



# City of Sunnyvale

## Notice and Agenda City Council

---

Tuesday, May 16, 2023

5:30 PM

Online and Bay Conference Room  
(Room 145), City Hall,  
456 W. Olive Ave.,  
Sunnyvale, CA 94086

---

**Special Meeting: Study Session - 5:30 PM | Special Meeting: Special Order of the Day -  
6:30 PM | Regular Meeting - 7 PM**

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

### Public Participation

- *In-person participation: You may provide public comment by filling out a speaker card (optional) and giving it to the City Clerk.*
- *Online participation: You may provide audio public comment by connecting to the 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](mailto:council@sunnyvale.ca.gov) or by mail to:  
City Clerk, 456 W. Olive Ave., 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](mailto:cityclerk@sunnyvale.ca.gov) (28 CFR 35.160 (b) (1)).*

**5:30 P.M. SPECIAL COUNCIL MEETING (Study Session)**

**Call to Order**

*Call to Order in the Bay Conference Room (Room 145)*

**Roll Call**

- A**     [23-0313](#)     Review Federal Government Programs that Direct Libraries to Provide Filtering for Internet Access

**Adjourn Special Meeting**

**6:30 P.M. SPECIAL COUNCIL MEETING (Special Order of the Day)**

**Call to Order**

*Call to Order in the Bay Conference Room (Room 145)*

**Roll Call**

**Special Order of the Day**

- B**     [23-0375](#)     Department of Public Safety Special Awards

**Adjourn Special Meeting**

**7 P.M. COUNCIL MEETING**

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

**CALL TO ORDER**

*Call to Order in the Bay Conference Room (Room 145)*



**SALUTE TO THE FLAG****ROLL CALL****SPECIAL ORDER OF THE DAY**

- C     [23-0376](#)     Lesbian, Gay, Bisexual, Transgender and Queer Pride Month
- D     [23-0434](#)     Jewish Heritage Month

**ORAL COMMUNICATIONS**

*This category provides an opportunity for members of the public to address the City Council on items not listed on the agenda and is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the Mayor) with a maximum of up to three minutes per speaker. Please note the Brown Act (Open Meeting Law) does not allow the Council to take action on an item not listed on the agenda. If you wish to address the Council, please 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     [23-0298](#)     Approve City Council Meeting Minutes of April 4, 2023

**Recommendation:** Approve the City Council Meeting Minutes of April 4, 2023 as submitted.

- 1.B     [23-0269](#)     Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

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

- 1.C     [23-0498](#)     Award of Contract to Graham Contractors for Annual Slurry Seal 2023 and Make a Finding of California Environmental Quality Act (CEQA) Categorical Exemption Pursuant to CEQA Guidelines Section 15301 (c) (PW23-02)

**Recommendation:** Take the following actions:

- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$1,269,106.75 to Graham Contractors;
- Approve a 10% construction contingency in the amount of \$126,911;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c).

- 1.D    [23-0053](#)    Accept Addendum 5 to the Program Environmental Impact Report (PEIR) for the Sunnyvale Water Pollution Control Plan (WPCP) Master Plan and Approve the Plan for the Secondary Effluent Pipeline Replacement Project in Accordance with the California Environmental Quality Act (CEQA)

**Recommendation:** Accept Addendum 5 to the Water Pollution Control Plant Master Plan Program Environmental Impact Report (Attachment 1 to the report) and Approve the Plan for the Secondary Effluent Pipeline Replacement Project.

- 1.E    [23-0480](#)    Authorize the City Manager to Execute a Revised 2023 Amended and Restated Joint Use Agreement Between the City of Sunnyvale and Santa Clara Valley Water District for the Sunnyvale West Channel and Sunnyvale East Channel Project

**Recommendation:** Authorize the City Manager to execute a Revised 2023 Amended and Restated Joint Use Agreement between the City of Sunnyvale and Santa Clara Valley Water District for the Sunnyvale West Channel and Sunnyvale East Channel Project.

- 1.F    [23-0549](#)    Approve Local Area Subsequent Designation and Local Board Recertification Application for Program Year 2023-25 for NOVA Workforce Development Area

**Recommendation:** Approve Local Area Subsequent Designation and Local Board Recertification application for Program Year 2023-25 for the NOVA Workforce Development Area.

- 1.G**     [23-0518](#)     Approve Amendments to Council Policy 7.3.19 (Council Meetings) Adding a Pilot Process for City Council Colleague Memorandums to Propose new Agenda Items

**Recommendation:** Approve amendments to Council Policy 7.3.19 (Council Meetings) adding a pilot process for City Council Colleague Memorandums to propose new agenda items, with a January 31, 2024 sunset.

- 1.H**     [23-0587](#)     Adopt Ordinance No. 3213-23 to Repeal and Re-Adopt Sunnyvale Municipal Code Chapter 12.60 (Stormwater Management) and Find that the Action is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the CEQA Guidelines

**Recommendation:** Adopt Ordinance No. 3213-23 to Repeal and Re-Adopt Sunnyvale Municipal Code Chapter 12.60 (Stormwater Management) and Find that the Action is Categorically Exempt from the California Environmental Quality Act (CEQA) Pursuant to Section 15308 of the CEQA Guidelines

### **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.*

- 2**        [23-0586](#)        REQUEST FOR CONTINUANCE TO JULY 11, 2023

Proposed Project:

A. Adopt a Resolution to:

1. Certify the Environmental Impact Report (EIR);
2. Make the findings required by California Environmental Quality Act (CEQA);
3. Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program;
4. Adopt the Water Supply Assessment;
5. Adopt the Amended Moffett Park Specific Plan (with Staff recommended modifications to the draft MPSP);
6. Amend the General Plan text and update the General Plan Map; and

7. Update the Green Building Program Table.

B. Adopt a Resolution to:

1. Amend the Fiscal Year 2022/23 Master Fee Schedule to adjust the MPSP Planning Application Fees, including the addition of the MPSP Maintenance Fee, the MPSP Infrastructure Fee and the MPSP Transportation Impact Fee (TIF).

C. Introduce An Ordinance to:

1. Repeal and Re-Adopt Sunnyvale Municipal Code (SMC) Chapter 19.29 (Moffett Park Specific Plan) and make other amendments to Title 19 (Zoning) to implement the MPSP;

2. Add SMC Chapter: 3.56 (MPSP Transportation Impact Fee) to Title 3 (Revenue and Finance); and

3. Amend the Zoning Plan District Map and re-zone parcels currently within the new MPSP district.

Location: Moffett Park Specific Plan Area

Existing Plan: Moffett Park Specific Plan

File number: 2018-7715 (Moffett Park Specific Plan)

General Plan Designation:

Existing: Moffett Park Specific Plan

Proposed: Moffett Park Specific Plan

Zoning:

Existing Zoning:

MP-I: Industrial

MP-TOD: Transit Oriented Development

MP-C: Commercial

Proposed MPSP Zoning Districts:

MP-AC: Activity Center

MP-R: Residential

MP-MU: Mixed Use

MP-O1: Office 1

MP-O2: Office 2

MP-E1: Mixed Employment 1

MP-E2: Mixed Employment 2

MP-E3: Mixed Employment 3

MP-H: Hospitality

MP-PF: Public Facilities

Proposed Combining District  
ECD: Ecological Combining District

Applicant: City of Sunnyvale  
Environmental Review: Environmental Impact Report (SCH #  
20210880338)  
Project Planner: Michelle King, 408-730-7463,  
mking@sunnyvale.ca.gov

**Recommendation:** Continue the City Council public hearing date to the City Council meeting of July 11, 2023.

- 3      [23-0359](#)      Adopt a Resolution Pursuant to California Streets and Highways Code Section 11311 to Establish a Pedestrian Mall on the 100 Block of South Murphy Avenue, Accept the Second Addendum to the 2020 Downtown Specific Plan Environmental Impact Report for the Historic Murphy Avenue Pedestrian Mall Project in Accordance with the California Environmental Quality Act, Introduce an Ordinance Adding Chapter 10.66 (Pedestrian Mall on South Murphy Avenue) to Title 10 of the Sunnyvale Municipal Code and Amend Various Sections of Chapter 10.56 (Bicycles) of the Sunnyvale Municipal Code Related to Bicycles on Pedestrian Malls and Approve Budget Modification No. 20 in the Amount of \$800,000

**Recommendation:** Alternatives: 1, 2, 3, and 4: 1.) Adopt a Resolution Pursuant to California Streets and Highways Code Section 11311 to Establish a Pedestrian Mall on the 100 Block of South Murphy Avenue; 2.) Accept an Addendum to the 2020 Downtown Specific Plan Environmental Impact Report for the Historic Murphy Avenue Pedestrian Mall Project in Accordance with the California Environmental Quality Act; 3.) Introduce an Ordinance Adding Chapter 10.66 (Pedestrian Mall on South Murphy Avenue) to Title 10 of the Sunnyvale Municipal Code and Amend Various Sections of Chapter 10.56 (Bicycles) of the Sunnyvale Municipal Code Related to Bicycles on Pedestrian Malls; and 4.) Approve Budget Modification No. 20 in the amount of \$800,000.

- 4      [23-0581](#)      Approve 16 Design Proposals for The Great Box Cover-Up! (Utility Box Art Project-Phase 2) and Authorize the Arts Commission to Approve the Selected Designs for Phase 3 of

### The Great Box Cover-Up!

**Recommendation:** Alternatives 1 and 3: Review and Approve 16 Design Proposals for The Great Box Cover-Up! (Utility Box Art Project-Phase 2) and Authorize the Arts Commission to Approve the Selected Designs for Phase 3 of The Great Box Cover-Up!

- 5      [23-0582](#)      Select Final Icon and Approve Locations for the Sunnyvale Icon Sculpture Project and Authorize the Arts Commission to Approve the Final Icon Design and Select Artists

**Recommendation:** Alternatives 1 and 2: Select the Final Icon and Approve Locations for the Sunnyvale Icon Sculpture Project; and Authorize the Arts Commission to Approve the Final Icon Design and Select Artists

- 6      [23-0047](#)      Appoint Applicants to the Arts Commission, Bicycle and Pedestrian Advisory Commission, Board of Library Trustees, Heritage Preservation Commission, Human Relations Commission, Parks and Recreation Commission, Personnel Board, Planning Commission and Sustainability Commission

**Recommendation:** Staff makes no recommendation.

### **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.

[23-0423](#)      Information/Action Items

[23-0421](#)      Board/Commission Meeting Minutes

[23-0420](#)      Tentative Council Meeting Agenda Calendar

[23-0573](#) Board/Commission Resignation (Information Only)

[23-0489](#) Council Advocacy Letters

## **ADJOURNMENT**

### **NOTICE TO THE PUBLIC**

*The agenda reports to council (RTCs) may be viewed on the City's website at [sunnyvale.ca.gov](http://sunnyvale.ca.gov) after 7 p.m. on Thursdays or at the NOVA Workforce Services reception desk located on the first floor of City Hall at 456 W. Olive Avenue, during normal business hours, 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 on the fourth floor of City Hall at 456 W. Olive Avenue, during normal business hours and in the Bay Conference Room (Room 145) on the evening of the Council Meeting, pursuant to Government Code §54957.5. Please contact the Office of the City Clerk at 408-730-7483 for specific questions regarding the agenda.*

*PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing.*

*PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.*

### **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.*





# City of Sunnyvale

## Agenda Item

---

**23-0313**

**Agenda Date: 5/16/2023**

---

Review Federal Government Programs that Direct Libraries to Provide Filtering for Internet Access

## 6.0 Long-term Advocacy Positions – Cultural

---

### 6.2 Library

- (2) Support funding of public library capital projects including possible legislation to lower the threshold for future library bond measures to 55% as was done for school bonds. *[2009 Library Staff Recommendation]* (Moved to long-term Council Policy, RTC 12-09, February 7, 2012) **Lead Dept. LCSLRS**
- (3) Actively monitor and oppose legislation that jeopardizes the confidentiality of library patron information, including certain provisions of the USA Patriot Act. Support the U.S. campaign against terrorism and affirm a commitment to the U.S. Constitution and respective state constitutions while urging the U.S. Congress to amend the PATRIOT ACT in order to restore and protect our nation's fundamental and inalienable rights and liberties. *[2003 Library Staff Recommendation; 2004 Modification, 2005 modified by staff/2006 NLC Resolution]* (Moved to long-term Council Policy, RTC 11-022, February 8, 2011) **Lead Dept. LCSLRS**
- (4) Support funding of California Library Literacy Services (CLLS), a state program that allows California's public libraries to direct services to low-literate adults and their families. *[2010 Library Staff Recommendation]* (Moved to long-term Council Policy, RTC 12-09, February 7, 2012) **Lead Dept LCSLRS**
- (5) Support full funding for the State Public Library Fund. *[\*/Modified 1994]* (Moved to long-term Council Policy, RTC 09-046 (February 24, 2009) **Lead Dept. LCSLRS**
- (6) Support full funding for the State's Transaction Based Reimbursement Program which reimburses public libraries for loaning books and materials to other libraries' residents. *[First appeared 1994; Re-added, 2003 Library Staff Recommendation; 2007 Library staff modification]* (Moved to long-term Council Policy, RTC 09-046 (February 24, 2009) **Lead Dept. LCSLRS**
- (7) Support adequate funding and reauthorization of the Library Services and Technology Act (LSTA). *[2001, Staff recommendation]* (Moved to long-term Council Policy, RTC 08-063, February 26, 2008) **Lead Dept. LCSLRS**
- (8) ~~Actively monitor and oppose any state or federal mandate that restricts open access to information [in any format]. Oppose federal government programs that direct libraries to provide filtering for Internet Access. *[\*/2001 Modification/2002 NLC Resolution]* (Moved to long-term Council Policy, RTC 08-063, February 26, 2008)~~  
**Lead Dept. LCS**

(Adopted RTC: #08-063 (February 26, 2008); Revised RTC: #09-046 (February 24, 2009); Revised RTC: #11-022, (February 8, 2011); Revised RTC: #12-09 (February 7, 2012))

*\*No record of LAP origin.*



# City of Sunnyvale

## Agenda Item

---

**23-0375**

**Agenda Date: 5/16/2023**

---

Department of Public Safety Special Awards



# City of Sunnyvale

## Agenda Item

---

**23-0376**

**Agenda Date: 5/16/2023**

---

Lesbian, Gay, Bisexual, Transgender and Queer Pride Month



# City of Sunnyvale

## Agenda Item

---

**23-0434**

**Agenda Date: 5/16/2023**

---

Jewish Heritage Month



# City of Sunnyvale

## Agenda Item

---

**23-0298**

**Agenda Date: 5/16/2023**

---

**SUBJECT**

Approve City Council Meeting Minutes of April 4, 2023

**RECOMMENDATION**

Approve the City Council Meeting Minutes of April 4, 2023 as submitted.



# City of Sunnyvale

## Meeting Minutes - Draft

### City Council

---

Tuesday, April 4, 2023

5:45 PM

Online and Bay Conference Room  
(Room 145), City Hall,  
456 W. Olive Ave.,  
Sunnyvale, CA 94086

---

**Special Meeting: Closed Session - 5:45 PM | Regular Meeting - 7 PM**

#### **5:45 P.M. SPECIAL COUNCIL MEETING (Closed Session)**

##### **Call to Order**

Vice Mayor Din called the meeting to order at 5:45 p.m.

##### **Roll Call**

**Present:** 7 - Mayor Larry Klein  
Vice Mayor Omar Din  
Councilmember Russ Melton  
Councilmember Alysa Cisneros  
Councilmember Richard Mehlinger  
Councilmember Murali Srinivasan  
Councilmember Linda Sell

##### **Public Comment**

Public Comment opened at 5:47 p.m.

No speakers.

Public Comment closed at 5:47 p.m.

##### **Convene to Closed Session**

Convened to Closed Session in the Council Conference Room.

**A**      [23-0499](#)      Closed Session Held Pursuant to California Government Code Section 54956.9 (d) (1): CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION; Name of case: In re National Prescription Opiate Litigation, Northern District of Ohio, Case No. 1:17-MD-2804 (National Opioid litigation involving Teva, Allergan, CVS, Walgreens, and Walmart)

**B**      [23-0474](#)      Closed Session Held Pursuant to California Government Code

Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Tina Murphy, Director of  
Human Resources

Employee organization: Sunnyvale Managers Association  
(SMA)

**Adjourn Special Meeting**

Vice Mayor Din adjourned the meeting at 6:49 p.m.

**7 P.M. COUNCIL MEETING**

**CALL TO ORDER**

Mayor Klein called the meeting to order at 7:00 p.m.

**SALUTE TO THE FLAG**

Mayor Klein led the salute to the United States flag.

**ROLL CALL**

**Present:** 7 - Mayor Larry Klein  
Vice Mayor Omar Din  
Councilmember Russ Melton  
Councilmember Alysa Cisneros  
Councilmember Richard Mehlinger  
Councilmember Murali Srinivasan  
Councilmember Linda Sell

**CLOSED SESSION REPORT**

Vice Mayor Din reported that Council met in Closed Session Held Pursuant to California Government Code Section 54956.9 (d) (1): Conference with Legal Counsel Existing Litigation; Name of case: In re National Prescription Opiate Litigation, Northern District of Ohio, Case No. 1:17MD2804 (National Opioid litigation involving Teva, Allergan, CVS, Walgreens, and Walmart); Council voted to authorize the City Attorney to opt in to National Prescription Opiate Litigation, Northern District of Ohio, Case No. 1:17MD2804 (National Opioid litigation involving Teva, Allergan, CVS, Walgreens, and Walmart), with a vote of 6 - 1, Councilmember Melton voting no.

Vice Mayor Din reported that Council met in Closed Session Held Pursuant to California Government Code Section 54957.6: Conference with Labor Negotiators



Agency designated representatives: Tina Murphy, Director of Human Resources  
Employee organization: Sunnyvale Managers Association (SMA); nothing to report.

**SPECIAL ORDER OF THE DAY**

**C**      [23-0365](#)      Recognition of Green Businesses

Mayor Klein spoke in recognition of green businesses and honored the following guests:

- Robert Bonderer, Director of Environmental Health & Safety, JSR Mirco
- Dr. Jennifer Chiang, DDS
- Director of Library & Recreation Services Michelle Perera
- Chongyan Zhong, Owner, The Cotton and Silk

**D**      [23-0366](#)      Poetry Month

Mayor Klein spoke in recognition of Poetry Month.

**ORAL COMMUNICATIONS**

Vice Mayor Din announced the current Board and Commission recruitment openings and the upcoming Drive Electric event.

Lena Masoumi shared their school research project on the complicated relationship between homelessness, mental illness and drug addiction.

Andrea Wald shared a message on the negative environment affects of artificial turf and safety of participants using artificial turf for recreation.

Angela Roche, Livable Sunnyvale, provided a presentation supporting the Village Center Vision as originally intended in the Village Center Master Plan.

Chuck Fraleigh, Livable Sunnyvale, provided a presentation supporting Village Center development but highlighted the insufficient proposals currently being planned in Sunnyvale.

Julia Liu, Livable Sunnyvale, provided a presentation to why the current Sunnyvale Village Center developments fall short to the Village Center Vision's ideals.

Rita Welsh, Livable Sunnyvale, communicated the need for more diverse Village Center developments that provide more retail businesses.

Agnes Veith, Livable Sunnyvale, shared their concerns to how the current Village Center developments are not offering adequate retail spaces.

### **CONSENT CALENDAR**

Public Comment opened at 7:30 p.m.

No speakers.

Public Comment closed at 7:30 p.m.

Mayor Klein pulled agenda item 1.F for separate consideration.

Vice Mayor Din moved and Councilmember Mehlinger seconded the motion to approve agenda items 1.A through 1.E.

The motion carried by the following vote:

**Yes:** 7 - Mayor Klein  
Vice Mayor Din  
Councilmember Melton  
Councilmember Cisneros  
Councilmember Mehlinger  
Councilmember Srinivasan  
Councilmember Sell

**No:** 0

**1.A**      [23-0266](#)      Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Approve the list(s) of claims and bills.

**1.B**      [23-0039](#)      Accept Pavement Management Technical Assistance Program Round 24 Grant Funds from the Metropolitan Transportation Commission to Complete a Citywide Pavement Condition Assessment to Qualify for Regional Discretionary Funds and Approve Budget Modification No. 14 in the amount of \$18,300

Accept Pavement Management Technical Assistance Program Round 24 Grant Funds from the Metropolitan Transportation Commission to complete a Citywide

Pavement Condition Assessment to qualify for Regional Discretionary Funds and approve Budget Modification No. 14 in the amount of \$18,300.

- 1.C**      [23-0168](#)      Approve the Downtown Sunnyvale Business Improvement District (BID) Annual Report for Fiscal Year 2022/23 and Adopt Resolution of Intention to Levy and Collect an Annual Assessment to Reauthorize the BID for Fiscal Year 2023/24

Approve the Fiscal Year 2022/23 BID Annual Report, adopt a Resolution of Intention to Levy and Collect an Assessment and reauthorize the Business Improvement District for Fiscal Year 2023/24, and schedule the public hearing for May 2, 2023.

- 1.D**      [23-0486](#)      Ratify Appointment of Councilmember Murali Srinivasan as Councilmember Russ Melton's Proxy to the Santa Clara County Airport Land Use Commission (ALUC)

Ratify the appointment of Councilmember Murali Srinivasan to Seat 07A as Councilmember Russ Melton's proxy to the Santa Clara County Airport Land Use Commission.

- 1.E**      [23-0491](#)      Adopt Ordinance No. 3212-23 Amending Various Sections of Title 16 (Buildings and Construction) and Title 19 (Zoning) of the Sunnyvale Municipal Code Related to the Board of Building Code Appeals and the Chief Building Official

Adopt Ordinance No. 3212-23 amending various Sections of Title 16 (Buildings and Construction) and Title 19 (Zoning) of the Sunnyvale Municipal Code related to the Board of Building Code Appeals and the Chief Building Official.

- 1.F**      [23-0501](#)      Adopt a Resolution Ratifying the City Manager's Proclamation of a Local Emergency Regarding the March 2023 Winter Storms and Find that the Action is Exempt from California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Sections 15269 and 15378(b)

Public Comment opened at 7:35 p.m.

No speakers.

Public Comment closed at 7:35 p.m.

MOTION: Vice Mayor Din moved and Councilmember Mehlinger seconded the motion to item 1.F: Adopt a Resolution ratifying the City Manager's Proclamation of a Local Emergency Regarding the March 2023 Winter Storms and find that the Action is exempt from California Environmental Quality Act (CEQA) pursuant to

CEQA Guidelines Sections 15269 and 15378(b).

The motion carried with the following vote:

**Yes:** 7 - Mayor Klein  
Vice Mayor Din  
Councilmember Melton  
Councilmember Cisneros  
Councilmember Mehlinger  
Councilmember Srinivasan  
Councilmember Sell

**No:** 0

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

**2**      [23-0308](#)      Award of Contract to Hazen and Sawyer for the Water  
Pollution Control Plant Master Plan Update and Cogeneration  
Upgrade Design (F23-001)

Director of Public Works Chip Taylor and Director of Environmental Services  
Ramana Chinnakotla provided the staff report and presentation.

Public Hearing opened at 8:27 p.m.

Steve Scandalis shared their suggestions for alternative methods that could  
potentially be more cost-effective.

Public Hearing closed at 8:30 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Din seconded the motion  
to approve Alternative 1: Take the following actions:

- Award a contract to Hazen and Sawyer for Water Pollution Control Plant Master  
Plan Update and Cogeneration Upgrade Design in substantially the same form as  
Attachment 1 to the report in an amount not-to-exceed \$7,401,597;
- Authorize the City Manager to execute the contract when all the necessary  
conditions have been met;
- Approve a 10% contingency in the amount of \$740,160; and
- Authorize the City to amend the contract annually after the first three years to  
increase rates as follows: 3.75% to non-senior staff and 2% for senior staff, subject  
to available budget and if pricing and services remain acceptable to the City.

The motion carried with the following vote:

**Yes:** 7 - Mayor Klein  
Vice Mayor Din  
Councilmember Melton  
Councilmember Cisneros  
Councilmember Mehlinger  
Councilmember Srinivasan  
Councilmember Sell

**No:** 0

- 3**      [23-0493](#)      Consider Reinstating the Pilot of the Process for City Council Colleague Memorandums to Propose new Agenda Items Previously Included in Council Policy 7.3.19 (Council Meetings)

City Clerk David Carnahan provided the staff report.

Public Hearing opened at 9:35 p.m.

Martin Pyne shared their thoughts on how the public can provide feedback in a Colleague Memorandums process.

Stephen Meier spoke to how the City Council can use the Colleague Memorandums to more effectively agenize new items.

Public Hearing closed at 9:40 p.m.

MOTION: Councilmember Mehlinger moved and Councilmember Cisneros seconded the motion to approve Alternative 1: Amend Council Policy 7.3.19 (Council Meetings) to reinstate the pilot process for City Council Colleague Memorandums to propose new agenda items, with the following provisions:

- Include language prominently stating where Colleague Memorandums are to be submitted;
- Include that Colleague Memorandums are not to be shared with Councilmembers outside of the group of Councilmembers who authored a specific Memorandum;
- A January 31, 2024 sunset;
- No definitive timeline to when Colleague Memorandums will appear on a Council meeting agenda;
- Requirement for the City Manager to review and approve the Colleague Memorandums consistent with this policy and the Ralph M. Brown Act (open

meetings law) or provide feedback to the authors.

FRIENDLY AMENDMENT: Vice Mayor Din offered a friendly amendment to place the approval of a permanent process for City Council Colleague Memorandums to be added on the consent calendar after the Jan. 31, 2024, sunset of the pilot program. Councilmember Mehlinger declined to accept the friendly amendment.

The motion carried with the following vote:

**Yes: 7 -** Mayor Klein  
Vice Mayor Din  
Councilmember Melton  
Councilmember Cisneros  
Councilmember Mehlinger  
Councilmember Srinivasan  
Councilmember Sell

**No: 0**

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

Councilmember Mehlinger provided a presentation on the Program Strategy Goals developed at the Caltrain Local Policymakers Group.

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

##### **-Council**

Councilmember Melton shared their experience and what they learned from the National League of Cities Congressional City Conference in Washington D.C. He also commented on the successful opening of the new City Hall building.

Councilmember Srinivasan shared their experience and what they learned from the National League of Cities Congressional City Conference in Washington D.C.

Councilmember Sell shared their experience and what they learned from the National League of Cities Congressional City Conference in Washington D.C.

Councilmember Cisneros proposed a study issue to determine the cost and feasibility of requiring structural retrofitting of existing seismically-vulnerable buildings within a specific time frame. Mayor Klein, Vice Mayor Din, and Councilmembers Melton, Mehlinger, Srinivasan and Sell co-sponsored the study issue.

Mayor Klein spoke regarding Councilmember Melton, Srinivasan and Sell's attendance at the National League of Cities Congressional City Conference and the successful community engagement, planning and building of the new City Hall.

**-City Manager**

City Manager Kent Steffens shared thanks to City Council for attending the new city hall ribbon cutting and to the City Clerk's office and IT department for their successful efforts in organizing the city council meetings during the move transition.

**INFORMATION ONLY REPORTS/ITEMS**

- |                                |   |
|--------------------------------|---|
| <a href="#"><u>23-0292</u></a> | Tentative Council Meeting Agenda Calendar   |
| <a href="#"><u>23-0294</u></a> | Board/Commission Meeting Minutes  |
| <a href="#"><u>23-0295</u></a> | Information/Action Items  |
| <a href="#"><u>23-0490</u></a> | Mayoral Announcement of Mayor-Appointed Ad Hoc Advisory Committee on Potential HomeKey Application (Information Only) |

**ADJOURNMENT**

Mayor Klein adjourned the meeting at 10:19 p.m.



# City of Sunnyvale

## Agenda Item

---

**23-0269**

**Agenda Date: 5/16/2023**

---

### **REPORT TO COUNCIL**

#### **SUBJECT**

Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

#### **BACKGROUND**

Pursuant to Sunnyvale Charter Section 802(6), the City Manager has approved for payment claims and bills on the following list(s); and checks have been issued.

<u>List No.</u>	<u>Date</u>	<u>Total Disbursements</u>
177	04-16-23 through 04-22-23	\$2,770,823.61
178	04-23-23 through 04-29-23	\$21,003,175.97

Payments made by the City are controlled in a variety of ways. In general, payments are reviewed by the appropriate City staff for compliance with the goods or services provided. Any discrepancies are resolved and re-submitted for payment. Different levels of dollar amounts for payments require varying levels of approval within the organization. Ultimately payments are reviewed and processed by the Finance Department. Budgetary control is set by Council through the budget adoption resolution.

#### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

#### **PUBLIC CONTACT**

Public contact was made by posting the Council meeting agenda on the City's official-notice bulletin board at City Hall, at the Sunnyvale Public Library and in the Department of Public Safety Lobby. In addition, the agenda and this report are available at the NOVA Workforce Services reception desk located on the first floor of City Hall at 456 W. Olive Avenue (during normal business hours), and on the City's website.

#### **RECOMMENDATION**

Approve the list(s) of claims and bills.

Prepared by: Tim Kirby, Director of Finance  
Reviewed by: Jaqui Guzmán, Deputy City Manager  
Approved by: Kent Steffens, City Manager



**ATTACHMENTS**

1. List(s) of Claims and Bills Approved for Payment

City of Sunnyvale

**LIST # 177**

**List of All Claims and Bills Approved for Payment  
For Payments Dated 04/16/2023 through 04/22/2023**

**Sorted by Payment Type, Payment Number and Invoice Number**

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
CHECK	XXXXX8454	04/18/2023	California Dept of Tax & Fee Admin	1,000.00	0-033-055-727	AC#044-026249 Q1 UST Fee	1,000.00	0.00	\$1,000.00
	XXXXX8455	04/18/2023	State of California Emergency Medical Services Authority	260.00	27680-2205	EMT Certification Nov 2022	260.00	0.00	\$1,222.00
				666.00	27680-2207	EMT Certification Jan 2023	666.00	0.00	
				296.00	27680-2208	EMT Certification Feb 2023	296.00	0.00	
	XXXXX8456	04/18/2023	County of Santa Clara	3,889.25	MPSP EIR County Filling Fee	County Filling Fee for EIR for MPSP	3,889.25	0.00	\$3,889.25
	XXXXX8457	04/18/2023	Santa Clara Valley Transportation Authority	160.00	1334	March 2023 Bus Passes	160.00	0.00	\$320.00
				160.00	1415	April 2023 Bus Passes	160.00	0.00	
	XXXXX8458	04/18/2023	USDA-APHIS General	371.78	3004540278	C#3282817 Comp&Support	371.78	0.00	\$371.78
	XXXXX8459	04/18/2023	Kirby Canyon Recycling and Disposal Facility	537,946.16	Mar2023	AC#46-0849 Landfill Disposal	537,946.16	0.00	\$537,946.16
	XXXXX8460	04/18/2023	Self Insured Services Company	47,870.91	12555	Apr 2023 life insurance and long term disability (non PSOA)	47,870.91	0.00	\$47,870.91
	XXXXX8461	04/18/2023	Bibliotheca LLC	1,005.56	INV-US64013	eAudiobook License	1,005.56	0.00	\$1,005.56

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX8462	04/18/2023	BMI	1,512.90	47378405	Music Licensing 4/1/23 - 3/31/24	1,512.90	0.00	\$1,512.90
	XXXXX8463	04/18/2023	Bound Tree Medical LLC	1,293.37	84911366	Supplies	1,293.37	0.00	\$5,797.61
				1,222.18	84913015	Supplies	1,222.18	0.00	
				3,282.06	84917549	Supplies	3,282.06	0.00	
	XXXXX8464	04/18/2023	BSK Associates	1,200.00	AG04782	Analysis	1,200.00	0.00	\$1,200.00
	XXXXX8465	04/18/2023	Buckles-Smith Electric Co	1,078.93	3299789-02	\$9.89 By 04/17/23	1,078.93	0.00	\$1,127.03
				48.10	3310987-00	Disc. 0.45 By 04/13/23	48.59	0.49	
	XXXXX8466	04/18/2023	C Overaa & Co	26,427.00	230077	Mechanical Maint. & Repair	26,427.00	0.00	\$26,427.00
	XXXXX8467	04/18/2023	California Science and Tech University	1,200.00	186	Gofman, David #22- 16-501-04 Solomon, Leela #22- 16-201-03	1,200.00	0.00	\$7,950.00
				6,750.00	187	Sarma, Kanchan #22-16-2064-07	6,750.00	0.00	
	XXXXX8468	04/18/2023	Canon Solutions America Inc	2,653.04	6003851912	Copier Maintenance	2,653.04	0.00	\$2,653.04
	XXXXX8469	04/18/2023	Central Labor Council Partnership	55,955.66	69	#001.201.23 _Mar2023_69	55,955.66	0.00	\$55,955.66
	XXXXX8470	04/18/2023	Century Graphics	1,859.61	57876	Apparel	1,859.61	0.00	\$2,189.25
				329.64	57877	apparel	329.64	0.00	
	XXXXX8471	04/18/2023	D-A Lubricant Company Inc	2,148.18	2023-30705- 00	Lubricant	2,148.18	0.00	\$2,148.18
	XXXXX8472	04/18/2023	Earth Share of California	58.50	PR202314	PR202314	58.50	0.00	\$58.50
	XXXXX8473	04/18/2023	EOA Inc	8,023.33	SU58-0123	WPCP Support	8,023.33	0.00	\$8,023.33
	XXXXX8474	04/18/2023	Ferguson US Holdings Inc	2,619.00	1780282	Parts	2,619.00	0.00	\$2,812.81
				193.81	1780283	Parts	193.81	0.00	
	XXXXX8475	04/18/2023	Foster Bros Security	210.00	i3891	Labor	210.00	0.00	\$210.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Systems Inc						
	XXXXX8476	04/18/2023	General Datatech LP	48,246.54	90507731	NetApp Support Renewal - Term: 4/1/2023 - 3/31/2024	48,246.54	0.00	\$48,246.54
	XXXXX8477	04/18/2023	Hetnet Wireless LLC	250.00	4854	Plan Re-Check	250.00	0.00	\$15,000.00
				1,750.00	4855	Radio Coverage Test - Annual Certification	1,750.00	0.00	
				1,000.00	4856	Radio Coverage Test - Annual Certification	1,000.00	0.00	
				1,500.00	4857	Radio Coverage Test - Annual Certification	1,500.00	0.00	
				750.00	4858	Annual Testing-Passed	750.00	0.00	
				1,750.00	4859	Annual Testing-Report Uploaded to TCE	1,750.00	0.00	
				1,750.00	4860	Annual Testing	1,750.00	0.00	
				1,000.00	4861	Radio Coverage Test - Annual Certification	1,000.00	0.00	
				1,500.00	4862	Radio Coverage Test - Annual Certification	1,500.00	0.00	
				1,750.00	4863	Radio Coverage Test - Annual Certification	1,750.00	0.00	
				2,000.00	4864	Radio Coverage Test cert	2,000.00	0.00	
	XXXXX8478	04/18/2023	Hybrid Commercial Printing, Inc.	86.21	27638	Business Card	86.21	0.00	\$86.21
	XXXXX8479	04/18/2023	Infosend Inc	3,463.08	226357	Statement Postage	3,463.08	0.00	\$27,553.32
				627.93	227455	Data Processing/Print/Mail Prep Service	627.93	0.00	
				1,259.89	227456	Statement Postage	1,259.89	0.00	
				1,526.78	227687	Monthly Maintenance	1,526.78	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						Dec 22			
				7,776.02	228178	t Data Processing/Print/Mail Prep Service	7,776.02	0.00	
				1,832.79	228179	Statement Postage	1,832.79	0.00	
				1,702.28	229097	Statement Postage	1,702.28	0.00	
				1,896.07	229770	Data Processing/Print/Mail Prep Service	1,896.07	0.00	
				1,443.73	229771	Statement Postage	1,443.73	0.00	
				1,532.28	229993	Monthly Maintenance Jan 23	1,532.28	0.00	
				4,492.47	233396	Data processing/printing	4,492.47	0.00	
	XXXXX8480	04/18/2023	Kelly Spicers Inc	169.45	11271464	Supplies	169.45	0.00	\$169.45
	XXXXX8481	04/18/2023	League of California Cities	300.00	1690	2023 Membership	300.00	0.00	\$300.00
	XXXXX8482	04/18/2023	Feeger-Lucas-Wolfe Inc	5,118.92	1305564	Parts	5,118.92	0.00	\$5,118.92
	XXXXX8483	04/18/2023	LexisNexis Risk Data Management Inc	130.00	1409790-20230131	Jan 2023	130.00	0.00	\$390.00
				130.00	1409790-20230228	Feb 2023	130.00	0.00	
				130.00	1409790-20230331	March 2023	130.00	0.00	
	XXXXX8484	04/18/2023	Lynx Technologies Inc	1,050.00	9855	GIS Svc March 2023	1,050.00	0.00	\$1,050.00
	XXXXX8485	04/18/2023	Midwest Tape LLC	4.80	503438184	MARC Processing	4.80	0.00	\$1,023.09
				27.94	503438185	Processing Svc	27.94	0.00	
				991.55	503550351	Library Materials	991.55	0.00	
				-1.20	503631205	Invoice 503335933	-1.20	0.00	
	XXXXX8486	04/18/2023	Mountain View	1,308.00	103796	Supplies	1,308.00	0.00	\$3,320.27

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Garden Center	213.91	107001	Supplies	213.91	0.00	
				297.16	107414	Supplies	297.16	0.00	
				297.16	107421	Supplies	297.16	0.00	
				435.09	107513	Supplies	435.09	0.00	
				236.53	107524	Supplies	236.53	0.00	
				266.21	112449	Supplies	266.21	0.00	
				266.21	112456	Supplies	266.21	0.00	
	XXXXX8487	04/18/2023	NOVAworks Foundation	45.00	PR202314	NOVA Dues	45.00	0.00	\$45.00
	XXXXX8488	04/18/2023	ODP Business Solutions, LLC (f/k/a Office Depot Business Solutions, LLC)	5,966.02	26116215	ID 35702910 Stores Inventory	5,966.02	0.00	\$7,447.58
				570.33	289802398001	Priscilla Luckey 2/3/2023	570.33	0.00	
				29.91	301310998001	G Moncada Cr 302818815001	29.91	0.00	
				-5.45	302818815001	G Moncada Inv 301310998001	-5.45	0.00	
				39.26	304729097001	Jaime Hernandez 4/11/2023	39.26	0.00	
				530.96	304729108001	Jaime Hernandez 4/11/2023	530.96	0.00	
				29.43	305274473001	Linda Lovett 4/12/2023	29.43	0.00	
				76.38	306988973001	Jaime Hernandez 4/12/2023	76.38	0.00	
				25.09	308445809001	Lisa Mason 4/10/2023	25.09	0.00	
				149.69	308551624001	Michelle Chuck 4/13/2023	149.69	0.00	
				35.96	308797281001	Terri Furton 4/13/2023	35.96	0.00	
	XXXXX8489	04/18/2023	OverDrive Inc	453.42	13449DA23110099	Library Materials	453.42	0.00	\$684.88

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				231.46	13449DA23116222	Library Materials	231.46	0.00	
	XXXXX8490	04/18/2023	Pacific Gas & Electric Co	1,742.83	0069706286-7 0323	725 Kifer Rd/SCS Property	1,742.83	0.00	\$81,651.44
				75,226.43	0314283663-8 0323	H2O Pollution Control	75,226.43	0.00	
				4,563.63	0395847945-7 0323	121 W Evelyn Ave-Multimodal	4,563.63	0.00	
				118.55	9129031168-6 0323	1382 Kifer Rd/Kifer Lift Station	118.55	0.00	
	XXXXX8491	04/18/2023	Pacific West Security, Inc	373.00	70969	Golf Shop April 2023	373.00	0.00	\$373.00
	XXXXX8492	04/18/2023	Pan Asian Publications Inc	707.73	U-17437	Library Materials	707.73	0.00	\$2,895.20
				36.36	U-17448	Library Materials	36.36	0.00	
				55.84	U-17449	Library Materials	55.84	0.00	
				20.78	U-17450	Library Materials	20.78	0.00	
				833.69	U-17466	Library Materials	833.69	0.00	
				241.54	U-17473	Library Materials	241.54	0.00	
				405.81	U-17474	Library Materials	405.81	0.00	
				593.45	U-17475	Library Materials	593.45	0.00	
	XXXXX8493	04/18/2023	Payment Vision	2,383.56	227093	Gateway Access Mar 2023	2,383.56	0.00	\$2,383.56
	XXXXX8494	04/18/2023	Reed & Graham Inc	1,186.34	051117	Asphalt \$62.44 Disct By 4/25	1,248.78	62.44	\$14,263.28
				3,015.78	051231	Asphalt \$158.73 Disct By 4/29	3,174.51	158.73	
				3,515.21	051232	Asphalt \$185.01 Disc By 4/29	3,700.22	185.01	
				4,589.10	051414	Asphalt \$241.53 Disct By 4/30	4,830.63	241.53	
				1,956.85	051519	Asphalt \$102.99 Disct By 5/1	2,059.84	102.99	
	XXXXX8495	04/18/2023	SHI International Corp	60.43	B16696047	Acrobat Pro DC	60.43	0.00	\$60.43

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX8496	04/18/2023	Sierra Pacific Turf Supply Inc	806.65	0637441-IN	Supplies	806.65	0.00	\$1,134.03
				327.38	0638133-IN	Supplies	327.38	0.00	
	XXXXX8497	04/18/2023	California Newspapers Partnership	453.10	0006724565	Ad	453.10	0.00	\$1,336.30
				883.20	0006725883	Ads	883.20	0.00	
	XXXXX8498	04/18/2023	Silicon Valley Leadership	1,500.00	FY2022-23 Q2	SVL Reimbursement FY22/23 Q2	1,500.00	0.00	\$1,500.00
	XXXXX8499	04/18/2023	Sloan Sakai Yeung & Wong LLP	445.50	49786	EEOC Case Legal Svc	445.50	0.00	\$445.50
	XXXXX8500	04/18/2023	Smarsh Inc	1,836.94	INV-91370	AC#SA-39286 Mar 2023	1,836.94	0.00	\$1,836.94
	XXXXX8501	04/18/2023	Staples Inc	13.85	3535745140	Bill 8069963054 Terri Furton	13.85	0.00	\$244.10
				73.02	3535745143	Bill 8069963054 Terri Furton	73.02	0.00	
				24.80	3535745144	Bill 8069963054 Terri Furton	24.80	0.00	
				11.56	3535745145	Bill 8069963054 Thao Nguyen	11.56	0.00	
				86.25	3535745146	Bill 8069963054 G Cadenas	86.25	0.00	
				24.97	3535745147	Bill 8069963054 Thao Nguyen	24.97	0.00	
				9.65	3535745149	Bill 8069963054 Thao Nguyen	9.65	0.00	
	XXXXX8502	04/18/2023	State of CA - Dept of Forestry & Fire	525.00	FS-FFS0994	Fire Fighter Survival 11/7-8/22	525.00	0.00	\$1,050.00
				525.00	FS-RICOP0399	Rapid Intervention Crew	525.00	0.00	
	XXXXX8503	04/18/2023	Sunnyvale Public Safety Officers Assn	19,890.00	PR202314	PR202314- Association dues	19,890.00	0.00	\$19,890.00
	XXXXX8504	04/18/2023	Suzanne Luft	495.00	163	AD5HQA_CA 3/7-4/11/23	495.00	0.00	\$495.00



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX8505	04/18/2023	TRW Communication Inc	480.00	2021051	Radio Hardware Maintenance	480.00	0.00	\$480.00
	XXXXX8506	04/18/2023	United Parcel Service	164.74	0000966608133	Shipper 96608 W/E 3/11-4/1	164.74	0.00	\$164.74
	XXXXX8507	04/18/2023	United Rotary Brush Corp	2,757.98	CI295969	Stores Inventory	2,757.98	0.00	\$2,757.98
	XXXXX8508	04/18/2023	United Site Services of California, Inc.	974.03	INV-01586961	795 E Arques 4/7-5/4/23	974.03	0.00	\$974.03
	XXXXX8509	04/18/2023	Univar Solutions USA Inc	470.60	51005833	Caustic soda	470.60	0.00	\$470.60
	XXXXX8510	04/18/2023	VWR International LLC	229.42	8812544238	Supplies	229.42	0.00	\$1,443.89
				131.93	8812544239	Supplies	131.93	0.00	
				145.11	8812556095	Supplies	145.11	0.00	
				512.28	8812557484	Supplies	512.28	0.00	
				425.15	8812567981	Supplies	425.15	0.00	
	XXXXX8511	04/18/2023	West Valley Engineering, Inc	3,684.24	324595	Netto, Margaret W/E 1/15&22	3,684.24	0.00	\$3,684.24
	XXXXX8512	04/18/2023	Winsupply of Silicon Valley	105.50	042332 01	Supplies \$1.97 Disct By 5/10	107.47	1.97	\$105.50
	XXXXX8513	04/18/2023	Witmer Tyson Imports Inc	1,035.00	T14928	FPO#FY23-170 March 2023	1,035.00	0.00	\$1,035.00
	XXXXX8514	04/18/2023	Yamaha Golf Cars of California, Inc.	90.35	L46362	Parts	90.35	0.00	\$539.35
				449.00	L46846	Repair & Parts	449.00	0.00	
	XXXXX8515	04/18/2023	Anixter Inc	1,255.78	22K486550	Parts	1,255.78	0.00	\$1,255.78
	XXXXX8516	04/18/2023	Ace Fire Equipment & Service Co Inc	729.49	12463385	Parts & Labor	729.49	0.00	\$6,989.00
				6,259.51	12465180	Parts & Labor	6,259.51	0.00	
	XXXXX8517	04/18/2023	City Data Services LLC	4,650.00	2383	Monthly Main Jan-Mar 2023	4,650.00	0.00	\$4,650.00
	XXXXX8518	04/18/2023	Ferguson US Holdings Inc	1,995.26	0234347	Parts	1,995.26	0.00	\$2,497.13
				501.87	0234350	Parts	501.87	0.00	
	XXXXX8519	04/18/2023	Core & Main LP	4,192.80	S619551	Parts	4,192.80	0.00	\$4,192.80

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX8521	04/18/2023	Baker & Taylor, LLC	143.55	2037331064	Books	143.55	0.00	\$27,762.51
				6,856.19	415168032023V	VAS Charges Mar 23	6,856.19	0.00	
				2,596.68	5018151899	Books	2,596.68	0.00	
				1,698.18	5018158498	Books	1,698.18	0.00	
				1,253.84	5018160247	Books	1,253.84	0.00	
				2,479.36	5018170743	Books	2,479.36	0.00	
				782.63	5018171000	Books	782.63	0.00	
				25.62	5018177358	Books	25.62	0.00	
				255.77	5018177362	Books	255.77	0.00	
				55.42	5018177364	Books	55.42	0.00	
				692.78	5018182262	Books	692.78	0.00	
				1,850.04	5018191045	Books	1,850.04	0.00	
				690.08	5018191770	Books	690.08	0.00	
				7.03	5018192553	Books	7.03	0.00	
				14.10	5018192555	Books	14.10	0.00	
				1,433.16	5018194066	Books	1,433.16	0.00	
				512.82	5018196371	Books	512.82	0.00	
				213.80	5018196373	Books	213.80	0.00	
				1,855.93	5018199121	Books	1,855.93	0.00	
				1,455.89	5018203218	Books	1,455.89	0.00	
				1,454.33	5018211083	Books	1,454.33	0.00	
				68.93	5018211726	Books	68.93	0.00	
				15.39	5018211728	Books	15.39	0.00	
				63.40	5018211730	Books	63.40	0.00	
				10.26	5018211732	Books	10.26	0.00	
				33.34	5018211734	Books	33.34	0.00	
				594.54	5018222725	Books	594.54	0.00	
				147.19	5018231941	Books	147.19	0.00	
				89.78	H64221710	Books	89.78	0.00	
				412.48	PCG040323S VAVP	CLS Cataloging & Processing	412.48	0.00	
	XXXXX8522	04/18/2023	Grainger	301.71	9669284979	Supplies	301.71	0.00	\$301.71

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX8523	04/18/2023	UC Regents	2,268.00	1099990 – 22FA	Ramos, Anna 22-11-501-01	2,268.00	0.00	\$2,268.00
	XXXXX8524	04/18/2023	Columbia State Bank	14,938.67	SCWPSitePre p#13	UY-20-02	14,938.67	0.00	\$14,938.67
	XXXXX8525	04/18/2023	A Tool Shed Inc	2,632.40	1621035-4	Equipment Rental	2,632.40	0.00	\$2,632.40
	XXXXX8526	04/18/2023	Exploration Geoservices Inc	16,323.75	19855	Drilling Services	16,323.75	0.00	\$16,323.75
	XXXXX8527	04/18/2023	HF&H Consultants LLC	737.50	9720084	2022 Truck Ordering Review	737.50	0.00	\$737.50
	XXXXX8528	04/18/2023	United Way of the Bay Area	45.00	PR202314	PR202314 Contributions	45.00	0.00	\$45.00
	XXXXX8529	04/18/2023	Seed Collaborative, LLC	37,854.37	100465	Consulting Jan 2023	37,854.37	0.00	\$37,854.37
	XXXXX8530	04/18/2023	Van Gelder Enterprises, Inc.	3,090.00	GR 15729	FPO#PGT-2240	3,090.00	0.00	\$3,090.00
	XXXXX8531	04/18/2023	Ferguson US Holdings Inc	283.76	0234419	Parts	283.76	0.00	\$283.76
	XXXXX8532	04/18/2023	Enoven Industries LLC	327.16	87624	Llghting	327.16	0.00	\$327.16
	XXXXX8533	04/18/2023	Bischoff's Medical & Mobility	6,500.00	161935	Home Access Program - 1085 Tasman Dr. Sp 424	6,500.00	0.00	\$6,500.00
	XXXXX8534	04/18/2023	PSCMA	600.00	215	4/6/2023 Dispatcher Banquet	600.00	0.00	\$600.00
	XXXXX8535	04/18/2023	Dorothy Fadiman	100.00	100	Event for Older American's Month	100.00	0.00	\$100.00
	XXXXX8536	04/18/2023	Our City Forest	6,900.00	11022022MC	Tree Installation 5/13-10/14/22	6,900.00	0.00	\$6,900.00
	XXXXX8537	04/18/2023	Stearns, Conrad and Schmidt Consulting Engineers Inc	1,695.00	0463178	Monitoring Smart Stn Mar 23	1,695.00	0.00	\$3,474.00
				1,779.00	0463180	Non-Routine &	1,779.00	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						Repair Mar 23			
	XXXXX8538	04/18/2023	Murali V Srinivasan	565.46	EXP0000369 92121	Travel Universal City LCC New Councilmember Academy 020123	565.46	0.00	\$565.46
	XXXXX8539	04/18/2023	Hlib Heraskin	52.63	23-071	SUS: April 2023 cellular bill	52.63	0.00	\$52.63
	XXXXX8540	04/18/2023	Ranger Pipelines	3,000.00	E McKinley Refund	Security dep. refund E McKinley	3,000.00	0.00	\$3,000.00
	XXXXX8541	04/18/2023	MJM Properties	1,845.00	23-069	05/2023 Rent I. Sichkovska #8	1,845.00	0.00	\$1,845.00
	XXXXX8542	04/18/2023	Rosa Nieves	102.06	23-068	Textbook reimbursement	102.06	0.00	\$102.06
	XXXXX8543	04/18/2023	The Lace Museum	19.20	96871-70346	Refund: 552 S Murphy Av	19.20	0.00	\$19.20
	XXXXX8544	04/18/2023	Daniel He	14,892.97	2021-1013	Refund building permits	14,892.97	0.00	\$14,892.97
	XXXXX8545	04/18/2023	Yuet Wen	98.38	23-061	Textbook reimbursement	98.38	0.00	\$98.38
	XXXXX8546	04/18/2023	Arif Shaikh	9.99	23-066	Textbook reimbursement	9.99	0.00	\$9.99
	XXXXX8547	04/18/2023	Rachel Haas	319.42	23-063	SUS, uniform reimbursemen	319.42	0.00	\$319.42
	XXXXX8548	04/18/2023	Victoria Sazonova	59.55	23-067	Textbook reimbursement	59.55	0.00	\$59.55
	XXXXX8549	04/18/2023	Diana Estrada	1,757.00	23-070	SUS: April 2023 rent	1,757.00	0.00	\$1,757.00
	XXXXX8550	04/18/2023	Natalya Moskalenko	43.16	23-073	Textbook: Essential Scrum	43.16	0.00	\$43.16
	XXXXX8551	04/18/2023	Lucille Tiangco	170.23	23-072	Textbook: Loose-Leaf for Compensation	170.23	0.00	\$170.23
	XXXXX8552	04/18/2023	Atulya Bharat LLC	125.00	HOTSAatulyaBharat	Gas reimb. Hands on the Arts Festival	125.00	0.00	\$125.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX8553	04/18/2023	3E Company Environmental, Ecological and Engineering	6,228.05	INV-US-26967	SDS On Demand 1/1-12/31/23	6,228.05	0.00	\$6,228.05
	XXXXX8554	04/18/2023	Aantex Pest Control	95.00	515295	Pest Control	95.00	0.00	\$95.00
	XXXXX8555	04/18/2023	AgreeYa Solutions Inc	18,270.00	237471	Mar 2023	18,270.00	0.00	\$32,670.00
				14,400.00	237539	Mar 23	14,400.00	0.00	
	XXXXX8556	04/18/2023	Air Filter Control	1,619.31	611417	Parts	1,619.31	0.00	\$1,619.31
	XXXXX8557	04/18/2023	Alameda County Information Tech Dept	2,341.78	112-2303054	BAN:955067	2,341.78	0.00	\$2,341.78
	XXXXX8558	04/18/2023	Alpha Analytical Laboratories Inc	4,591.00	3036995-DP SUNNYW	Sunnyvale Landfill Annuals	4,591.00	0.00	\$9,722.00
				5,131.00	3036996-DP SUNNYW	Sunnyvale Landfill Annuals	5,131.00	0.00	
	XXXXX8559	04/18/2023	Amazon Capital Services Inc	308.05	11Y3-XCN9-1PJT	Glenda Moncada	308.05	0.00	\$2,451.66
				187.05	196V-4TNF-3T1C	Rafael Bayani	187.05	0.00	
				9.81	19G1-JDG9-36F1	Julia Erdman	9.81	0.00	
				8.17	19XF-9VKP-1FYF	Glenda Moncada	8.17	0.00	
				102.50	1CH7-FV4K-HCKJ	Lorena Rodriguez	102.50	0.00	
				11.89	1CLG-H1PG-9Y1D	Thao Thanh Nguyen	11.89	0.00	
				64.14	1DHK-VV74-CGNC	Lorena Rodriguez	64.14	0.00	
				14.07	1DLK-QTV4-4H93	Thao Thanh Nguyen	14.07	0.00	
				21.70	1F7X-PFVP-	Nan Choi	21.70	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
					1RND				
				142.07	1FT4-LTWY-L6DJ	Stacy De Benedetti	142.07	0.00	
				27.39	1FY3-6774-4T3T	Grace Lo	27.39	0.00	
				220.20	1MLN-PDV6-49PH	Thao Thanh Nguyen	220.20	0.00	
				521.17	1MV1-DR3L-7F9P	Aaron Migliaccio	521.17	0.00	
				25.40	1NCH-CV1F-3MPR	Nan Choi	25.40	0.00	
				278.66	1R3T-4YJ1-HYC3	Gina Newbold	278.66	0.00	
				38.80	1RRQ-TV4Q-3FJF	Janelle Resuello	38.80	0.00	
				-38.32	1TJN-YC6P-1YP9	Against Inv 13KD-VTDW-H9R4	-38.32	0.00	
				57.50	1TJN-YC6P-4TGV	Jody Badiei	57.50	0.00	
				54.43	1W14-6R77-J1KM	Glenda Moncada	54.43	0.00	
				37.09	1WQX-HCJY-3MJ9	Janelle Resuello	37.09	0.00	
				359.89	1Y4Y-VDNR-YVK3	Glenda Moncada	359.89	0.00	
	XXXXX8560	04/18/2023	AmfaSoft Corp	471.50	Elizabeth (Jesica)-02	Cisterna De Prados, Elizabeth 22-03-2064-07	471.50	0.00	\$471.50
	XXXXX8561	04/18/2023	Apex Systems, LLC	1,800.00	0007343287	Wknd 3/11/23	1,800.00	0.00	\$5,400.00
				1,800.00	0007364181	Wknd 3/18/23	1,800.00	0.00	
				1,800.00	0007364182	Wknd 3/25/23	1,800.00	0.00	
	XXXXX8562	04/18/2023	Ascent Environmental	1,750.00	18010179.01 - 17R	Air Quality Noise Env. Justiice	1,750.00	0.00	\$1,750.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX8563	04/18/2023	AT&T	738.02	000019753083	BAN 9391069217	738.02	0.00	\$1,052.07
				314.05	000019767391	BAN: 9391064476	314.05	0.00	
	XXXXX8564	04/20/2023	Chandler Asset Management Inc	500.01	2303SUNNY VAL	SFA Civic Center 2020 Lease Revenue Bonds Mgmt Fees Mar 2023	500.01	0.00	\$500.01
	XXXXX8565	04/20/2023	Raimi + Associates Inc	130,969.65	23-5597	Sunnyvale Moffett Park	130,969.65	0.00	\$239,175.95
				108,206.30	23-5658	Sunnyvale Moffett Park	108,206.30	0.00	
	XXXXX8566	04/20/2023	State of CA - Dept of Forestry & Fire	560.00	CF-FADO1B0513	Fire Apparatus Driver 1B	560.00	0.00	\$560.00
	XXXXX8567	04/20/2023	State Water Resources Control Board	70.00	KTD3-04142023	Kori Thompson D3 Re-Exam	70.00	0.00	\$70.00
	XXXXX8568	04/20/2023	State Water Resources Control Board	110.00	BBerdeen_W WT Dual Renew	Berdeen GR I-V Dual Renewal	110.00	0.00	\$110.00
	XXXXX8569	04/20/2023	Valley Water	15,102.24	GM104036	Groundwater Extraction Mar 23	15,102.24	0.00	\$15,102.24
	XXXXX8570	04/20/2023	Mark Thomas & Company, Inc.	51,262.12	45528	Stevens Ck Ext Thru10/30/22	51,262.12	0.00	\$51,262.12
	XXXXX8571	04/20/2023	McMaster Carr Supply Co	379.93	95727763	Supplies	379.93	0.00	\$10,165.36
				222.29	95859260	Supplies	226.61	4.32	
				279.89	95924108	Supplies	285.40	5.51	
				1,447.55	95949547	Supplies	1,474.94	27.39	
				984.71	96005862	Supplies	1,004.41	19.70	
				60.76	96023427	Supplies	61.82	1.06	
				4,152.46	96132071	Supplies	4,234.95	82.49	
				47.71	96172257	Supplies	48.45	0.74	
				2,590.06	96206587	Supplies	2,640.35	50.29	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX8572	04/20/2023	MNS Engineers	5,367.50	82551	Sewer Main Replacemt Feb 23	5,367.50	0.00	\$8,287.50
				2,920.00	82802	Sewer Main Replacemt Mar 23	2,920.00	0.00	
	XXXXX8573	04/20/2023	Mountain View Garden Center	112.43	101483	Supplies	112.43	0.00	\$1,457.52
				130.69	107036	Supplies	130.69	0.00	
				379.76	108142	Supplies	379.76	0.00	
				46.87	111687	Supplies	46.87	0.00	
				57.62	112107	Supplies	57.62	0.00	
				53.42	112460	Supplies	53.42	0.00	
				300.09	112479	Supplies	300.09	0.00	
				376.64	112504	Supplies	376.64	0.00	
	XXXXX8574	04/20/2023	MSI Fuel Management, Inc.	138.15	5631	Prokee	138.15	0.00	\$1,913.26
				1,775.11	5636	AIM TITANIUM & FRID Module	1,775.11	0.00	
	XXXXX8575	04/20/2023	National Auto Fleet Group	243,092.88	FRT-7162	Freightliner M2106	243,092.88	0.00	\$243,092.88
	XXXXX8576	04/20/2023	ODP Business Solutions, LLC (f/k/a Office Depot Business Solutions, LLC)	30.38	305058628001	Julia Erdman 4/18/2023	30.38	0.00	\$532.12
				124.68	306088882001	Andrea Thompson 3/30/2023	124.68	0.00	
				25.06	306088882002	Andrea Thompson 3/30/2023	25.06	0.00	
				17.67	306088883001	Andrea Thompson 3/30/2023	17.67	0.00	
				37.64	307470153001	Stacy De Benedetti 4/6/2023	37.64	0.00	
				29.45	308294243001	Julie Jensen 4/13/2023	29.45	0.00	
				267.24	308383899001	Rebecca Montalvo 4/17/2023	267.24	0.00	
	XXXXX8577	04/20/2023	Pacific Gas & Electric Co	163,889.11	1105922118-1 0223	City Buildings	163,889.11	0.00	\$163,889.11



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX8578	04/20/2023	Pacific West Security, Inc	211.00	71151	CNC April 2023	211.00	0.00	\$211.00
	XXXXX8579	04/20/2023	Peterson Power Systems Inc	8,578.97	R3916802	Equip Rental 2/20-3/20/23	8,578.97	0.00	\$8,578.97
	XXXXX8580	04/20/2023	PlaceWorks Inc	14,415.16	81532	Housing Dvpt Objective Mar 23	14,415.16	0.00	\$14,415.16
	XXXXX8581	04/20/2023	Reed & Graham Inc	713.64	015618	Asphalt \$37.56 Disc By 5/4	751.20	37.56	\$12,981.08
				1,086.90	050782	Asphalt \$57.21 Disc By 4/20	1,144.11	57.21	
				3,129.63	050893	Asphalt \$164.72 Disc By 4/21	3,294.35	164.72	
				1,615.00	050986	Broken AC \$85 Disc By 4/22	1,700.00	85.00	
				2,012.08	051022	Asphalt \$105.9 Disc By 4/24	2,117.98	105.90	
				1,276.02	051708	Supplies \$67.16 Disc By 5/5	1,343.18	67.16	
				1,116.74	051805	Asphalt \$58.78 Disc By 5/6	1,175.52	58.78	
				761.22	051897	Asphalt \$40.06 Disc By 5/7	801.28	40.06	
				1,269.85	052007	Asphalt \$66.83 Disc By 5/8	1,336.68	66.83	
	XXXXX8582	04/20/2023	Safety-Kleen Systems, Inc.	90.00	91359681	Hazmat Disposal	90.00	0.00	\$938.74
				848.74	91418114	Hazmat Disposal	848.74	0.00	
	XXXXX8583	04/20/2023	Sloan Sakai Yeung & Wong LLP	5,192.50	50003	EEOC Case Legal Svc	5,192.50	0.00	\$5,365.00
				172.50	50649	EEOC Case Legal Svc	172.50	0.00	
	XXXXX8584	04/20/2023	Smith's Gopher Trapping Service	125.00	172977	Villa Montessori Sch Inspection	125.00	0.00	\$385.00
				260.00	73877B	1080 Mango Ave Dec	260.00	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						2022			
	XXXXX8585	04/20/2023	Staples Inc	1,060.24	3535745150	Bill 8069963054 Grace Lo	1,060.24	0.00	\$1,060.24
	XXXXX8586	04/20/2023	Laurel A. Stewart	225.00	89645	Training Session	225.00	0.00	\$2,421.60
				2,196.60	89648	Training Sessions	2,196.60	0.00	
	XXXXX8587	04/20/2023	TJKM	17,186.00	0053944	TS Hardware & Wiring Mar 23	17,186.00	0.00	\$17,186.00
	XXXXX8588	04/20/2023	Turf & Industrial Equipment Co	70.92	UI21145A	Parts	70.92	0.00	\$70.92
	XXXXX8589	04/20/2023	Verde Design Inc	91,492.13	17-2111400	Community Ctr 2/26- 3/25/23	91,492.13	0.00	\$117,305.94
				25,813.81	6-2201200	Lakewood Pk Reno 2/26-3/25	25,813.81	0.00	
	XXXXX8590	04/20/2023	Watson-Marlow Inc	15,835.98	SI231380	Peristaltic Pumps	15,835.98	0.00	\$15,835.98
	XXXXX8591	04/20/2023	Western States Tool & Supply Corporation	147.97	228211	Stores Inventory	147.97	0.00	\$147.97
	XXXXX8592	04/20/2023	Zayo Group LLC	13,230.44	20230400248 65	AC#2465 Apr 2023	13,230.44	0.00	\$13,230.44
	XXXXX8593	04/20/2023	Anne Marie Bonneau	150.00	1083	Earth Day Event	150.00	0.00	\$150.00
	XXXXX8594	04/20/2023	Ace Fire Equipment & Service Co Inc	1,759.50	12464828	Labor	1,759.50	0.00	\$1,759.50
	XXXXX8595	04/20/2023	Farella Braun & Martel LLP	880.00	385657	Legal fees ref. No. 105363/39996	880.00	0.00	\$1,375.00
				495.00	385658	Legal fees Ref No.: 105363/40719	495.00	0.00	
	XXXXX8596	04/20/2023	Grainger	1,004.18	9676438675	Glasses and battery	1,004.18	0.00	\$1,004.18
	XXXXX8597	04/20/2023	California Diamond Products	105.45	IN0 137410	Relays	105.45	0.00	\$105.45
	XXXXX8598	04/20/2023	Anderson Brule Architects Inc	26,564.25	20.0401.0-32	Services through 2/28/23	26,564.25	0.00	\$26,564.25

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX8599	04/20/2023	Pro-Sweep, Inc.	551.67	329247	121 W Evelyn Feb 2023	551.67	0.00	\$12,680.01
				945.00	329248	121 W Evelyn Feb 2023	945.00	0.00	
				551.67	330854	121 W Evelyn March 2023	551.67	0.00	
				945.00	330855	121 W Evelyn March 2023	945.00	0.00	
				4,095.00	330856	Plaza Del Sol March 2023	4,095.00	0.00	
				551.67	332630	121 W Evelyn April 2023	551.67	0.00	
				945.00	332631	121 W Evelyn April 2023	945.00	0.00	
				4,095.00	332632	Plaza Del Sol April 2023	4,095.00	0.00	
	XXXXX8600	04/20/2023	HF&H Consultants LLC	1,647.50	9719517	2021 SW COS Update	1,647.50	0.00	\$1,647.50
	XXXXX8601	04/20/2023	United Language Group LLC	1,446.32	249165	March 2023	1,446.32	0.00	\$1,649.53
				203.21	6009063	Additional Calls Feb 2023	203.21	0.00	
	XXXXX8602	04/20/2023	Ryan Murphy	375.00	20230307	Bike Repair	375.00	0.00	\$625.00
				250.00	20230412	Bike Repair	250.00	0.00	
	XXXXX8603	04/20/2023	MEK Enterprises, Inc.	14,455.00	038016	General Labor Svc Feb 2023	14,455.00	0.00	\$14,455.00
	XXXXX8604	04/20/2023	Clifton Gold	500.00	0017	Lib Earth Day Event	500.00	0.00	\$500.00
	XXXXX8605	04/20/2023	Avenidas	225.00	ARC-033123	Evidence Based Programs	225.00	0.00	\$225.00
	XXXXX8606	04/20/2023	Aantex Pest Control	63.00	511982	Monthly Pest Control	63.00	0.00	\$63.00
	XXXXX8607	04/20/2023	Advanced Chemical Transport Inc	5,184.17	475325	Truck wash out	5,184.17	0.00	\$5,184.17

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX8608	04/20/2023	Amazon Capital Services Inc	244.32	13DD-7KG1-1CK9	Nan Choi	244.32	0.00	\$4,640.18
				33.38	14G3-G3WJ-44QG	Lorena Rodriguez	33.38	0.00	
				425.55	16RQ-TGK7-KLCF	Jody Badiei	425.55	0.00	
				512.16	1C1H-FCMD-JYMV	Michael Herrera	512.16	0.00	
				34.91	1DDX-39MW-4LFJ	Rebecca Elizondo	34.91	0.00	
				77.68	1G7L-YFL7-39F9	Stephen Napier	77.68	0.00	
				605.28	1H19-J9W7-7NJH	Phyllis Chan	605.28	0.00	
				22.79	1H6F-17L7-CRKC	Celena Ruiz	22.79	0.00	
				19.63	1HND-V1JQ-3J6W	Julia Erdman	19.63	0.00	
				157.84	1JLJ-XXVV-LKKY.	Partial payment on OR	157.84	0.00	
				982.11	1JNK-FKKJ-LYKY	Rodney Wilson	982.11	0.00	
				45.16	1KNC-GY4P-1VC4	Nan Choi	45.16	0.00	
				31.64	1KNC-GY4P-3717	Janelle Resuello	31.64	0.00	
				22.13	1LDM-PTW6-1PMF	Anjelene Manzanares	22.13	0.00	
				27.00	1LXK-D4X3-4DRK	Elizabeth Rich	27.00	0.00	
				96.62	1M4X-3D1Y-9QRF	Nelia Lopez	96.62	0.00	
				338.25	1PNW-K1RT-	Bonnie Filipovic	338.25	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
					7NJX				
				-45.81	1PWN-J3H1-73D7	For Invoice#1V67-YMKR-GPDH	-45.81	0.00	
				18.54	1RN3-QXVJ-3NWW	Nan Choi	18.54	0.00	
				81.68	1TQY-41V7-3V6M	Grace Lo	81.68	0.00	
				292.87	1V37-4JHJ-391Q	Glenda Moncada	292.87	0.00	
				390.55	1Y9F-4R7D-7JNP	Bonnie Filipovic	390.55	0.00	
				225.90	1YV6-Q7QR-3X3D	Nan Choi	225.90	0.00	
	XXXXX8609	04/20/2023	AMS.NET Inc	345.85	Invoice-0064822	Cisco IP Phone 8841	345.85	0.00	\$345.85
	XXXXX8610	04/20/2023	Callander Associates Landscape Architecture	26,008.46	21057-16	Plaza del Sol Ph II Improvements	26,008.46	0.00	\$28,697.96
				2,689.50	22017-10	Serra Park Play Area	2,689.50	0.00	
	XXXXX8611	04/20/2023	City of Santa Clara	657.02	Bill04062023	Acct# 00017353-01	657.02	0.00	\$657.02
	XXXXX8612	04/20/2023	Colantuono Highsmith & Whatley PC	152.99	55326	UUT PENALTIES & INTEREST	152.99	0.00	\$152.99
	XXXXX8613	04/20/2023	CSG Consultants Inc	31,624.28	49779	Pavement Rehabilitation (ST-23-01)	31,624.28	0.00	\$31,624.28
	XXXXX8614	04/20/2023	Dooley Enterprises, Inc.	30,065.94	65344	Ammunitions	30,065.94	0.00	\$30,065.94
	XXXXX8615	04/20/2023	Electro-Motion Inc	3,003.30	34245930	Diagnostic Evaluation & mileage	3,003.30	0.00	\$3,003.30
	XXXXX8616	04/20/2023	FailSafe Testing LLC	1,400.00	12742	Annual Inspection of Apparatus T-45	1,400.00	0.00	\$1,400.00
	XXXXX8617	04/20/2023	FedEx	8.74	7-964-39072	AC# 1056-5469-3	8.74	0.00	\$8.74

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX8618	04/20/2023	Fire & Risk Alliance LLC	8,448.75	132-001-76	General Staffing	8,448.75	0.00	\$8,448.75
	XXXXX8619	04/20/2023	FitGuard Inc	155.00	0000198399	Preventative Maintenance	155.00	0.00	\$155.00
	XXXXX8620	04/20/2023	Foothill-De Anza Foundation	3,500.00	FY23-04b	Parent Classes Winter-Spring 2023	3,500.00	0.00	\$3,500.00
	XXXXX8621	04/20/2023	Foster Bros Security Systems Inc	22.92	2029	Key	22.92	0.00	\$2,947.42
				488.88	3032	keys, core & padlocks	488.88	0.00	
				54.78	3033	padlock	54.78	0.00	
				92.76	3088	Cut Key	92.76	0.00	
				458.65	i2444	Parts & Labor	458.65	0.00	
				105.00	i2519	Labor	105.00	0.00	
				464.92	i2579	Parts & Labor	464.92	0.00	
				35.00	i2761	Labor	35.00	0.00	
				745.11	i2804	Part & Labor	745.11	0.00	
				479.40	i4246	Parts & Labor	479.40	0.00	
	XXXXX8622	04/20/2023	Fricke-Parks Press, Inc.	7,944.30	113300	Spring Horizon 2023	7,944.30	0.00	\$7,944.30
	XXXXX8623	04/20/2023	Garda	4,076.17	10731813	Armored car service April 2023	4,076.17	0.00	\$4,076.17
	XXXXX8624	04/20/2023	GCS Environmental Equipment Services Inc	772.36	26693	Parts	772.36	0.00	\$772.36
	XXXXX8625	04/20/2023	General Datatech LP	106,970.75	90508163	Civic Ctr & EOC Cisco Netwk	106,970.75	0.00	\$106,970.75
	XXXXX8626	04/20/2023	Infosend Inc	5,957.90	232250	Program codes	5,957.90	0.00	\$5,957.90
	XXXXX8627	04/20/2023	Jacobs Project Management Co.	164,537.64	R5W72001-036	Services 1/28-2/24/23	164,537.64	0.00	\$164,537.64
	XXXXX8628	04/20/2023	L N Curtis & Sons Inc	3,459.26	INV687475	Supplies	3,459.26	0.00	\$26,243.58
				870.82	INV687857	Supplies	870.82	0.00	
				290.27	INV687881	Supplies	290.27	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				290.27	INV687897	Supplies	290.27	0.00	
				13,837.05	INV692164	Supplies	13,837.05	0.00	
				6,982.91	INV695510	Supplies	6,982.91	0.00	
				513.00	INV696308	Stores Inventory	513.00	0.00	
	XXXXX8629	04/20/2023	Level 3 Communications LLC	7,156.50	632162236	5-BGFGCK3N March 2023	7,156.50	0.00	\$7,156.50
	XXXXX8630	04/20/2023	Ross Financial	6,656.25	RF-SNV-1	Advisory SRF Loan Aug-Dec22	6,656.25	0.00	\$6,656.25
EFT	XXXXX2383	04/18/2023	David K Sakurai	230.13	EXP0000373 98056	Travel Vacaville 031423	230.13	0.00	\$230.13
	XXXXX2384	04/18/2023	Adam T Gottfred	437.34	EXP0000374 36588	Misc Vest Reimbursement 022323	437.34	0.00	\$437.34
	XXXXX2385	04/18/2023	Kalahikiola A De Dely	500.00	EXP0000374 36490	Misc Vest Reimbursement 020323	500.00	0.00	\$500.00
	XXXXX2386	04/18/2023	Shannon M Griffiths	500.00	EXP0000374 36525	Misc Vest Reimbursement 121122	500.00	0.00	\$500.00
	XXXXX2387	04/18/2023	Steven J Rocheville	225.99	EXP0000369 58927	Travel Rancho Cucamonga 100922	225.99	0.00	\$225.99
	XXXXX2388	04/18/2023	Juan A Galazzo	328.31	EXP0000373 68363	Misc Vest Reimbursement 030223	328.31	0.00	\$328.31
	XXXXX2389	04/18/2023	Mario Alberto Felix	94.83	EXP0000374 57580	Uniform Reimbursement - Pants	94.83	0.00	\$94.83
	XXXXX2390	04/18/2023	Elaine G Ketell	264.04	EXP0000372 35095	TRAVEL VACAVILLE 03/13/2023	264.04	0.00	\$264.04
	XXXXX2391	04/18/2023	Stephen Michael Napier	53.49	EXP0000340 87851	Food Reimbursement for Central Square onsite meeting	53.49	0.00	\$53.49
	XXXXX2392	04/18/2023	Matthew A Dupuis	200.00	EXP0000358 82016	Misc Boot Reimbursement	200.00	0.00	\$200.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						121223			
	XXXXX2393	04/18/2023	Steven Michael Gorshe	520.09	EXP0000373 68014	Travel Sacramento 011823	520.09	0.00	\$520.09
	XXXXX2394	04/18/2023	Marianne G Siu	1,646.49	EXP0000373 68207	Travel Huntington Beach 030523	1,646.49	0.00	\$1,646.49
	XXXXX2395	04/18/2023	Phebea A Klein	68.00	EXP0000373 68001	Travel Monterey 012323	68.00	0.00	\$68.00
	XXXXX2396	04/18/2023	Kira N Ochoa	140.00	EXP0000373 67991	Travel San Mateo 121222	140.00	0.00	\$140.00
	XXXXX2397	04/18/2023	Laura E Bryan	179.77	EXP0000373 51159	Misc ACA Conference 032123	179.77	0.00	\$179.77
	XXXXX2398	04/18/2023	Brian M Husted	690.00	EXP0000374 01913	Misc ICC022023	690.00	0.00	\$690.00
	XXXXX2399	04/18/2023	Ivan Gonzalez	460.00	EXP0000374 01986	Misc ICC022023	460.00	0.00	\$460.00
	XXXXX2400	04/18/2023	Murali V Srinivasan	1,204.37	EXP0000374 21510	Capital Asset Allowance Reimbursement Term 1 011323	1,204.37	0.00	\$1,204.37
WIRE	XXXXX2382	04/18/2023	Public Employees Retirement System	13,527.15	10000001713 1192	2023 Replacement Chrg Wire Date 4/17/2023	13,527.15	0.00	\$13,527.15
	XXXXX2510	04/20/2023	Keenan & Associates	95,425.73	040123-041523	Trust Reimb 4/1-15/23 Wire Date 4/19/23	95,425.73	0.00	\$95,425.73
<b>Grand Total</b>				2,770,823.61			2,772,451.49	1,627.88	\$2,770,823.61



City of Sunnyvale

**LIST # 178**

**List of All Claims and Bills Approved for Payment  
For Payments Dated 04/23/2023 through 04/29/2023**

**Sorted by Payment Type, Payment Number and Invoice Number**

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
CHECK	XXXXX8631	04/25/2023	California Building Standards Commission	14,234.40	2023 Q1	Special Revolving Fund Q1 2023	14,234.40	0.00	\$14,234.40
	XXXXX8632	04/25/2023	Department of Conservation	41,214.45	2023 Q1	SMIPA 2023 Q1	41,214.45	0.00	\$41,214.45
	XXXXX8633	04/25/2023	Samoa First AOG Santa Clara	454.00	1182010		454.00	0.00	\$454.00
	XXXXX8634	04/25/2023	AAA Speedy Smog Test Only Station	60.00	035654	Smog Test	60.00	0.00	\$480.00
				60.00	035655	Smog test	60.00	0.00	
				60.00	035656	Smog Test	60.00	0.00	
				60.00	035662	Smog Test	60.00	0.00	
				60.00	035665	Smog test	60.00	0.00	
				60.00	035667	Smog Test	60.00	0.00	
				60.00	035672	Smog Test	60.00	0.00	
				60.00	035674	Smog Test	60.00	0.00	
	XXXXX8635	04/25/2023	Affordable Turf & Specialty Tire	175.61	4071707	Parts	175.61	0.00	\$175.61
	XXXXX8636	04/25/2023	All City Management Services Inc	43,341.94	84655	Services 3/19-4/1/23	43,341.94	0.00	\$43,341.94
	XXXXX8637	04/25/2023	All Star Glass	1,170.51	ISJ082877	windshield replacement	1,170.51	0.00	\$1,170.51
	XXXXX8638	04/25/2023	Altec Industries Inc.	251.09	12263333	Misc. parts	251.09	0.00	\$251.09
	XXXXX8639	04/25/2023	Amazon Capital Services Inc	29.45	137J-T6TN-4YY4	Phyllis Chan	29.45	0.00	\$523.29

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				39.92	13Q4-VLX4-49CF	Rebecca Elizondo	39.92	0.00	
				52.46	1FV4-YMG6-4C9N	Linda Lovett	52.46	0.00	
				188.04	1FY3-6774-3FJK	Rene Huerta	188.04	0.00	
				179.04	1PHC-HWKX-6P1P	Michelle Chuck	179.04	0.00	
				34.38	1XKK-T7YX-1YX3	Reiko Yoshidome	34.38	0.00	
	XXXXX8640	04/25/2023	American Red Cross	42.00	22559303	Lifeguard certification	42.00	0.00	\$42.00
	XXXXX8641	04/25/2023	Apex Systems, LLC	1,800.00	0007124260	Pham,Daniel Huy	1,800.00	0.00	\$6,660.00
				1,800.00	0007124261	Pham,Daniel Huy	1,800.00	0.00	
				1,260.00	0007247951	Pham,Daniel Huy	1,260.00	0.00	
				1,800.00	0007373165	Pham,Daniel Huy	1,800.00	0.00	
	XXXXX8642	04/25/2023	Ascent Environmental	3,943.35	20210092.01-16	Services Feb. 2023	3,943.35	0.00	\$3,943.35
	XXXXX8643	04/25/2023	Bound Tree Medical LLC	-114.59	70335692	Credit inv 84843544	-114.59	0.00	\$4,305.00
				4,419.59	84929966	Gloves	4,419.59	0.00	
	XXXXX8644	04/25/2023	Burtons Fire, Inc.	2,357.10	S60026	Misc. parts	2,357.10	0.00	\$2,461.32
				104.22	S60200	Misc. parts	104.22	0.00	
	XXXXX8646	04/25/2023	Cintas Loc #38K	12.24	4145354246	Uniforms Feb. 2023	12.24	0.00	\$635.40
				6.89	4145354904	Uniforms Feb. 2023	6.89	0.00	
				47.89	4145354956	Uniforms Feb. 2023	47.89	0.00	
				12.24	4146046291	Uniforms Feb. 2023	12.24	0.00	
				6.89	4146046826	Uniforms Feb. 2023	6.89	0.00	
				47.89	4146046916	Uniforms Feb. 2023	47.89	0.00	
				12.24	4146752920	Uniforms Feb. 2023	12.24	0.00	
				6.89	4146753491	Uniforms Feb. 2023	6.89	0.00	
				47.89	4146753616	Uniforms Feb. 2023	47.89	0.00	
				12.24	4147451102	Uniforms Feb. 2023	12.24	0.00	
				6.89	4147451671	Uniforms Feb. 2023	6.89	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				47.89	4147451738	Uniforms Feb. 2023	47.89	0.00	
				12.24	4148146050	Uniforms March 2023	12.24	0.00	
				6.89	4148146688	Uniforms March 2023	6.89	0.00	
				47.89	4148146717	Uniforms March 2023	47.89	0.00	
				12.24	4148850409	Uniforms March 2023	12.24	0.00	
				6.89	4148851082	Uniforms March 2023	6.89	0.00	
				47.89	4148851126	Uniforms March 2023	47.89	0.00	
				12.24	4149554769	Uniforms March 2023	12.24	0.00	
				6.89	4149555361	Uniforms March 2023	6.89	0.00	
				80.11	4149555466	Uniforms March 2023	80.11	0.00	
				12.24	4150258660	Uniforms March 2023	12.24	0.00	
				6.89	4150259437	Uniforms March 2023	6.89	0.00	
				47.89	4150259692	Uniforms March 2023	47.89	0.00	
				12.24	4150957491	Uniforms March 2023	12.24	0.00	
				6.89	4150958223	Uniforms March 2023	6.89	0.00	
				47.89	4150958435	Uniforms March 2023	47.89	0.00	
	XXXXX8647	04/25/2023	Coast Counties Peterbilt	36.00	01180074P	Misc. parts	36.00	0.00	\$36.00
	XXXXX8648	04/25/2023	Coastal Tractor	710.13	IV99586	Misc. parts	710.13	0.00	\$710.13
	XXXXX8649	04/25/2023	Colantuono Highsmith & Whatley PC	187.50	55115	PROPOSITION 218 CONSULTING	187.50	0.00	\$187.50
	XXXXX8650	04/25/2023	Cummins Inc.	783.62	Z1-57104	Misc. parts	783.62	0.00	\$783.62
	XXXXX8651	04/25/2023	DTN Engineers Inc	626.25	479.03	Print shop relocation eval proj.	626.25	0.00	\$626.25
	XXXXX8652	04/25/2023	FBD Vanguard Construction Inc	16,224.43	Lawrence Station Area#02	TR-18-02	16,224.43	0.00	\$16,224.43
	XXXXX8653	04/25/2023	FedEx	11.53	7-334-71249.	Inv. balance AC#1038-8072-6	11.53	0.00	\$311.80
				135.69	8-064-09496	AC# 1038-8072-6	135.69	0.00	
				72.68	8-085-26474	AC# 1038-8072-6	72.68	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				19.98	8-092-95706	AC# 2796-1286-8	19.98	0.00	
				21.37	8-099-82317	AC# 2796-1286-8	21.37	0.00	
				50.55	8-100-71997	AC# 1452-8758-8	50.55	0.00	
	XXXXX8654	04/25/2023	First Student Inc	925.17	9404366	7/22/22 Tech Interactive Trip	925.17	0.00	\$1,736.05
				810.88	9407596	8/4/22 Trip To Happy Hollow	810.88	0.00	
	XXXXX8655	04/25/2023	Fisher Scientific Co LLC	219.86	1806618	Parts	219.86	0.00	\$734.90
				515.04	2106990	Parts	515.04	0.00	
	XXXXX8656	04/25/2023	Gardenland Power Equipment	1,101.95	1003191	Misc. parts	1,101.95	0.00	\$9,661.78
				1,871.31	994521	Parts & equipment	1,871.31	0.00	
				1,952.32	994523	Parts & equipment	1,952.32	0.00	
				283.48	995531	Parts & equipment	283.48	0.00	
				1,376.45	997795	Parts & equipment	1,376.45	0.00	
				463.74	998116	Parts & equipment	463.74	0.00	
				551.24	998290	Parts & equipment	551.24	0.00	
				1,290.60	998785	Parts & equipment	1,290.60	0.00	
				532.32	999337	Parts & equipment	532.32	0.00	
				238.37	999345	Parts & equipment	238.37	0.00	
	XXXXX8657	04/25/2023	GCS Environmental Equipment Services Inc	373.91	26609	Misc. parts	373.91	0.00	\$373.91
	XXXXX8658	04/25/2023	Golden Gate Truck Center	246.96	FA005190547 :01	Misc. parts	246.96	0.00	\$1,092.11
				845.15	FA005191238 :01	Misc. parts	845.15	0.00	
	XXXXX8659	04/25/2023	The Goodyear Tire & Rubber Co	274.71	189-1110079	Tires	274.71	0.00	\$3,409.07
				762.79	189-1110125	Tires	762.79	0.00	
				119.04	189-1110162	Labor	119.04	0.00	
				79.04	189-1110199	Labor	79.04	0.00	
				185.33	189-1110203	Tires	185.33	0.00	
				369.82	189-1110213	Tires	369.82	0.00	
				1,618.34	189-1110232	Tires	1,618.34	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX8660	04/25/2023	Infosend Inc	2,097.87	219517	August 2022 invoice	2,097.87	0.00	\$8,719.74
				957.81	229096	Data Processing/Print/Mail Prep Service	957.81	0.00	
				3,207.39	233993	Program codes	3,207.39	0.00	
				2,456.67	233994	Postage	2,456.67	0.00	
	XXXXX8661	04/25/2023	Interstate Battery System of San Jose Inc.	275.96	60292948	Batteries	275.96	0.00	\$275.96
	XXXXX8662	04/25/2023	Intex Auto Parts	14.91	2-51025-10	Misc. parts	14.91	0.00	\$1,415.66
				51.38	2-52252-14	Misc. parts	51.38	0.00	
				46.56	2-53071-19	Misc. parts	46.56	0.00	
				86.78	2-54145-17	Misc. parts	86.78	0.00	
				31.10	2-54438-18	Misc. parts	31.10	0.00	
				5.31	2-54441-15	Misc. parts	5.31	0.00	
				8.73	2-55093-16	Misc. parts	8.73	0.00	
				1,170.89	2-58194-15	Misc. parts	1,170.89	0.00	
	XXXXX8663	04/25/2023	Karen L Pike	4,250.00	KLP1100-001	EMT Defibrillation Medical Director Services	4,250.00	0.00	\$4,250.00
	XXXXX8664	04/25/2023	Kelly Spicers Inc	26.63	11277936	Supplies	26.63	0.00	\$26.63
	XXXXX8665	04/25/2023	Mallory Safety & Supply LLC	1,827.46	5604037	Safety supplies	1,827.46	0.00	\$1,827.46
	XXXXX8666	04/25/2023	Midwest Tape LLC	130.87	503583022	Library Materials	130.87	0.00	\$130.87
	XXXXX8667	04/25/2023	MSI Fuel Management, Inc.	875.00	5630	UST Inspection Apr 2023	875.00	0.00	\$875.00
	XXXXX8668	04/25/2023	NAPA Auto Parts	65.14	5983-831632	Parts	65.14	0.00	\$913.93
				40.33	5983-832018	Parts	40.33	0.00	
				77.63	5983-832557	Parts	77.63	0.00	
				17.63	5983-832611	Parts	17.63	0.00	
				8.23	5983-832720	Parts	8.23	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				259.99	5983-832721	Parts	259.99	0.00	
				37.82	5983-832722	Parts	37.82	0.00	
				61.46	5983-833097	Parts	61.46	0.00	
				57.71	5983-834479	Parts	57.71	0.00	
				54.55	5983-836157	Parts	54.55	0.00	
				12.37	5983-836159	Parts	12.37	0.00	
				200.36	5983-836471	Parts	200.36	0.00	
				20.71	5983-837358	Parts	20.71	0.00	
	XXXXX8669	04/25/2023	ODP Business Solutions, LLC (f/k/a Office Depot Business Solutions, LLC)	217.27	307367733001	Rebecca Montalvo	217.27	0.00	\$292.46
				21.31	307923016001	Janelle Resuello 4/13/2023	21.31	0.00	
				17.70	308573802001	Julia Erdman 4/19/2023	17.70	0.00	
				28.55	310317816001	Patricia Pickett 4/20/2023	28.55	0.00	
				7.63	310317817001	Patricia Pickett 4/20/2023	7.63	0.00	
	XXXXX8670	04/25/2023	OverDrive Inc	10.98	13449DA23119286	Library Materials	10.98	0.00	\$266.93
				18.99	13449DA23120381	Library Materials	18.99	0.00	
				18.99	13449DA23120585	Library Materials	18.99	0.00	
				217.97	13449DA23123650	Library Materials	217.97	0.00	
	XXXXX8671	04/25/2023	P&R Paper Supply Co., Inc.	650.98	60099637-00	Stores Inventory	650.98	0.00	\$650.98
	XXXXX8672	04/25/2023	Pacific Eco-Risk	3,348.00	18911	NPDES Toxicity Testing	3,348.00	0.00	\$3,348.00
	XXXXX8673	04/25/2023	Pan Asian Publications Inc	1,850.49	U-17486	Library Materials	1,850.49	0.00	\$1,850.49
	XXXXX8674	04/25/2023	Planet Futsal	2,786.00	FK2023JM	AB3OSA 1/19-	2,786.00	0.00	\$2,786.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						3/3/2023			
	XXXXX8675	04/25/2023	Priority 1 Public Safety Equipment	109.00	9175	Parts	109.00	0.00	\$109.00
	XXXXX8676	04/25/2023	Quality Assurance Solutions LLC	1,187.50	CA-2023-030	Support Svc 2/27-4/10/23	1,187.50	0.00	\$1,187.50
	XXXXX8677	04/25/2023	Quality Glass and Tint	300.00	2/30	Window Tinting Svc	300.00	0.00	\$300.00
	XXXXX8678	04/25/2023	RDO Equipment Co	58.74	P2548574	Parts	58.74	0.00	\$3,214.73
				3,155.99	W2523074	Parts & Labor	3,155.99	0.00	
	XXXXX8679	04/25/2023	RGW Equipment	3,042.47	47464L	Parts & Labor	3,042.47	0.00	\$3,042.47
	XXXXX8680	04/25/2023	Royal Brass Inc	38.69	00300170	Parts \$0.39 Disct By 5/10	39.08	0.39	\$525.65
				255.13	00300172	Parts \$2.58 Disct By 5/10	257.71	2.58	
				231.83	00301012	Parts \$2.34 Disct By 5/10	234.17	2.34	
	XXXXX8681	04/25/2023	Sierra Pacific Turf Supply Inc	933.36	0637918-IN	Parts	933.36	0.00	\$933.36
	XXXXX8682	04/25/2023	Stevens Creek Chevrolet	53.74	174397	Parts	53.74	0.00	\$701.85
				232.82	174956-1	Parts	232.82	0.00	
				17.79	174956-2	Parts	17.79	0.00	
				397.50	611538	Labor	397.50	0.00	
	XXXXX8683	04/25/2023	Stevens Creek Chrysler Jeep Dodge	43.37	12249	Parts	43.37	0.00	\$43.37
	XXXXX8684	04/25/2023	Sunnyvale Ford	72.03	217581 FOW	Parts	72.03	0.00	\$14,175.17
				418.85	218210 FOW	Parts	418.85	0.00	
				103.71	218336 FOW	Parts	103.71	0.00	
				72.14	218349 FOW	Parts	72.14	0.00	
				78.66	218409 FOW	Parts	78.66	0.00	
				86.97	218423 FOW	Parts	86.97	0.00	
				419.15	218466 FOW	Parts	419.15	0.00	
				12.57	218559 FOW	Parts	12.57	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				176.01	218564 FOW	Parts	176.01	0.00	
				116.03	218740 FOW	Parts	116.03	0.00	
				65.97	218943 FOW	Parts	65.97	0.00	
				10,581.78	FOCS856870	Parts & Labor	10,581.78	0.00	
				205.00	FOCS857884	Labor	205.00	0.00	
				1,766.30	FOCS858320	Parts & Labor	1,766.30	0.00	
	XXXXX8685	04/25/2023	Tiger Martial Arts Academy Inc	1,732.50	TMA2023JF	AA1OWA. AB3OWA, AB3OGA	1,732.50	0.00	\$1,732.50
	XXXXX8686	04/25/2023	Turf & Industrial Equipment Co	17.31	IV45745	Parts	17.31	0.00	\$985.98
				98.70	IV45778	Parts	98.70	0.00	
				125.58	IV45796	Parts	125.58	0.00	
				156.41	IV45829	Parts	156.41	0.00	
				587.98	IV45894	Parts	587.98	0.00	
	XXXXX8687	04/25/2023	Turf Star Inc	219.34	7272365-00	Parts	219.34	0.00	\$1,541.00
				1,321.66	7273246-00	Parts	1,321.66	0.00	
	XXXXX8688	04/25/2023	Ulrick & Assoc	4,095.00	1238	Wells Pro 1/5-3/6/2023	4,095.00	0.00	\$4,095.00
	XXXXX8689	04/25/2023	University of California Santa Cruz	391.00	59215	Wen, Yuet #22-12-2064-22	391.00	0.00	\$47,248.50
				3,275.00	59216	Qiao, Yantao #22-12-1194-18	3,275.00	0.00	
				5,400.00	59217	T Andrushchenko 22-12-50125	5,400.00	0.00	
				4,855.50	59218	Silva, Eliana #22-12-201-24	4,855.50	0.00	
				3,141.00	59219	McDowell, J 22-12-501-29	3,141.00	0.00	
				5,575.50	59220	Abbasova, A #22-12-201-27	5,575.50	0.00	
				2,700.00	59221	Aris, Aleks #22-12-201-30	2,700.00	0.00	
				2,025.00	59222	Abuslin, S #22-12-2064-23	2,025.00	0.00	



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				5,643.00	59223	Doan, Kheim #22-12-2064-26	5,643.00	0.00	
				5,638.50	59224	Lundquist, Theresa 22-12-206	5,638.50	0.00	
				5,643.00	59225	Xiang, W #22-12-2064-19	5,643.00	0.00	
				2,961.00	59226	Pezzolla, Ana #22-12-501-24	2,961.00	0.00	
	XXXXX8690	04/25/2023	Weck Laboratories Inc	562.41	W3B2013	Lab Svc	562.41	0.00	\$562.41
	XXXXX8691	04/25/2023	West Valley Engineering, Inc	2,105.28	327112	Netto, Margaret W/E 4/9/2023	2,105.28	0.00	\$2,105.28
	XXXXX8692	04/25/2023	Banksia Landscape Inc	1,066.95	16444	Landscaping	1,066.95	0.00	\$1,066.95
	XXXXX8693	04/25/2023	Golden State Emergency Vehicle Service, Inc.	111.49	CI038601	Misc. parts	111.49	0.00	\$1,428.77
				1,317.28	CI038755	Misc. parts	1,317.28	0.00	
	XXXXX8694	04/25/2023	Stommel Inc.	1,921.28	SI85935	Parts	1,921.28	0.00	\$1,921.28
	XXXXX8695	04/25/2023	Sustainable Organic Solutions LLC	14,020.28	4042023	Foodwaste March 2023	14,020.28	0.00	\$14,020.28
	XXXXX8697	04/25/2023	Baker & Taylor, LLC	35.74	2037340761	Library collection	35.74	0.00	\$13,081.52
				28.00	2037364698	Library collection	28.00	0.00	
				1,219.00	5018191422	Library collection	1,219.00	0.00	
				243.39	5018215164	Library collection	243.39	0.00	
				80.82	5018225419	Library collection	80.82	0.00	
				2,532.75	5018228999	Library collection	2,532.75	0.00	
				52.05	5018229982	Library collection	52.05	0.00	
				131.42	5018232436	Library collection	131.42	0.00	
				539.78	5018235637	Library collection	539.78	0.00	
				211.75	5018235639	Library collection	211.75	0.00	
				1,173.25	5018240310	Library collection	1,173.25	0.00	
				1,882.66	5018251830	Library collection	1,882.66	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				60.26	5018252007	Library collection	60.26	0.00	
				41.69	5018252009	Library collection	41.69	0.00	
				104.55	5018252011	Library collection	104.55	0.00	
				6.40	5018252013	Library collection	6.40	0.00	
				2,727.15	5018255328	Library collection	2,727.15	0.00	
				61.52	5018260318	Library collection	61.52	0.00	
				14.44	5018260487	Library collection	14.44	0.00	
				29.14	5018260489	Library collection	29.14	0.00	
				37.48	5018260491	Library collection	37.48	0.00	
				92.18	H64247430	Library collection	92.18	0.00	
				122.32	H64299520	Library collection	122.32	0.00	
				22.43	H64357050	Library collection	22.43	0.00	
				1,118.71	H64418410	Library collection	1,118.71	0.00	
				512.64	H64418420	Library collection	512.64	0.00	
	XXXXX8698	04/25/2023	Grainger	11,218.00	7109613476	AC#858611387 Summary Bill 7109613476	11,218.00	0.00	\$11,218.00
	XXXXX8699	04/25/2023	Ranger Pipelines Inc	4,700.00	733-3	FPO#ESD42023 Asphalt Work	4,700.00	0.00	\$4,700.00
	XXXXX8700	04/25/2023	Valley Oil Co	31,576.29	153066	Stores Inventory	31,576.29	0.00	\$33,346.29
				1,770.00	621521	Oil	1,770.00	0.00	
	XXXXX8701	04/25/2023	QOVO Solutions Inc	1,966.58	26-5787	1-Year Camera License	1,966.58	0.00	\$1,966.58
	XXXXX8702	04/25/2023	Sunnyvale Towing Inc	300.00	74143	Towing Svc	300.00	0.00	\$2,229.00
				60.00	74276	Towing Svc	60.00	0.00	
				612.00	74408	Towing Svc	612.00	0.00	
				60.00	74409	Towing Svc	60.00	0.00	
				60.00	74410	Towing Svc	60.00	0.00	
				612.00	74421	Towing Svc	612.00	0.00	
				60.00	74453	Towing Svc	60.00	0.00	
				60.00	74467	Towing Svc	60.00	0.00	
				45.00	74598	Towing Svc	45.00	0.00	
				60.00	74718	Towing Svc	60.00	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				60.00	74730	Towing Svc	60.00	0.00	
				180.00	74799	Towing Svc	180.00	0.00	
				60.00	74848	Towing Svc	60.00	0.00	
	XXXXX8703	04/25/2023	Hexagon Transportation Consultants Inc	18,874.00	16337	22SJ06 - Bike Lane Study	18,874.00	0.00	\$29,315.53
				10,441.53	16425	Bike Lane Study	10,441.53	0.00	
	XXXXX8704	04/25/2023	Compressed Air Specialties Inc	552.00	00041123	Certification	552.00	0.00	\$552.00
	XXXXX8705	04/25/2023	Pitney Bowes Global Financial Services LLC	2,328.73	3106051061	AC#0011380963 2/14-5/13/23	2,328.73	0.00	\$2,328.73
	XXXXX8706	04/25/2023	North American Catholic Educational Programming Foundation Inc	6,080.00	A-102785-20230424-1043	Internet & Broadband Svc	6,080.00	0.00	\$6,080.00
	XXXXX8707	04/25/2023	FleetPride Inc	319.27	106730397	Misc.parts	319.27	0.00	\$609.61
				290.34	106735787	Misc. parts	290.34	0.00	
	XXXXX8708	04/25/2023	Seed Collaborative, LLC	3,861.00	100478	Consulting Feb 2023	3,861.00	0.00	\$3,861.00
	XXXXX8709	04/25/2023	Van Gelder Enterprises, Inc.	3,860.00	GR 15730	FPO#PGT-2243 4/20-21 Svc	3,860.00	0.00	\$3,860.00
	XXXXX8710	04/25/2023	Interstate Auto Sales	34,197.95	VIN #KMHL14JA7PA308775	2023 Hyundai Sonata SEL	34,197.95	0.00	\$34,197.95
	XXXXX8711	04/25/2023	The Goodyear Tire & Rubber Co	1,712.68	184-1098618	Tires & labor	1,712.68	0.00	\$2,808.76
				575.48	184-1098667	Labor	575.48	0.00	
				520.60	184-1098668	Labor	520.60	0.00	
	XXXXX8712	04/27/2023	NOVAworks Foundation	45.00	PR202316	PR202316 NOVA Dues	45.00	0.00	\$45.00
	XXXXX8713	04/27/2023	Walsh Construction Company II LLC	15,079,778.45	WPCPScndry Treatmnt&Dwtrng#01	UY-21-07	15,079,778.45	0.00	\$15,079,778.45
	XXXXX8714	04/27/2023	State Water	125.00	Brianna	Brianna Moore OIT I	125.00	0.00	\$125.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Resources Control Board		Moore_OIT I	Cert Appl			
	XXXXX8715	04/27/2023	State Water Resources Control Board	150.00	Patrick Lenoir_G4 WWT Renew	P Lenoir_G4 WWT Renewal	150.00	0.00	\$150.00
	XXXXX8716	04/27/2023	State Water Resources Control Board	150.00	Jami Roberts_G3 WWT Renew	J Roberts G3 WWT Renewal	150.00	0.00	\$150.00
	XXXXX8717	04/27/2023	State Water Resources Control Board	150.00	N Tavakol_G3 WWT Renewal	N Tavakol_G3 WWT Renewal	150.00	0.00	\$150.00
	XXXXX8718	04/27/2023	Sunnyvale Public Safety Officers Assn	19,890.00	PR202316	PR202316 Association Dues	19,890.00	0.00	\$19,890.00
	XXXXX8719	04/27/2023	Secretary for Environmental Protection Agency	21,458.37	010123-033123	CUPA Pass Through Fee	21,458.37	0.00	\$21,458.37
	XXXXX8720	04/27/2023	Aleks Aris	2,070.00	23-077	SUS: April 2023 rent	2,070.00	0.00	\$2,070.00
	XXXXX8721	04/27/2023	Trans-Continental Property Management	301.21	55249-73960	Refund: 959 Bellomo Av	301.21	0.00	\$301.21
	XXXXX8722	04/27/2023	Samir Sharma	450.00	2021-7265	Refund contingency fee	450.00	0.00	\$450.00
	XXXXX8723	04/27/2023	Raees Mohammed	233.34	203355-26514	Refund: 858 Lois Av	233.34	0.00	\$233.34
	XXXXX8724	04/27/2023	Daniel Oliveira	213.90	203511-73846	Refund: 943 S Wolfe Rd	213.90	0.00	\$213.90
	XXXXX8725	04/27/2023	David & Julie Dewey	357.97	91371-55806	Refund: 750 San Miguel Av	357.97	0.00	\$357.97
	XXXXX8726	04/27/2023	Toll Brothers	9,170.00	Proj. 2018-9699	Refund Dep. 370 San Aleso Ave	9,170.00	0.00	\$9,170.00
	XXXXX8727	04/27/2023	4imprint Inc	500.91	24571268	Backpacks	500.91	0.00	\$500.91
	XXXXX8728	04/27/2023	Alpine Awards Inc	515.01	6101848	shirts	515.01	0.00	\$515.01

