvale Financing Authority - 7 PM (or soon thereafter)

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

Special Teleconference Notice

Because of the COVID-19 emergency, Councilmembers may participate in this meeting of the Sunnyvale City Council by teleconference, as allowed by Government Code Subdivision 54953(e) and Resolution No. 1089-21 (reaffirmed December 13, 2022).

Public Participation

- *In-person participation: You may provide public comment by filling out a speaker card (optional) and giving it to the City Clerk.*
- *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
(*9 to request to speak | *6 to unmute/mute)*

- *Watch the City Council meeting at <http://youtube.com/SunnyvaleMeetings> or on television over Comcast Channel 15, AT&T Channel 99*
- *Submit written comments to the City Council no later than 4 hours prior to the meeting start to council@sunnyvale.ca.gov or by mail to: City Clerk, 603 All America Way, Sunnyvale, CA 94086*
- *Review recordings of this meeting and past meetings at*

<https://sunnyvaleca.legistar.com/calendar.aspx> or
<http://youtube.com/SunnyvaleMeetings>

Accessibility/Americans with Disabilities Act (ADA) Notice

Pursuant to the Americans with Disabilities Act (ADA), if you need special assistance to provide public comment, or 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 (28 CFR 35.160 (b) (1)).

7 P.M. COUNCIL MEETING

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

CALL TO ORDER

Call to Order via teleconference and in the Council Chambers.

SALUTE TO THE FLAG

ROLL CALL

SPECIAL ORDER OF THE DAY

- A [23-0041](#) Recognition of Outgoing Vice Mayor
- B [23-0006](#) Ceremonial Oath of Office for Vice Mayor

ORAL COMMUNICATIONS

This category provides an opportunity for members of the public to address the City Council on items not listed on the agenda and is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the Mayor) with a maximum of up to three minutes per speaker. Please note the Brown Act (Open Meeting Law) does not allow the Council to take action on an item not listed on the agenda. If you wish to address the Council, please refer to the notice at the beginning of this agenda. Individuals are limited to one appearance during this section.

CONSENT CALENDAR

All matters listed on the consent calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion of these items. If a member of the public would like a consent calendar item pulled and discussed separately, please refer to the notice at the beginning of this agenda.

1.A [23-0087](#) Approve City Council Meeting Minutes of November 29, 2022

Recommendation: Approve the City Council Meeting Minutes of November 29, 2022 as submitted.

1.B [23-0086](#) Approve City Council Meeting Minutes of December 6, 2022

Recommendation: Approve the City Council Meeting Minutes of December 6, 2022 as submitted.

1.C [23-0015](#) Approve City Council Meeting Minutes of December 13, 2022

Recommendation: Approve the City Council Meeting Minutes of December 13, 2022 as submitted.

1.D [23-0164](#) Approve Budget Modification No.10 in the Amount of \$28,435 for Non-Residential Housing Mitigation Fee Study for BAE Urban Economics Consultant Costs

Recommendation: Approve Budget Modification No. 10 in the amount of \$28,435 for Non-Residential Housing Mitigation Fee Study for BAE Urban Economics Consultant Costs.

1.E [23-0016](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

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

1.F [23-0141](#) Adopt a Resolution to Amend the Classification Plan and the City's Salary Resolution to Update the Schedule of Pay to Increase Salaries for the Classifications of Client Support Specialist I/II and to Add the Classifications of Senior Client Support Specialist and Principal Client Support Specialist

Recommendation: Adopt a Resolution to Amend the Classification Plan and the City's Salary Resolution to Update the Schedule of Pay to Increase Salaries for the Classifications of Client Support Specialist I/II and to Add the Classifications of Senior Client Support Specialist and Principal Client Support Specialist effective the first pay period after City Council approval.

- 1.G [23-0085](#) Approve the Third Amendment to Outside Counsel Agreement with Bertrand, Fox, Elliot, Osman & Wenzel for Litigation Services in the matter of Casa De Amigos v. City of Sunnyvale.

