

## RESPONSE TO COUNCIL QUESTIONS RE: 11/9/2021 CITY COUNCIL AGENDA

**Agenda Item #: 1.E**

**Title:** Adopt a Resolution Approving the City Council Regular Meeting Calendar for 2022 through February 2023

Council Question: Wondering if there is problem with scheduling an April 12th or April 19th meeting instead of the April 5th Meeting?

Staff Response: The proposed April 2022 Council meeting dates of April 5 and April 26 were selected to avoid the following spring breaks during the other weeks in April:

Week including April 21: Santa Clara Unified School District

Week including April 19: Cupertino Unified School District, Fremont Union High School District and Sunnyvale School District.

**Agenda Item #: 2**

**Title:** Award an Agreement for Operation of the Sunnyvale SMaRT® Station to Bay Counties Waste Services

Council Question: Can you give a more-detailed description of components/schedule for the SMaRT® Station retrofit project?

Staff Response: The SMaRT retrofit project consists primarily of major replacements of parts of the curbside recyclables processing line and the MSW (garbage) processing line, the addition of a second MSW compactor to load vehicles, as well as repairs to the SMaRT Station building and roads.

The majority of the curbside recyclables processing line is expected to be replaced to increase automation and efficiency. The curbside line retrofit would also enable SMaRT to process single-stream (mixed) recyclables from other cities as well as the dual-stream (paper/containers) recyclables from Sunnyvale and Mountain View.

For the MSW processing line, bag breakers would be added at the beginning of the line to remove materials from bags to make it easier to screen out compostable “fines” from the MSW and to separate other recyclables. Optical sorters would be added to recover plastics and compostable food-soiled paper from the MSW. Diversion from MSW is estimated to increase from 32% to at least 42% as a result of the MSW line retrofit.

To date staff has completed an inventory of all of the existing processing equipment to determine what needs to be replaced. We have also assessed the facility to assign priorities to building and road repairs. The conceptual design of the retrofit is complete. The next steps are:

1. Select a Project Manager to oversee the purchase and installation of the processing equipment
2. Conducting CEQA and obtaining an updated Bay Area Air Quality Management District (BAAQMD) permit and a revised Transfer Processing Report (TPR) from Local Enforcement Agency (LEA)
3. Issue RFP for processing equipment and select equipment and vendors

4. Installation of processing equipment and associated upgrades to the electrical system and floor
5. Performance testing of the installed equipment
6. Building and road repairs

The project should be completed by the end of 2025.

Council Question: Does the retrofit project improve operational efficiency which would directly reduce the need for staffing (and potential cost savings post 2025)?

Staff Response: Yes. The retrofit will increase efficiency and is expected to reduce staffing by approximately 18 FTEs (mostly sorters), with an associated estimated cost savings of \$2.23 million per year.

**Agenda Item #: 3**

**Title:** Approve an Allocation from the Public Art Acquisition Fund for up to \$100,000 for Prefabricated Sculptures Modified by Artists

Council Question: My recollection is that when Council adopted the Master Plan for Public Art, we specified that in the case of temporary art, the permitting process should specify in writing a removal date. Will that administrative process be in place for the temporary prefabricated sculptures modified by artists?

Staff Response: Yes, the City will own the artwork and be able to set parameters as we see fit. The Request for Qualifications for artists (as well as the contract) will include a specific timeline for installation and removal. This is in line with the process outlined in the Master Plan for Public Art (page 26), "Temporary art shall be defined as any public art that is fixed-term, non-permanent and will not be accessioned into the City's Permanent Art Collection. Each temporary art project will have a defined time limit that is established as part of the Arts Commission and City Council Art in Public Places review and approval process."

The following is the language proposed for the artist contract: "The artwork commissioned for this project shall become the property of the City of Sunnyvale. The artwork is considered temporary and the City shall have no obligation to display the artwork for any particular period of time or in perpetuity. The City retains the right and sole discretion to remove, modify, or replace the artwork. Situations in which the City might exercise this right include, but are not limited to, those in which the art is damaged, or the art needs to be moved, altered or replaced."

Council Question: From a process standpoint, I am assuming the type of prefabricated sculpture will be decided before the "call for artists." How will the prefabricated sculpture type (hearts, other?) and size be decided?

Staff Response: The type of art will be selected as part of a community outreach process in an online survey. The size will vary based on the type of art selected, aesthetics and cost. All of this information will be included in the Call for Artists.