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX8729	04/27/2023	Amazon Capital Services Inc	-15.27	16L1-NNKC-7DLT	Invoice 1FY3-6774-3FJK	-15.27	0.00	\$630.87
				36.88	19VK-KWFX-NJYG	Glenda Moncada	36.88	0.00	
				75.94	1CQH-CL6P-1NFN	Nan Choi	75.94	0.00	
				23.94	1F1T-N6XF-9FP6	Frances Morales	23.94	0.00	
				203.99	1K7W-XDTC-3KC7	Veronica Moncada	203.99	0.00	
				158.98	1RWN-FWGX-4GX9	Glenda Moncada	158.98	0.00	
				16.69	1V4T-YXDQ-LCF1	Christina Raby	16.69	0.00	
				42.43	1XD9-7CTD-69FP	Glenda Moncada	42.43	0.00	
				87.29	1XDC-WV3L-494J	Veronica Moncada	87.29	0.00	
	XXXXX8730	04/27/2023	American Leak Detection	990.00	48707A	Correlator / Survey Service	990.00	0.00	\$990.00
	XXXXX8731	04/27/2023	AT&T	30,519.67	000019797953	BAN 9391023729 3/13-4/12/23	30,519.67	0.00	\$31,706.92
				1,187.25	000019847621	BAN 9391081629 3/25-4/24/23	1,187.25	0.00	
	XXXXX8732	04/27/2023	Buckles-Smith Electric Co	1,081.44	3312277-00	Misc. supplies	1,081.44	0.00	\$1,081.44
	XXXXX8733	04/27/2023	Chemsearchfe	4,675.95	8175339	Cleaning supplies	4,675.95	0.00	\$4,675.95
	XXXXX8735	04/27/2023	Cintas Loc #38K	22.95	4148145624	Uniforms March 2023	22.95	0.00	\$3,401.23
				146.61	4148145639	Uniforms March 2023	146.61	0.00	
				172.35	4148145768	Uniforms March 2023	172.35	0.00	
				304.56	4148146256	Uniforms March 2023	304.56	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				6.97	4148146743	Uniforms March 2023	6.97	0.00	
				22.95	4148849856	Uniforms March 2023	22.95	0.00	
				146.61	4148849981	Uniforms March 2023	146.61	0.00	
				172.35	4148850039	Uniforms March 2023	172.35	0.00	
				389.21	4148850413	Uniforms March 2023	389.21	0.00	
				6.97	4148851061	Uniforms March 2023	6.97	0.00	
				22.95	4149554406	Uniforms March 2023	22.95	0.00	
				146.61	4149554496	Uniforms March 2023	146.61	0.00	
				172.35	4149554571	Uniforms March 2023	172.35	0.00	
				321.02	4149554993	Uniforms March 2023	321.02	0.00	
				6.97	4149555386	Uniforms March 2023	6.97	0.00	
				22.95	4150258120	Uniforms March 2023	22.95	0.00	
				146.61	4150258199	Uniforms March 2023	146.61	0.00	
				172.35	4150258257	Uniforms March 2023	172.35	0.00	
				321.02	4150258726	Uniforms March 2023	321.02	0.00	
				6.97	4150259525	Uniforms March 2023	6.97	0.00	
				22.95	4150956981	Uniforms March 2023	22.95	0.00	
				146.61	4150957145	Uniforms March 2023	146.61	0.00	
				172.35	4150957266	Uniforms March 2023	172.35	0.00	
				321.02	4150957657	Uniforms March 2023	321.02	0.00	
				6.97	4150958263	Uniforms March 2023	6.97	0.00	
	XXXXX8736	04/27/2023	Cosco Fire Protection Inc	2,085.00	1000611426	Fire Alarm System Inspection	2,085.00	0.00	\$2,085.00
	XXXXX8737	04/27/2023	David J Powers & Assoc Inc	1,449.69	29418	Services March 2023	1,449.69	0.00	\$1,449.69
	XXXXX8738	04/27/2023	Earth Share of California	58.50	PR202316	PR202316	58.50	0.00	\$58.50
	XXXXX8739	04/27/2023	EOA Inc	1,063.00	SU65-0223	Services	1,063.00	0.00	\$1,063.00
	XXXXX8740	04/27/2023	Giuliani & Kull San Jose Inc	77.50	17253	Services Feb. 2023	77.50	0.00	\$542.50
				465.00	17254	Services Feb. 2023	465.00	0.00	
	XXXXX8741	04/27/2023	Graniterock Co	1,734.29	2084490	Customer #69994	1,760.61	26.32	\$1,734.29

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX8742	04/27/2023	Hach Co Inc	85.83	13542302	Iodine	85.83	0.00	\$85.83
	XXXXX8743	04/27/2023	HDR Engineering Inc	506.25	1200512914	Planset RFI Update 1/1-4/1/23	506.25	0.00	\$506.25
	XXXXX8744	04/27/2023	Hybrid Commercial Printing, Inc.	45.83	27642	Supplies	45.83	0.00	\$546.72
				158.23	27644	Business card	158.23	0.00	
				158.23	27645	Business Card	158.23	0.00	
				135.32	27646	Supplies	135.32	0.00	
				49.11	27647	Elevator pitch Cards	49.11	0.00	
	XXXXX8745	04/27/2023	HydroScience Engineers Inc	8,845.00	262001132	Services through 04/02/2023	8,845.00	0.00	\$8,845.00
	XXXXX8746	04/27/2023	Infosend Inc	4,773.03	225594	Data Processing	4,773.03	0.00	\$4,773.03
	XXXXX8747	04/27/2023	Javelco Equipment Service Inc	5,704.80	60445	Misc. supplies	5,704.80	0.00	\$5,704.80
	XXXXX8748	04/27/2023	JJR Construction Inc	279,825.63	Ped&Bike#01	TR-18-07	279,825.63	0.00	\$279,825.63
	XXXXX8749	04/27/2023	Judicial Council of California	1,751.39	May2023	Facility No. 43-F1	1,751.39	0.00	\$1,751.39
	XXXXX8750	04/27/2023	LC Action Police Supply	578.66	449638	Supplies	578.66	0.00	\$7,198.18
				578.66	449639	Supplies	578.66	0.00	
				99.35	449928	Supplies	99.35	0.00	
				30.40	449929	Supplies	30.40	0.00	
				158.02	449931	Supplies	158.02	0.00	
				136.35	449932	Supplies	136.35	0.00	
				29.41	449933	Supplies	29.41	0.00	
				40.63	449934	Supplies	40.63	0.00	
				208.24	450166	Supplies	208.24	0.00	
				1,075.43	450307	Supplies	1,075.43	0.00	
				1,075.43	450312	Supplies	1,075.43	0.00	
				1,445.91	450313	Supplies	1,445.91	0.00	
				40.63	450316	Supplies	40.63	0.00	
				204.76	450481	Supplies	204.76	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				92.76	450482	Supplies	92.76	0.00	
				40.63	450483	Supplies	40.63	0.00	
				76.95	450485	Supplies	76.95	0.00	
				24.49	450486	Supplies	24.49	0.00	
				140.55	450487	Supplies	140.55	0.00	
				538.64	450488	Supplies	538.64	0.00	
				582.28	450490	Supplies	582.28	0.00	
	XXXXX8751	04/27/2023	Level 3 Communications LLC	13,490.11	636059182	1-EY3E51 Apr 2023	13,490.11	0.00	\$13,490.11
	XXXXX8752	04/27/2023	Liebert Cassidy Whitmore	1,925.00	227745	Sept 2022 Harrassment	1,925.00	0.00	\$13,475.00
				11,550.00	229685	Oct 2022 Harassment	11,550.00	0.00	
	XXXXX8753	04/27/2023	Marcela Uriarte	375.00	1923	Earth Day Face Painting	375.00	0.00	\$375.00
	XXXXX8754	04/27/2023	Mission Linen Service	112.53	519039502	Linen Svc	112.53	0.00	\$2,604.96
				103.71	519039503	Linen Svc	103.71	0.00	
				149.70	519039504	Linen Svc	149.70	0.00	
				104.34	519039505	Linen Svc	104.34	0.00	
				85.44	519039506	Linen Svc	85.44	0.00	
				85.44	519039507	Linen Svc	85.44	0.00	
				112.53	519083234	Linen Svc	112.53	0.00	
				103.71	519083235	Linen Svc	103.71	0.00	
				149.70	519083236	Linen Svc	149.70	0.00	
				104.34	519083237	Linen Svc	104.34	0.00	
				85.44	519083238	Linen Svc	85.44	0.00	
				85.44	519083239	Linen Svc	85.44	0.00	
				112.53	519125054	Linen Svc	112.53	0.00	
				103.71	519125055	Linen Svc	103.71	0.00	
				149.70	519125056	Linen Svc	149.70	0.00	
				104.34	519125057	Linen Svc	104.34	0.00	
				85.44	519125058	Linen Svc	85.44	0.00	
				105.60	519125059	Linen Svc	105.60	0.00	



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				112.53	519167016	Linen Svc	112.53	0.00	
				103.71	519167017	Linen Svc	103.71	0.00	
				149.70	519167018	Linen Svc	149.70	0.00	
				104.34	519167019	Linen Svc	104.34	0.00	
				85.44	519167020	Linen Svc	85.44	0.00	
				105.60	519167021	Linen Svc	105.60	0.00	
	XXXXX8755	04/27/2023	National Auto Fleet Group	17,612.76	PAINT	Paint Applicaiton 12 Units	17,612.76	0.00	\$165,454.98
				33,646.42	WC8679	Chevrolet Bolt	33,646.42	0.00	
				57,097.90	WF6164	Ford Explorer	57,097.90	0.00	
				57,097.90	WF6231	Explorer Explorer	57,097.90	0.00	
	XXXXX8756	04/27/2023	Optony Inc	2,805.00	230-932	Lakewood Library Proj 9/1-2/28	2,805.00	0.00	\$2,805.00
	XXXXX8757	04/27/2023	S & L Fence Co	542.50	5086	FPO#LRS040723	542.50	0.00	\$542.50
	XXXXX8758	04/27/2023	Santa Clara Adult Education	1,350.00	12626	22-07-201-06 & 22-07-201-05	1,350.00	0.00	\$1,350.00
	XXXXX8759	04/27/2023	County of Santa Clara	723.16	6	Con #LF 97723	723.16	0.00	\$723.16
	XXXXX8760	04/27/2023	Scanlan Stone Reporters	2,482.00	108307	3/27/23 Personnel Bd Appeal	2,482.00	0.00	\$5,068.00
				2,586.00	108308	3/28/23 Personnel Bd Appeal	2,586.00	0.00	
	XXXXX8761	04/27/2023	Sector Security & Communications	4,665.06	WOO-40587	Crossman Ave Auto-Gate	4,665.06	0.00	\$4,665.06
	XXXXX8762	04/27/2023	Stericycle Inc	94.70	8003665967	C#3000150336 3/15/23	94.70	0.00	\$94.70
	XXXXX8763	04/27/2023	Spectraturf	827.77	17934	Supplies	827.77	0.00	\$827.77
	XXXXX8764	04/27/2023	Spencon Construction Inc	175,276.90	SdwlkCrbGttr Drvwy2022#08	ST-22-02	175,276.90	0.00	\$175,276.90
	XXXXX8765	04/27/2023	STC Venture LLC	1,420.87	STC 2022 Q4	CityLine	1,420.87	0.00	\$1,420.87

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX8767	04/27/2023	Summit Uniforms			Environmental Reimb			\$14,791.93
				75.47	85418	Uniforms	75.47	0.00	
				568.75	85436	Uniforms	568.75	0.00	
				270.16	85472	Uniforms	270.16	0.00	
				164.06	85473	Uniforms	164.06	0.00	
				465.94	85474	Uniforms	465.94	0.00	
				162.97	85476	Uniforms	162.97	0.00	
				325.94	85477	Uniforms	325.94	0.00	
				91.88	85478	Uniforms	91.88	0.00	
				118.13	85507	Uniforms	118.13	0.00	
				205.63	85508	Uniforms	205.63	0.00	
				307.34	85529	Uniforms	307.34	0.00	
				97.34	85531	Uniforms	97.34	0.00	
				150.94	85625	Uniforms	150.94	0.00	
				10.94	85627	Uniforms	10.94	0.00	
				425.47	85628	Uniforms	425.47	0.00	
				425.47	85633	Uniforms	425.47	0.00	
				425.47	85634	Uniforms	425.47	0.00	
				425.47	85637	Uniforms	425.47	0.00	
				61.25	85639	Uniforms	61.25	0.00	
				425.47	85641	Uniforms	425.47	0.00	
				425.47	85644	Uniforms	425.47	0.00	
				315.00	85662	Uniforms	315.00	0.00	
				392.66	85663	Uniforms	392.66	0.00	
				214.38	85669	Uniforms	214.38	0.00	
				266.88	85670	Uniforms	266.88	0.00	
				178.28	85671	Uniforms	178.28	0.00	
				181.56	85672	Uniforms	181.56	0.00	
				16.41	85673	Uniforms	16.41	0.00	
				425.47	85680	Uniforms	425.47	0.00	
				150.94	85683	Uniforms	150.94	0.00	
				75.47	85684	Uniforms	75.47	0.00	
				292.03	85691	Uniforms	292.03	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				150.94	85739	Uniforms	150.94	0.00	
				150.94	85765	Uniforms	150.94	0.00	
				150.94	85776	Uniforms	150.94	0.00	
				249.38	85798	Uniforms	249.38	0.00	
				75.47	85843	Uniforms	75.47	0.00	
				140.00	85845	Uniforms	140.00	0.00	
				814.84	85885	Uniforms	814.84	0.00	
				814.84	85886	Uniforms	814.84	0.00	
				814.84	85887	Uniforms	814.84	0.00	
				814.84	85889	Uniforms	814.84	0.00	
				651.88	85910	Uniforms	651.88	0.00	
				651.88	85936	Uniforms	651.88	0.00	
				162.97	85965	Uniforms	162.97	0.00	
				1,009.53	85978	Uniforms	1,009.53	0.00	
	XXXXX8768	04/27/2023	Sunnyvale Community Services	32,808.19	CBDO 2022/23-8	2023-829560 Feb 2023	32,808.19	0.00	\$65,510.37
				32,702.18	TBRA 2022-2024 Invoice #9	2224-828750/2223-210503Feb	32,702.18	0.00	
	XXXXX8769	04/27/2023	United States Postal Service	290.00	Permit #584-42623	Permit #584 Annual Fee	290.00	0.00	\$290.00
	XXXXX8770	04/27/2023	Univar Solutions USA Inc	7,340.21	51074939	SOD HYPO	7,340.21	0.00	\$12,519.50
				5,179.29	51088827	SOD BISULFITE	5,179.29	0.00	
	XXXXX8771	04/27/2023	University of California Santa Cruz	2,415.00	59227	Leung, Jonathan 22-12-201-23	2,415.00	0.00	\$2,415.00
	XXXXX8772	04/27/2023	Wilsey Ham	506.00	25401	On-Call Survey Svc Mar 2023	506.00	0.00	\$506.00
	XXXXX8773	04/27/2023	Zalco Laboratories	250.00	2304064	Gas Analysis	250.00	0.00	\$250.00
	XXXXX8774	04/27/2023	Sunnyvale Downtown Association	1,370.00	BID20230407	BID Jan 2023	1,370.00	0.00	\$1,370.00
	XXXXX8775	04/27/2023	Charles Eaneff	564.88	May 2023	Medical Reimbursement May	564.88	0.00	\$564.88

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						2023			
	XXXXX8776	04/27/2023	Lynne Kilpatrick	55.09	May 2023	Medical Reimbursement May 2023	55.09	0.00	\$55.09
	XXXXX8777	04/27/2023	Robert Van Heusen	302.91	May 2023	Medical Reimbursement May 2023	302.91	0.00	\$302.91
	XXXXX8778	04/27/2023	HomeFirst Services of Santa Clara County	31,272.11	HF -February 2023-cc5035	Sunnyvale Outreach and Shelter	31,272.11	0.00	\$71,923.32
				40,651.21	HF-March 2023-cc5035	Sunnyvale Outreach and Shelter	40,651.21	0.00	
	XXXXX8779	04/27/2023	Pivot Interiors Inc	16,397.25	PJIN-000078621	City Hall 2nd Fl Ancillary	16,397.25	0.00	\$55,495.67
				20,871.76	PJIN-000079269	City Hall-3rd Fl Ancillary	20,871.76	0.00	
				18,226.66	PJIN-000080507	City Hall-4th Floor Ancillary	18,226.66	0.00	
	XXXXX8780	04/27/2023	LD Products Inc	57.01	SIP-0020725861	HP950X/CN045AN Black Ink	57.01	0.00	\$485.96
				93.27	SIP-0020774886	HP#951 Inks	93.27	0.00	
				116.15	SIP-0020776702	HP Color Laserjet Inks	116.15	0.00	
				72.55	SIP-0020792835	HP#950 Inks	72.55	0.00	
				33.02	SIP-0020829997	Gold HP Laserjet Ink	33.02	0.00	
				113.96	SIP-0020859254	HP#951 Inks	113.96	0.00	
	XXXXX8781	04/27/2023	Baker & Taylor, LLC	86.36	2037399902	Library collection	86.36	0.00	\$4,905.85
				2,105.10	5018215034	Library collection	2,105.10	0.00	
				1,160.32	5018263293	Library collection	1,160.32	0.00	
				216.61	5018290750	books/media: Friends	216.61	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						of the Library			
				243.96	H64453590	Library collection	243.96	0.00	
				154.12	H64526310	Library collection	154.12	0.00	
				939.38	H64562660	Library collection	939.38	0.00	
	XXXXX8782	04/27/2023	Grainger	1,769.97	9666737714	AC# 810031823	1,769.97	0.00	\$1,987.35
				217.38	9670249441	AC# 810031823	217.38	0.00	
	XXXXX8783	04/27/2023	UC Regents	252.00	1099990-23WI	Ramos, Anna #22-11-501-01	252.00	0.00	\$15,088.50
				4,945.50	1104022-23SP	Minkovsky, A 22-11-501-05	4,945.50	0.00	
				4,945.50	1104025-23SP	M Gomez-Garcia 22-11-501-06	4,945.50	0.00	
				4,945.50	1104035-23SP	Webb, Daniel #22-11-501-07	4,945.50	0.00	
	XXXXX8784	04/27/2023	Deborah Pigott	1,284.95	May 2023	Medical Reimbursement May 2023	1,284.95	0.00	\$1,284.95
	XXXXX8785	04/27/2023	Stacy Robert Macfarlane	750.00	859	Polygraph Exams	750.00	0.00	\$750.00
	XXXXX8786	04/27/2023	Hemalatha Nekkanti	40.46	May 2023	Medical Reimbursement May 2023	40.46	0.00	\$40.46
	XXXXX8787	04/27/2023	Michael Ballard	72.43	May 2023	Medical Reimbursement May 2023	72.43	0.00	\$72.43
	XXXXX8788	04/27/2023	HF&H Consultants LLC	3,967.50	9718767	2021 SW COS Update	3,967.50	0.00	\$3,967.50
	XXXXX8789	04/27/2023	United Way of the Bay Area	45.00	PR202316	PR202316 Contributions	45.00	0.00	\$45.00
	XXXXX8790	04/27/2023	Seed Collaborative, LLC	7,563.50	100485	March 2023 Consulting	7,563.50	0.00	\$7,563.50
	XXXXX8791	04/27/2023	IBI Group	20,072.84	10016469	Services March 2023	20,072.84	0.00	\$20,072.84

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXXX8792	04/27/2023	The Los Altos Software Testing House	5,400.00	04-01-23	Truc T Nguyen 22-06-501-04	5,400.00	0.00	\$10,800.00
				5,400.00	04-02-23	Alieksieienko, R 22-06-201-05	5,400.00	0.00	
	XXXXX8793	04/27/2023	John Stufflebean	187.10	May 2023	Medical Reimbursement May 2023	187.10	0.00	\$187.10
	XXXXXX8794	04/27/2023	Thatcher Company of California Inc	6,573.17	20232501094 82	Aluminum Sulfate Liquid	6,573.17	0.00	\$13,146.34
				6,573.17	20232501095 10	Aluminum Sulfate Liquid	6,573.17	0.00	
	XXXXXX8795	04/27/2023	John Merlin Vellequette	500.00	#032023 1 of 2	Great Box Cover-Up Deposit	500.00	0.00	\$500.00
	XXXXXX8796	04/27/2023	Nanny Nikki Music LLC	450.00	000176	4/14/23 Library Performance	450.00	0.00	\$450.00
EFT	XXXXXX2744	04/27/2023	JEFFREY PLECQUE	1,244.74	May 2023	Medical Reimbursement May 2023	1,244.74	0.00	\$1,244.74
	XXXXXX2745	04/27/2023	JOHN S WITTHAUS	952.54	May 2023	Medical Reimbursement May 2023	952.54	0.00	\$952.54
	XXXXXX2746	04/27/2023	KAREN WOBLESKY	1,344.98	May 2023	Medical Reimbursement May 2023	1,344.98	0.00	\$1,344.98
	XXXXXX2747	04/27/2023	KATHLEEN FRANCO SIMMONS	714.41	May 2023	Medical Reimbursement May 2023	714.41	0.00	\$714.41
	XXXXXX2748	04/27/2023	KELLY FITZGERALD	594.74	May 2023	Medical Reimbursement May 2023	594.74	0.00	\$594.74
	XXXXXX2749	04/27/2023	KELLY MENEHAN	144.86	May 2023	Medical Reimbursement May 2023	144.86	0.00	\$144.86
	XXXXXX2750	04/27/2023	KLAUS DAEHNE	221.20	May 2023	Medical	221.20	0.00	\$221.20

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						Reimbursement May 2023			
	XXXXX2751	04/27/2023	MARK G PETERSEN	1,344.98	May 2023	Medical Reimbursement May 2023	1,344.98	0.00	\$1,344.98
	XXXXX2752	04/27/2023	Michael Spath	1,554.88	May 2023	Medical Reimbursement May 2023	1,554.88	0.00	\$1,554.88
	XXXXX2753	04/27/2023	PETE GONDA	1,636.29	May 2023	Medical Reimbursement May 2023	1,636.29	0.00	\$1,636.29
	XXXXX2754	04/27/2023	ROBERT WALKER	1,284.95	May 2023	Medical Reimbursement May 2023	1,284.95	0.00	\$1,284.95
	XXXXX2755	04/27/2023	RONALD DALBA	843.74	May 2023	Medical Reimbursement May 2023	843.74	0.00	\$843.74
	XXXXX2756	04/27/2023	SCOTT MORTON	772.22	May 2023	Medical Reimbursement May 2023	772.22	0.00	\$772.22
	XXXXX2757	04/27/2023	SILVIA MARTINS	368.66	May 2023	Medical Reimbursement May 2023	368.66	0.00	\$368.66
	XXXXX2758	04/27/2023	SIMON C LEMUS	1,344.98	May 2023	Medical Reimbursement May 2023	1,344.98	0.00	\$1,344.98
	XXXXX2759	04/27/2023	STEPHEN QUICK	1,284.95	May 2023	Medical Reimbursement May 2023	1,284.95	0.00	\$1,284.95
	XXXXX2760	04/27/2023	TAMMY PARKHURST	368.66	May 2023	Medical Reimbursement May 2023	368.66	0.00	\$368.66
	XXXXX2761	04/27/2023	Therese Balbo	988.44	May 2023	Medical Reimbursement May	988.44	0.00	\$988.44

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						2023			
	XXXXX2762	04/27/2023	TIM CARLYLE	469.74	May 2023	Medical Reimbursement May 2023	469.74	0.00	\$469.74
	XXXXX2763	04/27/2023	VINCENT CHETCUTI	1,366.16	May 2023	Medical Reimbursement May 2023	1,366.16	0.00	\$1,366.16
	XXXXX2764	04/27/2023	Craig Anderson	1,320.46	May 2023	Medical Reimbursement May 2023	1,320.46	0.00	\$1,320.46
	XXXXX2765	04/27/2023	Andrew Miner	564.88	May 2023	Medical Reimbursement May 2023	564.88	0.00	\$564.88
	XXXXX2766	04/27/2023	Hyun J Choi	1,320.46	May 2023	Medical Reimbursement May 2023	1,320.46	0.00	\$1,320.46
	XXXXX2767	04/27/2023	Jeff Hunter	2,092.59	May 2023	Medical Reimbursement May 2023	2,092.59	0.00	\$2,092.59
	XXXXX2768	04/27/2023	Deborah Gamble	996.70	May 2023	Medical Reimbursement May 2023	996.70	0.00	\$996.70
	XXXXX2769	04/27/2023	Karen Gissibl	137.62	May 2023	Medical Reimbursement May 2023	137.62	0.00	\$137.62
	XXXXX2770	04/27/2023	Daniel William Diangson	500.00	EXP0000374 36768	Misc Vest Reimbursement 122623	500.00	0.00	\$500.00
	XXXXX2771	04/27/2023	Anais Martinez Aquino	5.00	EXP0000375 05183	TravelParkingReceipt 3/20/2023	5.00	0.00	\$5.00
	XXXXX2772	04/27/2023	Barron N Renzi	699.00	EXP0000373 67964	Travel Salinas 103022	699.00	0.00	\$699.00
	XXXXX2773	04/27/2023	Leopoldo Sanchez Junior	1,312.69	EXP0000373 67889	Tuition Multicultural Issues & Computer	1,312.69	0.00	\$1,312.69



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						Crime 031723			
	XXXXX2774	04/27/2023	Leonard E Dunn	1,308.20	EXP0000373 67819	Travel Anaheim CAPCA Conference 100822-101122 Leonard Dunn	1,308.20	0.00	\$1,308.20
	XXXXX2775	04/27/2023	Ngoc T Pham	317.84	EXP0000374 54703	Travel SM and SC Counties February 2023	317.84	0.00	\$514.28
				196.44	EXP0000376 81330	Travel San Mateo County March 2023	196.44	0.00	
	XXXXX2776	04/27/2023	Scott A Mcculloch	442.58	EXP0000374 36515	Misc Vest Reimbursement 091222	442.58	0.00	\$442.58
	XXXXX2777	04/27/2023	Daniel L Moskowitz	822.43	EXP0000361 83476	Travel Savannah 111022	822.43	0.00	\$822.43
	XXXXX2779	04/27/2023	Jason C Pistor	70.00	EXP0000374 36654	Travel Pleasonton 030623	70.00	0.00	\$70.00
	XXXXX2780	04/27/2023	Marianne G Siu	105.00	EXP0000375 04871	Travel Dublin 091222	105.00	0.00	\$1,620.00
				675.00	EXP0000375 04902	Tuition Reimbursements Mgmt Information Sys FY22-23	675.00	0.00	
				675.00	EXP0000375 04933	Tuition Reimbursement HR Mgmt FY22/23	675.00	0.00	
				165.00	EXP0000375 05073	Travel Fort Myers 082922	165.00	0.00	
	XXXXX2781	04/27/2023	Casey Alan Bishop	140.00	EXP0000374 36674	Travel Livermore 030623	140.00	0.00	\$140.00
	XXXXX2782	04/27/2023	Moises Dorado Valle	78.60	EXP0000376 81404	Travel San Mateo County March 2023	78.60	0.00	\$78.60
	XXXXX2783	04/27/2023	Maxwell Harrison Longanecker	167.87	EXP0000375 64063	Misc Boot Reimbursement	167.87	0.00	\$167.87

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						032023			
	XXXXX2784	04/27/2023	Milicent Rose Kim	274.50	EXP0000374 36622	Travel La Jolla 030523	274.50	0.00	\$274.50
	XXXXX2785	04/27/2023	Lorianna A Giarrizzo Boepple	20.73	EXP0000374 18142	Misc Target 032323	20.73	0.00	\$20.73
	XXXXX2786	04/27/2023	Justin Joseph Mardesich	140.00	EXP0000376 56495	Travel Livermore 030623	140.00	0.00	\$140.00
	XXXXX2787	04/27/2023	Dominic J Bitonti	500.00	EXP0000374 36504	Misc Vest Reimbursement 031323	500.00	0.00	\$500.00
	XXXXX2788	04/27/2023	James Herbert Burch	25.00	EXP0000375 43334	JBurchReimburseme ntMar23	25.00	0.00	\$25.00
	XXXXX2789	04/27/2023	Vinni Shivdas-Nayar	39.56	EXP0000375 23915	Travel Redwood City February 2023	39.56	0.00	\$39.56
	XXXXX2790	04/27/2023	Joseph William Luttrell	197.55	EXP0000375 29617	Misc Boot Reimbursement 022223	197.55	0.00	\$417.55
				220.00	EXP0000375 64030	Misc Boot Reimbursement Wildland 022223	220.00	0.00	
	XXXXX2791	04/27/2023	Alexandria Gibson	374.90	EXP0000374 36784	Misc Vest Reimbursement 122922	374.90	0.00	\$374.90
	XXXXX2792	04/27/2023	Daniel A Andrade	500.00	EXP0000375 07987	Misc Vest Reimbursement 030923	500.00	0.00	\$500.00
	XXXXX2793	04/27/2023	Marlena E Sessions	1,119.22	EXP0000374 53369	Travel Washington DC March2023	1,119.22	0.00	\$1,119.22
	XXXXX2794	04/27/2023	ABEL A VARGAS	141.73	May 2023	Medical Reimbursement May 2023	141.73	0.00	\$141.73
	XXXXX2795	04/27/2023	ALI FATAPOUR	569.04	May 2023	Medical Reimbursement May 2023	569.04	0.00	\$569.04

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXXX2796	04/27/2023	Anthony Pineda	2,092.59	May 2023	Medical Reimbursement May 2023	2,092.59	0.00	\$2,092.59
	XXXXXX2797	04/27/2023	BRICE MC QUEEN	1,366.16	May 2023	Medical Reimbursement May 2023	1,366.16	0.00	\$1,366.16
	XXXXXX2798	04/27/2023	BYRON K PIPKIN	943.74	May 2023	Medical Reimbursement May 2023	943.74	0.00	\$943.74
	XXXXXX2799	04/27/2023	CARL RUSHMEYER	1,320.46	May 2023	Medical Reimbursement May 2023	1,320.46	0.00	\$1,320.46
	XXXXXX2800	04/27/2023	CATHY HAYNES	1,344.98	May 2023	Medical Reimbursement May 2023	1,344.98	0.00	\$1,344.98
	XXXXXX2801	04/27/2023	CHRIS CARRION	952.54	May 2023	Medical Reimbursement May 2023	952.54	0.00	\$952.54
	XXXXXX2802	04/27/2023	DAVID KAHN	952.54	May 2023	Medical Reimbursement May 2023	952.54	0.00	\$952.54
	XXXXXX2803	04/27/2023	DAVID L VERBRUGGE	1,636.29	May 2023	Medical Reimbursement May 2023	1,636.29	0.00	\$1,636.29
	XXXXXX2804	04/27/2023	DAYTON W K PANG	2,092.59	May 2023	Medical Reimbursement May 2023	2,092.59	0.00	\$2,092.59
	XXXXXX2805	04/27/2023	DEAN CHU	704.56	May 2023	Medical Reimbursement May 2023	704.56	0.00	\$704.56
	XXXXXX2806	04/27/2023	DON JOHNSON	368.66	May 2023	Medical Reimbursement May 2023	368.66	0.00	\$368.66
	XXXXXX2807	04/27/2023	DOUGLAS	1,320.46	May 2023	Medical	1,320.46	0.00	\$1,320.46

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			MORETTO			Reimbursement May 2023			
	XXXXXX2808	04/27/2023	ENCARNACION HERNANDEZ	368.66	May 2023	Medical Reimbursement May 2023	368.66	0.00	\$368.66
	XXXXXX2809	04/27/2023	ESTRELLA KAWCZYNSKI	132.25	May 2023	Medical Reimbursement May 2023	132.25	0.00	\$132.25
	XXXXXX2810	04/27/2023	GAIL SWEGLER	89.21	May 2023	Medical Reimbursement May 2023	89.21	0.00	\$89.21
	XXXXXX2811	04/27/2023	GARY LUEBBERS	443.49	May 2023	Medical Reimbursement May 2023	443.49	0.00	\$443.49
	XXXXXX2812	04/27/2023	GREGORY E KEVIN	819.74	May 2023	Medical Reimbursement May 2023	819.74	0.00	\$819.74
	XXXXXX2813	04/27/2023	JAMES BOUZIANE	368.66	May 2023	Medical Reimbursement May 2023	368.66	0.00	\$368.66
	XXXXXX2814	04/27/2023	JANICE BROUSSARD	772.22	May 2023	Medical Reimbursement May 2023	772.22	0.00	\$772.22
WIRE	XXXXXX2578	04/25/2023	Bay Counties SMarT	1,856,066.55	Mar 2023	Mar 2023 Contract Payment Wire Date 4/21/2023	1,856,066.55	0.00	\$1,856,066.55
	XXXXXX2579	04/25/2023	Valley Water	791,027.46	TI002664	Treater Water March 2023 WR Date 4/21/2023	791,027.46	0.00	\$791,027.46
	XXXXXX2580	04/25/2023	San Francisco Public Utilities Commission	1,492,886.98	03022023-04032023	Purchased Water Mar 2023 WR Date 4/20/2023	1,492,886.98	0.00	\$1,492,886.98
	XXXXXX2581	04/25/2023	Wells Fargo	234.43	1175010-2023-04-18	Paid on behalf of Williams, Jared	234.43	0.00	\$183,785.59

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				4,803.89	1175011-2023-04-18	Paid on behalf of Johnson, Tisha	4,803.89	0.00	
				87.00	1175012-2023-04-18	Paid on behalf of Lopez, Nelia	87.00	0.00	
				560.49	1175013-2023-04-18	Paid on behalf of Berdeen, Bryan	560.49	0.00	
				489.85	1175014-2023-04-18	Paid on behalf of Huerta, Rene	489.85	0.00	
				1,871.20	1175015-2023-04-18	Paid on behalf of Wilson, Rodney	1,871.20	0.00	
				605.91	1175016-2023-04-18	Paid on behalf of Hill, Trenton	605.91	0.00	
				4,800.00	1175017-2023-04-18	Paid on behalf of Diaz, Aracely	4,800.00	0.00	
				356.37	1175018-2023-04-18	Paid on behalf of Orozco, Raymond	356.37	0.00	
				25.99	1175019-2023-04-18	Paid on behalf of Masamori, Mark	25.99	0.00	
				2,589.90	1175020-2023-04-18	Paid on behalf of Bokla, Sonia	2,589.90	0.00	
				41.98	1175021-2023-04-18	Paid on behalf of Card, Gregory	41.98	0.00	
				934.56	1175022-2023-04-18	Paid on behalf of Knight, Robert	934.56	0.00	
				1,495.40	1175023-2023-04-18	Paid on behalf of Jensen, Julie	1,495.40	0.00	
				3,877.27	1175024-2023-04-18	Paid on behalf of Rodriguez, Pedro	3,877.27	0.00	
				334.43	1175025-2023-04-18	Paid on behalf of Ng, Jennifer	334.43	0.00	
				106.74	1175026-2023-04-18	Paid on behalf of Mckinley, Joseph	106.74	0.00	
				344.09	1175027-	Paid on behalf of	344.09	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
					2023-04-18	Nguyen, Thao Thanh			
				441.82	1175028-2023-04-18	Paid on behalf of Young, George	441.82	0.00	
				1,076.08	1175029-2023-04-18	Paid on behalf of Bracamonte, Markus	1,076.08	0.00	
				587.72	1175030-2023-04-18	Paid on behalf of Plonka, Marie	587.72	0.00	
				1,813.87	1175031-2023-04-18	Paid on behalf of Choi, Yong Nan	1,813.87	0.00	
				45.01	1175032-2023-04-18	Paid on behalf of Rodriguez, Maria	45.01	0.00	
				168.57	1175033-2023-04-18	Paid on behalf of Gutierrez, Randy	168.57	0.00	
				759.20	1175034-2023-04-18	Paid on behalf of Serfoss, Charles	759.20	0.00	
				8.17	1175035-2023-04-18	Paid on behalf of Alanis-Richelle, Edith	8.17	0.00	
				64.76	1175036-2023-04-18	Paid on behalf of Dance, Kristin	64.76	0.00	
				214.68	1175037-2023-04-18	Paid on behalf of Jacquemet, Paul	214.68	0.00	
				163.51	1175038-2023-04-18	Paid on behalf of Belanger, Richard	163.51	0.00	
				582.47	1175039-2023-04-18	Paid on behalf of Avila, Saul	582.47	0.00	
				1,638.87	1175040-2023-04-18	Paid on behalf of Contreras, Audel	1,638.87	0.00	
				1,911.86	1175041-2023-04-18	Paid on behalf of Mcelroy, Scott	1,911.86	0.00	
				372.93	1175042-2023-04-18	Paid on behalf of Collins, William	372.93	0.00	
				2,818.36	1175043-2023-04-18	Paid on behalf of Charles, Rodolfo	2,818.36	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				1,676.00	1175044-2023-04-18	Paid on behalf of Medina, Gerardo	1,676.00	0.00	
				849.38	1175045-2023-04-18	Paid on behalf of Kashitani, Timothy	849.38	0.00	
				761.53	1175046-2023-04-18	Paid on behalf of Barajas, Jerardo	761.53	0.00	
				102.52	1175047-2023-04-18	Paid on behalf of Barajas, Sandra	102.52	0.00	
				1,175.79	1175048-2023-04-18	Paid on behalf of Barajas, Emiliano	1,175.79	0.00	
				458.47	1175049-2023-04-18	Paid on behalf of Ragsdale, Michele Bridget	458.47	0.00	
				6,718.52	1175050-2023-04-18	Paid on behalf of Luckey, Priscilla	6,718.52	0.00	
				125.00	1175051-2023-04-18	Paid on behalf of Lemmon, Lisa	125.00	0.00	
				1,172.58	1175052-2023-04-18	Paid on behalf of LoFranco, Delanie	1,172.58	0.00	
				2,032.00	1175053-2023-04-18	Paid on behalf of Callaghan, Julie	2,032.00	0.00	
				250.21	1175054-2023-04-18	Paid on behalf of Kashitani, Jamie	250.21	0.00	
				7,087.79	1175055-2023-04-18	Paid on behalf of Buczeke, Walter	7,087.79	0.00	
				1,394.02	1175057-2023-04-18	Paid on behalf of Griffith, Jonathan	1,394.02	0.00	
				888.67	1175058-2023-04-18	Paid on behalf of Bayani, Rafael	888.67	0.00	
				174.56	1175059-2023-04-18	Paid on behalf of Lemasters, James	174.56	0.00	
				148.04	1175060-2023-04-18	Paid on behalf of Patel, Parita	148.04	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				1,637.06	1175061-2023-04-18	Paid on behalf of Thompson, Kori	1,637.06	0.00	
				41.51	1175062-2023-04-18	Paid on behalf of Hernandez, John	41.51	0.00	
				222.99	1175063-2023-04-18	Paid on behalf of Murphy, Tina	222.99	0.00	
				446.41	1175064-2023-04-18	Paid on behalf of Gott, Tracey	446.41	0.00	
				1,064.00	1175065-2023-04-18	Paid on behalf of Hernandez, Jaime	1,064.00	0.00	
				409.77	1175066-2023-04-18	Paid on behalf of Sanchez, Richard	409.77	0.00	
				2,122.26	1175067-2023-04-18	Paid on behalf of Bailey, Camron	2,122.26	0.00	
				589.25	1175068-2023-04-18	Paid on behalf of Velasco, Leanora	589.25	0.00	
				889.50	1175069-2023-04-18	Paid on behalf of Wong, Jennifer	889.50	0.00	
				279.95	1175070-2023-04-18	Paid on behalf of Smith, Robin	279.95	0.00	
				876.87	1175071-2023-04-18	Paid on behalf of De La Cerda, Melanie	876.87	0.00	
				378.00	1175072-2023-04-18	Paid on behalf of Khair, Madeline	378.00	0.00	
				325.29	1175073-2023-04-18	Paid on behalf of Wan, Xianliang	325.29	0.00	
				1,888.65	1175074-2023-04-18	Paid on behalf of Sharma, Guia Marie	1,888.65	0.00	
				421.09	1175075-2023-04-18	Paid on behalf of Luc, Annie	421.09	0.00	
				2,321.80	1175076-2023-04-18	Paid on behalf of Manzanares, Anjelene	2,321.80	0.00	



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				56.54	1175077-2023-04-18	Paid on behalf of Raby, Christina	56.54	0.00	
				179.30	1175078-2023-04-18	Paid on behalf of Smith, Sean	179.30	0.00	
				43.78	1175079-2023-04-18	Paid on behalf of Brand, Brendolyn	43.78	0.00	
				837.96	1175080-2023-04-18	Paid on behalf of Jaw, Dennis	837.96	0.00	
				1,960.68	1175081-2023-04-18	Paid on behalf of Le, Kien Ricky	1,960.68	0.00	
				1,301.35	1175082-2023-04-18	Paid on behalf of Villegas, Carmen	1,301.35	0.00	
				350.00	1175083-2023-04-18	Paid on behalf of Dia, Salimata	350.00	0.00	
				821.96	1175084-2023-04-18	Paid on behalf of Rich, Elizabeth	821.96	0.00	
				1,442.25	1175085-2023-04-18	Paid on behalf of Goel, Swati	1,442.25	0.00	
				510.00	1175086-2023-04-18	Paid on behalf of Church, Irma	510.00	0.00	
				108.60	1175087-2023-04-18	Paid on behalf of Avila, Joel	108.60	0.00	
				19,330.74	1175088-2023-04-18	Paid on behalf of Espinoza, Leonard	19,330.74	0.00	
				326.92	1175089-2023-04-18	Paid on behalf of Yoshidome, Reiko	326.92	0.00	
				214.08	1175090-2023-04-18	Paid on behalf of Filipovic, Bonnie	214.08	0.00	
				106.79	1175091-2023-04-18	Paid on behalf of Hernandez, Manuel	106.79	0.00	
				1,000.60	1175093-2023-04-18	Paid on behalf of Welling, Heath	1,000.60	0.00	
				792.61	1175094-	Paid on behalf of	792.61	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
					2023-04-18	Gutierrez, Monica			
				857.47	1175095-2023-04-18	Paid on behalf of Badiei, Jody	857.47	0.00	
				5,251.40	1175096-2023-04-18	Paid on behalf of Ketell, Victoria	5,251.40	0.00	
				762.78	1175097-2023-04-18	Paid on behalf of Rose, Michael	762.78	0.00	
				327.03	1175098-2023-04-18	Paid on behalf of Westlund, Ryan	327.03	0.00	
				864.97	1175099-2023-04-18	Paid on behalf of Lopez, Ruben	864.97	0.00	
				106.43	1175100-2023-04-18	Paid on behalf of Bindel, Herbert	106.43	0.00	
				388.86	1175101-2023-04-18	Paid on behalf of Vergara, Giovanni	388.86	0.00	
				1,507.12	1175102-2023-04-18	Paid on behalf of Mcentee, Patrick	1,507.12	0.00	
				1,377.39	1175103-2023-04-18	Paid on behalf of Resuello, Janelle	1,377.39	0.00	
				41,449.57	1175104-2023-04-18	Paid on behalf of Mason, Lisa	41,449.57	0.00	
				6,281.62	1175105-2023-04-18	Paid on behalf of Moncada, Glenda	6,281.62	0.00	
				1,429.97	1175106-2023-04-18	Paid on behalf of Newbold, Gina	1,429.97	0.00	
				2,475.58	1175107-2023-04-18	Paid on behalf of Lo, Grace	2,475.58	0.00	
				3,573.31	1175108-2023-04-18	Paid on behalf of Gamez, Alberto	3,573.31	0.00	
				3,036.46	1175109-2023-04-18	Paid on behalf of Martinez, Mark	3,036.46	0.00	
				711.98	1175110-2023-04-18	Paid on behalf of Rodriguez, Lorena	711.98	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				30.99	1175111-2023-04-18	Paid on behalf of Nunes, Shawn	30.99	0.00	
				549.09	1175112-2023-04-18	Paid on behalf of Chan, Angela	549.09	0.00	
				1,351.18	1175113-2023-04-18	Paid on behalf of Lafferty, Mckendra	1,351.18	0.00	
				69.71	1175114-2023-04-18	Paid on behalf of Loya, Benjamin	69.71	0.00	
				1,284.37	1175115-2023-04-18	Paid on behalf of Chuck, Michelle	1,284.37	0.00	
				5,196.95	1175116-2023-04-18	Paid on behalf of Lovett, Linda	5,196.95	0.00	
				360.34	1175117-2023-04-18	Paid on behalf of Perry, Ryan	360.34	0.00	
Grand Total				21,003,175.97			21,003,207.60	31.63	\$21,003,175.97



# City of Sunnyvale

## Agenda Item

---

23-0498

Agenda Date: 5/16/2023

---

### REPORT TO COUNCIL

#### **SUBJECT**

Award of Contract to Graham Contractors for Annual Slurry Seal 2023 and Make a Finding of California Environmental Quality Act (CEQA) Categorical Exemption Pursuant to CEQA Guidelines Section 15301 (c) (PW23-02)

#### **STAFF RECOMMENDATION**

Take the following actions:

- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$1,269,106.75 to Graham Contractors;
- Approve a 10% construction contingency in the amount of \$126,911;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c).

#### **BASIS FOR RECOMMENDATION**

The Annual Slurry Seal 2023 Project (Project No. ST-23-02) consists of the installation of slurry seal on various streets throughout the City. Slurry seal is a maintenance treatment that extends the life of a road surface. The street segments for the Project are listed in Attachment 3 to this report. The Project was advertised on DemandStar on February 10, 2023. Eleven (11) contractors requested bid documents. Sealed bids were opened on March 8, 2023 with five (5) responsive bids received. Graham Contractors submitted the lowest responsive and responsible bid in the amount of \$1,269,106.75 (Attachment 1, Bid Summary).

#### **ENVIRONMENTAL REVIEW**

This project is exempt under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c), for the repair, maintenance, or minor alteration of existing facilities, including highways, streets and similar facilities, involving negligible or no expansion of existing or former use.

#### **FISCAL IMPACT**

Budgeted funding is available in Project 828030 - Annual Slurry Seal of City Streets. The project budget financial summary is included as Attachment 4 to this report.

#### **PUBLIC CONTACT**

Public contact was made by posting the Council meeting agenda on the City's official-notice bulletin board at City Hall, at the Sunnyvale Public Library and in the Department of Public Safety Lobby. In addition, the agenda and this report are available at the NOVA Workforce Services reception desk located on the first floor of City Hall at 456 W. Olive Avenue (during normal business hours), and on

the City's website.

Prepared by: Gregory S. Card, Purchasing Officer

Reviewed by: Tim Kirby, Director of Finance


Reviewed by: Chip Taylor, Director of Public Works

Reviewed by: Jaqui Guzmán, Deputy City Manager

Approved by: Kent Steffens, City Manager

### **ATTACHMENTS**

1. Bid Summary
2. Draft General Construction Contract
3. Street Segments List
4. Budget 828030 - Annual Slurry Seal 2023

 Sunnyvale				Graham Contractors		Pavement Coatings Co		Doolittle Construction LLC		VSS International Incorporated		Northwest Paving Incorporated	
				860 Lonus Street San Jose, CA 95126		2150 Bell Ave. Suite 125 Sacramento, CA 95838		PO Box 1819 Snoqualmie, WA 98065		3785 Channel Drive West Sacramento, CA 95691		8115 Secluded Valley Dr Redding, CA 96001	
IFB	PW23-02 Annual Slurry Seal 2023 Project No. ST-23-02			David Graham		Tim Schmid		Marc Thoreson		Jeff Roberts		James Heller	
Item	Description	QTY	UNIT	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Install Slurry Seal (Type II)	5,679,008	SF	\$ 0.219	\$ 1,243,702.75	\$ 0.23	\$ 1,306,171.84	\$ 0.237	\$ 1,345,924.90	\$ 0.24	\$ 1,362,961.92	\$ 0.27	\$ 1,527,653.15
2	Install Slurry Seal (Type II) - Parking Lot Area	116,000	SF	\$ 0.219	\$ 25,404.00	\$ 0.13	\$ 15,080.00	\$ 0.31	\$ 35,960.00	\$ 0.24	\$ 27,840.00	\$ 0.27	\$ 31,088.00
	Total Base Bid				\$ 1,269,106.75		\$ 1,321,251.84		\$ 1,381,884.90		\$ 1,390,801.92		\$ 1,558,741.15
	Surety			10% Bid Bond		10% Bid Bond		10% Bid Bond		10% Bid Bond		10% Bid Bond	
	License			A, C-12		A		A		A		A	

## DRAFT GENERAL CONSTRUCTION CONTRACT

THIS CONTRACT dated \_\_\_\_\_ is by and between the CITY OF SUNNYVALE, a California chartered municipal corporation of the State of California ("Owner") and GRAHAM CONTRACTORS, INC., a California corporation ("Contractor").

### RECITALS:

The parties to this Contract have mutually covenanted and agreed, as follows:

**1. The Contract Documents.** The complete Contract consists of the following documents: Notice Inviting Bids; Instructions to Bidders; Performance Bond and Payment Bond; Guaranty; City of Sunnyvale Standard Specifications for Public Works Construction, 2006 Edition; City of Sunnyvale Standard Details for Public Works Construction, 2006 Edition; Plans and Specifications, "Annual Slurry Seal 2023, Project No. ST-23-02, Invitation for Bids No. PW23-02", including one (1) Addendum; OSHA, and other standards and codes as outlined in the Specifications. These documents are all incorporated by reference. The documents comprising the complete contract are collectively referred to as the Contract Documents.

All obligations of the Owner and the Contractor are fully set forth and described therein.

All the above documents are intended to work together so that any work called for in one and not mentioned in the other or vice versa is to be executed the same as if mentioned in all documents.

**2. The Work.** Contractor agrees to furnish all tools, equipment, apparatus, facilities, labor, transportation, and material necessary to perform and complete the project in a good and workmanlike manner. The work consists of furnishing all labor, materials, equipment, and services necessary to apply slurry seal on various street surfaces, as called for, and in the manner designated in, and in strict conformity with, the Plans and Specifications prepared and adopted by the Owner. These Plans and Specifications are entitled respectively, Annual Slurry Seal 2023, Project No. ST-23-02.

It is understood and agreed that the work will be performed and completed as required in the Plans and Specifications under the sole direction and control of the Contractor, and subject to inspection and approval of the Owner, or its representatives. The Owner hereby designates as its representative for the purpose of this contract the Senior Civil Engineer for Construction or an employee of the Owner who will be designated in writing by the Director of Public Works.

**3. Contract Price.** The Owner agrees to pay, and the Contractor agrees to accept, in full payment for the work above agreed to be done, the sum of One Million Two Hundred Sixty Nine Thousand One Hundred Six and 75/100 Dollars (\$1,269,106.75) subject to final determination of the work performed and materials furnished at unit prices per "Exhibit A" attached hereto and incorporated by this reference, and subject to additions and deductions in accordance, as provided in the Documents and in accordance with Contract Documents.

**4. Permits; Compliance with Law.** Contractor shall, at its expense, obtain all necessary permits and licenses, easements, etc., for the construction of the project, give all necessary notices, pay all fees required by law, and comply with all laws, ordinances, rules, and regulations relating to the work and to the preservation of the public health and safety.

**5. Inspection by Owner.** Contractor shall always maintain proper facilities and provide safe access for inspection by the Owner to all parts of the work, and to the shops wherein the work is in preparation. Where the Specifications require work to be specially tested or approved, it shall not be tested or covered up without timely notice to the Owner of its readiness for inspection and without the approval thereof or consent thereto by the latter. Should any such work be covered up without such notice, approval, or consent, it must, if required by Owner, be uncovered for examination at the Contractor's expense.

**6. Extra or Additional Work and Changes.** Should Owner at any time during the progress of the work request any alterations, deviations, additions, or omissions from the Specifications or Plans or other Contract Documents it shall be at liberty to do so, and the same shall in no way affect or make void the contract but will be added to or deducted from the amount of the contract price by a fair and reasonable valuation, agreed to in writing between the parties hereto. No extra work shall be performed, or change be made, unless in pursuance of a written order from the Director of Public Works or authorized representative, stating that the extra work or change is authorized and no claim for an addition to the contract sum shall be valid unless so ordered.

**7. Time for Completion.** All work under this contract shall be completed before the expiration of fifty-two (52) working days from the date specified in the Notice to Proceed.

If Contractor shall be delayed in the work by the acts or neglect of Owner, or its employees or those under it by contract or otherwise, or by changes ordered in the work, or by strikes, lockouts by others, fire, unusual delay in transportation, unavoidable casualties or any causes beyond the Contractor's control, or by delay authorized by the Owner, or by any cause which the Owner shall decide to justify the delay, then the time of completion shall be extended for such reasonable time as the Owner may decide.

This provision does not exclude the recovery of damages for delay by either party under other provisions.

**8. Inspection and Testing of Materials.** Contractor shall notify Owner a sufficient time in advance of the manufacture or production of materials, to be supplied under this contract, in order that the Owner may arrange for mill or factory inspection and testing of same, if Owner requests such notice from Contractor.

**9. Termination.** If Contractor should file a bankruptcy petition and/or be judged bankrupt, or if Contractor should make a general assignment for the benefit of creditors, or if a receiver should be appointed on account of insolvency, or if Contractor or any subcontractors should violate any of the provisions of the Contract, Owner may serve written notice upon Contractor and its surety of Owner's intention to terminate the Contract. The notice shall contain the reasons for such intention to terminate the Contract, and, unless within ten (10) days after serving such notice, such violation shall cease and satisfactory arrangements for correction thereof be made, upon the expiration of the ten days, the Contract shall cease and terminate. In the event of any such termination, Owner shall immediately serve written notice thereof upon the surety and the Contractor, and the surety shall have the right to take over and perform the Contract; provided, however that, if the surety within fifteen (15) days after the serving upon it of notice of termination does not give Owner written notice of its intention to take over and perform the Contract or does not commence performance thereof within thirty (30) days from the date of the serving of such notice, Owner may take over the work and prosecute the same to completion by contract or by any other method it may deem advisable, for the account and at the expense of Contractor, and Contractor and its surety shall be liable to Owner for any excess cost occasioned Owner thereby, and in such event Owner may without liability for so doing take possession of and utilize in completing the work, such materials, appliances, plant and other property belonging to Contractor as may be on the site of the work and necessary therefor.

**10. Owner's Right to Withhold Certain Amounts and Make Application Thereof.** In addition to the amount which Owner may retain under Paragraph 21 until the final completion and acceptance of all work covered by the Contract, Owner may withhold from payment to Contractor such amount or amounts as in its judgment may be necessary to pay just claims against Contractor or any subcontractors for labor and services rendered and materials furnished in and about the work. Owner may apply such withheld amount or amounts to the payment of such claims in its discretion. In so doing Owner shall be deemed the agent of Contractor and any payment so made by Owner shall be considered as a payment made under the Contract by Owner to the Contractor and Owner shall not be liable to Contractor for any such payment made in good faith. Such payment may be made without prior judicial determination of the claim or claims.

**11. Notice and Service Thereof.** All notices required pursuant to this Contract shall be communicated in writing, and shall be delivered in person, by commercial courier or by first class or priority mail delivered



by the United States Postal Service. Nothing in this provision shall be construed to prohibit communication by more expedient means, such as by email or fax, to accomplish timely communication. Each party may change the address by written notice in accordance with this paragraph. Notices delivered personally shall be deemed communicated as of actual receipt; mailed notices shall be deemed communicated as of three business days after mailing. All notices sent pursuant to this Contract shall be addressed as follows:

Owner: City of Sunnyvale  
Department of Public Works  
Construction Contract Administrator  
P. O. Box 3707  
Sunnyvale, CA 94088-3707

Contractor: Graham Contractors, Inc.  
Attn: David Graham  
860 Lonus Street  
San Jose, CA 95126

**12. Assignment of Contract.** Neither the Contract, nor any part thereof, nor moneys due or to become due thereunder may be assigned by Contractor without the prior written approval of Owner.

**13. Compliance with Specifications of Materials.** Whenever in the Specifications, any material or process is indicated or specified by patent or proprietary name, or by name of manufacturer, such Specifications must be met by Contractor, unless Owner agrees in writing to some other material, process or article offered by Contractor which is equal in all respects to the one specified.

**14. Contract Security.** Contractor shall furnish a surety bond in an amount at least equal to one hundred percent (100%) of the contract price as security for the faithful performance of this Contract. Contractor shall also furnish a separate surety bond in an amount at least equal to one hundred percent (100%) of the contract price as security for the payment of all persons for furnishing materials, provisions, provender, or other supplies, or teams, used in, upon, for or about the performance of the work contracted to be done, or for performing any work or labor thereon of any kind, and for the payment of amounts due under the Unemployment Insurance Code with respect to such work or labor in connection with this Contract, and for the payment of a reasonable attorney's fee to be fixed by the court in case suit is brought upon the bond. Bonds shall be issued by an admitted surety insurer authorized to operate in the state of California.

**15. Insurance.** The Owner requires that CONTRACTOR maintain insurance requirements on the Pacific Insurance Network System (PINS). CONTRACTOR shall procure and maintain, at its own expense during the life of this Agreement, policies of insurance as specified in Exhibit "C" attached and incorporated by reference and shall provide all certificates and/or endorsements as specified in Exhibit "C" through PINS for approval by the Owner Risk Manager prior to CONTRACTOR (or subcontractor) commencing any work under this Agreement.

**16. Indemnification and Hold Harmless.** Contractor agrees to defend, save, indemnify and hold harmless Owner and all its officers, employees, and agents, against any and all liability, claims, judgments, or demands, including demands arising from injuries or death of persons (Contractor's employees included) and damage to property, arising directly or indirectly out of the obligations herein undertaken or out of the operations conducted by Contractor, save and except claims or litigation arising through the active negligence or willful misconduct of Owner, or of Owner's officials, agents, employees, servants, or independent contractors who are directly responsible to Owner. Contractor shall make good and reimburse Owner for any expenditures, including reasonable attorneys' fees, Owner may make by reason of such claim or litigation, and, if requested by Owner, Contractor shall defend any such suits at the sole cost and expense of Contractor.

**17. Hours of Work.** Eight hours of labor during any one calendar day and forty hours of labor during any

one calendar week shall constitute the maximum hours of service upon all work done hereunder, and it is expressly stipulated that no laborer, worker, or mechanic employed at any time by the Contractor or by any subcontractor or subcontractors under this Contract, upon the work or upon any part of the work contemplated by this Contract, shall be required or permitted to work thereon more than eight hours during any one calendar day and forty hours during any one calendar week, except, as provided by Section 1815 of the Labor Code of the State of California, work performed by employees of contractors in excess of eight hours per day and forty hours during any one week shall be permitted upon public work upon compensation for all hours worked more than eight hours per day at not less than one and one-half times the basic rate of pay. It is further expressly stipulated that for each and every violation of Sections 1811-1815, inclusive, of the Labor Code of the State of California, all the provisions whereof are deemed to be incorporated herein, Contractor shall forfeit, as a penalty to Owner, twenty-five dollars (\$25.00) for each laborer, worker, or mechanic employed in the execution of this Contract by Contractor, or by any subcontractor under this Contract, for each calendar day during which the laborer, worker, or mechanic is required or permitted to work more than eight hours in any one calendar day and forty hours in any one calendar week in violation of the provisions of the Sections of the Labor Code.

Contractor, and each subcontractor, shall, in accordance with California Labor Code Section 1776 or as the same may be later amended, keep accurate payroll records showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by him or her in connection with work under this agreement. Each payroll record shall contain or be verified by a written declaration under penalty of perjury, in accordance with Labor Code Section 1776(a). Such payroll records shall be made available at all reasonable times at the Contractor's principal office to the persons authorized to inspect such records pursuant to Labor Code Section 1776. A certified copy of all payroll records shall be made available for inspection or furnished upon request to a representative of the Division of Labor Standards Enforcement, and the Division of Apprenticeship Standards of the Department of Industrial Relations, as well as to the Owner's representative. In the event the Contractor or a Subcontractor fails to comply in a timely manner within ten (10) days to a written notice requesting the records, such contractor or subcontractor shall forfeit one hundred dollars (\$100.00) for each calendar day, or portion thereof, for each worker, until strict compliance is effectuated, in accordance with Labor Code Section 1776(h).

**18. Wage Rates.** Pursuant to the Labor Code of the State of California, or any applicable local law, Owner has ascertained the general prevailing rate per diem wages and rates for holidays, and overtime work in the city, for each craft, classification or type of laborer, worker, or mechanic needed to execute this Contract. Owner has adopted, by reference, the general prevailing rate of wages applicable to the work to be done under the Contract, as adopted, and published by the Division of Labor Standards Enforcement and Labor Statistics and Research of the State of California, Department of Industrial Relations, to which reference is hereby made for a full and detailed description. A copy of the prevailing wage rates may be reviewed in the office of the Director of Public Works, City of Sunnyvale, 456 West Olive Avenue, Sunnyvale, California. Wage rates can also be obtained through the California Department of Industrial Relations website at: <http://www.dir.ca.gov/OPRL/DPreWageDetermination.htm>

Neither the notice inviting bids, nor this Contract, shall constitute a representation of fact as to the prevailing wage rates upon which the Contractor or any subcontractor may base any claim against Owner.

It shall be mandatory upon Contractor and upon any subcontractor to pay not less than the specified rates to all laborers, workers, and mechanics employed in the execution of the Contract. It is further expressly stipulated that Contractor shall, as a penalty to Owner, forfeit two hundred dollars (\$200.00) for each calendar day, or portion thereof, for each laborer, worker, or mechanic paid less than the stipulated prevailing rates for any work done under this Contract by Contractor or by any subcontractor; and Contractor agrees to comply with all provisions of Section 1775 of the Labor Code.

In case it becomes necessary for Contractor or any subcontractor to employ on the project under this Contract any person in a trade or occupation (except executives, supervisory, administrative, clerical, or other non-manual workers as such) for which no minimum wage rate is herein specified, Contractor shall

immediately notify Owner who will promptly thereafter determine the prevailing rate for such additional trade or occupation and shall furnish Contractor with the minimum rate based thereon. The minimum rate thus furnished shall be applicable as a minimum for such trade or occupation from the time of the initial employment of the person affected and during the continuance of such employment.

**19. Accident Prevention.** Precaution shall be always exercised for the protection of persons (including employees) and property. The safety provisions of applicable laws, building and construction codes shall be observed. Machinery, equipment, and other hazards shall be guarded or eliminated in accordance with the safety provisions of the Construction Safety Orders issued by the Industrial Accident Commission of the State of California.

**20. Contractor's Guarantee.** Owner shall not, in any way or manner, be answerable or suffer loss, damage, expense or liability for any loss or damage that may happen to the building, work, or equipment or any part thereof, or in, on, or about the same during its construction and before acceptance. Contractor unqualifiedly guarantees the first-class quality of all workmanship and of all materials, apparatus, and equipment used or installed by Contractor or by any subcontractor or supplier in the project which is the subject of this Contract, unless a lesser quality is expressly authorized in the Plans and Specifications, in which event Contractor unqualifiedly guarantees such lesser quality; and that the work as performed by Contractor will conform with the Plans and Specifications or any written authorized deviations therefrom. In case of any defect in work, materials, apparatus, or equipment, whether latent or patent, revealed to Owner within one (1) year of the date of acceptance of completion of this Contract by Owner, Contractor will forthwith remedy such defect or defects without cost to Owner.

**21. Liquidated Damages.** Time shall be the essence of this Contract. If Contractor fails to complete, within the time fixed for such completion, the entire work mentioned and described and contracted to be done and performed, Contractor shall become liable to Owner for liquidated damages in the sum of three hundred dollars exactly (\$300.00), for every calendar day during which work shall remain uncompleted beyond such time fixed for completion or any lawful extension thereof. The amount specified as liquidated damages is presumed to be the amount of damage sustained by Owner since it would be impracticable or extremely difficult to fix the actual damage; and the amount of liquidated damages may be deducted by Owner from moneys due Contractor hereunder, or its assigns and successors at the time of completion, and Contractor, or its assigns and successors at the time of completion, and its sureties shall be liable to Owner for any excess.

**22. Governing Law, Jurisdiction and Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of California, without regard to conflict of law or choice of law principles. Proper venue for legal actions will be exclusively vested in a state court in the County of Santa Clara. The parties agree that subject matter and personal jurisdiction are proper in state court in the County of Santa Clara and waive all venue objections.

**23. Severability Clause.** In case any one or more of the provisions contained herein shall, for any reason, be held invalid, illegal, or unenforceable in any respect, it shall not affect the validity of the other provisions which shall remain in full force and effect.

**24. Entire Agreement; Amendment.** This writing constitutes the entire agreement between the parties relating to the services to be performed or materials to be furnished hereunder. No modification of this Agreement shall be effective unless and until such modification is evidenced by writing signed by all parties.

**25. Execution and Counterparts.** This Agreement may be executed in multiple counterparts and/or with the signatures of the Parties set forth on different signature sheets and all such counterparts, when taken together, shall be deemed one original.

IN WITNESS WHEREOF, two identical counterparts of this contract, each of which shall for all purposes be deemed an original thereof, have been duly executed by the parties.

CITY OF SUNNYVALE  
a California chartered municipal corporation  
of the State of California, Owner

GRAHAM CONTRATORS, INC.  
Contractor

License No. 315789

By \_\_\_\_\_  
City Manager Date

By \_\_\_\_\_  
\_\_\_\_\_  
Title Date

Attest:  
City Clerk

By \_\_\_\_\_  
\_\_\_\_\_  
Title Date

By \_\_\_\_\_  
City Clerk Date

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney Date

**EXHIBIT A**

**BID SCHEDULE**

No.	Description	QTY	Unit	Unit Cost
1	Install Slurry Seal (Type II)	5,679,008	SF	\$0.219
2	Install Slurry Seal (Type II) - Parking Lot Area	116,000	SF	\$0.219

## EXHIBIT B

**Utilization of Local Workforce in Construction Projects** – The Sunnyvale City Council has adopted a policy which encourages utilization of local workforces, including State-certified apprentices, as a means of supporting economic opportunities for all members of the community. Local workforce is defined as workers residing in Santa Clara County. The lowest responsive and responsible bidder must provide a projection of locally hired workers utilized for this contract.

Contractor	Projected Number of Locally Hired Workers_____ Projected Percent of Locally Hired Workers_____%
Subcontractor(s)	Projected Number of Locally Hired Workers_____ Projected Percent of Locally Hired Workers_____%

## EXHIBIT C CORRECTED INSURANCE REQUIREMENTS

Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work by the Contractor, their agents, representatives, or employees.

Minimum Scope and Limits of Insurance. Contractor shall maintain limits not less than:

1. **Commercial General Liability:** coverage written on an occurrence basis with limits not less than \$2,000,000 per occurrence and \$4,000,000 aggregate for bodily injury, personal injury and property damage. ISO Occurrence Form shall be at least as broad as CG 0001.
2. **Automobile Liability:** coverage with a combined single limit of not less than \$2,000,000 per occurrence applying to all owned, non-owned, or hired vehicles used in conjunction with this contract for bodily injury and property damage. ISO Form shall be at least as broad as CA 0001.
3. **Workers' Compensation:** Statutory Limits and **Employer's Liability:** \$1,000,000 per accident for bodily injury or disease.

Industry Specific Coverages. If checked below, the following insurance is also required:

- ☐ Professional Liability / Errors and Omissions Liability coverage with limits not less than \$2,000,000 per occurrence or claim.
- ☐ Valuable Papers and Electronic Data Processing with limits not less than \$10,000 each.
- ☐ Pollution Liability coverage with limits not less than \$2,000,000 per occurrence.
- ☐ MCS-90 Endorsement to Business Automobile insurance for transportation of hazardous materials and pollutants.
- ☐ Builder's Risk / Course of Construction coverage written on an "all risk" basis with limits equal to the completed value of the project and no coinsurance penalty provisions.
- ☐ Installation Floater coverage written on an "all risk" basis with limits equal to the completed value of the project and no coinsurance penalty provisions.

**Deductibles, Self-Insured Retentions and Other Coverages.** Any deductibles or self-insured retentions must be declared and approved by the City of Sunnyvale, Risk Manager. The Contractor shall guarantee payment of any losses and related investigations, claim administration and defense expenses within the deductible or self-insured retention.

The aforementioned insurance requirements can be met through any combination of self-insured, primary and excess/umbrella policies that fulfill the stipulated coverage as cited above.

### **Other Insurance Provisions.**

1. During the term of the contract, the City of Sunnyvale, its officers, officials, employees, agents, and volunteers are to be covered as an additional insured in the Contractor's commercial general liability policy (and if industry specific coverage box is checked above, valuable papers and electronic data processing, pollution liability, builder's risk, and installation floater policies) with respects to liability arising out of activities performed by or on behalf of the Contractor; products and completed operations of the

Contractor; premises owned, occupied or used by the Contractor. The coverage shall contain no special limitations on the scope of protection afforded to the City of Sunnyvale, its officers, officials, employees, agents, or volunteers.

Additional Insured Endorsement for ongoing operations at least as broad as ISO CG 20 10 Scheduled, or automatic CG 20 38 and completed operations shall be at least as broad as ISO CG 20 37 scheduled or automatic ISO CG 20 40.

2. During the term of the contract, the Contractor's Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City of Sunnyvale.
3. For all Architects, Engineers and Design Professionals - If Industry Specific Coverage box is checked above **and** if the Contractor's Professional Liability/Errors and Omissions coverage is written on a claims made basis:
  - a. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
  - b. Insurance must be maintained and evidence of insurance must be provided *for at least three (3) years after completion of the contract of work*.
  - c. If coverage is canceled or non-renewed, and not *replaced with another claims-made policy form with a Retroactive Date* prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of *three (3) years* after completion of contract work
4. If Industry Specific Coverage box is checked above, during the term of the contract, the Contractor's Builder's Risk / Course of Construction or Installation Floater policy shall provide coverage for any building, structures, machinery or equipment that is damaged, impaired, broken or destroyed during the performance of the Work, including during transit, installation and testing. The policy shall name the City of Sunnyvale as a Loss Payee with respect to any repairs or replacement of any damaged property or other amounts payable under the policy.
5. For any claims related to this project, the Contractor's insurance shall be primary. Any insurance or self-insurance maintained by the City of Sunnyvale, its officers, officials, employees, agents and volunteers shall be excess of the Contractor's insurance and shall not contribute with it and shall be at least as broad as ISO CG 20 01 04 13.
6. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the City of Sunnyvale, its officers, officials, employees, agents or volunteers.
7. The Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
8. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, cancelled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City of Sunnyvale.
9. Any umbrella or excess Insurance Liability policies shall be true "following form" of the underlying policy coverage, terms, conditions, and provisions and shall meet all of the insurance requirements stated in this document, including the additional insured, SIR, and primary and non-contributory insurance requirements for the benefit of City (if agreed to in a written contract or agreement) until all coverage carried by or available to the Contractor's primary and excess liability policies are exhausted and before the City's own Insurance or self-insurance shall be called upon to contribute to a loss.



10. The policy limits of coverage shall be made available to the full limits of the policy. The minimum limits stated above shall not serve to reduce the Contractor's policy limits of coverage. Therefore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this agreement, or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured, whichever is greater.

**Acceptability of Insurers.** Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, and who are admitted and authorized to do business and in good standing in California unless otherwise acceptable to the City of Sunnyvale's Risk Manager.

**Verification of Coverage.** The City of Sunnyvale utilizes PINSAdvantage.com (PINS) to track and verify all insurance related documents. The City is no longer accepting Certificates of Insurance by mail and requires the use of PINS. The City will email the Contractor requesting proof of insurance for this Contract through the PINS platform ([no-reply@pinsadvantage.com](mailto:no-reply@pinsadvantage.com)), which include instructions on how to upload insurance documents electronically. Contractor shall furnish the City of Sunnyvale with an original Certificate of Insurance effecting the coverage required. The certificates are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates are to be received and approved by the City of Sunnyvale, Risk Manager prior to commencement of work.

The Contractor shall provide certificate(s) evidencing renewals of all insurance required herein prior to the expiration date of any such insurance. Contractor shall submit insurance certificates reflecting the policy renewals through PINS. The City reserves the right to require complete, certified copies of all required insurance policies, at any time.

**Subcontractors.** Contractor shall require all subcontractors to procure and maintain insurance policies subject to these requirements. Failure of Contractor to verify existence of sub-contractor's insurance shall not relieve Contractor from any claim arising from sub-contractors work on behalf of Contractor.

SLURRY SEAL 2023- LOCATIONS						
TOTAL AREA (SF):					5,729,666	
#	Location		Cross Street		Area (SF)	
1	Ponderosa Park		Iris		52,000	
2	Las Palmas Park	Tennis Center	S. Mathilda		15,000	
3	Serra Park		The Dalles/Hollenbeck		38,000	
4	Braly Park		Daffodil CT		11,000	
TOTAL PARKING LOT AREA (SF):					116,000	
#	Street Id	Street Name	Start	End	Area (SF)	
1	030001	Blazingwood	Palamos	Sandia n/s	42,132	
2	030007	Burntwood CT	Sandia n/s	N. End	4,655	
3	030010	Charmwood CT	Palamos	S. End	5,185	
4	030011	Crestwood CT	Tucson	S. End	9,140	
5	050012	Karlstad	Tasman	Toyama 444 E/Pl elect #27	48,920	
6	060013	Corte Madera CT	Ano Nuevo ctr	W. End	10,511	
7	070014	Balsam	Bayview	Kirk	20,830	
8	070053	Gresham	Duane	Arbor	23,790	
9	080007	Amador	San Miguel	San Rafael ctr	45,996	
10	080055	Santa Paula	Ahwanee	Amador n/s	34,159	
11	080056	Santa Paula	E. Duane	Amador s/s	37,697	
12	100002	Angel	Beemer	Taaffe	22,952	
13	100004	Bartlett	California	Kifer	35,976	
14	100008	Birch	Fair Oaks	Bartlett w/s	27,403	
15	100009	Birch	Bartlett e/s	E. End	4,067	
16	100016	Cedar	W. End	Bartlett	18,824	
17	100020	Hendy	Taaffe	Sunnyvale w/s	37,916	
18	100027	N. Murphy	W. Hendy	California s/s	36,191	
19	100037	Taaffe	Hendy	Beemer	14,730	
20	110002	Aster CT	Sequoia w/s	W. End	14,624	
21	120002	Buckeye Dr	Mahogany 749 n/pl	Privet Ct ctr	26,880	
22	120005	Columbine	Timeberpine	Vinemaple Elec	23,440	
23	120006	Cornflower CT	Thornapple	W. End	17,386	
24	120015	Foxglove	Nuttal Oak Ct ctr	Ponderosa e/s	20,124	
25	120037	Mangrove	Primrose	Maria	37,878	
26	120040	Mayten Tree CT	Foxglove	S. End	10,900	
27	120043	Miramar	W. End	Tamarack w/s	14,424	
28	120048	Nuttal Oak CT	Foxglove	S. End	10,883	
29	120050	Oracle	Plantree	Larkspur	15,248	
30	120055	Pinon CT	Foxglove	S. End	6,350	
31	120060	Ponderosa	Nettle ctr	Maria bldg. 4/pl (s/n sign)	55,784	
32	120064	Poppy CT	Roble	S. End	13,562	
33	120065	Populus	Rosa	Sumac s/s	13,659	
34	120066	Primrose	Wolfe	Ponderosa	38,124	
35	120069	Quercus CT	Rosa	S. End	6,950	
36	120070	Quintinia	Nandina	Rockrose	20,624	
37	120072	Roble	Lupine	Rockrose	27,568	
38	120075	Rosa CT	Poplar	W. End	7,654	
39	120086	Starflower CT	Poplar	W. End	12,564	
40	120091	Sweetbay	Fuchsia	Lily n/s	28,977	
41	120092	Sweetbay	Lily s/s	S. End	29,748	
42	120094	Tamarack	Lily	Miramar ctr	41,537	
43	120101	Timberpine CT	Timberpine	S. End	18,169	
44	120106	Valerian	Henderson	Valerian CT	18,611	
45	120107	Valerian CT	N. End	S. End	18,169	
46	130029	Gary	Gail	Wolfe	43,163	
47	130037	Hawthorn	Arbutus 426 n/pl	Begonia s/s	30,987	
48	130039	Henrietta	Iris	Gavello	22,020	
49	130052	Koa CT	Iris	S. End	5,993	
50	130061	McKinley	Fair Oaks	Britton w/s	34,938	
51	140005	Bayview	Olive s/s	Old San Francisco Rd n/s	27,688	
52	140011	Carroll	E. Evelyn	Washington n/s	18,532	
53	140017	Central	McKinley s/s	Olive n/s	30,023	
54	140059	Wilson	Bryan	S. End	3,682	
55	150019	Iowa	Mary e/s	Sunset ctr	40,385	
56	160005	Ayala	Acalanes w/s	Bernardo w/s	39,767	
57	160036	McKinley	Leota e/s	Mary w/s	40,079	
58	160037	Noriega	Lometa e/s	Leota e/s	22,695	
59	160038	Olive	Bernardo	Carneros ctr	17,408	
60	160039	Olive	Carneros ctr	Leota ctr	27,700	
61	170003	Blair	Grape ctr	Bernardo e/s	36,818	
62	170004	Blair	Grape ctr	Mary	53,596	
63	170009	Cardinal	Knickerbocker n/s	Bernardo	22,443	
64	170037	Lois	Blair	Lynn n/s	40,572	
65	170049	Margaret CT	Cardinal	N. End	7,069	
66	170055	Morningside	Knickerbocker	Bernardo	24,120	

67	170062	Parkington	Bernardo e/s	Grape	23,264	
68	170067	Susan	Knickerbocker	Bernardo w/s	40,058	
69	170068	Susan	Bernardo e/s	Grape w/s	28,418	
70	170070	Tanager CT	Morningside	S. End	8,248	
71	180006	Quetta	Harvard n/s	Haverhill s/s	31,844	
72	180010	Cumberland	Piper w/s	Quetta	26,316	
73	180019	Groton CT	Quetta	N. End	15,200	
74	180020	Hanover	Heatherstone	Elmira	47,037	
75	180022	Harvard	Hollenbeck e/s	Rubis	9,404	
76	180025	Hillsboro	Pippin	Norfolk Pine w/s	21,952	
77	180033	Lansdown CT	Pepper	W. End	11,740	
78	180037	Nectarine	Heatherstone	Cambridge	31,100	
79	180038	Norfolk Pine	Ithica n/s	Hillsboro s/s	16,394	
80	180054	Pippin	Hanover	Ithica	28,358	
81	190002	Azure	Cumulus s/s	Remington	47,568	
82	190004	Brahms	Cezanne ctr	Cirrus e/s	10,716	
83	190005	Cezanne	El Camino Real s/s	Brahms	24,630	
84	190006	Chopin	VanDyck	Renoir Ct.	43,874	
85	190012	Gainsborough	Offenbach s/s	Romberg n/s	23,127	
86	190027	Robbia	Chopin	Schubert ctr	40,560	
87	190028	Robbia CT	Schubert ctr	S. End	10,538	
88	190030	Rousseau	Fremont	Robbia	39,188	
89	190031	Sargent	Chopin	Verdi	48,758	
90	200007	Pimento	Shenandoah	Ticonderoga	34,002	
91	200011	Pome	Ticonderoga	Fremont	30,908	
92	200013	Pomelo CT	Trenton	N. End	4,720	
93	200014	Prunelle CT	Saranac	S. End	8,607	
94	200019	Reinclud CT	Saranac	S. End	8,925	
95	200021	Reynella CT	Saranac	S. End	8,626	
96	200028	Saranac	Pome w/s	Reinclud CT ctr	19,895	
97	200029	Saranac	Reinclud CT ctr	Hollenbeck	20,040	
98	200033	Shenandoah	Plum	Somerset	36,510	
99	200040	Steuben	Queen Ann e/s	Pome	19,599	
100	200047	Tilton	Remington	Tioga CT ctr	18,012	
101	200048	Tilton	Tioga CT ctr	Utica 532 n/pl	23,132	
102	210008	Lime	Ticonderoga s/s	Yorktown	40,476	
103	210014	Robin	Remington	Bernardo w/s	34,176	
104	210022	Susquehanna CT	Maraschino	W. End	9,274	
105	210024	Ticonderoga	Bernardo	Elderberry ctr	24,311	
106	210025	Ticonderoga	Elderberry ctr	Lime ctr	34,643	
107	210028	Valley Forge	Lime	Westchester ctr	21,711	
108	210031	Westchester	Valley Forge	Lime	26,002	
109	210032	Wright	Yorktown	Fremont n/s	6,661	
110	220001	Albion LN	Belleville e/s	W. End	30,048	
111	220002	Albion CT	Belleville w/s	W. End	5,935	
112	220009	Bedford CT	Belleville	E. End	9,463	
113	220014	Bellingham	Belleville	N. End	40,175	
114	230002	Anaconda CT	Kitimat	W. End	7,690	
115	230007	Bainbridge CT	Kitimat	W. End	7,338	
116	230009	Banff	Payette 1055 s/pl	Pendleton 1745 s/pl	15,403	
117	230010	Bonneville	Kitimat	Franchere	21,746	
118	230013	Calgary	Pendleton n/s	S. End	8,847	
119	230018	Chehalis	Franchere w/s	Kitimat e/s	29,609	
120	230024	Colinton	N. End	Cascade n/s	7,420	
121	230026	Coronach	The Dalles	Helena	42,680	
122	230029	Dominion	The Dalles	Harper n/s	32,548	
123	230031	Earlington CT	Wright	W. End	6,501	
124	230033	Edmonds CT	Wright w/s	W. End	31,714	
125	230034	Edmonton	Helena	Edmonton Ln ctr	27,249	
126	230035	Edmonton	Edmonton Ln ctr	La Salle	20,296	
127	230036	Elsona	Drysdale e/s	Astoria	28,134	
128	230037	Elsona CT	Elsona	N. End	15,605	
129	230041	Eugene CT	Dominion	E. End	7,684	
130	230042	Franchere	Astoria	Cascade n/s	25,280	
131	230043	Franchere	Cascade s/s	Chehalis n/s	12,209	
132	230044	Fraser	Edmonds	Helena	28,784	
133	230045	Frontenac	Astoria	Bonneville	17,355	
134	230046	Galloway CT	Cascade	S. End	5,628	
135	230048	Gerber CT	Fraser	E. End	7,623	
136	230050	Harper	Coronach	Dominion e/s	10,269	
137	230052	E. Havre CT	Havre	S. End	4,191	
138	230053	W. Havre CT	Wright	S. End	16,800	
139	230055	Helena	Wright e/s	Mary w/s	46,703	
140	230056	Honfleur	Kamsack	Kamsack n/s	38,713	
141	230057	Honfleur CT	Honfleur	W. End	5,015	
142	230058	Jasper	The Dalles	Harney n/s	32,384	
143	230059	Kalispell CT	Kamsack	S. End	18,914	
144	230060	Kamiah	Wright	Honfleur	9,709	

145	230061	Kamsack	Helena	Honfluer w/s	47,745	
146	230062	Kamsack CT	Kamsack	S. End	4,931	
147	230066	Kimberly	Homestead	Pendleton n/s	21,557	
148	230067	Kimberly	Pendleton s/s	Pocatello	18,565	
149	230068	Kitimat	Aberdeen s/s	Bonneville n/s	27,740	
150	230069	Kitimat	Bonneville n/s	Cascade n/s	14,134	
151	230070	Kitimat	Cascade s/s	Chehalis n/s	13,476	
152	230071	La Salle	Wright	W. End	15,163	
153	230072	Lamont CT	Pendleton	S. End	10,578	
154	230073	Laurentian	Mackenzie s/s	Pocatello n/s	37,173	
155	230075	Olympus CT	Laurentian	W. End	11,287	
156	230078	Pendleton	Wright e/s	Laurentian	39,311	
157	230080	Samedra	Chelan 1462 n/pl	The Dalles n/s	15,549	
158	230083	The Dalles	Bernardo	Wright w/s	47,700	
159	230087	Wright	The Dalles ctr	Helena ctr	48,121	
160	230088	Wright	Helena ctr	Homestead n/s	47,976	
161	230089	Wright	Homestead s/s	Pendleton ctr	26,406	
162	230091	Wright CT	Wright	W. End	9,832	
163	230092	Wright TERR	Wright	W. End	10,625	
164	240002	Beaverton CT	Lennox	E. End	5,782	
165	240003	Belfair CT	Miette	W. End	7,843	
166	240005	Blanchard	Miette e/s	E. End	5,447	
167	240008	Cascade	Mary e/s	Lewiston ctr	65,221	
168	240028	Lennox	Allison s/s	Lennox CT n/s	23,643	
169	240029	Lennox CT	Lennox w/s	E. End	7,502	
170	240030	Lewiston CT	Lewiston	W./E. Ends	13,768	
171	240031	Lewiston	Lewiston CT	Cascade n/s	10,676	
172	240039	Lowell CT	New Brunswick	W. End	7,020	
173	240044	New Brunswick	Homestead	N. End	47,266	
174	260005	Ashbourne	Dunnock w/s	Fieldfair ctr	26,681	
175	260006	Ashbourne	Fieldfair ctr	Flicker e/s	17,668	
176	260007	Bantry CT	Flicker	W. End	8,413	
177	260025	Carlisle	Dead End	Bitter n/s	16,379	
178	260027	Carlisle	Floyd ctr	Flicker ctr	55,321	
179	260028	Carlisle	Flicker ctr	Kingfisher w/s	43,605	
180	260029	Carlisle	Kingfisher e/s	Mallard 1402 n/s	16,631	
181	260032	Cheshire	Floyd	Dove e/s	9,454	
182	260036	Coleraine CT	Falcon	W. End	9,771	
183	260044	Crow CT	Inverness	S. End	16,077	
184	260049	Derby CT	Falcon	W. End	8,764	
185	260051	Dorset	Falcon	Dove w/s	17,326	
186	260052	Dove	Cheshire	Dorset n/s	27,506	
187	260055	Dunholme	Albatross	Bittern ctr	12,034	
188	260061	Durshire	Finch	Grackle	43,685	
189	260067	Falcon	Carlisle	Dorset s/s	40,531	
190	260068	Falcon CT	Dorset s/s	S. End	4,338	
191	260077	Firebird	Carlisle	Flamingo	43,748	
192	260080	Flicker	Ashbourne s/s	Carlisle n/s	40,148	
193	260092	Grosbeak	Inverness	Londonderry	31,106	
194	260096	Harwick	Svale/Stoga	Bittern	25,347	
195	260101	Heron	Inverness s/s	Homestead n/s	47,337	
196	260107	Hummingbird	Inverness	Londonderry	35,841	
197	260110	Inverness	Finch ctr	Heron ctr	45,992	
198	260112	Islay CT	Grosbeak	West End	7,660	
199	260115	Kenely	Finch	E. End	15,185	
200	260116	Kilbirnie CT	Hummingbird	W. End	6,000	
201	260117	Kilkenny CT	Grosbeak	West End	7,080	
202	260118	Killarney CT	Hummingbird	W. End	5,972	
203	260119	Killdeer CT	Selkirk	S. End	13,961	
204	260122	Kingfisher	Carlisle	Dartshire	25,047	
205	260124	Kinglet CT	Parnell	S. End	8,210	
206	260127	Kirkaldy CT	Hummingbird	W. End	5,589	
207	260133	Limerick CT	Grosbeak	West End	7,279	
208	260134	Linnet	Homestead	Shetland	49,675	
209	260140	Londonderry	W. End	Heron w/s	29,691	
210	260141	Londonderry	Heron e/s	Martin e/s	34,013	
211	260143	Longspur	Inverness s/s	Londonderry n/s	33,625	
212	260147	Mariani	1636 Mariani	Inverness	25,178	
213	260148	Mariani	1636 Mariani	Langport s/s	26,573	
214	260149	Martin	Inverness	Londonderry n/s	37,152	
215	260152	Prestwick CT	Heron	W. End	9,740	
216	260153	Selkirk	Lark	Heron	19,296	
217	270001	Alice	Ramon	Navarro	7,021	
218	270003	Benton CT	Lochinvar s/s	S. End	11,846	
219	270005	Bryant	Norman e/s	Poplar w/s	16,941	
220	270006	Bryant	Poplar e/s	Henderson ctr	31,740	
221	270007	Bryant	Henderson ctr	Thunderbird w/s	44,340	
222	270025	Exmoor	Meadowlark	Oriole	30,160	

223	270026	Firth CT	Lochinvar	W. End	10,824	
224	270028	Gloucester CT	Quail	W. End	10,185	
225	270036	Inverness	Quail ctr	Lochinvar e/s	23,087	
226	270037	Katrine CT	Quail	W. End	8,742	
227	270040	Kensington	Lochinvar	Benton e/s	37,398	
228	270042	Kerry	Redwing	Lochinvar	14,734	
229	270046	Lanark CT	Quail	West End	8,855	
230	270047	Leighton	Nightingale	Peacock	46,131	
231	270049	Lillick	Teal	City Limit ctr. 1150	23,740	
232	270055	Lochness CT	Quail	W. End	8,787	
233	270071	Nuthatch	Exmoor	Inverness	36,318	
234	270081	Poplar	El Camino Real s/s	S. End middle 1347	25,723	
235	270082	Quail	Dunford	Inverness n/s	50,205	
236	270087	Redwing	Kerry s/s	Lorne	26,147	
237	270088	Rosalia	Bryant	s/o 1348	13,656	
238	270091	Sparrow CT	Kildare	South End	27,345	
239	270093	Sprig CT	Bryant	S. End	14,365	
240	270095	Swift CT	Lochinvar	S. End	15,517	
241	270099	Turnstone	Bryant	Castleton n/s	23,764	
242	270101	Vireo	Lochinvar s/s	London n/s	18,656	
TOTAL STREET RESURFACING AREA (SF):					5,613,666	

# Project: 828030 - Annual Slurry Seal of City Streets

<b>Category:</b>	Infrastructure	<b>Project Type:</b>	Traffic and Transportation	<b>Project Manager:</b>	Arely Trujillo
<b>Year Identified:</b>	2009	<b>Project Phase:</b>	Underway	<b>Project Coordinator:</b>	Jim Burch
<b>Est. Completion Year:</b>	Ongoing	<b>Department:</b>	250 - Public Works	<b>Fund - Sub-Fund:</b>	3201 - General Fund Assets

## Project Description/Scope/Purpose:

Slurry seal is a maintenance treatment utilized by the City that extends the life of a road surface. Slurry seal cost effective to prolong the life of streets which have not degraded to the point of needing overlay or reconstruction. Slurry seal is most effective when used to extend the life of pavement that is already in good to very good condition.

This project covers staff overtime hours as well as contract construction costs of slurry sealing a portion of the City's streets each year. Corrective maintenance work, such as patching, chip seal or crack seal, as well as project administration and field management of the project, is generally completed by the City through contract or Street Operations. The pavement condition survey, as well as annual field inspections are used to determine which streets will most benefit from a slurry seal.

Slurry seal is most effective in protecting and extending the life of a pavement surface when applied on a regular cycle, normally every 7 to 10 years. The amount included in the budget will allow for approximately 5.0 million square feet of slurry seal annually.

## Project Evaluation and Analysis:

Slurry seal is a maintenance treatment that extends the life of a road surface. Without slurry seal, streets will require expensive asphalt overlay on a more frequent basis, or streets will deteriorate.

## Fiscal Impact:

This project was funded by General Fund and is funded by the Measure B Fund starting FY 2019/20 and going forward. All overages have been and will continue to be charged to Project 825290 - Pavement Rehabilitation.

## Funding Sources:

General Fund, 2016 Measure B - Santa Clara VTA Fund

## Plans and Goals:

CC - Community Character - CC-2: Attractive Street Environment

## Project Financial Summary

	Project Costs	Revenues	Transfers In	Operating Costs
Prior Actual	4,333,181	7,500	2,151,198	-
2021 - 22	453,446	( 7,500)	41,837	-
2022 - 23	635,867	-	-	-
2023 - 24	718,530	-	-	-
2024 - 25	632,978	-	-	-
2025 - 26	658,296	-	-	-
2026 - 27	684,629	-	-	-
2027 - 28	712,014	-	-	-
2028 - 29	740,494	-	-	-
2029 - 30	770,114	-	-	-
2030 - 31	800,918	-	-	-
2031 - 32	832,955	-	-	-
2032 - 33	866,274	-	-	-
2033 - 34	900,924	-	-	-
2034 - 35	936,961	-	-	-
2035 - 36	974,439	-	-	-
2036 - 37	1,013,417	-	-	-
2037 - 38	1,053,954	-	-	-
2038 - 39	1,096,112	-	-	-
2039 - 40	1,139,956	-	-	-
2040 - 41	1,185,555	-	-	-
2041 - 42	1,232,977	-	-	-
<b>20 Year Total</b>	<b>17,587,364</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Grand Total</b>	<b>22,373,990</b>	<b>-</b>	<b>2,193,034</b>	<b>-</b>



# City of Sunnyvale

## Agenda Item

---

**23-0053**

**Agenda Date: 5/16/2023**

---

### **REPORT TO COUNCIL**

#### **SUBJECT**

Accept Addendum 5 to the Program Environmental Impact Report (PEIR) for the Sunnyvale Water Pollution Control Plan (WPCP) Master Plan and Approve the Plan for the Secondary Effluent Pipeline Replacement Project in Accordance with the California Environmental Quality Act (CEQA)

#### **BACKGROUND**

The City of Sunnyvale owns and operates the Donald M. Somers Water Pollution Control Plant (WPCP), located at 1444 Borregas Avenue in Sunnyvale, Santa Clara County. The WPCP provides treatment of wastewater flows and loads from domestic, commercial, and industrial sources in Sunnyvale, Rancho Rinconada, and Moffett Field. The WPCP was originally constructed in 1956. With the enactment of the Clean Water Act in 1972, more restrictive water quality standards were established, requiring expansion of and process upgrades to the WPCP.

The City was the lead agency for the Sunnyvale WPCP Master Plan Program Environmental Impact Report (PEIR); State Clearinghouse No. 2015062037). The City adopted and certified the PEIR and approved implementation of the WPCP Master Plan on August 23, 2016. The PEIR evaluated potential environmental impacts that could occur as a result of implementing the Master Plan and included mitigations to reduce the intensity of potential environmental impacts. As part of Master Plan approval, the City adopted a Mitigation Monitoring and Reporting Program.

As part of the WPCP Master Plan process, the City identified the need to rehabilitate two existing pipelines. The first is an existing 60-inch primary effluent pipeline from the main plant to the pond recirculation channel (also called the pond return channel). The second is an existing 36 inch secondary effluent pipeline from the oxidation ponds to the fixed growth reactor distribution structure. The Master Plan noted that rehabilitation of the existing primary effluent pipeline would include either sliplining or placing cure in place pipe within the existing pipeline. Sliplining was conservatively assumed as the rehabilitation method in the analyses because it requires a more extensive footprint. Following certification of the Master Plan PEIR and approval of the Master Plan, the City proceeded with design of the projects.

In 2020, WPCP operators observed an active boil in the Cargill Channel. The secondary effluent pipeline was leaking partially treated wastewater from the oxidation ponds (treatment ponds) into the channel, which required immediate action by the City. Emergency repair activities were completed and were intended to be temporary while a long-term solution was designed.

Completing an appropriate environmental review under the California Environmental Quality Act (CEQA) is precedent to securing the permits required to construct this project (U.S. Army Corps of Engineers Clean Water Act 404 Nationwide Permit, California Department of Fish and Wildlife Lake

or Streambed Alteration Agreement, San Francisco Bay Regional Water Quality Control Board Clean Water Act 401 Water Quality Certification, and Bay Conservation and Development Commission Permit). Staff is requesting Council accept Addendum 5 to the PEIR (Attachment 1) at this time, in advance of the award of the construction contract.

### **EXISTING POLICY**

#### **General Plan, Chapter 7 *Environmental Management***

**Policy Goal EM-7:** Continue to operate and maintain the Water Pollution Control Plant, using cost effective methods, so that all sewage and industrial wastes generated within the City receive sufficient treatment to meet the effluent discharge and receiving water standards of regulatory agencies.

**Policy EM-7.1:** Monitor water pollution control plant operations and maintenance to meet regulatory standards.

### **ENVIRONMENTAL REVIEW**

CEQA Guidelines Section 15164(a) provides that “The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred.” Under Section 15162, a subsequent EIR is required if substantial changes are proposed to the project, or to the circumstances under which the project is undertaken, which require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. An addendum does not need to be circulated for public review, but must be considered by the decision-making body prior to approving the project.

As discussed in the Addendum, the project, as amended from the PEIR, would not result in new or more severe significant impacts than those attributable to the project described in the WPCP Master Plan PEIR.

The analyses and discussion in the Addendum demonstrate that the changes in the project do not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There have been no changes in circumstances under which the project is undertaken that would result in new significant environmental impacts or substantially more severe impacts. No new information has become available that would indicate the potential for new significant impacts or substantially more severe impacts than were discussed in the PEIR. Therefore, no further evaluation is required, and no Subsequent EIR is needed pursuant to CEQA Guidelines Section 15162. Because the changes or additions related to the project do not trigger conditions requiring preparation of a Subsequent EIR, no public notice is required, and the addendum does not need to be circulated for public review.

### **DISCUSSION**

After implementing the temporary emergency pipeline repairs, the City proceeded with design of the Secondary Effluent Pipeline Replacement Project (the project). It will provide a long-term solution that replaces the existing buried inoperable secondary effluent pipeline and allows for removal of the temporary emergency pipelines. The project would remove and replace the pond return pipeline and inoperable secondary effluent pipeline. It would also repair the primary effluent pipeline. While replacing the pond return pipeline was not proposed in the Master Plan, due to the City's interest in



maintaining the redundancy provided by the pond return pipeline, the age of the pipeline, and the fact that the pipeline is physically connected to the secondary effluent pipeline, the replacement of the pond return pipeline is now included in this project.

In March 2023, the City of Sunnyvale prepared an addendum to the PEIR for the Sunnyvale WPCP Master Plan - Secondary Effluent Pipeline Replacement Project. The City certified the PEIR for the WPCP Master Plan and adopted the WPCP Master Plan on August 23, 2016. The addendum evaluates environmental impacts of the pipeline replacement project as currently developed in comparison to the impacts disclosed in the PEIR.

CEQA Guidelines (Sections 15162 and 15164) provide that a lead agency may prepare an addendum to a previously certified EIR under certain conditions. The addendum revisited the evaluations in the PEIR to determine whether any changes to the analyses were warranted based on refinements to the project. The addendum documents that the project, as modified subsequent to the Master Plan, would not result in new or more severe significant impacts than those attributable to the project as described in the PEIR. Therefore, no further evaluation is required, and no Subsequent EIR is needed pursuant to CEQA Guidelines Section 15162.

#### **FISCAL IMPACT**

No budget modifications are expected at this time. Staff will return to City Council should additional budget appropriations be needed.

#### **PUBLIC CONTACT**

Public contact was made by posting the Council meeting agenda on the City's official-notice bulletin board at City Hall, at the Sunnyvale Public Library and in the Department of Public Safety Lobby. In addition, the agenda and this report are available at the NOVA Workforce Services reception desk located on the first floor of City Hall at 456 W. Olive Avenue (during normal business hours), and on the City's website.