Recommendation: Authorize the City Attorney to execute a Third Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Bertrand, Fox & Elliot to increase the not-to-exceed amount by \$235,000, for a new not-to-exceed contract amount of \$585,000.

- 1.H [23-0091](#) Reconsider and Affirm Resolution No. 1089-21; and Make Findings Pursuant to Government Code Section 54953(e) (AB 361) to Continue Virtual Public Meetings for the City Council and Boards, Commissions and Council Subcommittees During the COVID-19 State of Emergency

Recommendation: Affirm Resolution 1089-21; and make findings pursuant to Government Code Section 54953(e) (AB 361) to continue virtual public meetings for the City Council and Boards, Commissions and Council Subcommittees during the COVID-19 State of Emergency:

1. The City Council hereby finds that the state of emergency conditions related to COVID-19, as set forth in Resolution No. 1162-22 adopted on December 13, 2022 and incorporated herein by reference, are on-going;
2. The City Council finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency; and
3. The City Council finds that the state of emergency continues to directly impact the ability of members of the City Council, Council Standing Committees, and City Boards and Commissions to meet safely in person.

1.1 [23-0092](#)

1.a) Adopt Ordinance No. 3207-23 amending Various Sections of Chapter 19.46 (Parking) and Making Other Amendments to Title 19 (Zoning) of the Sunnyvale Municipal Code

1.b) Adopt Ordinance No. 3208-23 Amending Various Sections of Chapter 19.58 (Family Child Care Homes) and Making Other Amendments to Title 19 (Zoning) of the Sunnyvale Municipal Code Related to Family Child Care Homes

1.c) Adopt Ordinance No. 3209-23 Repealing and Readopting Chapter 19.79 (Accessory Dwelling Units) of Title 19 (Zoning) and Adopting Chapter 16.72 (Permit Process for Accessory Dwelling Units) of Title 16 (Buildings) of the Sunnyvale Municipal Code

Recommendation: Adopt Ordinance No. 3207-23 amending various sections of Chapter 19.46 (Parking) and making other amendments to Title 19 (Zoning) of the Sunnyvale Municipal Code

Adopt Ordinance No. 3208-23 amending various sections of Chapter 19.58 (Family Child Care Homes) and making other amendments to Title 19 (Zoning) of the Sunnyvale Municipal Code related to Family Child Care Homes

Adopt Ordinance No. 3209-23 repealing and readopting Chapter 19.79 (Accessory Dwelling Units) of Title 19 (Zoning) and adopting Chapter 16.72 (Permit Process for Accessory Dwelling Units) of Title 16 (Buildings) of the Sunnyvale Municipal Code

ADJOURNMENT TO REGULAR MEETING OF THE SUNNYVALE FINANCING AUTHORITY

7 P.M. (OR SOON THEREAFTER) REGULAR MEETING OF THE SUNNYVALE FINANCING AUTHORITY

Special Teleconference Notice

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 Financing Authority will take place by teleconference, as allowed by Government Code Subdivision 54953(e) and Resolution No. 1105-22FA (reaffirmed December 13, 2022).

Call to Order

Call to Order via teleconference and in the Council Chambers.

Roll Call

Oral Communications

This category provides an opportunity for members of the public to address the Financing Authority Board on items not listed on the agenda and is limited to 15 minutes (may be extended or continued at the discretion of the Board Chair) with a maximum of up to three minutes per speaker. Please note the Brown Act (Open Meeting Law) does not allow the Board to take action on an item not listed on the

agenda. If you wish to address the Board, please refer to the notice at the beginning of this agenda. Individuals are limited to one appearance during this section.

Consent Calendar

All matters listed on the consent calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion of these items. If a member of the public would like a consent calendar item pulled and discussed separately, please refer to the notice at the beginning of this agenda.

2.A [23-0090](#) Approve Sunnyvale Financing Authority Meeting Minutes of December 13, 2022

Recommendation: Approve the Sunnyvale Financing Authority Meeting Minutes of December 13, 2022 as submitted.