**Agenda Item #: 4**

**Title:** Introduce an Ordinance to Repeal and Re-Adopt Sunnyvale Municipal Code Chapter 8.16 (Solid Waste Management and Recycling) and add Sunnyvale Municipal Code Chapter 16.74 (Construction and Demolition Diversion); Introduce an Ordinance to Amend Sunnyvale Municipal Code Section 19.38.030 (Recycling and Solid Waste Facilities) and Section 19.37.060 (General Planting, Soil Management and Water Feature Design Requirements); Adopt a Resolution to Amend the Master Fee Schedule to add Fines and Penalties for Violations of Chapter 8.16 and 16.74; Find that the Action Is Exempt from California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Sections 15061(b)(3) and 15308 of the CEQA Guidelines

Council Question: (Att-3) From an ordinance standpoint, the fee levels for violation are variable ranges? What would Staff utilize to set the violation within the range?

Staff Response: Per the recommended ordinance and State guidance, the following factors shall be used to determine the amount of the penalty for each violation within the applicable penalty range:

1. The nature, circumstances, and severity of the violation(s).
2. The violator's ability to pay.
3. The willfulness of the violator's misconduct.
4. Whether the violator took measures to avoid or mitigate violations of this chapter.
5. Evidence of any economic benefit resulting from the violation(s).
6. The deterrent effect of the penalty on the violator.
7. Whether the violation(s) were due to conditions outside the control of the violator.

As a part of implementing the ordinance, staff will develop procedures and forms for issuing citations and provide training to the enforcement officers.

Council Question: Is there any State guidance, if there is a fourth violation (only list 3 violation levels/ranges)? Does Staff have recommendations for correcting "repeat-offenders"?

Staff Response: The State does not provide guidance for more than three violations. The fine ranges shown are for administrative citations. The City also has the option to issue criminal infraction citations instead of administrative citations for repeat violators. Staff has other means besides citations to achieve compliance. For commercial or multi-family accounts who do not subscribe to an adequate level of all required services, Staff has the authority to ask Specialty to initiate or increase services for those accounts without the property owners' permission. For customers who place materials in the wrong containers, Specialty can refuse to collect contaminated materials. We would use warning "courtesy collection" notices followed by "non-collection" notices to explain why materials weren't collected. Staff would use the means listed above before issuing citations.

Council Question: "Staff is recommending that the Director of Environmental Services or his designee be given the authority to grant additional waivers for commercial food scraps services for other, unforeseen circumstances." How will the number of waivers be tracked/reported to Council?

Staff Response: The City is required to report annually to the State (CalRecycle) on the waivers issued. This is part of a larger required annual report to CalRecycle. Staff can provide the same information to Council if desired.

Council Question: This item went to the Planning Commission, are there draft minutes on their recommendation to Council?

Staff Response: Attached please find the draft minutes of the 10/25 meeting of the Planning Commission.



# City of Sunnyvale

## Meeting Minutes - Draft Planning Commission

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Monday, October 25, 2021

7:00 PM

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

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**Special Meeting: Study Session - Canceled | Public Hearing - 7:00 PM**

### Special Teleconference Notice

#### Public Participation

#### Accessibility/Americans with Disability Act (ADA) Notice

#### **STUDY SESSION CANCELED**

#### **7 P.M. PLANNING COMMISSION MEETING**

#### **CALL TO ORDER**

Pursuant to Government Code Subdivision 54953 (e), the meeting was conducted telephonically; pursuant to state law, the City Council is scheduled to make the necessary findings on October 26, 2021.

Chair Howard called the meeting to order at 7:00 PM.

#### **ROLL CALL**

**Present:** 6 - Chair Daniel Howard  
Vice Chair Martin Pyne  
Commissioner Sue Harrison  
Commissioner John Howe  
Commissioner Ken Rheaume  
Commissioner Carol Weiss

#### **ORAL COMMUNICATIONS**

#### **CONSENT CALENDAR**

MOTION: Commissioner Howe moved and Vice Chair Pyne seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

**Yes: 6 -** Chair Howard  
Vice Chair Pyne  
Commissioner Harrison  
Commissioner Howe  
Commissioner Rheaume  
Commissioner Weiss