#### **RECOMMENDATION**

Accept Addendum 5 to the Water Pollution Control Plant Master Plan Program Environmental Impact Report (Attachment 1 to the report) and Approve the Plan for the Secondary Effluent Pipeline Replacement Project.

Prepared by: Allison Boyer, Assistant City Engineer

Reviewed by: Chip Taylor, Director, Public Works

Reviewed by: Jaqui Guzmán, Deputy City Manager

Approved by: Kent Steffens, City Manager

#### **ATTACHMENTS**

1. Addendum 5 to the Program Environmental Impact Report (PEIR) for the Sunnyvale Water Pollution Control Plan (WPCP) Master Plan - Secondary Effluent Pipeline Replacement Project

# SUNNYVALE WATER POLLUTION CONTROL PLANT MASTER PLAN – SECONDARY EFFLUENT PIPELINE REPLACEMENT PROJECT

Addendum to the Program Environmental Impact Report

Prepared for  
City of Sunnyvale

March 2023





# SUNNYVALE WATER POLLUTION CONTROL PLANT MASTER PLAN – SECONDARY EFFLUENT PIPELINE REPLACEMENT PROJECT

Addendum to the Program Environmental Impact Report

Prepared for  
City of Sunnyvale

March 2023

575 Market Street  
Suite 3700  
San Francisco, CA 94105  
415.896.5900  
esassoc.com



Atlanta	Orlando	San Diego
Bend	Palm Beach County	San Francisco
Camarillo	Pasadena	San Jose
Irvine	Pensacola	Sarasota
Los Angeles	Petaluma	Seattle
Mobile	Portland	Tampa
Oakland	Sacramento	

202101232

**OUR COMMITMENT TO SUSTAINABILITY** | ESA helps a variety of public and private sector clients plan and prepare for climate change and emerging regulations that limit GHG emissions. ESA is a registered assessor with the California Climate Action Registry, a Climate Leader, and founding reporter for the Climate Registry. ESA is also a corporate member of the U.S. Green Building Council and the Business Council on Climate Change (BC3). Internally, ESA has adopted a Sustainability Vision and Policy Statement and a plan to reduce waste and energy within our operations. This document was produced using recycled paper.

# TABLE OF CONTENTS

## Sunnyvale Water Pollution Control Plant Master Plan – Secondary Effluent Pipeline Replacement Project

	<u>Page</u>
<b>Chapter 1, Background and Purpose of the Addendum.....</b>	<b>1-1</b>
1.1 Background .....	1-1
1.2 Purpose of This Addendum .....	1-5
<b>Chapter 2, Project Description.....</b>	<b>2-1</b>
2.1 Summary of Previously Approved Project .....	2-1
2.2 Project Components .....	2-1
2.3 Construction .....	2-5
2.4 Operations .....	2-11
2.5 Required Actions and Approvals .....	2-11
<b>Chapter 3, Evaluation of Environmental Impacts.....</b>	<b>3-1</b>
3.1 Transportation .....	3-3
3.2 Air Quality .....	3-7
3.3 Greenhouse Gas Emissions .....	3-15
3.4 Biological Resources .....	3-21
3.5 Hydrology and Water Quality .....	3-39
3.6 Cultural Resources .....	3-45
3.7 Tribal Cultural Resources .....	3-48
3.8 References .....	3-52
<b>Chapter 4, Conclusion .....</b>	<b>4-1</b>
<b>Chapter 5, Mitigation Monitoring and Reporting Program .....</b>	<b>5-1</b>

### Appendices

A. Air Quality Supporting Information .....	A-1
---	-----

### List of Figures

Figure 1 Site Location Map .....	1-2
Figure 2 Temporary Pipeline Repair Alignment .....	1-4
Figure 3 Project Area .....	2-2
Figure 4 Project Components .....	2-3
Figure 5 Dewatering, Construction Access, and Staging .....	2-7
Figure 6 Temporary Bypass Pumping .....	2-9

	<u>Page</u>
<b>List of Tables</b>	
Table 1 Construction Schedule.....	2-5
Table 2 Average Daily Construction Emissions (pounds/day) .....	3-12
Table 3 Select Revised Numeric Effluent Limitations for the WPCP .....	3-40
Table 4 Mitigation Monitoring and Reporting Program – Secondary Effluent Pipeline Replacement Project.....	5-3
Table 5 Adopted Mitigation Measures that Do Not Apply to the Secondary Effluent Pipeline Replacement Project.....	5-13

# CHAPTER 1

## Background and Purpose of the Addendum

### 1.1 Background

The City of Sunnyvale (City) owns and operates the Donald M. Somers Water Pollution Control Plant (WPCP), located at 1444 Borregas Avenue in Sunnyvale, Santa Clara County (refer to **Figure 1**). The WPCP provides treatment of wastewater flows and loads from domestic, commercial, and industrial sources in Sunnyvale, Rancho Rinconada, and Moffett Field. The WPCP includes an approximately 16.6-acre main plant and two oxidation ponds<sup>1</sup> that occupy about 436 acres in total. The WPCP was originally constructed in 1956. With the enactment of the Clean Water Act in 1972, more restrictive water quality standards were established, leading to expansion of and process upgrades to the WPCP. Currently, the WPCP processes about 13.5 million gallons per day (mgd) on an annual basis. The surrounding dry land area is primarily used for industrial and recreational purposes: the Sunnyvale Materials Recovery and Transfer Station (SMaRT Station) and the former Household Hazardous Waste Drop-off Site (“Recycle Yard”) on Carl Road abut the main plant to the east and south, respectively; the closed Sunnyvale Landfill (traversed by numerous trails) borders these facilities. The Sunnyvale West Channel forms the main plant’s western boundary; the Sunnyvale East Channel borders the landfill further east. Caribbean Drive runs east-west along the southern edge of the Sunnyvale Landfill. The San Francisco Bay Trail borders the WPCP to the west and north, and an existing entrance to the Bay Trail and a parking area are located at the west end of Carl Road.<sup>2</sup>

The City was the lead agency for the Sunnyvale Water Pollution Control Plant Master Plan Program Environmental Impact Report (PEIR; State Clearinghouse No. 2015062037).<sup>3</sup> The City adopted the PEIR for the WPCP Master Plan and approved implementation of the WPCP Master Plan on August 23, 2016. The PEIR evaluated potential environmental impacts that could occur as a result of implementing the Master Plan, and provided applicable mitigation to reduce the intensity of potential environmental impacts. As part of Master Plan approval, the City adopted a Mitigation Monitoring and Reporting Program.

---

<sup>1</sup> The oxidation ponds provide biological oxidation of soluble organic material and physical removal of suspended solids that remain in the wastewater after primary clarification. The ponds also play an important role in the conversion of ammonia to nitrate for 2-3 months during the summer. Their large storage capacity provides a means for equalizing the flow of wastewater to the downstream unit processes, and for storing water to allow reduced (or zero) flow rate to the downstream processes for maintenance or other purposes.

<sup>2</sup> As part of a separate Master Plan project, the Bay Trail trailhead and parking will be relocated to Caribbean Drive.

<sup>3</sup> City of Sunnyvale, Sunnyvale Water Pollution Control Plant Master Plan Program Environmental Impact Report, adopted August 23, 2016. The PEIR can be accessed online at <http://www.sunnyvalecleanwater.com/program-environmental-impact-report>.





SFO19xxxx\190592.00 - Sunnyvale WPCP Existing Plant Reliab\05 Graphics\GIS-Modeling\Illustrator

SOURCE: Thomas Brothers; ESA

Sunnyvale Secondary Effluent Pipeline Replacement

**Figure 1**  
Site Location Map



As part of the Master Plan process the City identified the need to rehabilitate or replace aging facilities to ensure that the WPCP will reliably continue to meet health and safety and water quality standards. The City previously proposed to rehabilitate the existing 60-inch primary effluent pipeline from the main plant to the pond recirculation channel (also called the pond return channel) and the existing 36-inch secondary effluent pipeline from the oxidation ponds to the fixed growth reactor distribution structure. The Master Plan noted that rehabilitation of the existing primary effluent pipeline would include either sliplining or placing cure-in-place pipe within the existing pipeline, but because sliplining would require a more extensive footprint, it was conservatively assumed as the rehabilitation method in the analyses. Following certification of the Master Plan PEIR and approval of the Master Plan, the City proceeded with design of rehabilitation of existing facilities.

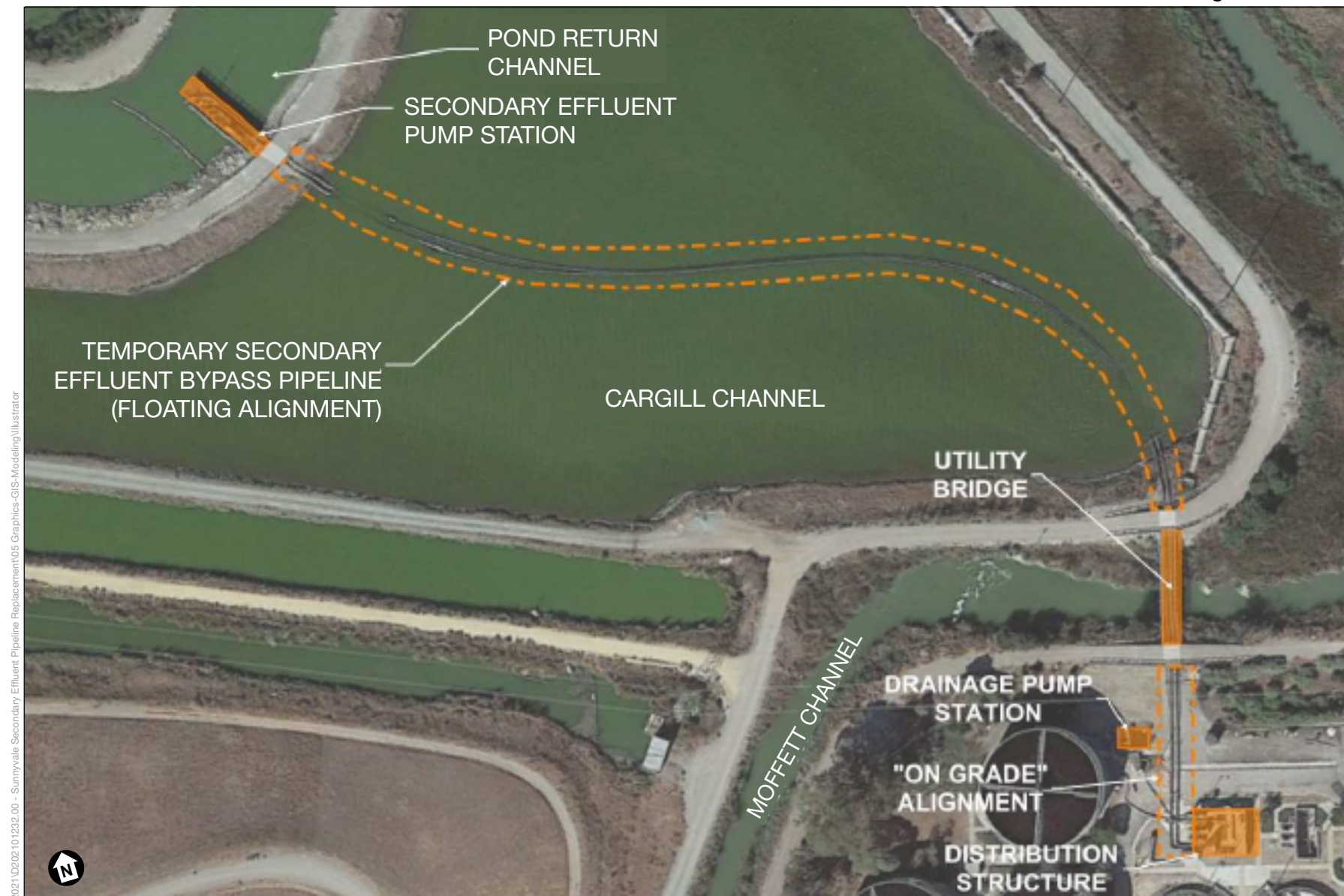
### 1.1.1 Emergency Repairs and Proposed Project

In 2020, WPCP Operators observed an active boil in the Cargill Channel, a non-tidal water body enclosed by levees and part of the Don Edwards National Wildlife Refuge, indicating that the secondary effluent pipeline was leaking partially treated wastewater from the oxidation ponds (treatment ponds) into the channel and required immediate action by the City.<sup>4</sup> Emergency repair activities were completed and were intended to be temporary while a long-term solution was designed. The emergency repairs consisted of installation of a dual 24-inch pipeline system which was routed from the pond recirculation channel across Cargill Channel and Moffett Channel via a replacement utility bridge to convey partially treated wastewater back to the main plant for the remainder of the treatment process (refer to **Figure 2**).

After implementing the temporary emergency pipeline repairs, the City proceeded with design of the Secondary Effluent Pipeline Replacement Project (the project), intended to be a long-term solution that replaces the existing buried inoperable secondary effluent pipeline and allows for removal of the temporary emergency pipelines. The project would remove and replace the inoperable secondary effluent and pond return pipelines and would repair the primary effluent pipeline. While replacing the pond return pipeline was not proposed in the Master Plan, due to the City's interest in maintaining the redundancy provided by the pond return pipeline, the age of the pipeline, and the fact that the pipeline is physically connected to the secondary effluent pipeline, the replacement of the pond return pipeline is included in the project as discussed in greater detail in Chapter 2, *Project Description*.<sup>5</sup>

<sup>4</sup> Notification of emergency repairs at the WPCP were submitted to the U.S. Army Corps of Engineers (USACE) along with the State Water Resources Control Board (SWRCB), San Francisco Bay Regional Water Quality Control Board (RWQCB), California Department of Fish and Wildlife, and San Francisco Bay Conservation and Development Commission on September 9, 2020, to request coverage under the USACE San Francisco District's Regional General Permit 5 for Repair and Protection Activities in an Emergency (Corps File No. SPN-2014-00284).

<sup>5</sup> The secondary effluent and pond return pipelines are the same material and vintage and were installed in similar conditions beneath the Cargill Channel. Since the two pipelines are held together with ½-inch thick steel ribs beneath the Cargill Channel, removal of the secondary effluent pipeline risks damaging the pond return pipeline. The work to remove and replace the secondary effluent pipeline would involve the same disturbance footprint needed to remove and replace the pond return pipeline. The main difference between the two pipelines is that the secondary effluent pipeline is a pressure pipeline and the pond return pipeline is a gravity pipeline.



SOURCE: Carollo Engineers, 2022

Sunnyvale Secondary Effluent Pipeline Replacement

**Figure 2**  
Temporary Pipeline Repair Alignment

## 1.2 Purpose of This Addendum

The CEQA Guidelines (Sections 15162 and 15164) allow that a lead agency may prepare an addendum to a previously certified EIR if some changes or additions to the environmental evaluation are necessary, but none of the following occurs:

1. Substantial changes are proposed in the project which will require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the EIR;
  - b. Significant effects previously examined will be substantially more severe than shown;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Chapter 2 of this document presents a description of the project. Chapter 3 presents an evaluation of the environmental impacts of the project as currently developed in comparison to the impacts disclosed in the PEIR. Chapter 4 summarizes the findings of the evaluation presented in Chapter 3. Chapter 5 contains mitigation measures from the approved Master Plan Mitigation Monitoring and Reporting Program.

This Addendum documents that the project as modified subsequent to the Master Plan does not trigger any of the conditions described above.

This page intentionally left blank

## CHAPTER 2

---

### Project Description

#### 2.1 Summary of Previously Approved Project

As part of the Master Plan process, the City identified the need to rehabilitate or replace aging facilities to ensure that the WPCP will reliably continue to meet health and safety and water quality standards. The City previously proposed to rehabilitate the existing 60-inch primary effluent pipeline from the main plant to the Pond Recirculation Channel and the existing 36-inch secondary effluent pipeline from the oxidation ponds to the fixed growth reactor distribution structure. The Master Plan noted that rehabilitation of the existing primary effluent pipeline would include either sliplining or placing cure-in-place pipe within the existing pipeline, but because sliplining would require a more extensive footprint, it was conservatively assumed as the rehabilitation method in the analyses. These improvements as originally proposed were described starting on PEIR page 3-13.

#### 2.2 Project Components

Following certification of the Master Plan PEIR and approval of the Master Plan, the City proceeded to design the rehabilitation of existing facilities. Rehabilitation activities had advanced through multiple stages of design at the time the secondary effluent pipeline failed, as discussed in greater detail in Chapter 1. After implementing a temporary emergency pipeline repair to address the secondary effluent pipeline failure (refer to Chapter 1, *Background and Purpose of the Addendum*, for a description of emergency pipeline repairs), the City proceeded with design of the Secondary Effluent Pipeline Replacement Project (the Project). The Project would remove and replace the secondary effluent pipeline and pond return pipeline and would rehabilitate the primary effluent pipeline. While replacement of the pond return pipeline was not proposed in the Master Plan, due to the City's interest in maintaining the redundancy provided by the pond return pipeline, the age of the pond return pipeline, and the fact that the pipeline is physically connected to the secondary effluent pipeline, the replacement of the pond return pipeline is included in the Project. **Figure 3** shows the general Project area. Refer to **Figure 4** for the location of the existing and proposed pipelines.





SOURCE: ESA; Base Map Google Earth

Sunnyvale Secondary Effluent Pipeline Replacement

**Figure 3**  
Project Area





SOURCE: ESA; Base Map Google Earth

Sunnyvale Secondary Effluent Pipeline Replacement

**Figure 4**  
Project Components



### 2.2.1 Secondary Effluent Pipeline

The existing secondary effluent pipeline is a 36-inch diameter, approximately 1,060-foot-long pipeline that is buried under Cargill and Moffett Channels and extends from the pond effluent pump station in the Pond Recirculation Channel to the distribution structure at the WPCP. Until the pipeline failure, the existing pipeline operated under pressure and conveyed secondary-treated effluent from the oxidation ponds to the WPCP main plant.

The proposed replacement of the secondary effluent pipeline would consist of an approximately 1,060-foot-long pipeline connecting the same two end points. The replacement pipeline would generally follow the existing secondary effluent pipeline route and have the same conveyance capacity. The temporary pipeline described in Section 1.1.1 would continue to convey flow until the proposed replacement of the secondary effluent pipeline is complete, after which point the temporary pipeline and existing secondary effluent pipeline would be removed.

### 2.2.2 Pond Return Pipeline

The existing pond return pipeline is a 48-inch diameter, approximately 1,120-foot-long gravity pipeline that extends from the drainage pump station at the WPCP to the Pond Recirculation Channel and is also buried under Cargill and Moffett channels. The existing pond return pipeline is welded to the existing secondary effluent pipeline from the pond effluent pump station to within the main plant.

The proposed pond return pipeline would replace the existing pipeline with approximately 1,120 feet of 48-inch diameter pipeline and would operate by gravity, same as the existing pipeline. The proposed replacement pond return pipeline would have the same capacity as the existing pipeline. The City would remove and dispose of the old pipeline. Solid non-hazardous waste generated by the project would be disposed of at any landfill within Santa Clara County, while hazardous waste would be sent to an appropriate disposal site.

### 2.2.3 Primary Effluent Pipeline

The existing 60-inch diameter primary effluent pipeline conveys primary effluent from within the main plant to the Pond Recirculation Channel. To cross Moffett and Cargill channels, two sections of the pipeline are siphons. The City proposes to slipline the primary effluent pipeline using cure-in-place piping.

### 2.2.4 Steel Header Rehabilitation

The existing steel header, which provided conveyance of flows from the pond effluent pump station to the secondary effluent pipeline, is located at the discharge side of the pond effluent pump station. The steel header is currently not in use as it is connected to the secondary effluent pipeline that ruptured in 2020 (refer to Section 1.1.1). During the temporary pipeline replacement, the existing pumps were rotated and connected to a temporary header to be able to pump secondary effluent through the dual 24-inch pipelines system. The steel header would be rehabilitated by being removed, and then cleaned, epoxy lined, and coated at an off-site paint shop. After rehabilitation the steel header would be reinstalled.

## 2.3 Construction

### 2.3.1 Schedule and Workforce

Construction activities would begin April 2025 and end in February 2026, as summarized in **Table 1**.

**TABLE 1**  
**CONSTRUCTION SCHEDULE**

Construction Activity	Estimated Start	Estimated End	Duration (months)
<b>Phase 1</b>			
Coffer Dam Installation and Initial Dewatering			
Cargill Channel-Pond A4 Bypass Construction <sup>a</sup>	April 2025	April 2025	1
Cargill Channel Area Dewatering <sup>a</sup>	April 2025	June 2025	3
Pond Recirculation Channel Dewatering	April 2025	June 2025	3
Moffett Channel Area Dewatering <sup>b</sup>	August 2025	September 2025	1
<b>Phase 2</b>			
Access Ramp Construction <sup>a</sup>	June 2025	June 2025	1
Pond Return Pipeline Temporary Bypass Construction	June 2025	June 2025	1
<b>Phase 3</b>			
Excavation and Pipeline Replacement	July 2025	November 2025	5
<i>Open Trench in Levee @ SEPS</i>	<i>July 2025</i>	<i>August 2025</i>	2
<i>Open Trench in Cargill Channel<sup>a</sup></i>	<i>August 2025</i>	<i>September 2025</i>	2
<i>Open Trench in Moffett Channel<sup>b</sup></i>	<i>September 2025</i>	<i>October 2025</i>	2
<i>Moffett Channel Bypass<sup>b</sup></i>	<i>September 2025</i>	<i>October 2025</i>	2
<i>Open Trench in WPCP</i>	<i>October 2025</i>	<i>November 2025</i>	2
Steel Header Removal, Rehabilitation, and Installation	July 2025	August 2025	2
<b>Phase 4</b>			
Levee Reconstruction <sup>c</sup>	October 2025	October 2025	1
Coffer Dam Removal <sup>c</sup>	October 2025	October 2025	1
Site Rehabilitation	November 2025	December 2025	2
Remove Secondary Bypass System	December 2025	December 2025	1
Final Site Clean Up	January 2026	February 2026	2
<b>Phase 5</b>			
Primary Effluent Pipeline Rehabilitation	January 2026	February 2026	2

NOTES: PRP = Pond Return Pipeline, SEPS = Secondary Effluent Pump Station, WPCP = Water Pollution Control Plant

<sup>a</sup> Work in Cargill Channel. The coffer dam in Cargill Channel would remain in place for approximately eight months, from April through October 2025.

<sup>b</sup> Work in Moffett Channel. The coffer dams in Moffett Channel would remain in place for approximately three months, from August through October 2025.

<sup>c</sup> Work in both Cargill and Moffett channels

### 2.3.2 Construction Activities

Construction activities listed in Table 1 would generally require dewatering, excavation, and pipeline replacement. To replace the secondary effluent and pond return pipelines, the City proposes to (1) install coffer dams in the Pond Recirculation, Cargill, and Moffett channels, and dewater the isolated portions of each channel, (2) grade an access ramp into Cargill Channel and implement a temporary bypass system to replace the function of the pond return pipeline, (3) excavate trenches along the existing pipeline alignment through the channels and through the levee separating the channels and replace the secondary effluent and pond return pipelines, (4) return all disturbed areas to preexisting grade and remove the coffer dams and other construction materials from the channels, and (5) rehabilitate the primary effluent pipeline.

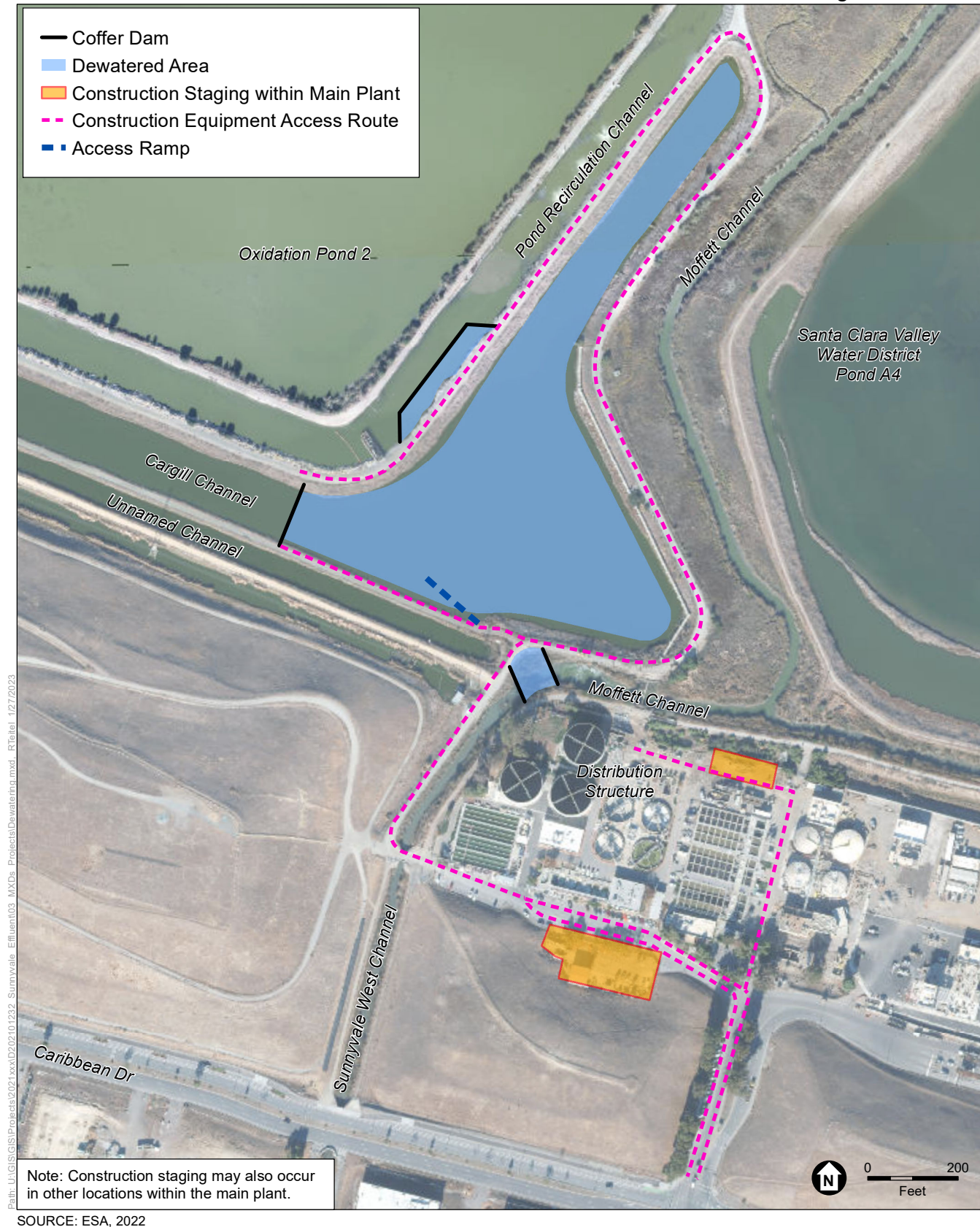
#### Coffer Dams Installation and Initial Dewatering

Coffer dams would be installed in the following three channels during Project construction, as shown on **Figure 5**:

- **In the Pond Recirculation Channel:** Approximately 350 linear feet (LF) of sheetpile/watertight shoring would be installed to dewater approximately 0.26 acres of the Pond Recirculation Channel.
- **Between Levees in Cargill Channel:** Approximately 160 LF of sheetpile/watertight shoring would be installed to dewater approximately 9.44 acres of the Cargill Channel.
- **In Moffett Channel:** Approximately 170 LF of sheetpile/watertight shoring would be installed to dewater approximately 0.08 acres of the Moffett Channel.

High impact equipment could be needed at the start of construction and again at coffer dam removal to install and remove the sheetpile or watertight shoring used to construct the coffer dams. The coffer dam locations were selected based on the ability of equipment to install the sheetpile from existing levees. Equipment used to install the coffer dams would be hauled along the levees to areas adjacent to the coffer dam locations. The coffer dams in Cargill Channel and the Pond Recirculation Channel would remain in place for approximately eight months, and the coffer dams in Moffett Channel would remain in place for approximately three months (refer to Table 1).

Temporary pumps, flexible piping/hose, and valving would be used to dewater the three channel sections. Infrequent nighttime work may be needed during dewatering. Temporary diesel-powered lights would be placed on the levees to illuminate dewatering activities that require nighttime work. Water dewatered from the three channels would be pumped to areas in each channel that are outside of the dammed/dewatered portions respectively (e.g., Pond Recirculation Channel would be dewatered to the Pond Recirculation Channel, Moffett Channel would be dewatered to downstream areas of Moffett Channel). Cargill Channel would be dewatered to the west. Aggregate base may be laid in Cargill Channel once it is dewatered to accommodate equipment driving into the channel. The aggregate base would be removed from the channel once construction is complete.



SOURCE: ESA, 2022

Sunnyvale Water Pollution Control Plant

**Figure 5**  
Dewatering, Construction Access and Staging

## Access Ramp and Temporary Bypass Pipelines

A 120-foot-long by 15-foot-wide access ramp would be installed on the south side of the dewatered portion of Cargill Channel to access the work area within the channel. Vegetation would be removed from the levee bank where the access ramp would be constructed.

Multiple temporary bypass pipelines would be used to maintain operations of the plant during construction, shown on **Figure 6**. The temporary secondary effluent emergency pipelines described in Section 1.1.1 would continue to operate during construction. If needed, additional length of pipeline would be installed to operate the bypass in the dewatered Cargill Channel. A temporary bypass pipeline replacing the pond return pipeline would consist of a temporary adjacent aboveground pipeline through the construction areas. Flow in Moffett Channel would be pumped around the isolated work area through a third bypass pipeline. A fourth bypass pipeline would allow between 6 and 8 cubic feet per second of water from Cargill Channel to be drawn into Valley Water's Pond A4 during the period that Cargill Channel is dewatered. The temporary bypass pipelines would operate for up to nine months of construction activities.

## Excavation and Pipeline Replacement

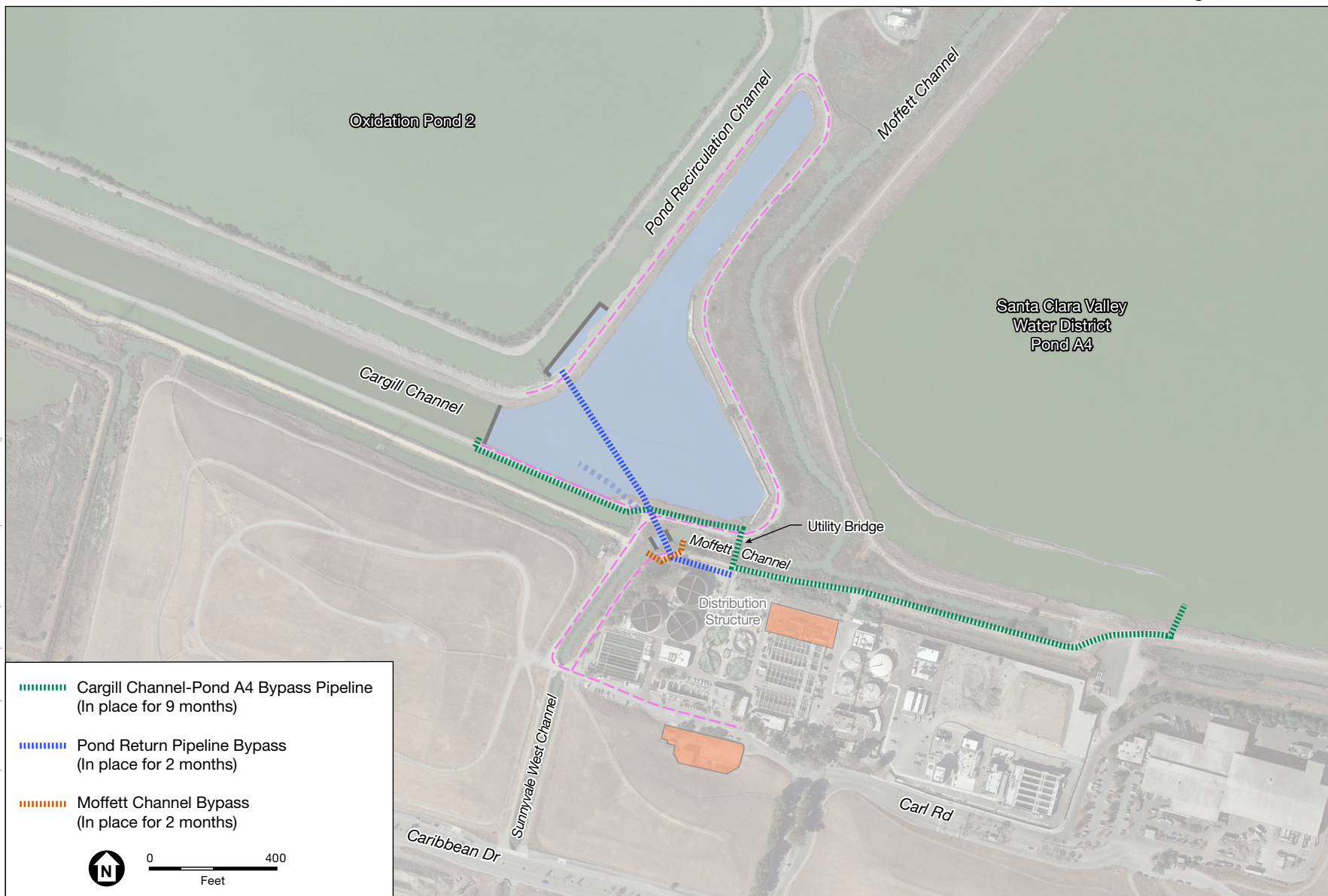
The City would excavate trenches along the full alignments of the Secondary Effluent and Pond Return pipelines shown on Figure 4, including within the pond recirculation channel, Cargill Channel, Moffett Channel, and south of Moffett Channel to the Distribution Structure within in the main plant. Trench excavation would be approximately 30 feet wide through the dewatered portions of Cargill and Moffett channels. The City would remove shoreline vegetation within the trench alignments as part of trench excavation. For areas within the limits of levees, the trench width would be held to a minimum; for a 36-inch diameter pipeline the trench width would be 5 feet and for the 48-inch pipeline the trench width would be 6 feet. In areas through the levees or channels where the two pipelines are connected, the trench would be 11 feet wide.

The maximum depth of excavation during construction would be up to 22 feet below ground surface at the levee crossings. Temporary shoring during excavation activities associated with buried piping would be required. Approximately 1,938 cubic yards of material would be excavated over the course of Project construction, with approximately 50 percent estimated to be off-hauled and the other 50 percent re-used for backfill. Excavated soil would be stockpiled in dewatered areas adjacent to the trench. The total area of excavation would be approximately 1.6 acres. The existing pipelines would be removed from each trench and then the new pipelines installed in place, at a rate of approximately 50 feet per day. The existing pipelines all have a trapezoidal fill placed over them which would be removed and replaced (to the same elevation or grade) as part of pipeline replacement. Additionally, beneath the backfill, concrete collars would be attached to the pipelines to reduce buoyancy within the channels.

Trenching and pipeline replacement would occur within the levees first and would take approximately two months to complete. Trenching and pipeline replacement in Moffett and Cargill channels would begin during the second month of work within the levees and would also take approximately two months to complete. Trenching and pipeline replacement within the main plant would occur last and would also take two months to complete. Overall, the excavation and pipeline replacement would occur over a five-month period.



2021\ND202101232.00 - Sunnyvale Secondary Effluent Pipeline Replacement\05 Graphics-GIS-Modeling\Illustrator



SOURCE: ESA; Base Map Google Earth

NOTE: Existing temporary secondary effluent bypass pipelines not illustrated; the existing bypass pipelines would remain in place until December 2024.

Sunnyvale Secondary Effluent Pipeline Replacement

**Figure 6**  
Temporary Bypass Pumping



Because the steel header is not currently in use, it would be removed and rehabilitated during construction without affecting the current secondary effluent flows. Once reinstalled and the secondary pipeline replaced, the existing pumps would be rotated back into their regular (pre-2020) configuration and reattached to the newly rehabilitated steel header. The temporary header would be removed at the same time as the dual 24-inch pipeline system.

### **Levee Reconstruction, Cofferdam Removal, and Site Rehabilitation**

Once pipeline replacement is complete in the levees and channels, the City would reconstruct the levees, backfill and regrade the trenched areas to preexisting grade, remove the coffer dams and allow water to return to the channels, regrade upland areas, and remove equipment from the levees. Levee reconstruction would consist of replacing the soils removed, providing an impermeable center plug within the levee, and re-compacting the soils to existing grades. Once the coffer dams are removed, the City would remove and dispose of the temporary bypass system.

### **Rehabilitate Primary Effluent Pipeline**

The primary effluent pipeline would be rehabilitated with cured in place methods that would not require ground disturbance.<sup>1</sup> The pipeline lining would be cured using either steam or ultraviolet (UV) light, and the pipeline would not be used until curing is complete. During primary effluent pipeline rehabilitation the completed pond return pipeline would be used to convey primary effluent to the oxidation ponds.

### **2.3.3 Staffing and Construction Hours**

At peak construction, up to 20 construction personnel may be onsite each day. Project construction would generally occur within normal City working hours, weekdays between the hours of 7:00 a.m. and 6:00 p.m., and, as necessary, Saturdays between 8:00 a.m. and 5:00 p.m.<sup>2</sup> Nighttime work is anticipated for activities associated with diversion of flows within the channel around the coffer dammed area in Moffett Channel.

### **2.3.4 Truck Trips and Equipment**

Heavy equipment that would be used for construction of the Project includes the following:

- Excavator
- Grader
- Haul trucks
- Dozer/Loader
- Water trucks
- Crawler/pipe cranes
- Pile drivers
- Pickup trucks

---

<sup>1</sup> Cured-in-place-pipe lining uses a resin soaked felt liner that is inverted into the host pipe, and then cured in place via hot water or steam.

<sup>2</sup> Sunnyvale Municipal Code Section 16.08.030 normally limits construction activity to these hours.

Standby diesel generators would be required during construction activities. Water would be used during construction for activities such as dust suppression and compaction of soil. One tanker truck would provide approximately 1,000 to 1,300 gallons of water per week for construction activities.

Solid non-hazardous waste generated during construction would be disposed of at any landfill within Santa Clara County, while hazardous waste would be sent to an appropriate disposal site. Offhauled waste or material would include 2,200 linear feet of 36- and 48-inch pipeline and steel ribs, and 2,200 cubic yards of excavated materials.

Approximately 38 one-way truck trips (19 round-trips) per day would occur to haul equipment to the site or offhaul materials generated during construction.

### 2.3.5 Access and Staging

Construction vehicles would access the site using Borregas Avenue and Carl Road, and construction staging and parking (including worker parking) would occur within the main Plant site (potential staging locations shown on Figure 5). The construction equipment access routes along the levee trails shown on Figure 5 would be closed to public access during construction. The public would be directed around the work area to a route along Carl Road. Construction equipment and material laydown would be staged in an approximately 15,000-square-foot area east of the Distribution Structure and in an approximately 20,000-square-foot area south of the main parking lot. Soil would be stockpiled in the dewatered areas adjacent to the open trenches.

## 2.4 Operations

Once Project construction is complete, the WPCP would continue to operate as it does under current conditions. Project operations would not require changes to the number of staff at the WPCP or the number of operations and maintenance truck trips at the WPCP. There is no anticipated need for storage of any new treatment chemicals or fuel at the WPCP and there would be no change in the operations, capacity of pipelines, or energy use at the WPCP. Additionally, no new impervious surfaces or permanent lighting would be introduced from implementation of the Project.

## 2.5 Required Actions and Approvals

The following actions and approvals may be required in the future by agencies with discretionary authority over specific aspects of the Project:

- U.S. Army Corps of Engineers
  - Clean Water Act 404 Nationwide Permit Pre-Construction Notification
- US Fish and Wildlife Service
  - Endangered Species Act Section 7 Compliance



- National Marine Fisheries Service
  - Endangered Species Act Section 7 Compliance, Essential Fish Habitat Consultation under Magnuson-Stevens Fishery Conservation and Management Act
- California Regional Water Quality Control, Board San Francisco Bay Region
  - Clean Water Act 401 Water Quality Certification/Porter-Cologne Waste Discharge Requirements
  - Construction General Permit
- California Department of Fish and Wildlife
  - Section 1602, Lake or Streambed Alteration Agreement
- State Historic Preservation Officer
  - National Historic Preservation Act Section 106 Compliance
- San Francisco Bay Conservation and Development Commission
  - Major Permit Amendment

## CHAPTER 3

# Evaluation of Environmental Impacts

---

The evaluations in the Program Environmental Impact Report (PEIR) were revisited to determine whether any changes to the analyses were warranted based on refinements to the Secondary Effluent Pipeline Replacement Project (the Project). This chapter describes any changes that have occurred in the existing environmental conditions within and near the Project area as well as environmental impacts associated with the Project. The analysis includes consideration of the mitigation measures adopted for the Master Plan as part of the Mitigation Monitoring and Reporting Program (MMRP). Chapter 5, *Mitigation Monitoring and Reporting Program*, contains the mitigation measures from the adopted MMRP that apply to the Project.

The PEIR evaluated impacts of combinations of individual improvements as they were expected to progress at the time of PEIR preparation. The phasing for the Master Plan improvements has changed as design progressed for individual improvements. As indicated Chapter 2, *Project Description*, construction is anticipated to occur from approximately April 2025 to February 2026 and would coincide with construction of the Secondary Treatment and Dewatering Facilities (2024 to 2027). Project construction may also coincide with the Santa Clara Valley Water District's (Valley Water's) East-West Channels Flood Protection Project (2024 to 2027), which would provide flood protection to homes, businesses, schools, and highways to avoid transportation shutdowns and prevent potential damages. Where relevant, cumulative impacts of this scenario are discussed.

The topics listed below were sufficiently addressed in the PEIR and required no additional analysis because either the nature, scale, and timing of the project has not changed in ways relevant to the topic or there has not been a substantial change in the circumstances involving the topic on the project site, nor in the local environment surrounding the site.

- **Aesthetics.** Repair/construction activities would be similar to what was described in the PEIR and construction-related impacts on aesthetic resources would be temporary in nature. Once construction is complete, the site would be returned to existing conditions and the replaced pipelines would serve the same function as the existing pipelines.
- **Agriculture and Forestry Resources.** The state and local land use and zoning designations with respect to agricultural and forest resources have not changed for the site and surroundings, and agricultural or forest use of the site has not commenced since adoption of the PEIR. Thus, there has not been a substantial change in the circumstances involving agricultural and forest resources at the site or surrounding areas.
- **Energy Conservation.** As indicated in Chapter 2, operational energy usage would not change with implementation of the Project. The construction equipment and activities proposed for the Project would be similar to that evaluated in the PEIR.

- **Geology, Soils, Seismicity, and Mineral Resources.** The nature, scale, and timing of the Project have not changed in a manner that would exacerbate existing geologic and seismic hazards at the Project site. The state and local land use and zoning designations with respect to mineral resources have not changed for the site and surroundings.
- **Hazards and Hazardous Materials.** The location and nature of the Project has not changed from that evaluated in the PEIR. Additionally, the Project is not on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Mitigation measures that remain applicable to the Project are included in Chapter 5.
- **Land Use and Recreation.** The state and local land use plans, policies, and regulations applicable at the site have not changed since adoption of the PEIR, and the character of the Project would remain industrial. The Project site is zoned as “Public Facilities” (City of Sunnyvale, 2020b).
- **Noise and Vibration.** As described in Chapter 2, *Project Description*, the Project would include nighttime construction activity associated with diversions around the coffer dammed area in Moffett Channel, but such work would not require nighttime hauling. The nearest residences to the main plant site are approximately 0.8 mile away and separated from the area by the intervening commercial and industrial land uses and State Route 237. The Project does not include sources of noise during operations that were not evaluated in the PEIR.
- **Population and Housing.** The Project would not alter the effect of the Master Plan on treatment capacity (indirectly inducing population growth) and the types of equipment and number of construction activities occurring concurrently would be similar to that evaluated in the PEIR.
- **Public Services and Facilities.** The nature of the Project with respect to population growth and impairment of achieving service performance objectives has not changed.
- **Utilities and Service Systems.** The nature of the Project with respect to wastewater collection and treatment, water use, and solid waste disposal has not changed.
- **Wildfire.** The Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones, and there would therefore be no impact related to this criterion.
- **Mandatory Findings of Significance.** The projects noted above may be under construction concurrently with the Project; these changes in the cumulative scenario would not alter the cumulative impact conclusions of the PEIR beyond the discussions included in this addendum. The effects of the Project on human beings are adequately addressed in the PEIR except for Transportation, Air Quality, Greenhouse Gas Emissions, Biological Resources, Hydrology and Water Quality, Cultural Resources and Tribal Cultural Resources impacts, which are discussed in this addendum.

Changes and additions to the PEIR discussion of the remaining topics are included below, pursuant to CEQA *Guidelines* Section 15164. The following discussion describes the environmental impacts of the Project as compared to the impacts of the approved Master Plan as addressed in the PEIR adopted August 23, 2016 (City of Sunnyvale, 2016). These additions do not reflect involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; for these reasons, a subsequent EIR was not prepared.

### 3.1 Transportation

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Effects Not Identified in Prior EIR</i>	<i>Potentially Substantial Increase in Severity of Significant Impact Identified in Prior EIR</i>	<i>Sponsor Declines to Adopt Feasible Mitigation Measures or Alternatives</i>	<i>No New or More Severe Significant Effects</i>
<b>TRANSPORTATION — Would the project:</b>				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 3.1.1 Setting

The environmental setting relevant to Transportation for the Project has not changed relative to the setting in the PEIR. Existing traffic patterns, the transit network, and alternative transportation facilities have generally remained the same since adoption of the PEIR with the exception of the Caribbean Drive Parking and Trail Access Enhancements project. The Caribbean Drive Parking and Trail Access Enhancements project was completed in 2020 and relocated the Bay Trail trailhead and parking from Carl Drive to Caribbean Drive. The project closed a portion of Carl Road to public access, increased the amount of parking spaces in the area (including ADA accessible spaces), and improved bicycle and pedestrian access along Caribbean Drive (City of Sunnyvale, 2022). Setting discussions from the adopted PEIR for this resource are otherwise applicable to the entire Project area.

With respect to Issue b), the PEIR did not evaluate consistency with CEQA Guidelines Section 15064.3, Subdivision (b), as that issue was introduced as part of the December 2018 update to the CEQA Guidelines, which occurred after the PEIR was certified. Pursuant to Section 15064.3, Subdivision (b) and SB 743, the City of Sunnyvale adopted Policy 1.2.8 (Transportation Analysis Policy) on June 30, 2020, transitioning from using delay and level-of-service (LOS) to measure transportation impacts to using vehicle miles traveled (VMT). For the purposes of comparison with the PEIR, this addendum uses automobile delay for discussion and analysis, although VMT remains the measure used to determine the significance of a traffic impact per the CEQA Guidelines.

#### 3.1.2 Findings of Previously Adopted PEIR

The adopted PEIR determined that all Project impacts related to transportation would be less than significant or less than significant with mitigation. Chapter 5, *Mitigation Monitoring and Reporting Program*, reproduces adopted mitigation measures applicable to transportation impacts from this Project.

### 3.1.3 Discussion

The following discussion evaluates whether Project changes would result in any new or more severe significant environmental effects than identified in the PEIR.

#### **Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities**

##### ***Local and Regional Roadways***

As described in the PEIR, the Master Plan would result in a peak of 564 one-way truck trips and 84 one-way construction worker vehicle trips per day during construction. The Project would generate a maximum of 38 one-way truck trips per day during construction, and the up to 20 construction workers estimated to work on the Project each day would likely commute to and from the work site during peak hours. Truck trips and construction worker trips that would coincide with peak-hour traffic could impede traffic flow on local roadways, a potentially significant impact. With implementation of adopted **Mitigation Measures TR-1a, Truck Route Plan, and TR-1b, Implement a Temporary Traffic Control Plan**, this impact would be reduced to less-than-significant levels, and the impact would not be more severe than that identified in the approved PEIR. Refer to Table 4 in Chapter 5 for the full text of Mitigation Measures TR-1a and TR-1b.

As discussed in the PEIR, Caribbean Drive is the Congestion Management Program system network roadway nearest to the Project area. The Project would not require changes to the number of staff at the WPCP or the number of operations and maintenance truck trips at the WPCP and would therefore not increase the volume of traffic on Caribbean Drive. The Project would therefore not result in new significant environmental effects or increase the severity of previously identified significant effects related to the congestion management program.

##### ***Transit, Bicycle, and Pedestrian Facilities***

The Project would not directly or indirectly eliminate alternative transportation corridors or facilities, nor would it include changes in adopted policies, plans, or programs that support alternative transportation. No new or more severe environmental impacts related to alternative transportation facilities would result from Project implementation.

#### **Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)**

As discussed above in *Setting*, the PEIR did not evaluate this issue, as the issue was introduced as part of the December 2018 update to the current *CEQA Guidelines*, which occurred after the PEIR was certified. Section 15064.3 of the CEQA Guidelines suggests that the analysis of VMT impacts applies mainly to land use and transportation projects. Furthermore, the City of Sunnyvale's Policy 1.2.8 (Transportation Analysis Policy) states that projects that generate or attract fewer than 110 operational trips per day would meet the Small Infill Projects exemption, meaning that the Project would be exempt from further consideration with respect to VMT and

impacts are assumed to be less than significant (City of Sunnyvale, 2020a). Furthermore, impacts due to construction activities would be temporary and would not result in any meaningful long-term or permanent change in VMT. Per this statewide and local guidance, since the Project is neither a land use nor a transportation project and meets the Small Infill Projects exemption, it can be assumed to have a less than significant impact with respect to VMT.

### **Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)**

During construction, while the number of haul trucks would be substantially lower than evaluated in the PEIR, traffic safety hazards could occur due to increased truck traffic with associated slower speeds and wider turning radii and where delivery and haul trucks share the roadway with other vehicles, the same impact as discussed in the PEIR. With implementation of adopted Mitigation Measure TR-1b, Implement a Temporary Traffic Control Plan, the impact of these potential construction traffic safety hazards would be less than significant with mitigation. There would be no change to lane or roadway configuration as part of the Project; therefore, the operational effects of the Project would be the same as those identified in the PEIR (less than significant). No new or more severe environmental impacts related to traffic safety would result from Project implementation.

### **Result in Inadequate Emergency Access**

The Project would not result in new or more severe adverse impacts related to emergency access because the Project would not alter access to facilities served by emergency vehicles and personnel. The Project does not include design features that would either impede or restrict emergency vehicle access. No new or more severe environmental impacts related to emergency access would result from Project implementation.

### **Cumulative Transportation Impacts During Construction**

At the time of PEIR preparation, details typically used to determine cumulative transportation effects were not known. The PEIR estimated cumulative transportation effects by assuming a worst-case scenario in which construction peak periods overlap for most of the projects identified in the PEIR cumulative scenario (listed in PEIR Table 6-1). Project construction activities may overlap with construction of the Site Preparation and Existing Plant Rehabilitation, Secondary Treatment and Dewatering Facilities, the SCVWD East-West Channels Flood Protection Project, and the Google Caribbean Campus Project. It is possible that service levels along Caribbean Drive could be temporarily degraded by construction activity, a potentially significant cumulative impact. With implementation of adopted **Mitigation Measure C-TR-1, Implement Coordinated Transportation Management Plan**, the Project's contribution to a potential cumulative impact along Caribbean Drive would be less than cumulatively considerable.

### 3.1.4 Conclusion

The Project would not generate more construction vehicle trips than those identified in the previously approved PEIR and would not result in new or more severe significant impacts than identified in the previously approved PEIR during operations, and therefore would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, or conflict with an applicable congestion management program.

Implementation of adopted Mitigation Measures TR-1a and TR-1b would reduce possible impacts related to traffic safety hazards during construction of the Project to a less than significant level, and the Project would not result in any new or more severe significant impacts.

The Project would not result in new or more severe significant impacts on public transit, bicycle and pedestrian facilities, or emergency access than those identified in the previously approved PEIR.

With implementation of adopted Mitigation Measure C-TR-1 to reduce the Project's possible contribution to cumulative transportation impacts, the Project would not result in any new or more severe significant impacts than those identified in the previously adopted PEIR.

---

## 3.2 Air Quality

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Effects Not Identified in Prior EIR</i>	<i>Potentially Substantial Increase in Severity of Significant Impact Identified in Prior EIR</i>	<i>Sponsor Declines to Adopt Feasible Mitigation Measures or Alternatives</i>	<i>No New or More Severe Significant Effects</i>
<b>AIR QUALITY — Would the project:</b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 3.2.1 Setting

The air quality setting relevant to the Project site, including applicable regulations and air quality conditions, has not appreciably changed since the adoption of the PEIR. The Bay Area Air Quality Management District (BAAQMD) continues to be the regional authority for air quality management in the Project area and the entire San Francisco Bay Area Air Basin (Bay Area).

The Federal Clean Air Act and the California Clean Air Act both require the establishment of standards for ambient concentrations for criteria air pollutants, and the designation of areas as “attainment” or “nonattainment” based on whether standards have been met in those areas. The state and federal non-attainment status of the Bay Area has not changed since adoption of the PEIR. The Bay Area continues to experience occasional violations of ozone and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) standards. Therefore, the Project area currently is designated as a non-attainment area for violation of the state 1-hour and 8-hour ozone standards, the federal ozone 8-hour standard, the state respirable particulate matter (PM<sub>10</sub>) 24-hour and annual average standards, the state fine particulate matter (PM<sub>2.5</sub>) annual average standard, and the federal PM<sub>2.5</sub> 24-hour standard. The Project area is designated as attainment for all other state and federal standards (BAAQMD, 2017a).

### Air Quality Plans

Regional air quality planning in the Bay Area has proceeded since adoption of the PEIR. On April 19, 2017, BAAQMD adopted the most recent revision to the Clean Air Plan – the *2017 Clean Air Plan: Spare the Air -- Cool the Climate* (2017 CAP; BAAQMD, 2017b). The primary goals of the 2017 CAP are to protect public health and protect the climate. The 2017 CAP includes a wide range of control measures to reduce emissions from combustion-related activities, reduce fossil fuel combustion, improve energy efficiency, and decrease emissions of potent greenhouse gases (GHGs). Some measures focus on reducing individual pollutants such as



methane and black carbon, or harmful fine particles that affect public health. Many of the measures, however, reduce multiple pollutants and serve both to protect public health and to protect the climate.

The 2017 CAP updates the *2010 Clean Air Plan*, pursuant to air quality planning requirements defined in the California Health and Safety Code. It describes a multi-pollutant strategy to simultaneously reduce emissions and ambient concentrations of ozone, fine particulate matter, toxic air contaminants, as well as GHGs that contribute to climate change. To fulfill state ozone planning requirements, the 2017 CAP includes all feasible measures to reduce emissions of ozone precursors—reactive organic gases (ROG) and nitrogen oxides (NOx)—and to reduce transport of ozone and its precursors to neighboring air basins. In addition, the 2017 CAP builds upon and enhances BAAQMD's efforts to reduce emissions of fine particulate matter and toxic air contaminants. The 2017 CAP incorporates the Bay Area's first-ever comprehensive regional climate protection strategy. The 2017 CAP control measures reflect strategies that BAAQMD can pursue to reduce GHGs in the Bay Area and lay the groundwork to attain the State's ambitious GHG reduction targets for 2030 and 2050.

## **BAAQMD Rules, Regulations, and CEQA Guidelines**

Since adoption of the PEIR, *BAAQMD CEQA Air Quality Guidelines*, which were used to evaluate the potential effects of the Project on air quality, faced legal challenge in the State Supreme Court. While the significance thresholds originally adopted by BAAQMD in 2011 are not currently recommended by BAAQMD, there is no court order preventing their use, and they are frequently employed by lead agencies when conducting CEQA reviews because the most recent *BAAQMD 2017 CEQA Air Quality Guidelines* provide substantial evidence for the derivation of the thresholds and the approach to employing them in an air quality impact analysis (BAAQMD, 2017c). The State Court of Appeals agreed with BAAQMD that there were scenarios in which the thresholds could be used to properly assess whether and in what amount a project would add air pollutants to the environment. Consequently, the approach implemented in the PEIR remains the latest guidance and no changes to the approach used in the PEIR are warranted at this time.

The WPCP is currently subject to the Operating Permit requirements of Title V of the federal Clean Air Act. BAAQMD is responsible for issuing Title V permits. The most recent permit for the WPCP (Facility #A0733) was issued in July 2018 (BAAQMD, 2018).

## **Sensitive Receptors**

Sensitive receptors, as identified and discussed in the adopted PEIR, have not changed and remain applicable to the Project. No new residential buildings, schools, colleges or universities, daycare facilities, hospitals, or senior-care facilities have been constructed closer to the WPCP than the sensitive receptors identified in the PEIR (located immediately south of State Route 237, 0.8-mile from the Project site).

### 3.2.2 Findings of the Previously Adopted PEIR

The PEIR identified significant and unavoidable impacts associated with the Project related to the potential to conflict with the applicable air quality plan and the potential to violate any air quality standard or contribute to an air quality violation. The extent to which the Project could result in a cumulatively considerable net increase of criteria air pollutant emissions, expose sensitive receptors to pollutant concentrations, and the potential of the Project to create objectionable odors affecting a substantial number of people were determined to be less than significant impacts. One mitigation measure identified in the PEIR and subsequently adopted by the City (Mitigation Measure AQ-2a) is reproduced in Chapter 5, *Mitigation Monitoring and Reporting Program*.

### 3.2.3 Discussion

Since certification of the PEIR, more information has been developed regarding construction equipment needed for the Project. The following discussion evaluates whether Project changes and changes in circumstances would result in any new or more severe significant environmental effects than identified in the PEIR.

#### Consistency with Air Quality Plan

As described in the PEIR, BAAQMD recommends that a project's consistency with the current air quality plan be evaluated using the following three criteria:

1. The project supports the goals of the air quality plan,
2. The project includes applicable control measures from the air quality plan, and
3. The project does not disrupt or hinder implementation of any control measures from the air quality plan.

If it can be concluded with substantial evidence that a project would be consistent with the above three criteria, then BAAQMD considers it to be consistent with air quality plans prepared for the Bay Area (BAAQMD, 2017c).

As detailed earlier, since approval of the PEIR, the air quality plan has been updated with the adoption of the 2017 CAP. The primary goals of the 2017 CAP are to protect public health and protect the climate. The BAAQMD-recommended method for determining if a project supports the goals of the current air quality plan is consistency with BAAQMD thresholds of significance. If project emissions would not exceed the thresholds of significance after the application of all feasible mitigation measures, the project would be consistent with the goals of the 2017 CAP. As indicated in the following discussion for checklist question b) regarding cumulative increase in pollutants, the Project would result in a less-than-significant impact related to construction emissions with the implementation of adopted **Mitigation Measure AQ-2a, Implement BAAQMD Basic Construction Mitigation Measures**, which includes BAAQMD's applicable recommended fugitive dust control measures. The Project would also result in operational emissions less than the significance thresholds. Therefore, the Project would be considered to support the primary goals of the 2017 CAP.

The 2017 CAP contains 85 control measures aimed at reducing air pollution in the Bay Area. Projects that incorporate all feasible control measures are considered consistent with the 2017 CAP. Two of the stationary source control measures are applicable to operation of water pollution control plants: WR1 (Limit GHGs from Publicly-Owned Treatment Works) and WR2 (Support Water Conservation). While neither of these measures contain specific emissions control strategies, the Project would not be inconsistent with these measures as the Project would not affect methane capture at the WPCP, would not affect production of recycled water at the WPCP, and would not install combustion engines.

In addition, the 2017 CAP contains control measure TR22 which addresses emissions from construction equipment and waste reduction measure WA4, which requires jurisdictions to develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects. TR22 uses various strategies to reduce emissions from construction and farming equipment (e.g., incentives for equipment upgrades and/ or use of renewable electricity and fuels). Since 2009, BAAQMD has provided more than \$38 million to replace and/or upgrade hundreds of pieces of older, often uncontrolled equipment used in construction, cargo-handling, and agricultural operations with newer units that have engines certified to the cleanest available standards. The Project would benefit from this ongoing program and would not conflict with its implementation. Control measure WA4 is implemented through the City of Sunnyvale's requirements for construction and demolition waste tracking. To satisfy CalGreen standards and LEED certification requirements, demolition, construction, and recycling waste weights and/or volumes are to be reported to the City using a City recommended tracking online tool. Projects must meet a minimum rate of 65 percent recycling and/or reuse of nonhazardous construction and demolition waste. The Project would be required to comply with the City's standards regarding construction and demolition waste. For these reasons, the Project would not be inconsistent with nor hinder implementation of the 2017 CAP control measures.

In summary, the Project would be consistent with all three criteria listed above to evaluate consistency with the 2017 CAP and, therefore, would not conflict with or obstruct implementation of the 2017 CAP, and the impact would be less than significant.

## **Cumulative Increase in Pollutants**

According to BAAQMD, no single project will, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. The *BAAQMD CEQA Air Quality Guidelines* recommends using its quantitative thresholds of significance to determine if an individual project's emissions would considerably contribute to cumulative air quality impacts in the region. If a project's emissions exceed the identified significance thresholds, its contribution to cumulative air quality would be considerable, resulting in significant adverse air quality impacts on the region's existing air quality conditions (BAAQMD, 2017c). Alternatively, if a project does not exceed the identified significance thresholds, then the project would not be considered cumulatively considerable and would result in less-than-significant air quality impacts.

As discussed above, the PEIR disclosed significant and unavoidable impacts related to the potential to conflict with an applicable air quality plan and potential to violate air quality standards. Therefore, the contribution of the adopted PEIR to cumulative air quality was also described as being significant. The Project's contribution to the cumulative air quality of the area has been evaluated below by comparing its construction and operational emissions to the applicable BAAQMD thresholds.

### **Construction**

At the time of PEIR preparation, details typically used to calculate air pollutant emissions (such as the number of pieces of each type of off- and on-road equipment and daily equipment usage rates in terms of hours per day and total days of use) were not known. The PEIR estimated the anticipated air pollutant emissions of WPCP projects by estimating the relative magnitude of construction activity compared to other, better-defined projects planned at the site. The City anticipated that as part of project-level CEQA review of Master Plan improvements, the PEIR analysis would be reviewed considering updated construction information and analysis of air pollutant emissions would be revised accordingly. The analysis presented below presents a detailed quantification of emissions and associated impacts developed from project-specific information.

Criteria air pollutant emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> would be generated by off-road construction equipment (e.g., excavators, graders, loaders, bypass pumps). Emissions would also be generated from vehicle trips required to transport workers, equipment, and materials to and from the construction sites. Emissions from off-road construction equipment and construction-related vehicle trips (employee commute trips and truck trips) were estimated using the most recent version of CalEEMod (version 2020.4.0) and the construction schedule, types of equipment and activity level, and number of construction vehicle trips provided for the Project. Project construction emissions were estimated assuming that construction would begin in April 2024 and would take approximately 11 months to complete (Carollo Engineers, 2022a).<sup>1</sup> The exact end points for the daily construction vehicle trips are not known at this time, so the on-road emission estimates were developed using CalEEMod default trip lengths for Santa Clara County. Average daily construction emissions were estimated by dividing the total emissions generated over the construction period by the number of workdays. CalEEMod inputs, outputs and emissions calculations are summarized in Appendix A.

Estimated average daily emissions are shown in **Table 2** and are compared to the BAAQMD construction thresholds.

As indicated in Table 2, the average daily construction exhaust emissions would not exceed BAAQMD's significance thresholds for construction. In addition to exhaust emissions, the PEIR evaluated emissions of fugitive dust from construction activities. As described in the PEIR, for all projects, BAAQMD recommends the implementation of its Basic Control Mitigation Measures

---

<sup>1</sup> Since completion of construction emissions modeling, the construction schedule was updated to begin one year later, in April 2025. The use of the April 2024 starting date for construction provides a conservative estimate of emissions, as fleet-average emission factors are expected to decrease each year with turnover of older, more-polluting and less energy efficient equipment being replaced by newer equipment meeting current energy efficiency and emission standards.

whether or not construction-related exhaust emissions exceed the applicable significance thresholds. The BAAQMD Basic Control Mitigation Measures were adopted by the City as Mitigation Measure AQ-2a (included in Chapter 5 of this document). Therefore, with the implementation of Mitigation Measure AQ-2a, the Project's construction-related impacts associated with exhaust and fugitive dust emissions would be less than significant.

**TABLE 2**  
**AVERAGE DAILY CONSTRUCTION EMISSIONS (POUNDS/DAY)**

Construction Phase	ROG	NOx	Exhaust PM <sub>10</sub> <sup>a</sup>	Exhaust PM <sub>2.5</sub> <sup>a</sup>
Project Average	6.8	51.9	1.9	1.8
BAAQMD Construction Threshold	54	54	82	54
<b>Significant Impact?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

NOTES:

<sup>a</sup> BAAQMD's construction-related significance thresholds for PM<sub>10</sub> and PM<sub>2.5</sub> apply to exhaust emissions only and not to fugitive dust.

SOURCE: Appendix A

## **Operation**

Once operational, the Project would not increase staff at the WPCP, nor would it generate any new operational and maintenance truck trips to the WPCP. In addition, the Project does not introduce any new stationary sources of pollutants. Therefore, there would be no increase in operational emissions due to the Project.

As both construction and operational emissions associated with the Project would be less than the respective BAAQMD significance thresholds, the Project's contribution to the cumulative air quality impact in the area would be less than significant.

## **Exposure of Sensitive Receptors**

### **Toxic Air Contaminants**

The PEIR identified less than significant impacts with respect to exposure of sensitive receptors to toxic air contaminants (TACs) primarily in the form of diesel particulate matter (DPM). BAAQMD recommends that health risk impacts be considered when sensitive receptors are located within 1,000 feet of TAC sources. As noted above, no new sensitive receptors are located closer to the project area than those identified in the PEIR. The nearest receptors are located over 4,000 feet from the Project construction area. Therefore, temporary DPM emissions generated during the construction period would not result in substantial impacts at the nearest receptors. Operation of the Project would not introduce any new stationary sources of TACs, nor would it generate any new truck trips to the WPCP. For this reason, the Project's impacts associated with exposure of sensitive receptors to TACs would be no greater than those identified in the PEIR and would be less than significant.

### **Criteria Air Pollutants**

The Project would generate criteria pollutant emissions of ROG, NO<sub>x</sub>, and PM, as discussed under *Cumulative Increase in Pollutants* above; however, the health risk impacts of these emissions on sensitive receptors are harder to quantify. ROG and NO<sub>x</sub>, the precursors of ozone react through a series of complex photo-chemical reactions in the presence of sunlight to form ozone in the atmosphere. Many factors affect the formation of ozone including the presence of sunlight, dispersion from wind, and topography, which affects wind patterns. Therefore, the impacts of ozone are typically considered on a basin-wide or regional basis instead of a localized basis. The health-based ambient air quality standards for ozone therefore are as concentrations of ozone and not as tonnages of their precursor pollutants (i.e., NO<sub>x</sub> and ROG).

Because of the complexity of ozone formation and the non-linear relationship of ozone concentration with its precursor pollutants and given the state of environmental science modeling in use at this time, it is infeasible to convert specific project-level emissions of NO<sub>x</sub> or ROG emitted in a particular area to concentration of ozone in that area. Given these scientific constraints, the disconnect between project-level NO<sub>x</sub> emissions and ozone-related health impact cannot be bridged at this time.

The ambient air quality standards adopted at the state and federal levels are health protective standards. Air districts such as BAAQMD have established thresholds of significance for project-level emissions at levels to ensure continued progress of their jurisdictions towards the attainment of these ambient air quality standards. Hence, projects that generate less than the significance thresholds can be considered to not cause exceedances of the standards or associated health impacts. As discussed under *Cumulative Increase in Pollutants* above, with mitigation the Project's construction and operational emissions would be below BAAQMD's significance thresholds. Therefore, it can be inferred that criteria air pollutant emissions generated by the Project would not lead to significant health impacts and this impact would be less than significant.

### **Odorous Emissions**

The Project would not include operation of an odor source. Diesel exhaust from construction equipment and temporary exposure of previously submerged bay mud would generate temporary and localized odors but would not carry over to receptors more than 4,000 feet away. Therefore, no new or more severe environmental effects related to odors would result beyond those identified in the PEIR.

### **3.2.4 Conclusion**

Construction emissions associated with the Project would be below BAAQMD thresholds with the implementation of adopted Mitigation Measures AQ-2a. Operational emissions would also be less than the respective BAAQMD thresholds. In addition, the Project would not conflict with or hinder implementation of any measures in the 2017 CAP. Therefore, the Project would be consistent with the 2017 CAP and would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment under an applicable federal or state ambient air quality standard. With implementation of adopted Mitigation Measure AQ-2a,

these impacts would be less than significant and would not result in any new or more significant impacts than those identified in the previously adopted PEIR.

The Project would not result in additional exposure of sensitive receptors to substantial pollutant concentrations or create additional objectionable odors affecting a substantial number of people and thus would not result in any new or more significant impacts than those identified in the previously adopted PEIR.

---

### 3.3 Greenhouse Gas Emissions

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Effects Not Identified in Prior EIR</i>	<i>Potentially Substantial Increase in Severity of Significant Impact Identified in Prior EIR</i>	<i>Sponsor Declines to Adopt Feasible Mitigation Measures or Alternatives</i>	<i>No New or More Severe Significant Effects</i>
<b>GREENHOUSE GAS EMISSIONS —</b>				
<b>Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 3.3.1 Setting

As a climate action leader, California has continued to demonstrate its commitment to aggressive action on climate change. The State Legislature and Governor have adopted ambitious targets to encourage bolder climate action, including statewide GHG emissions reduction targets of reaching:

- 1990 levels by 2020 (Assembly Bill [AB] 32 in 2006)
- 40 percent below 1990 levels by 2030 (Senate Bill [SB] 32 in 2016)
- 80 percent below 1990 levels by 2050 (Executive Order S-3-05 in 2005)

In September 2018, Governor Brown signed SB 100 into law, setting a state target of 100 percent carbon-free electricity by 2045. SB 100 also sets interim requirements for 50 percent renewable electricity by 2026 and 60 percent by 2030, superseding previously established targets. Also in September 2018, Governor Brown signed Executive Order B-55-18, which establishes a new statewide goal to “achieve carbon neutrality as soon as possible, no later than 2045, and achieve and maintain net negative emissions thereafter.”

In September 2022, Governor Newsom signed AB 1279, the California Climate Crisis Act which requires the state to achieve net-zero GHG emissions no later than 2045, and achieve and maintain net negative GHG emissions thereafter. The bill also requires California to reduce statewide GHG emissions by 85 percent compared to 1990 levels, and directs the California Air Resources Board (CARB) to work with relevant state agencies to achieve these goals.

The three planning documents identified in the PEIR— the Sunnyvale Climate Action Plan, BAAQMD’s 2017 CAP, and CARB Climate Change Scoping Plan – have all been updated since PEIR approval. As discussed above in Air Quality, the BAAQMD 2017 CAP (BAAQMD, 2017b) was released after approval of the PEIR. The City of Sunnyvale Climate Action Plan was updated in 2019 as the Climate Action Playbook (City of Sunnyvale, 2019) to include the City’s strategies to reach the state’s GHG reduction goals for 2030 and 2050. The 2019 Climate Action Playbook aims to reduce the city’s GHG emissions by 56 percent below 1990 levels by



2030 (exceeding the State’s 40 percent by 2030 target), and 80 percent below 1990 levels and carbon neutrality by 2050 (falling short of the AB 1279’s targets for 85 percent reduction and carbon neutrality by 2045). CARB’s Climate Change Scoping Plan was most recently updated in 2022 to incorporate the 85 percent reduction and carbon neutrality targets for 2045 established by AB 1279. The actions and outcomes in the 2022 Scoping Plan aim to achieve significant reductions in fossil fuel combustion by deploying clean technologies and fuels, further reductions in short-lived climate pollutants, support for sustainable development, increased action on natural and working lands to reduce emissions and sequester carbon, and the capture and storage of carbon.

For the evaluation of the impact of the Master Plan relative to GHG emissions and its impact on the environment, the PEIR used quantitative significance criteria established by BAAQMD in the *BAAQMD CEQA Air Quality Guidelines*, updated in 2011. The *BAAQMD CEQA Air Quality Guidelines* were updated in 2017 (BAAQMD, 2017c), but the updates did not change the recommended quantitative significance thresholds from the 2011 guidelines and provided direction on recommended analysis methods.

BAAQMD most recently updated its *CEQA Air Quality Guidelines* in April 2022. In response to SB 32’s target for 2030 and EO B-15 target for carbon neutrality no later than 2045, BAAQMD adopted new CEQA significance thresholds for GHGs and published a Justification Report (BAAQMD, 2022). For land use development projects, BAAQMD recommends using the approach endorsed by the California Supreme Court in *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) (62 Cal.4th 204), which evaluates a project based on its effect on California’s efforts to meet the State’s long-term climate goals. As the Supreme Court held in that case, a project that would be consistent with meeting those goals can be found to have a less-than-significant impact on climate change under CEQA. If a project would contribute its “fair share” of what will be required to achieve those long-term climate goals, then a reviewing agency can find that the impact will not be significant because the project will help to solve the problem of global climate change (62 Cal.4th 220–223).

Applying this approach, BAAQMD analyzed what will be required of new land use development projects to achieve California’s long-term climate goal of carbon neutrality by 2045. BAAQMD, based on this analysis, has identified best management practices as significance thresholds that projects would have to comply with to ensure consistency with the state’s long-term GHG reduction goals. BAAQMD developed these thresholds of significance based on typical residential and commercial land use projects focusing on operational emissions from building energy use and transportation, which represent the vast majority of project GHG emissions and would not be applicable to infrastructure development/improvement projects such as the proposed Project. In addition, BAAQMD has not identified a construction-related climate impact threshold at this time.

The BAAQMD CEQA Guidelines also state that, alternatively, a project may be found to have a less-than-significant impact related to GHG emissions if it complies with a locally adopted GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b). Although the City of Sunnyvale has adopted the Climate Action Playbook to reduce the City’s GHG emissions, it does not meet the criteria for a “qualified plan” according to CEQA Guidelines Section 15183.5(b) and the standards for qualified plans set forth by BAAQMD and

hence cannot be used for tiering of GHG analyses of projects within the City. Therefore, the analysis of Project impacts with respect to the first criterion has been conducted qualitatively.

With respect to the second Appendix G criterion related to consistency with plans and policies adopted to reduce GHG emissions, the analysis in the PEIR relied on the Master Plan's conformance with the Sunnyvale CAP as well as compliance with goals set forth in AB 32 and the 2010 Bay Area Clean Air Plan. For the purposes of the Project, the current applicable plans to determine conformance would be the 2019 Sunnyvale Climate Action Playbook, the 2022 Scoping Plan Update and the 2017 Clean Air Plan.

### 3.3.2 Findings of the Previously Adopted PEIR

The PEIR identified less-than-significant impacts associated with the Project related to generation of GHG emissions and conflict with plans adopted to reduce GHG emissions.

### 3.3.3 Discussion

Since certification of the PEIR, more information has been developed regarding construction equipment needed for the Project. The following discussion evaluates whether Project changes and changes in circumstances would result in any new or more severe significant environmental effects than identified in the PEIR.

## GHG Emissions

### *Construction*

The Project would generate GHG emissions primarily during the construction phase. Although a quantitative assessment of GHG emissions is not required as part of BAAQMD's updated GHG thresholds, the Project's construction emissions inventory has been compiled based on the CalEEMod run conducted for the air quality analysis and presented for informational purposes. The analysis presented below does not use these estimates to evaluate the significance of GHG impacts as BAAQMD does not provide any quantitative thresholds for construction GHG emissions.

At the time of PEIR preparation, details typically used to calculate GHG emissions (such as the number of pieces of each type of off- and on-road equipment and daily equipment usage rates in terms of hours per day and total days of use) were not known. The PEIR estimated the anticipated GHG emissions of Master Plan by estimating the relative magnitude of construction activity compared to other, better-defined projects planned at the site. The City anticipated that as part of project-level CEQA review of Master Plan improvements, the PEIR analysis would be reviewed considering updated construction information and analysis of GHG emissions would be revised accordingly. The analysis presented below presents a quantification of GHG emissions and associated impacts developed from project-specific information.

The combustion of diesel fuel to provide power for the operation of various pieces of construction equipment results in the generation of GHGs. Construction emissions that would be associated

with the Project were estimated using project-specific information such as the construction schedule, the types and number of construction equipment used, their horsepower rating, daily usage in terms of hours per day, and the number of days each piece of equipment is used within the construction period. Approximately 1,827 metric tons carbon dioxide equivalent (MTCO<sub>2</sub>e) are estimated to be generated by construction activities associated with the Project. Refer to Appendix A for details related to calculations and assumptions used to estimate the construction-phase GHG emissions associated with the Project.<sup>2</sup>

Construction GHG emissions for the Project were derived from the CalEEMod run conducted for the analysis of air quality impacts. Construction emissions include emissions from off-road construction equipment as well as on-road motor vehicles used during construction for worker commutes and transport of materials and equipment. The number of material delivery and off-haul trips varies by construction phase and are based on data provided by the City. The exact end points for the daily trips are not known at this time, so the on-road emission estimates were developed using CalEEMod default trip lengths for Santa Clara County.

As discussed earlier, BAAQMD has not adopted quantitative or qualitative significance thresholds for the evaluation of GHG emissions from construction. GHG emissions from off-road construction equipment represent a very small portion of overall statewide emissions (0.6 percent), and CARB has identified only limited emission reduction strategies to control emissions from off-road construction equipment. Therefore, CARB's climate action planning has focused on the reduction of operational emissions that have technology available to yield greater reductions. In other words, CARB estimates that the state can achieve its 2030 target with very limited emission reductions in the construction sector. The 2017 Scoping Plan Update calls for reducing emissions from certain sources substantially (like vehicle emissions and building energy use) while not targeting emissions for other sources (like construction emissions). The 2022 Update, which lays out a sector-by-sector roadmap for California to decarbonize the economy and achieve carbon neutrality by 2045, identifies transportation electrification, VMT reduction and building decarbonization as the main areas for GHG reductions with residual emissions addressed by re-envisioning the natural and working lands for carbon storage and sequestration. Under this strategy, the state can still achieve its 2030 GHG reduction target without relying on the reductions in the construction sector. Similarly, the BAAQMD thresholds focus on operational GHG emissions from land use development projects that provide major reductions and do not rely on any reduction in GHG emissions from the construction sector to meet the state's GHG reduction goals for 2030 and beyond. Because BAAQMD's thresholds are based on consistency with statewide targets, the conclusion that emissions from construction are less than significant is warranted.

For these reasons, the Project's construction-related GHG emissions are not considered cumulatively considerable, and the impact would be less than significant.

---

<sup>2</sup> Since completion of construction emissions modeling, the construction schedule was updated to begin one year later, in April 2025. The use of the April 2024 starting date for construction provides a conservative estimate of emissions, as fleet-average emission factors are expected to decrease each year with turnover of older, more-polluting and less energy efficient equipment being replaced by newer equipment meeting current energy efficiency and emission standards.

## **Operation**

BAAQMD requires that long-term GHG emissions from both direct and indirect sources be considered in a project's emissions inventory. Direct GHG emissions are generated onsite and include emissions from fossil fuel combustion in vehicle trips generated by a project or any stationary sources associated with a project. Indirect emissions associated with a project are typically generated from the generation of electricity used at the project, disposal of solid waste generated, and the distribution and treatment of water and wastewater conveyed to and from a project, respectively.

However, once operational, the Project would not increase staff at the WPCP nor would it generate any new operational and maintenance truck trips to the WPCP. Additionally, the Project does not introduce any new stationary sources of pollutants. Therefore, there would be no increase in direct GHG emissions at the WPCP over existing conditions. Once operational, the Project would not change the energy requirements of the WPCP, increase water use or generate wastewater and solid waste. Therefore, there would be no increase in direct or indirect GHG emissions due to Project operation and the impact would be less than significant.

## **Consistency with GHG Plans, Policies, or Regulations**

BAAQMD's 2017 CAP includes 85 control measures, more than the 55 included in the 2010 Clean Air Plan. Two of the stationary source control measures are applicable to operation of water pollution control plants: WR1 (Limit GHGs from Publicly-Owned Treatment Works) and WR2 (Support Water Conservation). While neither measure contains specific emissions control strategies, the Project would not be inconsistent with these measures as the Project would not affect existing methane capture at the WPCP or production of recycled water at the WPCP. Therefore, the Project would not disrupt or hinder implementation of any of the GHG-related 2017 CAP control measures. The 2017 CAP does not contain any measures that specifically address GHG emissions from construction activities. Therefore, the Project would be consistent with all applicable control measures in the 2017 CAP and would not conflict or hinder their implementation.

The 2019 Climate Action Playbook identifies six key strategies and 18 plays associated with these strategies to achieve these reductions: promoting clean energy; decarbonizing buildings; decarbonizing transportation and sustainable land use; managing resources sustainably; empowering the community; and adapting to climate change. However, none of strategies contain measures that could be implemented at a project level for a project that generates GHG emissions primarily during construction. The Project would not affect electricity usage at the WPCP, construct any conditioned buildings, increase vehicle trips to the WPCP, or result in a change in land use and hence would not conflict with the first three strategies. The other three strategies aim to manage resources sustainably, empower the community, and adapt to a changing climate. Construction and demolition waste generated by the Project would be disposed off, consistent with the City's requirements, and the Project would not impede implementation of the other strategies. Therefore, the Project would not conflict with any strategies and measures included in the 2019 Climate Action Playbook.

Strategies in the 2022 Scoping Plan prioritize transportation electrification, VMT reduction and building decarbonization as the sectors to achieve maximum GHG reductions. There are no measures or actions that can be implemented at a project level that target GHG reductions from construction equipment. Therefore, the Project would not conflict with measures in the 2022 Scoping Plan.

In summary, the Project would not generate GHG emissions that would result in significant impacts when considered with the BAAQMD's updated GHG thresholds. Additionally, the Project would not conflict with any of the GHG reduction measures either in the BAAQMD's 2017 CAP, the 2022 Scoping Plan or the City of Sunnyvale 2019 Climate Action Playbook. Therefore, the Project would not conflict with plans and policies adopted to implement the State's interim and long-term GHG reduction goals.

This impact would be **less than significant**.

### 3.3.4 Conclusion

The Project would not result in any new or more severe environmental effects related to GHG emissions, or conflict with plans, policies, and regulations adopted regarding GHG emissions, than those identified in the previously adopted PEIR.

---

### 3.4 Biological Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Effects Not Identified in Prior EIR</i>	<i>Potentially Substantial Increase in Severity of Significant Impact Identified in Prior EIR</i>	<i>Sponsor Declines to Adopt Feasible Mitigation Measures or Alternatives</i>	<i>No New or More Severe Significant Effects</i>
<b>BIOLOGICAL RESOURCES —</b>				
<b>Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 3.4.1 Setting

The environmental setting relevant to biological resources for the master plan area, including applicable regulations, has not changed since adoption of the PEIR. Guidance from the United States Fish and Wildlife Service (USFWS) on the federal Endangered Species Act has changed to include noise disturbances to protected species in potential foraging habitat (Affonso, 2020); previous guidance had focused on limiting disturbance to potential breeding habitat. Setting discussions from the adopted PEIR for the Master Plan, biological communities, special-status species are applicable to the Project.

#### 3.4.2 Findings of Previously Adopted PEIR

The adopted PEIR determined that all Project impacts related to biological resources would be less than significant or less than significant with mitigation. Chapter 5, *Mitigation Monitoring*

and Reporting Program, reproduces select adopted mitigation measures applicable to biological resources, with revisions as discussed in this section.

### 3.4.3 Discussion

As noted above, the Project components would result in ground disturbance and construction staging within and outside of areas that were evaluated for these activities in the PEIR. The Project would not result in tree removal or conflict with any other local policies or ordinances protecting biological resources and would not conflict with provisions of an approved conservation plan, because no approved habitat conservation plans encompass the Project area. As previously described in the PEIR, given the lack of suitable spawning habitat and short, seasonal duration of impacts within Moffett Channel, impacts on migratory fish species and other aquatic species would be less than significant. Impacts on special-status species, protected wetlands, and on other biological communities, and impacts related to conflicts with policies or ordinances protecting biological resources are discussed below.

## Special-Status Species

### Special-status Plants

Implementation of the Project could potentially impact one special-status plant species, Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*). Congdon's tarplant was not observed during a 2022 botanical survey of the site. If construction proceeds by summer 2024, then there would be no impact on Congdon's tarplant. However, the species still has the potential to occur within the Project area. If construction does not proceed by summer 2024, implementation of adopted **Mitigation Measure BIO-1a, Reduce Impacts on Congdon's Tarplant**, would reduce impacts to less-than-significant levels (refer to Table 4 for full text of Mitigation Measure BIO-1a).

### Special-status Animals

#### California Ridgway's Rail and California Black Rail

Habitat suitability for California Ridgway's rail (*Rallus obsoletus obsoletus*) was recently reevaluated based on more recent surveys along Guadalupe Slough and habitat assessment along Moffett Channel (ESA, 2020). The habitat reevaluation also would be applicable to California black rail (*Laterallus jamaicensis coturniculus*). The PEIR identified the tidal brackish marsh along Moffett Channel as potential foraging habitat for these species. California Ridgway's rail and black rail likely occur and potentially nest in tidal brackish marsh along Guadalupe Slough north of the Project area where the marsh is broader with well-developed tidal channels lined with marsh gumplant (*Grindelia stricta*) and marsh plains covered by densely thatched alkali bulrush (*Bolboschoenus maritimus*). The recent habitat assessment concluded that marginally suitable breeding habitat exists along Moffett Channel, particularly near the pond circulation pump station north of the project site. The quality of the nesting habitat for California Ridgway's rail decreases upstream (i.e., south toward the WPCP main plant) on Moffett Channel from Guadalupe Slough, as the number of channels and the amount of alkali bulrush and marsh gumplant decreases with distance from the Bay and freshwater vegetation (e.g., tules [*Schoenoplectus* spp.], common reed

[*Phragmites australis*]) becomes predominant. The small strip of salt marsh along Cargill Channel is not expected to be used for foraging because it is not connected to tidal marsh.

In the unlikely event an individual Ridgway's or black rail does occur during construction activities there is potential for construction activities to result in the harassment, harm, injury, or death of rails through crushing by equipment and machinery, lost opportunity for breeding activity, nest abandonment, or increased risk of predation. Individual rails may be harassed by noise and vibrations associated with coffer dam installation, pipeline excavation, and other construction activities within or adjacent to their habitat, resulting in the disruption of feeding, sheltering, or breeding activities. The level of harassment may be exacerbated if the construction activities occur during an extreme high tide when rails are most likely to escape the adjacent flooded marsh plain to seek upland refugia cover along the levee. Displaced Ridgway's or black rails may have to compete for resources in occupied habitat and may be more vulnerable to predators. Disturbance to rails during the breeding season may disrupt breeding or cause nest abandonment resulting in the mortality of eggs and chicks in the nest. Thus, displaced rails may suffer from increased predation, competition, mortality, and reduced reproductive success.

While there is some potential for direct, construction-related impacts on foraging California Ridgway's rails or California black rails, and noise-related disturbance to individual foraging or nesting rails within 700 feet of potential habitat during construction activities, due to the low population sizes of these species in the relevant portions of Moffett Channel, impacts on individual California Ridgway's rails and California black rails are unlikely (Liu et al., 2012; OEI, 2020). Regardless, all potential impacts on California Ridgway's rail and California black rail would be reduced to a less-than-significant level with implementation of **Mitigation Measures BIO-2a, Worker Environmental Awareness Training; BIO-2b, Minimization of Impacts on Water Quality**, to address potential water-quality impacts during construction; and **BIO-2f, California Ridgway's Rail and California Black Rail Measures**. These measures have been adjusted as necessary to make them apply to the Project. The adjusted mitigation measures do not change the original impact conclusions from the PEIR, nor are they considerably different from those analyzed in the PEIR.

#### **Mitigation Measure BIO-2a: Worker Environmental Awareness Training**

The City will retain, or require the contractor to retain, a qualified biologist to conduct mandatory contractor/worker environmental awareness training for all construction personnel working on Project activities outside of the main plant, ~~including but not limited to Ponds 1 and 2, the diurnal equalization and emergency storage basins, channel levees, and the Bay Trail parking relocation area.~~ The awareness training will be provided to all construction personnel to brief them on the potential for special-status species to occur on the site, the need to avoid effects to special-status species and their habitats, and all Project mitigation measures pertaining to biological resources and water quality. If new construction personnel are added, the contractor will ensure that the personnel receive the mandatory training before starting work. A representative will be appointed during the employee education program to be the contact for any employee or contractor who might inadvertently kill or injure a special-status species or who finds a dead, injured, or entrapped individual. The representative's name and telephone number will be provided to the City prior to the initiation of construction activities outside of the main plant.



**Mitigation Measure BIO-2b: Minimization of Impacts on Water Quality**

The following measures will be incorporated into the construction stormwater pollution prevention plan and implemented during construction of ~~the Project~~ Master Plan improvements to avoid or minimize impacts on water quality:

- Earth-moving in areas draining to wetlands and aquatic habitats will not occur during days when rain is occurring or predicted to occur (i.e., greater than 40 percent chance) during the work period. This measure applies to all Project areas with potential to drain to wetlands or aquatic habitats, particularly in or adjacent to ~~the Southeast Channel, the Sunnyvale West Channel, the Cargill Channel, Moffett Channel,~~ Ponds 1 and 2, and SCVWD Pond A4.
- All permit conditions, legal requirements, and appropriate dredging and engineering practices shall be followed to avoid and minimize water quality impacts ~~associated with Master Plan activities.~~ Suitable erosion control, sediment control, source control, treatment control, material management, and stormwater management BMPs will be implemented consistent with the latest edition of the California Stormwater Quality Association “Stormwater Best Management Practices Handbook,” available at ~~www.capmhandbooks.com~~ www.casqa.org.
- Spill prevention kits shall always be in close proximity when using hazardous materials (e.g., crew trucks and other logical locations). Feasible measures shall be implemented to ensure that hazardous materials are properly handled and the quality of aquatic resources is protected by all reasonable means when removing vegetation and sediments from the channels. No fueling shall be done in areas immediately adjacent to (i.e., within 50 feet of) channels, ponds, or wetlands. For stationary equipment that must be fueled on site, containment shall be provided in such a manner that any accidental spill of fuel shall not be able to enter the water or contaminate sediments that may come in contact with water. Any equipment that is readily moved out of the channels, ponds, or wetlands shall not be fueled in these sensitive habitat areas or the immediate floodplains surrounding them.
- A hazardous materials management/fuel spill containment plan will be developed and implemented by the construction contractor and given to all contractors and biological monitors ~~working on the Master Plan,~~ with at least one copy of the plan located onsite at all times. The purpose of the plan is to provide onsite construction managers, environmental compliance monitors, and regulatory agencies with a detailed description of hazardous materials management, spill prevention, and spill response/cleanup measures associated with the construction activities of Master Plan elements. The primary objective of the plan is to prevent a spill of hazardous materials. Elements of the plan will include, but are not limited to the following:
  - A discussion of hazardous materials management, including delineation of hazardous material and hazardous waste storage area, access and egress routes, waterways, emergency assembly areas, and temporary hazardous waste storage areas;
  - Materials Safety Data Sheets for all chemicals used and stored on site;
  - An inventory list of emergency equipment;

- Spill control and countermeasures including employee spill prevention/response training;
  - Notification and documentation procedures; and
  - A monthly reporting plan.
- Vehicles will be checked daily for oil or fuel leaks and will be washed only at an approved area (existing construction yards or legally operating car washes) ~~as described above for Mitigation Measure BIO-1b~~. No washing of vehicles will occur in work Master Plan areas located outside of the main plant fence line.
  - The work site, areas adjacent to the site, and access areas will be maintained in an orderly condition, free and clear from debris and discarded materials. This measure includes work all Master Plan areas located outside of the main plant fence line. Personnel will not sweep, grade, or flush surplus materials, rubbish, debris, or dust onto adjacent areas or waterways. Upon completion of work, all building materials, debris, unused materials, concrete forms, and other construction-related materials will be removed from work Master Plan areas located outside of the main plant fence line.
  - Stockpiled materials outside of the main plant fence line will be covered by plastic sheeting, tarps, or similar material that can be secured during wind and rain. A sediment fence or berm will be installed around stockpiled dredged material to prevent runoff from transporting sediment into sensitive habitats (such as the channels, ponds, and wetlands). Heavy equipment will not be operated in the active channels or within wetland habitats, but instead from existing hardscape, access roads, and levees.
  - Water conservation methods will ensure that water used in the work Master Plan area does not create surface flows capable of carrying pollutants to the nearby creek channel. All personnel, including sub-contractors will be instructed on the practical methods of preventing leaks or over-use of watering, and will be required to adhere to the practices in the detail sheets provided. Woody debris from tree trimming, and other activities will not be left in the active channels or in wetland habitats.
  - In-channel vegetation removal may result in increased local erosion in the channels due to increased flow velocity. To minimize such erosion, the toe of the bank will be protected by leaving vegetation within the channel to the maximum extent practicable.
  - Cofferdams or silt fencing will be used to the extent feasible during construction and maintenance activities that could potentially result in substantial siltation of open water. For any work within aquatic or wetland habitats, such as Ponds 1 and 2, Moffett Channel, Pond Recirculation Channel, or Cargill Channel, silt curtains will be installed to prevent suspended sediments from migrating out of the immediate work area, and dredging in-water work will be conducted on incoming tides to the extent feasible to further reduce the potential for sediment mobilization outside the work Master Plan area. Prior to removal of coffer dams, water from adjacent areas of the respective water body will be pumped back into the dewatered area to avoid erosion of levees or release of sediment into aquatic habitats (e.g., water from Cargill Channel west of the coffer dam will be pumped into the eastern dewatered area of Cargill Channel). ~~Dredging within aquatic or wetland habitats will be conducted with~~

~~a closed clamshell style dredge to reduce the amount of suspended sediment produced. Dredge volumes will be documented to ensure compliance with and adequate performance of these measures.~~

### **Mitigation Measure BIO-2f: California Ridgway's Rail and California Black Rail Measures**

The following measures will be implemented for activities outside of the main plant fence line to avoid and minimize impacts on California Ridgway's rails and California black rails, particularly in tidal marsh habitats associated with the Moffett Channel:

- ~~Impacts on tidal wetland habitat of these species will be avoided~~~~minimized to the extent feasible~~. Tidal wetland habitat for these species occurs in the northern portions of the ~~work~~ Master Plan area, in association with the Moffett Channel. ~~Suitable tidal wetland habitat for these species is not present within the main plant fence line.~~
- To avoid causing the abandonment of an active nest, construction activities within 700 feet of vegetated tidal marsh providing suitable breeding habitat for Ridgway's rails or black rails (i.e., the area along Moffett Channel north of the point where the marsh ~~begins to~~ widens near the pond circulation pump station just upstream from its confluence with Guadalupe Slough, or the large marsh area along Guadalupe Slough north of Pond 1) will be avoided during the breeding season from February 1 through August 31 ~~unless protocol level surveys are conducted to determine rail locations and territories the same year in which those construction activities occur~~. If breeding Ridgway's rails or black rails are determined to be present, activities will not occur within 700 feet of areas in which Ridgway's rails or black rails were heard calling during protocol level surveys. If the intervening distance across a major slough channel (e.g., Moffett Channel or Guadalupe Slough) or across a substantial barrier between the locations of rail detections and any construction activity area is greater than 200 feet, then it may proceed at that location within the breeding season.
- If areas within or adjacent to rail habitat cannot be avoided during the breeding season (February 1 through August 31), protocol-level surveys shall be conducted to determine rail nesting locations. The surveys will focus on potential habitat that could be disturbed by construction activities during the breeding season to ensure that rails are not breeding in these locations.
  - Survey methods for rails will follow the *Site-Specific Protocol for Monitoring Marsh Birds*, which was developed for use by the USFWS and partners to improve bay-wide monitoring accuracy by standardizing surveys and increasing the ability to share data (Wood et al. 2017). Surveys are concentrated during the approximate period of peak detectability, January 15 to March 25 and are structured to efficiently sample an area in three rounds of surveys by broadcasting calls of target species during specific periods of each survey round. Call broadcast increase the probability of detection compared to passive surveys when no call broadcasting is employed. The survey protocol for Ridgway's rail is summarized below.
    - Previously used survey locations (points) should be used when available to maintain consistency with past survey results. Adjacent points should be at least 200 meters (656 feet) apart along transects in or adjacent to areas representative of the marsh. Points should be located to minimize disturbances to marsh vegetation. Up to 8 points can be located on a transect.

- At each transect, three surveys (rounds) are to be conducted, with the first round of surveys initiated between January 15 and February 6, the second round performed February 7 to February 28, and the third round March 1 to March 25. Surveys should be spaced at least one week apart and the period between March 25 to April 15 can be used to complete surveys delayed by logistical or weather issues. A Federal Endangered Species Act Section 10(a)(1)(A) permit is required to conduct active surveys.
- Each point on a transect will be surveyed for 10 minutes each round. A recording of calls available from USFWS is broadcast at each point. The recording consists of 5 minutes of silence, followed by a 30-second recording of Ridgway's rail vocalizations, followed by 30 seconds of silence, followed by a 30-second recording of California black rail, followed by 3.5 minutes of silence.
- If no breeding California Ridgway's rails are detected during surveys, or if their breeding territories can be avoided by 700 feet, then Project activities may proceed at that location.
- If protocol surveys determine that breeding California Ridgway's rails are present in the Project area, the following measures would apply to Project activities conducted during their breeding season (February 1- August 31):
  - A USFWS- and California Department of Fish and Wildlife (CDFW)-approved biologist with experience recognizing California Ridgway's rail vocalizations will be on site during construction activities occurring within 700 feet of suitable rail breeding habitat.
  - If a California Ridgway's rail vocalizes or flushes within 10 meters (33 feet), it is possible that a nest or young are nearby. If an alarmed bird or nest is detected, work will be stopped, and workers will leave the immediate area carefully and quickly. The location of the sighting will be recorded to inform future activities in the area.
  - All crews working in rail habitat during the breeding season will be trained and supervised by a USFWS- and CDFW-approved rail biologist.
- Aside from continued use of recreational trails established prior to the start of the breeding season (which may continue), only routine inspection, maintenance, or monitoring activities that have little potential for effects on rails due to their short durations, distance from rail habitat, or low-magnitude effects may be performed during the breeding season in areas within or adjacent to rail breeding habitat. Otherwise, with USFWS and CDFW approval on a case-by-case basis, construction activities may take place after July 15 in a given area if the activity is thought to be minimally disturbing to breeding rails.
- The extent of impacts ~~near~~ on tidal marsh will be clearly demarcated in the field prior to construction, and no impacts (including construction access) will occur outside those limits.
- Silt fencing or similar material will be installed at the perimeter of work areas, between all areas of earth-moving and marsh ~~outside the impact area~~ to prevent dirt and other materials from entering marsh areas that are not intended to be affected.

- No animals can be brought to the Project site to avoid harassing, killing, or injuring wildlife.
- The Project site will be maintained trash-free, and food refuse will be contained in secure bins and removed daily during construction and dredging.
- Nighttime work near tidal marsh habitat will be avoided to the extent feasible. If nighttime work cannot be avoided, lighting will be directed to the work area and away from tidal marsh habitat.

### Burrowing Owl

The burrowing owl (*Athene cunicularia hypugaea*) is known to occur, at least during the nonbreeding season, in the Project vicinity on the closed landfill areas near the main plant, southwest of the former household hazardous waste dropoff site, and west of the Sunnyvale West Channel (Chromczak, 2014). Burrowing owls were formerly known to occur on berms around the eastern portion of the main Plant area (Chromczak, 2014), but they have not been recorded on the main Plant in recent years. More recent (2017, 2021) citizen science observations have been recorded in the vicinity of the WPCP and nearby Pond A8 (iNaturalist, 2022).

No impact on habitat used regularly by burrowing owls is expected to occur. However, if construction activities were to occur within 250 feet of occupied burrowing owl habitat, noise and vibrations from construction activities such as pile-driving could indirectly impact burrowing owls through disturbance and temporary loss of habitat and could directly affect burrowing owls through loss or abandonment of an occupied burrow, particularly if an active owl nest is present. The loss of an owl or an active nest, through direct impact or (more likely) abandonment, would represent a significant impact under CEQA because of the species' regional rarity and population declines. Therefore, Mitigation Measures BIO-2a, Worker Environmental Awareness Training (shown above) and **BIO-2e, Burrowing Owl Measures**, would be implemented to reduce potential impacts on burrowing owls to a less-than-significant level. This measure has been adjusted as necessary to make it apply to the Project. The adjusted mitigation measure does not change the original impact conclusions from the PEIR, nor is it considerably different from that analyzed in the PEIR.

### Mitigation Measure BIO-2e: Burrowing Owl Measures

The following measures will be implemented to avoid and minimize impacts on burrowing owls in the ~~Master Plan work~~ area, particularly on the closed landfill and along the Sunnyvale West Channel but also including areas ~~within~~ along the main plant fenceline that may support ground squirrel burrows:

- Preconstruction surveys for burrowing owls will be conducted by a qualified biologist prior to all construction activities that occur within 250 feet of potential burrowing owl habitat ~~on the closed landfill or along the Sunnyvale West Channel~~, in conformance with CDFW protocols. This measure applies to construction activities inside of the main plant fenceline only where ground squirrel burrows are present ~~or for those activities located within 250 feet of suitable burrowing owl habitat on the closed landfill or Sunnyvale West Channel~~. The final survey will occur no more than 2 days prior to the start of any ground-disturbing activity such as clearing and grubbing, excavation, or grading, or any similar activity within 250 feet of suitable

habitat that could disturb nesting owls. If no burrowing owls are located during these surveys, no additional action would be warranted. However, if burrowing owls are located on or immediately adjacent to impact areas, the following measures would be implemented.