2.B [23-0093](#) Reconsider and Affirm Resolution No. 1105-22FA; and Make Findings Pursuant to Government Code Section 54953(e) (AB 361) to Continue Virtual Public Meetings for the Sunnyvale Financing Authority During the COVID-19 State of Emergency

Recommendation: Affirm Resolution 1105-22FA; and make findings pursuant to Government Code Section 54953(e) (AB 361) to continue virtual public meetings for the Financing Authority during the COVID-19 State of Emergency:

1. The Financing Authority Board has found and determined that the state of emergency conditions related to COVID-19, as set forth in City of Sunnyvale Resolution No. 1162-22 adopted on December 13, 2022, and incorporated herein by reference, are on-going;
2. The Financing Authority Board finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency; and
3. The Financing Authority Board finds that the state of emergency continues to directly impact the ability of members of the Financing Authority to meet safely in person.

ADJOURN SUNNYVALE FINANCING AUTHORITY MEETING

RECONVENE TO CITY COUNCIL MEETING**PUBLIC HEARINGS/GENERAL BUSINESS**

If you wish to speak to a public hearing/general business item, please refer to notice at the beginning of this agenda. Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 5 minutes for closing comments.

- 3** [23-0083](#) CONTINUED FROM NOVEMBER 29, 2022
Proposed Project: Adopt a Resolution for a:
SPECIFIC PLAN AMENDMENT to modify Block 20 of the
Downtown Specific Plan (DSP) to allow additional residential
units and office square footage, and associated modifications
to design guidelines and development standards; and
GENERAL PLAN AMENDMENT to reflect increases in
Projected Build-out in the Land Use and Transportation
Element (LUTE).
Location: 510 and 528 S. Mathilda Avenue (APNs:209-29-060
and 061) and 562 and 568 S. Mathilda Avenue
(APNs:209-29-057 and 067)
File #: 2018-7585
Zoning: DSP (Block 20)
Applicant / Owner: Shawn Karimi, Karimi Shahriar Trustee
(applicant and owner 510 and 528 S. Mathilda Avenue) and
Shawn Taheri, Sam Cloud Barn LLC (applicant and owner 562
and 568 S. Mathilda Avenue)
Environmental Review: Addendum to the Downtown Specific
Plan Amendments Final Environmental Impact Report for the
Block 20 Area Project.
Project Planner: Margaret Netto, (408) 730-7628,
mnetto@sunnyvale.ca.gov

Recommendation: Alternatives 1 and 2: 1) Accept the Addendum to the previously certified 2020 DSP EIR Pursuant to CEQA Guidelines Section 1516 (Attachment 4 to the report); 2) Adopt a Resolution to amend the General Plan and Downtown Specific Plan (Attachment 5 to the report), Approve the DSP Amendments for Block 20 (Attachment 4, Appendix A to the report), and Adopt a Resolution to amend Figure 3-2 in the Land Use and Transportation Element of the General Plan (Attachment 6 to the report).

- 4 [23-0088](#) Approve the Preferred Concept Plan for the Community Center Grounds Renovation Project and Find the Action is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines section 15262

Recommendation: Alternative 1: Approve the Preferred Concept Plan for the Community Center Grounds Renovation Project as shown on Attachment 6 of the report and Find the Action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15262.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

-Council

-City Manager

INFORMATION ONLY REPORTS/ITEMS

Visit <http://Sunnyvale.ca.gov/TCMAC> to view the Tentative Council Meeting Agenda Calendar (TCMAC) online. The TCMAC is updated each Thursday afternoon.

[23-0024](#) Tentative Council Meeting Agenda Calendar

[23-0026](#) Information/Action Items

ADJOURNMENT

NOTICE TO THE PUBLIC

The agenda reports to council (RTCs) may be viewed on the City's website at sunnyvale.ca.gov 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 Chambers 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.

Upcoming Meetings

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