**No: 0**

1. [21-0991](#) Approve Planning Commission Meeting Minutes of October 11, 2021

**PUBLIC HEARINGS/GENERAL BUSINESS**

2. [21-0963](#) **Proposed Project:**  
**DESIGN REVIEW** to allow a 363 square feet first-floor addition, 490 square feet second-floor addition, and a new 56 square feet covered entry porch on an existing two-story single-family home, resulting in 3,149 square feet gross floor area (2,763 square feet living area and 386 square feet garage) and 50% Floor Area Ratio (FAR).  
**Location:** 736 Silver Pine Court (APN: 213-15-049)  
**File #:** 2021-7010  
**Zoning:** R-0  
**Applicant / Owner:** Willwerth Design (applicant) / Raja M Gopal and Annu Ramachandran (owner)  
**Environmental Review:** A Class 1 Categorical Exemption relieves this project from the CEQA provisions.  
**Project Planner:** Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Senior Planner Aastha Vashist presented the staff report with a slide presentation.

Commissioner Howe asked whether staff received any written or oral comments from the public for the proposed project. Senior Planner Vashist confirmed that they did not.

Commissioner Harrison noted that renderings for the proposed project included a gable roof on the right side of the second floor and a hip roof on the left side of the second floor. She questioned whether this was done to meet solar requirements. Associate Planner Vashist answered that the purpose of the hip roof is to minimize visual bulk as it reduces the number of exposed walls. In reference to Basic Design Principle 2.2.2 in Attachment 3, Commissioner Harrison stated that the homes presented in the staff presentation displayed either gable roofs or hip roofs but not a

combination of both. She then announced that she would ask the architect about the design intent.

Chair Howard opened the Public Hearing.

Cliff Willwerth, Architectural Designer at Willwerth Design, presented the project including additional images and information.

Mr. Willwerth advised Commissioner Harrison that the proposed project features one hip roof and one gable roof to reduce solar impact to neighbors of the proposed project.

Commissioner Harrison and Mr. Willwerth discussed plans for the proposed project to increase energy efficiency. Mr. Willwerth explained that it will incorporate a cool roof design, new insulation throughout, new Energy Star kitchen appliances, and the addition of larger windows to allow for more natural light. Mr. Willwerth added that the design intent of the second-floor roof is to minimize solar shading to the adjacent properties. He added that the proposed project is designed to accommodate solar panels, if desired by the property owners, and that if the existing furnace system is incapable of supplying heat to the entire house, a new electric heating system will be considered.

Commissioner Weiss asked about whether the furnace will be moved into the garage. Mr. Willwerth explained that collaboration with an HVAC engineer will determine the best location for the furnace, but consideration has been made to move the furnace either into the garage or attic.

There were no public speakers for this agenda item.

Annu Ramachandran and Raja Gopal, property owners, expressed gratitude to Senior Planner Vashist and other City staff for assisting them with creating a better design for the proposed project.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Harrison moved and Commissioner Howe seconded the motion to approve Alternative 1 – Approve the Design Review with the Conditions of Approval in Attachment 4.

Commissioner Harrison commented that, if not for the purpose of meeting solar shading requirements, she would have encouraged the use of gable roofs for the proposed project to maintain consistency with the character of the homes in the surrounding neighborhood. She also noted the nice design of the proposed project and the ability of the proposed project to meet setback rules. Overall, she stated she can make the findings to support this motion.

Commissioner Howe agreed with comments made by Commissioner Harrison and commended the proposed project for its wonderful design that will be functional even with time.

Commissioner Rheume spoke in favor of the motion as he can make the findings and mentioned his hope that his fellow Commissioners may also make the findings to support the motion. He also applauded the proposed project's nice, quality design and contributions made by staff.

Commissioner Weiss voiced her support of the motion and highlighted several nice features of the proposed project: a garage that is not overly prominent; an expanded porch, entrance, and living room area; and a continuation of the roof line. She specified that the proposed project has been carefully designed to avoid a massing effect and that it possesses an attractive, classic look. Since the proposed project meets the criteria of the City's Single Family Home Design Techniques, she can make the findings.

Vice Chair Pyne revealed that he can make findings and called attention to the proposed project's cool roof and eco-friendly design. He added that the proposed project is an attractive home overall and that he looks forward to supporting the motion.