- If burrowing owls are present during the nonbreeding season (generally 1 September to 31 January), the City/contractor would maintain a 150-foot buffer zone, within which no new ~~Master Plan Project~~-related activity would occur, around the occupied burrow(s) if feasible. However, this buffer distance would not apply to existing operations and maintenance activities in the main plant. A reduced buffer distance is acceptable during the nonbreeding season as long as construction avoids direct impacts on the burrow(s) used by the owls. During the breeding season (generally 1 February to 31 August), a 250-foot buffer, within which no new ~~Master Plan~~-related activity would be permissible, would be maintained between ~~Master Plan~~ activities and occupied burrows. Owls present at burrows on the site after 1 February would be assumed to be nesting on or adjacent to the site unless evidence indicates otherwise. This protected area would remain in effect until 31 August, or based upon monitoring evidence, until young owls are foraging independently or until the nest is no longer active.
- In the unlikely event that an occupied burrowing owl burrow is within the construction footprint (e.g., on the bank of a levee), and the burrow cannot be avoided, the owl will be evicted from the burrow by a qualified biologist using one-way doors. The biologist will leave the one-way doors in place for at least 48 hours, checking them daily to ensure that they are functioning properly. If the biologist cannot be certain that the owl is outside the burrow (e.g., if the one-way doors were installed when the owl was inside the burrow and the owl cannot be detected outside later), then the burrow will be excavated by hand prior to being filled to ensure that no owl is trapped inside. Otherwise, the burrow will be backfilled after the owl has been evicted. No burrowing owls will be evicted from burrows during the nesting season unless evidence indicates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season).

### **Salt Marsh Harvest Mouse and Salt Marsh Wandering Shrew**

The brackish tidal marsh in Moffett Channel north of the plant is considered potential salt marsh harvest mouse (*Reithrodontomys raviventris*) and salt marsh wandering shrew (*Sorex vagrans halicoetes*) habitat. This vegetation type is fragmented and the potential for these species to occur in these marshes is fairly low but cannot be discounted. Salt marsh harvest mice and salt marsh wandering shrews are unlikely to occur in coastal brackish marsh dominated by pure stands of cattail (*Typha* spp.) and California bulrush (*Schoenoplectus californicus*) along Sunnyvale West Channel and Moffett Channel adjacent to the main Plant or in the small amounts of brackish marsh in Cargill Channel where patches are isolated and narrow (10 feet wide or less).

Construction activities may result in the harassment, harm, injury, death, or otherwise interfere with the normal behavior (e.g., feeding, sheltering, and movement between refugia and foraging grounds) of salt marsh harvest mice and salt marsh wandering shrew through crushing by equipment and vehicles, habitat degradation, and noise and vibrations. Intolerable levels of disturbance that may force individual mice or shrews to flush from cover or prevent them from

seeking available cover could expose them to a predation risk that otherwise would not occur. Given the lack of high-quality habitat near the construction areas, implementation of modified **Mitigation Measure BIO-2g, Salt Marsh Harvest Mouse and Salt Marsh Wandering Shrew Measures**, would reduce impacts to less-than-significant levels. This measure has been adjusted as necessary to make it apply to the Project. The adjusted mitigation measure does not change the original impact conclusions from the PEIR, nor is it considerably different from that analyzed in the PEIR.

#### **Mitigation Measure BIO-2g: Salt Marsh Harvest Mouse and Salt Marsh Wandering Shrew Measures**

The following measures will be implemented for activities outside of the main plant fence line to avoid and minimize impacts on the salt marsh harvest mouse and salt marsh wandering shrew, particularly in marsh habitat associated with ~~the~~ Moffett Channel and Cargill Channel:

- A USFWS and CDFW-approved biologist, with knowledge and experience with salt marsh harvest mouse and salt marsh wandering shrew habitat requirements, will conduct pre-construction surveys for these species and identify and mark suitable habitat prior to Project initiation.
- ~~Impacts on pickleweed and wetland habitat that may support these species will be minimized to the extent feasible. Wetland habitat that may support these species occurs in the northern portion of the Master Plan area, in association with the Moffett Channel and the Cargill Channel. No suitable habitat for these species occurs within the main plant fence line.~~
- To avoid the loss of individual harvest mice or wandering shrews from any excavation, fill, or construction activities in suitable habitat, vegetation removal and fill in marsh habitats, including the Moffett Channel and the Cargill Channel, will be limited to the minimum amount necessary. ~~to implement the Master Plan improvements.~~ Wherever feasible, sufficient pickleweed habitat will remain adjacent to the activity area to provide refugia for displaced individuals.
- In areas where salt marsh harvest mice or wandering shrew habitat will be affected, vegetation and debris that could provide cover for mice will be removed using only mechanized hand tools, or by another method approved by the USFWS and CDFW, at least three weeks prior to the commencement of construction activities. Vegetation removal will occur under the supervision of a qualified biologist. The vegetation will be removed on a progressive basis, such that the advancing front of vegetation removal moves toward vegetation that would not be disturbed. In some cases, temporary shelter consisting of dead vegetation may be positioned to provide escape routes to suitable habitat. A qualified biologist will monitor the vegetation removal and make specific recommendations with respect to the rate of vegetation removal (to ensure that any harvest mice or wandering shrews present are able to escape to cover that will not be affected), whether vegetation needs to remain in a certain area temporarily to facilitate dispersal of mice into habitat outside the impact area, and whether any berms are necessary to allow mice or shrews to disperse across wetted channels.
- Following the ~~hand-~~ removal of vegetation in areas where these species may be affected, exclusion fencing will be erected as needed between construction areas and

harvest mouse/wandering shrew habitat that is to remain unaffected to define and isolate protected habitat for these species. This fencing will consist of ~~heavy plastic sheeting or metal~~ material that cannot be climbed by harvest mice or wandering shrews, or similar Resource Agency-approved exclusion materials, buried at least 4 inches below the ground's surface and with at least 1 foot (but no more than 4 feet) above the ground. All supports for the fencing will be placed on the inside of the work area. A 4-foot buffer will be maintained free of vegetation around the outside of the exclusion fencing. The fencing will be inspected daily during construction, and any necessary repairs will be made within 24 hours of when they are found. If any breaks in the fencing are found, a qualified biologist will inspect the work area for salt marsh harvest mice or wandering shrews. If any individual harvest mice are found within the impact footprint, they will be allowed to move on their own (although shrews may be relocated by a qualified biologist) to vegetated areas outside the impact footprint.

- During construction in areas where salt marsh harvest mice and wandering shrews may be affected, a qualified biologist will check underneath vehicles and equipment for these species before such equipment is moved during each day of construction, unless the equipment is surrounded by exclusion fencing. ~~Based on current design concepts, the Master Plan is expected to affect approximately 1.5 acres of tidal coastal brackish marsh (in the Moffett Channel) and another 0.5 acre of non-tidal salt marsh (in the Cargill Channel) that could potentially support these species through raising (and as a result widening) an access road and construction of a new pipeline segment to the diurnal equalization basins. To compensate for these habitat impacts, the City will provide mitigation through a combination of (a) the purchase of credits in an approved conservation bank that provides habitat suitable for use by these species and/or (b) tidal marsh habitat restoration onsite or offsite. Owing to the relatively low quality of habitat provided by the wetlands to be affected by Master Plan activities, this mitigation will be provided at a minimum ratio of 1:1 (mitigation:impact) on an acreage basis. This mitigation can be provided using the same mitigation area as described in Mitigation Measure BIO-3b for wetlands as long as the habitat is suitable for the salt marsh harvest mouse and salt marsh wandering shrew and provides vegetated wetlands adequate to compensate for impacts on these species' habitats at a 1:1 ratio.~~

Prior to construction, the City will purchase credits from an approved conservation bank and/or prepare a Habitat Mitigation and Monitoring Plan (HMMP) describing the proposed creation of mitigation habitats that will satisfy the mitigation requirements. Impacts on habitat of the salt marsh harvest mouse and salt marsh wandering shrew may not commence until the adequate credits in a conservation bank have been purchased and/or the City prepares the HMMP. The HMMP will be prepared by a qualified restoration ecologist and will include the following:

- A summary of impacts on these species' habitats and the proposed mitigation acreage
- Goals of the restoration to achieve no net loss of habitat functions and values for these species
- The location of the mitigation site and description of existing site conditions
- Mitigation design:



- ~~Existing and proposed site hydrology, geomorphology, and geotechnical stability, if applicable~~
- ~~Grading plan if appropriate, including bank stabilization or other site stabilization features~~
- ~~Soil amendments and other site preparation elements as appropriate~~
- ~~Planting plan~~
- ~~Irrigation and maintenance plan~~
- ~~Construction schedule~~
- ~~Monitoring plan (including specific, objective final and performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.). Performance criteria will include demonstration of the presence of appropriate vegetation for these species within 10 years of mitigation implementation and presence of at least one of these two small mammal species within 10 years of the establishment of appropriate vegetated habitat.~~
- ~~A contingency plan for mitigation elements that do not meet performance or final success criteria; this plan will include specific triggers for remediation if performance criteria are not being met.~~
- If a salt marsh harvest mouse or salt marsh wandering shrew is discovered, construction activities will cease in the immediate vicinity of the individual mouse/shrew until the individual has been allowed to leave the construction area.

### Special-Status Fish

Special-status fish, including Central Valley Fall-run Chinook salmon (*Oncorhynchus tshawytscha*), Central California Coast steelhead (*Oncorhynchus mykiss*), longfin smelt (*Spirinchus thaleichthys*), and green sturgeon (*Acipenser medirostris*), have the potential to occur within Moffett Channel, albeit infrequently and/or in low numbers. None of these species are expected to spawn within affected portions of Moffett Channel or in the upstream portion of Sunnyvale West Channel, primarily due to the lack of suitable spawning habitat. The tidal waters in this area are also considered Essential Fish Habitat (EFH) by the National Marine Fisheries Service (NMFS). Cofferdam installation and subsequent dewatering activities within Moffett Channel would result in direct impacts on special-status fish, if present during construction, and temporary impacts on EFH that may include temporary impairment of water quality and increased turbidity. Noise and vibrations from excavation, sheet pile driving for dewatering, and pile driving for foundations could disrupt the behavior and movement of fish in adjacent waterways. Noise and vibrations from pile driving can even injure or kill fish if loud enough, or if pile driving occurs close enough to fish. In addition, impacts on water quality during construction outside of waters could potentially affect these species if construction materials, sediment, or pollutants enter the water.

Impacts on individual special-status fish (e.g., from adverse water-quality effects, vibration, or noise) are potentially significant given the low population sizes of these species in the South Bay. Potential impacts on special-status fish would be reduced to a less-than-significant level with implementation of Mitigation Measures BIO-2a, Worker Environmental Awareness Training (shown above), BIO-2b, Minimization of Impacts on Water Quality (shown above), and **BIO-2c**,

**Special-Status Fish Measures.** This measure has been adjusted as necessary to make it apply to the Project. The adjusted mitigation measure does not change the original impact conclusions from the PEIR, nor is it considerably different from that analyzed in the PEIR.

#### **Mitigation Measure BIO-2c: Special-Status Fish Measures**

The following measures will be implemented during construction of the ~~Master Plan Project~~ to avoid or minimize impacts on special-status fish species:

- Impacts on tidal waters where special-status fish and Essential Fish Habitat may occur will be minimized to the extent feasible.
- Construction activities in, or directly adjacent to, waters where green sturgeon, longfin smelt, steelhead, or Chinook salmon may be present will be performed between June 1 and November 30. These waters include but are not limited to the Moffett Channel and the Sunnyvale West Channel.
- Activities that extend into the waters where special-status fish may be present, ~~such as levee breaching for active restoration of Ponds 1 and 2,~~ will be performed at low tide and/or under de-watered conditions, to the extent practicable.
- A Fish Rescue Plan will be developed for in-water work and coffer dam dewatering activities where special-status fish may be present. The plan will require that a qualified fisheries biologist approved by the Service and NMFS supervise fish rescue and relocation efforts in in-water work areas. The Fish Rescue Plan will include reporting requirements to the Service and NMFS and describe methods for minimizing the risk of stress and mortality due to capture and handling of fishes removed from the construction site and returned to downstream waterways.
- ~~If pile driving or installation of temporary sheet piles is necessary during construction or restoration activities outside of the main plant fenceline, such as for earthwork, foundations, or dewatering, then pile~~ Pile driving where special-status fish may be present will be performed using a vibratory hammer to minimize the potential effects of noise and pressure-waves on fish.
- NMFS personnel will be immediately notified of any observed fish mortality events associated with ~~Master Plan Project~~ activities.
- ~~Tidally restored ponds will contain channels that are adequate for the ingress and egress of fish with tidal circulation to avoid fish stranding.~~
- Treated wood will not be used in structures that may come into contact with water.

#### **Western Pond Turtle**

Western pond turtle (*Actinemys marmorata*) has the potential to occur within aquatic habitats in the Project area, including Cargill Channel, Moffett Channel, and the Pond Recirculation Channel. Construction-related activities may result in the loss of individual turtles due to injury or mortality from heavy equipment or earth-moving. In addition, impacts on water quality during construction could potentially affect this species if construction materials, sediment, or pollutants enter water occupied by this species. Impacts on western pond turtles are potentially significant given the low numbers of individuals comprising metapopulations of this species in the South

Bay. Potential impacts on western pond turtles would be reduced to a less-than-significant level with implementation of Mitigation Measures BIO-2a, Worker Environmental Awareness Training (shown above) and BIO-2b, Minimization of Impacts on Water Quality (shown above) to address potential water-quality impacts during construction, and **BIO-2d, Western Pond Turtle Measures**. This measure has been adjusted as necessary to make it apply to the Project. The adjusted mitigation measure does not change the original impact conclusions from the PEIR, nor is it considerably different from that analyzed in the PEIR.

#### **Mitigation Measure BIO-2d: Western Pond Turtle Measures**

The following measures will be implemented to avoid and minimize impacts on western pond turtles in portions of the ~~Master Plan work~~ area outside of the main plant fenceline, particularly in or near the Sunnyvale West Channel:

- Impacts on aquatic habitat of the western pond turtle such as the Sunnyvale West Channel, will be minimized to the extent feasible.
- A qualified biologist shall conduct a survey for western pond turtles and their nests immediately (i.e., within 2 hours) prior to commencement of work along aquatic habitat~~the Sunnyvale West Channel~~. If a western pond turtle is found in an area where it could be injured or killed by ~~Master Plan improvement Project~~ activities, the biologist will relocate the turtle to an appropriate site outside the construction area.
- Following the initial survey, a construction crewmember who has been trained to identify western pond turtles by a qualified biologist shall conduct a survey of the work area along aquatic habitats~~the Sunnyvale West Channel area~~ each morning prior to the onset of construction activities. If a turtle is located, all work in the vicinity shall immediately cease, and a qualified biologist shall be contacted. Work within the area shall not resume until the turtle has been relocated or has moved on its own out of the construction area.
- If an active western pond turtle nest is detected within the activity area, a 25 foot-buffer zone around the nest will be established and maintained during the nesting season (April 1 through August 31) until the young have left the nest or it is no longer active due to predation, as determined by a qualified biologist.

#### **Other Nesting Birds**

Several other species of special-status birds, as well as other common bird species protected under the Migratory Bird Treaty Act and California Fish and Game Code, have the potential to nest within the vicinity of the Project site. Nesting habitat for these species would be reduced as a result of construction, nests of these species could be destroyed, and nesting birds could be disturbed as a result of virtually any of the construction activities. Even if nests are not physically disturbed, construction near active nests could cause the abandonment of those nests by adults, potentially resulting in the loss of eggs or young.

Most of these species are regionally common and, therefore, the proportion of regional populations of these species that could be adversely affected by Project activities is relatively low. However, owing to the high bird diversity associated with habitats in and adjacent to the Project site, construction activities have the potential to result in the loss of active bird nests, in

the absence of mitigation measures. Implementation of **Mitigation Measure BIO-2h, Nesting Bird Measures**, would reduce impacts on nesting birds to less-than-significant levels. This measure has been adjusted as necessary to make it apply to the Project. The adjusted mitigation measure does not change the original impact conclusions from the PEIR, nor is it considerably different from that analyzed in the PEIR.

### Mitigation Measure BIO-2h: Nesting Bird Measures

The following measures will be implemented throughout the ~~Master Plan~~ work area to minimize impacts on nesting San Francisco common yellowthroat, Alameda song sparrow, and other native bird species:

- Nesting deterrence can be implemented to minimize the potential for nesting birds to constrain Project activities or to be adversely affected by those activities. ~~The most effective nesting deterrence in non-developed portions of the main plant is vegetation removal to remove nesting substrate.~~ Vegetation that is to be affected by the Project should be removed during the nonbreeding season (i.e., September 1 through January 31) if feasible. If necessary, removal of nest-starts (incomplete nests that do not yet contain eggs or young) by qualified biologists may occur during the breeding season. Such nest-start removal may begin early in the breeding season (e.g., February) and continue regularly until vegetation can be removed and construction commences. Some species, such as barn swallows (*Hirundo rustica*) or black phoebes (*Sayornis nigricans*), may establish nests on buildings or other structures. To deter birds from nesting on structures, netting or other deterrence devices may be installed to preclude birds from constructing nests. Such nesting deterrence should be implemented under the supervision of qualified biologists in order to prevent death or injury of birds or other wildlife as a result of improperly installed deterrence devices, and such devices will require regular maintenance to ensure that they are functioning properly.
- Prior to commencement of new activities (i.e., activities that are not currently ongoing in any given area) during the breeding season (February 1 through August 31), preconstruction surveys will be conducted by a qualified biologist no more than 7 days prior to the initiation of new disturbance in any given area to ensure that no active nests of species protected by the Migratory Bird Treaty Act or California Fish and Game Code will be disturbed during ~~Master Plan~~ Project implementation. During this survey, the biologist will inspect all potential nesting habitats (e.g., trees, shrubs, buildings, and various substrates on the ground) in the Project area for nests. ~~This survey will include suitable nesting substrates both within and outside the main plant fence line.~~ Surveys will be conducted within search radii corresponding to disturbance-free buffer zones described below for raptors (300 feet) and non-raptors (100 feet), including in offsite areas adjacent to the ~~Master Plan~~ Project area (where such areas are accessible ~~and are contained in the buffer zones~~).
- If an active nest is found, a qualified biologist will determine the extent of a disturbance-free buffer zone to be established around the nest until nesting has been completed. Disturbance-free buffer zones are typically 300 feet for raptors and 100 feet for non-raptors, although factors such as existing disturbance and vegetation or structures that screen construction activities from a nest will be considered in determining the appropriate buffer. Nests will be considered active until surveys conducted by a qualified ornithologist confirm nesting is complete. However,

construction within these radii may proceed if, based on monitoring of the bird's behavior, a qualified biologist determines that such activities are not likely to result in the abandonment of the nest. Pursuant to ~~Per~~ CDFW recommendations, monitoring will be conducted as follows:

- A qualified biologist will monitor activity at each nest for three days prior to the onset of construction activities to develop a baseline of the normal behavior of the birds attending the nest. If the behavior observed at the nest is consistent on Days 1 and 2 of monitoring, Day 3 of monitoring may be skipped.
- A qualified biologist will monitor activity at each nest for 8 hours on the first day that construction occurs within the standard buffer (e.g., within 100 feet of a non-raptor nest). If the biologist determines that the birds' behavior is not adversely affected, ~~Master Plan~~ Project activities may continue. The biologist should continue to monitor the nests for 1 hour/day on any day when construction activities occur within the standard buffer around an active nest.
- If at any time the biologist determines that ~~Master Plan~~ Project activities within the standard buffer is adversely affecting the behavior of the birds such that the nest is in jeopardy of failing, construction activities should retreat to honor the standard buffer until the nest is no longer active (i.e., the young have fledged).

## Open Water and Wetland Habitats

Proposed Project activities, which would involve dewatering, pipeline excavation, and installation of an access ramp and multiple temporary bypass pipelines, would result in temporary impacts on open water, muted-tidal wetlands, and tidal wetlands within Cargill Channel, Moffett Channel, and the Pond Recirculation Channel. An approximate total of 9.44 acres of Cargill, Moffett, and Pond Recirculation Channel habitat would be dewatered as part of the Project. Based on a recent aquatic resources delineation conducted by ESA (ESA, 2022), Cargill Channel and Moffett Channel are expected to meet the definition of Waters of the U.S./State. Coastal brackish marsh is present within and directly adjacent to the Sunnyvale West Channel and the upper portions of the marsh along the Moffett Channel. Northern coastal salt marsh is present as a narrow strip along the Cargill Channel. Because it is part of the wastewater treatment system, the Pond Recirculation Channel is not expected to be a water of the U.S. or State.

Impacts on water quality could occur during in-water work (i.e., installation of coffer dams and dewatering activities) and if, during other construction activities, construction materials, sediment, or pollutants enter the water. Construction stormwater best management practices required under the NPDES Construction General Permit (described in PEIR Section 4.9, Hydrology) would reduce impacts on water quality and hydrology; implementation of Mitigation Measure BIO-2a, Worker Environmental Awareness Training (shown above), would help reduce impacts during construction; and implementation of Mitigation Measure BIO-2b, Minimization of Impacts on Water Quality (shown above), would reduce construction impacts on water quality. Implementation of those measures, as well as **Mitigation Measures BIO-3a, Avoidance of Open Water and Wetland Habitats**, and **BIO-3b, Compensatory Mitigation for Aquatic and Wetland Habitats** (refer to Table 4 in Chapter 5 for the full text of Mitigation Measure BIO-3b), would reduce impacts on jurisdictional wetlands and other waters to less-than-significant levels. Mitigation

Measure BIO-3a has been adjusted as necessary to make it apply to the Project. The adjusted mitigation measure does not change the original impact conclusions from the PEIR, nor is it considerably different from that analyzed in the PEIR.

#### **Mitigation Measure BIO-3a: Avoidance of Open Water and Wetland Habitats**

- Detailed design of ~~WPCP improvements for the Master Plan~~ the Project will avoid and minimize impacts on open water and wetland resources to the extent feasible.
- If open water and wetland habitats are present within 100 feet or less of the limits of disturbance ~~in the Master Plan Project area~~, avoidance buffers shall be maintained between construction areas and the aquatic resources ~~these habitats and construction areas that drain directly to them~~. These buffers should be at least 50 feet for general construction activities and 100 feet for grading, to the extent feasible. The avoidance buffers shall be designated as Environmentally Sensitive Areas and clearly identified in the field using orange fencing. No equipment, vehicles, or personnel are permitted within Environmentally Sensitive Areas. Environmentally Sensitive Areas shall be shown on Project plan sets. All Environmentally Sensitive Area fencing shall be maintained intact and in good condition throughout the duration of construction.
- Any temporarily affected aquatic and wetland habitats will be restored to preconstruction elevations and contours, and temporarily affected wetlands will be revegetated using native plant species appropriate for the salinity, elevation, and location of the affected area.

### **Migratory Wildlife Corridors and Nursery Sites**

A diverse assemblage of urban-adapted native resident and migratory fish and wildlife species use freshwater streams for movement through the Santa Clara Valley. Narrow levees and regular disturbance due to routine maintenance and recreational use within the Project area preclude it from acting as a significant wildlife corridor or nursery site. As a result, construction of the Project would not substantially interfere with movement of terrestrial wildlife species. Cofferd dam installation in Moffett Channel would result in a temporary disruption of channel connectivity during construction. Given the lack of suitable spawning habitat and short, seasonal duration of impacts within Moffett Channel (refer to Mitigation Measure BIO-2c), impacts on migratory fish species and other aquatic species would be less than significant. As such, impacts related to movement of wildlife species or use of wildlife nursery sites caused by the Project would not result in any new or more significant impacts than those identified in the certified PEIR.

### **Biological Communities, Local Policies and Ordinances**

Project activities are not anticipated to result in tree removal. As previously described, Project activities, which would involve dewatering, pipeline excavation, and installation of an access ramp and multiple temporary bypass pipelines, would result in temporary impacts on open water, coastal brackish wetlands, and northern coastal salt marsh within Cargill Channel, Moffett Channel, and the Pond Recirculation Channel. Implementation of Mitigation Measure BIO-2a, Worker Environmental Awareness Training (shown above), would reduce impacts during construction. In addition, implementation of Mitigation Measures BIO-3a, Avoidance of Open Water and Wetland Habitats, and BIO-3b, Compensatory Mitigation for Aquatic and Wetland

Habitats (shown above and in Table 4 in Chapter 5), would reduce impacts on jurisdictional wetlands and other waters to less-than-significant levels.

### 3.4.4 Conclusion

With implementation of adopted Mitigation Measures BIO-1a and modified Mitigation Measures BIO-2a, BIO-2b, BIO-2c, BIO-2d, BIO-2e, BIO-2f, BIO-2g, and BIO-2h, the Project would not result in any new or more significant impacts on special-status wildlife and plants than those identified in the certified PEIR. Impacts related to movement of wildlife species or use of wildlife nursery sites caused by the Project are less than significant and would not result in any new or more significant impacts than those identified in the PEIR.

With implementation of adopted Mitigation Measure BIO-3b and modified Mitigation Measures BIO-2a and BIO-3a, the Project would not result in any new or more significant impacts on sensitive natural communities, riparian habitat, or wetlands during construction and operation compared to those identified in the certified PEIR.

The current Project is outside of the Santa Clara Valley Habitat Conservation Plan /Natural Community Conservation Plan permit area and is not within any other habitat conservation plan area. Therefore, the Project would not result in any new or more significant impacts than those identified in the certified PEIR.

---

## 3.5 Hydrology and Water Quality

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Effects Not Identified in Prior EIR</i>	<i>Potentially Substantial Increase in Severity of Significant Impact Identified in Prior EIR</i>	<i>Sponsor Declines to Adopt Feasible Mitigation Measures or Alternatives</i>	<i>No New or More Severe Significant Effects</i>
<b>HYDROLOGY AND WATER QUALITY — Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Impede or redirect flood flow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 3.5.1 Setting

The environmental setting relevant to hydrology and water quality for the Project site has not changed since adoption of the PEIR, with the exception of two National Pollutant Discharge Elimination System (NPDES) permits under which the Sunnyvale WPCP is permittee or co-permittee (described below). Setting discussions from the adopted PEIR for water quality standards, groundwater, surface water drainage patterns, and flood and inundation hazards are applicable to the Project.

Effective April 1, 2020, Order No. R2-2014-0035 (Waste Discharge Requirements for Sunnyvale Water Pollution Control Plant and wastewater collection system) issued by the San Francisco Bay Regional Water Quality Control Board [RWQCB] was rescinded and replaced by Order No. R2-2020-0002 (RWQCB, 2020). Order No. R2-2020-0002 sets effluent limitations and discharge



specifications for water discharged to Moffett Channel and San Francisco Bay from the Sunnyvale WPCP. The effluent limitations in the order are the same as shown in PEIR Table 4.10-7 with the exception of enterococcus bacteria, nickel, cyanide, and bis (2-Ethylhexyl) phthalate. The revised numeric effluent limitations are listed in **Table 3**, below.

**TABLE 3**  
**SELECT REVISED NUMERIC EFFLUENT LIMITATIONS FOR THE WPCP**

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily	Other
<b>Previous Order</b>					
Enterococcus bacteria	Not Applicable	-	-	-	30-day mean not to exceed 35 colonies/100 mL
Nickel <sup>b</sup>	µg/L	24	-	35	-
Cyanide, Total <sup>b</sup>	µg/L	7.5	-	17	
Bis (2-Ethylhexyl) Phthalate <sup>b</sup>	µg/L	5.9	-	12	
Turbidity	NTU	-	-	-	Instantaneous maximum limit of 10 NTU
<b>Revised (Current) Order</b>					
Enterococcus bacteria	Not Applicable	-	-	-	Six-week mean not to exceed 30 colonies/100 mL No more than 10% samples > 110 CFU/100 mL
Nickel <sup>b</sup>	µg/L	24	-	33	-
Cyanide, Total <sup>b</sup>	µg/L	7.0	-	17	-
Bis (2-Ethylhexyl) Phthalate <sup>b</sup>		n/a	n/a	n/a	n/a
Turbidity	NTU	-	-	-	Instantaneous maximum limit of 10 NTU  From October 1 through May 31, only applies when total suspended solids exceeds 20 mg/L

NOTES:

<sup>a</sup> Unit Abbreviations: mL = milliliters; µg/L = micrograms per liter; NTU = Nephelometric Turbidity Units; CFU = Colony Forming Units

<sup>b</sup> Limitations apply to the average concentration of all samples collected during the averaging period (daily ~ 24-hour period; monthly ~ calendar month)

SOURCE: RWQCB, 2020

Effective January 1, 2018, Order No. R2-2012-0096 (Mercury and PCBs Watershed Permit, NPDES No. CA0038849) issued by the San Francisco Bay RWQCB was rescinded and replaced by Order No. R2-2017-0041. The Sunnyvale WPCP is co-permittee to this order, which sets requirements for mercury and PCB concentrations in the WPCP effluent. The effluent limitations for average monthly and maximum daily PCB concentrations are the same as those specified for the Sunnyvale WPCP in the previous order and shown in PEIR Table 4.10-7. Similarly, the effluent limitations for average weekly and monthly mercury concentrations are the same as shown in PEIR Table 4.10-7.

### 3.5.2 Findings of Previously Adopted PEIR

The adopted PEIR determined that all Project impacts related to hydrology and water quality would be less than significant or less than significant with mitigation. Chapter 5, *Mitigation Monitoring and Reporting Program*, reproduces adopted mitigation measures applicable to hydrology and water quality impacts from the Project.

### 3.5.3 Discussion

The Project would not change the wastewater treatment technologies beyond what was evaluated in the PEIR, and therefore would not alter treated water quality. However, portions of pipeline replacement and rehabilitation would occur in areas not evaluated for impacts in the PEIR (buried below Cargill Channel). The following discussion focuses on impacts groundwater and flooding during construction and operations compared with the analysis conducted in the adopted PEIR.

#### Water Quality

As the construction of the Master Plan improvements, including the project, would be considered part of a common plan of development, all upland activities outside of the main plant regardless of size would be required to obtain coverage for construction stormwater discharges under the Construction General Permit and provide evidence of compliance to the City of Sunnyvale. Adherence to the Construction General Permit would require preparation of a stormwater pollution prevention plan (SWPPP) outlining construction best management practices (BMPs) related to housekeeping (e.g., storage of construction materials, waste management, vehicle storage and maintenance, pollutant control); non-stormwater management; erosion and sediment control; and run-on run-off control. Implementation of the SWPPP would reduce sediment or other pollutant discharges from upland construction, thereby protecting beneficial uses and adhering to basin plan requirements. The SWPPP would reduce the potential impact related to the discharge of water quality pollutants associated with upland construction activities to a less-than-significant level.

The coffer dam used during construction would exclude excavation and associated activities from adjacent water bodies, protecting water quality during excavation and pipeline replacement. However, during installation of the coffer dam and work along the levees, construction activities could release water quality pollutants into adjacent areas of Moffett Channel, Cargill Channel, and the Pond Recirculation Channel if not adequately managed, potentially impacting water quality. Sudden releases of water during coffer dam removal could also cause erosion and release sediment into Moffett and Cargill Channels if not properly controlled. Implementation of **Mitigation Measure BIO-2b, Minimization of Impacts on Water Quality**, as modified in Section 3.4, Biological Resources, would reduce the Project's potential impacts on water quality by requiring use of silt curtains during in-water work, requiring controlled reintroduction of water to dewatered areas, requiring spill containment for activities that handle fuels and hazardous materials, and implementing "good housekeeping" at the work site and access areas, among other measures.

Under current conditions a siphon connects Cargill Channel with Valley Water's Pond A4. When water quality in Pond A4 approaches a threshold, water from Cargill Channel is drawn through the siphon by a pump in Pond A4 operated by Valley Water to dilute Pond A4 to improve the pond's

water quality. To maintain the connection to Pond A4 and maintain Pond A4 water quality, while the coffer dam is in place in Cargill Channel water from Cargill Channel west of the coffer dam would be pumped via a bypass pipeline to Pond A4, as shown on Figure 6. Operation of the bypass pipeline during dewatering would avoid affecting Pond A4 water quality during construction.

The primary effluent pipeline would be rehabilitated with cured in place (CIPP) methods that would not require ground disturbance.<sup>3</sup> The pipeline lining would be cured using either steam or ultraviolet (UV) light, and the pipeline would not be used until curing is complete. During primary effluent pipeline rehabilitation the completed pond return pipeline would be used to convey primary effluent to the oxidation ponds.

CIPP lining uses a resin soaked felt liner that is inverted into the host pipe, and then cured in place. The curing resins used vary, but can include volatile organic carbons (VOC) including styrene, which can be toxic to aquatic species if released into the environment and therefore can potentially violate water quality standards where beneficial uses include aquatic species.

As shown on Figure 4, the 60-inch diameter primary effluent pipeline connects the primary treatment process facilities to the approximately 430-acre oxidation ponds. The primary effluent pipeline is designed to contain partially-treated wastewater such that it is not released into the environment. The primary effluent pipeline is made of reinforced concrete with two steel siphons under Moffett and Cargill Channels. The interiors of the siphons are lined with coal-tar epoxy. A condition assessment completed in 2014 found some concrete corrosion and noted that both siphons contain sludge. The oxidation ponds have been used continuously for wastewater treatment for at least 50 years and are also designed to reduce the likelihood of releasing pollutants into surrounding waters and habitats.

A recent water quality study focused on cure in place pipeline found that the curing method and the duration of curing had a strong influence on the potential for resin constituents to leach from the pipelines once in use (Office of Water Programs, California State University Sacramento, 2017). UV cure methods were found to be most protective of aquatic species. For pipelines rehabilitated with cure in place pipeline in saturated soil conditions, preventing water flow through the rehabilitated pipeline for more than 96 hours after CIPP installation substantially reduced leaching of VOCs, and the use of steam to cure the CIPP also enhanced curing and reduced leaching (Office of Water Programs, California State University Sacramento, 2017).

As noted above, the CIPP lining of the primary effluent pipeline would be UV or steam-cured and would be allowed to fully cure prior to reoperation of the pipeline, which would reduce the potential for resin constituents to leach from the cured liner. Due to the size of the pipeline and the volumes of water conveyed through the pipeline, any constituents that leach from the CIPP lining would be diluted before reaching the ponds. Further, volatiles such as styrene rapidly separate (within 40 hours) from quiescent water such as the treatment ponds (Office of Water Programs, California State University Sacramento, 2017). Water in the ponds is further treated prior to discharge into Moffett Channel. The oxidation ponds also have low ecological habitat value given their continuous

---

<sup>3</sup> Cured-in-place-pipe lining uses a resin soaked felt liner that is inverted into the host pipe, and then cured in place via hot water or steam.

operation as wastewater treatment ponds and likely are not considered waters of the state. For these reasons, the rehabilitation of the primary effluent pipeline using CIPP methods would not violate water quality standards or otherwise degrade water quality.

With implementation of SWPPP best management practices for upland activities and Mitigation Measure BIO-2b, Project construction would not degrade water quality and impacts would be less than significant.

The secondary effluent and pond return pipelines are buried and submerged. The primary effluent pipeline CIPP lining would not alter the exterior location or shape of the primary effluent pipeline. The Project would not alter drainage patterns or provide substantial additional sources of polluted runoff as there would be no change to current topography or impervious areas associated with the Project. During operations the Project would have less-than-significant impacts on stormwater quality and drainage patterns because the pipelines would be replaced or rehabilitated in their current locations and disturbed areas would be returned to existing grade once replacement is complete.

## Groundwater

Shallower unconfined groundwater is present in the Project vicinity, at depths of approximately 12 feet below ground surface at the project site within the main plant (Geosyntec, 2018). An aquitard separates the shallow groundwater from the deeper aquifers of the Santa Clara Basin and prevents groundwater impacted by landfill waste and leachate from moving downward (RWQCB, 2004). As discussed in PEIR Impact HYD-4 (beginning on PEIR page 4.9-36), shallow groundwater beneath the landfill is influenced by surface water ponds, channels, ditches, storm drain pipelines, and sanitary sewers (RWQCB, 2004).

A Corrective Action Program is in place to monitor and control the flow of leachate and impacted groundwater from the landfill (Order No. R2-2004-0030). The Corrective Action Program is based on the hydraulic capture of groundwater by flow toward existing groundwater sinks (areas of relatively low groundwater pressure, toward which groundwater will preferentially flow), primarily stormwater and sanitary sewer pipelines along Borregas Avenue and Carl Road that discharge to the headworks of the main plant. The Project would require the temporary relocation of one surface water gauge in Cargill Channel that is part of the existing Corrective Action Program.

As discussed in Chapter 2, *Project Description*, excavation would extend to approximately 22 feet below ground surface. In addition, Cargill Channel and a portion of Moffett Channel would be dewatered. Excavation areas would be supported by sheet piles, which would temporarily disconnect the excavated area from surrounding shallow groundwater. Dewatering of Cargill Channel could temporarily alter patterns of shallow groundwater flow in the vicinity, including portions of the Corrective Action Program area. In the Project area, shallow groundwater currently flows south from the bay towards pipelines under Carl Road (Ulrick & Associates, 2021). The bottom of Cargill Channel is approximately elevation 92 feet WPCP datum (Carollo Engineers, 2022b) or about -8 feet NGVD (Ulrick & Associates, 2021). The groundwater capture elevation in Carl Road is -9 feet NGVD (Ulrick & Associates, 2021). Therefore, dewatering of Cargill Channel could reduce groundwater flow but is unlikely to alter the direction of groundwater flow from

Cargill Channel towards Carl Road. Extended dewatering in Cargill Channel may affect the local shallow groundwater flow but is unlikely to alter the efficacy of the Corrective Action Program in a manner that could adversely affect groundwater quality because the direction of groundwater flow would not change and the area of groundwater affected (between Cargill Channel and Carl Road, under the main plant) does not contain refuse (Ulrick & Associates, 2021).

## **Flooding**

As noted in the PEIR, the entire WPCP area, including the Project site, is in the FEMA special flood hazard area, and the base flood elevation at the WPCP mapped by FEMA is 11 feet NAVD88.

As discussed in Chapter 2, *Project Description*, the Project would excavate and replace existing pipelines that are buried under Moffett and Cargill channels and would line the interior of the primary effluent pipeline, which would not require ground disturbance outside the main plant. Cargill Channel is a muted-tidal channel that is not connected to streams. Moffett Channel drains Sunnyvale West Channel, a flood control channel managed by Valley Water.

The Project would include installation of coffer dams in Cargill and Moffett Channels during construction. During a flood the coffer dams could redirect flood flows; however, as shown in Table 1 the coffer dams would be in place during the dry season (between April and October). Construction would have less-than-significant impacts related to redirecting flood flows because temporary coffer dams would be in place for a short duration during the dry season.

Once replaced, the material overlying the two buried pipelines (the secondary effluent and pond return pipelines) would be contoured to the existing grade. The Project would not alter the channel grade in Moffett or Cargill channels compared with existing conditions. The levees would be reconstructed in their existing positions. Therefore, the Project would not impede or redirect flood flows compared with existing conditions, which would be a less-than-significant impact.

### **3.5.4 Conclusion**

The Project would comply with existing waste discharge requirements applicable to the WPCP and post closure maintenance requirements applicable to the closed landfill, implement Mitigation Measure BIO-2b during construction, and would not otherwise degrade water quality.

The Project would not substantially alter the existing drainage pattern of the site or area once construction is complete, and would not result in substantial erosion or siltation, increased runoff, or flooding.

The Project would not result in new or more severe significant impacts related to impeding or redirecting flood flows.

The Project would not alter the potential to release pollutants in a flood zone and would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

## 3.6 Cultural Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Effects Not Identified in Prior EIR</i>	<i>Potentially Substantial Increase in Severity of Significant Impact Identified in Prior EIR</i>	<i>Sponsor Declines to Adopt Feasible Mitigation Measures or Alternatives</i>	<i>No New or More Severe Significant Effects</i>
<b>CULTURAL RESOURCES — Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 3.6.1 Setting

The environmental setting relevant to cultural resources for the Project has not changed relative to the setting in the PEIR.

### 3.6.2 Findings of Previously Adopted PEIR

The adopted PEIR determined that all Project impacts related to cultural resources would be less than significant or less than significant with mitigation. Chapter 5, *Mitigation Monitoring and Reporting Program*, reproduces adopted mitigation measures applicable to cultural resources impacts from this project.

### 3.6.3 Discussion

The following discussion evaluates whether Project changes would result in any new or more severe significant environmental effects than identified in the PEIR.

#### **Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5**

As described in the PEIR, the Sunnyvale WPCP would not be considered a historical resource as it does not meet the criteria for eligibility for listing in the National Register of Historic Places or California Register of Historical Resources. As such, any alterations or expansions to these facilities contemplated under the Project would have no impact on historical resources as defined by CEQA Section 15064.5.

#### **Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5**

As described in the PEIR, no archaeological resources were identified in the Sunnyvale WPCP through background research or field survey. While not expected, the unanticipated discovery

of archaeological resources or human remains cannot be entirely discounted. Impacts on archaeological resources would be potentially significant. Implementation of adopted **Mitigation Measure CUL-2, Unanticipated Discovery of Archaeological Resources**, would reduce impacts to a less-than-significant level by ensuring appropriate treatment of inadvertently discovered archaeological resources. With implementation of this mitigation measure, the Project would not result in any new or more significant impacts on previously unknown archaeological resources than those identified in the certified PEIR.

### **Directly or indirectly destroy a unique paleontological resource or site**

As described in the PEIR, while the paleontological sensitivity of the units underlying the site is low, there is a remote possibility that fossils may be discovered during excavations associated with components of the Project. Because the significance of such fossils would be unknown until examined by a qualified paleontologist, such an event represents a potentially significant impact on paleontological resources. Implementation of adopted **Mitigation Measure CUL-3, Unanticipated Discovery of Paleontological Resources**, would reduce impacts to a less-than-significant level by ensuring appropriate treatment of accidentally discovered paleontological resources.

### **Disturb any human remains, including those interred outside of formal cemeteries**

As described in the PEIR, no human remains, including those interred outside of formal cemeteries, are in the Project site or vicinity. Although unlikely, the discovery of human remains during construction that involves ground disturbance cannot be entirely discounted. Disturbance of human remains would be a potentially significant impact. Implementation of adopted **Mitigation Measure CUL-4, Unanticipated Discovery of Human Remains**, would reduce impacts to a less-than-significant level by ensuring appropriate treatment of inadvertently discovered human remains. With implementation of this mitigation measure, the Project would not result in any new or more significant impacts on previously unknown human remains than those identified in the certified PEIR.

### **Cumulative Cultural Resources Impacts**

The geographic scope for cumulative effects on cultural and paleontological resources includes the immediate vicinity of locations where the Project could cause disturbance to historical resources, unique archaeological resources, human remains, and/or paleontological resources. As the Project would not have an impact on historical resources there would be no cumulative impact. Similar to the proposed Project, cumulative projects in the Project vicinity could have a significant impact on previously undiscovered archaeological resources, including human remains interred outside of formal cemeteries, as well as paleontological resources during ground-disturbing activities. The potential impacts of the Project when considered together with similar impacts from other probable future projects in the vicinity could result in a significant cumulative impact on previously unknown archaeological resources, human remains, or paleontological resources. However, implementation of Mitigation Measures CUL-2, CUL-3, and CUL-4 would

require that work halt in the vicinity of a find until it is evaluated, and in the case of human remains the County Coroner is contacted. In addition, cumulative projects undergoing CEQA review would have similar types of unanticipated discovery measures. Therefore, with implementation of Mitigation Measures CUL-2, CUL-3, and CUL-4, the Project's contribution to cumulative impacts would not be considerable.

### 3.6.4 Conclusion

Implementation of the adopted mitigation measures applicable to cultural resources would reduce possible impacts related to archaeological resources, paleontological resources, and human remains during construction of the Project to a less than significant level, and the Project would not result in any new or more severe significant impacts.

---



## 3.7 Tribal Cultural Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>Tribal Cultural Resources —</b>				
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### 3.7.1 Setting

Since the adoption of the PEIR, Assembly Bill 52 (AB 52) was passed, which applies to projects for which a lead agency has issued a Notice of Preparation (NOP) of an environmental impact report or notice of intent to adopt a negative declaration on or after July 1, 2015. Tribal cultural resources were not analyzed in the PEIR.

### Environmental Setting

Tribal cultural resources are: 1) sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are listed, or determined to be eligible for listing in the California Register, or local register of historical resources, as defined in PRC Section 5020.1(k); or, 2) a resource determined by the lead CEQA agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c).

As described in Section 3.6, Cultural Resources, background research and a survey effort did not identify cultural resources in the Project area or in the vicinity. In addition, Native American outreach completed for the PEIR and consultation with the California State Historic Preservation Officer did not result in the identification of any tribal cultural resources in the Project vicinity (ESA, 2016).

### Regulatory Setting

#### State

In September 2014, the California Legislature passed AB 52, which added provisions to the PRC to evaluate under CEQA impacts on tribal cultural resources, as well as consultation requirements with California Native American tribes (PRC Section 21080.3.1, 21080.3.2, 21082.3). Lead

agencies are required to analyze project impacts on tribal cultural resources separately from archaeological resources (PRC Section 21074; 21083.09). A tribal cultural resource is defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Regarding impacts on tribal cultural resources, PRC Section 21084.3 states:

- a) Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.
- b) If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in Section 21080.3.2, the following are examples of mitigation measures that, if feasible, may be considered to avoid or minimize the significant adverse impacts:
  - 1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - 2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - (A) Protecting the cultural character and integrity of the resource.
    - (B) Protecting the traditional use of the resource.
    - (C) Protecting the confidentiality of the resource.
  - 3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - 4) Protecting the resource.

### 3.7.2 Discussion

#### **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)**

No known tribal cultural resources listed or determined eligible for listing in the California Register or included in a local register of historical resources as defined in PRC Section 5020.1(k), pursuant to PRC Section 21074(a)(1), would be impacted by the Project.

However, while unlikely, if any previously unrecorded archaeological resource were identified during ground-disturbing construction activities and were found to qualify as a tribal cultural resource pursuant to PRC Section 21074(a)(1) (determined to be eligible for listing in the California Register or in a local register of historical resources), any impacts on the resource resulting from the Project could be potentially significant. Any such potential significant impacts would be reduced to a less than significant level by implementing adopted **Mitigation Measure CUL-2, Unanticipated Discovery of Archaeological Resources** and **Mitigation Measure CUL-4, Unanticipated Discovery of Human Remains** (refer to Section 3.6).

With implementation of these mitigation measures, the Project would not result in any new impacts on tribal cultural resources.

A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

The City did not determine any resource that could potentially be affected by the Project to be a tribal cultural resource significant pursuant to criteria set forth in PRC Section 5024.1(c). Therefore, the Project is not anticipated to impact any such resources.

However, while unlikely, if any previously unrecorded archaeological resource were identified during Project implementation, particularly ground-disturbing construction activities, and were found to qualify as a tribal cultural resource pursuant to PRC Section 21074(a)(2) (determined by the lead agency to be significant pursuant to criteria set forth in PRC Section 5024.1[c]), any impacts on the resource resulting from the Project could be potentially significant. Any such potential significant impacts would be reduced to a less than significant level by implementing adopted **Mitigation Measure CUL-2, Unanticipated Discovery of Archaeological Resources**, and **Mitigation Measure CUL-4, Unanticipated Discovery of Human Remains** (refer to Section 3.6).

With implementation of these mitigation measures, the Project would not result in any new impacts on tribal cultural resources.

### 3.7.3 Conclusion

Implementation of the adopted mitigation measures applicable to cultural resources would reduce possible impacts related to tribal cultural resources during construction of the Project to a less than significant level, and the Project would not result in any new significant impacts.

---

## 3.8 References

- Affonso, J. 2020. Information Request for the Section 7 Consultation on the City of Sunnyvale Cleanwater Program Phase 2 Project, U.S. EPA Water Infrastructure Finance and Innovation Act Program. March 13, 2020. U.S. Fish and Wildlife Service.
- BAAQMD. 2017a, *Air Quality Standards and Attainment Status*, available at <http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status>, last updated January 5, 2017.
- BAAQMD. 2017b. Spare the Air Cool the Climate, 2017 Clean Air Plan. Available: [http://www.baaqmd.gov/~media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a\\_-proposed-final-cap-vol-1-pdf.pdf](http://www.baaqmd.gov/~media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf). Accessed May 23, 2017.
- BAAQMD. 2017c, *BAAQMD CEQA Air Quality Guidelines*, updated May 2017.
- BAAQMD. 2018, *Final Major Facility Review Permit Issued to City of Sunnyvale Water Pollution Control Plant Facility #A0733*, issued July 12, 2018.
- BAAQMD. 2022. *Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Change Impacts from Land Use Projects and Plans*, April 2022. Available at: <https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-thresholds-2022/justification-report-pdf.pdf?la=en>. Accessed August 2022.
- CARB. 2017. *California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target*, November 2017. Available online: [https://ww3.arb.ca.gov/cc/scopingplan/scoping\\_plan\\_2017.pdf](https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf).
- Carollo Engineers. 2022a. Response to Request for Information from ESA, Secondary Effluent Pipeline Replacement Project at the City of Sunnyvale Water Pollution Control Plant, June 10, 2022.
- Carollo Engineers. 2022b. City of Sunnyvale Cleanwater Program – P2.1 Pond Pipeline Design Basis of Design Report, Final, July 2022.
- Carollo/HDR. 2013. Master Plan and Primary Treatment Design Technical Memorandum, Hydrology Report: Master Plan. Final Draft. November.
- Chromczak, D. 2014. Burrowing owl habitat monitoring and census: 2013 Annual Summary Report. 25 January. Prepared for City of Sunnyvale. City of Sunnyvale, 2011. *General Plan*. Consolidated in July 2011.
- City of Sunnyvale. 2016. Sunnyvale Water Pollution Control Plant Master Plan Program Environmental Impact Report. Adopted August 23, 2016.
- City of Sunnyvale. 2019. Climate Action Playbook, August 2019. Available at <https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?t=73319.57&BlobID=26524>.
- City of Sunnyvale. 2020a. Policy 1.2.8 (Transportation Analysis Policy). Adopted June 30, 2020. Available at: <https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?blobid=27249>. Accessed August 25, 2020.

- City of Sunnyvale. 2020b. Zoning Map. Available: <https://gis.sunnyvale.ca.gov/portal/apps/webappviewer/index.html?id=22396bd2d48140088e8931f4780da54c>. Accessed May 23, 2022.
- City of Sunnyvale. 2022. Sunnyvale Cleanwater Program, Caribbean Drive Parking and Trail Access Enhancements. Available: <https://www.sunnyvalecleanwater.com/caribbean-drive-parking-and-trail-access-enhancements-2>. Accessed November 16, 2022.
- ESA. 2016. Draft Request for Concurrence on Section 106 Compliance and a Finding of No Historic Properties Affected for the Sunnyvale Pollution Control Plant; Clean Water State Revolving Fund. On behalf of the California State Water Resources Control Board, March 9, 2016.
- ESA. 2020. Sunnyvale Cleanwater Program Phase 2 Biological Resources Technical Report. Report to City of Sunnyvale. August 31, 2020.
- ESA. 2022. Draft Sunnyvale WPCP Secondary Effluent Pipeline Replacement Project Aquatic Resources Delineation Report. July 2022.
- Geosyntec. 2018. Memorandum: Response to Request for Information from ESA, Administration and Laboratory Building at the City of Sunnyvale Water Pollution Control Plant, October 16, 2018.
- iNaturalist. 2022. Available from <https://www.inaturalist.org>. Accessed August 15, 2022.
- Liu, L., J. Wood, N. Nur, L. Salas, and D. Jongsomjit. 2012. California Clapper Rail (*Rallus longirostris obsoletus*) Population monitoring: 2005-2011. PRBO Technical Report to the California Department of Fish and Game.
- OEI. 2020. California Ridgway's Rail Surveys for the San Francisco Estuary Invasive Spartina Project 2020. Report to The State Coastal Conservancy. Prepared by: Olofson Environmental, Inc. February 1, 2020.
- Office of Water Programs, California State University Sacramento. 2017. Water Quality of Flow Through Cured-In-Place Pipe (CIPP), February 2017.
- San Francisco Bay Regional Water Quality Control Board (RWQCB). 2004. Order No. R2-2004-0030 Updated Waste Discharge Requirements and Rescission of Order No. 89-105 for City of Sunnyvale, Sunnyvale Landfill, Sunnyvale, California.
- San Francisco Bay Regional Water Quality Control Board (RWQCB). 2020. Order No. R2-2020-0002 Waste Discharge Requirements for Sunnyvale Water Pollution Control Plant and wastewater collection system for City of Sunnyvale, Sunnyvale, California, effective April 1, 2020.
- Ulrick & Associates. 2021, *Results of Groundwater Modeling to Predict Effects of Sunnyvale Cleanwater Program Construction Activities, Compliance with Corrective Action Program Waste Discharge Requirements (Order No. R2-2014-0030)*[sic], April 2, 2021.
- Wood, et. al. 2017. Site-specific Protocol for Monitoring Marsh Birds: Don Edwards San Francisco Bay and San Pablo Bay National Wildlife Refuges. January 10, 2017.

This page intentionally left blank

## CHAPTER 4

---

### Conclusion

The Secondary Effluent Pipeline Replacement Project would not result in new or more severe significant impacts than those attributable to the project described in the Sunnyvale Water Pollution Control Plant (WPCP) Master Plan Program Environmental Impact Report (PEIR).

The analyses and discussion in Chapter 3 do not reflect involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There have been no changes in circumstances under which the Project is undertaken that would result in new significant environmental impacts or substantially more severe impacts, and no new information has become available that would indicate the potential for new significant impacts or substantially more severe impacts than were discussed in the PEIR. Therefore, no further evaluation is required, and no Subsequent EIR is needed pursuant to CEQA Guidelines Section 15162.



This page intentionally left blank

## CHAPTER 5

---

### Mitigation Monitoring and Reporting Program – Secondary Effluent Pipeline Replacement Project

**Table 4** presents mitigation measures and City actions to implement, monitor and report on these measures that apply to the Secondary Effluent Pipeline Replacement Project (Project). These measures include modifications to the original measures adopted by the City Council on August 23, 2016, and have been clarified as necessary to make them apply to the Project. The clarified mitigation measures do not change the original impact conclusions from the PEIR, nor are they considerably different from those analyzed in the PEIR.

**Table 5** presents other mitigation measures contained within the Sunnyvale Water Pollution Control Plant Master Plan Mitigation Monitoring and Reporting Program that do not apply to the Project, and the reasons that they do not apply.

This page intentionally left blank

TABLE 4  
MITIGATION MONITORING AND REPORTING PROGRAM – SECONDARY EFFLUENT PIPELINE REPLACEMENT PROJECT

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
Transportation					
<p><b>Mitigation Measure TR-1a: Truck Route Plan.</b></p> <p>As part of pre-construction submittals, the contractor(s) shall submit a truck route plan to the City of Sunnyvale Public Works Department for review and approval to help minimize impacts to adjacent roadways.</p>	Contractor(s) shall obtain approval of truck route plan and implement plan during construction	City of Sunnyvale Public Works Department	Verify, review and approve truck route plan.	Prior to construction	<i>Verified by:</i> <i>Date:</i>
<p><b>Mitigation Measure TR-1b: Implement a Temporary Traffic Control Plan.</b></p> <p>The City contractor(s) shall prepare and implement a traffic control plan using the City’s Temporary Traffic Control guidelines to reduce traffic impacts on the roadways at and near the work site, as well as to reduce potential traffic safety hazards and ensure adequate access for emergency responders. The City shall coordinate development and implementation of this plan with City departments (e.g., Emergency Services, Fire, Police, Transportation), as appropriate. To the extent applicable, the traffic control plan shall conform to the Caltrans’ <i>California Manual on Uniform Traffic Control Devices</i>, Part 6 (Temporary Traffic Control; Caltrans, 2014). The traffic control plan shall include, but not be limited to, the following elements:</p> <ul style="list-style-type: none"><li>• Circulation and detour plans to minimize impacts on local road circulation during road and lane closures. Flaggers and/or signage shall be used to guide vehicles through and/or around the construction zone.</li><li>• Controlling and monitoring construction vehicle movement through the enforcement of standard construction specifications by onsite inspectors.</li><li>• Sufficient staging areas for trucks accessing construction zones to minimize disruption of access to adjacent public rights-of-way.</li><li>• Scheduling truck trips outside the peak morning and evening commute hours to the extent possible.</li><li>• Maintaining pedestrian and bicycle access and circulation during project construction where safe to do so. If construction activities encroach on bicycle routes or multi-use paths, advance warning signs (e.g., “Bicyclists Allowed Use of Full Lane” and/or “Share the Road”) shall be posted that indicate the presence of such users.</li><li>• Identifying detours for bicycles and pedestrians, where applicable, in all areas affected by project construction.</li><li>• Implementing roadside safety protocols. Advance “Road Work Ahead” warning and speed control signs (including those informing drivers of State legislated double fines for speed infractions in a construction zone) shall be posted to reduce speeds and provide safe traffic flow through the work zone.</li><li>• Coordinating construction with administrators of police and fire stations (including all fire protection agencies), and recreational facility managers. Operators shall be notified in advance of the timing, location, and duration of construction activities and the locations of detours and lane closures, where applicable.</li><li>• Storing all equipment and materials in designated contractor staging areas on or adjacent to the worksite, such that traffic obstruction is minimized.</li></ul>	Contractor(s) shall prepare plan that adheres to all measures listed  Contractor(s) shall implement plan	City of Sunnyvale Public Works Department	Verify inclusion of plan in contract specifications	Prior to construction	<i>Verified by:</i> <i>Date:</i>
<p><b>Mitigation Measure C-TR-1: Implement Coordinated Transportation Management Plan.</b></p> <p>Prior to construction, the City’s respective contractor(s) shall develop a Coordinated Transportation Management Plan, and the City and its contractor(s) shall work with other projects’ contractors and appropriate County and/or City departments (e.g., Emergency Services, Fire, Police, Transportation) as needed to prepare and implement a transportation management plan for roadways adjacent to and directly affected by the Project Master Plan improvements or the WPF, and to address the transportation impact of the overlapping construction projects within the vicinity of the Project Master Plan or the WPF in the region. The transportation management plan shall include, but not be limited to, the following requirements:</p> <ul style="list-style-type: none"><li>• Coordination of individual traffic control plans for the <u>Project Master Plan</u> or WPF with nearby projects.</li><li>• Coordination between the contractor and other project contractors in developing circulation and detour plans that include safety features (e.g., signage and flaggers). The circulation and detour plans shall address:<ul style="list-style-type: none"><li>– Full and partial roadways closures</li><li>– Circulation and detour plans to include the use of signage and flagging to guide vehicles through and/or around the construction zone, as well as any temporary traffic control devices</li><li>– Bicycle/Pedestrian detour plans, where applicable</li><li>– Parking along public roadways</li><li>– Haul routes for construction trucks and staging areas for instances when multiple trucks arrive at the work sites</li><li>– Protocols for updating the transportation management plan to account for delays or changes in the schedules of individual projects.</li></ul></li></ul>	City’s contractor(s) shall develop a plan that adheres to all measures listed.  The City and its contractor(s) shall work with other project contractors, if necessary, and appropriate County and/or City departments for preparation and implementation of this plan.	City of Sunnyvale Public Works Department	Verify inclusion of this plan in the contract specifications.	Prior to construction	<i>Verified by:</i> <i>Date:</i>

TABLE 4 (CONTINUED)  
MITIGATION MONITORING AND REPORTING PROGRAM – SECONDARY EFFLUENT PIPELINE REPLACEMENT PROJECT

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
Air Quality					
<p><b>Mitigation Measure AQ-2a: Implement BAAQMD Basic Construction Mitigation Measures.</b></p> <p>The City shall implement the following applicable BAAQMD Basic Construction Mitigation Measures to reduce emissions of fugitive dust and equipment exhaust:</p> <ul style="list-style-type: none"><li>All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li><li>All haul trucks transporting soil, sand, or other loose material offsite shall be covered.</li><li>All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li><li>All vehicle speeds on unpaved roads shall be limited to 15 mph.</li><li>All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li><li>Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li><li>All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.</li><li>Post a publicly visible sign with the telephone number and person to contact at the City or City's contractor regarding dust complaints. This person shall respond and the contractor shall take corrective action within 48 hours.</li></ul>	City or its contractor(s) implement BAAQMD Basic Construction Measures	City of Sunnyvale Public Works Department	<p>Verify inclusion of measures in contract specifications and construction plans.</p> <p>Inspect construction site to confirm compliance by the contractor, report non-compliance and ensure corrective action.</p>	<p>Prior to construction</p> <p>During construction</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>
Biological Resources					
<p><b>Mitigation Measure BIO-1a: Reduce Impacts on Congdon's Tarplant.</b></p> <ul style="list-style-type: none"><li>Within 2 years prior to initial ground disturbance for activities outside the main plant fenceline, the City will retain a qualified biologist, or require the contractor to retain a qualified biologist, to conduct protocol-level surveys for Congdon's tarplant in suitable habitat in, and within 50 feet of, the proposed construction footprint. These surveys will be conducted in accordance with the protocols established by the CDFW and CNPS, and shall coincide with the bloom period for the species (May through November).</li><li>If Congdon's tarplant is present in the survey area, the City contractor will avoid impacts on individuals of this species to the extent feasible during implementation of the <u>Project Master Plan</u>.</li><li>If Congdon's tarplant is present near the limits of disturbance, the City contractor will maintain a buffer free from construction-related activities around the tarplant occurrence; this buffer will be at least 50 feet if feasible, but large enough to avoid indirect impacts such as dust mobilization and alteration of hydrology. The City contractor shall demarcate the buffer in the field with orange fencing. No equipment or vehicles shall be permitted within the buffer area during construction.</li><li>If 15 percent or more of the known population of Congdon's tarplant within five miles of the <u>work Master Plan</u> area at the time of impact would be affected by the <u>Project Master Plan</u>, the City will provide compensatory mitigation. To compensate for loss of individual Congdon's tarplants, offsite habitat either occupied by the species or suitable for restoration to support the species and revegetated with this species (such as Sunnyvale Baylands Park) shall be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant affected). Seeds from the affected population shall be collected and used to seed the mitigation area.</li></ul>	<p>Contractor(s) shall prepare construction plans that incorporate protocol-level pre-construction surveys for Congdon's tarplant.</p> <p>The Contractor shall identify a qualified biologist.</p> <p>Qualified biologist will conduct pre-construction surveys.</p> <p>Qualified biologist to inspect construction site to confirm implementation of measures.</p> <p>Locate compensatory mitigation site, as needed, and select qualified biologist to collect and disseminate seeds from affected population during appropriate season (generally September/October)</p> <p>Qualified biologist shall collect and disseminate seeds from affected population during appropriate season</p>	City of Sunnyvale Public Works Department	<p>Review qualifications of Contractor-nominated biologist and either approve or recommend identification of additional candidates.</p> <p>Review pre-construction survey reports for recommended avoidance, buffer, and/or need for compensatory mitigation.</p> <p>Inspect and confirm implementation of construction buffer zone(s) based on pre-construction survey results.</p> <p>Review pre-construction survey reports for recommended avoidance, buffer, and/or need for compensatory mitigation.</p> <p>Secure record of planting from qualified biologist</p>	<p>Prior to commencement of construction.</p> <p>After completion of pre-construction survey report.</p> <p>One inspection shall occur during each phase of construction.</p> <p>After completion of pre-construction survey report.</p> <p>After completion of planting.</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>
<p><b>Mitigation Measure BIO-2a: Worker Environmental Awareness Training.</b></p> <p>The City will retain, or require the contractor to retain, a qualified biologist to conduct mandatory contractor/worker environmental awareness training for all construction personnel working on project activities outside of the main plant, including but not limited to <del>Ponds 1 and 2, the diurnal equalization and emergency storage basins, channel levees, and the Bay Trail parking relocation area</del>. The awareness training will be provided to all construction personnel to brief them on the potential for special-status species to occur on the site, the need to avoid effects to special-status species and their habitats, and all project mitigation measures pertaining to biological resources and water quality. If new construction personnel are added, the contractor will ensure that the personnel receive the mandatory training before starting work. A representative will be appointed during the employee education program to be the contact for any employee or contractor who might inadvertently kill or injure a special-status species or who finds a dead, injured, or entrapped individual. The representative's name and telephone number will be provided to the City prior to the initiation of construction activities outside of the main plant.</p>	<p>City or contractor(s) to retain a qualified biologist to conduct environmental awareness training for construction personnel.</p> <p>Qualified biologist to conduct training(s)</p>	City of Sunnyvale Public Works Department	<p>Review qualifications of Contractor-nominated biologist and either approve or recommend identification of additional candidates.</p> <p>Verify inclusion of the Plan in contract specifications.</p> <p>Record name of appointed representative to contact</p> <p>Record date(s) of training</p>	<p>Prior to construction outside of the main plant</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

TABLE 4 (CONTINUED)  
MITIGATION MONITORING AND REPORTING PROGRAM – SECONDARY EFFLUENT PIPELINE REPLACEMENT PROJECT

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
Biological Resources (cont.)					
<p><b>Mitigation Measure BIO-2b: Minimization of Impacts on Water Quality.</b></p> <p>The following measures will be incorporated into the construction stormwater pollution prevention plan and implemented during construction of <del>the Project</del> <del>Master Plan</del> improvements to avoid or minimize impacts on water quality:</p> <ul style="list-style-type: none"><li>• Earth-moving in areas draining directly to wetlands and aquatic habitats will not occur during days when rain is occurring or predicted to occur (i.e., greater than 40 percent chance) during the work period. This measure applies to all Project areas with potential to drain directly to wetlands or aquatic habitats, particularly in or adjacent to <del>the Southeast Channel, the Sunnyvale West Channel, the Cargill Channel, the Moffett Channel,</del> Ponds 1 and 2, and SCVWD Pond A4.</li><li>• All permit conditions, legal requirements, and appropriate dredging and engineering practices shall be followed to avoid and minimize water quality impacts <del>associated with Master Plan activities</del>. Suitable erosion control, sediment control, source control, treatment control, material management, and stormwater management BMPs will be implemented consistent with the latest edition of the California Stormwater Quality Association “Stormwater Best Management Practices Handbook,” available at <del>www.capmhandbooks.com</del> <del>www.casqa.org</del>.</li><li>• Spill prevention kits shall always be in close proximity when using hazardous materials (e.g., crew trucks and other logical locations). Feasible measures shall be implemented to ensure that hazardous materials are properly handled and the quality of aquatic resources is protected by all reasonable means when removing vegetation and sediments from the channels.</li><li>• No fueling shall be done in areas immediately adjacent to (i.e., within 50 feet of) channels, ponds, or wetlands. For stationary equipment that must be fueled on site, containment shall be provided in such a manner that any accidental spill of fuel shall not be able to enter the water or contaminate sediments that may come in contact with water. Any equipment that is readily moved out of the channels, ponds, or wetlands shall not be fueled in these sensitive habitat areas or the immediate floodplains surrounding them.</li><li>• A hazardous materials management/fuel spill containment plan will be developed and implemented by the construction contractor and given to all contractors and biological monitors <del>working on the Master Plan</del>, with at least one copy of the plan located onsite at all times. The purpose of the plan is to provide onsite construction managers, environmental compliance monitors, and regulatory agencies with a detailed description of hazardous materials management, spill prevention, and spill response/cleanup measures associated with the construction <del>activities of Master Plan elements</del>. The primary objective of the plan is to prevent a spill of hazardous materials. Elements of the plan will include, but are not limited to the following:<ul style="list-style-type: none"><li>– A discussion of hazardous materials management, including delineation of hazardous material and hazardous waste storage area, access and egress routes, waterways, emergency assembly areas, and temporary hazardous waste storage areas;</li><li>– Materials Safety Data Sheets for all chemicals used and stored on site;</li><li>– An inventory list of emergency equipment;</li><li>– Spill control and countermeasures including employee spill prevention/response training;</li><li>– Notification and documentation procedures; and</li><li>– A monthly reporting plan.</li></ul></li><li>• Vehicles will be checked daily for oil or fuel leaks and will be washed only at an approved area (<del>existing construction yards or legally operating car washes</del>) <del>as described above for Mitigation Measure BIO-1b</del>. No washing of vehicles will occur in <del>work Master Plan</del> areas located outside of the main plant fenceline.</li><li>• The work site, areas adjacent to the site, and access areas will be maintained in an orderly condition, free and clear from debris and discarded materials. This measure includes all <del>work Master Plan</del> areas located outside of the main plant fenceline. Personnel will not sweep, grade, or flush surplus materials, rubbish, debris, or dust onto adjacent areas or waterways. Upon completion of work, all building materials, debris, unused materials, concrete forms, and other construction-related materials will be removed from the <del>work Master Plan</del> areas located outside of the main plant fenceline.</li><li>• Stockpiled materials outside of the main plant fenceline will be covered by plastic sheeting, tarps, or similar material that can be secured during wind and rain. A sediment fence or berm will be installed around stockpiled dredged material to prevent runoff from transporting sediment into sensitive habitats (such as the channels, ponds, and wetlands). Heavy equipment will not be operated in the active channels or within wetland habitats, but instead from existing hardscape, access roads, and levees.</li><li>• Water conservation methods will ensure that water used in the <del>work Master Plan</del> area does not create surface flows capable of carrying pollutants to the nearby creek channel. All personnel, including sub-contractors will be instructed on the practical methods of preventing leaks or over-use of watering, and will be required to adhere to the practices in the detail sheets provided. Woody debris from tree trimming and other activities will not be left in the active channels or in wetland habitats.</li><li>• In-channel vegetation removal may result in increased local erosion in the channels due to increased flow velocity. To minimize such erosion, the toe of the bank will be protected by leaving vegetation within the channel to the maximum extent practicable.</li><li>• Cofferdams or silt fencing will be used to the extent feasible during construction and maintenance activities that could potentially result in substantial siltation of open water. For any work within aquatic or wetland habitats, such as <del>Ponds 1 and 2, Moffett Channel, Pond Recirculation Channel,</del> or the Cargill Channel, silt curtains will be installed to prevent suspended sediments from migrating out of the immediate work area, and <del>dredging in-water work</del> will be conducted on incoming tides to the extent feasible to further reduce the potential for sediment mobilization outside the <del>Master Plan</del> area. <del>Prior to removal of coffer dams, water from adjacent areas of the respective water body will be pumped back into the dewatered area to avoid erosion of levees or release of sediment into aquatic habitats (e.g., water from Cargill Channel west of the coffer dam will be pumped into the eastern dewatered area of Cargill Channel). Dredging within aquatic or wetland habitats will be conducted with a closed clamshell-style dredge to reduce the amount of suspended sediment produced. Dredge volumes will be documented to ensure compliance with and adequate performance of these measures.</del></li></ul>	<p>City or contractor(s) to retain a qualified water quality specialist to prepare a stormwater pollution prevention plan that adheres to all measures</p> <p>Contractor(s) to include plan in construction plans</p>	<p>City of Sunnyvale Public Works Department</p>	<p>Verify inclusion of plan in contract specifications</p> <p>Review monthly hazardous materials management/fuel spill containment plan reports for compliance with measure</p> <p>Document dredging volumes in compliance with measure</p>	<p>Prior to construction</p> <p>During construction</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

TABLE 4 (CONTINUED)  
MITIGATION MONITORING AND REPORTING PROGRAM – SECONDARY EFFLUENT PIPELINE REPLACEMENT PROJECT

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
Biological Resources (cont.)					
<p><b>Mitigation Measure BIO-2c: Special-Status Fish Measures.</b></p> <p>The following measures will be implemented during construction of the <del>Master Plan</del> <u>Project</u> to avoid or minimize impacts on special-status fish species:</p> <ul style="list-style-type: none"><li>Impacts on tidal waters where special-status fish and Essential Fish Habitat may occur will be minimized to the extent feasible.</li><li>Construction activities in, or directly adjacent to, waters where green sturgeon, longfin smelt, steelhead, or Chinook salmon may be present will be performed between June 1 and November 30. These waters include but are not limited to the Moffett Channel and the Sunnyvale West Channel.</li><li>Activities that extend into the waters where special-status fish may be present, <del>such as levee breaching for active restoration of Ponds 1 and 2,</del> will be performed at low tide and/or under de-watered conditions, to the extent practicable.</li><li><del>A Fish Rescue Plan will be developed for in-water work and coffer dam dewatering activities where special-status fish may be present. The plan will require that a qualified fisheries biologist approved by the Service and NMFS supervise fish rescue and relocation efforts in in-water work areas. The Fish Rescue Plan will include reporting requirements to the Service and NMFS and describe methods for minimizing the risk of stress and mortality due to capture and handling of fishes removed from the construction site and returned to downstream waterways.</del></li><li><del>If pile driving or installation of temporary sheet piles is necessary during construction or restoration activities outside of the main plant fenceline, such as for earthwork, foundations, or dewatering, then pile Pile driving where special-status fish may be present will be performed using a vibratory hammer to minimize the potential effects of noise and pressure-waves on fish.</del></li><li>National Marine Fisheries Service personnel will be immediately notified of any observed fish mortality events associated with <del>Master Plan</del> <u>Project</u> activities.</li><li><del>Tidally restored ponds will contain channels that are adequate for the ingress and egress of fish with tidal circulation to avoid fish stranding.</del></li><li>Treated wood will not be used in structures that may come into contact with water</li></ul>	<p>Contractor to include requirements in construction plans</p> <p>City or contractor to notify NMFS of fish mortality events observed</p>	City of Sunnyvale Public Works Department	<p>Verify inclusion of these measures in contract specifications and construction plans</p> <p>Record fish mortality events and confirm reporting to NMFS</p>	<p>Prior to construction</p> <p>During construction</p>	
<p><b>Mitigation Measure BIO-2d: Western Pond Turtle Measures.</b></p> <p>The following measures will be implemented to avoid and minimize impacts on western pond turtles in portions of the <del>Master Plan</del> <u>work</u> area outside of the main plant fenceline, particularly in or near the Sunnyvale West Channel:</p> <ul style="list-style-type: none"><li>Impacts on aquatic habitat of the western pond turtle, such as the Sunnyvale West Channel, will be minimized to the extent feasible.</li><li>A qualified biologist shall conduct a survey for western pond turtles and their nests immediately (i.e., within 2 hours) prior to commencement of work along <u>aquatic habitat the Sunnyvale West Channel</u>. If a western pond turtle is found in an area where it could be injured or killed by <del>Master Plan improvement</del> <u>Project</u> activities, the biologist will relocate the turtle to an appropriate site outside the construction disturbance area.</li><li>Following the initial survey, a construction crewmember who has been trained to identify western pond turtles by a qualified biologist shall conduct a survey of the work area along <u>aquatic habitat the Sunnyvale West Channel area</u> each morning prior to the onset of construction activities. If a turtle is located, all work in the vicinity shall immediately cease, and a qualified biologist shall be contacted. Work within the area shall not resume until the turtle has been relocated or has moved on its own out of the construction disturbance area.</li><li>If an active western pond turtle nest is detected within the activity area, a 25 foot-buffer zone around the nest will be established and maintained during the nesting season (April 1 through August 31) until the young have left the nest or it is no longer active due to predation, as determined by a qualified biologist.</li></ul>	<p>Contractor to retain qualified biologist</p> <p>Contractor to prepare construction plans that incorporate pond turtle survey</p> <p>Biologist to conduct survey prior to construction</p> <p>Biologist to train construction crew member</p> <p>Biologist to implement buffer if nest is found</p>	City of Sunnyvale Public Works Department	<p>Review qualifications of Contractor-nominated biologist and either approve or recommend identification of additional candidates.</p> <p>Verify inclusion of these measures in contract specifications and construction plans</p> <p>Review survey report</p>	<p>Prior to construction</p>	
<p><b>Mitigation Measure BIO-2e: Burrowing Owl Measures.</b></p> <p>The following measures will be implemented to avoid and minimize impacts on burrowing owls in the <del>Master Plan</del> <u>work</u> area, particularly on the closed landfill and along the Sunnyvale West Channel but also including areas <del>within</del> <u>along</u> the main plant fenceline that may support ground squirrel burrows:</p> <ul style="list-style-type: none"><li>Preconstruction surveys for burrowing owls will be conducted by a qualified biologist prior to all construction activities that occur within 250 feet of potential burrowing owl habitat <del>on the closed landfill or along the Sunnyvale West Channel</del>, in conformance with CDFW protocols. This measure applies to construction activities inside of the main plant fenceline only where ground squirrel burrows are present <del>or for these activities located within 250 feet of suitable burrowing owl habitat on the closed landfill or Sunnyvale West Channel</del>. The final survey will occur no more than 2 days prior to the start of any ground-disturbing activity such as clearing and grubbing, excavation, or grading, or any similar activity within 250 feet of suitable habitat that could disturb nesting owls. If no burrowing owls are located during these surveys, no additional action would be warranted. However, if burrowing owls are located on or immediately adjacent to impact areas, the following measures would be implemented.</li><li>If burrowing owls are present during the nonbreeding season (generally 1 September to 31 January), the City/contractor would maintain a 150-foot buffer zone, within which no new <del>Master Plan</del> <u>Project</u>-related activity would occur, around the occupied burrow(s) if feasible. However, this buffer distance would not apply to existing operations and maintenance activities in the main plant. A reduced buffer distance is acceptable during the nonbreeding season as long as construction avoids direct impacts on the burrow(s) used by the owls. During the breeding season (generally 1 February to 31 August), a 250-foot buffer, within which no new <del>Master Plan</del> <u>related</u>-activity would be permissible, would be maintained between <del>Master Plan</del> activities and occupied burrows. Owls present at burrows on the site after 1 February would be assumed to be nesting on or adjacent to the site unless evidence indicates otherwise. This protected area would remain in effect until 31 August, or based upon monitoring evidence, until young owls are foraging independently or until the nest is no longer active.</li></ul>	<p>Contractor to prepare plans that incorporate preconstruction surveys, buffer zones, and relocation plan</p> <p>Contractor to identify qualified biologist to conduct preconstruction surveys</p> <p>Qualified biologist to establish buffer zones or conduct owl relocation, as needed</p>	City of Sunnyvale Public Works Department	<p>Review qualifications of Contractor-nominated biologist and either approve or recommend identification of additional candidates.</p> <p>Verify inclusion of these measures in contract specifications and construction plans</p> <p>Review survey report</p> <p>If burrowing owls present, inspect construction site to confirm buffer zones</p>	<p>Prior to construction</p> <p>During construction</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

TABLE 4 (CONTINUED)  
MITIGATION MONITORING AND REPORTING PROGRAM – SECONDARY EFFLUENT PIPELINE REPLACEMENT PROJECT

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
Biological Resources (cont.)					
<ul style="list-style-type: none"><li>In the unlikely event that an occupied burrowing owl burrow is within the construction footprint (e.g., on the bank of a levee), and the burrow cannot be avoided, the owl will be evicted from the burrow by a qualified biologist using one-way doors. The biologist will leave the one-way doors in place for at least 48 hours, checking them daily to ensure that they are functioning properly. If the biologist cannot be certain that the owl is outside the burrow (e.g., if the one-way doors were installed when the owl was inside the burrow and the owl cannot be detected outside later), then the burrow will be excavated by hand prior to being filled to ensure that no owl is trapped inside. Otherwise, the burrow will be backfilled after the owl has been evicted. No burrowing owls will be evicted from burrows during the nesting season unless evidence indicates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season).</li></ul>					
<p><b>Mitigation Measure BIO-2f: California Ridgway’s Rail and California Black Rail Measures.</b></p> <p>The following measures will be implemented for activities outside of the main plant fenceline to avoid and minimize impacts on California Ridgway’s rails and California black rails, particularly in tidal marsh habitats associated with the Moffett Channel:</p> <ul style="list-style-type: none"><li>Impacts on tidal wetland habitat of these species will be avoided <del>minimized to the extent feasible</del>. Tidal wetland habitat for these species occurs in the northern portions of the <del>work Master Plan</del> area, in association with the Moffett Channel. <del>Suitable tidal wetland habitat for these species is not present within the main plant fenceline.</del></li><li>To avoid causing the abandonment of an active nest, construction activities within 700 feet of vegetated tidal marsh providing suitable breeding habitat for Ridgway’s rails or black rails (i.e., the area along Moffett Channel where the marsh <del>begins to</del> widens <del>near the pond circulation pump station just upstream from its confluence with Guadalupe Slough, or the large marsh area along Guadalupe Slough north of Pond 4</del>) will be avoided during the breeding season from February 1 through August 31 <del>unless protocol level surveys are conducted to determine rail locations and territories the same year in which these construction activities occur. If breeding Ridgway’s rails or black rails are determined to be present, activities will not occur within 700 feet of areas in which Ridgway’s rails or black rails were heard calling during protocol level surveys. If the intervening distance across a major slough channel (e.g., Moffett Channel or Guadalupe Slough) or across a substantial barrier between the locations of rail detections and any construction activity area is greater than 200 feet, then it may proceed at that location within the breeding season.</del></li><li>If areas within or adjacent to rail habitat cannot be avoided during the breeding season (February 1 through August 31), protocol-level surveys shall be conducted to determine rail nesting locations. The surveys will focus on potential habitat that could be disturbed by construction activities during the breeding season to ensure that rails are not breeding in these locations.<ul style="list-style-type: none"><li>Survey methods for rails will follow the <u>Site-Specific Protocol for Monitoring Marsh Birds</u>, which was developed for use by the USFWS and partners to improve bay-wide monitoring accuracy by standardizing surveys and increasing the ability to share data (Wood et al. 2017). Surveys are concentrated during the approximate period of peak detectability, January 15 to March 25 and are structured to efficiently sample an area in three rounds of surveys by broadcasting calls of target species during specific periods of each survey round. Call broadcast increase the probability of detection compared to passive surveys when no call broadcasting is employed. The survey protocol for Ridgway’s rail is summarized below.<ul style="list-style-type: none"><li>Previously used survey locations (points) should be used when available to maintain consistency with past survey results. Adjacent points should be at least 200 meters (656 feet) apart along transects in or adjacent to areas representative of the marsh. Points should be located to minimize disturbances to marsh vegetation. Up to 8 points can be located on a transect.</li><li>At each transect, three surveys (rounds) are to be conducted, with the first round of surveys initiated between January 15 and February 6, the second round performed February 7 to February 28, and the third round March 1 to March 25. Surveys should be spaced at least one week apart and the period between March 25 to April 15 can be used to complete surveys delayed by logistical or weather issues. A Federal Endangered Species Act Section 10(a)(1)(A) permit is required to conduct active surveys.</li><li>Each point on a transect will be surveyed for 10 minutes each round. A recording of calls available from USFWS is broadcast at each point. The recording consists of 5 minutes of silence, followed by a 30-second recording of Ridgway’s rail vocalizations, followed by 30 seconds of silence, followed by a 30-second recording of California black rail, followed by 3.5 minutes of silence.</li></ul></li><li>If no breeding California Ridgway’s rails are detected during surveys, or if their breeding territories can be avoided by 700 feet, then Project activities may proceed at that location.</li><li>If protocol surveys determine that breeding California Ridgway’s rails are present in the Project area, the following measures would apply to Project activities conducted during their breeding season (February 1- August 31):<ul style="list-style-type: none"><li>A USFWS- and California Department of Fish and Wildlife (CDFW)-approved biologist with experience recognizing California Ridgway’s rail vocalizations will be on site during construction activities occurring within 700 feet of suitable rail breeding habitat.</li><li>If a California Ridgway’s rail vocalizes or flushes within 10 meters (33 feet), it is possible that a nest or young are nearby. If an alarmed bird or nest is detected, work will be stopped, and workers will leave the immediate area carefully and quickly. The location of the sighting will be recorded to inform future activities in the area.</li><li>All crews working in rail habitat during the breeding season will be trained and supervised by a USFWS- and CDFW-approved rail biologist.</li></ul></li></ul></li></ul>	<p>Contractor to prepare construction plans incorporating requirements of the measure</p> <p>Prior to February 1 of the years during which activities would occur within 700 feet of suitable breeding habitat, qualified biologist to conduct protocol-level surveys</p>	<p>City of Sunnyvale Public Works Department</p>	<p>Verify inclusion of these measures in contract specifications and construction plans</p>	<p>Protocol-level survey begins mid-January prior to construction</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>



TABLE 4 (CONTINUED)  
MITIGATION MONITORING AND REPORTING PROGRAM – SECONDARY EFFLUENT PIPELINE REPLACEMENT PROJECT

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
Biological Resources (cont.)					
<ul style="list-style-type: none"><li>Aside from continued use of recreational trails established prior to the start of the breeding season (which may continue), only routine inspection, maintenance, or monitoring activities that have little potential for effects on rails due to their short durations, distance from rail habitat, or low-magnitude effects may be performed during the breeding season in areas within or adjacent to rail breeding habitat. Otherwise, with USFWS and CDFW approval on a case-by-case basis, construction activities may take place after July 15 in a given area if the activity is thought to be minimally disturbing to breeding rails.</li><li>The extent of impacts <del>near or</del> tidal marsh will be clearly demarcated in the field <u>prior to construction</u>, and no impacts (including construction access) will occur outside those limits.</li><li>Silt fencing or similar material will be installed <u>at the perimeter of work areas</u>, between all areas of earth-moving and marsh <del>outside the impact area</del> to prevent dirt and other materials from entering marsh areas that are not intended to be affected.</li><li>No animals can be brought to the project site to avoid harassing, killing, or injuring wildlife.</li><li>The project site will be maintained trash-free, and food refuse will be contained in secure bins and removed daily during construction and dredging.</li><li>Nighttime work near tidal marsh habitat will be avoided to the extent feasible. If nighttime work cannot be avoided, lighting will be directed to the work area and away from tidal marsh habitat.</li></ul>					
<p><b>Mitigation Measure BIO-2g: Salt Marsh Harvest Mouse and Salt Marsh Wandering Shrew Measures</b></p> <p>The following measures will be implemented for activities outside of the main plant fence line to avoid and minimize impacts on the salt marsh harvest mouse and salt marsh wandering shrew, particularly in marsh habitat associated with <del>the</del> Moffett Channel, <u>and Cargill Channel</u>:</p> <ul style="list-style-type: none"><li><u>A USFWS and CDFW-approved biologist, with knowledge and experience with salt marsh harvest mouse and salt marsh wandering shrew habitat requirements, will conduct pre-construction surveys for these species and identify and mark suitable habitat prior to Project initiation.</u></li><li><del>Impacts on pickleweed and wetland habitat that may support these species will be minimized to the extent feasible. Wetland habitat that may support these species occurs in the northern portion of the Master Plan area, in association with the Moffett Channel and the Cargill Channel. No suitable habitat for these species occurs within the main plant fence line.</del></li><li>To avoid the loss of individual harvest mice or wandering shrews from any excavation, fill, or construction activities in suitable habitat, vegetation removal and fill in marsh habitats, including the Moffett Channel and the Cargill Channel, will be limited to the minimum amount necessary <del>to implement the Master Plan improvements</del>. Wherever feasible, sufficient pickleweed habitat will remain adjacent to the activity area to provide refugia for displaced individuals.</li><li>In areas where salt marsh harvest mice or wandering shrew habitat will be affected, vegetation and debris that could provide cover for mice will be removed using only <u>mechanized hand tools, or by another method approved by the USFWS and CDFW</u>, at least three weeks prior to the commencement of construction activities. Vegetation removal will occur under the supervision of a qualified biologist. The vegetation will be removed on a progressive basis, such that the advancing front of vegetation removal moves toward vegetation that would not be disturbed. In some cases, temporary shelter consisting of dead vegetation may be positioned to provide escape routes to suitable habitat. A qualified biologist will monitor the vegetation removal and make specific recommendations with respect to the rate of vegetation removal (to ensure that any harvest mice or wandering shrews present are able to escape to cover that will not be affected), whether vegetation needs to remain in a certain area temporarily to facilitate dispersal of mice into habitat outside the impact area, and whether any berms are necessary to allow mice or shrews to disperse across wetted channels.</li><li>Following the <del>hand</del>-removal of vegetation in areas where these species may be affected, exclusion fencing will be erected as needed between construction areas and harvest mouse/wandering shrew habitat that is to remain unaffected to define and isolate protected habitat for <del>this</del> these species. This fencing will consist of <del>heavy plastic sheeting or metal</del> material that cannot be climbed by harvest mice or wandering shrews, or similar Resource Agency-approved exclusion materials, buried at least 4 inches below the ground's surface and with at least 1 foot (but no more than 4 feet) above the ground. All supports for the fencing will be placed on the inside of the work area. A 4-foot buffer will be maintained free of vegetation around the outside of the exclusion fencing. The fencing will be inspected daily during construction, and any necessary repairs will be made within 24 hours of when they are found. If any breaks in the fencing are found, a qualified biologist will inspect the work area for salt marsh harvest mice or wandering shrews. <del>If any individual harvest mice are found within the impact footprint, they will be allowed to move on their own (although shrews may be relocated by a qualified biologist) to vegetated areas outside the impact footprint.</del></li><li>During construction in areas where salt marsh harvest mice and wandering shrews may be affected, a qualified biologist will check underneath vehicles and equipment for these species before such equipment is moved during each day of construction, unless the equipment is surrounded by exclusion fencing. <del>Based on current design concepts, the Master Plan is expected to affect approximately 1.5 acres of tidal coastal brackish marsh (in the Moffett Channel) and another 0.5 acre of non-tidal salt marsh (in the Cargill Channel) that could potentially support these species through raising (and as a result widening) an access road and construction of a new pipeline segment to the diurnal equalization basins. To compensate for these habitat impacts, the City will provide mitigation through a combination of (a) the purchase of credits in an approved conservation bank that provides habitat suitable for use by these species and/or (b) tidal marsh habitat restoration onsite or offsite. Owing to the relatively low quality of habitat provided by the wetlands to be affected by Master Plan activities, this mitigation will be provided at a minimum ratio of 1:1 (mitigation:impact) on an acreage basis. This mitigation can be provided using the same mitigation area as described in Mitigation Measure BIO 3b for wetlands as long as the habitat is suitable for the salt marsh harvest mouse and salt marsh wandering shrew and provides vegetated wetlands adequate to compensate for impacts on these species' habitats at a 1:1 ratio.</del></li></ul>	<p>Contractor to prepare construction plans incorporating requirements of the measure</p> <p>Contractor to inspect fencing daily during construction</p> <p>Contractor to identify qualified biologist to check underneath vehicles and equipment for species before equipment is moved each day.</p>	City of Sunnyvale Public Works Department	Verify inclusion of these measures in contract specifications and construction plans	Prior to and during construction	<p><i>Verified by:</i></p> <p><i>Date:</i></p>



TABLE 4 (CONTINUED)  
MITIGATION MONITORING AND REPORTING PROGRAM – SECONDARY EFFLUENT PIPELINE REPLACEMENT PROJECT

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
Biological Resources (cont.)					
<ul style="list-style-type: none"><li>A qualified biologist will monitor activity at each nest for 8 hours on the first day that construction occurs within the standard buffer (e.g., within 100 feet of a non-raptor nest). If the biologist determines that the birds’ behavior is not adversely affected, <del>Master Plan Project</del> activities may continue. The biologist should continue to monitor the nests for 1 hour/day on any day when construction activities occur within the standard buffer around an active nest.</li><li>If at any time the biologist determines that <del>Master Plan Project</del> activities within the standard buffer is adversely affecting the behavior of the birds such that the nest is in jeopardy of failing, construction activities should retreat to honor the standard buffer until the nest is no longer active (i.e., the young have fledged)</li></ul>					
<p><b>Mitigation Measure BIO-3a: Avoidance of Open Water and Wetland Habitats.</b></p> <ul style="list-style-type: none"><li>Detailed design of <del>WPCP improvements for the Master Plan</del> <u>the Project</u> will avoid and minimize impacts on open water and wetland resources to the extent feasible.</li><li>If open water and wetland habitats are present within 100 feet or less of the limits of disturbance in <del>the Master Plan Project</del> <u>the Project</u> area, avoidance buffers shall be maintained between <del>construction areas and the aquatic resources</del> <u>these habitats and construction areas that drain directly to them</u>. These buffers should be at least 50 feet for general construction activities and 100 feet for grading, to the extent feasible. The avoidance buffers shall be designated as Environmentally Sensitive Areas and clearly identified in the field using orange fencing. No equipment, vehicles, or personnel are permitted within Environmentally Sensitive Areas. Environmentally Sensitive Areas shall be shown on Project plan sets. All Environmentally Sensitive Area fencing shall be maintained intact and in good condition throughout the duration of construction.</li><li>Any temporarily affected aquatic and wetland habitats will be restored to preconstruction elevations and contours, and temporarily affected wetlands will be revegetated using native plant species appropriate for the salinity, elevation, and location of the affected area.</li></ul>	Contractor(s) to prepare construction plans that incorporate habitat mitigation and buffer zones	City of Sunnyvale Public Works Department	Verify inclusion of measures in contract specifications and construction plans  Confirm placement of fencing at site against construction plans  Confirm restoration to preconstruction elevations and contours	Prior to construction  During construction  After construction	
<p><b>Mitigation Measure BIO-3b: Compensatory Mitigation for Aquatic and Wetland Habitats.</b></p> <p>The City shall obtain permits from the USACE, RWQCB, and CDFW as needed to obtain authorization to affect jurisdictional waters. In order to ensure that the proposed <del>Project Master Plan</del> results in no net loss of wetland and aquatic habitat functions and values, the City shall compensate for the permanent loss of jurisdictional wetland and aquatic habitats through a combination of on-site and/or off-site restoration/creation and protection and enhancement of wetland habitat. The size and location(s) of the area(s) to be restored/created will be determined based on appropriate mitigation ratios derived in consultation with USACE, RWQCB, and CDFW, but the amount of compensatory mitigation provided shall be at least 1:1 (i.e., at least equivalent to the acreage of jurisdictional wetlands and other waters permanently affected). Prior to construction, the City of Sunnyvale will purchase credits from a mitigation bank approved by the applicable resource agencies and/or prepare a Mitigation and Monitoring Plan describing the proposed creation of mitigation wetlands that will satisfy the mitigation requirements. Impacts on jurisdictional wetlands and other waters may not commence until the adequate credits in a mitigation bank have been purchased and/or the City of Sunnyvale prepares the Mitigation and Monitoring Plan and implementation is assured.</p> <p>The Mitigation and Monitoring Plan will be prepared by a qualified restoration ecologist and will include the following:</p> <ul style="list-style-type: none"><li>A summary of wetland impacts and the proposed wetland creation mitigation</li><li>Goals of the restoration to achieve no net loss of habitat functions and values</li><li>The location of the mitigation site and description of existing site conditions</li><li>Mitigation design:</li><li>Existing and proposed site hydrology, geomorphology, and geotechnical stability, if applicable</li><li>Grading plan if appropriate, including bank stabilization or other site stabilization features</li><li>Soil amendments and other site preparation elements as appropriate</li><li>Planting plan</li><li>Irrigation and maintenance plan</li><li>Construction schedule</li><li>Monitoring plan (including specific, objective final and performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.). Performance criteria will include the establishment of wetland vegetation on any vegetated wetland mitigation area within 5 years of mitigation implementation.</li><li>A contingency plan for mitigation elements that do not meet performance or final success criteria within 5 years; this plan will include specific triggers for remediation if performance criteria are not being met.</li></ul>					

TABLE 4 (CONTINUED)  
MITIGATION MONITORING AND REPORTING PROGRAM – SECONDARY EFFLUENT PIPELINE REPLACEMENT PROJECT

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
Hazards and Hazardous Materials					
<p><b>Mitigation Measure HAZ-2a: Hazardous Building Materials Abatement.</b></p> <p>The City shall ensure that, prior to demolition, the building is surveyed for hazardous building materials including, electrical equipment containing polychlorinated biphenyl (PCBs), fluorescent light ballasts containing PCBs or bis(2-ethylhexyl) phthalate (DEHP), and fluorescent light tubes containing mercury vapors. These materials shall be removed and properly disposed of prior to the start of demolition or renovation. Light ballasts that are proposed to be removed during renovation shall be evaluated for the presence of PCBs and in the case where the presence of PCBs in the light ballast cannot be verified, they shall be assumed to contain PCBs, and handled and disposed of as such, according to applicable laws and regulations. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to federal, state, and local laws and regulations.</p>	<p>City or contractor(s) to conduct survey for hazardous building materials</p> <p>Contractor to remove and properly dispose of materials as described</p>	<p>City of Sunnyvale Public Works Department</p>	<p>Verify inclusion of requirements in contract specifications</p> <p>Review survey results</p> <p>Confirm handling and disposal performed in compliance with laws and regulations</p>	<p>Prior to ground disturbance</p> <p>During demolition</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>
<p><b>Mitigation Measure HAZ-2b: Health and Safety Plan.</b></p> <p>For each <del>Project component</del> <del>Master Plan improvement</del> involving ground disturbing activities, the City or its contractor will prepare a Health and Safety Plan in accordance with federal OSHA regulations (29 CFR 1910.120) and Cal/OSHA regulations (8 CCR Title 8, Section 5192). Each Plan will be based on all activities proposed as part of the specific project and include designated personnel responsible for implementation of the Plan. The City will require each contractor for each individual construction contract to implement a Plan. Each Plan will include all required measures to protect construction workers and the general public potentially exposed to hazardous materials or wastes by including engineering controls, monitoring, and security measures to prevent dangerous levels of exposure and unauthorized entry to the construction area, and to reduce hazards outside of any construction area. If prescribed contaminant exposure levels are exceeded, personal protective equipment shall be required for workers in accordance with state and federal regulations. Compliance with the Health and Safety Plan will not be construed as approval of the adequacy of the contractor's health and safety professional's qualifications or any safety measure taken in or near the construction site. The contractor will be solely and fully responsible for compliance with all laws, rules, and regulations applicable to health and safety during the performance of the construction work.</p>	<p>Contractor(s) to prepare Health and Safety Plan and incorporate Plan in construction plans</p> <p>Contractor(s) to implement Plan</p>	<p>City of Sunnyvale Public Works Department</p>	<p>Review each Health and Safety Plan</p> <p>Verify inclusion of Plan in contract specifications for each individual construction contract</p>	<p>Prior to ground disturbance</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>
<p><b>Mitigation Measure HAZ-2c: Soil and Groundwater Management Plan.</b></p> <p>For any elements involving ground disturbing activities, the City will require the construction contractor to implement a Soil and Groundwater Management Plan, subject to review by the City that specifies the method for handling and disposal of contaminated soil and groundwater prior to demolition, excavation, and construction activities. The plan will include all necessary procedures to ensure that any excavated materials and fluids from throughout the <del>work</del> <del>Master Plan</del> area generated during construction are stored, managed, and disposed of in a manner that is protective of human health and in accordance with applicable laws and regulations. The plan will include the following information.</p> <ul style="list-style-type: none"><li>• Step-by-step procedures for evaluation, handling, stockpiling, storage, testing, and disposal of excavated material, including criteria for reuse and offsite disposal. All excavated materials shall be inspected prior to initial stockpiling, and spoils that are visibly stained and/or have a noticeable odor shall be stockpiled separately to minimize the amount of material that may require special handling.</li><li>• Procedures to be implemented if unknown subsurface conditions or contamination are encountered, such as previously unreported tanks, wells, or contaminated soils.</li><li>• Detailed control measures for use and storage of hazardous materials to prevent the release of pollutants to the environment, and emergency procedures for the containment and cleanup of accidental releases of hazardous materials to minimize the impacts of any such release. These procedures shall also include reporting requirements in the event of a reportable spill or other emergency incident. At a minimum, the City or its contractor shall notify applicable agencies in accordance with guidance from the California Office of Emergency Services as well as the Santa Clara County Environmental Health Department.</li><li>• Procedures for containment, handling and disposal of groundwater generated from construction dewatering, the method used to analyze groundwater for hazardous materials likely to be encountered at specific locations and the appropriate treatment and/or disposal methods.</li></ul>	<p>Contractor to prepare Soil and Groundwater Management Plan</p> <p>Contractor to implement Plan</p>	<p>City of Sunnyvale Public Works Department</p>	<p>Review Soil and Groundwater Management Plan</p> <p>Verify inclusion of Plan in contract specifications</p>	<p>Prior to ground disturbance</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>
Cultural Resources					
<p><b>Mitigation Measure CUL-2: Unanticipated Discovery of Archaeological Resources.</b></p> <p>If prehistoric or historic-period archaeological resources are encountered, all construction activities within 100 feet will halt and the City of Sunnyvale will be notified. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include deposits of metal, glass, and/or ceramic refuse. A Secretary of the Interior-qualified archaeologist will inspect the findings within 24 hours of discovery. If it is determined that the project could damage a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines), mitigation will be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, a qualified archaeologist will prepare and implement a detailed treatment plan in consultation with City of Sunnyvale and, for prehistoric resources, the appropriate Native American representative. Treatment of unique archaeological resources will follow the applicable requirements of PRC Section 21083.2.</p> <p>Treatment for most resources would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The treatment plan will include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals.</p>	<p>City or Contractor to retain cultural resources expert to conduct preconstruction worker environmental awareness training on recognition of archaeological resources</p> <p>Contractor to notify City of Sunnyvale if resources encountered</p> <p>Secretary of the Interior-qualified archaeologist will inspect the findings within 24 hours of discovery</p> <p>Archaeologist, City, and contractor to implement mitigation as determined by archaeologist</p>	<p>City of Sunnyvale Public Works Department</p>	<p>Verify inclusion of requirements in contract specifications</p>	<p>Prior to ground disturbance</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

TABLE 4 (CONTINUED)  
MITIGATION MONITORING AND REPORTING PROGRAM – SECONDARY EFFLUENT PIPELINE REPLACEMENT PROJECT

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
Cultural Resources (cont.)					
<p><b>Mitigation Measure CUL-3: Unanticipated Discovery of Paleontological Resources.</b></p> <p>If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified paleontologist can assess the nature and importance of the find and, if necessary, develop appropriate treatment measures in conformance with Society of Vertebrate Paleontology standards, and in consultation with the City of Sunnyvale.</p>	<p>City or Contractor to retain cultural resources expert to conduct preconstruction worker environmental awareness training on recognition of archaeological resources</p> <p>Contractor to notify City of Sunnyvale if resources encountered</p>	City of Sunnyvale Public Works Department	Verify inclusion of requirements in contract specifications	Prior to ground disturbance	<i>Verified by:</i>  <i>Date:</i>
<p><b>Mitigation Measure CUL-4: Unanticipated Discovery of Human Remains.</b></p> <p>In the event of discovery or recognition of any human remains during construction activities, such activities within 100 feet of the find will cease until the Santa Clara County Coroner has been contacted to determine that no investigation of the cause of death is required. The NAHC will be contacted within 24 hours if it is determined that the remains are Native American. The NAHC will then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the City of Sunnyvale (or, for the WPF, the District) for the appropriate means of treating the human remains and any grave goods.</p>	<p>Contractor(s) shall monitor worker activities</p> <p>Contractor(s) shall halt work and notify the County Coroner, if necessary. If appropriate, Coroner shall notify NAHC. NAHC shall notify Most Likely Descendant (MLD).</p>	City of Sunnyvale Public Works Department	Verify inclusion of requirements in contract specifications	Prior to ground disturbance	<i>Verified by:</i>  <i>Date:</i>

**TABLE 5**  
**ADOPTED MITIGATION MEASURES THAT DO NOT APPLY TO THE SECONDARY EFFLUENT PIPELINE REPLACEMENT PROJECT**

<b>Adopted Mitigation Measures</b>	<b>Reason Measure Does Not Apply to Secondary Effluent Pipeline Replacement Project</b>
Mitigation Measure NOI-1: Develop and Implement Construction Noise Logistics Plan.	Does not apply due to nature of project activities and distance from receptors.
Mitigation Measure AQ-2b: Implement BAAQMD Additional Construction Mitigation Measures	Does not apply due to nature of project activities.
Mitigation Measure BIO-1b: Prevent the Introduction and Spread of Non-native, Invasive Species	Does not apply due to nature of project activities.
Mitigation Measure BIO-4a: Avoidance and Preservation of Trees.	Does not apply due to nature of project and location.
Mitigation Measure BIO-4b: Master Plan Compensation for Impacts on Protected Trees	Does not apply because no protected trees would be removed.
Mitigation Measure HYD-2: Hydraulic Analysis of Levee Widening.	Does not apply due to nature of project activities.
Mitigation Measure HYD-3a: Flood Hazard Assessment and Design For Diurnal Equalization Tanks, Pump Station, and Pipeline.	Does not apply due to nature of project activities.
Mitigation Measure HYD-3b: Restoration Plan for Ponds 1 and 2.	Does not apply due to nature of project activities.
Mitigation Measure HYD-3c: Flood Protection Prior to Levee Breaching.	Does not apply due to nature of project activities.
Mitigation Measure WQ-4: Water Quality Evaluation and Control Plan for Oxidation Pond Breaching and Restoration.	Does not apply due to nature of project activities.
Mitigation Measure CUL-1. Assessment of Effects to Cargill Channel.	Does not apply due to nature of project (replacement of existing facilities).
Mitigation Measure AES-1: Levee Plantings and Visual Screening.	Does not apply due to nature of project and location.
Mitigation Measure GI-1: Update Projections.	Does not apply due to nature of project activities.

This page intentionally left blank

# Appendix A

## **Air Quality Supporting Information**





DETAILS OF CONSTRUCTION EQUIPMENT AND ACTIVITY

Provided by Carollo	Calculated by ESA
---------------------	-------------------

Overall construction timeline: Match to "Const Phasing" tab			
Construction Phase	Start Date	End Date	Number of workdays in Phase
Site Preparation and Construction	4/1/24	2/28/25	166
Pond Return Bypass System	6/1/24	12/30/24	151
Pond A4 Bypass	4/1/24	11/30/24	243
Open Trench Construction (Removal/Install)	7/1/24	11/30/24	110
Steel Header Rehabilitation	7/1/24	8/31/24	45
			196

11/18/2024	166
------------	-----

Construction Vehicle Trips by Phase					
Construction Phase	Construction workers/day	Worker trips/day	Truck Trips/day (Off-haul)	Truck Trips/day (fill)	Construction Material delivery trips/day
Site Preparation and Construction	8	16	6	30	4
Pond Return Bypass System	8	16	N/A	N/A	4
Pond A4 Bypass	0	0	0	0	0
Open Trench Construction (Removal/Install)	20	40	24	18	4
Steel Header Rehabilitation	4	8	N/A	N/A	1

No additional workers or trucks

Construction Equipment and Activity by Phase						
Equipment  NOTE: Please click on a cell and select equipment from the drop down list	Number of Equipment used	Avg Operation (hrs/day)	Number of Work Days in the construction phase equipment is used	Equipment size (hp)	Total Run Time (hours)	Adjusted number of work hours/day
Site Preparation and Construction						
Cranes	1	8	88	270	704	4.2
Other Construction Equipment	4	8	82	415	656	4.0
Pumps	1	24	15	75	360	2.2
Off-Highway Trucks	2	8	90	250	720	4.3
Other General Industrial Equipment	1	8	82	275	656	4.0
Rollers	1	8	6	20	48	0.3
Pond Return Bypass System						
Cranes	1	8	30	270	240	1.6
Excavators	1	8	30	270	240	1.6
Pumps	3	12	200	350	2400	15.9
Other Construction Equipment	1	8	20	N/A	160	1.1
Generator Sets	1	8	20	60	160	1.1
Pond A4 Bypass						
Pumps	1	24	243	50	5832	24.0

DETAILS OF CONSTRUCTION EQUIPMENT AND ACTIVITY

Provided by Carollo	Calculated by ESA
---------------------	-------------------

Overall construction timeline: Match to "Const Phasing" tab					
Construction Phase	Start Date	End Date	Number of workdays in Phase	11/18/2024	166
Site Preparation and Construction	4/1/24	2/28/25	166		
Pond Return Bypass System	6/1/24	12/30/24	151		
Pond A4 Bypass	4/1/24	11/30/24	243		
Open Trench Construction (Removal/Install)	7/1/24	11/30/24	110		
Steel Header Rehabilitation	7/1/24	8/31/24	45		
			196		

Construction Vehicle Trips by Phase						
Construction Phase	Construction workers/day	Worker trips/day	Truck Trips/day (Off-haul)	Truck Trips/day (fill)	Construction Material delivery trips/day	
Site Preparation and Construction	8	16	6	30	4	
Pond Return Bypass System	8	16	N/A	N/A	4	
Open Trench Construction (Removal/Install)						
Excavators	2	8	100	270	800	7.3
Plate Compactors	1	8	45	10	360	3.3
Cement and Mortar Mixers	1	8	15	5	120	1.1
Dumpers/Tenders	2	8	60	250	480	4.4
Graders	1	8	20	250	160	1.5

DETAILS OF CONSTRUCTION EQUIPMENT AND ACTIVITY

Provided by Carollo	Calculated by ESA
---------------------	-------------------

Overall construction timeline: Match to "Const Phasing" tab					
Construction Phase	Start Date	End Date	Number of workdays in Phase		
Site Preparation and Construction	4/1/24	2/28/25	166	11/18/2024	166
Pond Return Bypass System	6/1/24	12/30/24	151		
Pond A4 Bypass	4/1/24	11/30/24	243		
Open Trench Construction (Removal/Install)	7/1/24	11/30/24	110		
Steel Header Rehabilitation	7/1/24	8/31/24	45		
			196		

Construction Vehicle Trips by Phase						
Construction Phase	Construction workers/day	Worker trips/day	Truck Trips/day (Off-haul)	Truck Trips/day (fill)	Construction Material delivery trips/day	
Site Preparation and Construction	8	16	6	30	4	
Pond Return Bypass System	8	16	N/A	N/A	4	
Other General Industrial Equipment	1	8	30	N/A	240	2.2
Generator Sets	1	8	30	60	240	2.2
Steel Header Rehabilitation						
Excavators	1	8	2	270	16	0.4

## CALEEMOD EMISSIONS SUMMARY

### CONSTRUCTION EMISSIONS - Criteria Air Pollutants - Uncontrolled

Year	Number of Workdays	Tons per year				Average Pounds per day			
		ROG	NOx	Ex PM-10	Ex PM-2.5	ROG	NOx	Ex PM-10	Ex PM-2.5
2024	196	0.66	5.09	0.18	0.18	6.8	51.9	1.9	1.8
PROJECT TOTAL		0.66	5.09	0.18	0.18	6.8	51.9	1.9	1.8

### CONSTRUCTION EMISSIONS - GHG as MT

Year	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> e
2024	1820.0	0.19	6.54E-03	1826.6
Total	1820.0	0.19	0.00654	1826.6

	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O
GWP	1	25	298

Source: <https://ww2.arb.ca.gov/ghg-gwps>

Secondary Effluent Pipeline Replacement Project - Santa Clara County, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

**Secondary Effluent Pipeline Replacement Project**

**Santa Clara County, Annual**

**1.0 Project Characteristics**

**1.1 Land Usage**

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
User Defined Industrial	1.00	User Defined Unit	1.00	1.00	0

**1.2 Other Project Characteristics**

<b>Urbanization</b>	Urban	<b>Wind Speed (m/s)</b>	2.2	<b>Precipitation Freq (Days)</b>	58
<b>Climate Zone</b>	4			<b>Operational Year</b>	2024
<b>Utility Company</b>	Pacific Gas and Electric Company				
<b>CO2 Intensity (lb/MW hr)</b>	203.98	<b>CH4 Intensity (lb/MW hr)</b>	0.033	<b>N2O Intensity (lb/MW hr)</b>	0.004

**1.3 User Entered Comments & Non-Default Data**

Project Characteristics -

Land Use - Unit size assumed

Construction Phase - From RFI response

Off-road Equipment - From RFI response

Off-road Equipment - From RFI response

Off-road Equipment - From RFI response

Off-road Equipment - From RFI response

Trips and VMT - From RFI response

Off-road Equipment - Added based on carollo input

Fleet Mix -

Road Dust -

Consumer Products -

Area Coating -

Landscape Equipment -

Table Name	Column Name	Default Value	New Value
------------	-------------	---------------	-----------

## Secondary Effluent Pipeline Replacement Project - Santa Clara County, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

tblConstructionPhase	NumDays	1.00	166.00
tblConstructionPhase	NumDays	100.00	151.00
tblConstructionPhase	NumDaysWeek	5.00	7.00
tblOffRoadEquipment	HorsePower	231.00	270.00
tblOffRoadEquipment	HorsePower	9.00	5.00
tblOffRoadEquipment	HorsePower	231.00	270.00
tblOffRoadEquipment	HorsePower	16.00	250.00
tblOffRoadEquipment	HorsePower	158.00	270.00
tblOffRoadEquipment	HorsePower	158.00	270.00
tblOffRoadEquipment	HorsePower	158.00	270.00
tblOffRoadEquipment	HorsePower	84.00	60.00
tblOffRoadEquipment	HorsePower	84.00	60.00
tblOffRoadEquipment	HorsePower	187.00	250.00
tblOffRoadEquipment	HorsePower	402.00	250.00
tblOffRoadEquipment	HorsePower	172.00	415.00
tblOffRoadEquipment	HorsePower	172.00	275.00
tblOffRoadEquipment	HorsePower	8.00	10.00
tblOffRoadEquipment	HorsePower	84.00	75.00
tblOffRoadEquipment	HorsePower	84.00	350.00
tblOffRoadEquipment	HorsePower	80.00	20.00
tblOffRoadEquipment	OffRoadEquipmentType		Pumps
tblOffRoadEquipment	UsageHours	4.00	1.60
tblTripsAndVMT	HaulingTripNumber	0.00	72.00
tblTripsAndVMT	HaulingTripNumber	0.00	84.00
tblTripsAndVMT	VendorTripNumber	0.00	2.00
tblTripsAndVMT	VendorTripNumber	0.00	8.00
tblTripsAndVMT	VendorTripNumber	0.00	8.00
tblTripsAndVMT	VendorTripNumber	0.00	8.00
tblTripsAndVMT	WorkerTripNumber	3.00	8.00
tblTripsAndVMT	WorkerTripNumber	25.00	16.00

## Secondary Effluent Pipeline Replacement Project - Santa Clara County, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

tblTripsAndVMT	WorkerTripNumber	0.00	16.00
tblTripsAndVMT	WorkerTripNumber	23.00	40.00
tblTripsAndVMT	WorkerTripNumber	3.00	0.00

**2.0 Emissions Summary****2.1 Overall Construction****Unmitigated Construction**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2024	0.6647	5.0865	5.1678	0.0189	0.0519	0.1813	0.2331	0.0141	0.1761	0.1901	0	1,820.01	1,820.01	0.1875	6.54E-03	1,826.64
Maximum	0.6647	5.0865	5.1678	0.0189	0.0519	0.1813	0.2331	0.0141	0.1761	0.1901	0	1,820.01	1,820.01	0.1875	6.54E-03	1,826.64

**Mitigated Construction**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2024	0.6647	5.0865	5.1678	0.0189	0.0519	0.1813	0.2331	0.0141	0.1761	0.1901	0.0000	1,820.0051	1,820.0051	0.1875	6.5400e-003	1,826.6406
Maximum	0.6647	5.0865	5.1678	0.0189	0.0519	0.1813	0.2331	0.0141	0.1761	0.1901	0.0000	1,820.0051	1,820.0051	0.1875	6.5400e-003	1,826.6406

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	4-1-2024	6-30-2024	1.4093	1.4093



## Secondary Effluent Pipeline Replacement Project - Santa Clara County, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

2	7-1-2024	9-30-2024	2.4338	2.4338
		Highest	2.4338	2.4338

**2.2 Overall Operational****Unmitigated Operational**

Operational emissions not estimated in this run

**3.0 Construction Detail****Construction Phase**

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Site Preparation and Construction	Site Preparation	4/1/2024	11/18/2024	5	166	
2	Pond Return Bypass System	Building Construction	6/1/2024	12/30/2024	5	151	
3	Steel Header Rehabilitation	Trenching	7/1/2024	8/31/2024	5	45	
4	Open Trench Constructon	Trenching	7/1/2024	11/30/2024	5	110	
5	Pond A4 Bypass	Trenching	4/1/2024	11/30/2024	7	244	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating – sqft)

**OffRoad Equipment**

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
------------	------------------------	--------	-------------	-------------	-------------

## Secondary Effluent Pipeline Replacement Project - Santa Clara County, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

Steel Header Rehabilitation	Excavators	1	0.40	270	0.38
Site Preparation and Construction	Cranes	1	4.20	270	0.29
Site Preparation and Construction	Off-Highway Trucks	2	4.30	250	0.38
Site Preparation and Construction	Other Construction Equipment	4	4.00	415	0.42
Site Preparation and Construction	Other Construction Equipment	1	4.00	275	0.42
Site Preparation and Construction	Pumps	1	2.20	75	0.74
Site Preparation and Construction	Rollers	1	0.30	20	0.38
Pond Return Bypass System	Cranes	1	1.60	270	0.29
Pond Return Bypass System	Excavators	1	1.60	270	0.38
Pond Return Bypass System	Generator Sets	1	1.10	60	0.74
Pond Return Bypass System	Other Construction Equipment	1	1.10	172	0.42
Pond Return Bypass System	Pumps	3	15.90	350	0.74
Open Trench Constructon	Cement and Mortar Mixers	1	1.10	5	0.56
Open Trench Constructon	Dumpers/Tenders	2	4.40	250	0.38
Open Trench Constructon	Excavators	2	7.30	270	0.38
Open Trench Constructon	Generator Sets	1	2.20	60	0.74
Open Trench Constructon	Graders	1	1.50	250	0.41
Open Trench Constructon	Other General Industrial Equipment	1	2.20	88	0.34
Open Trench Constructon	Plate Compactors	1	3.30	10	0.43
Pond A4 Bypass	Pumps	1	24.00	84	0.74

**Trips and VMT**

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Steel Header Rehabilitation	1	8.00	2.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation and Construction	10	16.00	8.00	72.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Pond Return Bypass System	7	16.00	8.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Open Trench Construction	9	40.00	8.00	84.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Pond A4 Bypass	1	0.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

**3.1 Mitigation Measures Construction**

## Secondary Effluent Pipeline Replacement Project - Santa Clara County, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied****3.2 Site Preparation and Construction - 2024****Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1547	1.3977	1.2045	4.0800e-003		0.0547	0.0547		0.0505	0.0505	0.0000	358.2364	358.2364	0.1126	0.0000	361.0525
<b>Total</b>	<b>0.1547</b>	<b>1.3977</b>	<b>1.2045</b>	<b>4.0800e-003</b>		<b>0.0547</b>	<b>0.0547</b>		<b>0.0505</b>	<b>0.0505</b>	<b>0.0000</b>	<b>358.2364</b>	<b>358.2364</b>	<b>0.1126</b>	<b>0.0000</b>	<b>361.0525</b>

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	8.0000e-005	4.9000e-003	1.1400e-003	2.0000e-005	6.1000e-004	4.0000e-005	6.5000e-004	1.7000e-004	4.0000e-005	2.1000e-004	0.0000	2.1217	2.1217	7.0000e-005	3.4000e-004	2.2238
Vendor	7.1000e-004	0.0296	9.1400e-003	1.3000e-004	4.3700e-003	1.8000e-004	4.5500e-003	1.2600e-003	1.7000e-004	1.4300e-003	0.0000	13.0082	13.0082	2.7000e-004	1.9100e-003	13.5835
Worker	3.1100e-003	2.0700e-003	0.0277	8.0000e-005	0.0105	5.0000e-005	0.0106	2.8000e-003	5.0000e-005	2.8500e-003	0.0000	7.7621	7.7621	2.1000e-004	2.1000e-004	7.8294
<b>Total</b>	<b>3.9000e-003</b>	<b>0.0366</b>	<b>0.0380</b>	<b>2.3000e-004</b>	<b>0.0155</b>	<b>2.7000e-004</b>	<b>0.0158</b>	<b>4.2300e-003</b>	<b>2.6000e-004</b>	<b>4.4900e-003</b>	<b>0.0000</b>	<b>22.8920</b>	<b>22.8920</b>	<b>5.5000e-004</b>	<b>2.4600e-003</b>	<b>23.6367</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1547	1.3977	1.2045	4.0800e-003		0.0547	0.0547		0.0505	0.0505	0.0000	358.2360	358.2360	0.1126	0.0000	361.0521
<b>Total</b>	<b>0.1547</b>	<b>1.3977</b>	<b>1.2045</b>	<b>4.0800e-003</b>		<b>0.0547</b>	<b>0.0547</b>		<b>0.0505</b>	<b>0.0505</b>	<b>0.0000</b>	<b>358.2360</b>	<b>358.2360</b>	<b>0.1126</b>	<b>0.0000</b>	<b>361.0521</b>

**Mitigated Construction Off-Site**

Secondary Effluent Pipeline Replacement Project - Santa Clara County, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	8.0000e-005	4.9000e-003	1.1400e-003	2.0000e-005	6.1000e-004	4.0000e-005	6.5000e-004	1.7000e-004	4.0000e-005	2.1000e-004	0.0000	2.1217	2.1217	7.0000e-005	3.4000e-004	2.2238
Vendor	7.1000e-004	0.0296	9.1400e-003	1.3000e-004	4.3700e-003	1.8000e-004	4.5500e-003	1.2600e-003	1.7000e-004	1.4300e-003	0.0000	13.0082	13.0082	2.7000e-004	1.9100e-003	13.5835
Worker	3.1100e-003	2.0700e-003	0.0277	8.0000e-005	0.0105	5.0000e-005	0.0106	2.8000e-003	5.0000e-005	2.8500e-003	0.0000	7.7621	7.7621	2.1000e-004	2.1000e-004	7.8294
<b>Total</b>	<b>3.9000e-003</b>	<b>0.0366</b>	<b>0.0380</b>	<b>2.3000e-004</b>	<b>0.0155</b>	<b>2.7000e-004</b>	<b>0.0158</b>	<b>4.2300e-003</b>	<b>2.6000e-004</b>	<b>4.4900e-003</b>	<b>0.0000</b>	<b>22.8920</b>	<b>22.8920</b>	<b>5.5000e-004</b>	<b>2.4600e-003</b>	<b>23.6367</b>

**3.3 Pond Return Bypass System - 2024**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.3509	2.3825	2.1819	0.0106		0.0732	0.0732		0.0728	0.0728	0.0000	1,090.5601	1,090.5601	0.0348	0.0000	1,091.4291
<b>Total</b>	<b>0.3509</b>	<b>2.3825</b>	<b>2.1819</b>	<b>0.0106</b>		<b>0.0732</b>	<b>0.0732</b>		<b>0.0728</b>	<b>0.0728</b>	<b>0.0000</b>	<b>1,090.5601</b>	<b>1,090.5601</b>	<b>0.0348</b>	<b>0.0000</b>	<b>1,091.4291</b>

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	6.5000e-004	0.0269	8.3200e-003	1.2000e-004	3.9800e-003	1.6000e-004	4.1400e-003	1.1500e-003	1.5000e-004	1.3000e-003	0.0000	11.8327	11.8327	2.5000e-004	1.7400e-003	12.3561
Worker	2.8300e-003	1.8800e-003	0.0252	8.0000e-005	9.5800e-003	5.0000e-005	9.6300e-003	2.5500e-003	4.0000e-005	2.5900e-003	0.0000	7.0607	7.0607	1.9000e-004	1.9000e-004	7.1219
<b>Total</b>	<b>3.4800e-003</b>	<b>0.0288</b>	<b>0.0335</b>	<b>2.0000e-004</b>	<b>0.0136</b>	<b>2.1000e-004</b>	<b>0.0138</b>	<b>3.7000e-003</b>	<b>1.9000e-004</b>	<b>3.8900e-003</b>	<b>0.0000</b>	<b>18.8934</b>	<b>18.8934</b>	<b>4.4000e-004</b>	<b>1.9300e-003</b>	<b>19.4780</b>

**Mitigated Construction On-Site**

Secondary Effluent Pipeline Replacement Project - Santa Clara County, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.3509	2.3825	2.1819	0.0106		0.0732	0.0732		0.0728	0.0728	0.0000	1,090.5588	1,090.5588	0.0348	0.0000	1,091.4278
<b>Total</b>	<b>0.3509</b>	<b>2.3825</b>	<b>2.1819</b>	<b>0.0106</b>		<b>0.0732</b>	<b>0.0732</b>		<b>0.0728</b>	<b>0.0728</b>	<b>0.0000</b>	<b>1,090.5588</b>	<b>1,090.5588</b>	<b>0.0348</b>	<b>0.0000</b>	<b>1,091.4278</b>

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	6.5000e-004	0.0269	8.3200e-003	1.2000e-004	3.9800e-003	1.6000e-004	4.1400e-003	1.1500e-003	1.5000e-004	1.3000e-003	0.0000	11.8327	11.8327	2.5000e-004	1.7400e-003	12.3561
Worker	2.8300e-003	1.8800e-003	0.0252	8.0000e-005	9.5800e-003	5.0000e-005	9.6300e-003	2.5500e-003	4.0000e-005	2.5900e-003	0.0000	7.0607	7.0607	1.9000e-004	1.9000e-004	7.1219
<b>Total</b>	<b>3.4800e-003</b>	<b>0.0288</b>	<b>0.0335</b>	<b>2.0000e-004</b>	<b>0.0136</b>	<b>2.1000e-004</b>	<b>0.0138</b>	<b>3.7000e-003</b>	<b>1.9000e-004</b>	<b>3.8900e-003</b>	<b>0.0000</b>	<b>18.8934</b>	<b>18.8934</b>	<b>4.4000e-004</b>	<b>1.9300e-003</b>	<b>19.4780</b>

**3.4 Steel Header Rehabilitation - 2024**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.5000e-004	1.6900e-003	2.1500e-003	1.0000e-005		6.0000e-005	6.0000e-005		5.0000e-005	5.0000e-005	0.0000	0.8675	0.8675	2.8000e-004	0.0000	0.8745
<b>Total</b>	<b>2.5000e-004</b>	<b>1.6900e-003</b>	<b>2.1500e-003</b>	<b>1.0000e-005</b>		<b>6.0000e-005</b>	<b>6.0000e-005</b>		<b>5.0000e-005</b>	<b>5.0000e-005</b>	<b>0.0000</b>	<b>0.8675</b>	<b>0.8675</b>	<b>2.8000e-004</b>	<b>0.0000</b>	<b>0.8745</b>

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					

Secondary Effluent Pipeline Replacement Project - Santa Clara County, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	5.0000e-005	2.0000e-003	6.2000e-004	1.0000e-005	3.0000e-004	1.0000e-005	3.1000e-004	9.0000e-005	1.0000e-005	1.0000e-004	0.0000	0.8816	0.8816	2.0000e-005	1.3000e-004	0.9206
Worker	4.2000e-004	2.8000e-004	3.7500e-003	1.0000e-005	1.4300e-003	1.0000e-005	1.4300e-003	3.8000e-004	1.0000e-005	3.9000e-004	0.0000	1.0521	1.0521	3.0000e-005	3.0000e-005	1.0612
<b>Total</b>	<b>4.7000e-004</b>	<b>2.2800e-003</b>	<b>4.3700e-003</b>	<b>2.0000e-005</b>	<b>1.7300e-003</b>	<b>2.0000e-005</b>	<b>1.7400e-003</b>	<b>4.7000e-004</b>	<b>2.0000e-005</b>	<b>4.9000e-004</b>	<b>0.0000</b>	<b>1.9337</b>	<b>1.9337</b>	<b>5.0000e-005</b>	<b>1.6000e-004</b>	<b>1.9818</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.5000e-004	1.6900e-003	2.1500e-003	1.0000e-005		6.0000e-005	6.0000e-005		5.0000e-005	5.0000e-005	0.0000	0.8675	0.8675	2.8000e-004	0.0000	0.8745
<b>Total</b>	<b>2.5000e-004</b>	<b>1.6900e-003</b>	<b>2.1500e-003</b>	<b>1.0000e-005</b>		<b>6.0000e-005</b>	<b>6.0000e-005</b>		<b>5.0000e-005</b>	<b>5.0000e-005</b>	<b>0.0000</b>	<b>0.8675</b>	<b>0.8675</b>	<b>2.8000e-004</b>	<b>0.0000</b>	<b>0.8745</b>

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	5.0000e-005	2.0000e-003	6.2000e-004	1.0000e-005	3.0000e-004	1.0000e-005	3.1000e-004	9.0000e-005	1.0000e-005	1.0000e-004	0.0000	0.8816	0.8816	2.0000e-005	1.3000e-004	0.9206
Worker	4.2000e-004	2.8000e-004	3.7500e-003	1.0000e-005	1.4300e-003	1.0000e-005	1.4300e-003	3.8000e-004	1.0000e-005	3.9000e-004	0.0000	1.0521	1.0521	3.0000e-005	3.0000e-005	1.0612
<b>Total</b>	<b>4.7000e-004</b>	<b>2.2800e-003</b>	<b>4.3700e-003</b>	<b>2.0000e-005</b>	<b>1.7300e-003</b>	<b>2.0000e-005</b>	<b>1.7400e-003</b>	<b>4.7000e-004</b>	<b>2.0000e-005</b>	<b>4.9000e-004</b>	<b>0.0000</b>	<b>1.9337</b>	<b>1.9337</b>	<b>5.0000e-005</b>	<b>1.6000e-004</b>	<b>1.9818</b>

**3.5 Open Trench Constructon - 2024**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					

Secondary Effluent Pipeline Replacement Project - Santa Clara County, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

Off-Road	0.0334	0.2645	0.2888	1.1000e-003		9.7100e-003	9.7100e-003		9.0500e-003	9.0500e-003	0.0000	95.8042	95.8042	0.0291	0.0000	96.5308
<b>Total</b>	<b>0.0334</b>	<b>0.2645</b>	<b>0.2888</b>	<b>1.1000e-003</b>		<b>9.7100e-003</b>	<b>9.7100e-003</b>		<b>9.0500e-003</b>	<b>9.0500e-003</b>	<b>0.0000</b>	<b>95.8042</b>	<b>95.8042</b>	<b>0.0291</b>	<b>0.0000</b>	<b>96.5308</b>

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	9.0000e-005	5.7100e-003	1.3300e-003	2.0000e-005	7.1000e-004	5.0000e-005	7.6000e-004	2.0000e-004	4.0000e-005	2.4000e-004	0.0000	2.4753	2.4753	8.0000e-005	3.9000e-004	2.5944
Vendor	4.7000e-004	0.0196	6.0600e-003	9.0000e-005	2.9000e-003	1.2000e-004	3.0100e-003	8.4000e-004	1.1000e-004	9.5000e-004	0.0000	8.6199	8.6199	1.8000e-004	1.2600e-003	9.0011
Worker	5.1500e-003	3.4200e-003	0.0458	1.4000e-004	0.0175	8.0000e-005	0.0175	4.6400e-003	8.0000e-005	4.7200e-003	0.0000	12.8589	12.8589	3.5000e-004	3.5000e-004	12.9704
<b>Total</b>	<b>5.7100e-003</b>	<b>0.0287</b>	<b>0.0532</b>	<b>2.5000e-004</b>	<b>0.0211</b>	<b>2.5000e-004</b>	<b>0.0213</b>	<b>5.6800e-003</b>	<b>2.3000e-004</b>	<b>5.9100e-003</b>	<b>0.0000</b>	<b>23.9541</b>	<b>23.9541</b>	<b>6.1000e-004</b>	<b>2.0000e-003</b>	<b>24.5659</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0334	0.2645	0.2888	1.1000e-003		9.7100e-003	9.7100e-003		9.0500e-003	9.0500e-003	0.0000	95.8041	95.8041	0.0291	0.0000	96.5307
<b>Total</b>	<b>0.0334</b>	<b>0.2645</b>	<b>0.2888</b>	<b>1.1000e-003</b>		<b>9.7100e-003</b>	<b>9.7100e-003</b>		<b>9.0500e-003</b>	<b>9.0500e-003</b>	<b>0.0000</b>	<b>95.8041</b>	<b>95.8041</b>	<b>0.0291</b>	<b>0.0000</b>	<b>96.5307</b>

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	9.0000e-005	5.7100e-003	1.3300e-003	2.0000e-005	7.1000e-004	5.0000e-005	7.6000e-004	2.0000e-004	4.0000e-005	2.4000e-004	0.0000	2.4753	2.4753	8.0000e-005	3.9000e-004	2.5944
Vendor	4.7000e-004	0.0196	6.0600e-003	9.0000e-005	2.9000e-003	1.2000e-004	3.0100e-003	8.4000e-004	1.1000e-004	9.5000e-004	0.0000	8.6199	8.6199	1.8000e-004	1.2600e-003	9.0011
Worker	5.1500e-003	3.4200e-003	0.0458	1.4000e-004	0.0175	8.0000e-005	0.0175	4.6400e-003	8.0000e-005	4.7200e-003	0.0000	12.8589	12.8589	3.5000e-004	3.5000e-004	12.9704

Secondary Effluent Pipeline Replacement Project - Santa Clara County, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

Total	5.7100e-003	0.0287	0.0532	2.5000e-004	0.0211	2.5000e-004	0.0213	5.6800e-003	2.3000e-004	5.9100e-003	0.0000	23.9541	23.9541	6.1000e-004	2.0000e-003	24.5659
-------	-------------	--------	--------	-------------	--------	-------------	--------	-------------	-------------	-------------	--------	---------	---------	-------------	-------------	---------

**3.6 Pond A4 Bypass - 2024**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1120	0.9437	1.3615	2.4100e-003		0.0429	0.0429		0.0429	0.0429	0.0000	206.8659	206.8659	9.1000e-003	0.0000	207.0934
Total	0.1120	0.9437	1.3615	2.4100e-003		0.0429	0.0429		0.0429	0.0429	0.0000	206.8659	206.8659	9.1000e-003	0.0000	207.0934

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1120	0.9437	1.3614	2.4100e-003		0.0429	0.0429		0.0429	0.0429	0.0000	206.8657	206.8657	9.1000e-003	0.0000	207.0932
Total	0.1120	0.9437	1.3614	2.4100e-003		0.0429	0.0429		0.0429	0.0429	0.0000	206.8657	206.8657	9.1000e-003	0.0000	207.0932



CalEEMod Version: CalEEMod.2020.4.0

Page 1 of 1

Date: 1/30/2023 11:00 AM

Secondary Effluent Pipeline Replacement Project - Santa Clara County, Annual

### EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

### **Mitigated Construction Off-Site**

[illegible]



# City of Sunnyvale

## Agenda Item

---

**23-0480**

**Agenda Date: 5/16/2023**

---

### **REPORT TO COUNCIL**

#### **SUBJECT**

Authorize the City Manager to Execute a Revised 2023 Amended and Restated Joint Use Agreement Between the City of Sunnyvale and Santa Clara Valley Water District for the Sunnyvale West Channel and Sunnyvale East Channel Project

#### **BACKGROUND**

In August 2015, the Sunnyvale City Council (RTC No. 15-0665) authorized the City Manager to enter into a Joint Use Agreement (JUA) with Valley Water for trail improvements and recreational uses along the Sunnyvale West and Sunnyvale East Channels. The JUA was executed in 2016 following approval by the Valley Water Board of Directors.

The 2016 JUA provided that Valley Water would construct a series of infrastructure upgrades for additional flood protection and improved water quality in the Sunnyvale West Channel and Sunnyvale East Channel. The City committed to providing funding (\$500,000) to pave the maintenance road on each channel for use as a public trail. After project completion, the City will be responsible for maintenance of the public trails. Valley Water has not yet completed the infrastructure improvements.

In May 2020, City Council approved a Special Development Permit for development of a Google office campus at 360 W. Caribbean Drive (RTC No. 20-0433). The project is under construction and includes proposed trail improvements to a portion of the West Channel and modified the planned Valley Water Flood Protection Project on Sunnyvale West Channel in the area from Caribbean Drive. In March 2022, City Council approved a Revised JUA between the City of Sunnyvale and Valley Water (RTC No. 22-0028) that included inclusion of the east side of the West Channel on the Google Caribbean campus. The Revised JUA was executed on April 13, 2022 (Attachment 1).

In June 2022, Google submitted a Miscellaneous Plan Permit (MPP) 2022-7354 for a different project abutting the West Channel, entitled as the Google Moffett Park Green Link Bordeaux-Borregas Bridge (Project). The Project proposes improvements to a portion of the Sunnyvale West Channel ("Google Reach") to construct publicly accessible paved (multi-use) trails on both sides of the Channel and a privately-owned but publicly accessible channel bridge over the West Channel connecting the existing publicly accessible paved (multi-use) Moffett Park Green Link pathways on 1212 Bordeaux Drive and 1265 Borregas Avenue. The MPP was approved on April 24, 2023.

In conjunction with the approval of the Google Moffett Park Green Link Bordeaux-Borregas Bridge Project Miscellaneous Planning Permit 2022-7354, the City and Valley Water have drafted a revised JUA (Attachment 2) that encompasses Google's trail improvements to the West Channel authorizing the City to assign maintenance responsibilities to Google. The City will also be entering into a separate operation and maintenance agreement with Google (Attachment 3), which is being provided for informational purposes as it can be executed at a staff level.

**EXISTING POLICY**

General Plan, Chapter 3, Policy LT-9.9 - Support the acquisition or joint use through agreements with partners of suitable sites to enhance Sunnyvale's open spaces and recreation facilities based on community need and through such strategies as development of easements and rights-of-way for open space use, conversion of sites to open space from developed use of land and landbanking.

**ENVIRONMENTAL REVIEW**

Valley Water certified an Environmental Impact Report (EIR) for the Sunnyvale East and West Channels Flood Protection Project (SCH #2013012041) on September 9, 2014 ("Valley Water EIR"). On May 12, 2020, the City Council certified the Transportation Environmental Impact Report for the Google Caribbean Campus (SCH #2007052121), which tiered off of the Land Use and Transportation (LUTE) EIR and Valley Water EIR with respect to the proposed trail improvements to the West Channel on the Google project site. In February 2022, Valley Water approved an Addendum to the Valley Water EIR to address changes to the Flood Protection Project related to the Google Caribbean campus.

To support the MPP approval of the current project, a Second Addendum to the Valley Water EIR was prepared to evaluate environmental impacts associated with the proposed changes to the Flood Protection Project in the Google Reach. However, the proposed revisions to the JUA between the City and Valley Water merely assign maintenance responsibilities for the completed trail improvements, and do not require additional environmental review.

**DISCUSSION**

Over the last several months, staff from the City and Valley Water coordinated to revise the Joint Use Agreement (Attachment 2) to reflect the limits of the trail and bridge proposed by Google within the Sunnyvale West Channel to supersede the 2022 Joint Use Agreement.

In general, the terms of the Agreement remain the same as the 2022 JUA. The key changes are the inclusion of the Bordeaux-Borregas Bridge and updating the effective date of the Agreement for the portion of the trail that Google is agreeing to maintain pursuant to a separate agreement between the City and Google. Additionally, a provision, Section 29 (Amendments), has been included that will allow the City Manager to approve future amendments to the JUA.

Concurrently, City staff coordinated with Google on a separate Voluntary Improvement, Operation and Maintenance Agreement (Attachment 3) to pass maintenance responsibilities from the City to Google which include:

- Trash removal associated with trail uses
- Trail vegetation management
- Graffiti removal
- Removal or Relocation of City Improvements
- Closure of trail when needed by the Valley Water or due to water level
- Signage
- Bird Nesting Season
- Maintenance and Repair

The City will retain responsibility for security and public complaints (sections 8 and 9 of the JUA). Staff anticipates that the Department of Public Safety will handle security through normal operations such as responding to emergency calls. Maintenance and other issues involving the trail will be referred to Google or Valley Water, as appropriate.

The Voluntary Improvement, Operation and Maintenance Agreement between Google and the City is for the life of the Google properties at 1212 Bordeaux Drive and 1265 Borregas Avenue, until mutual termination, or expiration of the JUA (initial term is for a 25-year period, with an option for the City to renew for an additional 25-year period, for total of 50 years). The Agreement attached as Exhibit 3 is being provided for information only. It is expected to have minimal fiscal impact on the City and can be executed at a staff level. The West Channel is owned by Valley Water and is not subject to the Publicly Accessible Recreation and City Service (PARCS) Ordinance (Sunnyvale Municipal Code Chapter 2.07).

### **FISCAL IMPACT**

Funding for the ongoing maintenance was previously identified to come from the General Fund. It was previously estimated that regular trail maintenance would require approximately \$12,000 a year, for a twenty-year total of approximately \$240,000. With the subsequent execution of the Voluntary Improvement, Operation and Maintenance Agreement, City will pass-thru maintenance costs to Google within the identified portion of Google trail improvements on the Sunnyvale West Channel.

### **PUBLIC CONTACT**

Public contact was made by posting the Council meeting agenda on the City's official-notice bulletin board at City Hall, at the Sunnyvale Public Library and in the Department of Public Safety Lobby. In addition, the agenda and this report are available at the NOVA Workforce Services reception desk located on the first floor of City Hall at 456 W. Olive Avenue (during normal business hours), and on the City's website.

### **RECOMMENDATION**

Authorize the City Manager to execute a Revised 2023 Amended and Restated Joint Use Agreement between the City of Sunnyvale and Santa Clara Valley Water District for the Sunnyvale West Channel and Sunnyvale East Channel Project.

Prepared by: Arnold Chu, Assistant City Engineer  
Reviewed by: Jennifer Ng, Assistant Director, Public Works  
Reviewed by: Chip Taylor, Director, Public Works  
Reviewed by: Jaqui Guzmán, Deputy City Manager  
Approved by: Kent Steffens, City Manager

### **ATTACHMENTS**

1. 2022 Joint Use Agreement
2. 2023 Amended and Restated Joint Use Agreement
3. Voluntary Improvement, Operation and Maintenance Agreement

File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel

**JOINT USE AGREEMENT**  
**between**  
**City of Sunnyvale**  
**and**  
**Santa Clara Valley Water District**  
**Sunnyvale West Channel and Sunnyvale East Channel**

This JOINT USE AGREEMENT (this "**Agreement**") is entered into by and between the SANTA CLARA VALLEY WATER DISTRICT, a California Special District created by the California Legislature, hereinafter referred to as "**Valley Water**", and the CITY OF SUNNYVALE, a municipal corporation, hereinafter referred to as "**City**". Valley Water and City may be referred to individually as "Party" or collectively as the "Parties" or the "Parties to this Agreement". This Agreement will become effective on the later of the last-signed signature date set forth below (the "**Effective Date**"), APRIL 13, 2022.

**RECITALS:**

- A. Whereas, Valley Water is the owner of certain real property (hereinafter "**the Premises**"), shown on "Exhibit A and Exhibit B" attached hereto, so marked and by this reference made a part hereof. The Premises are located along the Sunnyvale West Channel and the Sunnyvale East Channel within the City of Sunnyvale;
- B. Whereas, City has an interest in using Premises to enable City to provide certain recreational opportunities to the public that do not unreasonably interfere with Valley Water's mission of flood protection, water resource management, and stream stewardship;
- C. Whereas, in 2014, Valley Water certified an Environmental Impact Report (EIR) and approved a project known as the Sunnyvale East and West Channels Flood Protection Project (State Clearinghouse No. 2013012041) to construct a series of infrastructure upgrades that will provide additional flood protection and improve water quality on the Sunnyvale East and West Channels ("**Flood Protection Project**");
- D. Whereas, City requested that Valley Water incorporate public trail improvements on the West Channel into the Flood Protection Project, subject to City approving funding and accepting in full these trail improvements;
- E. Whereas, City acknowledged that passive recreational use may occur anywhere on the Premises but requested trail improvements at the following locations:

**File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel**

1. Sunnyvale West Channel – The paved trail proposed by the City is to be located along Valley Water's west maintenance road extending from Caribbean Drive upstream to Mathilda Avenue;
  2. Sunnyvale East Channel – The paved trail proposed by the City is to be located along Valley Water's east maintenance road extending from Caribbean Drive upstream to Moffett Park Drive and from Persian Drive upstream to John W. Christian Greenbelt.
- F. Whereas, in 2016, the City and Valley Water entered into a certain agreement entitled "Joint Use Agreement between City of Sunnyvale and Santa Clara Valley Water District – Sunnyvale West Channel and Sunnyvale East Channel" (the 2016 JUA), which was approved by the Sunnyvale City Council on August 25, 2015, and the Santa Clara Valley Water District Board of Directors on June 14, 2016, and subsequently executed by the Sunnyvale City Manager and Valley Water's Chief Executive Officer;
- G. Whereas, Section 14 of the 2016 JUA provided that the 2016 JUA would become effective upon full completion of the Flood Protection Project as evidenced by the date of execution of a "Notice of Completion of Contract and Acceptance of Work" by the District Clerk of the Board of Directors of Valley Water;
- H. Whereas, the condition specified in Section 14 of the 2016 JUA has not yet occurred;
- I. Whereas, on May 12, 2020, the Sunnyvale City Council certified an EIR and approved a project known as the Google Caribbean Campus (State Clearinghouse No. 2007052021), which includes the construction of office buildings, a parking garage, related infrastructure, West Channel improvements, and campus amenities ("**Google Caribbean Campus Project**") and will generally be located within the City of Sunnyvale bound by West Caribbean Drive on the north, Mathilda Avenue on the west, Borregas Avenue on the east, and will be bisected north to south by the West Channel;
- J. Whereas, specifically, the Google Caribbean Campus Project includes proposed improvements to a portion of the West Channel, generally extending from West Caribbean Drive upstream to the southern end of Google's property line;
- K. Whereas, as part of the Google Campus Project, Google LLC will realign a portion of the Flood Protection Project for the Sunnyvale West Channel in the area from Caribbean Drive to approximately 1300 feet upstream of Caribbean Drive and construct publicly accessible paved (multi-use) trails on both sides of a portion of the Sunnyvale West Channel and two publicly accessible channel bridges over the Sunnyvale West Channel, all on the Premises (collectively, "**Google Caribbean Campus Reach**"), as shown on "Exhibit C" (attached hereto, so marked and by this reference made a part hereof), under license with Valley Water and with approval from City, to connect to the Google Caribbean Campus and other public trail improvements to be constructed by Valley Water and accepted by City; and

**File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel**

- L. Whereas, the parties find it to be in the public interest to provide for joint use of the Premises by means of an Agreement under the following terms and conditions.

**Now, therefore, the parties agree as follows:**

- 1) **Supersedes Existing JUA.** City and Valley Water agree that this Agreement supersedes and replaces the 2016 JUA as of the Effective Date of this Agreement.
- 2) **Conditions Precedent.** The implementation of the rights and obligations of the parties under this Agreement shall be triggered upon the occurrence of the following:
  - a. With respect to the Google Caribbean Campus Reach area, upon issuance by Valley Water of a permit for construction of improvements as specified in Section 3, below.
  - b. With respect to all other portions of the East and West Channels not including the Google Caribbean Campus Reach, upon completion of the Flood Protection Project as evidenced by the date of execution of a "Notice of Completion of Contract and Acceptance of Work" by the Clerk of the Board of Directors of Valley Water.
- 3) **Scope of the License Grant to City.** Subject to the terms and conditions of this Agreement, Valley Water hereby grants to City a non-exclusive license to access and do any or all of the following on the Premises:
  - a. To construct, operate, maintain, repair, replace, and remove City Improvements (defined below) for recreational purposes on the Premises including, but not limited to, asphalt concrete surfaced pedestrian and bicycle trails, pedestrian bridges, fencing, fixtures (trash receptacles, benches etc.) and signage. "City Improvements" is defined to be improvements constructed or installed by the City and improvements constructed or installed by a third party but authorized by or accepted by the City, as evidenced by issuance of a permit or other agreement. The construction of such City Improvements shall require prior review and approval by Valley Water as signified by issuance of a permit ("Valley Water Permit") and shall be compliant with all applicable legal and permitting requirements. It is fully understood and agreed that Valley Water in its reasonable discretion may approve or disapprove a request for any permit to construct any City Improvement on the Premises.
  - b. To provide non-motorized bicycling, walking, jogging and hiking activities in accordance with all applicable legal and permitting requirements to the extent such activities do not interfere with Valley Water's mission of flood protection, water resource management, and stream stewardship.



**File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel**

c. To host special recreational events (e.g., races) that may include an otherwise restricted component such as allowing private vehicular access for safety purposes, so long as City first receives a Valley Water Permit to host that event.

d. To regulate all public access allowed under and subject to the provisions of this Agreement within the Premises, including but not limited to, within the Google Caribbean Campus Reach, except that Valley Water shall have the right to regulate, or cause a third party to regulate, public access within the Premises to perform Valley Water activities in connection with its flood protection obligations, pursuant to Section 10, that reasonably necessitates full or partial temporary closure of the publicly accessible paved trails and channel bridges within the Premises. Nothing in this provision shall relieve the City from its obligations to temporarily prohibit or control public access to the Premises as stated in Section 14.

- 4) Prohibited Uses of Trail.** City shall post notices at all trail entrances that notify users of the trail that the following activities are prohibited:
- Entry of motor vehicles (except for maintenance, emergency, and enforcement vehicles and mobility devices otherwise allowed by law)
  - Unleashed dogs

Subject to the foregoing prohibitions and any other restrictions set forth in this Agreement, City shall have the sole authority to adopt any trail rules and regulations pursuant to City of Sunnyvale Municipal Code for any City Improvements on the Premises that will not interfere with Valley Water's mission of flood protection, water resource management, and stream stewardship.

- 5) Trash and Litter Removal.** City will provide for trash removal on the Premises that is reasonably likely to have been generated from the public's use of the Premises. City will be responsible for maintaining, servicing, emptying trash receptacles, and rubbish removal as reasonably necessary. Valley Water will manage the Adopt-A-Creek program.
- 6) Vegetation Management.** If existing vegetation impacts the trail use, then City is responsible for management or removal, as City deems necessary.
- 7) Graffiti Removal.** City will provide graffiti removal in compliance with City's graffiti abatement program, including graffiti removal from floodwalls, signs, etc. installed in conjunction with and/or accessory to the establishment of a public pathway consistent with its implementation of the same program at comparable City facilities. City will have the primary responsibility for removal of graffiti on the Premises, reasonably attributed to public's use. No permit from Valley Water, nor any advance notice, will be required for City to provide the routine removal of graffiti from any City or Valley Water facility within the length of the East Channel or West Channel included within this agreement. Any and all materials used by City in the removal of graffiti within the limits of this agreement shall be



**File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel**

approved for use in the State of California, environmentally safe products, which will not impact the storm drain channel environment in any way.

- 8) **Security.** The Premises will be reasonably patrolled by City personnel and/or volunteers supervised by City at the level of Public Safety that is afforded to all areas of the City. Valley Water has no obligations whatsoever to provide or pay for any such patrol services.
- 9) **Public Complaints.** City is responsible for responding to all public complaints and inquiries regarding City's improvements on the Premises, including the public trails, and to all inquiries regarding the public's use of the Premises.
- 10) **Removal or Relocation of City Improvements.** If Valley Water requires that any City improvement on Premises be removed or relocated, City will do so at its own expense within a commercially reasonable timeframe prescribed in writing by Valley Water, factoring in the time required to obtain final approval for any such removal or relocation from Valley Water, City (if performed by a third party) and state/federal agencies, as applicable, including but not limited to any required environmental review under the California Environmental Quality Act. If removal or relocation of City improvements, including vegetation installed by City, requires mitigation under the California Environmental Quality Act, City will be responsible for all costs required to fulfill any required mitigation responsibilities. Valley Water will inform City during preconstruction planning in the event a Valley Water project is performed on the Premises, in order to reasonably minimize Valley Water's project impact on City's improvements located on the Premises. Any required replacement or relocation of City's trails and amenities will be the responsibility of City, subject to Valley Water approval.
- 11) **Water Level Fluctuations.** It is expressly understood by City that the level of water upon the Premises may fluctuate from day to day due to controlled or uncontrolled flows upon and across the same. City is responsible for the control of or limiting the public's use of Premises because of such water levels, flood flows, or for any other related reason. City is responsible for determining the conditions under which to exercise said control or to limit the use of the Premises to ensure the health and safety of the public using the Premises.
- 12) **Signage.** The parties will cooperate to create and install signage that benefits the programs of each party such as warnings, entrance signage, interpretive signs and benches, and joint uses when applicable. The Deputy Operating Officer of Valley Water and the Public Works Director of City or their respective designees will meet and confer on a periodic basis to plan the installation of appropriate signage which serves the needs of both parties. All signs placed on the Premises by City (except existing signs that identify the facility (e.g., Trail) by name) must include Valley Water's logo in equal size and symmetrical relationship to any other logos contained on such signs. In addition, all City signs or City publications placed on the Premises that describe water resources must be developed in conjunction with Valley Water's Watershed customer relations staff. Each

**File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel**

party is responsible for the maintenance and upkeep of its signage installed on the Premises.

- 13) Bird Nesting Season.** Construction and maintenance work during nesting season (generally between February 1<sup>st</sup> and August 31<sup>st</sup>) will be avoided whenever possible. If construction or maintenance work must be done during the nesting season, a pre-construction survey by a qualified biologist must be undertaken to determine the presence of nesting. If nesting activity is reported, the biologist shall recommend the City implement adequate mitigation measures to protect the nesting area. Environmental impacts will be considered prior to all work by the responsible party (City or Valley Water, and/or their agents) performing said work. Any and all work related to this provision will be completed by the responsible party in accordance with applicable federal, state, and local environmental health and safety regulations including but not limited to the federal Migratory Bird Treaty Act of 1918, Clean Water Act, Endangered Species Act, the California Fish and Wildlife Code and the Porter-Cologne Act and any amendments thereto.
- 14) Maintenance and Repair.** Valley Water is responsible for performing routine maintenance on the Premises for flood protection and water resource management purposes in a manner consistent with its maintenance of comparable facilities or creeks. City is responsible for the maintenance and repair of recreational improvements on the Premises. City will bear the cost and expense of any security, police or other expenditure necessary to temporarily prohibit or control public access to the Premises that Valley Water would not ordinarily incur to complete scheduled routine maintenance pursuant to this provision. In an emergency situation, Valley Water may respond without notice to City. In non-emergency situations, City and Valley Water staff will meet, whenever necessary, for the purpose of scheduling routine maintenance, including, but not limited to:
- (a) Maintenance issues related to improvements;
  - (b) Method and timing of issues related to affected wildlife;
  - (c) Non-emergency work requiring the use of heavy equipment, barricading, and/or restricting access to the Premises. Valley Water and City further agree to notify one another's designated representative at least ten (10) workdays prior to commencement of such work, in order to minimize public impacts.
- 15) Damage to City's Improvements on Premises.** Valley Water is not responsible for any damage occurring to City's improvements or structures located on the Premises that results from Valley Water's maintenance, construction or reconstruction activities, or from its water management and/or flood protection facilities located on or near the Premises, including (without limitation) any flood flows, or inundation of the Sunnyvale West Channel and Sunnyvale East Channel onto the Premises. Further, City is responsible for any damage occurring to either Valley Water's or City's improvements or structures located on the Premises that result from the public's use of the Premises. All costs to repair damage to Valley Water's or City's improvements will be borne by City.

**File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel**

- 16) **Term of Agreement and Renewal Option.** The term of this Agreement (including the rights and obligations contained herein) is twenty-five (25) years commencing on the Effective Date. The City, upon providing Valley Water with no less than ninety (90) days written notice, prior to the expiration of the initial 25-year term, may renew this Agreement for an additional 25-year period.
- 17) **Termination of Agreement.** A party may terminate this Agreement after providing the other party with at least 180 days prior written notice of its intent to terminate this Agreement. Upon the termination or expiration of this Agreement, City must remove all City Improvements from the Premises at the request of Valley Water and subject to Section 10, and leave the Premises in a condition as near as reasonably practical to its condition prior to the installation and/or development of such improvements. Notice of intent to renew or to terminate may be given by City's Director of Public Works. Notice of intent to terminate may be given by Valley Water's Chief Executive Officer.
- 18) **City's Responsibility for Public Use.** Subject to the conditions and restrictions contained in this Agreement, including without limitation Section 3(d), City has the full control and authority for public use of the Premises, and City may restrict, control, regulate and/or supervise the public use thereof. City may, at its discretion, consistent with the right of Valley Water hereinafter described, and without diminution of the flood protection or water resources management function or hazard thereto of the Premises as now existing or as may hereafter be altered, take any measures of every kind as may in the opinion of City be necessary for the health and safety of the users of the Premises for any purpose under this Agreement. City has the sole responsibility to maintain, in usable and safe condition, City Improvements on the Premises.
- 19) **Valley Water's Superior Rights.** It is expressly understood that Valley Water is engaged in flood protection, the protection of water resources, and stream stewardship and that the terms and conditions of this Agreement will not in any way interfere with the absolute, free and unrestricted right of Valley Water to operate and maintain for flood protection, water resource management, and stream stewardship purposes the stream bed and banks or any appurtenant works thereto, or to repair or construct any of its works, or to allow the raising or lowering of the height of the water present upon the Premises.
- 20) **City's Subordinate Rights.** City will have the right to build improvements on the Premises necessary, or convenient to the enjoyment of this Agreement, provided the location of any such improvement is, in each case during the term of this Agreement, first approved by Valley Water and signified by issuance of a Valley Water permit. It is fully understood and agreed that Valley Water has the sole, unfettered discretion to approve or disapprove of such improvements.

**File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel**

- 21) Indemnification by City.** Notwithstanding any other provision of this Agreement, City agrees to indemnify, defend and hold harmless Valley Water, its agents, officers, directors, and employees from and against any and all demands, claims, damages, losses and reasonable expenses, including but not limited to liabilities, obligations, claims, costs, reasonable expenses (including without limitation interest, penalties and reasonable attorney's fees), fines, levies, assessments, demands, damages or judgments of any kind or nature, whether in law or equity (including without limitation, death or injury to any person, property damage, administrative and judicial orders and consents, or any other loss) to the extent they arise out of, pertain to, or relate to the: (i) public use of the Premises, (ii) public's use of real property adjacent to the Premises, or (iii) negligence or willful misconduct of City's officers, agents, employees, or independent contractors. This Agreement to defend, indemnify, and hold harmless Valley Water will operate irrespective of the basis of the claim, liability, loss, damage, or injury and irrespective of whether the act, omission, or activity is a condition of Premises or any other cause of any kind or nature. The rights, duties, and obligations of the Parties as set forth in this Section 21 Indemnification by City, shall survive termination, expiration, and suspension of this Agreement.
- 22) Insurance.** City and Valley Water shall, throughout the duration of this Agreement, maintain and cause its contractors to maintain sufficient insurance and coverage as described in Exhibit "D", attached hereto and incorporated herein. City and Valley Water can meet the insurance requirements of this Section 22 through self-insurance which can be substantiated by issuance of a certificate of self-insurance.
- 23) Equal Opportunity Employer.** Valley Water is an equal opportunity employer and requires public agencies that it enters into this Agreement with to have and adhere to a policy of equal opportunity and non-discrimination. In the performance of the Agreement, City will comply with all applicable federal, state, local laws and regulations, and will not discriminate against any subcontractor, employee, or applicant for employment in the recruitment, hiring, employment, utilization, promotion, classification or reclassification, transfer, recruitment advertising, evaluation, treatment, demotion, layoff, termination, rates of pay or other forms of compensation, and selection for professional development training (including apprenticeship), or against any other person, on the basis of sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), race, religion, color, national origin (including language use restrictions), ancestry, religious creed (including religious dress and grooming practices), political affiliation, disability (mental and physical, including HIV or AIDS), medical condition (cancer and genetic characteristics), genetic information, marital status, parental status, gender, age (40 and over), pregnancy, military and veteran status, sexual orientation, gender identity and gender expression, the exercise of family and medical care leave, the exercise of pregnancy disability leave, or the request, exercise, or need for reasonable accommodation.

**File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel**

- 24) Compliance with Applicable Equal Opportunity Laws.** City's policy must conform with applicable state and federal guidelines including the Federal Equal Opportunity Clause, "Section 60-1.4 of Title 41, Part 60 of the Code of Federal Regulations," Title VII of the Civil Rights Act of 1964 as amended; the Americans with Disabilities Act of 1990; the Rehabilitation Act of 1973 (Sections §503 and §504); the Age Discrimination Act of 1975 (42 U.S.C. §sec. 6101 et seq.); the California Fair Employment and Housing Act (Government Code §12900 et. seq.); and California Labor Code §1101 and §1102.
- 25) City Investigation.** City must designate a specific position within its organization to be responsible for investigating allegations of non-compliance with anti-discrimination and anti-harassment provisions of this Agreement. City must conduct a fair, prompt, and thorough investigation of all allegations directed to City by Valley Water. In cases where such investigation results in a finding of discrimination, harassment, or hostile work environment, City must take prompt, effective disciplinary action against the offender.
- 26) Notices.** Any and all notices required to be given hereunder will be deemed to have been delivered upon deposit in the United States mail, postage prepaid, addressed to either of the parties at the address hereinafter specified or as later amended by either party in writing:
- |                                  |  |
|----------------------------------|--|
| <b>City:</b>                     | <b>Valley Water:</b>                     |
| City of Sunnyvale                | Santa Clara Valley Water District        |
| Attention: Public Works Director | Attention: Clerk of the Board            |
| 456 West Olive Avenue            | 5750 Almaden Expressway                  |
| Sunnyvale, CA 94088-3707         | San Jose, CA 95118                       |
|                                  | w/copy to Community Projects Review Unit |
- 27) Successors and Assigns.** This Agreement, and all terms, covenants, and conditions hereof, will apply to and bind the successors and assigns of the respective parties hereto. City will neither assign nor sublet this Agreement without the prior written consent of Valley Water.
- 28) Choice of Law and Venue.** This Agreement is governed by California law. Proper venue for legal action regarding this Agreement shall be in the County of Santa Clara.
- 29) Amendments.** This Agreement may not be modified or amended except in writing signed by both parties.
- 30) Compliance with Laws.** Each party must, in all activities undertaken pursuant to this Agreement, comply and cause its contractors, agents, and employees to comply with all federal, state, and local laws, statutes, orders, ordinances, rules, and regulations.



**File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel**

- 31) **Not Real Property Interest.** It is expressly understood that this Agreement does not in any way whatsoever grant or convey any permanent easement, fee or other interest in a party's real property to the other party.
- 32) **Attorney's Fees.** In the event of a dispute between the parties with respect to the terms or conditions of this Agreement, the prevailing party is entitled to collect from the other its reasonable attorney's fees as established by the judge or arbitrator presiding over such dispute.
- 33) **Severability.** If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in force without being impaired or invalidated in any way; provided, however, this paragraph shall not be applied to the extent that it would result in a frustration of the parties' intent under this Agreement.
- 34) **Waiver.** No delay or failure to require performance of any provision of this Agreement shall constitute a waiver of that provision as to that or any other instance. Any waiver granted by a Party must be provided, in writing, and shall apply to the specific instance expressly stated.
- 35) **Entire Agreement.** This Agreement, together with all exhibits attached hereto, constitutes the entire agreement between the parties concerning the public's use of the Premises and supersedes all prior written and oral understandings concerning the public's use of the Premises.
- 36) **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original but all of which together shall constitute one and the same instrument.
- 37) **Electronic Signature.** Unless otherwise prohibited by law or County policy, the Parties agree that an electronic copy of a signed contract, or an electronically signed contract, has the same force and legal effect as a contract executed with an original ink signature. The term "electronic copy of a signed contract" refers to a transmission by facsimile, electronic mail, or other electronic means of a copy of an original signed contract in a portable document format. The term "electronically signed contract" means a contract that is executed by applying an electronic signature using technology approved by the County.
- 38) **No Third Party Beneficiaries.** This Agreement is entered into only for the benefit of the Parties executing this Agreement and not for the benefit of any other individual, entity, or person.

DocuSign Envelope ID: 44905E3A-6F42-494A-9FB7-5FB014404287

**File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel**

- 39) Signatures.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the City and the Valley Water.

WITNESS THE EXECUTION HEREOF,

**"City"**

**"Valley Water"**

CITY OF SUNNYVALE

SANTA CLARA VALLEY WATER DISTRICT,

A Municipal corporation of the County of Santa Clara

a Special District, created by the California Legislature

DocuSigned by:  
By: Kent Steffens  
4092B2B0FE9C4D6...

By:  4/13/22

Kent Steffens

Date

Rick L. Callender, Esq

Date

City Manager

Chief Executive Officer

ATTEST: DocuSigned by:  
  
663E67B024304E1...

David Carnahan

City Clerk

ATTEST: 

Michele L. King

Clerk of the Board of Directors

APPROVED AS TO FORM:

APPROVED AS TO FORM:

DocuSigned by:  
Rebecca Moon  
4004B8488114497...

Rebecca L. Moon

Sr. Asst. City Attorney

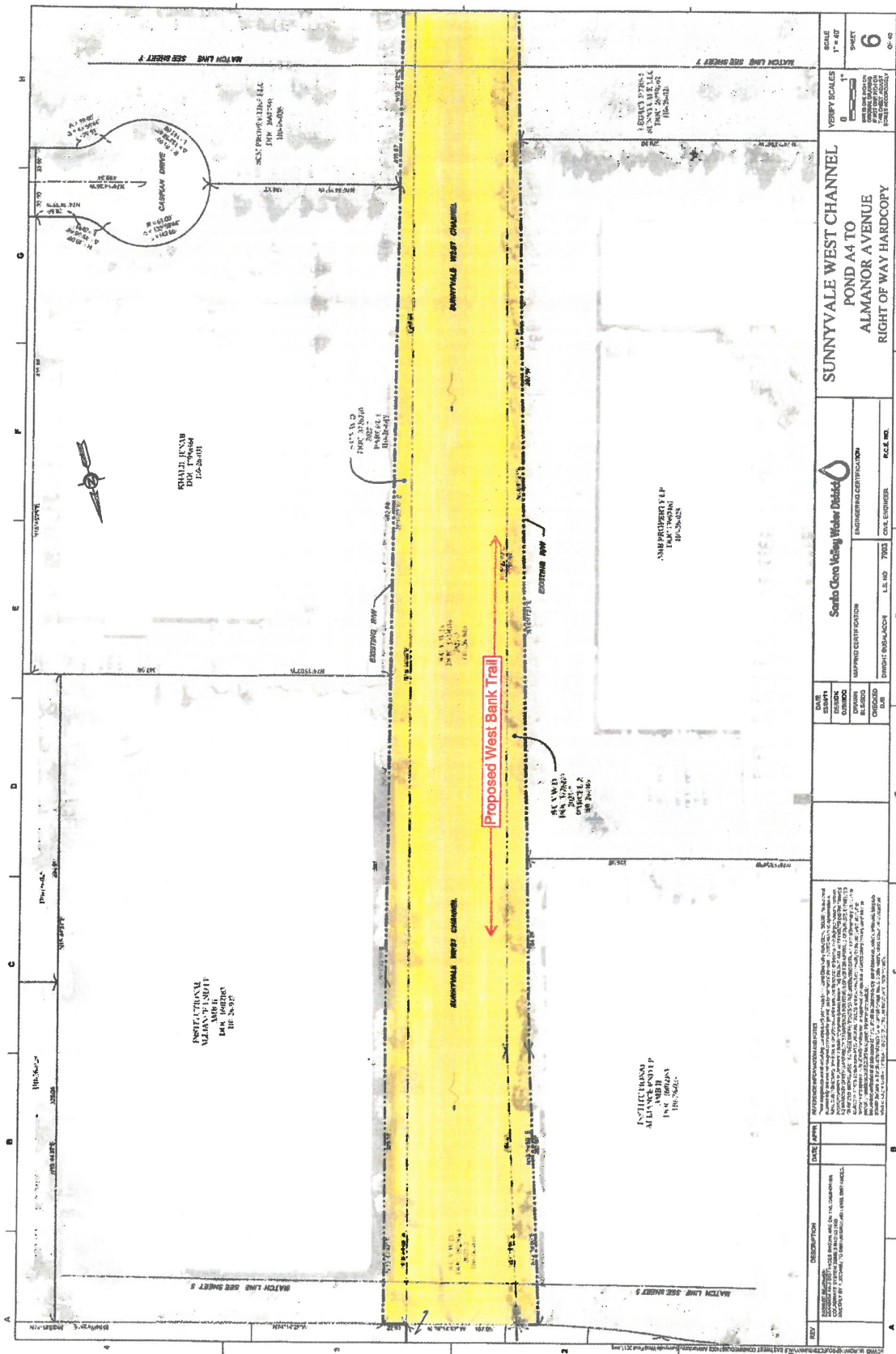


Joseph Aranda

Assistant District Counsel





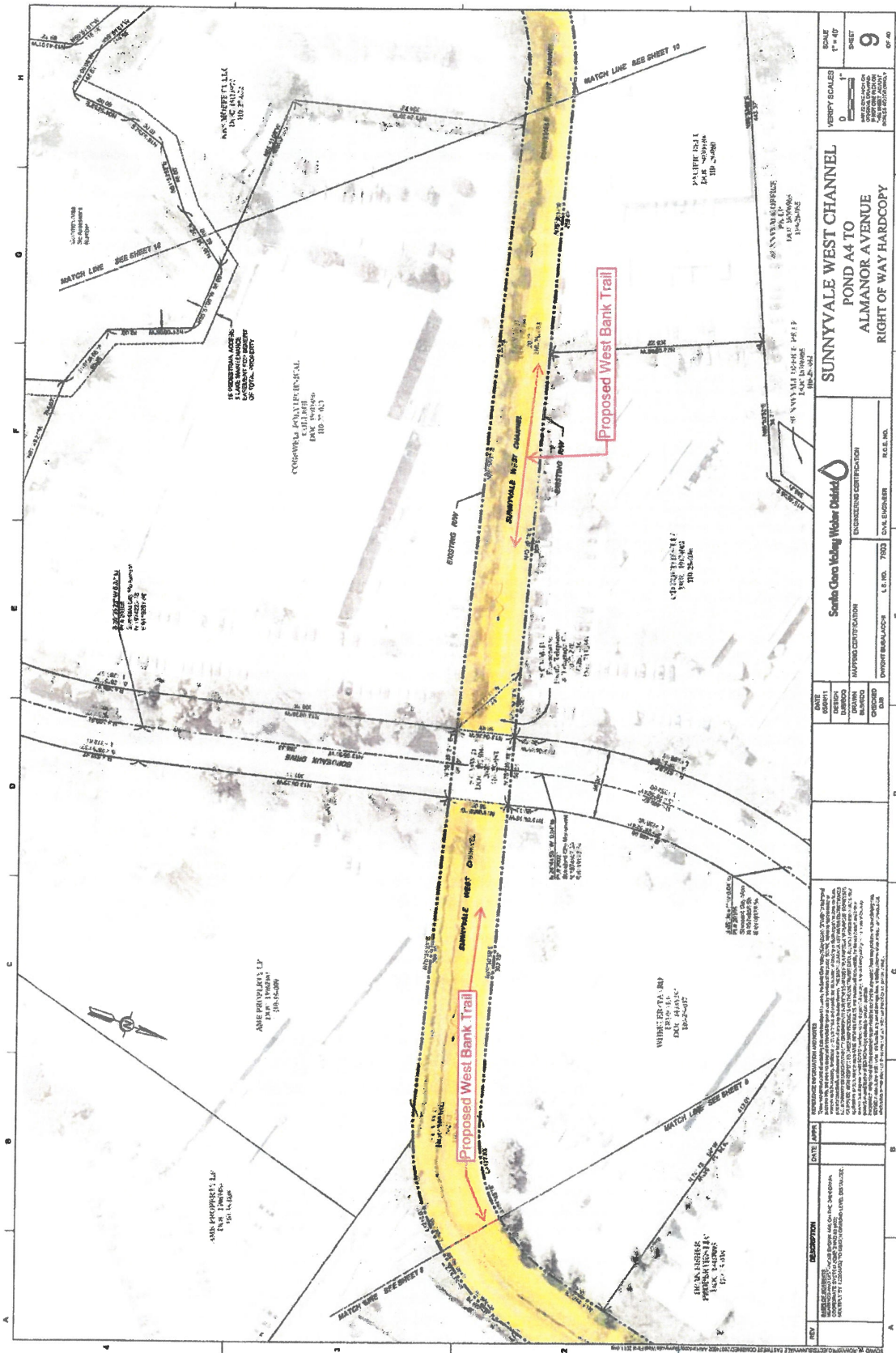


**Exhibit A-2**





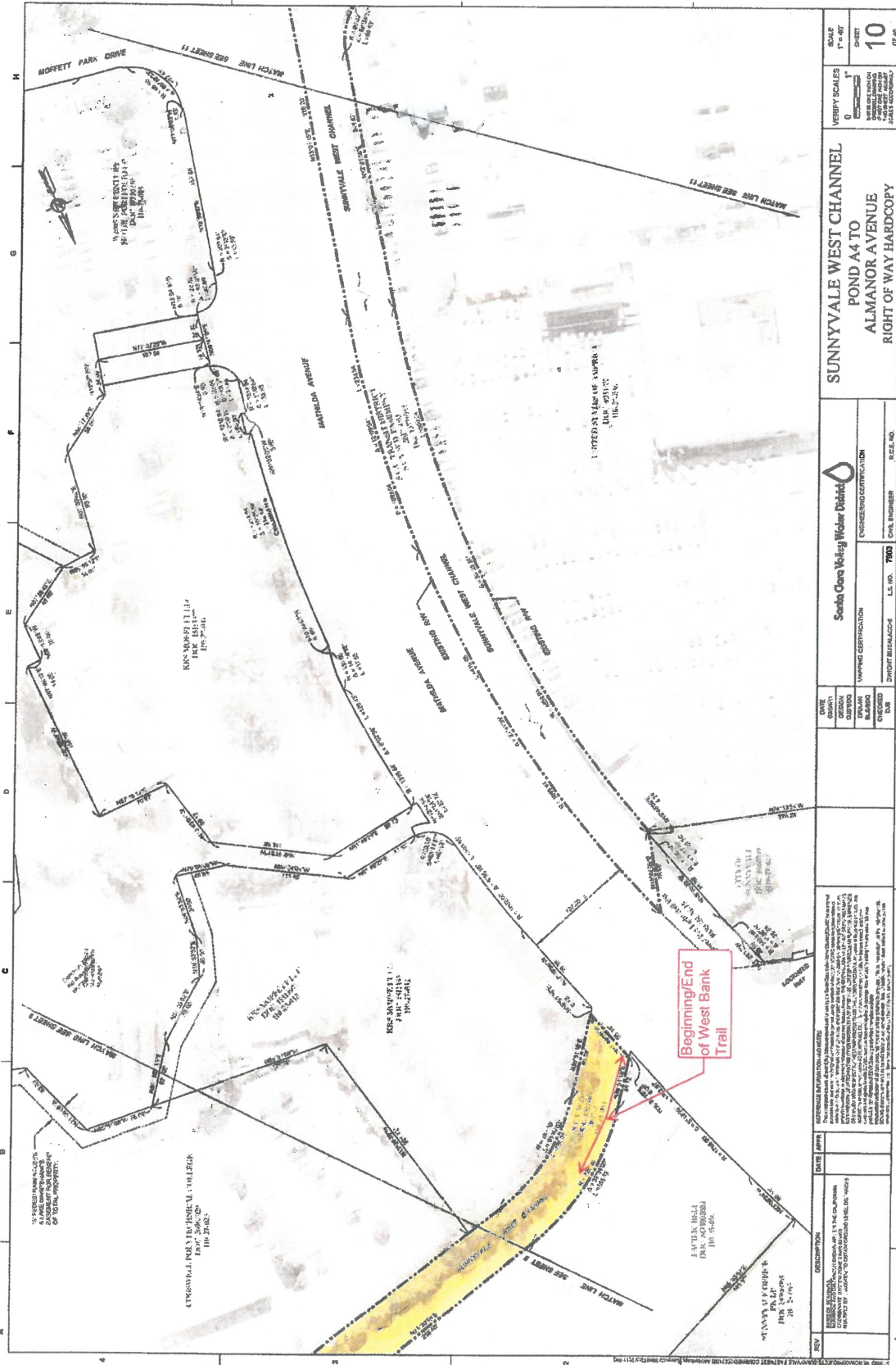




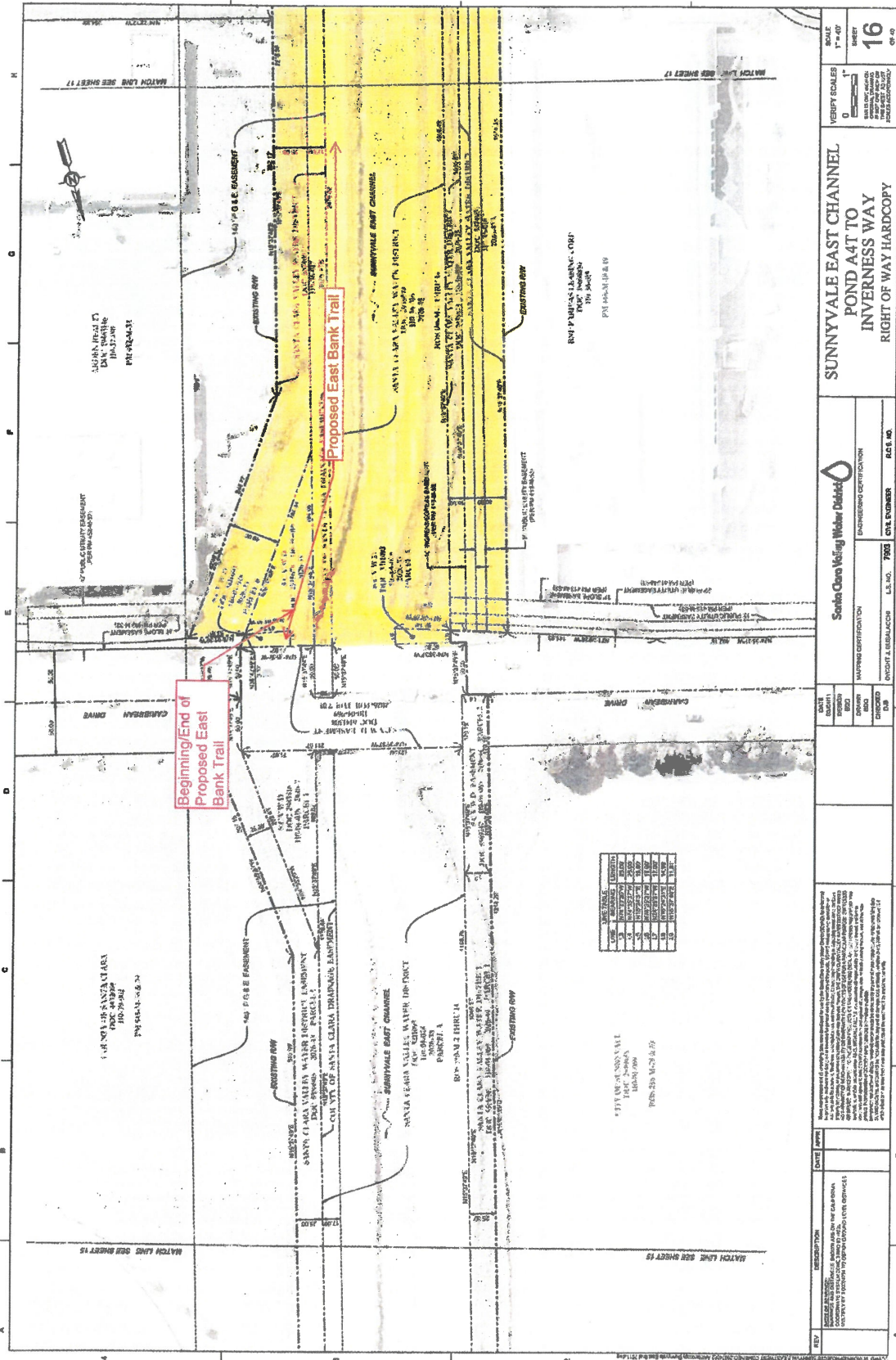
**Exhibit A-5**



DocuSign Envelope ID: 44905E3A-6F42-494A-9FB7-5FB014404287



REV	DESCRIPTION	DATE	APP	REFERENCE INFORMATION (AS-BUILT)	DATE	DESIGN	CHECKED	DRAWN	BLANKET	ENGINEERING CERTIFICATION		SCALE 1"=40'	SHEET 10	VERIFY SCALES 0 1"=40'	DATE REVISION PARTIAL MODIFICATION SCALE CORRECTION	02.25
										DATE	BY					

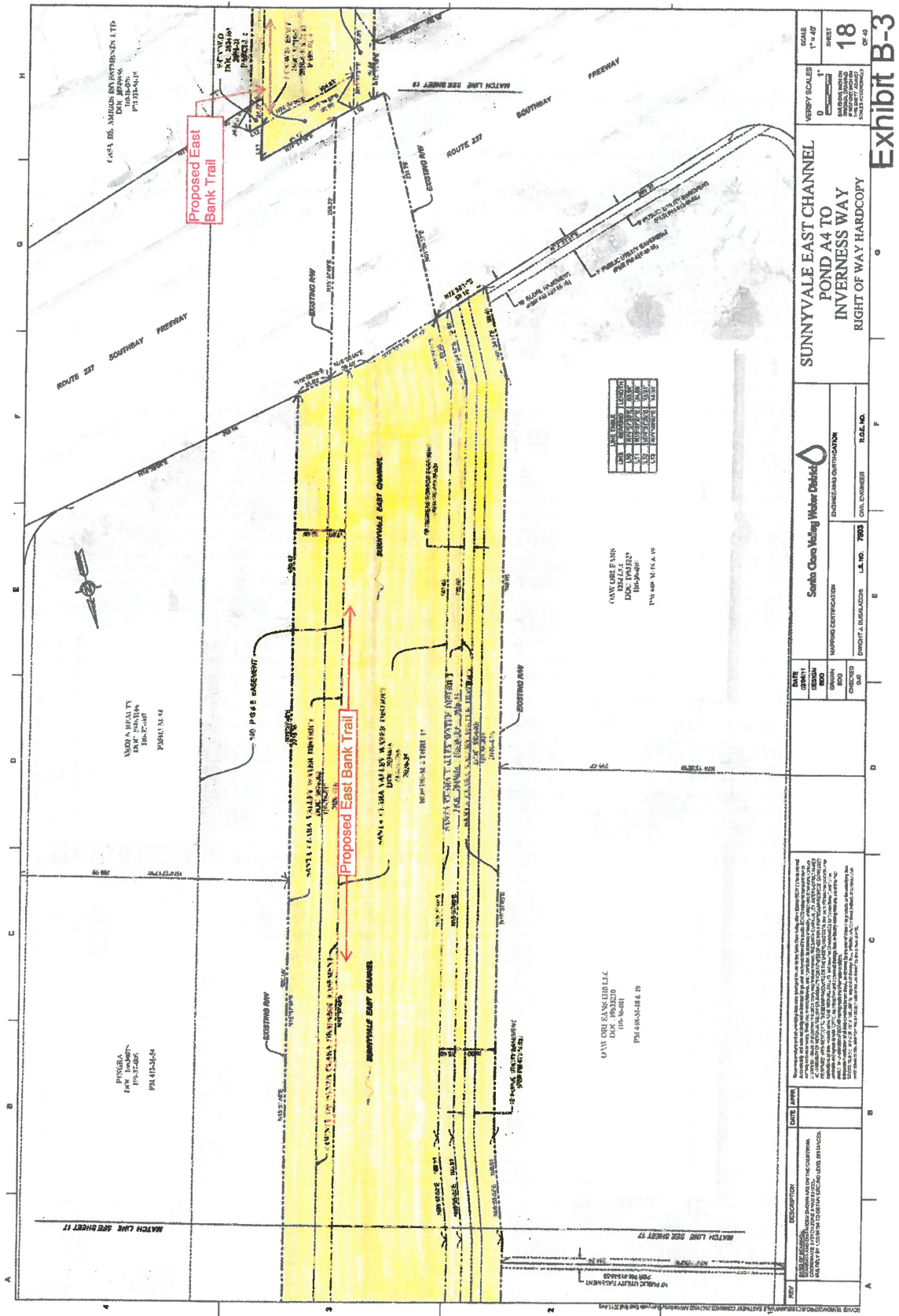


**Exhibit B-1**





DocuSign Envelope ID: 44905E3A-6F42-494A-9FB7-5FB014404287



**SUNNYSIDE EAST CHANNEL  
POND A4 TO  
INVERNESS WAY  
RIGHT OF WAY HARD COPY**

**Scale**  
1" = 40'  
**Sheet**  
18  
OF 43

**San Joaquin Water District**  
ENGINEERING CERTIFICATION  
DATE: 10/1/10  
BY: [Signature]  
FOR: [Signature]

**San Joaquin Water District**  
ENGINEERING CERTIFICATION  
DATE: 10/1/10  
BY: [Signature]  
FOR: [Signature]

**San Joaquin Water District**  
ENGINEERING CERTIFICATION  
DATE: 10/1/10  
BY: [Signature]  
FOR: [Signature]

**San Joaquin Water District**  
ENGINEERING CERTIFICATION  
DATE: 10/1/10  
BY: [Signature]  
FOR: [Signature]

L





DocuSign Envelope ID: 44905E3A-6F42-494A-9FB7-5FB014404287

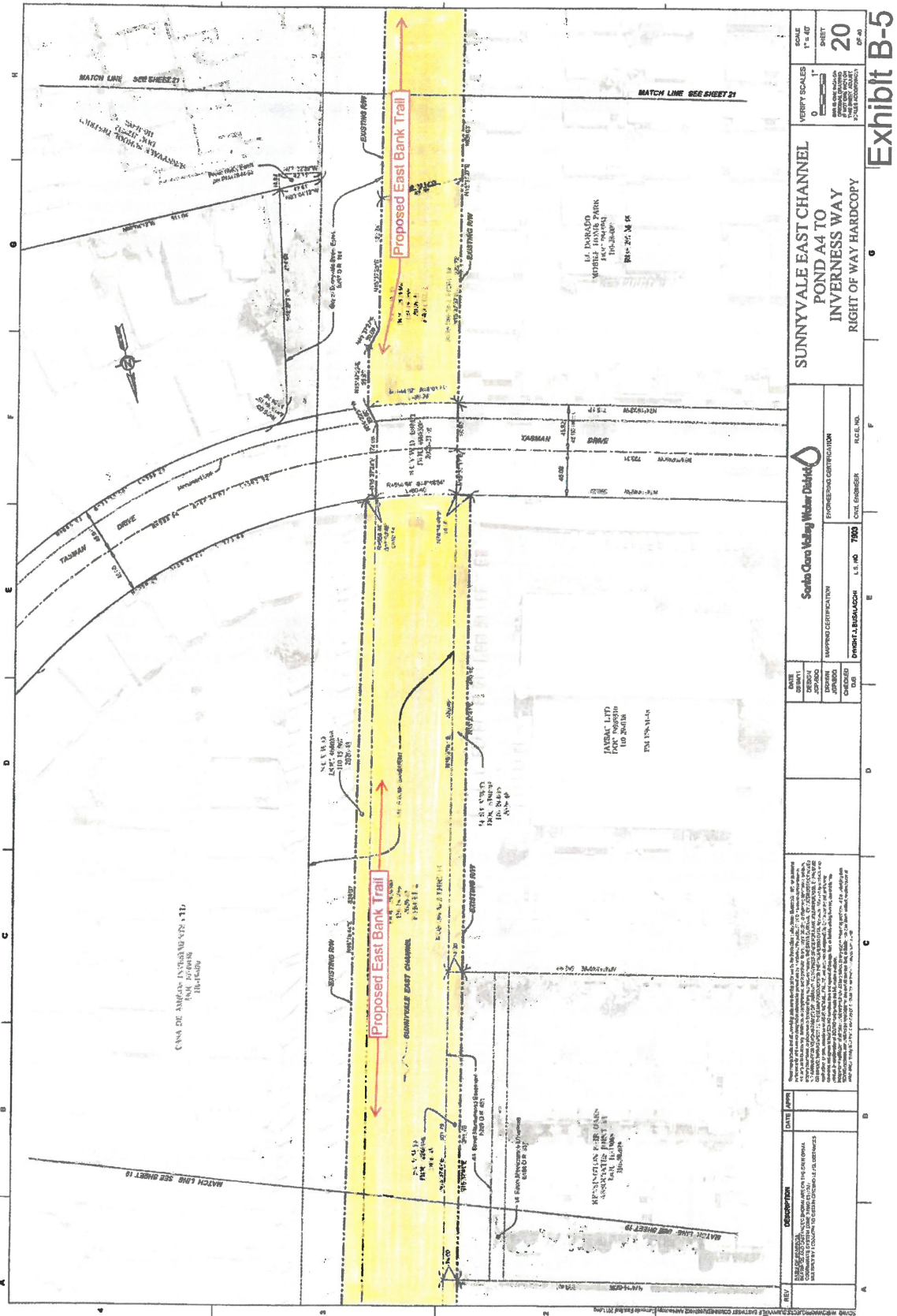
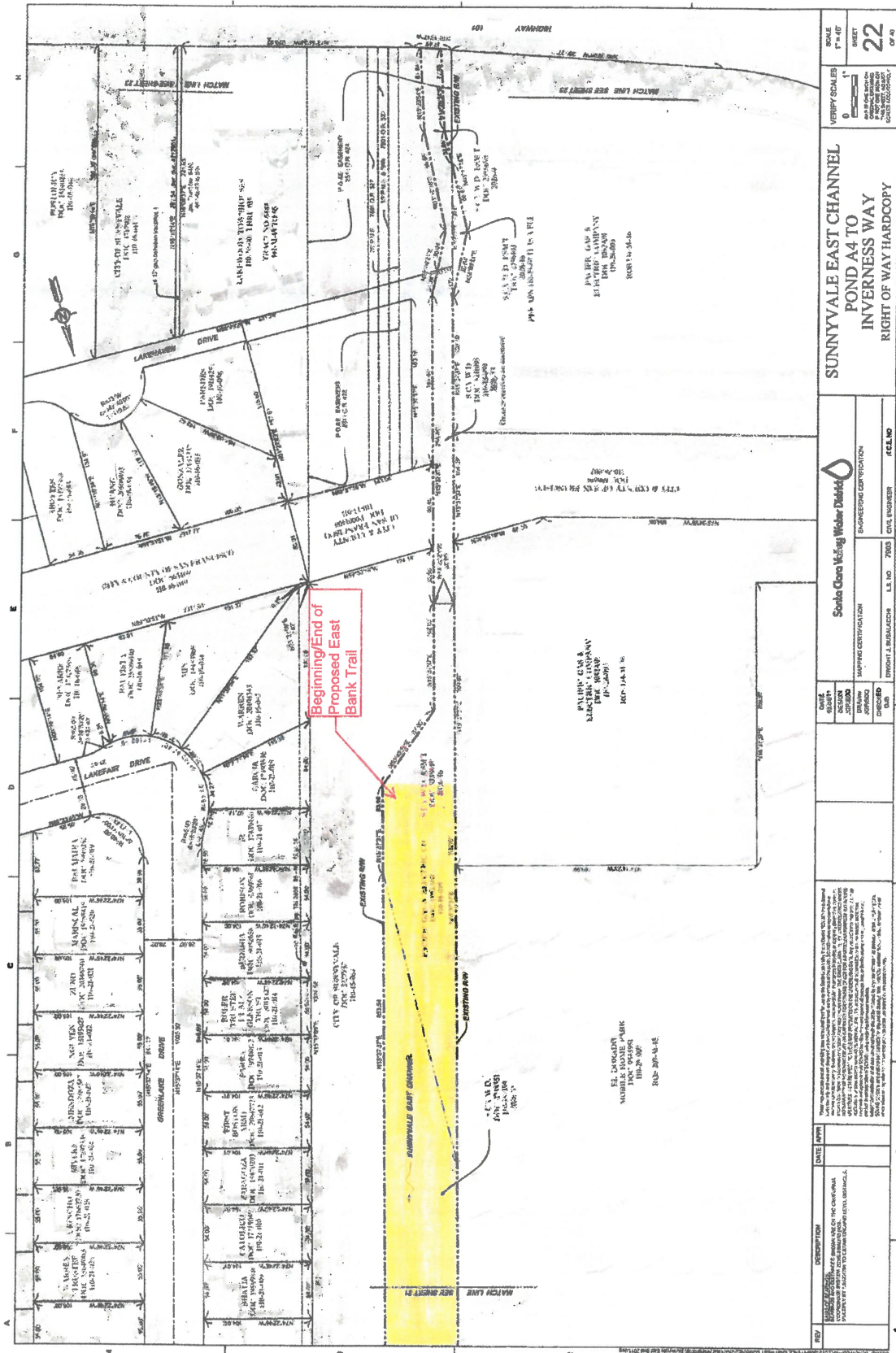


Exhibit B-5

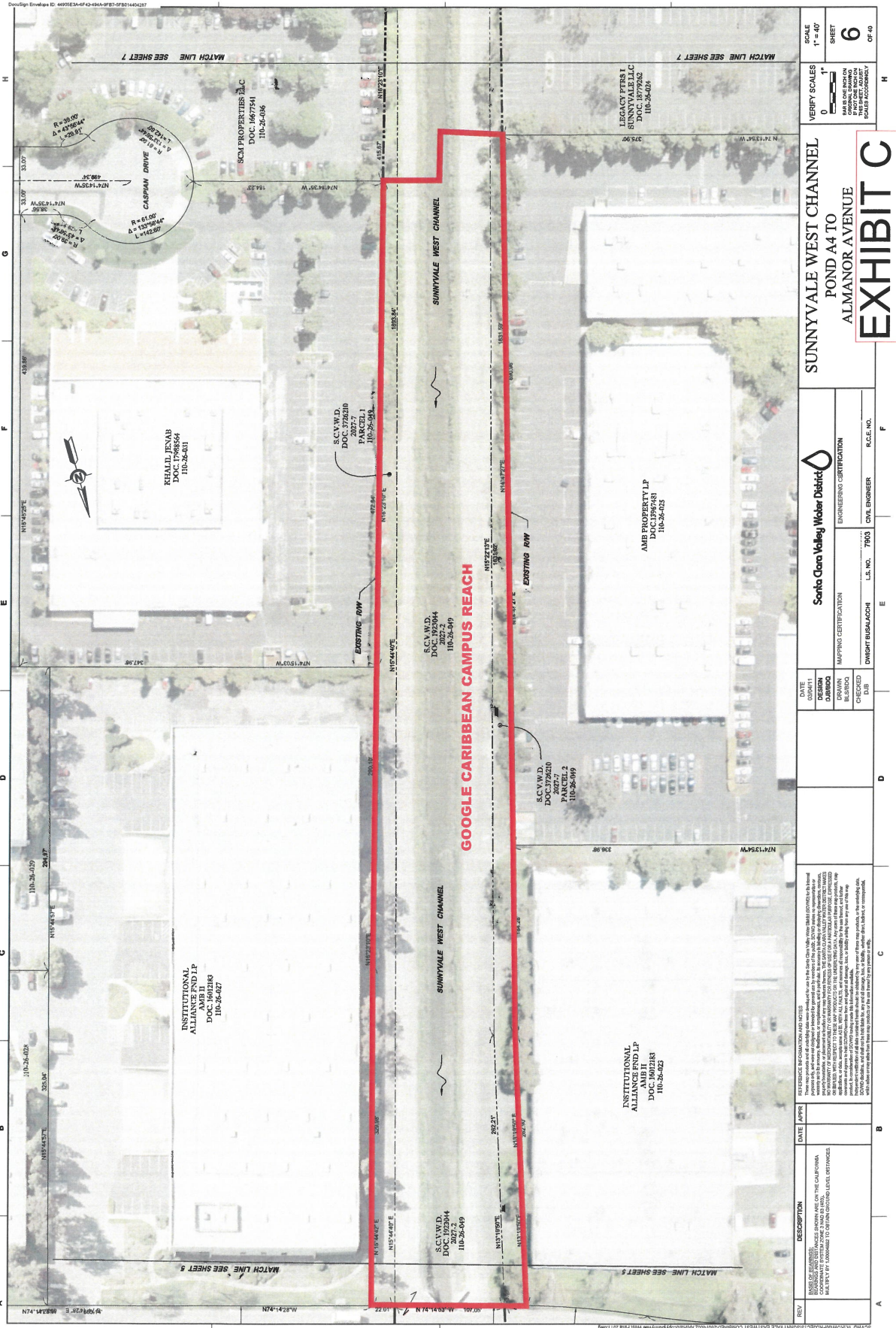






## Exhibit B-7





## EXHIBIT D-INSURANCE

### Certificates of Insurance

Without limiting the Contractor's indemnification of, or liability to, the Santa Clara Valley Water District ("District" or "Valley Water") and the City of Sunnyvale, the Contractor must provide and maintain at its own expense, during the term of this Agreement, or as may be further required herein, the following insurance coverages and provisions as listed below.

The certificates will be issued on a standard ACORD Forms.

Contractor shall instruct their insurance broker/agent to submit all insurance certificates and required notices to Santa Clara Valley Water District and City of Sunnyvale.

The certificates will:

1. Identify the underwriters, the types of insurance, the insurance limits, the deductibles and the policy term;
2. Include copies of all the actual policy endorsements required herein; and
3. In the "Certificate Holder" box include:

**Santa Clara Valley Water District  
5750 Almaden Expressway  
San Jose, CA 95118**

**and**

**City of Sunnyvale  
456 W. Olive Ave.  
Sunnyvale, CA 94086**

In the Description of Operations/Locations/Vehicles/Special Items Box:

1. Certificate Holders shall be named as Additional Insureds;
2. District agreement or project number shall appear;
3. The list of policies scheduled as underlying on the Umbrella policy shall be listed; and
4. Waiver of Subrogation must be indicated as endorsed to all policies.

**If Contractor receives any notice that any of the insurance policies required by this Exhibit D-Insurance may be cancelled or coverage reduced for any reason whatsoever, Contractor or insurer shall immediately provide written notice to the Certificate Holder that such insurance policy required by this Exhibit D- Insurance is canceled or coverage is reduced.**

### Maintenance of Insurance

If Contractor fails to maintain such insurance as is called for herein, the Certificate Holders, at their option, may order Contractor to suspend all Contractor's work at Contractor's expense until a new policy of insurance is in effect.

### Renewal of Insurance

Contractor will provide the Certificate Holders with a current Certificate of Insurance and endorsements within thirty (30) business days from the expiration of insurance.

Contractor must, at its sole cost and expense, procure and maintain during the entire period of this Agreement the following insurance coverage(s).

### **Required Coverages**

**1. Commercial General/Business Liability Insurance** with coverage as indicated:

**\$1,000,000** per occurrence / **\$1,000,000** aggregate limits for bodily injury and property damage

General Liability insurance must:

- a. Be written on standard ISO forms or be approved by the Certificate Holder
- b. Include coverage at least as broad as found in standard ISO form CG 0001
- c. Include Premises and Operations
- d. Include Contractual Liability expressly including liability assumed under this contract.
- e. If Contractor will be working within fifty (50) feet of a railroad or light rail operation, any exclusion as to performance of operations within the vicinity of any railroad bridge, trestle, track, roadbed, tunnel, overpass, underpass, or crossway must be deleted, or a railroad protective policy in the above amounts provided
- f. Include Owners and Contractors' Protective liability
- g. Include Severability of Interest
- h. Include Explosion, Collapse and Underground Hazards, (X, C, and U)
- i. Include Broad Form Property Damage liability
- j. Contain no restrictive exclusions (such as but not limited to CG 2153, CG 2144 or CG 2294)

The Certificate Holders reserve the right to require certain restrictive exclusions be removed to ensure compliance with the above.

**2. Business Auto Liability Insurance** with coverage as indicated:

**\$1,000,000** combined single limit for bodily injury and property damage per occurrence, covering all owned, non-owned and hired vehicles.

**Excess or Umbrella policies** may be used to reach the above limits for the General Liability and/or Business Auto Liability insurance limits, however all such policies must contain a primacy clause (See Section 2, General Conditions) and meet all other General Conditions below.

**3. Workers' Compensation and Employer's Liability Insurance**

Statutory California Workers' Compensation coverage covering all work to be performed for the District and the City of Sunnyvale.

Employer Liability coverage for not less than \$1,000,000 per occurrence.

### **General Requirements**

**With respect to all coverages noted above, the following additional requirements apply:**

- 1. Additional Insured Endorsement(s):** Contractor must provide an additional insured endorsement for Commercial General/Business Liability and Business Automobile liability coverage naming the **Santa Clara Valley Water District, its Directors, officers, employees, volunteers, and agents, individually and collectively and the City of Sunnyvale, its officers, officials, employees, agents and volunteers** as additional insureds, and must provide coverage for acts, omissions, etc. arising out of the named insureds' activities and work. **NOTE:** This section does not apply to the Workers' Compensation.



DocuSign Envelope ID: 44905E3A-6F42-494A-9FB7-5FB014404287

2. **Primacy Clause:** Contractor will provide evidence (either through the Certificate of Insurance, endorsement or language in the insurance contract) that Contractor's insurance is primary with respect to any other insurance which may be carried by the Santa Clara Valley Water District, its Directors, officers, employees, volunteers, and agents, individually and collectively and the City of Sunnyvale, its officers, officials, employees, agents and volunteers and the Santa Clara Valley Water District's or City of Sunnyvale's coverage must not be called upon to contribute or share in the loss. **NOTE:** This section does not apply to the Workers' Compensation policies.
3. **Cancellation Clause:** Contractor will provide endorsements for all policies stating that the policy will not be cancelled without 30 days prior notification to the Santa Clara Valley Water District and City of Sunnyvale.
4. **Acceptability of Insurers:** All coverages must be issued by companies admitted to conduct business in the State of California, which hold a current policy holder's alphabetic and financial size category rating of not less than A- V, according to the current Best's Key Rating Guide or a company of equal financial stability that is approved by the Santa Clara Valley Water District and City of Sunnyvale. Non-Admitted companies may be substituted on a very limited basis at the Santa Clara Valley Water District's or City of Sunnyvale's sole discretion.
5. **Self-Insured Retentions or Deductibles:** Any deductibles or self-insured retentions (SIR) must be declared to and approved by the Santa Clara Valley Water District and City of Sunnyvale. At the option of the Santa Clara Valley Water District or City of Sunnyvale, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the District, its officers, officials, employees, agents, and volunteers and the City of Sunnyvale, its officers, officials, employees, agents and volunteers; or the Contractor shall provide a financial guarantee satisfactory to the Entity guaranteeing payment of losses and related investigations, claim administration, and defense expenses. Contractor agrees that in the event of a claim they will pay down any agreed upon SIR in a prompt manner as soon as bills are incurred in order to trigger the insurance related to the SIR.
6. **SubContractors:** The Contractor shall secure and maintain or shall be responsible for ensuring that all SubContractors performing the Contract Services secure and maintain all insurance coverages appropriate to their tier and scope of work in a form and from insurance companies reasonably acceptable to the Santa Clara Valley Water District and City of Sunnyvale.
7. **Amount of Liability not Limited to Amount of Insurance:** The insurance procured by Contractor for the benefit of the Santa Clara Valley Water District and City of Sunnyvale must not be deemed to release or limit any liability of Contractor. Damages recoverable by the Santa Clara Valley Water District and City of Sunnyvale for any liability of Contractor must, in any event, not be limited by the amount of the required insurance coverage.
8. **Coverage to be Occurrence Based:** Except for Professional Liability, all coverage must be occurrence-based coverage. Claims-made coverage is not allowed.
9. **Waiver of Subrogation:** Contractor agrees to waive subrogation against the Santa Clara Valley Water District and City of Sunnyvale to the extent any loss suffered by Contractor is covered by any Commercial General Liability policy, Automobile policy, Workers' Compensation policy described in **Required Coverages** above. Contractor agrees to advise its broker/agent/insurer and agrees to provide evidence (either through the Certificate of Insurance, endorsement or language in the insurance contract) that subrogation has been waived by its insurer.