The motion carried by the following vote:

**Yes:** 6 - Chair Howard  
Vice Chair Pyne  
Commissioner Harrison  
Commissioner Howe  
Commissioner Rheume  
Commissioner Weiss

**No:** 0



This decision is final unless appealed or called up for review by the City Council by 5:00 PM on Tuesday, November 9, 2021.

3. [21-0976](#) Recommend that the City Council Introduce an Ordinance to Amend Sunnyvale Municipal Code Section 19.37.060 (General Planting, Soil Management and Water Feature Design Requirements) and Section 19.38.030 (Recycling and Solid Waste Facilities) and Find that the Action Is Exempt from CEQA.

David Krueger, Solid Waste Programs Division Manager, presented the staff report with a slide presentation.

Commissioner Harrison asked whether multi-family properties are required to have only a container for food scraps and not yard waste. Mr. Krueger confirmed that they are required to possess containers for both unless they can demonstrate that their landscaper is recycling yard waste for them at a compost facility.

Commissioner Rheaume asked about the City's methods for monitoring whether the new guidelines pertaining to proper recycling of yard waste is adhered to. He also confirmed with Principal Planner Noren Caliva-Lepe that the front yard paving restriction in the Sunnyvale Municipal Code is enforceable.

Vice Chair Pyne noted that the Background section of the staff report mentioned goals for 2020 and asked whether there is any concern about those goals not having been met. Mr. Krueger assured him that they may not be retroactively fined for those goals not being met and that they are striving to maintain compliance with regulations by 2025.

Commissioner Harrison inquired about the City's progress in terms of achieving a 75 percent reduction in the level of the statewide disposal of organic waste. Mr. Krueger informed her that the City's progress is better than that of neighboring cities due to its zero-waste goal and efforts to enforce the food scrap program.

There were no public speakers for this agenda item.

Mr. Krueger clarified the meaning of B-2.1.b on page six of Attachment 3 for Commissioner Weiss.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Harrison moved and Commissioner Weiss seconded the

motion to approve Alternative 1 – Recommend that City Council introduce the Ordinance in Attachment 2 and find that this action is exempt from the California Environmental Quality Act (CEQA pursuant to CEQA Guidelines Section 15061(b) (3).

Commissioner Harrison revealed that, in her opinion, it is a good idea to revise the language of the guidelines in advance and that she is glad the City is making progress in terms of recycling organic material.

Commissioner Weiss stated that, in her opinion, it is good that this issue is being addressed and that more will be done at the state level.

Chair Howard spoke in favor of the motion and expressed pride in the City for the progress it has made relative to neighboring cities in terms of waste management.

The motion carried by the following vote:

**Yes: 6 -** Chair Howard  
Vice Chair Pyne  
Commissioner Harrison  
Commissioner Howe  
Commissioner Rheame  
Commissioner Weiss

**No: 0**

This decision is final unless appealed or called up for review by the City Council by 5:00 PM on Tuesday, November 9, 2021.

**STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**

**INFORMATION ONLY REPORTS/ITEMS**

4. [21-0990](#) Planning Commission Proposed Study Issues, Calendar Year: 2022  
(Information Only)

**NON-AGENDA ITEMS AND COMMENTS**

**-Commissioner Comments**

Commissioner Weiss disclosed that she intended to abstain during the vote on the

Consent Calendar item. Senior Assistant City Attorney Rebecca Moon explained that she may approve meeting minutes based on her faith in staff and staff's ability to write accurate minutes. Commissioner Weiss confirmed her faith in staff and, thus, her vote.

When prompted by Commissioner Rheume, Assistant Director Andrew Miner advised of large projects that are currently in the works and provided examples of a few.

**-Staff Comments**

Assistant Director Miner announced his efforts to coordinate the attendance of the Planning Commissioners at Devcon's Google Caribbean Beam Raising Ceremony.

Assistant Director Miner spoke of the workshop on land use processing held by Leadership Sunnyvale/Urban Land Institute (ULI) that the Planning Commissioners are invited to attend.

Assistant Director Miner, that on October 26, 2021, the City Council will consider the continuation of virtual public meetings for the City Council and Boards, Commissions and Council Subcommittees during the COVID-19 State of Emergency.

Assistant Director Miner advertised a vacant position on the Planning Commission.

Assistant Director Miner stated that he will be sending the Planning Commissioners photos of the Irvine Company apartments that are currently under construction at the AMD site.

**ADJOURNMENT**

Chair Howard adjourned the meeting at 7:50 PM.