File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel

**2023 AMENDED AND RESTATED  
JOINT USE AGREEMENT  
between  
City of Sunnyvale  
and  
Santa Clara Valley Water District  
Sunnyvale West Channel and Sunnyvale East Channel**

This 2023 AMENDED AND RESTATED JOINT USE AGREEMENT (this “**Agreement**”) is entered into by and between the SANTA CLARA VALLEY WATER DISTRICT, a California Special District created by the California Legislature, hereinafter referred to as “**Valley Water**”, and the CITY OF SUNNYVALE, a municipal corporation, hereinafter referred to as “**City**”. Valley Water and City may be referred to individually as “Party” or collectively as the “Parties” or the “Parties to this Agreement”. This Agreement will become effective on the later of the last-signed signature date set forth below (the “**Effective Date**”), \_\_\_\_\_, 2023.

RECITALS:

- A. Whereas, Valley Water is the owner of certain real property (hereinafter “**the Premises**”), shown on “Exhibit A and Exhibit B” attached hereto, so marked and by this reference made a part hereof. The Premises are located along the Sunnyvale West Channel and the Sunnyvale East Channel within the City of Sunnyvale;
- B. Whereas, City has an interest in using Premises to enable City to provide certain recreational opportunities to the public that do not unreasonably interfere with Valley Water’s mission of flood protection, water resource management, and stream stewardship;
- C. Whereas, in 2014, Valley Water certified an Environmental Impact Report (EIR) and approved a project known as the Sunnyvale East and West Channels Flood Protection Project (State Clearinghouse No. 2013012041) to construct a series of infrastructure upgrades that will provide additional flood protection and improve water quality on the Sunnyvale East and West Channels (“**Flood Protection Project**”);
- D. Whereas, City requested that Valley Water incorporate public trail improvements on the West Channel into the Flood Protection Project, subject to City approving funding and accepting in full these trail improvements;
- E. Whereas, City acknowledged that passive recreational use may occur anywhere on the Premises but requested trail improvements at the following locations:

File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel

1. Sunnyvale West Channel – The paved trail proposed by the City is to be located along Valley Water’s west maintenance road extending from West Caribbean Drive upstream to Mathilda Avenue;
  2. Sunnyvale East Channel – The paved trail proposed by the City is to be located along Valley Water’s east maintenance road extending from West Caribbean Drive upstream to Moffett Park Drive and from Persian Drive upstream to John W. Christian Greenbelt.
- F. Whereas, in 2016, the City and Valley Water entered into a certain agreement entitled “Joint Use Agreement between City of Sunnyvale and Santa Clara Valley Water District – Sunnyvale West Channel and Sunnyvale East Channel” (the 2016 JUA), which was approved by the Sunnyvale City Council on August 25, 2015, and the Santa Clara Valley Water District Board of Directors on June 14, 2016, and subsequently executed by the Sunnyvale City Manager and Valley Water’s Chief Executive Officer;
- G. Whereas, Section 14 of the 2016 JUA provided that the 2016 JUA would become effective upon full completion of the Flood Protection Project as evidenced by the date of execution of a “Notice of Completion of Contract and Acceptance of Work” by the District Clerk of the Board of Directors of Valley Water;
- H. Whereas, on May 12, 2020, the Sunnyvale City Council certified an EIR and approved a project known as the Google Caribbean Campus (State Clearinghouse No. 2007052021), which includes the construction of office buildings, a parking garage, related infrastructure, West Channel improvements, and campus amenities (“**Google Caribbean Campus Project**”) and will generally be located within the City of Sunnyvale bound by West Caribbean Drive on the north, Mathilda Avenue on the west, Borregas Avenue on the east, and will be bisected north to south by the West Channel;
- I. Whereas, specifically, the Google Caribbean Campus Project includes proposed improvements to a portion of the West Channel, generally extending from West Caribbean Drive upstream to the southern end of Google’s property line;
- J. Whereas, as part of the Google Campus Project, Google LLC will realign a portion of the Flood Protection Project for the Sunnyvale West Channel in the area from West Caribbean Drive to approximately 1300 feet upstream of Caribbean Drive and construct publicly accessible paved (multi-use) trails on both sides of a portion of the Sunnyvale West Channel and two publicly accessible channel bridges over the Sunnyvale West Channel, all on the Premises (collectively, “**Google Caribbean Campus Reach**”), as shown on “Exhibit C” (attached hereto, so marked and by this reference made a part hereof), under license with Valley Water and with approval from City, to connect to the

File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel

Google Caribbean Campus and other public trail improvements to be constructed by Valley Water and accepted by City;

- K. Whereas, in 2022, the City and Valley Water entered into a new “Joint Use Agreement between City of Sunnyvale and Santa Clara Valley Water District – Sunnyvale West Channel and Sunnyvale East Channel” (the 2022 JUA), which was approved by the Sunnyvale City Council on March 1, 2022, and the Santa Clara Valley Water District Board of Directors on February 22, 2022, and subsequently executed by the Sunnyvale City Manager and Valley Water’s Chief Executive Officer on April 13, 2022;
- L. Whereas, pursuant to Section 2 of the 2022 JUA, the implementation of the rights and obligations of the parties under the 2022 JUA with respect to the Google Caribbean Campus Reach Area are triggered upon issuance by Valley Water of a permit for construction of the improvements specified in Section 3 of the Agreement, and with respect to all other portions of the East and West Channels not including the Google Caribbean Campus Reach area, upon completion of the Flood Protection Project as evidenced by the date of execution of a “Notice of Completion of Contract and Acceptance of Work” by the District Clerk of the Board of Directors of Valley Water;
- M. Whereas, on September 30, 2021, the City and Google LLC entered into an Encroachment and Maintenance Agreement for the development of a series of connected paths in the City’s Moffett Park district known as the Moffett Park Green Link;
- N. Whereas, the Google Moffett Park Green Link Bordeaux-Borregas Bridge Project includes Proposed Improvements (defined below) to a portion of the Sunnyvale West Channel, generally extending from the terminus of the floodwall constructed as part of the Moffett Place Development Channel Improvement Project to the south and the Google property at 1212 Bordeaux Drive to the north, a portion of which would be located on Google property (Assessor Parcel Nos. 110-25-040 and 110-35-031) and a portion of which would be located on the Premises (collectively, “Google Bordeaux-Borregas Bridge Reach”), as shown on “Exhibit D” (attached hereto, so marked by this reference made a part hereof);
- O. Whereas, as part of the Google Moffett Park Green Link Bordeaux-Borregas Bridge Project, Google LLC will construct publicly accessible paved (multi-use) trails on both sides of a portion of the Sunnyvale West Channel and a publicly accessible channel bridge over the Sunnyvale West Channel (collectively, “Proposed Improvements”), with approval from Valley Water and the City of Sunnyvale, which will connect to the existing paved (multi-use) pathway at the Google Moffett Place Campus and the existing publicly

File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel

accessible paved (multi-use) Moffett Park Green Link pathways on 1212 Bordeaux Drive and 1265 Borregas Avenue in the City of Sunnyvale;

P. Whereas, the parties find it to be in the public interest to provide for joint use of the Premises by means of an Agreement under the following terms and conditions.

Now, therefore, the parties agree as follows:

- 1) **Supersedes Existing JUA.** City and Valley Water agree that this Agreement supersedes and replaces the 2022 JUA as of the Effective Date of this Agreement.
- 2) **Conditions Precedent.** The implementation of the rights and obligations of the parties under this Agreement shall be triggered upon the occurrence of the following:
  - a. With respect to the Google Caribbean Campus Reach area, upon issuance by Valley Water of a permit for construction of improvements as specified in Section 3, below.
  - b. With respect to the Google Bordeaux-Borregas Bridge Reach area, upon issuance by Valley Water of a permit for construction of improvements as specified in Section 3, below.
  - c. With respect to all other portions of the East and West Channels not including the Google Caribbean Campus Reach and the Google Bordeaux-Borregas Bridge Reach, upon completion of the Flood Protection Project, or any portions thereof, as evidenced by the date of execution of a "Notice of Completion of Contract and Acceptance of Work" by the Clerk of the Board of Directors of Valley Water.
- 3) **Scope of the License Grant to City.** Subject to the terms and conditions of this Agreement, Valley Water hereby grants to City a non-exclusive license to access and do any or all of the following on the Premises:
  - a. To construct, operate, maintain, repair, replace, and remove City Improvements (defined below) for recreational purposes on the Premises including, but not limited to, asphalt concrete surfaced pedestrian and bicycle trails, pedestrian bridges, fencing, fixtures (trash receptacles, benches etc.) and signage. "**City Improvements**" is defined to be improvements constructed or installed by the City and improvements constructed or installed by a third party but authorized by or accepted by the City, as evidenced by issuance of a permit or other agreement. The construction of such City Improvements shall require prior review and approval by Valley Water as signified by issuance of a permit ("**Valley Water Permit**") and shall be compliant with all applicable legal and

File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel

permitting requirements. It is fully understood and agreed that Valley Water in its reasonable discretion may approve or disapprove a request for any permit to construct any City Improvement on the Premises.

- b. To provide non-motorized bicycling, walking, jogging, and hiking activities in accordance with all applicable legal and permitting requirements to the extent such activities do not interfere with Valley Water's mission of flood protection, water resource management, and stream stewardship.
- c. To host special recreational events (e.g., races) that may include an otherwise restricted component such as allowing private vehicular access for safety purposes, so long as City first receives a Valley Water Permit to host that event.
- d. To regulate all public access allowed under and subject to the provisions of this Agreement within the Premises, including but not limited to, within the Google Caribbean Campus Reach and the Google Bordeaux-Borregas Bridge Reach, except that Valley Water shall have the right to regulate, or cause a third party to regulate, public access within the Premises to perform Valley Water activities in connection with its flood protection obligations, pursuant to Section 10, that reasonably necessitates full or partial temporary closure of the publicly accessible paved trails and channel bridges within the Premises. Nothing in this provision shall relieve the City from its obligations to temporarily prohibit or control public access to the Premises as stated in Section 14.

**4) Prohibited Uses of Trail.** City shall post notices at all trail entrances that notify users of the trail that the following activities are prohibited:

- Entry of motor vehicles (except for maintenance, emergency, and enforcement vehicles and mobility devices otherwise allowed by law)
- Unleashed dogs

Subject to the foregoing prohibitions and any other restrictions set forth in this Agreement, City shall have the sole authority to adopt any trail rules and regulations pursuant to City of Sunnyvale Municipal Code for any City Improvements on the Premises that will not interfere with Valley Water's mission of flood protection, water resource management, and stream stewardship.

**5) Trash and Litter Removal.** City will provide for trash removal on the Premises that is reasonably likely to have been generated from the public's use of the Premises. City will be

File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel

responsible for maintaining, servicing, emptying trash receptacles, and rubbish removal as reasonably necessary. Valley Water will manage the Adopt-A-Creek program.

- 6) **Vegetation Management.** If existing vegetation impacts the trail use, then City is responsible for management or removal, as City deems necessary.
- 7) **Graffiti Removal.** City will provide graffiti removal in compliance with City's graffiti abatement program, including graffiti removal from floodwalls, signs, etc. installed in conjunction with and/or accessory to the establishment of a public pathway consistent with its implementation of the same program at comparable City facilities. City will have the primary responsibility for removal of graffiti on the Premises, reasonably attributed to public's use. No permit from Valley Water, nor any advance notice, will be required for City to provide the routine removal of graffiti from any City or Valley Water facility within the length of the East Channel or West Channel included within this agreement. Any and all materials used by City in the removal of graffiti within the limits of this agreement shall be approved for use in the State of California, environmentally safe products, which will not impact the storm drain channel environment in any way.
- 8) **Security.** The Premises will be reasonably patrolled by City personnel and/or volunteers supervised by City at the level of Public Safety that is afforded to all areas of the City. Valley Water has no obligations whatsoever to provide or pay for any such patrol services.
- 9) **Public Complaints.** City is responsible for responding to all public complaints and inquiries regarding City's improvements on the Premises, including the public trails, and to all inquiries regarding the public's use of the Premises.
- 10) **Removal or Relocation of City Improvements.** If Valley Water requires that any City improvement on Premises be removed or relocated, City will do so at its own expense within a commercially reasonable timeframe prescribed in writing by Valley Water, factoring in the time required to obtain final approval for any such removal or relocation from Valley Water, City (if performed by a third party) and state/federal agencies, as applicable, including but not limited to any required environmental review under the California Environmental Quality Act. If removal or relocation of City improvements, including vegetation installed by City, requires mitigation under the California Environmental Quality Act, City will be responsible for all costs required to fulfill any required mitigation responsibilities. Valley Water will inform City during preconstruction planning in the event a Valley Water project is performed on the Premises, in order to reasonably minimize Valley Water's project impact on City's improvements located on the Premises. Any required replacement or relocation of City's trails and amenities will be the responsibility of City, subject to Valley Water approval.

File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel

- 11) Water Level Fluctuations.** It is expressly understood by City that the level of water upon the Premises may fluctuate from day to day due to controlled or uncontrolled flows upon and across the same. City is responsible for the control of or limiting the public's use of Premises because of such water levels, flood flows, or for any other related reason. City is responsible for determining the conditions under which to exercise said control or to limit the use of the Premises to ensure the health and safety of the public using the Premises.
- 12) Signage.** The parties will cooperate to create and install signage that benefits the programs of each party such as warnings, entrance signage, interpretive signs and benches, and joint uses when applicable. The Deputy Operating Officer of Valley Water and the Public Works Director of City or their respective designees will meet and confer on a periodic basis to plan the installation of appropriate signage which serves the needs of both parties. All signs placed on the Premises by City (except existing signs that identify the facility (e.g., Trail) by name) must include Valley Water's logo in equal size and symmetrical relationship to any other logos contained on such signs. In addition, all City signs or City publications placed on the Premises that describe water resources must be developed in conjunction with Valley Water's Watershed customer relations staff. Each party is responsible for the maintenance and upkeep of its signage installed on the Premises.
- 13) Bird Nesting Season.** Construction and maintenance work during nesting season (generally between February 1<sup>st</sup> and August 31<sup>st</sup>) will be avoided whenever possible. If construction or maintenance work must be done during the nesting season, a pre-construction survey by a qualified biologist must be undertaken to determine the presence of nesting. If nesting activity is reported, the biologist shall recommend the City implement adequate mitigation measures to protect the nesting area. Environmental impacts will be considered prior to all work by the responsible party (City or Valley Water, and/or their agents) performing said work. Any and all work related to this provision will be completed by the responsible party in accordance with applicable federal, state, and local environmental health and safety regulations including but not limited to the federal Migratory Bird Treaty Act of 1918, Clean Water Act, Endangered Species Act, the California Fish and Wildlife Code and the Porter-Cologne Act and any amendments thereto.
- 14) Maintenance and Repair.** Valley Water is responsible for performing routine maintenance on the Premises for flood protection and water resource management purposes in a manner consistent with its maintenance of comparable facilities or creeks. City is responsible for the maintenance and repair of recreational improvements on the Premises. City will bear the cost and expense of any security, police or other expenditure necessary to temporarily prohibit or control public access to the Premises that Valley Water would not ordinarily incur to complete scheduled routine maintenance pursuant to this provision. In an emergency

File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel

situation, Valley Water may respond without notice to City. In non-emergency situations, City and Valley Water staff will meet, whenever necessary, for the purpose of scheduling routine maintenance, including, but not limited to:

- (a) Maintenance issues related to improvements;
- (b) Method and timing of issues related to affected wildlife;
- (c) Non-emergency work requiring the use of heavy equipment, barricading, and/or restricting access to the Premises. Valley Water and City further agree to notify one another's designated representative at least ten (10) workdays prior to commencement of such work, in order to minimize public impacts.

**15) Damage to City's Improvements on Premises.** Valley Water is not responsible for any damage occurring to City's improvements or structures located on the Premises that results from Valley Water's maintenance, construction, or reconstruction activities, or from its water management and/or flood protection facilities located on or near the Premises, including (without limitation) any flood flows, or inundation of the Sunnyvale West Channel and Sunnyvale East Channel onto the Premises. Further, City is responsible for any damage occurring to either Valley Water's or City's improvements or structures located on the Premises that result from the public's use of the Premises. All costs to repair damage to Valley Water's or City's improvements will be borne by City.

**16) Term of Agreement and Renewal Option.** The term of this Agreement (including the rights and obligations contained herein) is twenty-five (25) years commencing on the Effective Date. The City, upon providing Valley Water with no less than ninety (90) days written notice, prior to the expiration of the initial 25-year term, may renew this Agreement for an additional 25-year period.

**17) Termination of Agreement.** A party may terminate this Agreement after providing the other party with at least 180 days prior written notice of its intent to terminate this Agreement. Upon the termination or expiration of this Agreement, City must remove all City Improvements from the Premises at the request of Valley Water and subject to Section 10 and leave the Premises in a condition as near as reasonably practical to its condition prior to the installation and/or development of such improvements. Notice of intent to renew or to terminate may be given by City's Director of Public Works. Notice of intent to terminate may be given by Valley Water's Chief Executive Officer.

**18) City's Responsibility for Public Use.** Subject to the conditions and restrictions contained in this Agreement, including without limitation Section 3(d), City has the full control and authority for public use of the Premises, and City may restrict, control, regulate and/or



File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel

supervise the public use thereof. City may, at its discretion, consistent with the right of Valley Water hereinafter described, and without diminution of the flood protection or water resources management function or hazard thereto of the Premises as now existing or as may hereafter be altered, take any measures of every kind as may in the opinion of City be necessary for the health and safety of the users of the Premises for any purpose under this Agreement. City has the sole responsibility to maintain, in usable and safe condition, City Improvements on the Premises.

**19) Valley Water's Superior Rights.** It is expressly understood that Valley Water is engaged in flood protection, the protection of water resources, and stream stewardship and that the terms and conditions of this Agreement will not in any way interfere with the absolute, free and unrestricted right of Valley Water to operate and maintain for flood protection, water resource management, and stream stewardship purposes the stream bed and banks or any appurtenant works thereto, or to repair or construct any of its works, or to allow the raising or lowering of the height of the water present upon the Premises.

**20) City's Subordinate Rights.** City will have the right to build improvements on the Premises necessary, or convenient to the enjoyment of this Agreement, provided the location of any such improvement is, in each case during the term of this Agreement, first approved by Valley Water and signified by issuance of a Valley Water permit. It is fully understood and agreed that Valley Water has the sole, unfettered discretion to approve or disapprove of such improvements.

**21) Indemnification by City.** Notwithstanding any other provision of this Agreement, City agrees to indemnify, defend and hold harmless Valley Water, its agents, officers, directors, and employees from and against any and all demands, claims, damages, losses and reasonable expenses, including but not limited to liabilities, obligations, claims, costs, reasonable expenses (including without limitation interest, penalties and reasonable attorney's fees), fines, levies, assessments, demands, damages or judgments of any kind or nature, whether in law or equity (including without limitation, death or injury to any person, property damage, administrative and judicial orders and consents, or any other loss) to the extent they arise out of, pertain to, or relate to the: (i) public use of the Premises, (ii) public's use of real property adjacent to the Premises, or (iii) negligence or willful misconduct of City's officers, agents, employees, or independent contractors. This Agreement to defend, indemnify, and hold harmless Valley Water will operate irrespective of the basis of the claim, liability, loss, damage, or injury and irrespective of whether the act, omission, or activity is a condition of Premises or any other cause of any kind or nature. The rights, duties, and obligations of the Parties as set forth in this Section 21 Indemnification by City, shall survive termination, expiration, and suspension of this Agreement.

File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel

**22) Insurance.** City and Valley Water shall, throughout the duration of this Agreement, maintain and cause its contractors to maintain sufficient insurance and coverage as described in Exhibit “E”, attached hereto and incorporated herein. City and Valley Water can meet the insurance requirements of this Section 22 through self-insurance which can be substantiated by issuance of a certificate of self-insurance.

**23) Equal Opportunity Employer.** Valley Water is an equal opportunity employer and requires public agencies that it enters into this Agreement with to have and adhere to a policy of equal opportunity and non-discrimination. In the performance of the Agreement, City will comply with all applicable federal, state, local laws and regulations, and will not discriminate against any subcontractor, employee, or applicant for employment in the recruitment, hiring, employment, utilization, promotion, classification or reclassification, transfer, recruitment advertising, evaluation, treatment, demotion, layoff, termination, rates of pay or other forms of compensation, and selection for professional development training (including apprenticeship), or against any other person, on the basis of sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), race, religion, color, national origin (including language use restrictions), ancestry, religious creed (including religious dress and grooming practices), political affiliation, disability (mental and physical, including HIV or AIDS), medical condition (cancer and genetic characteristics), genetic information, marital status, parental status, gender, age (40 and over), pregnancy, military and veteran status, sexual orientation, gender identity and gender expression, the exercise of family and medical care leave, the exercise of pregnancy disability leave, or the request, exercise, or need for reasonable accommodation.

**24) Compliance with Applicable Equal Opportunity Laws.** City’s policy must conform with applicable state and federal guidelines including the Federal Equal Opportunity Clause, “Section 60-1.4 of Title 41, Part 60 of the Code of Federal Regulations,” Title VII of the Civil Rights Act of 1964 as amended; the Americans with Disabilities Act of 1990; the Rehabilitation Act of 1973 (Sections §503 and §504); the Age Discrimination Act of 1975 (42 U.S.C. §sec. 6101 et seq.); the California Fair Employment and Housing Act (Government Code §12900 et. seq.); and California Labor Code §1101 and §1102.

**25) City Investigation.** City must designate a specific position within its organization to be responsible for investigating allegations of non-compliance with anti-discrimination and anti-harassment provisions of this Agreement. City must conduct a fair, prompt, and thorough investigation of all allegations directed to City by Valley Water. In cases where such investigation results in a finding of discrimination, harassment, or hostile work environment, City must take prompt, effective disciplinary action against the offender.

File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel

**26) Notices.** Any and all notices required to be given hereunder will be deemed to have been delivered upon deposit in the United States mail, postage prepaid, addressed to either of the parties at the address hereinafter specified or as later amended by either party in writing:

City:

City of Sunnyvale  
Attention: Public Works Director  
456 West Olive Avenue  
Sunnyvale, CA 94088-3707

Valley Water:

Santa Clara Valley Water District  
Attention: Clerk of the Board  
5750 Almaden Expressway  
San Jose, CA 95118  
w/copy to Community Projects Review  
Unit

**27) Successors and Assigns.** This Agreement, and all terms, covenants, and conditions hereof, will apply to and bind the successors and assigns of the respective parties hereto. City will neither assign nor sublet this Agreement without the prior written consent of Valley Water.

**28) Choice of Law and Venue.** This Agreement is governed by California law. Proper venue for legal action regarding this Agreement shall be in the County of Santa Clara.

**29) Amendments.** This Agreement may not be modified or amended except in writing signed by the authorized representatives of both parties. For Valley Water, the Board of Directors authorizes the Chief Executive Officer as Valley Water's authorized representative. For City of Sunnyvale, the City Council authorizes the City Manager as the City's authorized representative.

**30) Compliance with Laws.** Each party must, in all activities undertaken pursuant to this Agreement, comply and cause its contractors, agents, and employees to comply with all federal, state, and local laws, statutes, orders, ordinances, rules, and regulations.

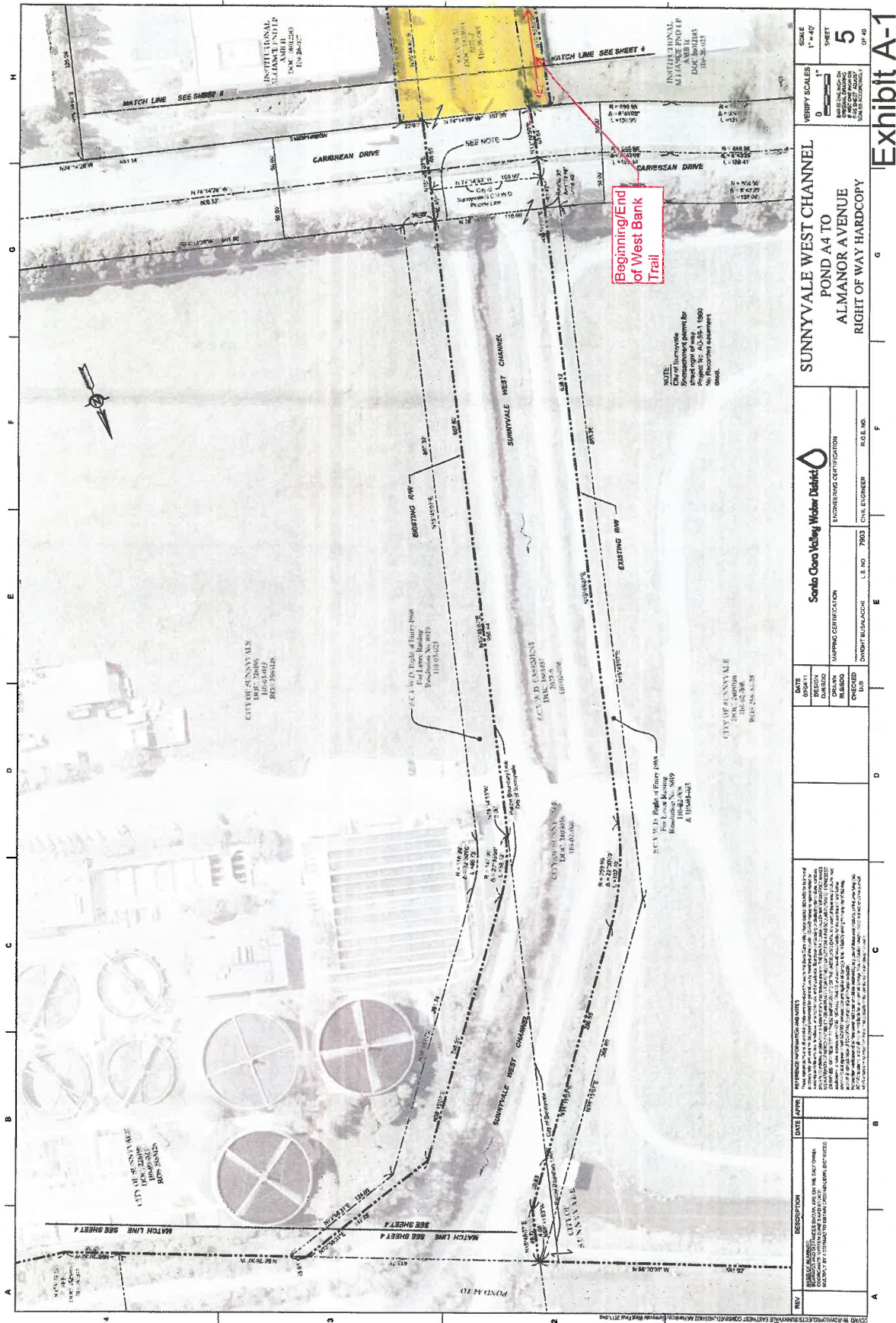
**31) Not Real Property Interest.** It is expressly understood that this Agreement does not in any way whatsoever grant or convey any permanent easement, fee or other interest in a party's real property to the other party.

**32) Attorney's Fees.** In the event of a dispute between the parties with respect to the terms or conditions of this Agreement, the prevailing party is entitled to collect from the other its reasonable attorney's fees as established by the judge or arbitrator presiding over such dispute.

File: City of Sunnyvale  
Sunnyvale West Channel  
Sunnyvale East Channel

- 33) Severability.** If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in force without being impaired or invalidated in any way; provided, however, this paragraph shall not be applied to the extent that it would result in a frustration of the parties' intent under this Agreement.
- 34) Waiver.** No delay or failure to require performance of any provision of this Agreement shall constitute a waiver of that provision as to that or any other instance. Any waiver granted by a Party must be provided, in writing, and shall apply to the specific instance expressly stated.
- 35) Entire Agreement.** This Agreement, together with all exhibits attached hereto, constitutes the entire agreement between the parties concerning the public's use of the Premises and supersedes all prior written and oral understandings concerning the public's use of the Premises.
- 36) Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original but all of which together shall constitute one and the same instrument.
- 37) Electronic Signature.** Unless otherwise prohibited by law or County policy, the Parties agree that an electronic copy of a signed contract, or an electronically signed contract, has the same force and legal effect as a contract executed with an original ink signature. The term "electronic copy of a signed contract" refers to a transmission by facsimile, electronic mail, or other electronic means of a copy of an original signed contract in a portable document format. The term "electronically signed contract" means a contract that is executed by applying an electronic signature using technology approved by the County.
- 38) No Third Party Beneficiaries.** This Agreement is entered into only for the benefit of the Parties executing this Agreement and not for the benefit of any other individual, entity, or person.
- 39) Signatures.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the City and the Valley Water.





**SUNNYVALE WEST CHANNEL  
POND A4 TO  
ALMANOR AVENUE  
RIGHT OF WAY HARD COPY**

**Santa Clara Valley Water District**  
ENGINEERING CERTIFICATION  
ENGINEER: D. B. BULACCHI  
L.S. NO. 7803  
CIVIL ENGINEER

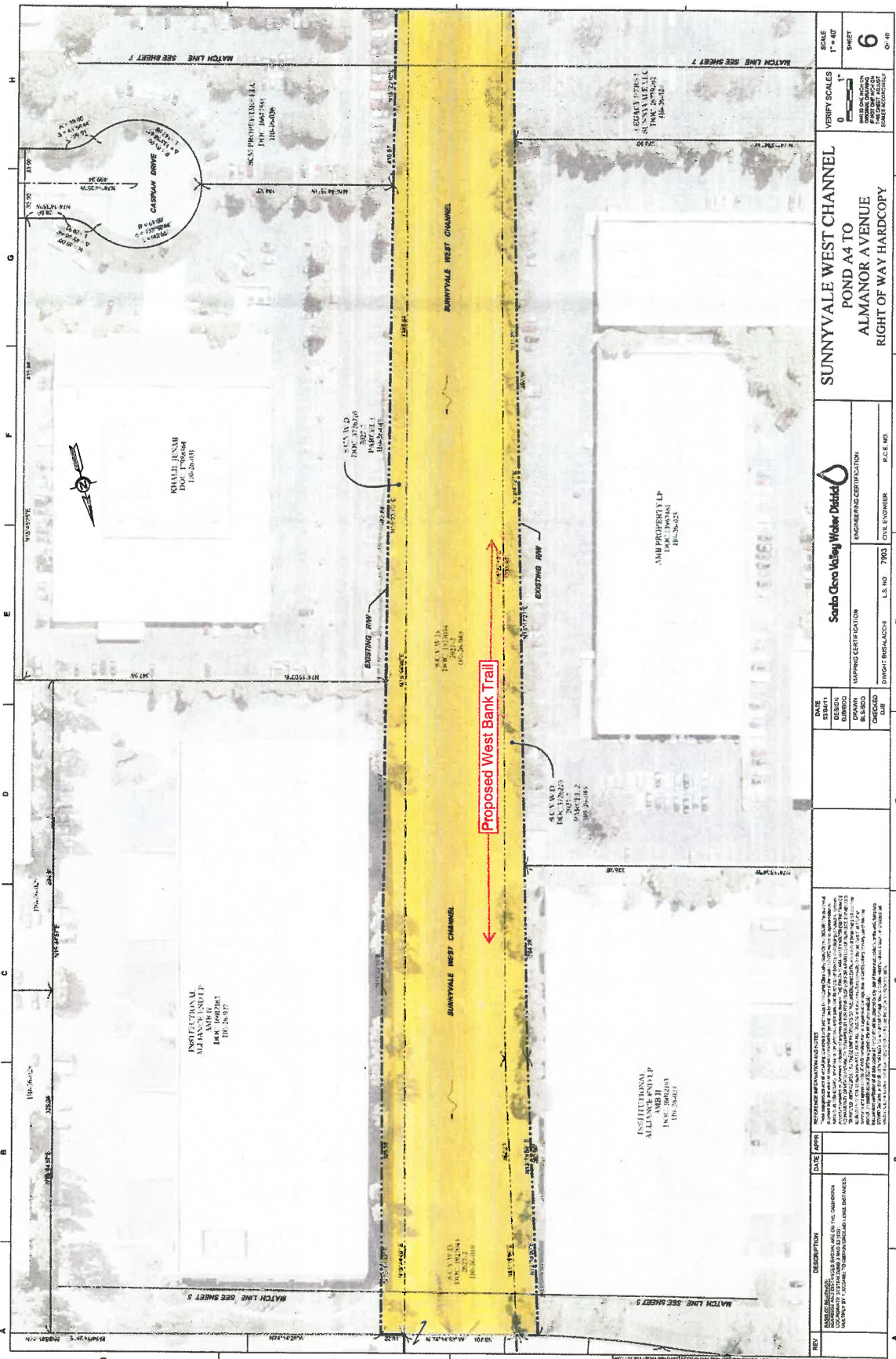
**DATE:** 10/1/2019  
**DESIGN:** D. B. BULACCHI  
**DRAWN:** D. B. BULACCHI  
**CHECKED:** D. B. BULACCHI

**DESCRIPTION:** SUNNYVALE WEST CHANNEL  
POND A4 TO ALMANOR AVENUE  
RIGHT OF WAY HARD COPY

**DATE:** 10/1/2019  
**APPROVED:** D. B. BULACCHI  
**DESCRIPTION:** SUNNYVALE WEST CHANNEL  
POND A4 TO ALMANOR AVENUE  
RIGHT OF WAY HARD COPY

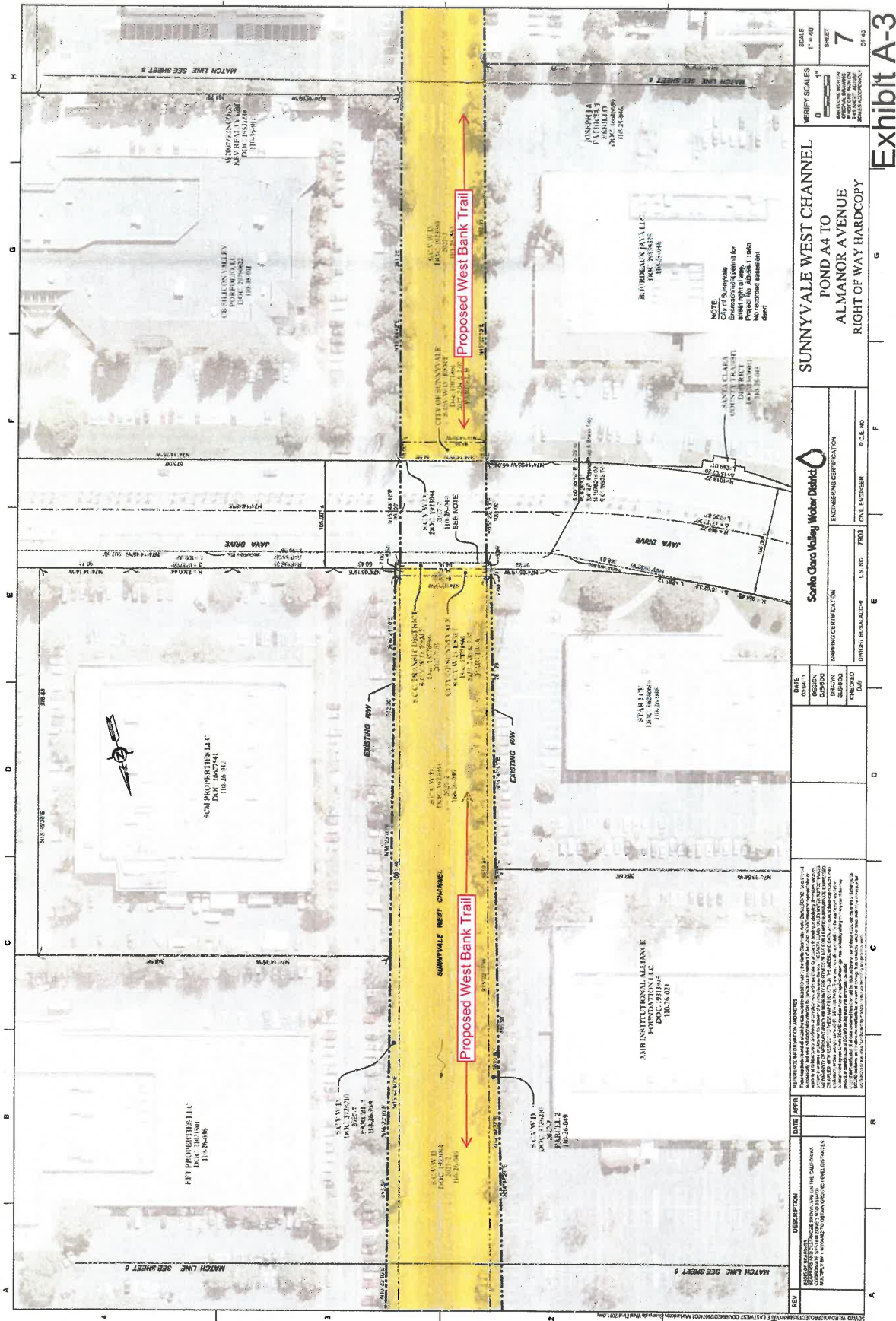
**Exhibit A-1**





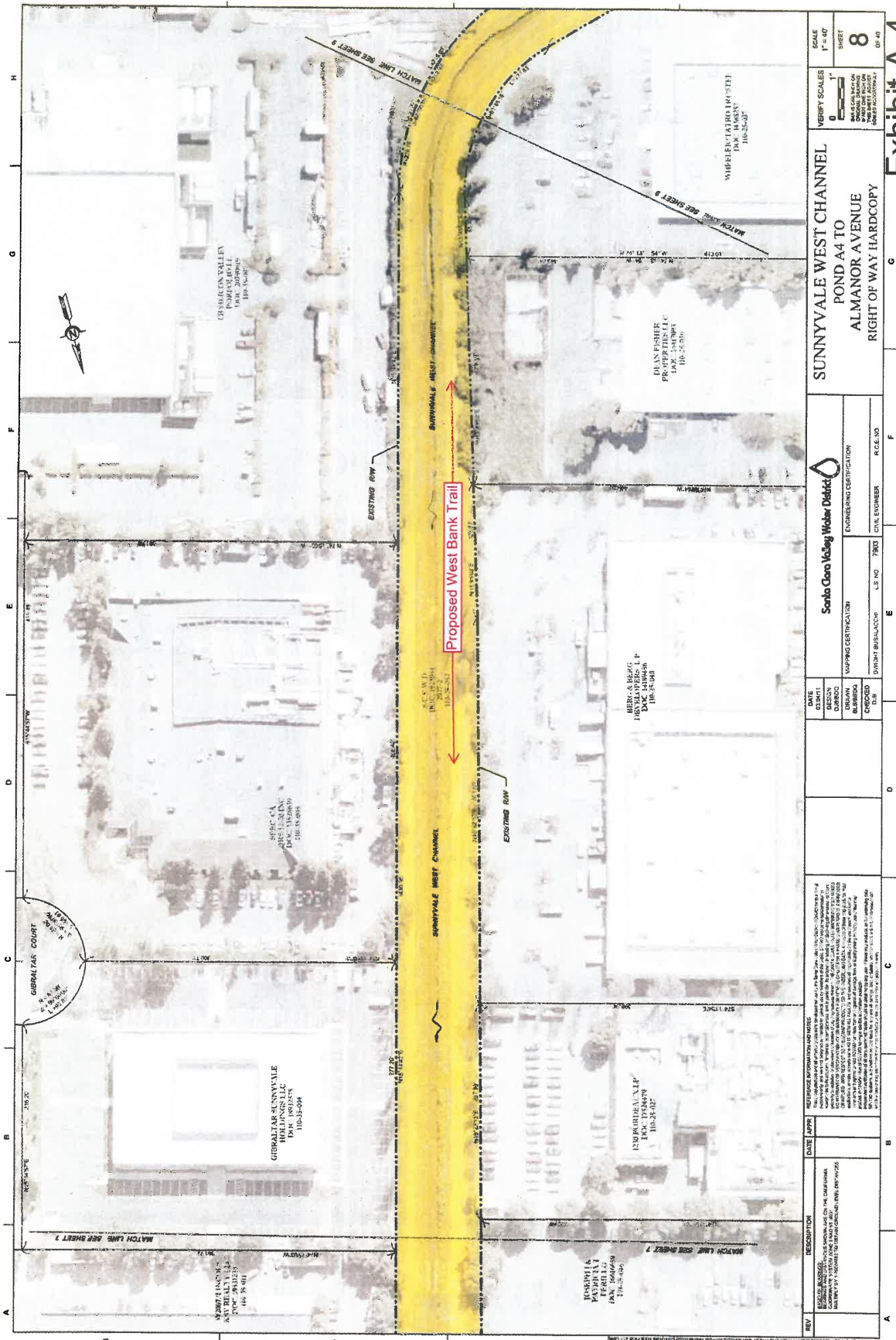
REVISIONS		DATE		DESCRIPTION	
REV		DATE	APPROVED	DESCRIPTION	
1		01/11/2011		ISSUED FOR PERMITTING	
2		01/11/2011		ISSUED FOR PERMITTING	
3		01/11/2011		ISSUED FOR PERMITTING	
4		01/11/2011		ISSUED FOR PERMITTING	
5		01/11/2011		ISSUED FOR PERMITTING	
6		01/11/2011		ISSUED FOR PERMITTING	
7		01/11/2011		ISSUED FOR PERMITTING	
8		01/11/2011		ISSUED FOR PERMITTING	
9		01/11/2011		ISSUED FOR PERMITTING	
10		01/11/2011		ISSUED FOR PERMITTING	
11		01/11/2011		ISSUED FOR PERMITTING	
12		01/11/2011		ISSUED FOR PERMITTING	
13		01/11/2011		ISSUED FOR PERMITTING	
14		01/11/2011		ISSUED FOR PERMITTING	
15		01/11/2011		ISSUED FOR PERMITTING	
16		01/11/2011		ISSUED FOR PERMITTING	
17		01/11/2011		ISSUED FOR PERMITTING	
18		01/11/2011		ISSUED FOR PERMITTING	
19		01/11/2011		ISSUED FOR PERMITTING	
20		01/11/2011		ISSUED FOR PERMITTING	
21		01/11/2011		ISSUED FOR PERMITTING	
22		01/11/2011		ISSUED FOR PERMITTING	
23		01/11/2011		ISSUED FOR PERMITTING	
24		01/11/2011		ISSUED FOR PERMITTING	
25		01/11/2011		ISSUED FOR PERMITTING	
26		01/11/2011		ISSUED FOR PERMITTING	
27		01/11/2011		ISSUED FOR PERMITTING	
28		01/11/2011		ISSUED FOR PERMITTING	
29		01/11/2011		ISSUED FOR PERMITTING	
30		01/11/2011		ISSUED FOR PERMITTING	
31		01/11/2011		ISSUED FOR PERMITTING	
32		01/11/2011		ISSUED FOR PERMITTING	
33		01/11/2011		ISSUED FOR PERMITTING	
34		01/11/2011		ISSUED FOR PERMITTING	
35		01/11/2011		ISSUED FOR PERMITTING	
36		01/11/2011		ISSUED FOR PERMITTING	
37		01/11/2011		ISSUED FOR PERMITTING	
38		01/11/2011		ISSUED FOR PERMITTING	
39		01/11/2011		ISSUED FOR PERMITTING	
40		01/11/2011		ISSUED FOR PERMITTING	
41		01/11/2011		ISSUED FOR PERMITTING	
42		01/11/2011		ISSUED FOR PERMITTING	
43		01/11/2011		ISSUED FOR PERMITTING	
44		01/11/2011		ISSUED FOR PERMITTING	
45		01/11/2011		ISSUED FOR PERMITTING	
46		01/11/2011		ISSUED FOR PERMITTING	
47		01/11/2011		ISSUED FOR PERMITTING	
48		01/11/2011		ISSUED FOR PERMITTING	
49		01/11/2011		ISSUED FOR PERMITTING	
50		01/11/2011		ISSUED FOR PERMITTING	
51		01/11/2011		ISSUED FOR PERMITTING	
52		01/11/2011		ISSUED FOR PERMITTING	
53		01/11/2011		ISSUED FOR PERMITTING	
54		01/11/2011		ISSUED FOR PERMITTING	
55		01/11/2011		ISSUED FOR PERMITTING	
56		01/11/2011		ISSUED FOR PERMITTING	
57		01/11/2011		ISSUED FOR PERMITTING	
58		01/11/2011		ISSUED FOR PERMITTING	
59		01/11/2011		ISSUED FOR PERMITTING	
60		01/11/2011		ISSUED FOR PERMITTING	
61		01/11/2011		ISSUED FOR PERMITTING	
62		01/11/2011		ISSUED FOR PERMITTING	
63		01/11/2011		ISSUED FOR PERMITTING	
64		01/11/2011		ISSUED FOR PERMITTING	
65		01/11/2011		ISSUED FOR PERMITTING	
66		01/11/2011		ISSUED FOR PERMITTING	
67		01/11/2011		ISSUED FOR PERMITTING	
68		01/11/2011		ISSUED FOR PERMITTING	
69		01/11/2011		ISSUED FOR PERMITTING	
70		01/11/2011		ISSUED FOR PERMITTING	
71		01/11/2011		ISSUED FOR PERMITTING	
72		01/11/2011		ISSUED FOR PERMITTING	
73		01/11/2011		ISSUED FOR PERMITTING	
74		01/11/2011		ISSUED FOR PERMITTING	
75		01/11/2011		ISSUED FOR PERMITTING	
76		01/11/2011		ISSUED FOR PERMITTING	
77		01/11/2011		ISSUED FOR PERMITTING	
78		01/11/2011		ISSUED FOR PERMITTING	
79		01/11/2011		ISSUED FOR PERMITTING	
80		01/11/2011		ISSUED FOR PERMITTING	
81		01/11/2011		ISSUED FOR PERMITTING	
82		01/11/2011		ISSUED FOR PERMITTING	
83		01/11/2011		ISSUED FOR PERMITTING	
84		01/11/2011		ISSUED FOR PERMITTING	
85		01/11/2011		ISSUED FOR PERMITTING	
86		01/11/2011		ISSUED FOR PERMITTING	
87		01/11/2011		ISSUED FOR PERMITTING	
88		01/11/2011		ISSUED FOR PERMITTING	
89		01/11/2011		ISSUED FOR PERMITTING	
90		01/11/2011		ISSUED FOR PERMITTING	
91		01/11/2011		ISSUED FOR PERMITTING	
92		01/11/2011		ISSUED FOR PERMITTING	
93		01/11/2011		ISSUED FOR PERMITTING	
94		01/11/2011		ISSUED FOR PERMITTING	
95		01/11/2011		ISSUED FOR PERMITTING	
96		01/11/2011		ISSUED FOR PERMITTING	
97		01/11/2011		ISSUED FOR PERMITTING	
98		01/11/2011		ISSUED FOR PERMITTING	
99		01/11/2011		ISSUED FOR PERMITTING	
100		01/11/2011		ISSUED FOR PERMITTING	

Exhibit A-2

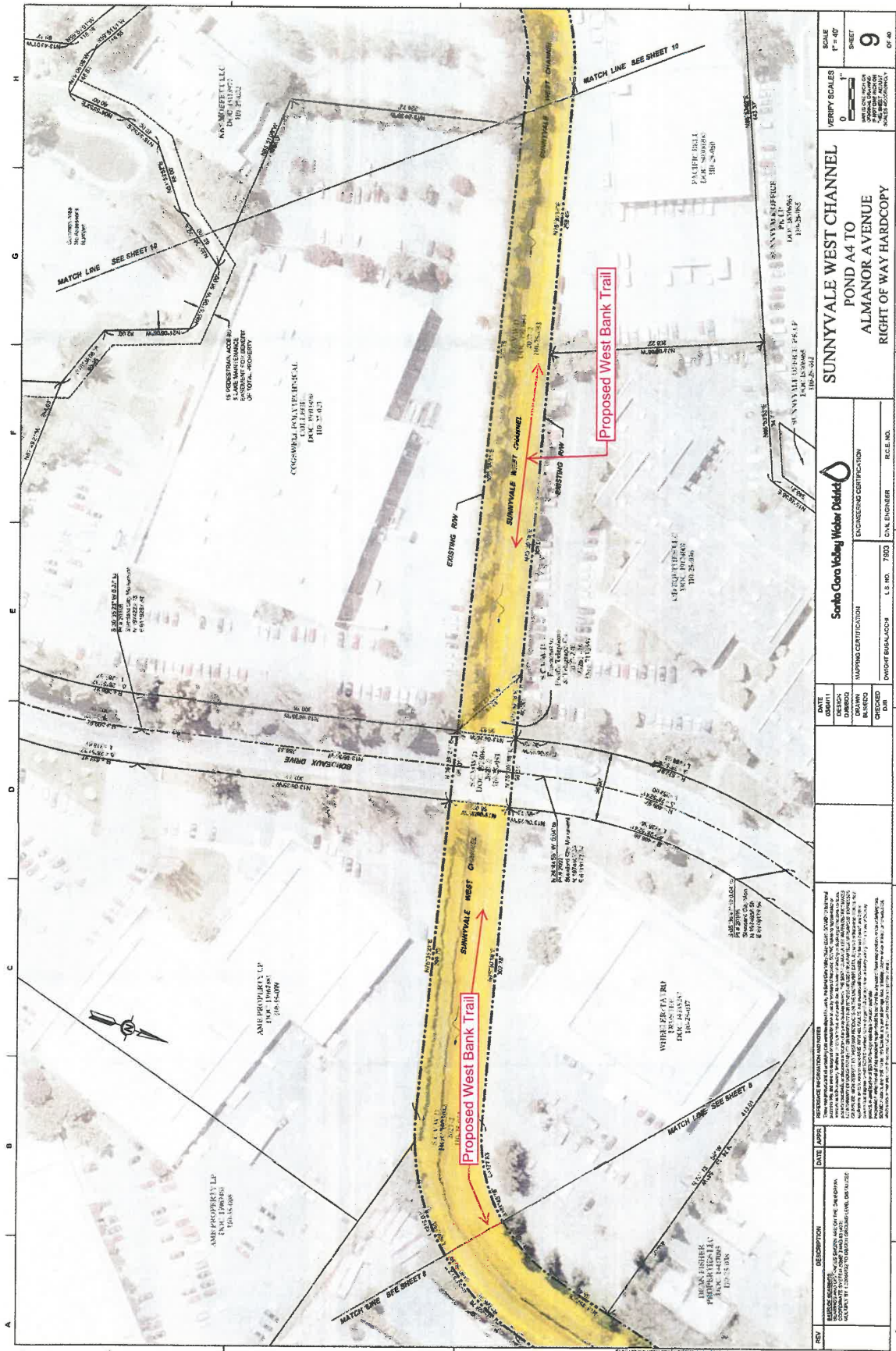


**Exhibit A-3**



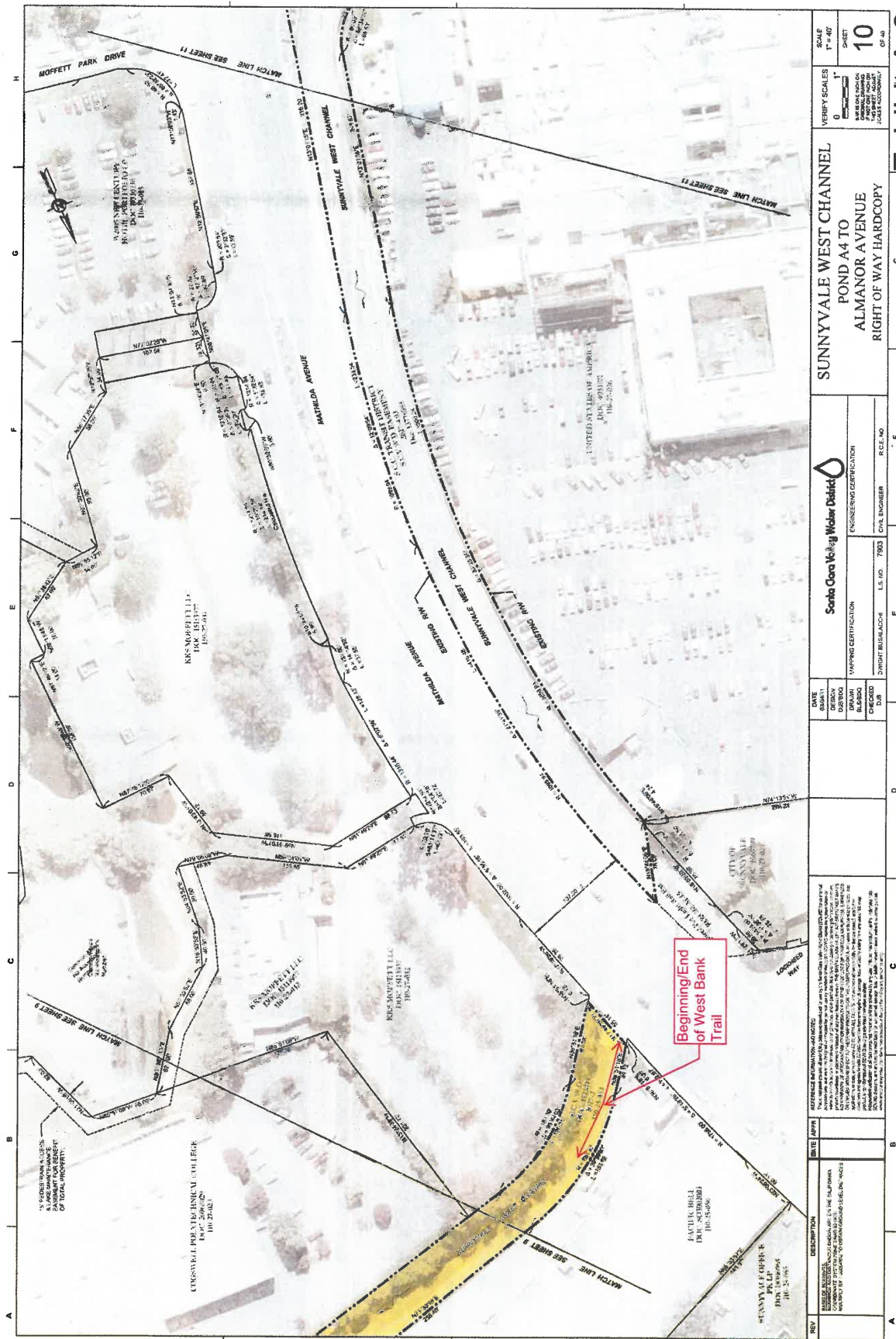


**Exhibit A-4**

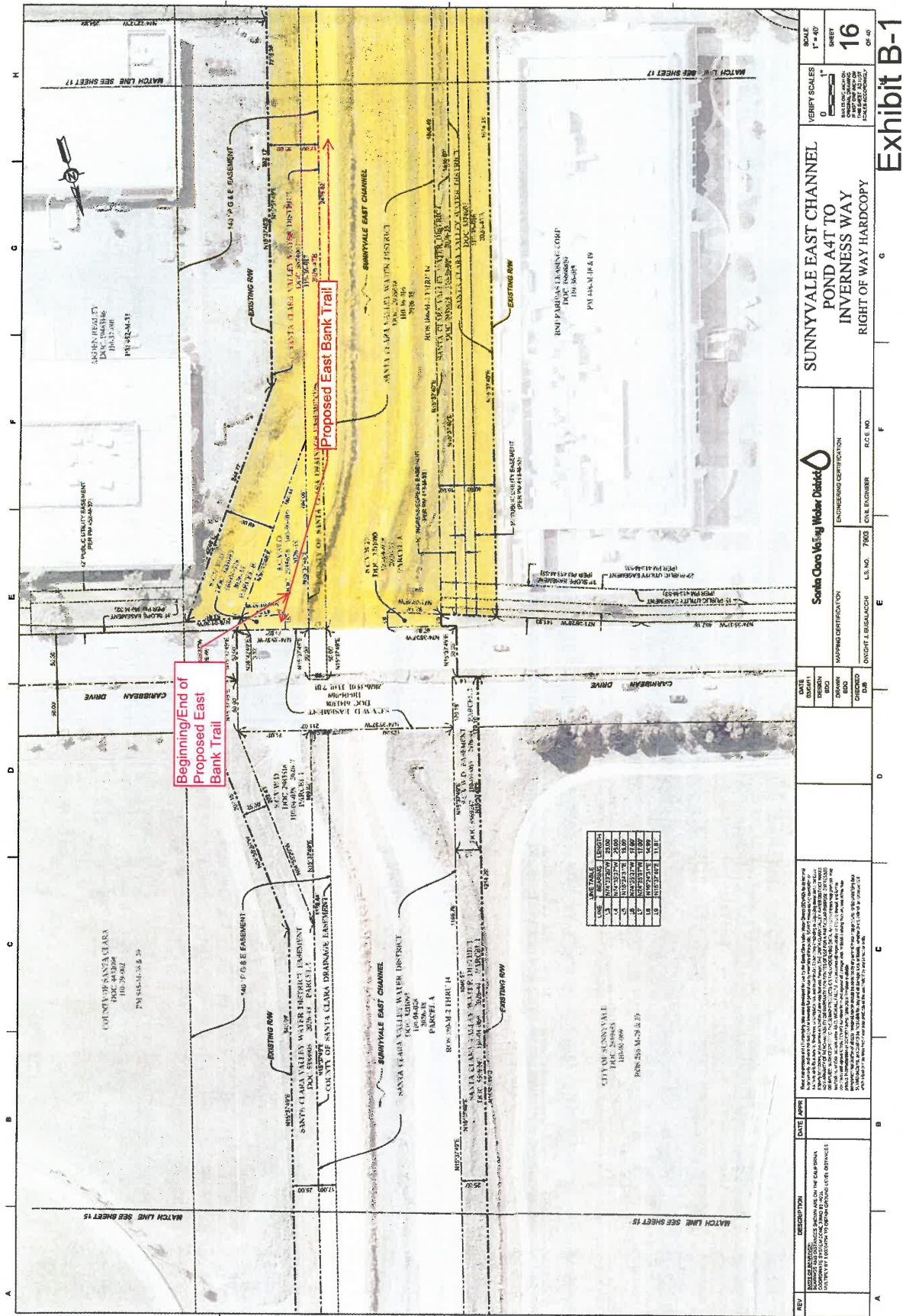


**Exhibit A-5**

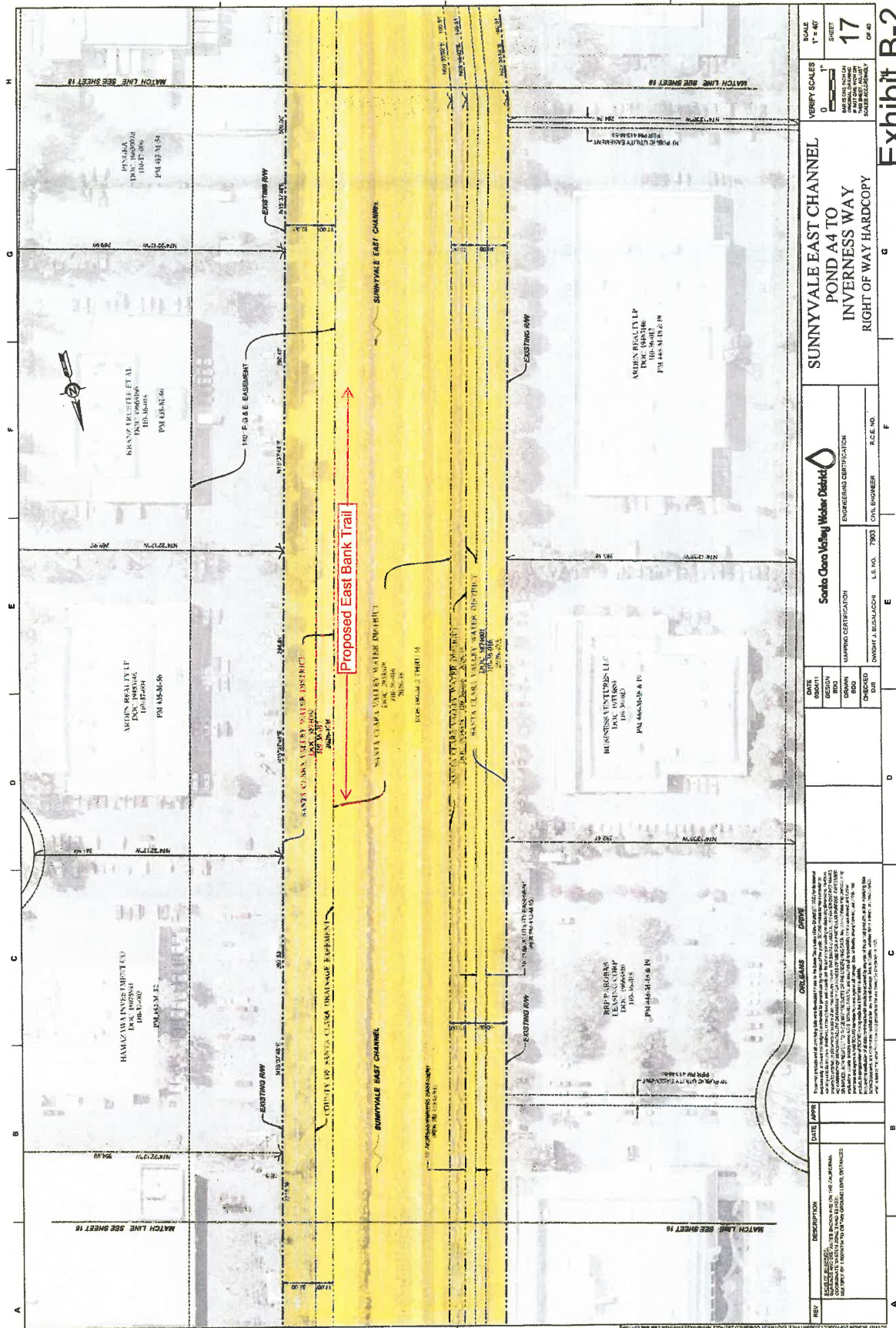




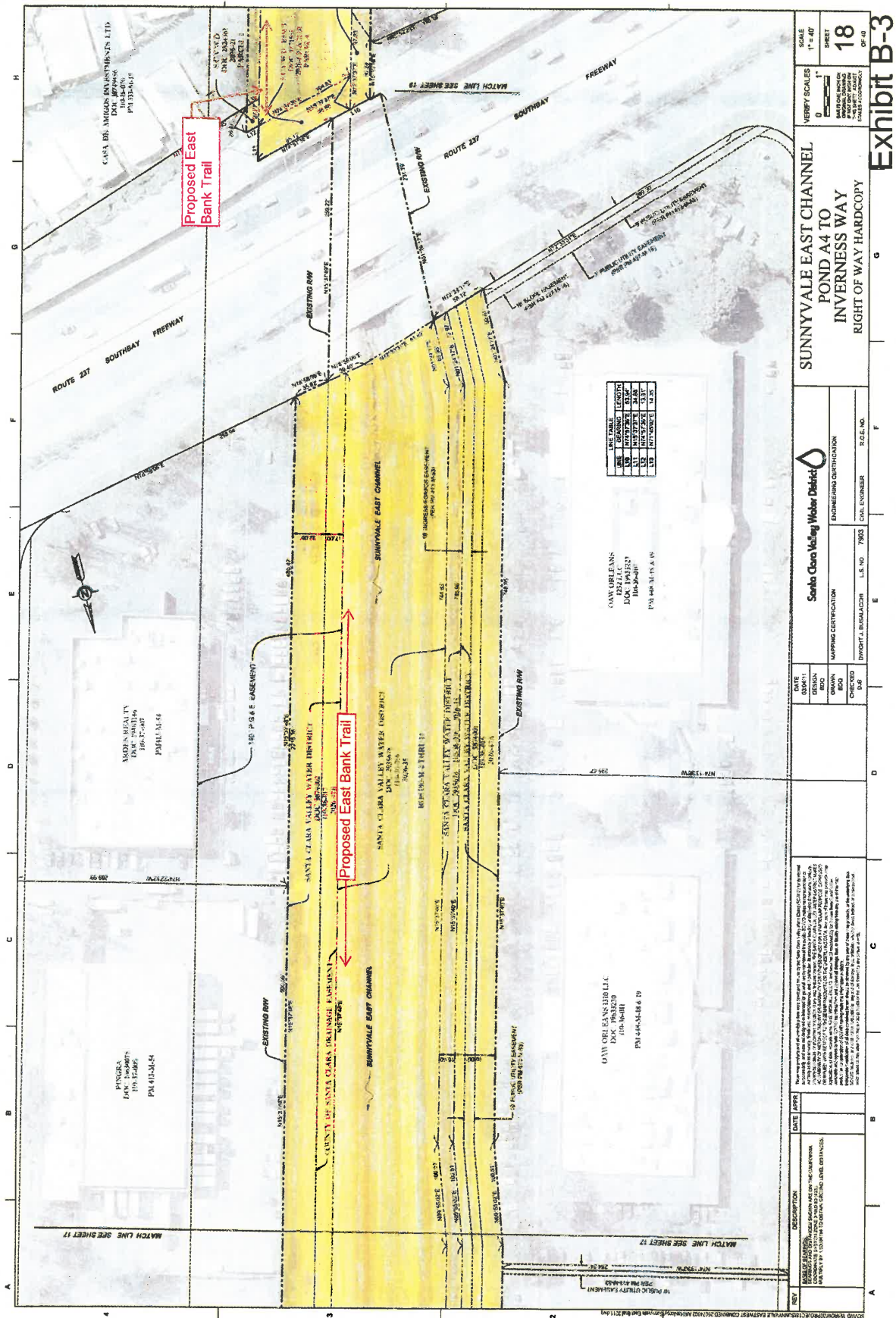
**Exhibit A-6**



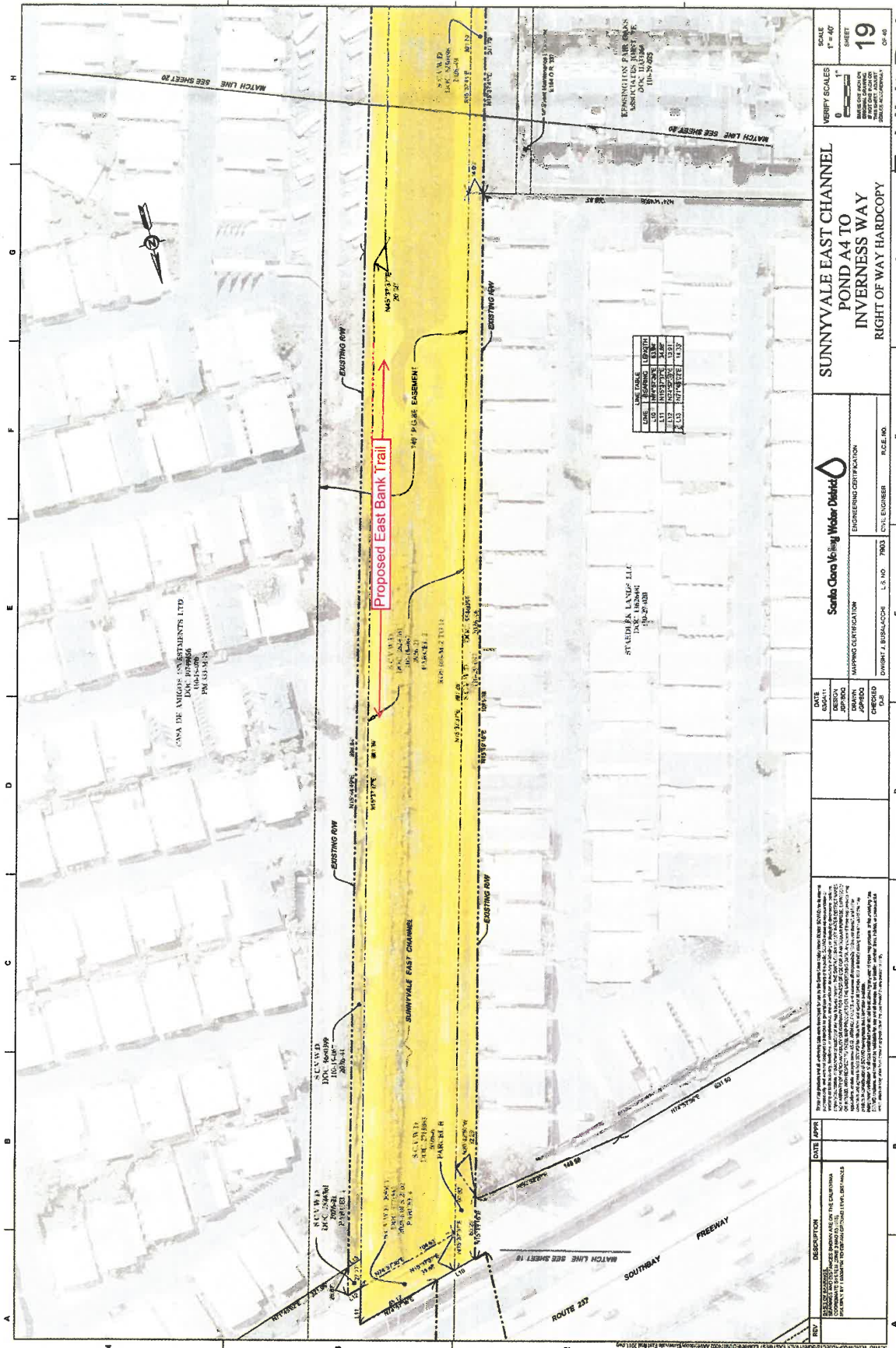




**Exhibit B-2**







SUNNYVALE EAST CHANNEL  
POND A4 TO  
INVERNESS WAY  
RIGHT OF WAY HARD COPY

**Santa Clara Valley Water District**  
ENGINEERING CERTIFICATION  
DATE: 11/13/13  
BY: 10/13/13  
CHECKED: 10/13/13  
DESIGNED: 10/13/13  
DRAWN: 10/13/13  
DATE: 11/13/13

DATE: 11/13/13  
BY: 10/13/13  
CHECKED: 10/13/13  
DESIGNED: 10/13/13  
DRAWN: 10/13/13  
DATE: 11/13/13

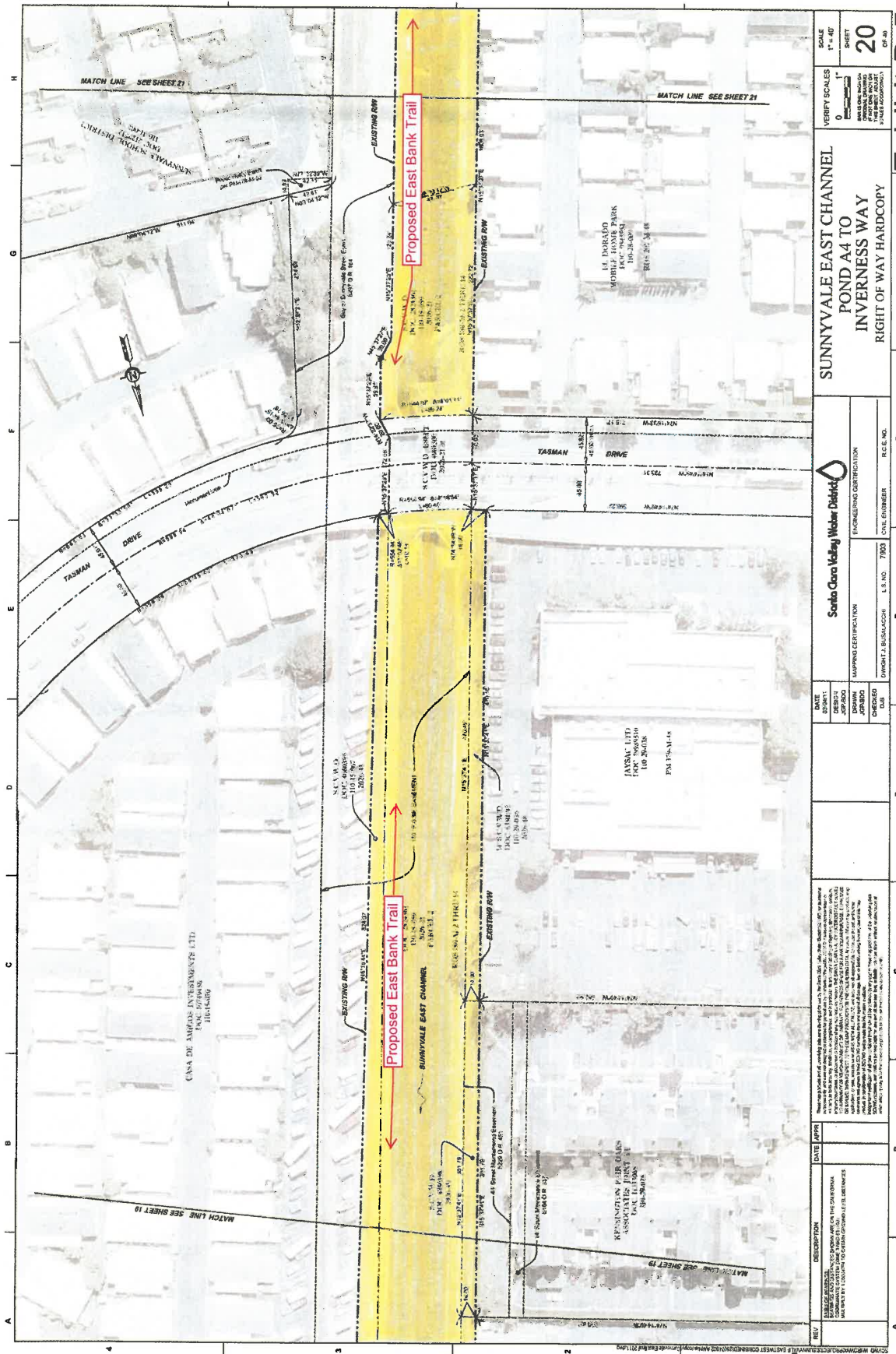
DATE: 11/13/13  
BY: 10/13/13  
CHECKED: 10/13/13  
DESIGNED: 10/13/13  
DRAWN: 10/13/13  
DATE: 11/13/13

DATE: 11/13/13  
BY: 10/13/13  
CHECKED: 10/13/13  
DESIGNED: 10/13/13  
DRAWN: 10/13/13  
DATE: 11/13/13

Exhibit B-4

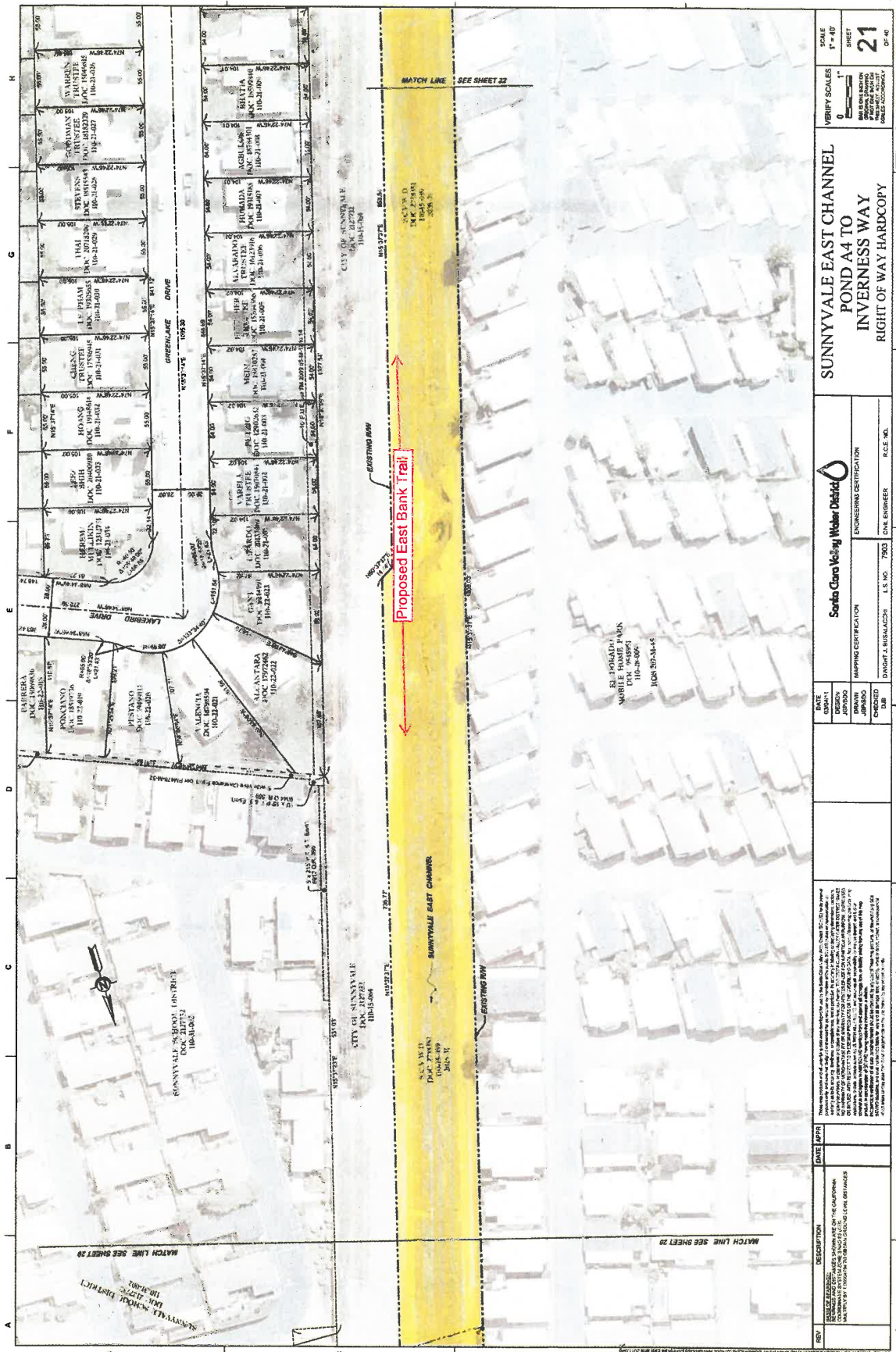
19

OF 40

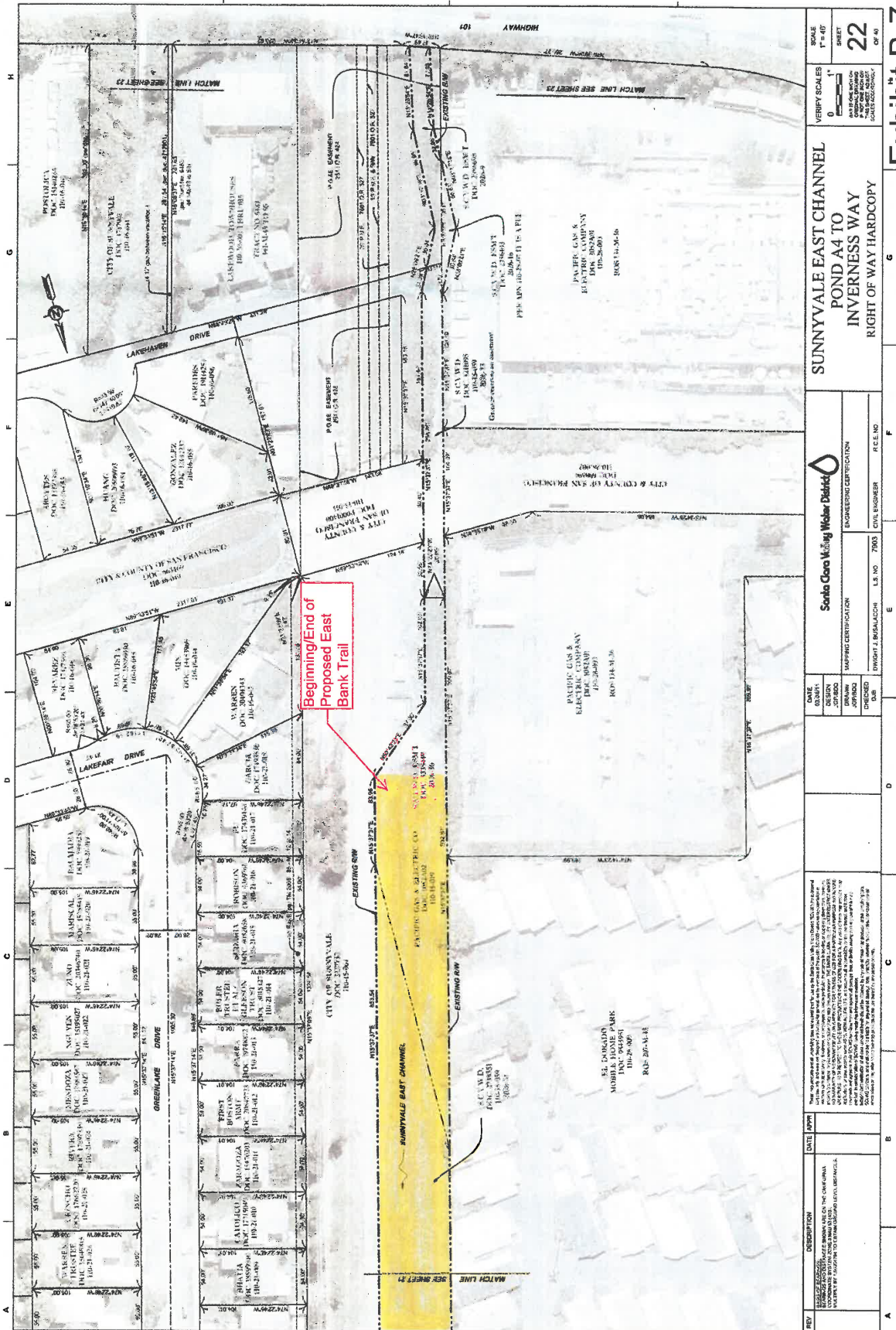


**Exhibit B-5**



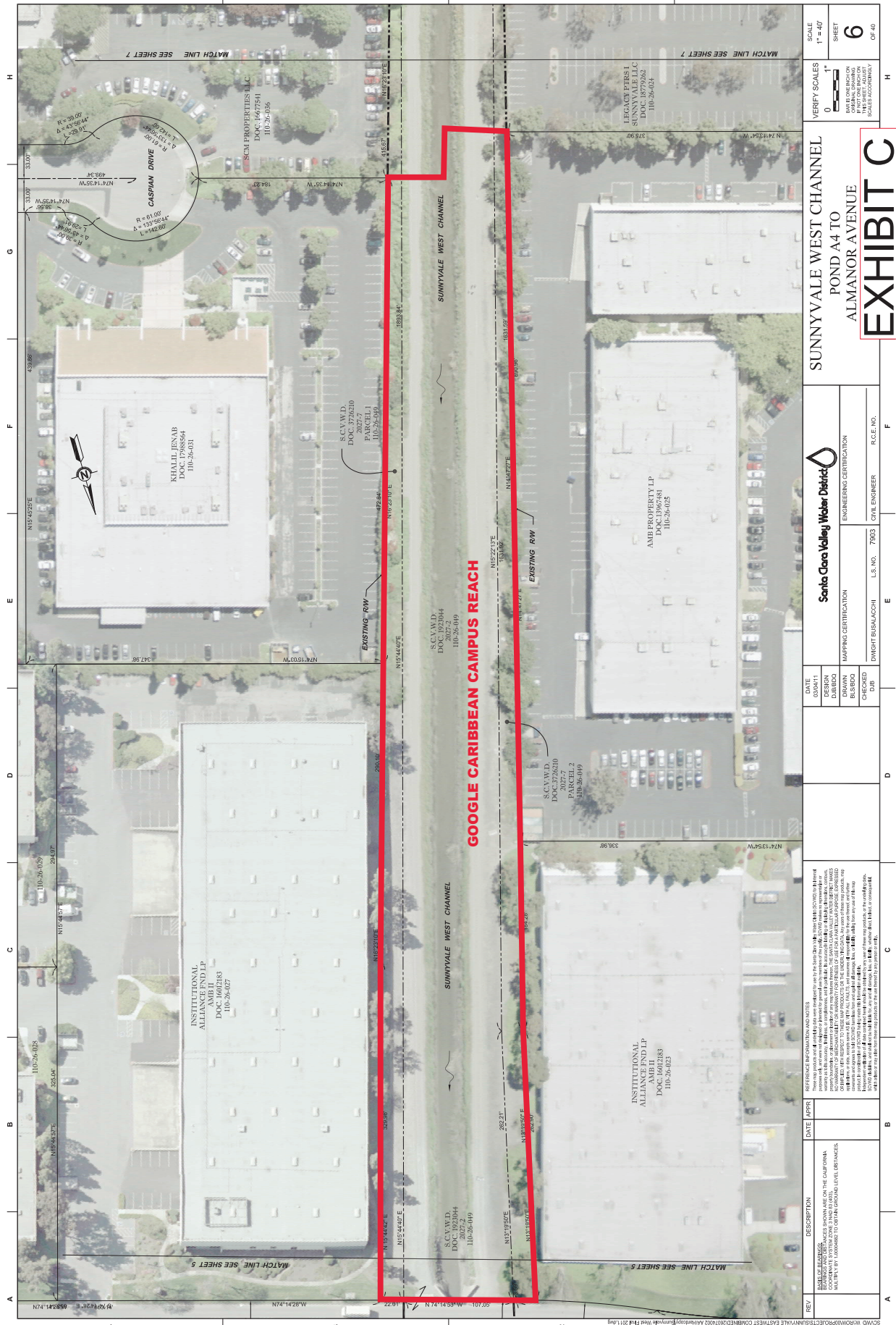


# Exhibit B-6

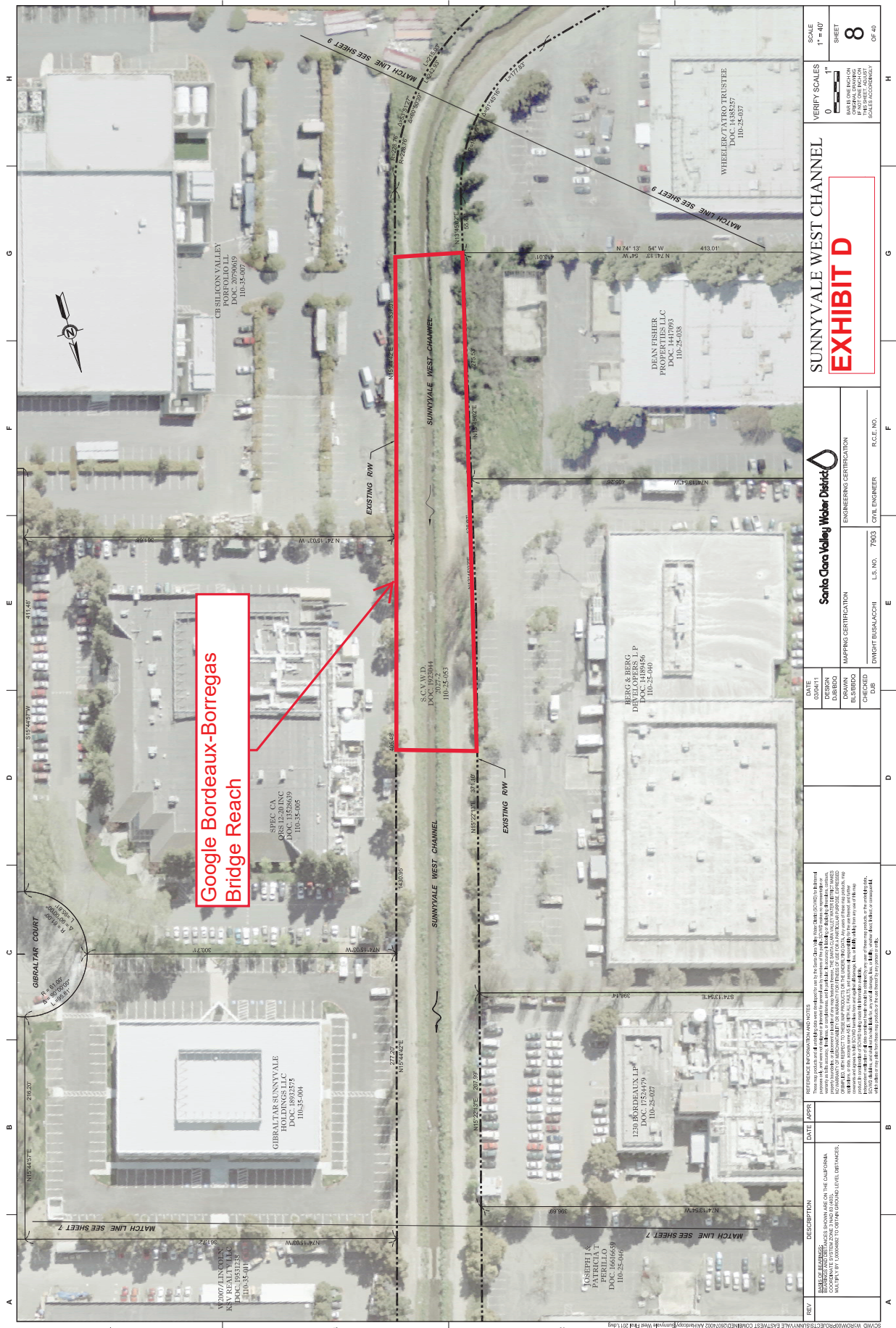


## Exhibit B-7









## **EXHIBIT E-INSURANCE**

### **Certificates of Insurance**

Without limiting the Contractor's indemnification of, or liability to, the Santa Clara Valley Water District ("District" or "Valley Water") and the City of Sunnyvale, the Contractor must provide and maintain at its own expense, during the term of this Agreement, or as may be further required herein, the following insurance coverages and provisions as listed below.

The certificates will be issued on a standard ACORD Forms.

Contractor shall instruct their insurance broker/agent to submit all insurance certificates and required notices to Santa Clara Valley Water District and City of Sunnyvale.

The certificates will:

1. Identify the underwriters, the types of insurance, the insurance limits, the deductibles and the policy term;
2. Include copies of all the actual policy endorsements required herein; and
3. In the "Certificate Holder" box include:

**Santa Clara Valley Water District  
5750 Almaden Expressway  
San Jose, CA 95118**

**and**

**City of Sunnyvale  
456 W. Olive Ave.  
Sunnyvale, CA 94086**

In the Description of Operations/Locations/Vehicles/Special Items Box:

1. Certificate Holders shall be named as Additional Insureds;
2. District agreement or project number shall appear;
3. The list of policies scheduled as underlying on the Umbrella policy shall be listed; and
4. Waiver of Subrogation must be indicated as endorsed to all policies.

**If Contractor receives any notice that any of the insurance policies required by this Exhibit D- Insurance may be cancelled or coverage reduced for any reason whatsoever, Contractor or insurer shall immediately provide written notice to the Certificate Holder that such insurance policy required by this Exhibit D- Insurance is canceled or coverage is reduced.**

### **Maintenance of Insurance**

If Contractor fails to maintain such insurance as is called for herein, the Certificate Holders, at their option, may order Contractor to suspend all Contractor's work at Contractor's expense until a new policy of insurance is in effect.

### **Renewal of Insurance**

Contractor will provide the Certificate Holders with a current Certificate of Insurance and endorsements within thirty (30) business days from the expiration of insurance.

Contractor must, at its sole cost and expense, procure and maintain during the entire period of this Agreement the following insurance coverage(s).

## **Required Coverages**

**1. Commercial General/Business Liability Insurance** with coverage as indicated:

**\$1,000,000** per occurrence / **\$1,000,000** aggregate limits for bodily injury and property damage

General Liability insurance must:

- a. Be written on standard ISO forms or be approved by the Certificate Holder
- b. Include coverage at least as broad as found in standard ISO form CG 0001
- c. Include Premises and Operations
- d. Include Contractual Liability expressly including liability assumed under this contract.
- e. If Contractor will be working within fifty (50) feet of a railroad or light rail operation, any exclusion as to performance of operations within the vicinity of any railroad bridge, trestle, track, roadbed, tunnel, overpass, underpass, or crossway must be deleted, or a railroad protective policy in the above amounts provided
- f. Include Owners and Contractors' Protective liability
- g. Include Severability of Interest
- h. Include Explosion, Collapse and Underground Hazards, (X, C, and U)
- i. Include Broad Form Property Damage liability
- j. Contain no restrictive exclusions (such as but not limited to CG 2153, CG 2144 or CG 2294)

The Certificate Holders reserve the right to require certain restrictive exclusions be removed to ensure compliance with the above.

**2. Business Auto Liability Insurance** with coverage as indicated:

**\$1,000,000** combined single limit for bodily injury and property damage per occurrence, covering all owned, non-owned and hired vehicles.

**Excess or Umbrella policies** may be used to reach the above limits for the General Liability and/or Business Auto Liability insurance limits, however all such policies must contain a primacy clause (See Section 2, General Conditions) and meet all other General Conditions below.

**3. Workers' Compensation and Employer's Liability Insurance**

Statutory California Workers' Compensation coverage covering all work to be performed for the District and the City of Sunnyvale.

Employer Liability coverage for not less than \$1,000,000 per occurrence.

## **General Requirements**

**With respect to all coverages noted above, the following additional requirements apply:**

- 1. Additional Insured Endorsement(s):** Contractor must provide an additional insured endorsement for Commercial General/Business Liability and Business Automobile liability coverage naming the **Santa Clara Valley Water District, its Directors, officers, employees, volunteers, and agents, individually and collectively and the City of Sunnyvale, its officers, officials, employees, agents and volunteers** as additional insureds, and must provide coverage for acts, omissions, etc. arising out of the named insureds' activities and work. **NOTE:** This section does not apply to the Workers' Compensation.

2. **Primacy Clause:** Contractor will provide evidence (either through the Certificate of Insurance, endorsement or language in the insurance contract) that Contractor's insurance is primary with respect to any other insurance which may be carried by the Santa Clara Valley Water District, its Directors, officers, employees, volunteers, and agents, individually and collectively and the City of Sunnyvale, its officers, officials, employees, agents and volunteers and the Santa Clara Valley Water District's or City of Sunnyvale's coverage must not be called upon to contribute or share in the loss. **NOTE:** This section does not apply to the Workers' Compensation policies.
3. **Cancellation Clause:** Contractor will provide endorsements for all policies stating that the policy will not be cancelled without 30 days prior notification to the Santa Clara Valley Water District and City of Sunnyvale.
4. **Acceptability of Insurers:** All coverages must be issued by companies admitted to conduct business in the State of California, which hold a current policy holder's alphabetic and financial size category rating of not less than A- V, according to the current Best's Key Rating Guide or a company of equal financial stability that is approved by the Santa Clara Valley Water District and City of Sunnyvale. Non-Admitted companies may be substituted on a very limited basis at the Santa Clara Valley Water District's or City of Sunnyvale's sole discretion.
5. **Self-Insured Retentions or Deductibles:** Any deductibles or self-insured retentions (SIR) must be declared to and approved by the Santa Clara Valley Water District and City of Sunnyvale. At the option of the Santa Clara Valley Water District or City of Sunnyvale, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the District, its officers, officials, employees, agents, and volunteers and the City of Sunnyvale, its officers, officials, employees, agents and volunteers; or the Contractor shall provide a financial guarantee satisfactory to the Entity guaranteeing payment of losses and related investigations, claim administration, and defense expenses. Contractor agrees that in the event of a claim they will pay down any agreed upon SIR in a prompt manner as soon as bills are incurred in order to trigger the insurance related to the SIR.
6. **SubContractors:** The Contractor shall secure and maintain or shall be responsible for ensuring that all SubContractors performing the Contract Services secure and maintain all insurance coverages appropriate to their tier and scope of work in a form and from insurance companies reasonably acceptable to the Santa Clara Valley Water District and City of Sunnyvale.
7. **Amount of Liability not Limited to Amount of Insurance:** The insurance procured by Contractor for the benefit of the Santa Clara Valley Water District and City of Sunnyvale must not be deemed to release or limit any liability of Contractor. Damages recoverable by the Santa Clara Valley Water District and City of Sunnyvale for any liability of Contractor must, in any event, not be limited by the amount of the required insurance coverage.
8. **Coverage to be Occurrence Based:** Except for Professional Liability, all coverage must be occurrence-based coverage. Claims-made coverage is not allowed.
9. **Waiver of Subrogation:** Contractor agrees to waive subrogation against the Santa Clara Valley Water District and City of Sunnyvale to the extent any loss suffered by Contractor is covered by any Commercial General Liability policy, Automobile policy, Workers' Compensation policy described in **Required Coverages** above. Contractor agrees to advise its broker/agent/insurer and agrees to provide evidence (either through the Certificate of Insurance, endorsement or language in the insurance contract) that subrogation has been waived by its insurer.

Recording Requested By:

City of Sunnyvale

When Recorded Mail To:

City Clerk  
City of Sunnyvale  
P.O. Box 3707  
Sunnyvale, CA 94088-3707

For the Benefit of:

City of Sunnyvale  
Recorded Free  
Gov. Code Sec. 27383

(Space above this line for Recorder's Use)

APNs: 110-25-040 and 110-35-031

Address: 1212 Bordeaux Drive and 1265 Borregas Avenue, Sunnyvale, CA 94089

**VOLUNTARY IMPROVEMENT, OPERATION AND MAINTENANCE  
AGREEMENT BETWEEN THE CITY OF SUNNYVALE AND GOOGLE LLC FOR  
THE BORDEAUX-BORREGAS BRIDGE PROJECT**

This Voluntary Improvement, Operation and Maintenance Agreement (“Agreement”), dated for identification purposes as of \_\_\_\_\_, \_\_\_\_, is entered into by and between the CITY OF SUNNYVALE, a charter city and municipal corporation of the State of California (herein termed “CITY”), and GOOGLE LLC, a Delaware limited liability company (herein termed “DEVELOPER”).

**RECITALS**

WHEREAS, the Santa Clara Valley Water District (“DISTRICT” or “SCVWD”) is the owner of certain real property within the City of Sunnyvale adjacent to and on both sides of and including the flood control channel known as the Sunnyvale West Channel (“West Channel”) (collectively, “DISTRICT Property”); and

WHEREAS, DEVELOPER is the owner of certain real property adjacent to and on both sides of the West Channel, Assessor Parcel Nos. 110-25-040 and 110-35-031 (“DEVELOPER Property”); and

WHEREAS, DEVELOPER proposes to construct publicly accessible pedestrian and bicycle paths on DEVELOPER Property and DISTRICT Property (including for DISTRICT and DEVELOPER maintenance vehicles on levee pathways only) and a pedestrian and cyclist only bridge crossing over the West Channel, as depicted in Exhibit A attached hereto (“Project”); and



WHEREAS, the CITY and DISTRICT have entered into the 2023 Amended and Restated Joint Use Agreement, attached hereto as Exhibit B, wherein DISTRICT granted a license to CITY to construct, operate, maintain, repair, replace, and remove improvements on DISTRICT Property along the West Channel including, but not limited to, concrete surfaced pedestrian and bicycle trails, pedestrian and bicycle bridge, pedestrian scale lighting, and fixtures (trash receptacles, benches etc.), for recreational purposes including non-motorized bicycling, walking, jogging and hiking activities (“2023 Joint Use Agreement”); and

WHEREAS, on \_\_\_\_\_, 2022, the CITY Community Development Director approved a Miscellaneous Plan Permit (MPP) pursuant to Planning Application #2022-7354 for DEVELOPER to construct the Project (“Project MPP”); and

WHEREAS, Project Conditions of Approval requires a separate encroachment permit for relocation of the 12” RCP storm drain main, and requires “approval letter/permit/agreement from SCVWD for all work within the West Channel”; and

WHEREAS, CITY has the authority under the terms of the 2023 Joint Use Agreement with DISTRICT to regulate the terms and conditions for the use and construction of any improvements for recreational purposes on DISTRICT Property along the West Channel including the construction, installation, replacement, repair and maintenance of any bridges and pedestrian and bicycle lanes for public use; and

WHEREAS, the Project is a component of DEVELOPER’s Moffett Park Green Link project, which consists of a series of connected pathways intended for cycling and walking throughout the CITY (“Green Link”), and the Google Trails and Channel Bridge will connect existing Green Link pathways on 1212 Bordeaux Drive and 1265 Borregas Avenue in the CITY; and

WHEREAS, CITY desires to let DEVELOPER construct the Project on DISTRICT Property adjacent to and over the West Channel to promote sustainable transportation, improve Green Link connectivity, and because of the overall positive effect of the improvements on the environment; and

WHEREAS, CITY and DEVELOPER now desire to enter into this Agreement to document the terms and conditions allowing DEVELOPER to construct the Project on the DISTRICT Property adjacent to and over the West Channel in accordance with the requirements described herein and to specify responsibility for the maintenance thereof; and

NOW, THEREFORE, in consideration of the recitals and the mutual promises contained herein, CITY and DEVELOPER agree as follows:

### **DEFINITIONS**

**The defined terms in the Recitals section above are incorporated herein by reference. In addition, and for clarification purposes, where applicable, the following definitions shall apply for purposes of this Agreement.**

**DEVELOPER** – means Google LLC, a Delaware limited liability company, and its lawful successors or assigns.

**CITY** – means the City of Sunnyvale, a charter city and municipal corporation of the State of California, and includes the duly elected or appointed officers, agents, employees and volunteers of the City of Sunnyvale, individually or collectively.

**DISTRICT** – means the Santa Clara Valley Water District, a California Special District created by the California Legislature, and includes the duly elected or appointed officers, agents, employees and volunteers of the District, individually or collectively.

**Improvements** – means, without limitation, those certain improvements proposed as part of the Project and more particularly described and depicted on Exhibit A attached hereto (and on Exhibits to subsequent amendments or supplements hereto) and incorporated herein by this reference, as such Improvements may be replaced, rebuilt, or otherwise substantially improved.

**Premises** – means the DISTRICT Property generally located on the east and west banks of the West Channel adjacent to and across from 1212 Bordeaux Drive in the CITY, including the applicable portion of the West Channel, as shown on Exhibit [REDACTED] to the 2023 Joint Use Agreement, upon which CITY has a license to construct, operate, maintain, repair, replace and remove improvements for recreational purposes, including pedestrian trails and pedestrian bridges, and to permit public access, pursuant to the 2023 Joint Use Agreement between the CITY and DISTRICT.

**Maintenance, Monitor and Maintain** – means, except as used in the "Insurance Provisions" of this Agreement, the inspection, monitoring, and maintenance of the Improvements.

**Project** – means the Project approved by the CITY pursuant to the Project MPP.

### **EFFECTIVE DATE AND TERM**

The effective date of this Agreement is the effective date of the 2023 Joint Use Agreement between the CITY and the DISTRICT. This Agreement shall remain in effect for the life of the Project, or upon such earlier date of termination as CITY and DEVELOPER may mutually agree, or upon termination or expiration of the 2023 Joint Use Agreement between CITY and DISTRICT, whichever is earlier.

### **SCOPE OF USE OF THE PREMISES**

1. DEVELOPER is not authorized to construct Improvements other than those which are the subject of this Agreement without first obtaining written authorizations and required permits from CITY and DISTRICT. It is anticipated that from time to time, this Agreement may be amended to include additional Improvements in accordance with all applicable requirements.

2. DEVELOPER represents that the CITY has been or will be provided copies of all plats and diagrams, calculations, and record drawings depicting the location of each of the DEVELOPER's Improvements which are the subject of this Agreement.

3. CITY hereby enters into this Agreement with DEVELOPER, subject to the reservations, covenants and conditions herein contained, for DEVELOPER to construct and install the Improvements within the Premises located within the corporate limits of the CITY.

4. The construction and installation of the Improvements shall be accomplished without cost or expense to CITY and shall be subject to the written approval of CITY's Engineer. DEVELOPER's activities with respect to the Improvements shall not endanger personnel or property, or unreasonably obstruct travel on any trail, walkway or other access thereon within said Premises.

5. DEVELOPER can provide and CITY can accept, the construction of the Improvements provided pursuant to this Agreement under applicable laws. The funding and construction of the Improvements provided pursuant to this Agreement is not a gift to CITY or any specific individual. CITY is aware and acknowledges that DEVELOPER may be a vendor and/or lobbyist employer, and DEVELOPER employees may be registered lobbyists. This Agreement shall not prevent DEVELOPER from supplying products or services to the CITY.

6. This Agreement does not authorize use of any property other than the Premises. Any use of any other DISTRICT property shall require a separate agreement.

7. This Agreement is not a grant by CITY of any property interest and is made subject and subordinate to the prior and continuing right of CITY and DISTRICT and their assigns to use all the Premises in the performance of their duties, including, but not limited to, public use as a recreational trail, flood protection, water resource management, and stream stewardship, together with appurtenances thereof, and with right of ingress and egress, along, over, across and in said Premises; and DEVELOPER shall have a duty to remove and/or relocate the Improvements, as applicable, within the Reasonable Timeframe set forth in Section 19 of this Agreement, and at DEVELOPER's own expense (except as otherwise provided herein), in order to accommodate such uses. The grant of rights in this Agreement is made subject to all easements, restrictions, conditions, covenants, encumbrances and claims of title which may affect the Premises, and it is understood that DEVELOPER, at its own cost and expense, shall obtain such permission as may be necessary and consistent with any other existing rights. Notwithstanding the foregoing, CITY shall immediately notify DEVELOPER of any other existing rights which would interfere with or impede DEVELOPER's construction and installation of the Improvements when this information becomes available.

8. DEVELOPER shall pay a one-time agreement fee in the amount of \$1,504. DEVELOPER shall pay any other required fees for permit review and construction inspection at the time of issuance of any permit in accordance with CITY's then current Master Fee Schedule.

9. The construction and installation, of the Improvements by DEVELOPER shall be performed in accordance with all applicable federal, state and local laws, including, without limitation (i) zoning laws, construction codes and CITY's and DISTRICT's Standard Specifications and Details, as the same may exist now, or be hereafter amended or revised, (ii) any supplements to or revisions of this Agreement, and (iii) any requirements imposed by DISTRICT for the protection of their resources and facilities. Nothing in this Agreement prevents CITY from establishing additional or stricter conditions (even with respect to the matters specified in those

sections), and requiring DEVELOPER to comply with the same, provided that such conditions do not require the removal or relocation of the Improvements upon less time than the Reasonable Timeframe set forth in Section 19 of this Agreement, except for emergency and safety conditions that require immediate response. In the event of a conflict among applicable codes and standards, the most stringent code or standard, as determined in the reasonable judgment of the CITY Engineer, shall apply.

### **CONSTRUCTION STANDARDS**

10. DEVELOPER shall construct and install the Improvements so as not to endanger or interfere with improvements CITY or DISTRICT shall deem appropriate to make, or to interfere in any manner with the Premises or legal rights of any adjacent property owner or to unnecessarily hinder or obstruct pedestrian or bicycle traffic. DEVELOPER shall install all the Improvements in strict conformance with the plans and drawings approved in writing by CITY and shall not install the Improvements, equipment or fixtures where they will interfere with any existing gas, electric, telephone, telecommunications, water, sewer or other utility facilities or obstruct or hinder in any manner any other entity's authorized use of the Premises. Any and all public property or private property that is disturbed or damaged by DEVELOPER during the construction and installation of the Improvements shall be promptly repaired by DEVELOPER to a condition equal to or better than that which existed prior to the damage.

11. Any contractor or subcontractor used for the construction or installation of the Improvements shall be properly licensed under the laws of the State of California and all applicable local ordinances and each contractor or subcontractor shall have the same obligations with respect to its work as DEVELOPER would have under this Agreement and applicable law as if the work were performed by DEVELOPER. DEVELOPER shall be responsible for ensuring that the work of contractors and subcontractors is performed consistent with this Agreement and applicable law, shall be responsible for all acts or omissions of contractors or subcontractors and shall implement a quality control program to ensure that the work is properly performed. This Section 11 is not meant to alter tort liability of DEVELOPER to third parties, if any, under applicable law.

### **MAINTENANCE AND OPERATION**

12. DEVELOPER agrees to maintain, replace and/or repair the Improvements so as to keep them in a good and safe condition, normal wear and tear excepted, and free from any nuisance from the date of CITY's acceptance in writing of the completion of the construction and installation of the Improvements, which acceptance shall not be unreasonably delayed or denied, and for the Term of this Agreement.

13. Except as otherwise modified below, DEVELOPER agrees to perform the following CITY maintenance and operation obligations under the 2023 Joint Use Agreement between CITY and DISTRICT related to operation and maintenance of the Premises:

- a. Section (4), Prohibited Uses of Trail.
- b. Section (5), Trash and Litter Removal.
- c. Section (6), Vegetation Management.

- d. Section (7), Graffiti Removal.
- e. Section (10), Removal or Relocation of City Improvements.
- f. Section (11), Water Level Fluctuations.
- g. Section (12), Signage.
- h. Section (13), Bird Nesting Season.
- i. Section (14), Maintenance and Repair.

14. Pursuant to Section (15) of the 2023 Joint Use Agreement, DISTRICT is not responsible for any damages to the Improvements caused by DISTRICT's maintenance, construction, or reconstruction activities, or from its water management or flood protection facilities on or near the Premises, including without limitation any flood flows or inundation of the West Channel onto the Premises. DEVELOPER shall be responsible for any damage to DISTRICT's, CITY's, or DEVELOPER's improvements or structures resulting from the public's use of the Premises.

15. DEVELOPER acknowledges that DISTRICT has a right under Section (17) of the 2023 Joint Use Agreement to terminate the 2023 Joint Use Agreement after providing CITY with at least 180 days prior written notice of its intent to terminate the 2023 Joint Use Agreement. If DISTRICT provides notice of such intent to terminate, DEVELOPER shall, at the request of DISTRICT, be responsible for removal of the Improvements within the Reasonable Timeframe set forth in Section 19.

16. DEVELOPER acknowledges that, as provided in Section (18) of the 2023 Joint Use Agreement, CITY retains full control and authority to restrict, control, regulate, and/or supervise the use of the Premises for public recreation purposes, and to take any measure that CITY deems appropriate for the health and safety of users of the Premises, subject to the conditions and restrictions in the 2023 Joint Use Agreement, including without limitation DISTRICT's right to regulate public access to perform DISTRICT activities in connection with its flood protection obligations, pursuant to Section (10) of the 2023 Joint Use Agreement, that reasonably necessitates full or partial temporary closure of the pedestrian trails and pedestrian bridges within the Premises. DEVELOPER acknowledges the nature of DISTRICT's and CITY's respective rights in Section (19) and (20) of the 2023 Joint Use Agreement.

17. Should DEVELOPER fail to maintain the Premises as required by this Agreement, CITY may give DEVELOPER notice of such failure. If DEVELOPER fails to commence cure of such failure within ten (10) business days of CITY's notice, and thereafter diligently prosecute such cure to completion, CITY may perform such work and shall be reimbursed by DEVELOPER within thirty (30) calendar days after demand therefor; provided, however, that if such failure by DEVELOPER creates or could create an emergency, CITY may immediately commence cure of such failure and shall thereafter be entitled to recover the costs of such cure from DEVELOPER.

**NO OWNERSHIP INTEREST CREATED**

18. No use of the Premises under this Agreement shall create or vest in DEVELOPER any ownership or other interest in Premises, streets or any other property or interest of CITY or DISTRICT.

### **REMOVAL AND RELOCATION**

19. If DISTRICT requires any of the Improvements to be removed or relocated pursuant to a separate agreement by and between DEVELOPER and DISTRICT, DEVELOPER shall notify CITY and remove or relocate, as applicable, the Improvement(s) at its own expense within the commercially reasonable timeframe prescribed in writing by DISTRICT, factoring in the time required to obtain final approval for any such removal or relocation from DISTRICT, CITY and state/federal agencies, as applicable, including but not limited to any required environmental review under the California Environmental Quality Act (“**Reasonable Timeframe**”). If removal or relocation of the Improvements, including vegetation installed by DEVELOPER, requires mitigation under the California Environmental Quality Act, DEVELOPER will be responsible for all costs required to fulfill any required mitigation responsibilities.

### **OTHER AGENCY PERMITS**

20. DEVELOPER shall be responsible for securing and paying for, any necessary permits, licenses, or approvals required for the Improvements from third parties, including DISTRICT, the Regional Water Quality Control Board, and/or the California Department of Fish and Wildlife, as applicable.

### **PERFORMANCE BOND**

21. Prior to the issuance of an encroachment permit by DISTRICT, DEVELOPER shall provide CITY with a performance bond naming CITY as obligee in an amount equal to one hundred percent (100%) of the value of the work to be performed by or on behalf of DEVELOPER within and affecting the Premises to guarantee and assure the faithful performance of DEVELOPER’s obligations under this Agreement. After expiration of the notice and cure period set forth in Section 17 of this Agreement, CITY shall have the right to draw against the performance bond in the event of a default by DEVELOPER or in the event that DEVELOPER fails to meet and fully perform any of its obligations. The form of the performance bond shall be reasonably approved by the CITY. The performance bond shall remain in full force until the work to be performed is complete, inspected and accepted by the CITY Engineer and is released by CITY.

### **DAMAGE TO IMPROVEMENTS ON PUBLIC PROPERTY**

22. DEVELOPER shall be responsible for any damage to DISTRICT or CITY facilities, street pavements, existing utilities, curbs, gutters, sidewalks and all other public or private improvements due to DEVELOPER’s construction and installation of the Improvements and shall repair, replace and restore, in kind, said damaged improvements at its sole expense. Any premature deterioration of surface and subsurface improvements caused directly by the construction or installation of the Improvements by DEVELOPER which results from DEVELOPER’s negligent acts or omissions, shall be the responsibility of DEVELOPER.

DEVELOPER shall complete all necessary repairs within thirty (30) calendar days of notification by the CITY Engineer, or later if reasonably required in coordination with DISTRICT and/or the CITY Engineer. If DEVELOPER fails to make repairs within such timeframe, CITY may have repairs made with the cost being billed to DEVELOPER. This obligation shall remain for a period of ten (10) years following the end of the term of this Agreement.

### **RECORDS AND FIELD LOCATIONS**

23. DEVELOPER shall maintain accurate plans and specifications of the Improvements. DEVELOPER shall, upon demand of the CITY Engineer, deliver to the office of the CITY Public Works Department and DISTRICT, free of charge, within fifteen (15) calendar days after such demand, such maps and plans as may be required to show in detail the exact location, size, depth and description of all the Improvements.

24. DEVELOPER shall also submit the plan to CITY in digital electronic format to the extent available. DEVELOPER shall at its sole cost and expense, expose by potholing to a depth of one foot (1') below the bottom of its subsurface Improvements, within thirty (30) calendar days of receipt of a written request from CITY to do so.

### **HOLD HARMLESS AND INDEMNIFICATION**

25. DEVELOPER shall indemnify, defend (with reasonable notice to DEVELOPER and with counsel reasonably acceptable to CITY) and hold harmless CITY, its officers, employees and agents and any successors to CITY's interest from and against any and all claims, demands, losses, damages, liabilities, fines, penalties, charges, administrative and judicial proceedings and orders, judgments, remedial actions of any kind, and all reasonable costs and cleanup actions of any kind, all reasonable costs and expenses incurred in connection therewith, including, without limitation, reasonable attorney's fees and reasonable costs of defense (collectively, the "Losses") arising directly or indirectly out of the activities of DEVELOPER described in this Agreement and/or the installation, construction or any relocation or removal undertaken by DEVELOPER of the Improvements. However, DEVELOPER shall not indemnify CITY, its officers, employees and agents and any successors to CITY's interest for Losses arising directly or indirectly, from the CITY's gross negligence or willful misconduct. The defense and indemnification obligations of this agreement are undertaken in addition to, and shall not in any way be limited by, the insurance obligations contained in this agreement. DEVELOPER'S responsibility for such defense and indemnity obligations shall survive the termination or completion of this agreement.

26. DEVELOPER shall indemnify, defend (with reasonable notice to DEVELOPER and with counsel reasonably acceptable to DISTRICT) and hold harmless DISTRICT, its officers, employees and agents and any successors to DISTRICT's interest from and against any and all claims, demands, losses, damages, liabilities, fines, penalties, charges, administrative and judicial proceedings and orders, judgments, remedial actions of any kind, and all reasonable costs and cleanup actions of any kind, all reasonable costs and expenses incurred in connection therewith, including, without limitation, reasonable attorney's fees and reasonable costs of defense (collectively, the "Losses") arising directly or indirectly out of the activities of DEVELOPER described in this Agreement and/or the installation, construction or replacement undertaken by DEVELOPER of the Improvements. However, DEVELOPER shall not indemnify DISTRICT, its

officers, employees and agents and any successors to DISTRICT's interest for Losses arising directly or indirectly, from the DISTRICT's gross negligence or willful misconduct.

27. DEVELOPER, for itself and its successors and assigns, hereby waives all claims and causes of action, whether now existing or hereafter arising, against CITY or DISTRICT or their officers, agents or employees, for damages, physical or otherwise, to any of the Improvements covered by this Agreement from any cause whatsoever excluding those arising as a result of the CITY's or DISTRICT's gross negligence or willful misconduct. Under no circumstances shall either party be liable to the other party or otherwise be responsible for any loss of service downtime, lost revenue or profits, or third-party damages.

### **INSURANCE**

28. DEVELOPER shall procure and maintain insurance during the entire term of this Agreement against claims for injuries to persons or damages to property which in any way relate to, arise from, or are connected with the installation, operation, or maintenance of the Improvements by DEVELOPER, or any entity acting on its behalf, and shall keep insurance in effect in accordance with the minimum insurance scope the CITY may set from time to time. DEVELOPER initially shall maintain in full force and effect the insurance policies set forth in Exhibit C attached hereto and incorporated herein. DEVELOPER may meet the insurance requirements of this Section 28 through a combination of self-insurance, primary and excess/umbrella policies which can be substantiated by issuance of a certificate of self-insurance or certificate of insurance.

### **ASSIGNMENT**

29. DEVELOPER shall not assign, sublet or transfer any interest in this Agreement nor the performance of any DEVELOPER'S obligations hereunder, without the prior written consent of CITY, which shall not be unreasonably withheld, and any attempt by DEVELOPER to so assign this Agreement or any rights, duties or obligations arising hereunder shall be void and of no effect. Notwithstanding the foregoing, the prior written consent of CITY shall not be required for an assignment to a DEVELOPER Affiliate, which means any entity that, directly or indirectly, controls DEVELOPER, is under common control with DEVELOPER, or is wholly-owned or controlled by DEVELOPER.

### **NOTICE**

30. All notices to be given in connection with this Agreement must be in writing and shall be sufficient if personally delivered or sent by certified or registered mail, postage prepaid, or national overnight delivery service addressed to the party entitled to receive such notice at the address designated in this Section or changed by written notice in accordance with this Section. Notice shall be effective as follows: (a) when personally delivered to the recipient, notice is effective on delivery; (b) when mailed by certified or registered mail with return receipt requested, notice is effective on receipt if delivery is confirmed by a return receipt; or (c) when delivered by overnight delivery with charges prepaid or charged to the sender's account, notice is effective on delivery if delivery is confirmed by the delivery service:



**To CITY at:** **City of Sunnyvale**  
**P.O. Box 3707**  
**City Hall, 456 W. Olive Avenue**  
**Sunnyvale, CA 94088-3707**  
**Attn: City Engineer**

**To DEVELOPER at:** Google LLC  
1600 Amphitheatre Parkway  
Mountain View, CA 94303  
Attn: REWS Dept/Lease Administration  
Parham Khoshkbari  
(650) 880-4495  
parhamk@google.com

**with a copy to:**

**Google LLC**  
**1600 Amphitheatre Parkway**  
**Mountain View, CA 94043**  
**Attn: Legal Department/RE Matters**

## **ENTIRE UNDERSTANDING OF THE PARTIES**

31. This Agreement contains the entire understanding between the parties with respect to the subject matter herein. There are no representations, agreements or understanding (whether oral or written) between or among the parties relating to the subject matter of this Agreement that are not fully expressed herein. This Agreement may not be amended except pursuant to a written instruction signed by all parties.

## SEVERABILITY

37. If any one or more of the covenants or agreements or portions thereof provided in this Agreement shall be determined to be invalid or otherwise ineffective, the remaining provisions of this Agreement will remain in full force and effect. Upon such determination that any term or other provision is invalid, illegal or incapable of being enforced, then such term or provision will be interpreted, construed or reformed to the extent reasonably required to render the same valid, enforceable and consistent with the original intent underlying such provision.

## AGREEMENT RUNS WITH THE LAND

38. The rights, duties, and obligations in this Agreement shall bind all future owners and future possessors of the DEVELOPER Property and shall run with the land.

## COUNTERPARTS

This Agreement may be executed in counterparts, all of which executed counterparts shall together constitute a single document.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate.

<p><b>APPROVED AS TO FORM:</b></p>   <p>_____</p> <p><b>Rebecca Moon</b>  <b>Sr. Asst. City Attorney</b></p>	<p><b>"CITY"</b></p> <p><b>CITY OF SUNNYVALE, a California  charter city and municipal  corporation</b></p> <p><b>By:_____</b>  <b>Charles Taylor Public Works  Director</b></p>
	<p><b>"DEVELOPER"</b></p> <p><b>GOOGLE LLC,  a Delaware limited liability company</b></p> <p><b>By:_____</b>  <b>Name:</b></p> <p><b>Its:_____</b>  <b>Title</b></p>

**NOTE: ALL SIGNATURES MUST BE NOTARIZED.**

Exhibits:

## A - Project Area and Project Improvements

B - 2023 Amended and Restated Joint Use Agreement

## C - Insurance Requirements

**ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of \_\_\_\_\_)

On \_\_\_\_\_, before me, \_\_\_\_\_,  
(insert name of notary)

Notary Public, personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument  
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that  
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

**Exhibit A**

**Project Area and Project Improvements**

**Exhibit B**

**2023 Amended and Restated Joint Use Agreement**

**Exhibit C**

**INSURANCE REQUIREMENTS**

DEVELOPER shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work by the DEVELOPER, their agents, representatives, or employees.

Minimum Scope and Limits of Insurance. DEVELOPER shall maintain limits not less than:

1. **Commercial General Liability:** coverage written on an occurrence basis with limits not less than \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury, personal injury and property damage. ISO Occurrence Form shall be at least as broad as CG 0001.
2. **Automobile Liability:** coverage with a combined single limit of not less than \$1,000,000 per occurrence applying to all owned, non-owned, or hired vehicles used in conjunction with this contract for bodily injury and property damage. ISO Form shall be at least as broad as CA 0001.
3. **Workers' Compensation:** Statutory Limits and **Employer's Liability:** \$1,000,000 per accident for bodily injury or disease.

Industry Specific Coverages. If checked below, the following insurance is also required:

- ☐ **Pollution Liability coverage** with limits not less than \$2,000,000 per occurrence.
- ☐ **MCS-90 Endorsement** to Business Automobile insurance for transportation of hazardous materials and pollutants.

Deductibles, Self-Insured Retentions and Other Coverages:

Any deductibles or self-insured retentions must be declared and approved by the City of Sunnyvale, Risk Manager. The DEVELOPER shall guarantee payment of any losses and related investigations, claim administration and defense expenses within the deductible or self-insured retention.

The aforementioned insurance requirements can be met through any combination of self-insured, primary and excess/umbrella policies that fulfill the stipulated coverage as cited above.

Other Insurance Provisions:

1. During the term of the contract, the City of Sunnyvale, its officers, officials, employees, agents, and volunteers are to be covered as an additional insured in the DEVELOPER's commercial general liability policy (and if industry specific coverage box is checked above, pollution liability policy) with respects to liability arising out of activities performed by or on behalf of the DEVELOPER; products and completed operations of the DEVELOPER;

premises owned, occupied or used by the DEVELOPER. The coverage shall contain no special limitations on the scope of protection afforded to the City of Sunnyvale, its officers, officials, employees, agents, or volunteers.

Additional Insured Endorsement for ongoing operations at least as broad as ISO CG 20 10 Scheduled, or automatic CG 20 38 and completed operations shall be at least as broad as ISO CG 20 37 scheduled or automatic ISO CG 20 40.

2. During the term of the contract, the DEVELOPER's Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City of Sunnyvale.
3. For any claims related to this project, the DEVELOPER's insurance shall be primary. Any insurance or self-insurance maintained by the City of Sunnyvale, its officers, officials, employees, agents and volunteers shall be excess of the DEVELOPER's insurance and shall not contribute with it and shall be at least as broad as ISO CG 20 01 04 13.
4. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the City of Sunnyvale, its officers, officials, employees, agents or volunteers.
5. The DEVELOPER's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
6. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, cancelled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City of Sunnyvale.
7. Any umbrella or excess Insurance Liability policies shall be true "following form" of the underlying policy coverage, terms, conditions, and provisions and shall meet all of the insurance requirements stated in this document, including the additional insured, SIR, and primary and non-contributory insurance requirements for the benefit of City (if agreed to in a written contract or agreement) until all coverage carried by or available to the DEVELOPER's primary and excess liability policies are exhausted and before the City's own Insurance or self-insurance shall be called upon to contribute to a loss.
8. The policy limits of coverage shall be made available to the full limits of the policy. The minimum limits stated above shall not serve to reduce the DEVELOPER's policy limits of coverage. Therefore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this agreement, or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured, whichever is greater.

Acceptability of Insurers:

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, and who are admitted and authorized to do business and in good standing in California unless otherwise acceptable to the City of Sunnyvale's Risk Manager.

Verification of Coverage:

The City of Sunnyvale utilizes PINSAdvantage.com (PINS) to track and verify all insurance related documents. The City is no longer accepting Certificates of Insurance by mail and requires the use of PINS. The City will email the DEVELOPER requesting proof of insurance for this Contract through the PINS platform ([no-reply@pinsadvantage.com](mailto:no-reply@pinsadvantage.com)), which include instructions on how to upload insurance documents electronically. DEVELOPER shall furnish the City of Sunnyvale with an original Certificate of Insurance effecting the coverage required. The certificates are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates are to be received and approved by the City of Sunnyvale, Risk Manager prior to commencement of work.

The DEVELOPER shall provide certificate(s) evidencing renewals of all insurance required herein prior to the expiration date of any such insurance. DEVELOPER shall submit insurance certificates reflecting the policy renewals through PINS. The City reserves the right to require complete, certified copies of all required insurance policies, at any time.

DEVELOPER shall require and verify that all subcontractors or other parties hired for this Work, purchase and maintain coverage for indemnity and insurance requirements as least as broad as specified in Sections 25 through 28 herein, to the extent they apply to the scope of the subcontractor's work with the same Certificate of Insurance requirements and naming as additional insureds all parties to this Contract. Failure of DEVELOPER to verify existence of subcontractor's insurance shall not relieve DEVELOPER from any claim arising from subcontractors work on behalf of DEVELOPER.

DEVELOPER shall include the following language in their agreement with Subcontractors: "Subcontractors hired by DEVELOPER agree to be bound to DEVELOPER and City in the same manner and to the same extent as DEVELOPER is bound to City under the Agreement Documents and provide a valid certificate of insurance and the required endorsements included in the Agreement as proof of compliance prior to commencement of any work and to include this same requirement for any subcontractors they hire for this work. A copy of the Owner Contract Document Indemnity and Insurance provisions will be furnished to the Subcontractor upon request." DEVELOPER shall provide proof of such compliance and verification to the City upon request.





# City of Sunnyvale

## Agenda Item

---

23-0549

Agenda Date: 5/16/2023

---

### REPORT TO COUNCIL

#### **SUBJECT**

Approve Local Area Subsequent Designation and Local Board Recertification Application for Program Year 2023-25 for NOVA Workforce Development Area

#### **BACKGROUND**

The federal Workforce Innovation and Opportunity Act (WIOA) stipulates the criteria for Local Area designation and Local Board certification. WIOA requires that local areas apply for an initial Local Area designation, demonstrating that the local area performed successfully and sustained fiscal integrity. This is defined by the absence of significant findings from audits/reviews, gross negligence, or failure to observe accepted standards of administration. Following initial designation, WIOA requires that local areas apply for subsequent designation, demonstrating that the local area is also in compliance with WIOA requirements and other federal and state laws and regulations, and has engaged in regional planning.

WIOA also mandates that local boards apply for initial certification and recertification, demonstrating compliance with Board membership requirements and Local Area designation requirements. Membership requirements include a majority of members represent business; 20% represent the workforce including services for individuals with barriers to employment, organized labor representation, and labor/management apprenticeship programs; and representation from adult and higher education and from economic and community development.

The state has combined the applications for Local Area subsequent designation and Local Board recertification into a single application. It is now renewed every two years.

The Council approved the initial certification of the NOVA Workforce Board at its Feb. 10, 2015, meeting (RTC No. 15-0136) and a modified initial designation of the NOVA Workforce Development Area to add San Mateo County to the now eight-jurisdiction consortium at its Feb. 24, 2015, meeting (RTC No. 15-0182). The consortium comprises the cities of Cupertino, Los Altos, Milpitas, Mountain View, Palo Alto, Santa Clara and Sunnyvale, and the County of San Mateo. The Council approved the NOVA Workforce Board recertification and NOVA Workforce Development Area subsequent designation (with no changes to the Local Area) at its May 21, 2019, (RTC No. 19-0490) and March 16, 2021, (RTC No. 21-0369) meetings. The state's Workforce Services Draft Directive No. 245 (WSDD-245) requires that local boards must reapply for Local Area subsequent designation and Local Board recertification for the period July 1, 2023, to June 30, 2025.

#### **EXISTING POLICY**

Council Policy 5.1.1: Socio-Economic - Goals and Policies: Education and Training Goal 5.1F: Provide job training and employment services, within constraints of operative Federal regulations and available Federal funding, to address the locally-determined employment and training needs of economically

disadvantaged residents and others with special needs.

### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a “project” within 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**

WSDD-245 provides guidance and establishes the procedures and requirements for Local Area subsequent designation and Local Board recertification. Specifically, WSDD-245 states that the local area must have 1) performed successfully with an Individual Indicator Score of at least 50% for two primary indicators, Employment Rate 2nd Quarter After Exit and Median Earnings 2nd Quarter After Exit, for Program Year 2020/21 or Program Year 2021/22; 2) engaged in regional planning; 3) sustained fiscal integrity with no violations with audit findings and other reviews, gross negligence, or acceptable standards of administration; and 4) adhered to “Local Area Assurances” and compliance with Uniform Guidance, financial and program reporting, funding expenditures, nondiscrimination provisions, priority of service requirements, and all applicable federal and state policies and laws. WSDD-245 also requires that local boards comply with WIOA membership requirements under which a majority represents business, at least 20% represent the workforce with 15% representing organized labor, and there must be representatives from adult education and higher education, as well as from economic and community development.

The NOVA Workforce Development Area complies with all requirements outlined in the application for Local Area subsequent designation and Local Board recertification. There were no proposed changes to the current eight-jurisdiction consortium that comprises the Local Area. NOVA has been actively engaged in regional planning, which includes taking a leadership role in regional plan development, negotiating WIOA performance measures, and planning and delivering several regional initiatives advancing equity, upskilling dislocated workers impacted by the COVID-19 pandemic, and promoting career paths for high demand sectors in cybersecurity, mechatronics, and cloud computing. In addition, the NOVA Workforce Board, appointed by Council, which serves as the local Chief Elected Official for the NOVA consortium, satisfies all membership requirements for recertification.

The application was approved by the NOVA Workforce Board Executive Committee approval, acting on behalf of the full Board, at its April 26 meeting. The application has been attached for review. (Attachment 1.)

### **FISCAL IMPACT**

No fiscal impact.

### **PUBLIC CONTACT**

Public contact was made by posting the Council meeting agenda on the City's official-notice bulletin board at City Hall, at the Sunnyvale Public Library and in the Department of Public Safety Lobby. In addition, the agenda and this report are available at the NOVA Workforce Services reception desk located on the first floor of City Hall at 456 W. Olive Avenue (during normal business hours), and on the City's website.

**RECOMMENDATION**

Approve Local Area Subsequent Designation and Local Board Recertification application for Program Year 2023-25 for the NOVA Workforce Development Area.

Prepared by: Eileen Stanly, Analyst, NOVA Workforce Services

Reviewed by: Marléna Sessions, Director, NOVA Workforce Services

Reviewed by: Jaqui Guzmán, Deputy City Manager

Approved by: Kent Steffens, City Manager

**ATTACHMENTS**

1. Local Area Subsequent Designation and Local Board Recertification Application for Program Year 2023-25 for NOVA Workforce Development Area

**Local Area Subsequent Designation and  
Local Board Recertification Application  
For Program Year 2023-25**

**Local Workforce Development Area**

**\_NOVA Workforce Development Area\_\_**

### **Application for Local Area Subsequent Designation and Local Board Recertification**

This application will serve as your request for Local Workforce Development Area (Local Area) subsequent designation and Local Workforce Development Board (Local Board) recertification for Program Year (PY) 2023-25 under the *Workforce Innovation and Opportunity Act* (WIOA).

If the California Workforce Development Board (CWDB) determines the application is incomplete, it will either be returned or held until the necessary documentation is submitted. Please contact your [Regional Advisor](#) for technical assistance or questions related to completing and submitting this application.

NOVA Workforce Development Area

Name of Local Area

456 West Olive Avenue

Mailing Address

Sunnyvale, CA 94088

City, State, ZIP

May 24, 2023

Date of Submission

Marléna Sessions, NOVAworks Director

Contact Person

(408) 730-7837

Contact Person's Phone Number

## Local Board Membership

The WIOA Section 107(b)(2)(A) through (E) states the requirements for nominating and selecting Local Board members:

1. Provide the names of the individuals appointed for each membership category listed below or
2. Attach a roster for the current Local Board.

*Category: Business* – WIOA Section 107(b)(2)(A) requires that business members constitute a simple majority of the Local Board, and WIOA Section 107(b)(3) states that the chairperson shall also be a member under this category. Specifically, a majority of the Local Board's business members shall constitute the following representatives under this membership category:

- Owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority.
- Representatives of businesses, including small businesses or business organizations.
- Individuals appointed by those who have been nominated by local business organizations and business trade associations.

Please list the Local Board's business members and identify the chairperson by typing CHAIR after their name:

<b>LOCAL BOARD BUSINESS MEMBERS</b>				
<b>Name</b>	<b>Title</b>	<b>Entity</b>	<b>Appointment Date</b>	<b>Term End Date</b>
Thomas Baity	Market Manager	Manpower Group	2021	2025
Greg Biggs	CEO	Vander-Bend Manufacturing	2022	2026
Christopher Galy	Consultant	Findem	2021	2025
Stephen Levy	Director	Center for Continuing Study of CA Economy	2021	2025
Anita Manwani	Founder and Principal	Carobar Business Solutions	2022	2026
Jennifer Morrill (CO-CHAIR)	Legal	Watershed	2022	2026
Michelle Nemits	Executive Director	Biocom California	2021	2025
Stacey Porter	V.P. of People Operations	Outset Medical	2022	2026
Andy Switky (CO-CHAIR)	Founder/Healthcare Strategy & Design Consultant	Code Name Collective	2021	2025
Kirk Vartan	General Manager	Slice of New York	2021	2025
Mrinalini Vittal	Senior V.P. and Chief People Officer	PROCEPT BioRobotics	2022	2026
Nate Williams	Director & Operating Executive	THL	2021	2025

*Category: Labor* – At least 20 percent of the Local Board members shall be labor representatives from the Local Area’s workforce. Specifically, the Local Board shall have labor representatives under this membership category from the following entities (WIOA 107[b][2][B]):

- Labor organizations (for a Local Area in which employees are represented by labor organizations) and who have been nominated by local labor federations, or (for a Local Area in which no employees are represented by such organizations) other representatives of employees.
- A member of a labor organization or a training director from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists.

Members may be representatives from community-based organizations with demonstrated experience and expertise in addressing the employment needs of individuals with barriers to

employment, veterans, or individuals with disabilities; and organizations with demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth and/or out-of-school youth.

*California Unemployment Insurance Code* (CUIC) Section 14202(b)(1) further requires and specifies that at least 15 percent of Local Board members shall be representatives of labor organizations unless the local labor federation fails to nominate enough members. For a Local Area in which such organizations represent no employees, other representatives of employees shall be appointed to the Local Board, but any Board that appoints representatives of employees not nominated by local labor federations must demonstrate that no employees are represented by such organizations in the Local Area.

List the Local Board's labor members:

<b>LOCAL BOARD LABOR MEMBERS</b>				
<b>Name</b>	<b>Title</b>	<b>Entity</b>	<b>Appointment Date</b>	<b>Term End Date</b>
David Bini	Executive Director	Labor/SCC and SBC Building & Construction Trades Council	2021	2025
Jean Cohen	Executive Officer	Labor/South Bay Labor Council	2022	2026
Julie Lind	Secretary/Treasurer	Labor/SMC Central Labor Council	2022	2026
Brian Murphy	Director of Training	Labor/Pipe Trades Training Center/Registered Apprenticeship	2022	2026
Russell Brunson	Director of Administrative Services	Move to Work and P.R.I.D.E. (SCC Housing Authority)	2021	2025
Poncho Guevara	Executive Director	Sacred Heart Community Service	2021	2025

*Category: Education* – WIOA Section 107[b][2][C] requires that each Local Board include members who represent entities that administer education and training activities in the Local Area. Specifically, the Local Board shall have education representatives under this membership category from the following entities:

- Eligible Title II adult education and literacy providers; and
- Institutions of higher education providing workforce investment activities.



Members may be representatives from local educational agencies and community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment.

List the Local Board's education members:

<b>LOCAL BOARD EDUCATION MEMBERS</b>				
<b>Name</b>	<b>Title</b>	<b>Entity</b>	<b>Appointment Date</b>	<b>Term End Date</b>
Christine Berdiansky	Program Administrator	Santa Clara Adult Education	2022	2026
Judy Miner	Chancellor	Foothill-De Anza Community College District	2020	2024

*Category: Economic and Community Development* – WIOA Sections 107[b][2][D] and [E] require each Local Board to include governmental, economic, and community development representatives under this membership category from the following entities:

- Economic and community development organizations.
- The state's employment service office under the *Wagner-Peyser Act*.
- Programs carried out under Title I of the federal *Rehabilitation Act*.

A Local Board may have representatives from transportation, housing, and/or public assistance agencies; philanthropic organizations; and/or an individual or representatives of entities determined to be appropriate by the local CEO.

List the Local Board's economic and community development members:

<b>LOCAL BOARD ECONOMIC AND COMMUNITY DEVELOPMENT MEMBERS</b>				
<b>Name</b>	<b>Title</b>	<b>Entity</b>	<b>Appointment Date</b>	<b>Term End Date</b>
Rosanne Foust	President & CEO	San Mateo County Economic Development Association	2020	2024
Nelson Leonor	Employment Program Manager	CA Employment Development Department	2021	2025
Theresa Woo	Regional Director of SF and SJ District	CA Department of Rehabilitation	2022	2026

## Performed Successfully

The Local Area hereby certifies that it has performed successfully, defined as having an Individual Indicator Score of 50% or higher in PY 20-21 OR PY 21-22, as described in Workforce Services Directive *Calculating Local Area Performance and Nonperformance* (WSD20-02) dated September 18, 2020, for the following primary indicators of performance:

- Employment Rate 2<sup>nd</sup> Quarter After Exit
- Median Earnings

**Note: Please report your “performance score” rather than the “adjusted level of performance.”**

PY 20-21 Individual Indicator Scores		
Indicators of Performance	Adults	Dislocated Workers
Employment Rate 2 <sup>nd</sup> Quarter After Exit	<u>52.0%</u>	<u>56.5%</u>
Median Earnings 2 <sup>nd</sup> Quarter After Exit	<u>\$11,722</u>	<u>\$20,492</u>
PY 20-21 Individual Indicator Scores		
Indicators of Performance	Youth	
Employment or Education Rate 2 <sup>nd</sup> Quarter after Exit	<u>84.5%</u>	
Median Earnings	<u>\$4,622</u>	

PY 21-22 Individual Indicator Scores		
Indicators of Performance	Adults	Dislocated Workers
Employment Rate 2 <sup>nd</sup> Quarter After Exit	<u>59.4%</u>	<u>66.1%</u>
Median Earnings 2 <sup>nd</sup> Quarter After Exit	<u>\$14,662</u>	<u>\$22,570</u>
PY 21-22 Individual Indicator Scores		
Indicators of Performance	Youth	
Employment or Education Rate 2 <sup>nd</sup> Quarter after Exit	<u>82.0%</u>	
Median Earnings	<u>\$5,377</u>	

## **Sustained Fiscal Integrity**

The Local Area hereby certifies that it has not been found in violation of one or more of the following during PY 20-21 or PY 21-22:

- *Final determination of significant finding(s)* from audits, evaluations, or other reviews conducted by state or local governmental agencies or the Department of Labor identifying issues of fiscal integrity or improperly expended funds due to the willful disregard or failure to comply with any WIOA requirement.
- *Gross negligence* – defined as a conscious and voluntary disregard of the need to use reasonable care, which is likely to cause foreseeable grave injury or harm to persons, property, or both.
- *Failure to observe accepted standards of administration* – Local Areas must have adhered to the applicable uniform administrative requirements set forth in Title 2 *Code of Federal Regulations* (CFR) Part 200.

Certify No Violation: ☒

## **Engaged in Regional Planning**

*Engaged in regional planning* is defined as participating in and contributing to regional planning, regional plan implementation, and regional performance negotiations. The Local Area hereby certifies that it has participated in and contributed to regional planning and negotiating regional performance measures in the following ways:

The NOVA Workforce Development Area has actively engaged in regional planning and regional plan implementation. Activities include:

- Served in a leadership role, on behalf of the three workforce boards in the Bay-Peninsula RPU (BPRPU) region, for the past six years. In addition, NOVA is providing Regional Organizer responsibilities.
- Provided leadership in the development of the regional plan that was approved by the NOVA Workforce Board on January 25, 2023, and by the Sunnyvale City Council (CEO) on March 21, 2023.
- Participated in negotiating WIOA performance measures as a region representing three workforce boards.
- Took part in regular meetings and conversations with the workforce board directors in the region to discuss regional plan implementation strategies and to create a more cohesive regional service-delivery system.

- The NOVA Workforce Area has been actively engaged in the planning and delivery of many regional initiatives, which have helped to align industry engagement, support the development of regional career pathways, and implement the Regional Plan. For example, for the Regional Plan Implementation (RPI) 4.0 grant, BPRPU launched an innovative systems-change initiative, "Advancing Equity through Skills Based Hiring" to train employers, using the Markle Foundation "Skillful" methodology, promoting skills-based hiring versus credential-based hiring to reduce hiring biases and promote greater equity and inclusion. BPRPU partnered on the federal "Comprehensive and Accessible Reemployment through Equitable Employment Recovery" (CAREER) grant to provide employment services to dislocated workers impacted by COVID-19 and other barriers. BPRPU partnered on the Regional Equity and Recovery Partnership (RERP) grant to deliver training and career paths for diverse populations in cybersecurity, mechatronics, and cloud computing sectors. And, finally, the region is partnering on the State of California Community Economic Resilience Fund (CERF) initiative to promote a sustainable and equitable economic future for the region's jobseekers, employers, and community stakeholders.

#### **Local Area Assurances**

Through PY 23-25, the Local Area assures the following:

- A. It will comply with the applicable uniform administrative requirements, cost principles, and audit requirements (WIOA Section 184[a][2] and [3]).

Highlights of this assurance include the following:

- The Local Area's procurement procedures will avoid acquisition of unnecessary or duplicative items, software, and subscriptions (in alignment with Title 2 CFR Section 200.318).
- The Local Area will maintain and provide accounting and program records, including supporting source documentation, to auditors at all levels, as permitted by law (Title 2 CFR Section 200.508).

Note that failure to comply with the audit requirements specified in Title 2 CFR Part 200 Subpart F will subject the Local Area to potential cash hold (Title 2 CFR Section 200.338).

- B. All financial reporting will be done in compliance with federal and state regulations and guidance.

Highlights of this assurance include the following:

- Reporting will be done in compliance with Workforce Services Directive *Monthly and Quarterly Financial Reporting Requirements* (WSD19-05), dated December 4, 2019.

- All close out reports will comply with the policies and procedures listed in *WIOA Closeout Requirements* (WSD16-05), dated July 29, 2016.

Note that failure to comply with financial reporting requirements will subject the Local Area to potential cash hold (Title 2 CFR Section 200.338).

- C. Funds will be spent in accordance with federal and state laws, regulations, and guidance.

Highlights of this assurance include the following:

- The Local Area will meet the requirements of the *CUIC Section 14211*, to spend a minimum of 30 percent of combined total of WIOA Title I adult and dislocated worker formula fund allocations on training services.
  - The Local Area will not use funds to assist, promote, or deter union organizing (WIOA Section 181[b][7]).
- D. The Local Area will select the America's Job Center of California<sup>SM</sup> operator(s) through a competitive procurement process, such as a Request for Proposals, unless designated or certified as an operator with the agreement of the local CEO and the Governor (WIOA Section 121[d][2][A] and 107[g][2]).
- E. The Local Area will collect, enter, and maintain data related to participant enrollment, activities, and performance necessary to meet all CalJOBS<sup>SM</sup> reporting requirements and deadlines.
- F. The Local Area will comply with the nondiscrimination provisions of WIOA Section 188 and 29 CFR Part 38, including the collection of necessary data.
- G. The Local Area will engage in and contribute to, regional planning and regional plan implementation (for example, the Local Area has participated in regional planning meetings and regional plan implementation efforts, and the Local Board and local CEO have reviewed and approved the regional plan and two-year modifications).
- H. The Local Area will participate in regional performance negotiations.
- I. The Local Area will comply with CWDB policies and guidelines, legislative mandates and/or other special provisions as may be required under federal law or policy, including the WIOA or state legislation.
- J. Priority shall be given to veterans, recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of career and training services funded by WIOA Adult funding (WIOA Section 134[c][3][E] and *Training and Employment Guidance Letter* [TEGL] 10-09, and TEGL 19-16).

**Application Signature Page**

By signing the application below, the local CEO and Local Board Chair request subsequent designation of the Local Area and recertification of the Local Board. Additionally, they agree to abide by the Local Area assurances included in this application.

Local Workforce Development Board Chair

Local Workforce Development Board Chair

---

Signature

---

Signature

---

Jennifer Morrill

---

Andy Switky

---

Name

---

Name

---

NOVA Workforce Board Co-Chair

---

NOVA Workforce Board Co-Chair

---

Title

---

Title

---

Date

---

Date

Local Chief Elected Official

---

Signature

---

Honorable Larry Klein

---

Name

---

Mayor, City of Sunnyvale

---

Title

---

Date



# City of Sunnyvale

## Agenda Item

---

**23-0518**

**Agenda Date: 5/16/2023**

---

### **REPORT TO COUNCIL**

#### **SUBJECT**

Approve Amendments to Council Policy 7.3.19 (Council Meetings) Adding a Pilot Process for City Council Colleague Memorandums to Propose new Agenda Items

#### **BACKGROUND**

On January 12, 2021, former Councilmember Fong sponsored Study Issue OCM 21-03 (Consider the Creation of a Formal Process for City Council Colleague Memorandums). Mayor Klein along with Councilmembers Melton, Cisneros and Din cosponsored the Study Issue. The Study Issue described the purpose of a Colleagues Memorandum as an opportunity that allows Councilmembers to prepare memorandums on topics coming before the Council or on any matter within Council's subject matter jurisdiction.

On January 4, 2022, following study sessions on September 14 and October 26, 2021, the City Council added a pilot process for City Council Colleague Memorandums to propose new agenda items (RTC No. 22-0019). The pilot included a January 1, 2023 sunset and direction for a report to review the policy modification 11-months from its approval.

On December 6, 2022, the City Council took action and removed the process for City Council Colleague Memorandums from the Council Policy (RTC No. 22-0035).

On April 4, 2023, (RTC No. 23-0493) the City Council directed staff to reinstate a pilot process for City Council Colleague Memorandums with the following changes:

1. Include language prominently stating where Colleague Memorandums are to be submitted;
2. Include that Colleague Memorandums are not to be shared with Councilmembers outside of the group of Councilmembers who authored a specific Memorandum;
3. A January 31, 2024 sunset;
4. No definitive timeline to when Colleague Memorandums will appear on a Council meeting agenda; and
5. Requirement for the City Manager to review and approve the Colleague Memorandums consistent with this policy and the Ralph M. Brown Act (open meetings law) or provide feedback to the authors.

#### **EXISTING POLICY**

Council Policy 7.3.19 (Council Meetings) (Attachment 3)

**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 prepared a proposed pilot incorporating Council direction (Attachment 1 to the report). The proposal:

1. Requires Colleague Memorandums to be submitted to the City Manager;
2. States that Colleague Memorandums are not to be shared with Councilmembers outside of the group of Councilmembers who authored a specific Memorandum;
3. Has a January 31, 2024 sunset;
4. Has no definitive timeline for when Colleague Memorandums will appear on a Council meeting agenda; and
5. Requires the City Manager to review and approve the Colleague Memorandums.

**FISCAL IMPACT**

The amendments to Council Policy (7.3.19 Council Meetings) do not have a fiscal impact.

**PUBLIC CONTACT**

Public contact was made by posting the Council meeting agenda on the City's official-notice bulletin board at City Hall, at the Sunnyvale Public Library and in the Department of Public Safety Lobby. In addition, the agenda and this report are available at the NOVA Workforce Services reception desk located on the first floor of City Hall at 456 W. Olive Avenue (during normal business hours), and on the City's website.

**STAFF RECOMMENDATION**

Approve amendments to Council Policy 7.3.19 (Council Meetings) adding a pilot process for City Council Colleague Memorandums to propose new agenda items, with a January 31, 2024 sunset.

Prepared by: David Carnahan, City Clerk

Reviewed by: Jaqui Guzmán Deputy City Manager

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

**ATTACHMENTS**

1. Proposed Amendments to Council Policy 7.3.19 Council Meetings shown in redline
2. Proposed Amendments to Council Policy 7.3.19 Council Meetings-clean
3. Council Policy 7.3.19 Council Meetings



COUNCIL POLICY MANUAL

## **Policy 7.3.19 Council Meetings**

---

### **POLICY PURPOSE:**

The purpose of this policy is to outline Council-established policies relative to Council meetings. Council has underscored the importance of community input and citizen engagement in the conduct of City business, and the critical role of City Council meetings in this effort.

### **POLICY STATEMENT:**

#### **Placing Items on the Agenda**

Items may be placed on the agenda by the Mayor, a majority of a quorum of the Council, or by the City Manager. The order in which items appear on the agenda shall be determined by the City Manager and approved by the Mayor.

#### **Colleagues Memorandum\***

\*Absent City Council action, this subheading becomes inoperative on January 31, 2024.

- A group of two or three Councilmembers may prepare a brief colleagues memorandum outlining a request to create a future agenda item for the Council to consider at an upcoming Council meeting.
- Councilmembers shall submit colleagues memorandums directly to the City Manager.
- Colleagues memorandums are not to be shared with Councilmembers outside of the group who authored a specific memorandum.
- Memorandums shall not exceed two (2) pages and shall be focused on the need for a future agenda item without advocating for or against the merits of the agenda item being requested.
- The City Manager will review and approve the Colleague Memorandums consistent with this policy and the Ralph M. Brown Act (open meetings law) or provide feedback to the authors.
- The City Manager will schedule the approved colleagues memorandum for the next available Council agenda.
- Completed colleagues memorandums will be included under the Non-Agenda Items & Comments portion of the Council meeting agenda for Council action.
- A colleagues memorandum is not required to request an agenda item be added to a future agenda.

#### **Public Noticing of Council Meeting Agendas**

Every effort shall be made to publicly notice Council meeting agendas for regularly scheduled meetings five days in advance of the meeting (on Thursday preceding a Tuesday meeting). At a minimum, Council meeting agendas for regularly scheduled meetings shall be noticed three days in advance of the meeting.

#### **Distribution of Council Meeting Materials**

Every effort shall be made to publicly distribute all approved reports to Council (both online and hard copies) five days in advance of Council meetings (e.g., on Thursdays preceding Tuesday Council meetings). Hard copies should be made available at the Library and the City

## COUNCIL POLICY MANUAL

Clerk's Office.

When possible, Reports to Council should be distributed earlier than five days in advance whenever finalized and approved by the City Manager in advance of their due date.

When possible, Study Issues and Reports to Council with Planning Commission advisory action should be made available online at least seven days prior to the date the item appears on the Council agenda, and Utility Rate reports should be posted online at least 14 days in advance of a Council hearing (every effort shall be made to distribute hard copies of these reports five days in advance, like any other report).

### **Start and Ending Times**

Study sessions will start no earlier than 5 p.m. on dates when regular Council meetings are held, except that the Mayor may schedule earlier sessions as his/her discretion.

Council has adopted a resolution providing that Regular Council meetings will start at 7:00 p.m. (Resolution No. 141-04.)

Limiting late night meetings is intended to encourage public participation. Council will not begin hearing any new item after 11:30 p.m. unless, by a majority vote of those present, it agrees to do so. A separate vote must be taken for each matter to be considered after 11:30 p.m.

Notwithstanding the above, Council will not begin hearing any of the following agenda items: Councilmembers Reports on Activities from Intergovernmental Committee Assignments, Non-Agenda Items and Comments and Information Only Reports/Items, unless by a single motion it agrees to do so.

Council will need a supermajority vote to start a new item after 12:30 a.m. For purposes of this rule, a supermajority shall mean one more vote than a simple majority (for example, if seven members are present a supermajority is five; if five members are present a supermajority is four).

No new items or other Council business will be introduced after 1:30 a.m.

Any item on an agenda for a regular meeting which must be continued due to the late hour, shall be continued to a date certain.

Study sessions will start no earlier than 5 p.m. on dates when regular Council meetings are held, except that the Mayor may schedule earlier sessions at his/her discretion.

### **Meeting Protocol**

Meetings will be chaired and presided over by the Mayor, who shall be guided by The Standard Code of Parliamentary Procedure (Sturgis), as modified by any policy, rule or procedure adopted by the Council, or as otherwise required by law, and the City's Code of Ethics and Conduct for Elected and Appointed Officials. The City Attorney shall serve as advisory parliamentarian to the Mayor. Any ruling by the Mayor that is challenged and seconded may be overruled by a majority vote of the Council.

### **Meeting Minutes**

COUNCIL POLICY MANUAL

Minutes of general meetings shall be prepared and approved in accordance with parliamentary procedure (Sturgis). In general, they shall be a record of all actions and proceedings, but not a record of discussion. No Councilmember shall have views or protests on a motion recorded in the minutes unless a motion permitting such action is passed by majority vote. Adverse criticism of Councilmembers or staff should never be included except in the form of a motion censoring or reprimanding a member. Praise should appear only in the form of officially adopted votes of thanks, gratitude, or commendation.

Minutes of special meetings shall be prepared in similar fashion.

There shall be no minutes for closed sessions.

Minutes of Council Sub-committees shall generally be brief, but in some cases may be more detailed than those of general meetings as they often serve as the basis for the committee's report and subsequent Council action.

(Adopted: RTC 04-410 (11/20/2004); (Clerical/clarity update, Policy Update Project 7/2005); Amended RTC 06-376 (11/28/2006); RTC 12-233 (10/2/2012); RTC 17-0798 (8/22/17); RTC 22-0019 (1/4/2022); RTC 22-0035 (12/6/2022))

Lead Department: Office of the City Manager

COUNCIL POLICY MANUAL

## **Policy 7.3.19 Council Meetings**

---

### **POLICY PURPOSE:**

The purpose of this policy is to outline Council-established policies relative to Council meetings. Council has underscored the importance of community input and citizen engagement in the conduct of City business, and the critical role of City Council meetings in this effort.

### **POLICY STATEMENT:**

#### **Placing Items on the Agenda**

Items may be placed on the agenda by the Mayor, a majority of a quorum of the Council, or by the City Manager. The order in which items appear on the agenda shall be determined by the City Manager and approved by the Mayor.

#### **Colleagues Memorandum\***

\*Absent City Council action, this subheading becomes inoperative on January 31, 2024.

- A group of two or three Councilmembers may prepare a brief colleagues memorandum outlining a request to create a future agenda item for the Council to consider at an upcoming Council meeting.
- Councilmembers shall submit colleagues memorandums directly to the City Manager.
- Colleagues memorandums are not to be shared with Councilmembers outside of the group who authored a specific memorandum.
- Memorandums shall not exceed two (2) pages and shall be focused on the need for a future agenda item without advocating for or against the merits of the agenda item being requested.
- The City Manager will review and approve the Colleague Memorandums consistent with this policy and the Ralph M. Brown Act (open meetings law) or provide feedback to the authors.
- The City Manager will schedule the approved colleagues memorandum for the next available Council agenda.
- Completed colleagues memorandums will be included under the Non-Agenda Items & Comments portion of the Council meeting agenda for Council action.
- A colleagues memorandum is not required to request an agenda item be added to a future agenda.

#### **Public Noticing of Council Meeting Agendas**

Every effort shall be made to publicly notice Council meeting agendas for regularly scheduled meetings five days in advance of the meeting (on Thursday preceding a Tuesday meeting). At a minimum, Council meeting agendas for regularly scheduled meetings shall be noticed three days in advance of the meeting.

#### **Distribution of Council Meeting Materials**

Every effort shall be made to publicly distribute all approved reports to Council (both online and hard copies) five days in advance of Council meetings (e.g., on Thursdays preceding Tuesday Council meetings). Hard copies should be made available at the Library and the City

## COUNCIL POLICY MANUAL

Clerk's Office.

When possible, Reports to Council should be distributed earlier than five days in advance whenever finalized and approved by the City Manager in advance of their due date.

When possible, Study Issues and Reports to Council with Planning Commission advisory action should be made available online at least seven days prior to the date the item appears on the Council agenda, and Utility Rate reports should be posted online at least 14 days in advance of a Council hearing (every effort shall be made to distribute hard copies of these reports five days in advance, like any other report).

### **Start and Ending Times**

Study sessions will start no earlier than 5 p.m. on dates when regular Council meetings are held, except that the Mayor may schedule earlier sessions as his/her discretion.

Council has adopted a resolution providing that Regular Council meetings will start at 7:00 p.m. (Resolution No. 141-04.)

Limiting late night meetings is intended to encourage public participation. Council will not begin hearing any new item after 11:30 p.m. unless, by a majority vote of those present, it agrees to do so. A separate vote must be taken for each matter to be considered after 11:30 p.m.

Notwithstanding the above, Council will not begin hearing any of the following agenda items: Councilmembers Reports on Activities from Intergovernmental Committee Assignments, Non-Agenda Items and Comments and Information Only Reports/Items, unless by a single motion it agrees to do so.

Council will need a supermajority vote to start a new item after 12:30 a.m. For purposes of this rule, a supermajority shall mean one more vote than a simple majority (for example, if seven members are present a supermajority is five; if five members are present a supermajority is four).

No new items or other Council business will be introduced after 1:30 a.m.

Any item on an agenda for a regular meeting which must be continued due to the late hour, shall be continued to a date certain.

Study sessions will start no earlier than 5 p.m. on dates when regular Council meetings are held, except that the Mayor may schedule earlier sessions at his/her discretion.

### **Meeting Protocol**

Meetings will be chaired and presided over by the Mayor, who shall be guided by The Standard Code of Parliamentary Procedure (Sturgis), as modified by any policy, rule or procedure adopted by the Council, or as otherwise required by law, and the City's Code of Ethics and Conduct for Elected and Appointed Officials. The City Attorney shall serve as advisory parliamentarian to the Mayor. Any ruling by the Mayor that is challenged and seconded may be overruled by a majority vote of the Council.

### **Meeting Minutes**

COUNCIL POLICY MANUAL

Minutes of general meetings shall be prepared and approved in accordance with parliamentary procedure (Sturgis). In general, they shall be a record of all actions and proceedings, but not a record of discussion. No Councilmember shall have views or protests on a motion recorded in the minutes unless a motion permitting such action is passed by majority vote. Adverse criticism of Councilmembers or staff should never be included except in the form of a motion censoring or reprimanding a member. Praise should appear only in the form of officially adopted votes of thanks, gratitude, or commendation.

Minutes of special meetings shall be prepared in similar fashion.

There shall be no minutes for closed sessions.

Minutes of Council Sub-committees shall generally be brief, but in some cases may be more detailed than those of general meetings as they often serve as the basis for the committee's report and subsequent Council action.

(Adopted: RTC 04-410 (11/20/2004); (Clerical/clarity update, Policy Update Project 7/2005); Amended RTC 06-376 (11/28/2006); RTC 12-233 (10/2/2012); RTC 17-0798 (8/22/17); RTC 22-0019 (1/4/2022); RTC 22-0035 (12/6/2022))

Lead Department: Office of the City Manager

COUNCIL POLICY MANUAL

## **Policy 7.3.19 Council Meetings**

---

### **POLICY PURPOSE:**

The purpose of this policy is to outline Council-established policies relative to Council meetings. Council has underscored the importance of community input and citizen engagement in the conduct of City business, and the critical role of City Council meetings in this effort.

### **POLICY STATEMENT:**

#### **Placing Items on the Agenda**

Items may be placed on the agenda by the Mayor, a majority of a quorum of the Council, or by the City Manager. The order in which items appear on the agenda shall be determined by the City Manager and approved by the Mayor.

#### **Public Noticing of Council Meeting Agendas**

Every effort shall be made to publicly notice Council meeting agendas for regularly scheduled meetings five days in advance of the meeting (on Thursday preceding a Tuesday meeting). At a minimum, Council meeting agendas for regularly scheduled meetings shall be noticed three days in advance of the meeting.

#### **Distribution of Council Meeting Materials**

Every effort shall be made to publicly distribute all approved reports to Council (both online and hard copies) five days in advance of Council meetings (e.g., on Thursdays preceding Tuesday Council meetings). Hard copies should be made available at the Library and the City Clerk's Office.

When possible, Reports to Council should be distributed earlier than five days in advance whenever finalized and approved by the City Manager in advance of their due date.

When possible, Study Issues and Reports to Council with Planning Commission advisory action should be made available online at least seven days prior to the date the item appears on the Council agenda, and Utility Rate reports should be posted online at least 14 days in advance of a Council hearing (every effort shall be made to distribute hard copies of these reports five days in advance, like any other report).

#### **Start and Ending Times**

Study sessions will start no earlier than 5 p.m. on dates when regular Council meetings are held, except that the Mayor may schedule earlier sessions as his/her discretion.

Council has adopted a resolution providing that Regular Council meetings will start at 7:00 p.m. (Resolution No. 141-04.)

Limiting late night meetings is intended to encourage public participation. Council will not begin hearing any new item after 11:30 p.m. unless, by a majority vote of those present, it agrees to do so. A separate vote must be taken for each matter to be considered after 11:30 p.m.

## COUNCIL POLICY MANUAL

Notwithstanding the above, Council will not begin hearing any of the following agenda items: Councilmembers Reports on Activities from Intergovernmental Committee Assignments, Non-Agenda Items and Comments and Information Only Reports/Items, unless by a single motion it agrees to do so.

Council will need a supermajority vote to start a new item after 12:30 a.m. For purposes of this rule, a supermajority shall mean one more vote than a simple majority (for example, if seven members are present a supermajority is five; if five members are present a supermajority is four).

No new items or other Council business will be introduced after 1:30 a.m.

Any item on an agenda for a regular meeting which must be continued due to the late hour, shall be continued to a date certain.

Study sessions will start no earlier than 5 p.m. on dates when regular Council meetings are held, except that the Mayor may schedule earlier sessions at his/her discretion.

### **Meeting Protocol**

Meetings will be chaired and presided over by the Mayor, who shall be guided by The Standard Code of Parliamentary Procedure (Sturgis), as modified by any policy, rule or procedure adopted by the Council, or as otherwise required by law, and the City's Code of Ethics and Conduct for Elected and Appointed Officials. The City Attorney shall serve as advisory parliamentarian to the Mayor. Any ruling by the Mayor that is challenged and seconded may be overruled by a majority vote of the Council.

### **Meeting Minutes**

Minutes of general meetings shall be prepared and approved in accordance with parliamentary procedure (Sturgis). In general, they shall be a record of all actions and proceedings, but not a record of discussion. No Councilmember shall have views or protests on a motion recorded in the minutes unless a motion permitting such action is passed by majority vote. Adverse criticism of Councilmembers or staff should never be included except in the form of a motion censoring or reprimanding a member. Praise should appear only in the form of officially adopted votes of thanks, gratitude, or commendation.

Minutes of special meetings shall be prepared in similar fashion.

There shall be no minutes for closed sessions.

Minutes of Council Sub-committees shall generally be brief, but in some cases may be more detailed than those of general meetings as they often serve as the basis for the committee's report and subsequent Council action.

(Adopted: RTC 04-410 (11/20/2004); (Clerical/clarity update, Policy Update Project 7/2005); Amended RTC 06-376 (11/28/2006); RTC 12-233 (10/2/2012); RTC 17-0798 (8/22/17); RTC 22-0019 (1/4/2022); RTC 22-0035 (12/6/2022))

Lead Department: Office of the City Manager





# City of Sunnyvale

## Agenda Item

---

**23-0587**

**Agenda Date: 5/16/2023**

---

### **SUBJECT**

Adopt Ordinance No. 3213-23 to Repeal and Re-Adopt Sunnyvale Municipal Code Chapter 12.60 (Stormwater Management) and Find that the Action is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the CEQA Guidelines

### **BACKGROUND**

The attached Ordinance was introduced at a regular meeting of the City Council held on May 2, 2023 with the following vote: 7-0

### **RECOMMENDATION**

Adopt Ordinance No. 3213-23 to Repeal and Re-Adopt Sunnyvale Municipal Code Chapter 12.60 (Stormwater Management) and Find that the Action is Categorically Exempt from the California Environmental Quality Act (CEQA) Pursuant to Section 15308 of the CEQA Guidelines

**ORDINANCE NO. 3213-23**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SUNNYVALE REPEALING AND RE-ADOPTING CHAPTER 12.60  
(STORMWATER MANAGEMENT) OF TITLE 12 (WATER AND  
SEWERS) OF THE SUNNYVALE MUNICIPAL CODE**

WHEREAS, the City of Sunnyvale desires to amend Sunnyvale Municipal Code Chapter 12.60 (Stormwater Management) of Title 12 (Water and Sewers) for consistency with the Municipal Regional Stormwater Permit (Stormwater Permit) issued by the San Francisco Bay Regional Water Quality Control Board;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. CHAPTER 12.60 REPEALED AND RE-ADOPTED. Chapter 12.60 (Stormwater Management) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby repealed and re-adopted to read as shown in Exhibit “A” attached hereto and incorporated by reference.

SECTION 2. CEQA. The adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the CEQA Guidelines because it is an action taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after adoption.

SECTION 4. PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on May 2, 2023, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on May 16, 2023, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  
RECUSAL:

ATTEST:

APPROVED:

---

DAVID CARNAHAN  
City Clerk  
Date of Attestation: \_\_\_\_\_

---

LARRY KLEIN  
Mayor

(SEAL)

APPROVED AS TO FORM:

---

JOHN A. NAGEL  
City Attorney

## EXHIBIT A

### SUNNYVALE MUNICIPAL CODE CHAPTER 12.60 STORMWATER MANAGEMENT

- 12.60.010. Purpose and intent.
- 12.60.020. Scope and limits of chapter.
- 12.60.030. Administration.
- 12.60.040. Definitions.
- 12.60.050. Ultimate responsibility of discharger.
- 12.60.060. Fees.
- 12.60.070. Discharge Prohibitions.
- 12.60.080. Wastewater discharges containing copper or copper-based chemicals.
- 12.60.090. Prohibition of illegal connection.
- 12.60.100. False statements.
- 12.60.110. Compliance with NPDES stormwater permit.
- 12.60.120. Stormwater pollution reduction.
- 12.60.130. Stormwater treatment requirements—Applicability.
- 12.60.140. Development and redevelopment projects—Regulated projects.
- 12.60.150. New or widening road projects—Regulated projects.
- 12.60.160. Road reconstruction—Regulated projects.
- 12.60.170. Special Projects—Regulated Project which may qualify for use of non-LID treatment measures.
- 12.60.180. Required site design measures for small projects and smaller single-family home.
- 12.60.190. Site design measures for nonregulated project.
- 12.60.200. Trash load reductions to storm drain collection system.
- 12.60.210. Stormwater management plan required.
- 12.60.220. Numeric sizing criteria for treatment systems.
- 12.60.230. Low impact development (LID) requirements.
- 12.60.240. Hydromodification management (HM) requirements—Applicability.
- 12.60.250. Design standards concerning flooding.
- 12.60.260. Alternative certification of adherence to numeric sizing criteria for stormwater treatment systems.
- 12.60.270. Infiltration treatment measures.
- 12.60.280. Agreement to maintain best management practices.
- 12.60.290. Submission of revised stormwater management plan.
- 12.60.300. Best management practices and CASQA Stormwater Best Management Practice Handbook incorporated.
- 12.60.310. Minimum best management practices and source control measures for all dischargers.
- 12.60.320. Authority to inspect.
- 12.60.330. Requirement to remediate.
- 12.60.340. Failure to properly operate and maintain stormwater treatment and hydromodification management facilities.
- 12.60.350. Alternative compliance.
- 12.60.360. Public nuisance.

- 12.60.370. Manner of notification of a violation.
- 12.60.380. Administrative process and civil penalties.
- 12.60.390. Administrative hearing and appeals process.
- 12.60.400. Emergency corrections.
- 12.60.410. Judicial civil penalties.
- 12.60.420. Remedies cumulative.

12.60.010. Purpose and intent.

The purpose of this chapter is to provide regulations and give legal effect to certain requirements of the National Pollutant Discharge Elimination System (NPDES) permit (the "Permit") issued to the city of Sunnyvale, among other municipal permittees, on July 1, 2022, and thereafter revised and reissued on cycles of approximately five years, regarding municipal stormwater and urban runoff requirements. This chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands lying within the city. This chapter shall be construed to assure consistency with the requirements of the Clean Water Act and Porter-Cologne Act and any applicable implementing regulations, as they exist at the time of enactment or as later amended.

12.60.020 Scope and limits of chapter.

This chapter shall apply to:

- (a) Ministerial as well as discretionary approvals of development located on applicable sites and regulated projects for new development or significant redevelopment projects, as those terms are defined in this chapter;
- (b) Dischargers at applicable sites which have been found to, or may be reasonably considered to, cause or contribute to pollution of stormwater runoff associated with commercial or industrial activity or illegal connections and other illicit discharges. Nothing in this chapter shall be interpreted to:
  - (1) Infringe any right or power guaranteed by the California Constitution, including any vested property right; or
  - (2) Require any action inconsistent with any applicable and lawfully adopted general plan, specific plan, vesting tentative map or building code that conforms to the laws of California and the requirements of this chapter.

12.60.030 Administration.

This chapter shall be administered jointly by the director of community development, the director of public works, and the director of environmental services. Any powers granted to or duties imposed upon these individuals to administer, implement and enforce the provisions of this chapter may be delegated to other city personnel.

## 12.60.040 Definitions.

For the purposes of this chapter the following words and phrases shall have the meanings given to them in this section. Words and phrases not defined in this chapter shall have the definitions set forth in the permit or by the regulations implementing the National Pollutant Discharge Elimination System, Clean Water Act Section 402, and Division 7 of the California Water Code, as they currently exist or may be amended.

### (a) "A"

(1) "Applicable site" means any site that could reasonably be considered to cause or contribute to pollution of stormwater runoff. This definition includes, but is not limited to, pollutant sources associated with outdoor process and manufacturing areas, outdoor material storage areas, outdoor waste storage and disposal areas, outdoor vehicle and equipment storage and maintenance areas, outdoor parking areas and access roads, outdoor wash areas, outdoor drainage from indoor areas, rooftop equipment, contaminated and erodible surface areas, and other sources determined to have a reasonable potential to contribute to pollution of stormwater runoff.

(2) "Authorized enforcement official" means the director of public works, the director of community development, or the director of environmental services and their designees.

### (b) "B"

(1) "Best management practices (BMP)" means a structural device, measure, facility, or activity that helps to achieve stormwater management control objectives at a regulated project or applicable site.

(A) "Maintenance of a best management practice or stormwater treatment system" means periodic action taken to maintain the as-designed performance of best management practice or stormwater treatment system, and includes, but is not limited to, repairs as necessary and replacement of the best management practice or stormwater treatment system by an equally effective or more effective best management practice or stormwater treatment system.

(B) "Source control best management practice" means any schedule of activities, prohibitions of practices, maintenance procedures, managerial practices or operational practices that aim to prevent stormwater pollution by reducing the potential for contamination at the source of pollution.

(C) "Treatment best management practice" means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.

(2) "Base course" means a layer of constructed material within a pavement section (typically aggregate base), located above the subbase course and/or subgrade course and below the surface layer, which supports the surface layer and distributes load.

(3) "Bio-retention area" means landscaping features adapted to treat stormwater runoff on a development site. Surface runoff is directed into shallow, landscaped depressions. These depressions are designed with soil mixtures and vegetation that incorporate many of the pollutant removal systems that operate in a natural ecosystem. If the subsurface soils will not allow for natural infiltration (e.g., heavy clay soil), the filtered runoff may be collected in a perforated underdrain in the area and returned to the storm drain collection system.

(4) "BMP Guidance Manual" as revised means the manual approved by the city of Sunnyvale directors of the public works, community development, and environmental services departments, as amended from time to time, that sets forth guidance, design standards and best management practices for stormwater treatment measures, which shall be utilized by developers and property owners to comply with this chapter. A copy of the BMP Guidance Manual may be obtained from the city's planning division.

(c) "C"

(1) "CASQA" means California Stormwater Quality Association.

(2) "CASQA Stormwater Best Management Practice Handbook" means the four-volume set of handbooks for New and Redevelopment, Construction, Industrial and Commercial, and Municipal operations produced by CASQA and available at [www.casqa.org](http://www.casqa.org).

(3) "Construction" means constructing, clearing, grading, or excavation that results in soil disturbance. Construction also includes structure demolition. Construction does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of a facility, nor does it include emergency construction activities required to immediately protect public health and safety, interior remodeling with no outside exposure of construction material or construction waste to stormwater or mechanical permit work.

(d) "D"

(1) "Detached single-family home project" means the building of one single new house or addition and/or replacement of impervious surface to one single existing house, which is not part of a larger plan of development.

(2) "Detention" means the temporary storage of storm runoff in a manner that controls peak discharge rates and provides some gravity settling of pollutants.

(3) "Development" means any construction, rehabilitation, redevelopment or reconstruction of any public or private project, or mass grading for anticipated construction. Development does not include routine maintenance to maintain original line and grade, hydraulic capacity or original purpose of a facility, nor does it include emergency construction activities required to protect immediately public health and safety.

(4) "Director" means either the director of public works, community development, or environmental services department.

(5) "Discharge" when used as a verb, means to allow pollutants to directly or indirectly enter stormwater, or to allow stormwater or non-stormwater to directly or indirectly enter the storm drain system from an activity or operation. When used as a noun, "discharge" means the pollutants, stormwater or non-stormwater that is discharged.

(6) "Discharger" means any person or entity engaged in activities or operations or owning facilities, which will or may result in pollutants entering stormwater or the storm drain system. Discharger also means the owners of real property on which such activities, operations or facilities are located; provided, however, that a local government or public authority is not a discharger as to activities conducted by others in public rights-of-way.

(e) "E"

(1) "Enforcement response plan" established by the director contains criteria and various guidelines for implementing consistent enforcement. These enforcement guidelines shall be maintained by the director and shall be available to the public. Additions to or deletions from the guidelines may be made by the director.

(f) "F"

(1) "Full trash capture" or a "full capture system or device" means any single device or series of devices that traps all particles retained by a five millimeters mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area and as approved by the San Francisco Bay Regional Water Quality Control Board, Region 2.

(g) "G"

(1) "General permit" means an NPDES permit issued under Code of Federal Regulations Section 122.28 (40 CFR 122.28) authorizing a category of discharges under the Clean Water Act within a geographical area.



(h) "H"

(1) "Hydromodification management (HM)" means the requirements for regulated projects that create or replace one acre or more of impervious surface and are not specifically excluded in the requirements of Provision C.3.g.ii, as adopted in the NPDES stormwater permit. A project that does not increase impervious surface area over the pre-project condition does not qualify as an HM project. The HM is designed to manage increases in the magnitude, volume and duration of runoff from new development and significant redevelopment projects in order to protect streams from increased potential for erosion or other adverse impacts. The HM contains management standards and performance criteria for subject development which are incorporated into this chapter. A copy of the HM requirements in the city's permit listed above may be obtained from the city's planning division.

(i) "I"

(1) "Illegal connection" means any device or artifice, excluding roof drains and other similar connections, connecting into the storm drain system without a permit, through or by which an illicit discharge may be discharged.

(2) "Illicit discharge" means any discharge to a storm drain system that is not composed entirely of stormwater except discharges pursuant to an NPDES permit, including categorically allowed discharges and conditionally exempted discharges permitted under Section 12.60.070(f) and (g).

(3) "Impervious surface" means constructed or modified surface that cannot effectively infiltrate rainfall. Impervious surface includes, but is not limited to, building rooftops, pavement, sidewalks, and driveways where such surfaces are not constructed with pervious materials. "Impervious surface area" means the ground area covered or sheltered by an impervious surface, measured as if from directly above.

(4) "Infiltration" means the process of percolating stormwater or non-stormwater into the subsoil.

(5) "Infiltration device" means any structure that is deeper than wide, with no underdrain and is designed primarily to infiltrate (percolate) water into the subsurface and bypass the natural groundwater protection afforded by surface soil. The definition of stormwater infiltration device does not include any septic system or other waste water disposal system, any infiltration of water other than stormwater, Santa Clara Valley Water District percolation ponds, lined sumps and basins, or any naturally occurring body of surface water.

(A) Examples of best management practices that are stormwater infiltration devices include, but are not limited to:

- (i) Infiltration basins and trenches (including French drains);
- (ii) Infiltration and exfiltration trenches;
- (iii) Unlined retention basins (i.e., basins with no outlets);
- (iv) Unlined or open-bottomed vaults or boxes installed below grade that store stormwater allowing infiltration into subsurface soils;
- (v) Dry wells; and
- (vi) Injection wells.

(B) The definition of infiltration device does not apply to the following best management practices that treat stormwater and then release it into a storm drain system:

- (i) Media filtration devices;
- (ii) Underground detention system;
- (iii) Hydrodynamic device;
- (iv) Water quality inlet filters;
- (v) Contained and flow-through planter boxes;
- (vi) Roof gardens;
- (vii) Extended detention basin;
- (viii) Any device with an impermeable liner and underdrain/outfall to the storm drain.

(6) "In-lieu fees" mean the monetary amount necessary to provide both hydraulically-sized treatment in accordance with numeric sizing (Section 12.60.220) and LID treatment measures (Section 12.60.230) of an equivalent quantity of stormwater runoff and pollutant loading and a proportional share of the operation and maintenance costs of the regulated project.

- (j) "J" – Reserved
- (k) "K" – Reserved

(l) "L"

(1) "Land disturbance activity" means any activity that moves soils or substantially alters the pre-existing vegetated or man-made cover of any land including, but not limited to, grading, digging, cutting scraping, stockpiling or excavating of soil; placement of fill materials; paving, pavement removal, exterior construction; substantial removal of vegetation where soils are disturbed including, but not limited to, removal by clearing or grubbing or any activity which bares soil or rock or involves streambed alterations or diversion or piping of any watercourse. Land disturbance activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or the original purpose of the facility, nor does it include emergency construction activities required to protect public health and safety.

(2) "Land owner" means the holder of legal title to the land, and other persons or entities who exercise control over a land development project pursuant to rights granted in a purchase agreement, joint venture agreement, development agreement, or long-term lease.

(3) "Low impact development" ("LID") is an approach to new and redevelopment designs to reduce stormwater runoff and mimic a site's predevelopment hydrology by minimizing the amount of disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source. LID principles treat stormwater as a resource, rather than a waste product that must be removed from the site.

(m) "M"

(1) "Maximum extent practicable" means a standard for implementation of stormwater management programs to reduce pollutants in stormwater to the maximum extent possible, taking into account equitable considerations and competing facts including, but not limited to, the seriousness of the problem, public health risks, environmental benefits, pollutant removal effectiveness, regulatory compliance, cost and technical feasibility.

(n) "N"

(1) "Non-stormwater" means any discharge that is not composed entirely of stormwater.

(2) "Notice of violation (NV)" means an official written notice of noncompliance, issued to a discharger from the director, which provides notification that a significant violation of this chapter has occurred, consistent with an enforcement response plan.

(3) "NPDES stormwater permit" means the California Regional Water Quality Control Board San Francisco Bay Regional Stormwater NPDES Permit Order R2-2022-

0018, NPDES Permit No. CAS612008, adopted May 11, 2022, effective July 1, 2022 or as subsequently amended.

(o) "O" – Reserved

(p) "P"

(1) "Permeable surfaces" mean pervious concrete, porous asphalt, unit pavers, and/or other materials that allow water to infiltrate into subsurface soil.

(q) "Q" – Reserved

(r) "R"

(1) "Redevelopment" means land-disturbing activity that results in the creation, addition, or replacement of impervious surface area on an already developed site. Redevelopment includes, but is not limited to, the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of a routine maintenance activity; and land disturbing activities related to structural or impervious surfaces.

(2) "Regional project" means a regional or municipal project with sufficient capacity or credit to protect or enhance water quality and/or beneficial uses in a manner equivalent to or greater than the stormwater benefits that would have been provided from the installation of the required treatment measures at the subject project site. A regional project must discharge to or address the same receiving waters as the subject project site.

(3) "Regulated projects" are new development projects, redevelopment projects and/or road projects that create and/or replace five thousand square feet or more of impervious surface, and detached single-family home projects that create and/or replace ten thousand square feet or more of impervious surface, including portions of the public right of way, such as the street frontage, that are constructed or reconstructed as part of the development.

(4) "Riparian areas" means an ecosystem that is the interface between dry land and a water body such as a creek, stream, river, lake, or marsh. Vegetation in riparian areas is characterized by a predominance of hydrophilic plants.

(s) "S"

(1) "Self-retaining" area means an area of a development site designed to retain the first one inch of rainfall (by ponding and infiltration and/or evapotranspiration) on itself and on adjacent areas without producing stormwater runoff. Self-retaining areas may include graded depressions with landscaping or pervious pavement. "Areas draining to self-retaining areas" are adjacent impervious areas that drain to self-retaining areas.

- (2) "Self-treating" areas means an area of a development site in which infiltration, evapotranspiration, and other natural processes remove pollutants from stormwater. Self-treating areas may include conserved natural open areas, areas of landscaping, green roofs, and pervious pavement. A self-treating area only treats the rain falling on itself and does not receive stormwater runoff from other areas.
- (3) Special Projects are certain types of smart growth, high density and affordable housing projects that are allowed, under the Permit, to treat some stormwater runoff from the site with non-LID treatment measures.
- (4) "Storm drain system" means the conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains owned or operated by the city and used for the purpose of collecting, storing, transporting, or disposing of runoff.
- (5) "Stormwater" means surface runoff and drainage associated with storm events.
- (6) "Stormwater management plan" means a plan identifying the measures that will be used for stormwater and non-stormwater management during the permitted activity and/or during and after construction of any development or significant redevelopment project subject to the provisions of this chapter.
- (t) "T"
- (1) "Treatment" means the use of designed and/or engineered systems, which use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to filtration, gravity settling, media absorption, biodegradation, biological uptake, chemical oxidation and ultraviolet (UV) radiation.
- (u) "U" – Reserved
- (v) "W"
- (1) "Warning notice (WN)" means an official notice of noncompliance, either written or verbal, issued to a discharger from the director, which provides notification that a violation of this chapter has occurred. Warning notices are typically given in instances of minor violations and/or if the corrective actions taken are immediate, consistent with an enforcement response plan.

#### 12.60.050 Ultimate responsibility of discharger.

The standards established by this chapter are minimum standards, and do not imply that compliance by any discharger will ensure that there will not be contamination, pollution, nor unauthorized discharge of pollutants. This chapter shall not create liability on the part of the city or any city employee for any damages that result from any discharger's reliance on this chapter or any lawful administrative decision.

12.60.060. Fees.

The amount of the fees for services and certifications provided under this chapter shall be established periodically by resolution of the city council.

12.60.070. Discharge Prohibitions.

(a) General Prohibition. Any discharge to the storm drain system not composed entirely of stormwater is prohibited, except as set forth in this chapter.

(b) It is unlawful to throw, deposit, leave, abandon, maintain or keep materials or wastes on public or private lands in a manner and place where they may result in an illicit discharge.

(c) Separately Permitted Discharges. Discharges regulated under a valid facility-specific NPDES permit or facility-specific Regional Water Quality Control Board waste discharge requirements permit not including a state general permit, shall be regulated exclusively by the Regional Water Quality Control Board and are exempt from discharge prohibitions established by this chapter, provided compliance with all relevant permit conditions is maintained to the satisfaction of the Board. Stormwater discharges at a facility with a facility specific permit which only addresses process discharges or non-stormwater discharges are not exempted.

(d) State General Permit Discharges. Stormwater discharges regulated under the state general industrial storm water permit or state general construction stormwater permit are exempt from discharge prohibitions established by this chapter, provided compliance with all relevant general permit conditions is maintained to the satisfaction of the Regional Water ]

(e) Categorically Allowed Discharges. The following categories of non-stormwater discharges are exempt from discharge prohibitions established by this chapter:

- (1) Flows from riparian habitats or wetlands;
- (2) Diverted stream flows;
- (3) Flows from natural springs;
- (4) Rising ground waters;
- (5) Uncontaminated groundwater infiltration;
- (6) Pumped groundwater from drinking water aquifers; and
- (7) NPDES permitted discharges (individual or general permits).

(f) Conditionally Exempted Discharges. The following categories of non-stormwater discharges are conditionally exempt from discharge prohibitions established by this chapter. Dischargers must install, implement and maintain any specifically applicable minimum best

management practices, as set out in the NPDES Stormwater Permit (Provision C.15.b, Conditionally Exempted Non-Stormwater Discharges), so as to prevent or eliminate adverse impacts of such discharges:

- (1) Uncontaminated pumped groundwater;
- (2) Pumped groundwater from non-drinking water aquifers;
- (3) Foundation drains;
- (4) Water from crawl space pumps;
- (5) Footing drains;
- (6) Air condition condensate;
- (7) Irrigation water;
- (8) Landscape irrigation;
- (9) Lawn or garden watering;
- (10) Individual residential car washing;
- (11) Swimming pool, hot tub, spa and fountain water; and
- (12) Emergency discharges of water and foam that are the result of firefighting, unauthorized hydrant openings, natural or man-made disasters (e.g., earthquakes, floods, wildfires, accidents, terrorist actions).

(g) On-Site Wastewater Systems. Discharges to the subsurface from permitted properly functioning on-site wastewater systems are not prohibited by this chapter.

(h) Exemptions Not Absolute. Any discharge category described above that is a significant source of pollutant to waters of the United States shall be prohibited from entering the storm drain system, or shall be subjected to a requirement to implement additional best management practices to reduce pollutants in the discharge to the maximum extent practicable. Such prohibitions shall be effective on a schedule specified by an authorized enforcement official in a written notice to the discharger. The schedule may take into account the nature and severity of any effects caused by the discharge; and the time required to design, engineer, fund, procure, construct and make appropriate best management practices operational.

(i) Non-Stormwater Discharge. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the state of California under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all

requirements of the permit, waiver, or order and other applicable laws and regulations. The authorized enforcement official may exempt in writing other non-stormwater discharges which are not a source of pollutants to the storm drain system upon approval by the executive officer of the San Francisco Bay Regional Water Quality Control Board.

12.60.080. Wastewater discharges containing copper or copper-based chemicals.

Discharges to the storm drain collection system from the following activities are prohibited. Discharges to landscaping or to the sanitary sewer system (with approvals from the Sunnyvale Water Pollution Control Plant) are allowed.

- (a) Discharges of wastewater generated during the installation, cleaning, treating, and washing of copper architectural features, including copper roofs.
- (b) Discharges of water from pools (including connection for filter backwash), spas, fountains and water features that contain copper-based chemicals.

12.60.090. Prohibition of illegal connection.

- (a) The construction, use, maintenance, or continued existence of illegal connections to the storm drain system is prohibited.
- (b) The authorized enforcement official may, by written notice, require a person responsible for an illegal connection to the storm drain system to eliminate or to secure approval for the connection within a specified time.

12.60.100. False statements.

It is unlawful knowingly to make or present to the city any false statement, representation, record, report, plan or other document, with regard to any requirements of this chapter.

12.60.110. Compliance with NPDES stormwater permit.

Any person subject to an industrial or construction activity general NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance may be required in a form acceptable to the authorized enforcement official prior to or as a condition of the approval of a subdivision map, site plan, building permit, development or improvement plan; upon inspection of the facility and/or during any enforcement action.

12.60.120. Stormwater pollution reduction.

All applicants for permits pertaining to the planning, design, and construction of all projects subject to this chapter shall design and implement stormwater best management practices so as to reduce stormwater pollution to the maximum extent practicable. Such projects shall utilize standards and guidelines set forth in the BMP Guidance Manual, as revised, and shall incorporate the numeric sizing criteria for best management practices set forth in this chapter.



#### 12.60.130. Stormwater treatment requirements—Applicability.

Specific stormwater treatment requirements or source control measures, as set forth in this chapter, are mandated for certain categories of new and redevelopment projects based upon the amount of impervious area created, added, or replaced by a project. Stormwater treatment requirements shall apply to the following types of projects: development and redevelopment projects, including large single family homes (Section 12.60.140); road projects (Section 12.60.150); road reconstruction projects (Section 12.60.160) and required site design measures for small projects and single-family homes (Section 12.60.180).

#### 12.60.140. Development and redevelopment projects—Regulated projects.

(a) **Development Projects.** All new development projects that create five thousand square feet or more of impervious surface collectively over the entire project site, including commercial, industrial, residential housing subdivisions (e.g., detached single-family home subdivisions, multifamily attached subdivisions such as townhomes, condominiums and apartments), mixed-use, and public projects, including sidewalks and any other portions of the public right of way that are developed or redeveloped as part of the project. This category includes development projects on public or private land that fall under the planning and building authority of the city. This category also includes detached single-family homes that create ten thousand square feet or more of impervious surface collectively over the entire project site, including sidewalks and any other portions of the public right of way that are developed or redeveloped as part of the project. Construction of a detached single-family home project that creates less than ten thousand square feet of impervious surface and that is not part of a larger plan of development, with the incorporation of appropriate pollutant source control and design measures and using landscaping to treat runoff from roof and house associated impervious surfaces, is specifically excluded from the requirements of this section.

#### (b) **Redevelopment Projects.**

(1) **Redevelopment projects** that create and/or replace five thousand square feet or more of impervious surface collectively over the entire project site, including commercial, industrial, residential housing subdivisions (e.g., detached single-family home subdivisions, multifamily attached subdivisions such as townhomes, condominiums and apartments), mixed-use, and public projects, (other than public road and trail projects), including sidewalks and any other portions of the public right of way that are developed or redeveloped as part of the project. Redevelopment is any land-disturbing activity that results in the creation, addition, or replacement of exterior impervious surface areas on a site on which some past development has occurred. This category includes redevelopment projects on public or private land that falls under the planning and building authority of the city. This category also includes detached single-family homes that create and/or replace ten thousand square feet or more of impervious surface collectively over the entire project site, including sidewalks and any other portions of the public right of way that are developed or redeveloped as part of the project. Redevelopment of a detached single-family home project that is not part of a

larger plan of development and that creates and/or replaces less than ten thousand square feet of impervious surface, with the incorporation of appropriate pollutant source control and design measures and using landscaping to treat runoff from roof and house associated impervious surfaces, is specifically excluded from the requirements of this section..

(2) Alterations Exceeding Fifty Percent. Where a redevelopment project results in an alteration of more than fifty percent of the impervious surface of a previously existing development that was not previously subject to the requirements of Chapter 12.60, the entire project consisting of all existing, new and/or replace impervious surfaces must be included in the treatment system design so that the stormwater treatment systems are designed and sized to treat stormwater from the entire redevelopment project.

(3) Alterations Less than Fifty Percent. Where a redevelopment project results in an alteration of less than fifty percent of the impervious surface of a previously existing development that was not subject to the requirements of Chapter 12.60, only the new and/or replaced impervious surface of the project must be included in the treatment design system so that the stormwater treatment systems are designed and sized to treat stormwater runoff from the new and/or replaced impervious surface of the project.

(4) Pavement Maintenance. The requirements for redevelopment projects include the following pavement maintenance activities on a property, either separate from or included within a development or redevelopment project:

(A) Removing and replacing an asphalt or concrete pavement to the top of the base course or lower, or repairing the pavement base (including repair of the pavement base in preparation for bituminous surface treatment, such as chip seal), as these are considered replaced impervious surfaces;

(B) Extending the pavement edge without increasing the size of the road prism, or paving graveled shoulders, as these are considered new impervious surfaces; and

(C) Resurfacing by upgrading from dirt to gravel, to a bituminous surface treatment (e.g., chip seal), to asphalt, or to concrete; or upgrading from gravel to a bituminous surface treatment, to asphalt, or to concrete, as these are considered new impervious surfaces.

(c) Specific Exclusions. The following practices are excluded from the requirements of Section 12.60.140.

(1) Interior remodels.

(2) Routine maintenance or repair such as roof or exterior wall surface replacement.

(3) The following pavement maintenance practices:

- (A) Pothole and square cut patching;
  - (B) Overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage;
  - (C) Shoulder grading;
  - (D) Reshaping/regrading drainage systems;
  - (E) Crack sealing;
  - (F) Pavement preservation activities that do not expand the road prism;
  - (G) Upgrading from a bituminous surface treatment (e.g., chip seal) with an overlay of asphalt or concrete, without expanding the area of coverage;
  - (H) Applying a bituminous surface treatment to existing asphalt or concrete pavement, without expanding the area of coverage;
  - (I) Vegetation maintenance;
  - (J) Layering gravel over an existing gravel road, without expanding the area of coverage.
- (4) Public works projects, including sidewalk gap closures, sidewalk section replacement, and ADA curb ramps, that create and/or replace less than five thousand contiguous square feet of impervious surface.
- (d) Applicability. Any pending Regulated Project that has not yet been approved as of June 30, 2023, and for which a Permittee has no legal authority to require new requirements under Government Code sections 66474.2 or 65589.5., subd. (o), is subject to the requirements in NPDES Permit Order R2 2009-0074, NPDES Permit No. CAS612008, October 14, 2009, effective December 1, 2009.

12.60.150. New or widening road projects—Regulated projects.

Any of the following types of road projects that create five thousand square feet or more of newly constructed contiguous impervious surface and that fall under the building and planning authority for the city:

- (a) Construction of new streets or roads, including sidewalks and bicycle lanes built as part of the new streets or roads;
- (b) Widening of existing streets or roads with additional traffic lanes.
  - (1) Where the addition of traffic lanes results in an alteration of less than fifty percent of the existing street or road that was not subject to Chapter 12.60, only the

new and/or replaced impervious surface of the project must be included in the treatment system design so that the stormwater treatment systems are designed and sized to treat stormwater from only the new traffic lanes. However, if the stormwater runoff from the existing traffic lanes and the added traffic lanes cannot be separated, any onsite treatment system must be designed and sized to treat stormwater runoff from the entire street;

- (2) Where the addition of traffic lanes results in an alteration of more than fifty percent of the existing street or road that was not subject to Chapter 12.60, the entire project, consisting of all existing, new, and/or replaced impervious surface of the project must be included in the treatment system design.
- (c) Construction of impervious trails that are greater than or equal to ten feet wide or are creekside (within fifty feet of the top of bank);
- (d) Specific exclusions to subsections (a) through (c) are:
  - (1) Sidewalks built as part of new streets or roads and built to direct stormwater to adjacent vegetated areas,
  - (2) Bicycle lanes that are built as part of new streets or roads, but are not hydraulically connected to new streets or roads and that direct stormwater to adjacent vegetated areas,
  - (3) Impervious trails built to direct stormwater runoff to adjacent vegetated areas, or non-erodible permeable areas, preferably away from creeks or toward the outboard sides of levees, where those areas are at least half as large as the contributing impervious surface area,
  - (4) Sidewalks, bicycle lanes, or trails constructed with permeable surfaces such as pervious concrete, porous asphalt, unit pavers, and granular materials (excluding gravel surfaces, since they are considered impervious).
  - (5) CalTrans highway projects and associated facilities.

#### 12.60.160. Road reconstruction—Regulated projects.

Road projects that involve the reconstruction of existing streets or roads (including roads built on levees), which create and/or replace one contiguous acre or more of impervious surface and that are public road projects and/or fall under the building and planning authority of the City, including sidewalks and bicycle lanes that are built or rebuilt as part of the existing streets or roads. This Regulated Project category includes utility trenching projects which are - on average, over the entire length of the project - greater than or equal to 8 feet wide. Pavement maintenance practices listed in Section 12.60.140 are included if they create and/or replace one contiguous acre or more of impervious surface.

(a) Where the reconstruction project results in an alteration of less than fifty percent of the existing street or road that was not subject to Chapter 12.60, only the new and/or replaced impervious surface of the project must be included in the treatment system design so that the stormwater treatment systems are designed and sized to treat stormwater from only the new and/or replaced impervious areas. However, if the stormwater runoff from the existing and replaced impervious areas cannot be separated, any onsite treatment system must be designed and sized to treat stormwater runoff from the entire street or road;

(b) Where the reconstruction project results in an alteration of more than fifty percent of the existing street or road that was not subject to Chapter 12.60, the entire project, consisting of all existing, new, and/or replaced impervious surface of the project must be included in the treatment system design.

(c) Road reconstruction projects that cannot comply with the numeric sizing requirements in Section 12.60.220 due to area or cost constraints, may use the alternate sizing criteria included in the Guidance for Sizing Green Infrastructure Facilities in Street Projects approved by the Water Board on June 21, 2019, and included in the City's BMP Guidance Manual.

12.60.170. Special Projects—Regulated Project which may qualify for use of non-LID treatment measures.

(a) Special Projects – Certain Regulated Projects that are smart growth, high density, and affordable housing projects that may be allowed to use specific types of non-LID treatment, if the use of LID treatment is first evaluated and determined to be infeasible by the City. The project applicant shall submit documentation to show where and why the use of LID treatment is infeasible and the non-LID treatment measures proposed for use based on the characteristics of the project.

(b) Special Projects may use the following two types of non-LID treatment systems:

- (1) Tree-box-type high flowrate biofilters
- (2) Vault-based high flowrate media filters.

(c) The three categories of Special Projects are:

- (1) Category A: Small Infill Projects (projects that create less than or equal to one-half acre of impervious surface)
- (2) Category B: High Density Projects (projects that create less than or equal to two acres of impervious surface)
- (3) Category C: Affordable Housing Projects

(d) Specific criteria for each of the three categories of Special Projects that dictate the amount of runoff on the site that can be treated with non-LID treatment measures are provided in the City's BMP Guidance Manual.

12.60.180. Required site design measures for small projects and smaller single-family home.

All development projects subject to approvals and/or permits issued by the planning or building divisions which create or replace two thousand five hundred square feet or more and less than five thousand square feet of impervious surface and smaller detached single-family home projects that create and/or replace two thousand five hundred square feet or more of impervious surface and less than ten thousand square feet of impervious surface will install one or more of the following site design measures:

- (a) Direct roof runoff into cisterns or rain barrels for reuse;
- (b) Direct roof runoff onto vegetated areas;
- (c) Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas;
- (d) Direct runoff from driveways or uncovered parking areas/lots onto vegetated areas;
- (e) Construct sidewalks, driveways, and/or patios with permeable surfaces;
- (f) Construct bike lanes, driveways, and/or uncovered parking lots or areas with permeable surfaces.

12.60.190. Site design measures for nonregulated project.

All new development and redevelopment projects subject to planning, building, development, or other comparable reviews by the city, but not meeting the definition of regulated project are encouraged to include adequate site design measures that include minimizing land disturbance and impervious surfaces. These may include clustering of structures and pavement; directing roof runoff to vegetated areas, use of micro-detention, including distributed landscape-based detention of stormwater, preservation of open space and/or restoration of riparian areas or wetland as project amenities.

12.60.200. Trash load reductions to storm drain collection system.

All regulated projects will install full trash capture devices to collect litter and debris from their project site, prior to connecting to the city's storm drain collection system.

- (a) Full trash capture devices that have been approved as meeting the standards set by the San Francisco Bay Regional Water Quality Control Board will be deemed as satisfactory for meeting this requirement. A list of approved devices and their manufacturers is available from the community development department or the city's BMP Guidance Manual.

(b) Installed full capture trash devices will be maintained by the property owner for the life of the project, following the manufacturer's recommendations for maintenance.

12.60.210. Stormwater management plan required.

(a) All applications for any city permit or approval required for land disturbance activities, construction, development or significant redevelopment for any regulated project subject to this chapter, including, but not limited to, use permits, specials development permits, grading permits, variances, landscape plans, design review, parcel maps or tentative maps, applicable building permits, or applicable encroachment permits, must include a stormwater management plan.

(b) The stormwater management plan shall be accompanied by plans and related documentation demonstrating how the requirements of this chapter will be met, and the permit or approval shall not be granted unless the authorized enforcement official determines that the plan complies with the requirements of this chapter.

(c) At the discretion of the authorized enforcement official, the stormwater management plan shall include, but is not limited to, the following:

- (1) Name and address of regulated project;
- (2) Responsible operator(s) of each treatment system and hydromodification (HM) control (if any);
- (3) A description of activities and pollutant sources;
- (4) Specific descriptions of the locations (or a map showing locations) of the installed stormwater treatment system(s) and HM controls (if any);
- (5) Description of the type and size of the installed stormwater treatment systems and HM controls, if applicable;
- (6) Description of applicable operation and maintenance procedures, including recommended inspections, for all structural best management practices/installed stormwater treatment systems, as recommended by the manufacturer or as referenced in the city's Stormwater BMP Guidance Manual;
- (7) Description of record keeping and internal procedures to ensure documentation and verification of applicable operational maintenance procedures. These records shall remain available for a period of at least three years;
- (8) A completed stormwater management plan data form;
- (9) A copy of the required third party certification for the regulated projects adherence to the numeric sizing criteria for stormwater treatment systems; and

(10) Property owners shall ensure that onsite, joint, or offsite stormwater treatment system(s) and HM controls installed to meet the requirements for regulated projects are properly operated and maintained for the life of the project pursuant to Section 12.60.280 agreement to maintain best management practices.

(A) In cases where the property owner for a stormwater treatment system or HM control has worked diligently and in good faith with the appropriate state and federal agencies to obtain approvals necessary to complete maintenance activities for the treatment system or HM control, but the approvals are not granted, the property owner will be considered to be in compliance with subsection (c)(10).

(B) Constructed wetlands installed by regulated projects for urban runoff treatment shall abide by the San Francisco Bay Regional Water Quality Control Board's Resolution No. 94-102: Policy on the Use of Constructed Wetlands for Urban Runoff Pollution Control and the operations and maintenance requirements contained therein.

12.60.220. Numeric sizing criteria for treatment systems.

(a) Treatment best management practices for regulated projects shall incorporate the following hydraulic sizing design criteria to treat stormwater runoff.

(1) Volume Hydraulic Design Basis. Treatment best management practices whose primary mode of action depends on volume capacity shall be designed to treat stormwater runoff equal to:

(A) The maximized stormwater quality capture volume for the area, based on historical rainfall records, determined using the formula and volume capture coefficients set forth in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87 (1998), pages 175 through 178 (e.g., approximately the eighty-fifth percentile twenty-four hour storm runoff event); or

(B) The volume of annual runoff required to achieve eighty percent or more capture, determined in accordance with the methodology set forth in Section 5 of the CASQA Stormwater Best Management Practices Handbook, New and Redevelopment (2003), or most recent edition, using local rainfall data.

(2) Flow Hydraulic Design Basis. Treatment best management practices whose primary mode of action depends on flow capacity shall be sized to treat:

(A) Ten percent of the fifty-year peak flow rate; or

(B) The flow of runoff produced by rain equal to at least two times the eighty-fifth percentile hourly rainfall intensity for the applicable area, based on



historical records of hourly rainfall depths (for Sunnyvale this is equivalent to 0.17 inches per hour); or

(C) The flow of runoff resulting from rain equal to at least two-tenths of an inch per hour intensity.

(3) Combination Flow and Volume Design Basis. Treatment systems that use a combination of flow and volume capacity shall be sized to treat at least eighty percent of the total runoff over the life of the project, using local rainfall data.

#### 12.60.230. Low impact development (LID) requirements.

The goal of LID is to reduce runoff and mimic a site's predevelopment hydrology by implementing specific practices to control sources of potential pollution and site design strategies to treat stormwater. All regulated projects shall implement the following LID requirements:

(a) All regulated projects shall implement source control measures onsite that at a minimum, shall include the following:

(1) Implement source control measures on site to address the following potential discharges and minimize stormwater pollutants of concern. These control measures may include plumbing the following discharges to sanitary sewer lines, pending approval by the city;

(A) Discharges from floor mat, equipment, hood filter wash racks or covered outdoor wash racks for restaurants,

(B) Drips from covered trash dumpsters, food waste containers, and compactor enclosures,

(C) Discharges from covered outdoor wash areas for vehicles, equipment, and accessories,

(D) Swimming pool, spa, hot tub, or water feature discharges if discharge on site to vegetated areas is not a feasible option,

(E) Fire sprinkler test water, if on site discharge to vegetated areas is not a feasible option;

(2) Include properly designed covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair or maintenance bays and fueling areas;

(3) Include properly designed trash storage areas that are covered with any drains in the area connected to the sanitary sewer lines, pending approval by the city;

- (4) Include landscaping that minimizes irrigation and runoff, promotes surface infiltration, minimizes the use of pesticides and fertilizers and incorporates sustainable landscaping practices;
  - (5) Include efficient irrigation systems; and
  - (6) Include storm drain stenciling or signage that includes the message "No Dumping, Flows to Bay" or equivalent.
- (b) Each regulated project shall, at a minimum, implement the following site design strategies on-site:
- (1) Limit disturbance of natural water bodies and drainage systems; minimize compaction of highly permeable soils, protect slopes and channels, minimize impacts from stormwater and urban runoff on the biological integrity of natural drainage systems and water bodies;
  - (2) Conserve natural areas, including existing trees, other vegetation, and soils;
  - (3) Minimize impervious surfaces;
  - (4) Minimize disturbances to natural drainages; and
  - (5) Minimize stormwater runoff by implementing one or more of the following site design measures:
    - (A) Direct roof runoff into cisterns or rain barrels for reuse,
    - (B) Direct roof runoff into vegetated areas,
    - (C) Direct roof runoff from sidewalks, walkways and/or patios onto vegetated areas,
    - (D) Direct runoff from driveways and/or uncovered parking lots onto vegetated areas,
    - (E) Construct sidewalks, walkways and/or patios with permeable surfaces,
    - (F) Construct driveways, bike lanes, and/or uncovered parking lots with permeable surfaces.
- (c) Effective December 1, 2011, all regulated projects are required to treat one hundred percent of the amount of runoff using the criteria identified in Section 12.60.220 for the regulated project's drainage area with LID treatment measures onsite or with LID treatment measures at a joint stormwater treatment facility.

- (1) LID treatment measures are defined as stormwater harvesting and re-use, infiltration, evapotranspiration, or biotreatment;
- (2) Biotreatment systems shall be designed to have a surface area no smaller than what is required to accommodate a five inches per hour stormwater runoff surface loading rate. The planting and soil media for biotreatment systems shall be designed to sustain plant growth and maximize stormwater runoff retention and pollutant removal. Biotreatment systems shall use biotreatment soil media that meets the minimum specifications set forth in the Revised Model Biotreatment Soil Media Specifications approved by the Regional Water Quality Control Board on April 18, 2016 (and any subsequent revisions). These specifications are incorporated into the city's Stormwater BMP Guidance Manual.;
- (3) Green roofs installed at Regulated Projects may be considered biotreatment systems if they meet the following minimum specifications:
  - (A) The green roof system planting media shall be sufficiently deep to provide capacity within the pore space of the media for the required runoff volume specified in Section 12.60.220.
  - (B) The green roof system planting media shall be sufficiently deep to support the long-term health of the vegetation selected for the green roof, as specified by a landscape architect or other knowledgeable professional.

12.60.240. Hydromodification management (HM) requirements—Applicability.

- (a) Requirement. Stormwater discharges from any HM project shall be designed and maintained so they shall not cause an increase (over the pre-project existing condition) in the erosion potential of the stream into which they flow. Increases in runoff flow and volume shall be managed so that post-project runoff shall not exceed estimated pre-project rates and durations, where such increased flow and/or volume is likely to cause increased potential for erosion of creek beds and banks, silt pollutant generation, or other adverse impacts on beneficial uses due to increased erosive force. All applicants are required to comply with the standards and performance criteria and requirements set forth in the key elements (e.g., Range of Flows to Control, Goodness of Fit Criteria, Precipitation Data, and Calculations for Post-Project Runoff) of the HM requirements for Santa Clara County as described in Provision C.3.g Hydromodification Management and Attachment F as adopted in the NPDES Stormwater Permit. A copy of the HM requirements may be obtained from the city's planning division and is available in the city's Stormwater BMP Guidance Manual.
- (b) Applicability. All new and redevelopment project that create or replace one acre or more of impervious surface shall implement the hydromodification controls and standards as described in subsection (a). The following projects are exempt from HM compliance:

- (1) Projects that do not create an increase in impervious surface over pre-project conditions;
- (2) Projects located within areas that drain to stream channels within the tidally influenced area. Such areas are shown in the HM zone map included in the city's BMP Guidance Manual;
- (3) Projects located within areas that drain to non earthen stream channels that are hardened on three sides and extend continuously upstream from the tidally influenced area. Such areas are depicted in the city's BMP Guidance Manual HM maps;
- (4) Projects draining to Sunnyvale East or West Channels. Such areas are depicted in the city's BMP Guidance Manual HM maps;
- (5) Projects draining to an underground storm drain that discharges directly to San Francisco Bay;
- (6) Projects that demonstrate, upon completion of stream-specific and modeling studies that are consistent with the method identified in the HM requirements in provision C.3.g and Attachment F of the NPDES stormwater permit and its supporting technical documents, that there will be no increase in potential for erosion or other adverse impact to beneficial uses to any state waters;
- (7) Projects less than one acre and that are located in the HM applicable areas as depicted in the city's HM maps in the BMP Guidance Manual are encouraged, but not required, to implement HM requirements.

12.60.250. Design standards concerning flooding.

Except as this chapter may specifically exempt, every best management practice required to be implemented in new development or redevelopment shall not, by its construction, operation, maintenance, or lack thereof, lead to or cause flooding.

12.60.260. Alternative certification of adherence to numeric sizing criteria for stormwater treatment systems.

The authorized enforcement official may accept or require a signed certification from a civil engineer or a licensed architect or landscape architect registered in the state of California that the numeric sizing for stormwater treatment systems and/or hydromodification management (HM) facilities meets the hydraulic sizing design requirements of this chapter and the established criteria of the NPDES Stormwater Permit. Each certifying person shall establish to city's satisfaction that such person has been trained on best management practice design for water quality not more than three years prior to the signature date, and that each certifying person understands the groundwater protection principles applicable to the project site. Any consultant hired to design and/or construct a stormwater treatment system for a regulated project shall not be the certifying person for the project. Training conducted by an organization

with stormwater treatment best management design expertise such as a university, the American Society of Civil Engineers, American Society of Landscape Architects, American Public Works Association, California Water Environment Association, Bay Area Stormwater Management Agencies, National Association of Flood and Stormwater Management Agencies, California Stormwater Quality Association, or the equivalent, may be considered qualifying.

#### 12.60.270. Infiltration treatment measures.

In order to protect groundwater from pollutants that may be present in urban runoff, treatment best management practices that function primarily as stormwater infiltration devices, with no underdrain, must meet, at a minimum, the following conditions:

- (a) Pollution prevention and source control best management practices shall be implemented at a level appropriate to protect groundwater quality at sites where infiltration devices are to be used. This includes a minimum of two feet of suitable soil to achieve a maximum of five inches per hour infiltration rate for the infiltration system.
- (b) Infiltration devices shall not be placed in the vicinity of known contamination sites unless it has been demonstrated that increased infiltration will not increase leaching of contaminants from soil, alter groundwater flow conditions affecting contaminant migration in groundwater or adversely affect remedial activities.
- (c) Use of infiltration devices shall not cause or contribute to degradation of groundwater quality at applicable sites or of groundwater quality objectives.
- (d) Infiltration devices shall be adequately maintained to maximize pollutant removal capabilities.
- (e) The vertical distance from the base of any infiltration device to the seasonal high groundwater mark shall be at least ten feet. A greater separation from the high groundwater mark may be required. In locations which are characterized by highly porous soils and/or a high groundwater table, for such areas best management practices approvals will be subject to a higher level of analysis (e.g., considering the potential for pollutants such as on-site chemical use, the level of pretreatment to be achieved, and similar factors in the overall analysis of groundwater safety).
- (f) Unless stormwater is first treated by a means other than infiltration, infiltration devices shall not be employed for areas of industrial or light industrial activity; are as subject to high vehicular traffic (twenty-five thousand or greater average daily traffic on main roadway or fifteen thousand or more average daily traffic on any intersecting roadway); automotive repair shops, car washes; fleet storage areas (e.g., bus, truck); nurseries; and other high threat to water quality land uses and activities as designated by city.
- (g) Infiltration devices shall be located a minimum of two hundred fifty feet horizontally from any water supply wells and one hundred feet from any septic systems or underground

storage tanks with hazardous materials. A greater separation may be required in locations which are characterized by highly porous soils and/or a high groundwater table. For such areas, best management practice approvals will be subject to a higher level of analysis that considers the potential for pollutants such as on-site chemical use, the level of pretreatment to be achieved, and similar factors in the overall analysis of groundwater safety.

12.60.280. Agreement to maintain best management practices.

(a) Every person applying for a city planning or building permit to construct any new development or redevelopment project subject to this chapter, shall agree in writing to properly maintain any HM control, stormwater structural control, treatment system, and/or best management practices to be implemented at the project. Such agreement shall be through means such as a covenant running with the land, enforceable conditions of approval, or other legal agreement. The agreement shall provide access to the extent allowable by law for representatives of city, the local vector control district, and the Regional Water Quality Control Board, strictly for the purposes of performing operation and maintenance inspections of the installed stormwater treatment systems, best management practices, and/or HM controls (if any). The agreement shall be recorded in the office of the county recorder, shall remain in force, and upon transfer, shall be binding on the new owner(s).

(b) Any land owner of a property which has been required by this chapter to construct or install and maintain such best management practices shall, upon transferring ownership of such property, provide the new owners with a current copy of this chapter, and shall inform the new owners in writing of their obligation to properly operate and maintain such stormwater treatment and/or source control best management practice.

12.60.290. Submission of revised stormwater management plan.

(a) An authorized enforcement official may require a discharger who has previously received approval of a stormwater management plan, to prepare and submit a revised stormwater management plan for approval if any of the following occurs:

- (1) the project was not constructed according to the approved plans; or
- (2) the plan as constructed is not adequate for the site; or
- (3) the site is not adequately maintained; or
- (4) is a significant source of contaminants to the storm drain system.

(b) The revised stormwater management plan shall identify the stormwater treatment controls, best management practices, and/or HM controls that will be used by the discharger to prevent or control pollution of stormwater to the maximum extent practicable.

(c) If the activity at issue is a construction or land disturbance activity, the revised plan submitted to the city shall at a minimum meet the requirements of the Statewide NPDES Construction General Permit Order 2009-0009 DWQ or as subsequently amended.

(d) Whenever submission of a stormwater management plan or a revised stormwater management plan is required pursuant to this chapter, any authorized enforcement staff may use the City of Sunnyvale Stormwater Quality BMP Guidance Manual and/or the CASQA Stormwater BMP Handbooks to assess the adequacy of the proposed plan.

12.60.300. Best management practices and CASQA Stormwater Best Management Practice Handbook incorporated.

The BMP Guidance Manual and CASQA Stormwater Best Management Practice Handbook are incorporated by reference into this chapter. The authorized enforcement official may from time to time revise or add to such manual to comply with NPDES requirements and stay current with technology and best management practices.

12.60.310. Minimum best management practices and source control measures for all dischargers.

The director may require submission of information to evaluate the implementation and/or require the implementation of best management practices (BMPs), including, but not limited to, the following:

(a) Minimum Best Management Practices. All dischargers must implement and maintain at least the following minimum best management practices:

Appropriate BMPs will be implemented to prevent pollutant sources from entering the city's storm drain collection system that are associated with outdoor process and manufacturing areas, outdoor material storage areas, outdoor waste storage and disposal areas, outdoor vehicle and equipment storage and maintenance areas, outdoor parking and access roads, outdoor wash areas, outdoor drainage from indoor areas, rooftop equipment, contaminated and erodible surfaces, or other sources determined by the director to have a reasonable potential to contribute to pollution of stormwater runoff.

(b) Inspection, Maintenance, Repair and Upgrading of Best Management Practices. Best management practices at staffed and unstaffed facilities must be inspected and maintained by the discharger according to manufacturer specifications, the City of Sunnyvale Stormwater Quality BMP Guidance Manual, and/or the CASQA Stormwater BMP Handbooks. These best management practices must be maintained so that they continue to function as designed. Best management practices which fail must be repaired as soon as it is safe to do so. If the failure of a best management practice indicates that the best management practices in use are inappropriate or inadequate to the circumstances, the practices must be modified or upgraded to prevent any further failure in the same or similar circumstances.

(c) Construction Site Stormwater Pollution Controls. All construction sites will implement effective erosion control, run-on and runoff control, sediment control, active treatment systems (as appropriate), good site management, and non-stormwater management through all phases of construction (including, but not limited to, site grading, building and finishing of lots) until the site is fully stabilized by landscaping or the installation of permanent erosion control measures.

(d) All applicable sites are encouraged to include adequate source control measures to limit pollutant generation, discharge and runoff. These source control measures are identified in Section 12.60.230.

#### 12.60.320. Authority to inspect.

(a) Whenever necessary to make an inspection to enforce any provision of this chapter, or whenever the authorized enforcement official has cause to believe that there exists, or potentially exists, in or upon any applicable site any condition which constitutes a violation of this chapter, the official may enter such premises at all reasonable times to inspect the premises, to inspect and copy records related to stormwater compliance, and to collect samples and take measurements. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the city is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

(b) Whenever necessary to perform operations and maintenance verification inspections of installed full trash capture systems, stormwater treatment system(s) and HM control(s) (if any), all regulated projects shall grant site access to all representatives of the authorized enforcement official, local mosquito and vector control agency staff, and water board staff.

#### 12.60.330. Requirement to remediate.

Whenever the authorized enforcement official finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollutants discharged to stormwater or the storm drain system, the official may require by written notice to the owner or responsible person that the pollution be remediated and the affected property restored within a specified time.

#### 12.60.340. Failure to properly operate and maintain stormwater treatment and hydromodification management facilities.

(a) It is a violation of this code for any land owner to fail to properly operate and maintain any approved stormwater treatment facilities, hydromodification management facilities and/or source control best management practices on the owner's property.

(b) It is a further violation for any land owner to fail to follow any stormwater management plan submitted and approved by city unless a modification to the plan is later approved in



writing by the authorized enforcement official and such modification is thereafter recorded in the same manner as the original agreement.

12.60.350. Alternative compliance.

A regulated project may be allowed to provide alternative or in-lieu compliance in accordance with one of the following two options.

(a) A portion of the amount of runoff from a regulated project's drainage area required to be treated per Section 12.60.220 may be treated with LID measures on site or with LID treatment measures at a joint stormwater treatment facility, and any remaining portion of the stormwater runoff treated with LID treatment measures at an off-site project in the same watershed. The offsite LID treatment measures must provide hydraulically sized treatment in accordance with Section 12.60.220 of an equivalent quantity of both stormwater runoff and pollutant loading and achieve a net environmental benefit.

(b) A portion of the amount of runoff from a regulated project's drainage area required to be treated per Section 12.60.220 may be treated with LID treatment measures on site or with LID treatment measures at a joint stormwater treatment facility, and an equivalent amount of in-lieu fees paid to treat the remaining portion of the runoff with LID treatment measures at an off-site project. The off-site project must achieve a net environmental benefit.

(c) Off-site or regional projects must be completed within three years after the end of construction of the regulated project. The timeline for completion of an off-site or regional project may be extended for up to five years after completion of the regulated project with prior approval of the Executive Officer of the San Francisco Bay Regional Water Quality Control Board.

12.60.360. Public nuisance.

Illicit discharge, threatened illicit discharge, or any condition or act in violation of any provision of this chapter or of any order or directive of the director authorized by the provisions of said chapter is hereby declared to be a public nuisance. Such nuisance may be abated, removed or enjoined, and damages assessed therefor, in any manner provided by law.

12.60.370. Manner of notification of a violation.

(a) Warning Notice or Notice of Violation. When the director finds that a user has violated, or continues to violate, any provision of this chapter, or order issued hereunder, or any other stormwater standard or requirement, the director may serve upon that user a verbal or written warning notice or notice of violation. The director will require corrections to occur within a reasonably short and expedient time frame commensurate with the threat to water quality. Violations that are observed by the director shall be corrected prior to the next rain event or within ten business days after the violation is first noted. If more than ten business days are required for a correction, a rationale must be provided. A rapid, temporary repair shall be

required and a longer time for implementation of more permanent solutions may be allowed if significant capital expenditures or construction is required to resolve the discharge problem.

(b) Explanation of Violation and Plan for Correction/Prevention. The director may require the submission of an explanation of the violation and a plan for the satisfactory correction and prevention thereof, within the time specified in the notice, to include specific required actions. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(c) Notice to Comply.

(1) When the director finds that a discharge or threatened discharge of non-stormwater is taking place, has been taking place, or threatens to take place, in violation of prohibitions or limitations prescribed in this chapter, the director may, at the director's discretion, also require the user to submit for approval, with such modifications as the director deems necessary, a detailed compliance time schedule of specific actions which the user shall take in order to prevent or correct a violation of code provisions or of any permit, and to take such action in accordance with such schedule.

(2) Nothing provided in this section shall limit or prohibit the city from pursuing any other remedy, legal or equitable, otherwise available to city, or from seeking sanctions in any criminal or civil action related to such discharge or potential discharge.

(d) Issuance of Cease and Desist Orders. When the authorized enforcement official finds that a discharge of stormwater has taken place or is likely to take place in violation of this chapter, the authorized enforcement official may include in the notice, an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct those persons not complying with such prohibitions, limits, requirements, or provisions to comply forthwith; comply in accordance with a time schedule set forth by the city; or take appropriate remedial or preventive action.

12.60.380. Administrative process and civil penalties.

(a) Complaint. The director may serve an administrative complaint on any person who has violated any applicable code provision. The complaint shall state:

(1) The act or failure that constitutes the violation;

(2) The provisions of law authorizing the civil liability to be imposed; and

(3) The proposed civil penalty. The complaint shall be served by personal delivery or certified mail on the person subject to requirements that the director alleges were violated, and shall inform the person served that a hearing on the complaint shall be

conducted within thirty days after service, unless the person charged with the violation waives his or her right to a hearing.

(b) Civil Penalties. Civil penalties that may be imposed pursuant to Government Code Section 54740.5 are as follows:

- (1) An amount not to exceed two thousand dollars for each day for failing or refusing to furnish technical or monitoring reports;
- (2) An amount not to exceed three thousand dollars for each day for failing or refusing to timely comply with any compliance schedule established by the city;
- (3) An amount not to exceed five thousand dollars per violation for each day of violation for illicit discharges in violation of any waste discharge limitation, permit condition or requirement issued, reissued or adopted by the city; and
- (4) An amount not to exceed ten thousand dollars per gallon for discharges in violation of any suspension, cease and desist order, or other orders, or prohibition issued, reissued or adopted by the city.

(c) Lien. The amount of any civil penalties imposed under this section which have remained delinquent for a period of sixty days shall constitute a lien against the real property of the discharger from which the violation occurred resulting in imposition of the penalty. The director shall cause the amount of uncollected penalty to be recorded with the county recorder, in accordance with Section 54740.5 of the California Government Code.

#### 12.60.390. Administrative hearing and appeals process.

(a) Hearing. Unless the person charged with the violation(s) waives his or her right to a hearing, the director or designee ("hearing officer") shall conduct a hearing within thirty days. If the hearing officer finds that the person has violated any reporting or discharge requirement of Chapters 12.04 through 12.18 herein, he or she may assess administrative penalties against the person. In determining the amount of the civil penalty, the hearing officer may take into consideration all relevant circumstances, including but not limited to the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the discharger.

(b) Appeal. Any person against whom penalties are assessed by the hearing officer may appeal the decision of the hearing officer within fifteen days of notice of the decision to the city manager. The city manager may hear the appeal or deny review of the case. If the city manager decides to hear the appeal, it shall conduct the appeal in accordance with procedures established by the council. The decision of the city manager shall be in writing and shall be final. All civil penalties imposed in accordance with this section shall be payable within thirty days of

the decision of the hearing officer; provided, that if the decision is appealed, all penalties shall be payable within thirty days after the city manager's decision on the appeal.

12.60.400. Emergency corrections.

In the event cleanup, repairs, construction, or other work is performed on any applicable site pursuant to any provision of law relating to an emergency or pursuant to any other provision of law authorizing public work on private property in order to correct, eliminate or abate a condition upon such premises which threatens to cause, or has caused, a violation of any provision of this chapter, the person responsible for the occurrence or condition giving rise to such work, the occupant and the owner of the premises shall be liable, jointly and severally, to the city for public expenditures.

12.60.410. Judicial civil penalties.

Any person who intentionally or negligently violates any provision of this chapter shall be civilly liable to the city. The city may petition the Superior Court to impose, assess, and recover such sums.

12.60.420. Remedies cumulative.

The remedies provided for in this chapter shall be cumulative and not exclusive, and shall be in addition to any and all other remedies available to the city.



# City of Sunnyvale

## Agenda Item

---

**23-0586**

**Agenda Date: 5/16/2023**

---

### REPORT TO COUNCIL

#### SUBJECT

#### **REQUEST FOR CONTINUANCE TO JULY 11, 2023**

#### **Proposed Project:**

- A. Adopt a Resolution to:
  - 1. Certify the Environmental Impact Report (EIR);
  - 2. Make the findings required by California Environmental Quality Act (CEQA);
  - 3. Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program;
  - 4. Adopt the Water Supply Assessment;
  - 5. Adopt the Amended Moffett Park Specific Plan (with Staff recommended modifications to the draft MPSP);
  - 6. Amend the General Plan text and update the General Plan Map; and
  - 7. Update the Green Building Program Table.
- B. Adopt a Resolution to:
  - 1. Amend the Fiscal Year 2022/23 Master Fee Schedule to adjust the MPSP Planning Application Fees, including the addition of the MPSP Maintenance Fee, the MPSP Infrastructure Fee and the MPSP Transportation Impact Fee (TIF).
- C. Introduce An Ordinance to:
  - 1. Repeal and Re-Adopt Sunnyvale Municipal Code (SMC) Chapter 19.29 (Moffett Park Specific Plan) and make other amendments to Title 19 (Zoning) to implement the MPSP;
  - 2. Add SMC Chapter: 3.56 (MPSP Transportation Impact Fee) to Title 3 (Revenue and Finance); and
  - 3. Amend the Zoning Plan District Map and re-zone parcels currently within the new MPSP district.

**Location:** Moffett Park Specific Plan Area

**Existing Plan:** Moffett Park Specific Plan

**File number:** 2018-7715 (Moffett Park Specific Plan)

#### **General Plan Designation:**

**Existing:** Moffett Park Specific Plan

**Proposed:** Moffett Park Specific Plan

#### **Zoning:**

##### **Existing Zoning:**

MP-I: Industrial

MP-TOD: Transit Oriented Development

MP-C: Commercial

#### **Proposed MPSP Zoning Districts:**

MP-AC: Activity Center

MP-R: Residential  
MP-MU: Mixed Use  
MP-O1: Office 1  
MP-O2: Office 2  
MP-E1: Mixed Employment 1  
MP-E2: Mixed Employment 2  
MP-E3: Mixed Employment 3  
MP-H: Hospitality  
MP-PF: Public Facilities

**Proposed Combining District**

ECD: Ecological Combining District

**Applicant:** City of Sunnyvale

**Environmental Review:** Environmental Impact Report (SCH # 20210880338)

**Project Planner:** Michelle King, 408-730-7463, mking@sunnyvale.ca.gov

**REPORT IN BRIEF**

City staff is recommending that this item be continued to the City Council meeting of July 11, 2023. This continuance will allow additional time for decision makers and the public to review staff's recommended changes to the draft Moffett Park Specific Plan.

The Planning Commission hearing for this item was advertised for April 24, 2023 and was continued to May 8, 2023; the hearing for May 8, 2023 was continued to the meeting of June 10, 2023.

The City Council hearing was advertised for May 16, 2023; staff is recommending continuance to the City Council meeting on July 11, 2023.

This continuance report serves as a notice to the public. Interested parties will be notified via email of the continued date for the public hearing if the continuance is approved by City Council.

**STAFF RECOMMENDATION**

Continue the City Council public hearing date to the City Council meeting of July 11, 2023.

Prepared by: Michelle King, Principal Planner

Reviewed by: Shaunn Mendrin, Planning Officer

Reviewed by: Trudi Ryan, Director of Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager



# City of Sunnyvale

## Agenda Item

---

**23-0359**

**Agenda Date: 5/16/2023**

---

### REPORT TO COUNCIL

#### **SUBJECT**

Adopt a Resolution Pursuant to California Streets and Highways Code Section 11311 to Establish a Pedestrian Mall on the 100 Block of South Murphy Avenue, Accept the Second Addendum to the 2020 Downtown Specific Plan Environmental Impact Report for the Historic Murphy Avenue Pedestrian Mall Project in Accordance with the California Environmental Quality Act, Introduce an Ordinance Adding Chapter 10.66 (Pedestrian Mall on South Murphy Avenue) to Title 10 of the Sunnyvale Municipal Code and Amend Various Sections of Chapter 10.56 (Bicycles) of the Sunnyvale Municipal Code Related to Bicycles on Pedestrian Malls and Approve Budget Modification No. 20 in the Amount of \$800,000

#### **BACKGROUND**

In June 2020, the City temporarily closed the 100 block of South Murphy Avenue (commonly known as "Historic Murphy Avenue") to vehicles by issuing a Special Event Permit (Permit) to allow restaurants to use the street for outdoor dining. The issuance of the Permit was based on the City's authority under the Sunnyvale Municipal Code and authority pursuant to California Vehicle Code Section 21101(e). The temporary closure was in response to the Countywide COVID-19 restrictions on indoor dining.

On August 9, 2022, Council amended Resolution No. 1075-21, directing the City Manager to continue allowing outdoor dining on private property and closing Historic Murphy Avenue through the earlier of either June 30, 2023, or when the COVID-19 Emergency Proclamation is lifted (RTC No. 22-0806).

On February 7, 2023, Council adopted a resolution of intent to establish a pedestrian mall on the 100 block of South Murphy Avenue; set a public hearing for May 16, 2023; adopted a resolution directing the City Manager to extend the closure of Murphy Avenue until December 31, 2023, through the issuance of a special event permit in accordance with Sunnyvale Municipal Code Chapter 9.45 and Vehicle Code Section 21101(e); directed staff to regrade existing parking bays on Murphy Avenue using funds from the City's Community Benefits Fund; and updated Council Policy 1.1.10 (Use of the Public Sidewalk and Street of the 100 Block of South Murphy Avenue) ([RTC No. 23-0144](#)).

#### **EXISTING POLICY**

##### **General Plan Chapter 3: Land Use and Transportation**

**GOAL LT-11. SUPPORTIVE ECONOMIC DEVELOPMENT ENVIRONMENT** - Facilitate an economic development environment that supports a wide variety of businesses and promotes a strong economy within existing environmental, social, fiscal, and land use constraints.

##### **Council Policy 1.1.10 - Use of the Public Sidewalk on the 100 Block of South Murphy Avenue**

**POLICY PURPOSE:** The City is committed to the preservation and enhancement of the 100 Block of Historic South Murphy Avenue as Sunnyvale's "Main" Street. This policy is intended to promote the attractive commercial and historic environment of Murphy Avenue by allowing private use of the public street and sidewalk, while ensuring a successful streetscape and protection of the general public.

Pursuant to Sunnyvale Charter Section 1305, at any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by affirmative votes of at least four members so as

---

to authorize the transfer of unused balances appropriated for one purpose to another, or to appropriate available revenue not included in the budget.

### **DISCUSSION**

In 2022, staff surveyed the community and businesses, used social media to announce the potential closure to vehicles, and presented several times at Sunnyvale Downtown Association (SDA) meetings. Feedback from the community and businesses showed strong support for banning vehicles on Historic Murphy Avenue and creating a permanent pedestrian mall. The restaurants also stressed the need to ensure the street was designed in a manner that it can continue to be used for outdoor dining.

Staff hired an accessibility consultant to evaluate existing conditions on Historic Murphy Avenue and recommend any modifications for the operation of the street dining program to conform with applicable state and federal regulations concerning accessibility. The consultant observed necessary improvements regarding equitable access from the sidewalks to the street table seating areas and recommended that (1) wheelchair accessible seating should be provided in the street dining areas for each restaurant and (2) accessible routes should be provided to such areas.

To permanently prohibit vehicles on Historic Murphy Avenue, the City needs to comply with the Pedestrian Mall Law of 1960. On February 7, 2023, Council took the first step in the process by adopting a resolution of intent to establish a pedestrian mall (Resolution No. 1171-23). The next step in the process is for the Council to conduct a public hearing. The Resolution of Intent identified the date of the public hearing as May 16, 2023. The Council also directed staff to raise the existing parking bays to curb height to comply with accessibility requirements using funds from the Community Benefits Fund. The estimated cost for raising the bays is between \$530,000 and \$600,000. The estimated cost range depends on whether existing pavers are reset or another material such as colored concrete is used.

Staff is recommending that Council appropriate \$800,000 for the project. It is anticipated that \$700,000 would be needed for design and construction, and an extra \$100,000 be allocated for additional items requested by Council which are the following: include the existing street furniture and trees during design to ensure there is no interference with the finished bays, explore alternatives to the existing bollards and orange water-filled k-rail barriers currently used to prevent vehicles from driving on Historic Murphy Avenue and to review if additional bicycle parking could be accommodated on Historic Murphy Avenue. Without a schematic design for these items, the \$100,000 would be an allocation for staff to design and construct as many of these additional items as possible.

Under the Pedestrian Mall Law, property owners abutting the proposed pedestrian mall may protest the proposed establishment of the pedestrian mall or submit claims for damages up to the time of the public hearing. Impacted owners were notified of the public hearing date and the Sunnyvale Downtown Association sent emails to impacted businesses regarding the Pedestrian Mall process. If property owners representing more than 50% of frontage within a proposed pedestrian mall submit a written protest, the mall cannot be established. If any written claims for damages are received from property owners, the City must resolve the claims before establishing the pedestrian mall. As of this report preparation, the City has not received any written protests or claims.

The City currently spends about \$50,000 annually cleaning the sidewalks and streets. This cost has increased in the past two years. Prior to temporally closing Murphy Avenue, staff cleaned the sidewalks, but did not clean the street. Additionally, cleaning waste from the crows requires additional staff time and resources to keep the sidewalks and street clean. Currently, the sidewalks are cleaned weekly on Wednesdays, and the street is cleaned weekly on Fridays.

The closure of Murphy Avenue to vehicles has allowed businesses and the public the opportunity to experience Murphy Avenue as a vehicle-free street. Staff provided Murphy Avenue businesses with the



estimated costs for the accessibility improvements and annual maintenance for the sidewalks and the street. The SDA, on behalf of the businesses, stated that they support the permanent closure, but are unable to pay the accessibility costs nor the maintenance costs (Attachment 4). The SDA is asking that the City fund accessibility improvements as well as continue to fund the maintenance costs.

Staff recommends paying for the accessibility improvements from the Community Benefits Fund since making Murphy Avenue accessible to all visitors is statutorily required and a benefit to the community. Staff also recommends the City continue maintaining the street until construction begins on the accessibility improvements. In addition, staff can use the construction time to develop a long-term maintenance plan with the SDA and downtown businesses.

Staff recommends that Council adopt the resolution establishing the pedestrian mall (Attachment 1) if the City (1) receives either no written protests or receives written protests from property owners representing less than a majority of frontage within a proposed pedestrian mall block; and (2) does not receive any written claims for damages before the public hearing. Pursuant to the Pedestrian Mall Law, if the City receives written protests from property owners representing a majority of the frontage on the proposed pedestrian mall, then Council must terminate the proceedings for the establishment of the pedestrian mall and wait at least one year to undergo the process for establishing a pedestrian mall on Historic Murphy Avenue. (Sts. & Hy. Code, § 11306.) Additionally, the City cannot prohibit traffic on Historic Murphy Avenue until any disputed claims are resolved. (Sts. & Hy. Code, § 11401.)

In addition to adopting the resolution establishing the pedestrian mall, staff recommends Council introduce an Ordinance amending Chapter 10.56 (Bicycles) and adding Chapter 10.66 (Pedestrian Mall on South Murphy Avenue) (Attachment 3) to the Sunnyvale Municipal Code. Key provisions of the Ordinance are as follows:

- Expanding the prohibition of bicycles, motor driven cycles and motor scooters on sidewalks and overhead pedestrian crossings that is signed for pedestrian use to include the prohibition of bicycles on the pedestrian mall on Historic Murphy Avenue.
- Prohibiting motor vehicle traffic within the pedestrian mall boundaries at all times, except for emergency vehicles, public utility vehicles, garbage and recycling trucks, which will be allowed at all times.
- Permitting private maintenance vehicles and commercial vehicles from performing work or services on the malls as authorized by the Public Works Director.
- Incorporating regulations for the use of the pedestrian mall as set forth in Council Policy 1.1.10, entitled Use of the Public Street and Sidewalk on the 100 Block of South Murphy Avenue, into the Ordinance.
- Prohibiting the riding of bikes on pedestrian malls and prohibiting stunt riding on pedestrian malls.

### **ENVIRONMENTAL REVIEW**

Historic Murphy Avenue is located within Block 2 of the Downtown Specific Plan (DSP). On August 11, 2020, City Council certified an Environmental Impact Report (DSP EIR) (State Clearinghouse No. 2018052020), adopted a Mitigation Monitoring and Reporting Program, and adopted a Statement of Overriding Considerations for the DSP amendments and six specific development projects. The DSP EIR provides a program-level review of the 2020 DSP amendments, which intensified the allowable development on six project sites. The 2020 amendments also included a comprehensive update of the DSP's goals, policies, and design standards. On February 14, 2023, the City Council adopted an Addendum to the DSP EIR to allow for additional residential units and office square footage on Block 20 of the DSP.

California Environmental Quality Act (CEQA) Guidelines Section 15164(a) provides that "The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Under Section 15162, a subsequent EIR is required if substantial changes are proposed to

the project, or to the circumstances under which the project is undertaken, which require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. An addendum does not need to be circulated for public review but must be considered by the decision-making body prior to approving the project.

The proposed pedestrian mall project has been reviewed using an environmental checklist. The analysis in the checklist concludes that the proposed pedestrian mall is not a substantial change from the types of uses and activities that were analyzed in the previously certified program EIR. No new mitigation measures are proposed. Consequently, a Second Addendum to the 2020 DSP EIR has been prepared (Attachment 2). The 2020 DSP EIR can be reviewed on the City web page for the Downtown Specific Plan Amendment, which can be found at <https://www.sunnyvale.ca.gov/business-and-development/projects-in-sunnyvale/long-range-planning-initiatives/downtown-specific-plan-amendment>.

The Project is located within an existing commercial area where the street life has historically included outdoor sidewalk dining and periodic special events. The construction needed to implement the pedestrian plaza, such as installation of bollards and pavement modifications or additional curb cuts, is within the scope of normal operational activities and streetscape improvements anticipated by the DSP. The Project will comply with all applicable mitigation measures adopted in the DSP EIR, as well as all other applicable regulations and guidelines.

Although the DSP depicts Historic Murphy Avenue as part of the public street network for vehicle traffic (DSP page 7-8), there are no DSP goals or policies that discourage or prohibit the creation of a pedestrian mall. On the contrary, eliminating motor vehicle traffic on Historic Murphy Avenue is consistent with the pedestrian-oriented policies of the DSP. The 2020 DSP amendments call for several bicycle- and pedestrian-friendly upgrades to the Project Area. The DSP identifies Historic Murphy Avenue as a key segment of a future “pedestrian loop” where the convenience and needs of pedestrians will be prioritized over vehicles (DSP p. 3-14). The DSP also proposes various streetscape enhancements to create a “pedestrian promenade” extending along Murphy Avenue. between McKinley and Evelyn Avenues (DSP p. 3-13).

The pedestrian mall also furthers the two main goals of the DSP’s North Washington District (DSP Section 5.4.2), which are to support a “lively street life” along the Historic Murphy Avenue, and to provide a link between the Caltrain station and the Downtown’s Commercial Core to encourage use of Caltrain.

#### **FISCAL IMPACT**

The cost for the project is currently estimated at \$800,000. Staff recommends that the Council approve Budget Modification No. 20 to appropriate funding to a new project.

#### **Budget Modification No. 20 FY 2022/23**

<b>Current</b>	<b>Increase/ (Decrease)</b>	<b>Revised</b>
----------------	---------------------------------	----------------

## Capital Projects Fund, Community Benefits Sub-Fund

### Expenditures

New Project - Murphy Avenue Pedestrian Mall Improvements	\$0	\$800,000	\$800,000
--	-----	-----------	-----------

### Reserves

Project Name or Program	\$19,087,744	\$800,000	\$18,287,744
-------------------------	--------------	-----------	--------------

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Public Library, Senior Center, Community Center and in the Department of Public Safety Lobby. In addition, the agenda and report are available at the Sunnyvale Public Library, Office of the City Clerk, and on the City's website.

### **ALTERNATIVES**

1. Adopt a Resolution Pursuant to California Streets and Highways Code Section 11311 to Establish a Pedestrian Mall on the 100 Block of South Murphy Avenue.
2. Accept the Addendum to the 2020 Downtown Specific Plan Environmental Impact Report for the Historic Murphy Avenue Pedestrian Mall Project in Accordance with the California Environmental Quality Act.
3. Introduce an Ordinance Adding Chapter 10.66 (Pedestrian Mall on South Murphy Avenue) to Title 10 of the Sunnyvale Municipal Code and Amend Various Sections of Chapter 10.56 (Bicycles) of the Sunnyvale Municipal Code Related to Bicycles on Pedestrian Malls.
4. Approve Budget Modification No. 20 in the amount of \$800,000.
5. Other action as directed by Council.

### **STAFF RECOMMENDATION**

Alternatives: 1, 2, 3, and 4: 1.) Adopt a Resolution Pursuant to California Streets and Highways Code Section 11311 to Establish a Pedestrian Mall on the 100 Block of South Murphy Avenue; 2.) Accept an Addendum to the 2020 Downtown Specific Plan Environmental Impact Report for the Historic Murphy Avenue Pedestrian Mall Project in Accordance with the California Environmental Quality Act; 3.) Introduce an Ordinance Adding Chapter 10.66 (Pedestrian Mall on South Murphy Avenue) to Title 10 of the Sunnyvale Municipal Code and Amend Various Sections of Chapter 10.56 (Bicycles) of the Sunnyvale Municipal Code Related to Bicycles on Pedestrian Malls; and 4.) Approve Budget Modification No. 20 in the amount of \$800,000.

Historic Murphy Avenue has been closed to cars since June 2020 in response to the COVID-19 pandemic and to support the restaurants by facilitating outdoor dining on the street. There have been no major impacts on the businesses or community. The Council, community, and businesses have indicated support for permanently closing Murphy Avenue.

Prepared by: Connie Verceles, Deputy City Manager

Reviewed by: Tim Kirby, Director of Finance

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

### **ATTACHMENTS**

1. Draft Resolution
2. Second Addendum to the 2020 DSP EIR
3. Draft Ordinance

4. SDA Support letter from February 2023

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE PURSUANT TO CALIFORNIA STREETS AND HIGHWAYS CODE SECTION 11311, DETERMINING THAT A PEDESTRIAN MALL ON THE 100 BLOCK OF SOUTH MURPHY AVENUE BETWEEN WEST EVELYN AVENUE & EAST WASHINGTON AVENUE SHALL BE ESTABLISHED**

WHEREAS, in response to the COVID-19 pandemic, the City of Sunnyvale temporarily closed the 100 block of South Murphy Avenue to facilitate outdoor dining and pedestrian zones; and

WHEREAS, a majority of the surveyed users and participating businesses support continuation of the street closure to enhance downtown vitality; and

WHEREAS, the City wishes to retain these pedestrian zones beyond the end of the COVID-19 pandemic; and

WHEREAS, the Pedestrian Mall Law of 1960 (California Streets and Highways Code Section 11000 et seq.) authorizes municipalities to close streets to vehicular traffic and to establish pedestrian malls; and

WHEREAS, on February 7, 2023, the City Council adopted Resolution No. 1171-23 declaring its intention to establish a pedestrian mall on one segment of South Murphy Avenue, between West Evelyn Avenue and East Washington Avenue (i.e., the 100 block of South Murphy Avenue), and the boundaries of the proposed pedestrian mall are shown in Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the City Council set a public hearing date on May 16, 2023, or as soon thereafter as the matter could be heard, to hear claims of damages, protests, and objections to the establishment of the pedestrian mall; and

WHEREAS, as required under the Streets and Highways Code Sections 11301 through 11302.5, the City completed the required public noticing of Resolution No. 1171-23, which included posting copies of the resolution on the portion of the street proposed to be established as a pedestrian mall and at all intersecting streets; mailing copies of the resolution to all persons who are either owners in fee or have a lien upon, or legal or equitable interest in, any of those properties located along the street proposed to be established as a pedestrian mall; and recording a copy of the resolution with the Santa Clara County Recorder's Office; and

WHEREAS, on August 11, 2020, the City Council certified an Environmental Impact Report (EIR) (State Clearinghouse #2018052020) for the Downtown Specific Plan (DSP) Amendments and six Specific Development Projects (2020 DSP EIR), which provided a

program-level review of the 2020 DSP Amendments, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15146(b), and project-level review of six development projects, pursuant to CEQA Guidelines Section 15146(a); and

WHEREAS, CEQA Guidelines Section 15164(a) provides that an agency “shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred”; and

WHEREAS, with respect to the establishment of the pedestrian mall on the 100 block of South Murphy Avenue, none of the triggers set forth in CEQA Guidelines Section 15162 has occurred that would require preparation of a subsequent EIR; and

WHEREAS, pursuant to CEQA Guidelines Section 15164, the City prepared an addendum to the 2020 DSP EIR (Addendum), which is attached hereto as Exhibit B and incorporated herein; and

WHEREAS, the City Council held a public hearing on May 16, 2023 on the proposed establishment of the pedestrian mall on the 100 block of South Murphy Avenue; and

WHEREAS, at the public hearing on May 16, 2023, opportunity to present evidence, both written and/or oral, pertaining to the establishment of the pedestrian mall was provided, and all interested persons desiring to comment on the establishment of the pedestrian mall were heard; and

WHEREAS, the City did not receive written objections to the establishment of the pedestrian mall from the owners of land abutting on the proposed pedestrian mall representing a majority of the frontage on the proposed pedestrian mall; and

WHEREAS, no claims for damages by reason of the establishment of the pedestrian mall were filed with the City Clerk prior to the hour set for the public hearing on May 16, 2023; and

WHEREAS, at the public hearing on May 16, 2023, all interested persons desiring to comment on the Addendum or object thereto were heard, and the Addendum was considered; and

WHEREAS, the City Council has considered the evidence on the establishment of the pedestrian mall and has determined that the pedestrian mall shall be established on the 100 block of South Murphy Avenue.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. Upon consideration of all comments, protests, objections, and evidence on the establishment of the proposed pedestrian mall, the City Council determines that the pedestrian

mall on the 100 block of South Murphy Avenue between West Evelyn Avenue and East Washington Avenue, as depicted on Exhibit A, shall be established.

2. The Addendum to the 2020 DSP EIR was presented and considered by the City Council during a public hearing on May 16, 2023. The Addendum was prepared for the establishment of the pedestrian mall on the 100 block of South Murphy Avenue in compliance with the requirements of CEQA and CEQA Guidelines, and is adequate for the City's use as the lead agency under CEQA. Based on the evidence submitted and analysis in the Addendum, none of the conditions described in CEQA Guidelines Section 15162 or 15163 regarding the preparation of a subsequent or supplemental EIR, respectively, has occurred. Accordingly, the establishment of the pedestrian mall on the 100 block of South Murphy Avenue is in compliance with the provisions of CEQA.

3. An ordinance establishing the pedestrian malls shall be prepared for Council adoption in accordance with California Streets and Highways Code Section 11600.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

\_\_\_\_\_  
DAVID CARNAHAN  
City Clerk  
(SEAL)

\_\_\_\_\_  
LARRY KLEIN  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
JOHN A. NAGEL  
City Attorney



DRAFT 5/1/23

Sunnyvale

# Downtown Map



 PARKING



# Historic Murphy Avenue Pedestrian Mall Project

## Second Addendum to the Downtown Specific Plan Amendments and Specific Development Project Final Environmental Impact Report

State Clearinghouse #2018052020

**April 27, 2023**

**Prepared by:**

City of Sunnyvale  
465 W. Olive Avenue  
Sunnyvale, California 94086

Contact:  
Dennis Ng, Transportation & Traffic Manager  
Department of Public Works  
dng@sunnyvale.ca.gov

---

### Sunnyvale City Council

---

Larry Klein, Mayor  
Russ Melton, Councilmember  
Richard Mehlinger, Councilmember  
Linda Sell, Councilmember

Omar Din, Vice Mayor  
Alysa Cisneros, Councilmember  
Murali Srinivasan, Councilmember

# 1. Introduction

## Background

On June 10, 2020, City staff issued a Special Events Permit to temporarily prohibit motor vehicles from using the 100 block of South Murphy Avenue (Historic Murphy Avenue) so that restaurants could expand outdoor dining during the COVID-19 state of emergency.<sup>1</sup>

On July 27, 2021, the City Council adopted Resolution No. 1075-21 directing the City Manager to extend the Special Events Permit until December 31, 2021. On December 7, 2021, the City Council extended the deadline to September 30, 2022. On February 7, 2023, the City Council extended the deadline to December 31, 2023. These actions were determined to be exempt from environmental review pursuant to the California Environment Quality Act (CEQA) Guidelines Sections 15301(c) and 15304(e).

It is now the City's intent to evaluate permanently converting Historic Murphy Avenue from a public street to a pedestrian mall under the Pedestrian Mall Law of 1960 (Streets and Highways Code 11000 et seq.) (the "Project"). The Project will require accessibility improvements to the public street, but no physical development is proposed as part of this Project. The closure will create a pedestrian-only zone and maintain the expanded areas for outdoor dining that were created during the COVID-19 emergency. Addition of a bicycle lane is not currently planned, but could be considered in the future.

## Public Outreach

Staff conducted several engagement opportunities to seek feedback from the public and businesses about the proposed action. Staff created an Open City Hall survey, visited businesses, posted on social media, and presented several times at Sunnyvale Downtown Association (SDA) meetings. Feedback from the public and businesses showed strong support for eliminating motor vehicles on Historic Murphy Avenue.

The City Council adopted a Resolution of Intention to Establish a Pedestrian Mall at a noticed public hearing on February 7, 2023. Notice of the Resolution was mailed to owners of property abutting Historic Murphy Avenue at least 45 days before the hearing to establish the pedestrian mall in accordance with Streets & Highways Code Section 11302. In addition, signs were posted at both ends of Historic Murphy Avenue and a copy of the Resolution was filed with the Office of the County Recorder 90 days prior to the hearing to establish the pedestrian mall in accordance with Streets & Highways Code Sections 11301 and 11302.5.

---

<sup>1</sup> Though often referred to as a "street closure" by the public and City staff, the 100 block of South Murphy Avenue was not "closed" but has remained open to pedestrians, including those using mobility devices.

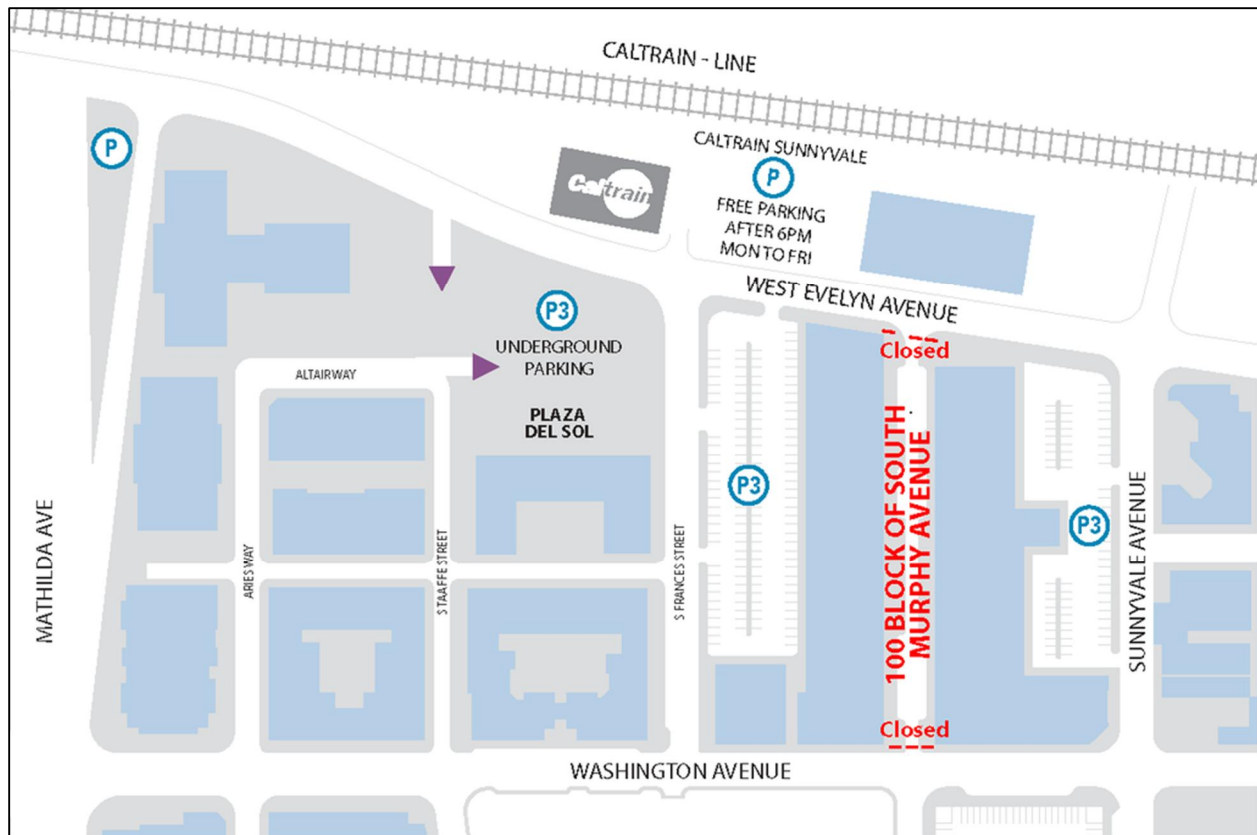


Figure 1. Location of the Historic Murphy Avenue Pedestrian Mall

## 2. Project Description

### Existing Conditions

The 100 block of South Murphy Avenue (Project Area), also known as Historic Murphy Avenue, is a one-block stretch of South Murphy between Washington Avenue and West Evelyn Avenue. It is part of “Block 2” of the Downtown Specific Plan (DSP),<sup>2</sup> and is located within the DSP’s “North of Washington” District. The Project Area is zoned DSP (Downtown Specific Plan) with a general plan land use designation of “Commercial.” Residential uses are not permitted in the Project Area (see Sunnyvale Municipal Code Table 19.28.070); however, there are a total of 10 existing (legal non-conforming) residential units on the upper floors of two buildings.

The 100 block of South Murphy Ave. features a mixture of one- and two-story buildings (one three-story building) with over half built between 1900 and 1940. It is currently developed with sidewalks, landscape planters, and street trees, with one traffic lane in each direction. There are parking bays on both sides of the street between sidewalk bulb-outs,

<sup>2</sup> Block 2 includes 31 addresses on S. Murphy Ave., three on Washington Ave. and one on Frances St.

providing about 24 parallel parking spaces. Midblock breezeways connect to public parking lots on South Frances Ave. and Sunnyvale Ave. The intersection at the south end of the block (Washington Ave.) is controlled by stop signs. The north end of the block (West Evelyn Ave.) has a stop sign and crosswalk that provides a route to the Caltrain station.

Based on City records, the existing buildings within DSP Block 2 have approximately 191,000 square feet of floor area, consisting primarily of commercial uses (restaurants and retail) on the ground floors with some second floor offices and 10 residential units. The planned future build-out of DSP Block 2 will have a total of 251,000 square feet of commercial and office uses, and no residential uses. (DSP Table 5-1, p. 5-5.)

The Project Area is listed in Sunnyvale's Heritage Resources Inventory (Rev. 9/18) as the Murphy Station Landmark District. There are two historically significant buildings in the Project Area: the Del Monte Building (114 South Murphy Ave.) and the Stowell Spalding building block (186-198 South Murphy Ave.), both of which are listed on the California Register of Historic Resources. Building renovations and new construction must comply with the Design Guidelines for the Murphy Station Heritage Landmark District (adopted July 2019) and Chapter 19.96 (Heritage Preservation) of the Sunnyvale Municipal Code.

The Project Area is a central destination in Sunnyvale for dining, nightlife, and special events, including a weekly summer music series, an annual art and wine festival, and a holiday tree lighting. Sidewalk dining is permitted in the Project Area through issuance of a miscellaneous plan permit pursuant to City Council Policy 1.1.10, "Use of the Public Sidewalk on the 100 Block of South Murphy Avenue" which was first adopted in 1987 and amended several times. Prior to June 2020, several restaurants on Historic Murphy had permits for sidewalk dining, providing a total of approximately 286 outdoor seats.

Since June 2020, restaurants in the Project Area have been allowed to use a portion of the public street (including the parking bays and sections of the vehicle lanes) for outdoor dining pursuant to a Special Event Permit issued by the City during the COVID-19 emergency. On February 7, 2023, the City Council updated Council Policy 1.1.10 to incorporate standards and regulations for outdoor dining areas in the public street. As of March 2023, there were 234 restaurant seats in the public street and 286 seats on the sidewalk, for a total of 520 outdoor seats in the Project Area.

### Surrounding Land Uses and Setting

Land uses within the Project Area are predominantly restaurant and retail establishments. The surrounding blocks of the downtown include a mixture of commercial, office, and high density residential development. The Caltrain Sunnyvale railroad station is located to the north of the Project Area across East Evelyn Avenue.

## Project Description

As shown in Figure 1 above, the City intends to establish a pedestrian mall on Historic Murphy Avenue. The total area of existing public right-of-way (including the sidewalks, parking bays, and vehicle travel lanes) is 70 ft. wide by 571.4 ft. long, or approximately 40,000 sq. ft. (0.9 acres). Motor vehicle traffic and parking will be prohibited on the proposed pedestrian mall except for emergency and utility maintenance vehicles. The pedestrian mall will be used for outdoor dining, special events, and enhanced pedestrian circulation. It will include designated areas for outdoor dining, emergency access, and accessible pedestrian routes. A bicycle route may be considered in the future.

Implementation of the pedestrian mall may include adoption of additional regulations and design guidelines governing the use of the outdoor dining areas. No new development and no modifications to any existing buildings are proposed as part of the Project.

Proposed street modifications needed to implement the pedestrian mall include:

- Installation of traffic barriers such as bollards at each end of Historic Murphy Ave.
- Modifications to the public street to create accessible routes between the dining areas, sidewalks, and restaurant entrances as required by the Americans with Disabilities Act. These modifications may include additional sidewalk curb cuts or raising the pavement in the parking bays to create a gradual slope from the sidewalk to the center of the street.

## 2. The Downtown Specific Plan EIR

City of Sunnyvale's Downtown Specific Plan area (DSP) covers approximately 150 acres generally bounded by the Caltrain tracks to the north, Carroll St. and Bayview Ave. to the east, Olive Ave. and El Camino Real to the south, and Charles St. to the west. The DSP area is divided into 22 "blocks" numbered Blocks 1 to 23 (there is no Block 19), which are organized into five districts. The DSP was originally adopted in 1993 and was comprehensively updated in 2003 and 2020. The DSP is a long-term planning document intended to create a vibrant and traditional downtown that serves the local community and is a regional destination. The DSP contains the land use plan, goals, policies, and design strategies and guidelines to guide development in the DSP area.

On August 11, 2020, City Council certified an Environmental Impact Report (DSP EIR) (State Clearinghouse No. 2018052020), adopted a Mitigation Monitoring and Reporting Program, and adopted a Statement of Overriding Considerations for the DSP amendments and six specific development projects. The DSP EIR provides a program-level review of the 2020 DSP amendments, which intensified the allowable development on six project sites to

accommodate up to 843 residential units, 260,063 square feet of commercial uses, and 860,624 square feet of office uses on those sites. The 2020 amendments also included a comprehensive update of the DSP's goals, policies, and design standards. On February 14, 2023, the City Council adopted an Addendum to the DSP EIR to allow for additional residential units and office square footage on Block 20 of the DSP.

### 3. Environmental Issues Assessment

#### Legal Standard for an Addendum

CEQA Guidelines Section 15164(a) provides that "The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Under Section 15162, a subsequent EIR is required if:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

## Summary of Conclusions

As discussed further below, conversion of the Project Area to a pedestrian mall is well within the anticipated uses and development capacity of DSP Block 2 that was planned for in the DSP and studied in the DSP EIR. The DSP anticipates a final build-out of 251,000 square feet of commercial and office uses on DSP Block 2, compared to the existing 191,000 square feet, a difference of 60,000 square feet. The entire public right-of-way on Historic Murphy Avenue, including sidewalks, parking bays, and vehicle lanes, is 40,000 square feet, only a portion of which will be used for outdoor dining. Therefore, the Project will not result in environmental impacts that are new or substantially more severe than the impacts analyzed in the DSP EIR, nor does the Project involve new information that requires additional environmental review.

The Project is located within an existing commercial area where the street life has historically included outdoor sidewalk dining and periodic special events. The construction needed to implement the pedestrian plaza, such as installation of bollards and pavement modifications or additional curb cuts, is within the scope of normal operational activities and streetscape improvements anticipated by the DSP. The Project will comply with all applicable mitigation measures adopted in the DSP EIR, as well as all other applicable regulations and guidelines.

Although the DSP depicts the Historic Murphy Ave. as part of the public street network for vehicle traffic (DSP page 7-8), there are no DSP goals or policies that discourage or prohibit the creation of a pedestrian mall. On the contrary, eliminating motor vehicle traffic on the Historic Murphy Ave. is consistent with the pedestrian-oriented policies of the DSP. The 2020 DSP amendments call for a number of bicycle- and pedestrian-friendly upgrades to the Project Area. The DSP identifies Historic Murphy Ave. as a key segment of a future “pedestrian loop” where the convenience and needs of pedestrians will be prioritized over vehicles (DSP p. 3-14). The DSP also proposes various streetscape enhancements to create a “pedestrian promenade” extending along Murphy Ave. between McKinley and Evelyn Avenues (DSP p. 3-13).

The pedestrian mall also furthers the two main goals of the DSP’s North Washington District (DSP Section 5.4.2), which are to support a “lively street life” along the Historic Murphy Ave., and to provide a link between the Caltrain station and the Downtown’s Commercial Core in order to encourage use of Caltrain.



### 3.1. Aesthetics

The DSP EIR identified less-than-significant impacts on aesthetics resulting from changes in the built urban environment. Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe aesthetic impacts than identified in the DSP EIR, and no new mitigation is required. Outdoor dining areas are required to comply with Council Policy 1.1.10, which includes standards and regulations to “promote the attractive commercial and historic environment of Murphy Avenue.”

### 3.2 Agriculture and Forest Resources

The DSP EIR identified no impacts on agriculture and forestry resources, as these resources do not exist within the DSP area.

### 3.3 Air Quality

The DSP EIR identified less-than-significant air quality impacts with mitigation required for construction emissions (**MM AQ-2.1, MM AQ-2.2, MM AQ-2.3, MM AQ-4.1**). In addition, the DSP EIR identified air quality impacts related to operational emissions which can be mitigated to less-than-significant use of Transportation Demand Management plans consistent with City requirements to reduce single-vehicle trips (**MM AQ-2.4**). Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe air quality impacts than identified in the DSP EIR, and no new mitigation is required. Closure of the Project Area to motor vehicles furthers the City’s air quality goals by supporting mixed uses within the DSP Area, promoting active mobility, and discouraging vehicle use.

### 3.4 Biological Resources

The DSP EIR identified a less-than-significant impact on biological resources with mitigation required for nesting birds during construction (**MM BIO-1.1**). No other biological impacts were identified. Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe biological impacts than identified in the DSP EIR, and no new mitigation is required.

### 3.5 Cultural Resources (including Tribal Cultural Resources)

The Project Area is a locally listed historic landmark district, but has been determined not to be eligible for state or national listing due to loss of historic integrity (Draft EIR, p. 91). However, the DSP EIR identified two historically significant buildings within the Project Area: the Del Monte Building at 114 South Murphy Avenue, and the Stowell Spalding building block at 186-198 South Murphy Avenue, both of which are listed on the California Register with “2S2” status indicating eligibility for listing on the National Register. The DSP EIR identified less-than-significant impacts on these historic buildings from construction



vibration (**Impact CR-1 and Impact NOI-2**) associated with the six specific development projects evaluated in the DSP EIR due to the distance of those projects from the historic buildings. The DSP EIR noted, however, that future projects could have an impact on the historic buildings if construction activities exceed vibration threshold limits. As discussed further below under 3.13–Noise, compliance with **MM NOI-4.1**, including preparation of a construction noise control plan, will ensure that noise and vibration does not have a significant impact on the historic buildings in the Project Area.

The DSP EIR identified less-than-significant impacts on archeological resources, human remains, and tribal cultural resources with mitigation required (**MM CR-2.1, MM CR-2.2, MM CR-2.3**). The DSP EIR also identified a significant and unavoidable impact on trees in the redwood heritage grove (outside of the current Project Area) for which the City Council adopted a Statement of Overriding Considerations. The DSP EIR identified no impacts on paleontological resources and unique geological features, as these do not exist within the DSP area.

Therefore, creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe cultural impacts than identified in the DSP EIR, and no new mitigation is required.

### 3.6 Energy

The DSP EIR identified less-than-significant impacts on energy resources with mitigation required (**MM AQ-2.1 through MM AQ-2.4**) (see above, 3.3–Air Quality). Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe energy impacts than identified in the DSP EIR, and no new mitigation is required.

### 3.7 Geology and Soils

The DSP EIR identified less-than-significant impacts related to geology and soils. Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe impacts on geology and soils resources than identified in the DSP EIR, and no new mitigation is required.

### 3.8 Greenhouse Gas Emissions

The DSP EIR identified less-than-significant greenhouse gas (GHG) impacts with mitigation required (**MM AQ-2.3, MM AQ-2.4**) (see above, 3.3–Air Quality). Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe GHG impacts than identified in the DSP EIR, and no new mitigation is required. Closure of the Project Area to motor vehicles furthers the City's climate goals by supporting mixed uses within the DSP Area, promoting active mobility, and discouraging vehicle use.

### 3.9 Hazards and Hazardous Materials

The DSP EIR identified less-than-significant impacts with mitigation required (**MM HAZ-1.1 through MM HAZ-1.9**) related to hazardous materials including PCBs, asbestos, and lead in construction and demolition waste; historic PCE contamination of soil, soil vapor, and groundwater from past dry cleaning businesses; and other potential contaminants from past and present uses of the area. The DSP EIR identified less-than-significant aircraft hazards due to the proximity of Moffett Federal Airfield with mitigation required (**MM HAZ-4.1, MM HAZ-4.2**). The DSP EIR also identified a less-than-significant impact to emergency response and evacuation plans. No other impacts related to hazards and hazardous materials were identified. Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more hazards and hazardous materials impacts than identified in the DSP EIR, and no new mitigation is required.

### 3.10 Hydrology and Water Quality

The DSP EIR identified less-than-significant impacts related to water quality, waste discharge, and stormwater drainage with mitigation required (**MM HYD 1.1, MM HYD-3.1**). The DSP EIR identified less-than-significant impacts related to groundwater depletion/recharge and flooding. Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more impacts on hydrology and water quality than identified in the DSP EIR, and no new mitigation is required.

### 3.11 Land Use and Planning

The DSP EIR identified less-than-significant impacts to land use and planning, finding no conflict with applicable land use plans, policies, or regulations. The DSP EIR also found no impact on habitat conservation or natural community preservation plans, which do not exist within the DSP area.

The DSP EIR identified a less-than-significant impact to land use and planning related to the physical division of established communities (**Impact LU-1**). The DSP EIR noted that the proposed development of the DSP area “does not include construction of physical features that would impair mobility or propose closure of an existing street.” Although the pedestrian mall will prevent motor vehicles from driving on Historic Murphy Ave., the street will not be “closed.” It will remain open to the public and will continue to provide a link between the DSP area and the Caltrain station. Drivers and bicyclists will still be able to transit the area in a north-south direction by detouring one block to Frances St. or Sunnyvale Ave. Bicyclists can walk their bicycles on Historic Murphy (addition of a bicycle lane could be considered in the future). Eliminating motor vehicle traffic on Historic Murphy Ave. furthers the goals of the DSP to create pedestrian routes and a lively street

life that will connect, rather than divide, the people and neighborhoods within the Downtown (DSP Section 5.4.2). Therefore, creation of the pedestrian mall will not result in new or substantially more impacts on land use and planning than identified in the DSP EIR, and no new mitigation is required.

### 3.12 Mineral Resources

The DSP EIR identified no impacts on mineral resources, as these resources do not exist within the DSP area.

### 3.13 Noise and Vibration

The DSP EIR identified significant and unavoidable noise impacts (**NOI-4, NOI-C**) related to temporary construction noise, for which the City Council adopted a Statement of Overriding Considerations with mitigation required (**MM NOI-4.1**). The DSP EIR identified less-than-significant impacts from groundborne vibration associated with construction of the six specific development projects evaluated in the EIR. The DSP EIR noted, however, that future projects could have an impact on historic buildings if construction activities exceed vibration threshold limits (**Impact NOI-2**). As discussed above under 3.5–Cultural Resources, there are two historically significant buildings in the Project Area, the Del Monte Building and the Spalding Building. According to the “Downtown Specific Plan Environmental Noise and Vibration Assessment” (Apr. 2019) (DSP EIR, Appendix H), certain construction activities that generate ground vibration can cause damage to historic buildings within 25 feet. However, the Project is required to comply with **MM NOI-4.1** including preparation of a construction noise control plan. Through this plan, the City will ensure that construction activities will not generate noise and vibration at a level that would significantly impact the historic buildings in the Project Area. Therefore, the construction of the pedestrian mall will not result in new or substantially more impacts on noise and vibration than identified in the DSP EIR, and no new mitigation is required.

The DSP EIR identified less-than-significant impacts from operational noise with mitigation required related to use of mechanical equipment (**MM NOI-1.1**). The DSP EIR also identified less-than-significant impacts from ambient noise, and no impacts related to airport noise as the DSP is outside Moffett Airfield’s 65 dBA noise contour area. Outdoor dining and special events in the Project Area are subject to the City’s noise regulations, and such uses already exist within the Project Area. Creation of the pedestrian mall does not propose any new development or activities that require new analysis of impacts related to noise, and no new mitigation is required. Eliminating vehicle traffic will potentially reduce ambient noise.

### 3.14 Population and Housing

The DSP EIR identified less than significant impacts related to population and housing. Creation of the pedestrian mall does not propose any new development or activities that require new analysis of population and housing impacts.

### 3.15 Public Services

The DSP EIR identified less than significant impacts on public services. Creation of the pedestrian mall does not propose any new development or activities that require new analysis of impacts on public services.

### 3.16 Recreation

The DSP EIR identified less than significant impacts on parks and recreational facilities. Creation of the pedestrian mall does not propose any new development or activities that require new analysis of impacts on recreation. The creation of the pedestrian mall will enhance opportunities for passive recreation in the DSP area such as walking and enjoying the outdoors.

### 3.17 Transportation

The DSP EIR used a Level of Service (LOS) traffic analysis to determine whether the DSP amendments and the six specific development projects would significantly increase traffic congestion in the Downtown area and vicinity. The DSP EIR identified significant impacts as a result of increased automobile delay on one freeway segment and thirteen intersections. Several of these impacts were considered significant and unavoidable, for which the City Council adopted a Statement of Overriding Considerations.

Under Senate Bill 743 (Steinberg, 2013), which went into effect on July 1, 2020, a project's effect on automobile delay is no longer considered an environmental impact (CEQA Guidelines Section 15064.3(a)). On June 30, 2020, the City Council adopted City Council Policy 1.2.8 (Transportation Analysis Policy) that requires all projects to evaluate and disclose transportation environmental impacts by measuring Vehicle Miles Traveled (VMT) rather than LOS.

The DSP EIR relied on an LOS traffic analysis because it was released for public review before July 1, 2020. However, the DSP EIR also provided a qualitative discussion of VMT (Draft EIR, page 280). The DSP EIR notes that projects within 0.5 miles of an existing major transit stop, such as the Sunnyvale Caltrain station, are presumed to have no impact on VMT pursuant to CEQA Guidelines Section 15064.3(b)(1). Historic Murphy Avenue is located approximately 300 to 750 feet from the Caltrain station, and is therefore presumed to have no impact on VMT. Furthermore, the Project falls under two exemptions listed in City Council Policy 1.2.8: Section (2)(B), Neighborhood-serving retail/service uses under 100,000

square feet, and Section (2)(E)(IV), Multimodal improvements that promote walking, bicycling, and transit.

The DSP EIR identified no significant impacts on public transit, bicycle or pedestrian facilities, and no other significant transportation impacts. The pedestrian mall supports the pedestrian-oriented goals and policies of the DSP and will reduce the potential for vehicle/pedestrian conflicts and hazards. The pedestrian mall will be required to meet all applicable design standards for pedestrian facilities and emergency access. Therefore, creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe transportation impacts than identified in the DSP EIR, and no new mitigation is required.

#### *Non-CEQA Impacts to Transportation*

Although LOS metrics are no longer used to determine environmental impacts under CEQA, increased traffic may trigger a requirement for a local transportation analysis to address operational deficiencies. Using the Institute of Transportation Engineers (ITE) Trip Generation Manual 11th Edition, an increase of 299 restaurant seats on Historic Murphy Ave. (in addition to the existing 286 sidewalk seats) would generate approximately 70 new AM Peak trips and 98 new PM Peak trips if all restaurants are open in the morning and evening. This is below the threshold (100 new Peak trips) where further transportation studies are required.

Impacts to parking also fall outside the scope of CEQA. However, the following is provided for informational purposes. The Project will eliminate approximately 24 on-street parking spaces in the Project Area. Visitors to the Project Area will have ample other parking options, including public parking lots on South Frances and South Sunnyvale Avenues and a public parking garage two blocks away on Taaffe Street. The CityLine project, currently under construction on the south side of Washington Avenue, will provide 345 new public parking spaces and over 1,000 shared parking spaces that the public can use after business hours and on weekends. (See Walker Consultants, "Sunnyvale Parking Capacity and Management Study" and presentation to the City Council on Aug. 11, 2019).

### **3.18 Utilities and Service Systems**

The DSP EIR identified a significant and unavoidable cumulative impact to utilities and utility service systems related to wastewater treatment capacity, for which the City Council adopted a Statement of Overriding considerations. No other significant impacts were identified. Creation of the pedestrian mall does not propose any new development or activities that require new analysis of impacts on utilities.

### 3.19 Wildfire

There are no Fire Hazard Severity Zones, state responsibility areas, Very High Fire Hazard Severity Zones, or local responsibility areas located in or adjacent to Sunnyvale (CAL FIRE 2022). The Project Area is urbanized and not adjacent to large areas of open space or agricultural lands that are subject to wildland fire hazards. The DSP EIR identified no impacts related to wildfire.

### 3.20 Mandatory Findings of Significance

Creation of the pedestrian mall does not propose any new development or activities that would substantially degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife populations to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. The creation of the pedestrian mall will not have cumulatively considerable impacts, or substantial adverse effects on human beings.

## 5. Conclusion

None of the conditions described in CEQA Guidelines Section 15162 that would call for preparation of a subsequent EIR have occurred. Therefore, preparation of an Addendum to the 2020 DSP EIR is the appropriate level of environmental review to comply with CEQA for the Historic Murphy Avenue Pedestrian Mall Project. City decisionmakers will consider this Addendum along with the DSP EIR before taking action on the Project.

# Historic Murphy Avenue Pedestrian Mall Project

## Second Addendum to the Downtown Specific Plan Amendments and Specific Development Project Final Environmental Impact Report

State Clearinghouse #2018052020

**April 27, 2023**

**Prepared by:**

City of Sunnyvale  
465 W. Olive Avenue  
Sunnyvale, California 94086

Contact:  
Dennis Ng, Transportation & Traffic Manager  
Department of Public Works  
[dng@sunnyvale.ca.gov](mailto:dng@sunnyvale.ca.gov)

---

### Sunnyvale City Council

---

Larry Klein, Mayor  
Russ Melton, Councilmember  
Richard Mehlinger, Councilmember  
Linda Sell, Councilmember

Omar Din, Vice Mayor  
Alysa Cisneros, Councilmember  
Murali Srinivasan, Councilmember



# 1. Introduction

## Background

On June 10, 2020, City staff issued a Special Events Permit to temporarily prohibit motor vehicles from using the 100 block of South Murphy Avenue (Historic Murphy Avenue) so that restaurants could expand outdoor dining during the COVID-19 state of emergency.<sup>1</sup>

On July 27, 2021, the City Council adopted Resolution No. 1075-21 directing the City Manager to extend the Special Events Permit until December 31, 2021. On December 7, 2021, the City Council extended the deadline to September 30, 2022. On February 7, 2023, the City Council extended the deadline to December 31, 2023. These actions were determined to be exempt from environmental review pursuant to the California Environment Quality Act (CEQA) Guidelines Sections 15301(c) and 15304(e).

It is now the City's intent to evaluate permanently converting Historic Murphy Avenue from a public street to a pedestrian mall under the Pedestrian Mall Law of 1960 (Streets and Highways Code 11000 et seq.) (the "Project"). The Project will require accessibility improvements to the public street, but no physical development is proposed as part of this Project. The closure will create a pedestrian-only zone and maintain the expanded areas for outdoor dining that were created during the COVID-19 emergency. Addition of a bicycle lane is not currently planned, but could be considered in the future.

## Public Outreach

Staff conducted several engagement opportunities to seek feedback from the public and businesses about the proposed action. Staff created an Open City Hall survey, visited businesses, posted on social media, and presented several times at Sunnyvale Downtown Association (SDA) meetings. Feedback from the public and businesses showed strong support for eliminating motor vehicles on Historic Murphy Avenue.

The City Council adopted a Resolution of Intention to Establish a Pedestrian Mall at a noticed public hearing on February 7, 2023. Notice of the Resolution was mailed to owners of property abutting Historic Murphy Avenue at least 45 days before the hearing to establish the pedestrian mall in accordance with Streets & Highways Code Section 11302. In addition, signs were posted at both ends of Historic Murphy Avenue and a copy of the Resolution was filed with the Office of the County Recorder 90 days prior to the hearing to establish the pedestrian mall in accordance with Streets & Highways Code Sections 11301 and 11302.5.

---

<sup>1</sup> Though often referred to as a "street closure" by the public and City staff, the 100 block of South Murphy Avenue was not "closed" but has remained open to pedestrians, including those using mobility devices.



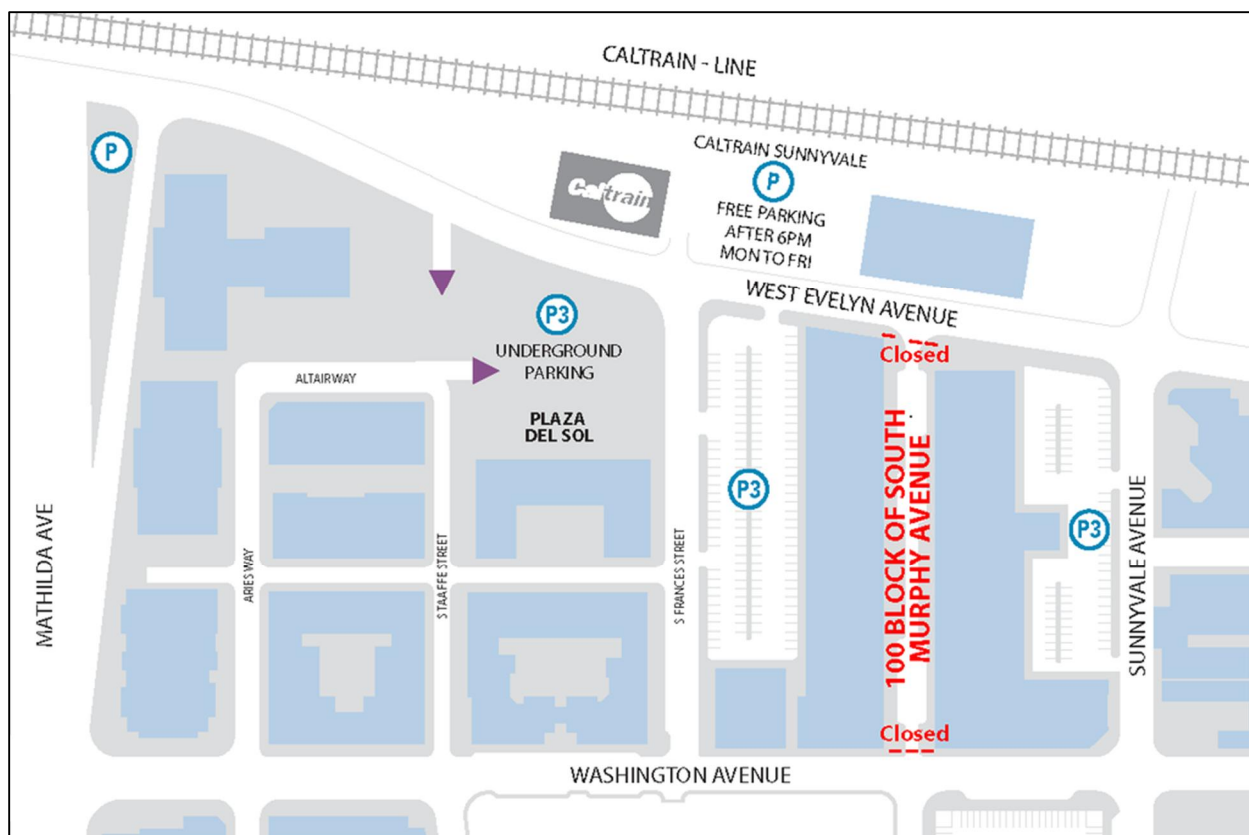


Figure 1. Location of the Historic Murphy Avenue Pedestrian Mall

## 2. Project Description

### Existing Conditions

The 100 block of South Murphy Avenue (Project Area), also known as Historic Murphy Avenue, is a one-block stretch of South Murphy between Washington Avenue and West Evelyn Avenue. It is part of “Block 2” of the Downtown Specific Plan (DSP),<sup>2</sup> and is located within the DSP’s “North of Washington” District. The Project Area is zoned DSP (Downtown Specific Plan) with a general plan land use designation of “Commercial.” Residential uses are not permitted in the Project Area (see Sunnyvale Municipal Code Table 19.28.070); however, there are a total of 10 existing (legal non-conforming) residential units on the upper floors of two buildings.

The 100 block of South Murphy Ave. features a mixture of one- and two-story buildings (one three-story building) with over half built between 1900 and 1940. It is currently developed with sidewalks, landscape planters, and street trees, with one traffic lane in each direction. There are parking bays on both sides of the street between sidewalk bulb-outs,

<sup>2</sup> Block 2 includes 31 addresses on S. Murphy Ave., three on Washington Ave. and one on Frances St.

providing about 24 parallel parking spaces. Midblock breezeways connect to public parking lots on South Frances Ave. and Sunnyvale Ave. The intersection at the south end of the block (Washington Ave.) is controlled by stop signs. The north end of the block (West Evelyn Ave.) has a stop sign and crosswalk that provides a route to the Caltrain station.

Based on City records, the existing buildings within DSP Block 2 have approximately 191,000 square feet of floor area, consisting primarily of commercial uses (restaurants and retail) on the ground floors with some second floor offices and 10 residential units. The planned future build-out of DSP Block 2 will have a total of 251,000 square feet of commercial and office uses, and no residential uses. (DSP Table 5-1, p. 5-5.)

The Project Area is listed in Sunnyvale's Heritage Resources Inventory (Rev. 9/18) as the Murphy Station Landmark District. There are two historically significant buildings in the Project Area: the Del Monte Building (114 South Murphy Ave.) and the Stowell Spalding building block (186-198 South Murphy Ave.), both of which are listed on the California Register of Historic Resources. Building renovations and new construction must comply with the Design Guidelines for the Murphy Station Heritage Landmark District (adopted July 2019) and Chapter 19.96 (Heritage Preservation) of the Sunnyvale Municipal Code.

The Project Area is a central destination in Sunnyvale for dining, nightlife, and special events, including a weekly summer music series, an annual art and wine festival, and a holiday tree lighting. Sidewalk dining is permitted in the Project Area through issuance of a miscellaneous plan permit pursuant to City Council Policy 1.1.10, "Use of the Public Sidewalk on the 100 Block of South Murphy Avenue" which was first adopted in 1987 and amended several times. Prior to June 2020, several restaurants on Historic Murphy had permits for sidewalk dining, providing a total of approximately 286 outdoor seats.

Since June 2020, restaurants in the Project Area have been allowed to use a portion of the public street (including the parking bays and sections of the vehicle lanes) for outdoor dining pursuant to a Special Event Permit issued by the City during the COVID-19 emergency. On February 7, 2023, the City Council updated Council Policy 1.1.10 to incorporate standards and regulations for outdoor dining areas in the public street. As of March 2023, there were 234 restaurant seats in the public street and 286 seats on the sidewalk, for a total of 520 outdoor seats in the Project Area.

### Surrounding Land Uses and Setting

Land uses within the Project Area are predominantly restaurant and retail establishments. The surrounding blocks of the downtown include a mixture of commercial, office, and high density residential development. The Caltrain Sunnyvale railroad station is located to the north of the Project Area across East Evelyn Avenue.

## Project Description

As shown in Figure 1 above, the City intends to establish a pedestrian mall on Historic Murphy Avenue. The total area of existing public right-of-way (including the sidewalks, parking bays, and vehicle travel lanes) is 70 ft. wide by 571.4 ft. long, or approximately 40,000 sq. ft. (0.9 acres). Motor vehicle traffic and parking will be prohibited on the proposed pedestrian mall except for emergency and utility maintenance vehicles. The pedestrian mall will be used for outdoor dining, special events, and enhanced pedestrian circulation. It will include designated areas for outdoor dining, emergency access, and accessible pedestrian routes. A bicycle route may be considered in the future.

Implementation of the pedestrian mall may include adoption of additional regulations and design guidelines governing the use of the outdoor dining areas. No new development and no modifications to any existing buildings are proposed as part of the Project.

Proposed street modifications needed to implement the pedestrian mall include:

- Installation of traffic barriers such as bollards at each end of Historic Murphy Ave.
- Modifications to the public street to create accessible routes between the dining areas, sidewalks, and restaurant entrances as required by the Americans with Disabilities Act. These modifications may include additional sidewalk curb cuts or raising the pavement in the parking bays to create a gradual slope from the sidewalk to the center of the street.

## 2. The Downtown Specific Plan EIR

City of Sunnyvale's Downtown Specific Plan area (DSP) covers approximately 150 acres generally bounded by the Caltrain tracks to the north, Carroll St. and Bayview Ave. to the east, Olive Ave. and El Camino Real to the south, and Charles St. to the west. The DSP area is divided into 22 "blocks" numbered Blocks 1 to 23 (there is no Block 19), which are organized into five districts. The DSP was originally adopted in 1993 and was comprehensively updated in 2003 and 2020. The DSP is a long-term planning document intended to create a vibrant and traditional downtown that serves the local community and is a regional destination. The DSP contains the land use plan, goals, policies, and design strategies and guidelines to guide development in the DSP area.

On August 11, 2020, City Council certified an Environmental Impact Report (DSP EIR) (State Clearinghouse No. 2018052020), adopted a Mitigation Monitoring and Reporting Program, and adopted a Statement of Overriding Considerations for the DSP amendments and six specific development projects. The DSP EIR provides a program-level review of the 2020 DSP amendments, which intensified the allowable development on six project sites to

accommodate up to 843 residential units, 260,063 square feet of commercial uses, and 860,624 square feet of office uses on those sites. The 2020 amendments also included a comprehensive update of the DSP's goals, policies, and design standards. On February 14, 2023, the City Council adopted an Addendum to the DSP EIR to allow for additional residential units and office square footage on Block 20 of the DSP.

### 3. Environmental Issues Assessment

#### Legal Standard for an Addendum

CEQA Guidelines Section 15164(a) provides that "The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Under Section 15162, a subsequent EIR is required if:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

## Summary of Conclusions

As discussed further below, conversion of the Project Area to a pedestrian mall is well within the anticipated uses and development capacity of DSP Block 2 that was planned for in the DSP and studied in the DSP EIR. The DSP anticipates a final build-out of 251,000 square feet of commercial and office uses on DSP Block 2, compared to the existing 191,000 square feet, a difference of 60,000 square feet. The entire public right-of-way on Historic Murphy Avenue, including sidewalks, parking bays, and vehicle lanes, is 40,000 square feet, only a portion of which will be used for outdoor dining. Therefore, the Project will not result in environmental impacts that are new or substantially more severe than the impacts analyzed in the DSP EIR, nor does the Project involve new information that requires additional environmental review.

The Project is located within an existing commercial area where the street life has historically included outdoor sidewalk dining and periodic special events. The construction needed to implement the pedestrian plaza, such as installation of bollards and pavement modifications or additional curb cuts, is within the scope of normal operational activities and streetscape improvements anticipated by the DSP. The Project will comply with all applicable mitigation measures adopted in the DSP EIR, as well as all other applicable regulations and guidelines.

Although the DSP depicts the Historic Murphy Ave. as part of the public street network for vehicle traffic (DSP page 7-8), there are no DSP goals or policies that discourage or prohibit the creation of a pedestrian mall. On the contrary, eliminating motor vehicle traffic on the Historic Murphy Ave. is consistent with the pedestrian-oriented policies of the DSP. The 2020 DSP amendments call for a number of bicycle- and pedestrian-friendly upgrades to the Project Area. The DSP identifies Historic Murphy Ave. as a key segment of a future “pedestrian loop” where the convenience and needs of pedestrians will be prioritized over vehicles (DSP p. 3-14). The DSP also proposes various streetscape enhancements to create a “pedestrian promenade” extending along Murphy Ave. between McKinley and Evelyn Avenues (DSP p. 3-13).

The pedestrian mall also furthers the two main goals of the DSP’s North Washington District (DSP Section 5.4.2), which are to support a “lively street life” along the Historic Murphy Ave., and to provide a link between the Caltrain station and the Downtown’s Commercial Core in order to encourage use of Caltrain.

### 3.1. Aesthetics

The DSP EIR identified less-than-significant impacts on aesthetics resulting from changes in the built urban environment. Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe aesthetic impacts than identified in the DSP EIR, and no new mitigation is required. Outdoor dining areas are required to comply with Council Policy 1.1.10, which includes standards and regulations to “promote the attractive commercial and historic environment of Murphy Avenue.”

### 3.2 Agriculture and Forest Resources

The DSP EIR identified no impacts on agriculture and forestry resources, as these resources do not exist within the DSP area.

### 3.3 Air Quality

The DSP EIR identified less-than-significant air quality impacts with mitigation required for construction emissions (**MM AQ-2.1, MM AQ-2.2, MM AQ-2.3, MM AQ-4.1**). In addition, the DSP EIR identified air quality impacts related to operational emissions which can be mitigated to less-than-significant use of Transportation Demand Management plans consistent with City requirements to reduce single-vehicle trips (**MM AQ-2.4**). Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe air quality impacts than identified in the DSP EIR, and no new mitigation is required. Closure of the Project Area to motor vehicles furthers the City’s air quality goals by supporting mixed uses within the DSP Area, promoting active mobility, and discouraging vehicle use.

### 3.4 Biological Resources

The DSP EIR identified a less-than-significant impact on biological resources with mitigation required for nesting birds during construction (**MM BIO-1.1**). No other biological impacts were identified. Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe biological impacts than identified in the DSP EIR, and no new mitigation is required.

### 3.5 Cultural Resources (including Tribal Cultural Resources)

The Project Area is a locally listed historic landmark district, but has been determined not to be eligible for state or national listing due to loss of historic integrity (Draft EIR, p. 91). However, the DSP EIR identified two historically significant buildings within the Project Area: the Del Monte Building at 114 South Murphy Avenue, and the Stowell Spalding building block at 186-198 South Murphy Avenue, both of which are listed on the California Register with “2S2” status indicating eligibility for listing on the National Register. The DSP EIR identified less-than-significant impacts on these historic buildings from construction



vibration (**Impact CR-1 and Impact NOI-2**) associated with the six specific development projects evaluated in the DSP EIR due to the distance of those projects from the historic buildings. The DSP EIR noted, however, that future projects could have an impact on the historic buildings if construction activities exceed vibration threshold limits. As discussed further below under 3.13–Noise, compliance with **MM NOI-4.1**, including preparation of a construction noise control plan, will ensure that noise and vibration does not have a significant impact on the historic buildings in the Project Area.

The DSP EIR identified less-than-significant impacts on archeological resources, human remains, and tribal cultural resources with mitigation required (**MM CR-2.1, MM CR-2.2, MM CR-2.3**). The DSP EIR also identified a significant and unavoidable impact on trees in the redwood heritage grove (outside of the current Project Area) for which the City Council adopted a Statement of Overriding Considerations. The DSP EIR identified no impacts on paleontological resources and unique geological features, as these do not exist within the DSP area.

Therefore, creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe cultural impacts than identified in the DSP EIR, and no new mitigation is required.

### 3.6 Energy

The DSP EIR identified less-than-significant impacts on energy resources with mitigation required (**MM AQ-2.1 through MM AQ-2.4**) (see above, 3.3–Air Quality). Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe energy impacts than identified in the DSP EIR, and no new mitigation is required.

### 3.7 Geology and Soils

The DSP EIR identified less-than-significant impacts related to geology and soils. Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe impacts on geology and soils resources than identified in the DSP EIR, and no new mitigation is required.

### 3.8 Greenhouse Gas Emissions

The DSP EIR identified less-than-significant greenhouse gas (GHG) impacts with mitigation required (**MM AQ-2.3, MM AQ-2.4**) (see above, 3.3–Air Quality). Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe GHG impacts than identified in the DSP EIR, and no new mitigation is required. Closure of the Project Area to motor vehicles furthers the City's climate goals by supporting mixed uses within the DSP Area, promoting active mobility, and discouraging vehicle use.

### 3.9 Hazards and Hazardous Materials

The DSP EIR identified less-than-significant impacts with mitigation required (**MM HAZ-1.1 through MM HAZ-1.9**) related to hazardous materials including PCBs, asbestos, and lead in construction and demolition waste; historic PCE contamination of soil, soil vapor, and groundwater from past dry cleaning businesses; and other potential contaminants from past and present uses of the area. The DSP EIR identified less-than-significant aircraft hazards due to the proximity of Moffett Federal Airfield with mitigation required (**MM HAZ-4.1, MM HAZ-4.2**). The DSP EIR also identified a less-than-significant impact to emergency response and evacuation plans. No other impacts related to hazards and hazardous materials were identified. Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more hazards and hazardous materials impacts than identified in the DSP EIR, and no new mitigation is required.

### 3.10 Hydrology and Water Quality

The DSP EIR identified less-than-significant impacts related to water quality, waste discharge, and stormwater drainage with mitigation required (**MM HYD 1.1, MM HYD-3.1**). The DSP EIR identified less-than-significant impacts related to groundwater depletion/recharge and flooding. Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more impacts on hydrology and water quality than identified in the DSP EIR, and no new mitigation is required.

### 3.11 Land Use and Planning

The DSP EIR identified less-than-significant impacts to land use and planning, finding no conflict with applicable land use plans, policies, or regulations. The DSP EIR also found no impact on habitat conservation or natural community preservation plans, which do not exist within the DSP area.

The DSP EIR identified a less-than-significant impact to land use and planning related to the physical division of established communities (**Impact LU-1**). The DSP EIR noted that the proposed development of the DSP area “does not include construction of physical features that would impair mobility or propose closure of an existing street.” Although the pedestrian mall will prevent motor vehicles from driving on Historic Murphy Ave., the street will not be “closed.” It will remain open to the public and will continue to provide a link between the DSP area and the Caltrain station. Drivers and bicyclists will still be able to transit the area in a north-south direction by detouring one block to Frances St. or Sunnyvale Ave. Bicyclists can walk their bicycles on Historic Murphy (addition of a bicycle lane could be considered in the future). Eliminating motor vehicle traffic on Historic Murphy Ave. furthers the goals of the DSP to create pedestrian routes and a lively street



life that will connect, rather than divide, the people and neighborhoods within the Downtown (DSP Section 5.4.2). Therefore, creation of the pedestrian mall will not result in new or substantially more impacts on land use and planning than identified in the DSP EIR, and no new mitigation is required.

### 3.12 Mineral Resources

The DSP EIR identified no impacts on mineral resources, as these resources do not exist within the DSP area.

### 3.13 Noise and Vibration

The DSP EIR identified significant and unavoidable noise impacts (**NOI-4, NOI-C**) related to temporary construction noise, for which the City Council adopted a Statement of Overriding Considerations with mitigation required (**MM NOI-4.1**). The DSP EIR identified less-than-significant impacts from groundborne vibration associated with construction of the six specific development projects evaluated in the EIR. The DSP EIR noted, however, that future projects could have an impact on historic buildings if construction activities exceed vibration threshold limits (**Impact NOI-2**). As discussed above under 3.5–Cultural Resources, there are two historically significant buildings in the Project Area, the Del Monte Building and the Spalding Building. According to the “Downtown Specific Plan Environmental Noise and Vibration Assessment” (Apr. 2019) (DSP EIR, Appendix H), certain construction activities that generate ground vibration can cause damage to historic buildings within 25 feet. However, the Project is required to comply with **MM NOI-4.1** including preparation of a construction noise control plan. Through this plan, the City will ensure that construction activities will not generate noise and vibration at a level that would significantly impact the historic buildings in the Project Area. Therefore, the construction of the pedestrian mall will not result in new or substantially more impacts on noise and vibration than identified in the DSP EIR, and no new mitigation is required.

The DSP EIR identified less-than-significant impacts from operational noise with mitigation required related to use of mechanical equipment (**MM NOI-1.1**). The DSP EIR also identified less-than-significant impacts from ambient noise, and no impacts related to airport noise as the DSP is outside Moffett Airfield’s 65 dBA noise contour area. Outdoor dining and special events in the Project Area are subject to the City’s noise regulations, and such uses already exist within the Project Area. Creation of the pedestrian mall does not propose any new development or activities that require new analysis of impacts related to noise, and no new mitigation is required. Eliminating vehicle traffic will potentially reduce ambient noise.

### 3.14 Population and Housing

The DSP EIR identified less than significant impacts related to population and housing. Creation of the pedestrian mall does not propose any new development or activities that require new analysis of population and housing impacts.

### 3.15 Public Services

The DSP EIR identified less than significant impacts on public services. Creation of the pedestrian mall does not propose any new development or activities that require new analysis of impacts on public services.

### 3.16 Recreation

The DSP EIR identified less than significant impacts on parks and recreational facilities. Creation of the pedestrian mall does not propose any new development or activities that require new analysis of impacts on recreation. The creation of the pedestrian mall will enhance opportunities for passive recreation in the DSP area such as walking and enjoying the outdoors.

### 3.17 Transportation

The DSP EIR used a Level of Service (LOS) traffic analysis to determine whether the DSP amendments and the six specific development projects would significantly increase traffic congestion in the Downtown area and vicinity. The DSP EIR identified significant impacts as a result of increased automobile delay on one freeway segment and thirteen intersections. Several of these impacts were considered significant and unavoidable, for which the City Council adopted a Statement of Overriding Considerations.

Under Senate Bill 743 (Steinberg, 2013), which went into effect on July 1, 2020, a project's effect on automobile delay is no longer considered an environmental impact (CEQA Guidelines Section 15064.3(a)). On June 30, 2020, the City Council adopted City Council Policy 1.2.8 (Transportation Analysis Policy) that requires all projects to evaluate and disclose transportation environmental impacts by measuring Vehicle Miles Traveled (VMT) rather than LOS.

The DSP EIR relied on an LOS traffic analysis because it was released for public review before July 1, 2020. However, the DSP EIR also provided a qualitative discussion of VMT (Draft EIR, page 280). The DSP EIR notes that projects within 0.5 miles of an existing major transit stop, such as the Sunnyvale Caltrain station, are presumed to have no impact on VMT pursuant to CEQA Guidelines Section 15064.3(b)(1). Historic Murphy Avenue is located approximately 300 to 750 feet from the Caltrain station, and is therefore presumed to have no impact on VMT. Furthermore, the Project falls under two exemptions listed in City Council Policy 1.2.8: Section (2)(B), Neighborhood-serving retail/service uses under 100,000

square feet, and Section (2)(E)(IV), Multimodal improvements that promote walking, bicycling, and transit.

The DSP EIR identified no significant impacts on public transit, bicycle or pedestrian facilities, and no other significant transportation impacts. The pedestrian mall supports the pedestrian-oriented goals and policies of the DSP and will reduce the potential for vehicle/pedestrian conflicts and hazards. The pedestrian mall will be required to meet all applicable design standards for pedestrian facilities and emergency access. Therefore, creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe transportation impacts than identified in the DSP EIR, and no new mitigation is required.

#### *Non-CEQA Impacts to Transportation*

Although LOS metrics are no longer used to determine environmental impacts under CEQA, increased traffic may trigger a requirement for a local transportation analysis to address operational deficiencies. Using the Institute of Transportation Engineers (ITE) Trip Generation Manual 11th Edition, an increase of 299 restaurant seats on Historic Murphy Ave. (in addition to the existing 286 sidewalk seats) would generate approximately 70 new AM Peak trips and 98 new PM Peak trips if all restaurants are open in the morning and evening. This is below the threshold (100 new Peak trips) where further transportation studies are required.

Impacts to parking also fall outside the scope of CEQA. However, the following is provided for informational purposes. The Project will eliminate approximately 24 on-street parking spaces in the Project Area. Visitors to the Project Area will have ample other parking options, including public parking lots on South Frances and South Sunnyvale Avenues and a public parking garage two blocks away on Taaffe Street. The CityLine project, currently under construction on the south side of Washington Avenue, will provide 345 new public parking spaces and over 1,000 shared parking spaces that the public can use after business hours and on weekends. (See Walker Consultants, "Sunnyvale Parking Capacity and Management Study" and presentation to the City Council on Aug. 11, 2019).

### **3.18 Utilities and Service Systems**

The DSP EIR identified a significant and unavoidable cumulative impact to utilities and utility service systems related to wastewater treatment capacity, for which the City Council adopted a Statement of Overriding considerations. No other significant impacts were identified. Creation of the pedestrian mall does not propose any new development or activities that require new analysis of impacts on utilities.

### 3.19 Wildfire

There are no Fire Hazard Severity Zones, state responsibility areas, Very High Fire Hazard Severity Zones, or local responsibility areas located in or adjacent to Sunnyvale (CAL FIRE 2022). The Project Area is urbanized and not adjacent to large areas of open space or agricultural lands that are subject to wildland fire hazards. The DSP EIR identified no impacts related to wildfire.

### 3.20 Mandatory Findings of Significance

Creation of the pedestrian mall does not propose any new development or activities that would substantially degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife populations to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. The creation of the pedestrian mall will not have cumulatively considerable impacts, or substantial adverse effects on human beings.

## 5. Conclusion

None of the conditions described in CEQA Guidelines Section 15162 that would call for preparation of a subsequent EIR have occurred. Therefore, preparation of an Addendum to the 2020 DSP EIR is the appropriate level of environmental review to comply with CEQA for the Historic Murphy Avenue Pedestrian Mall Project. City decisionmakers will consider this Addendum along with the DSP EIR before taking action on the Project.

DRAFT 5/4/23\_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO ADD CHAPTER 10.66 (PEDESTRIAN MALL ON SOUTH MURPHY AVENUE) TO TITLE 10 (VEHICLES AND TRAFFIC) OF THE SUNNYVALE MUNICIPAL CODE ESTABLISHING A PEDESTRIAN MALL ON SOUTH MURPHY AVENUE AND TO AMEND VARIOUS SECTIONS OF CHAPTER 10.56 (BICYCLES) OF THE SUNNYVALE MUNICIPAL CODE RELATED TO BICYCLES ON PEDESTRIAN MALLS**

WHEREAS, in response to the COVID-19 pandemic, the City of Sunnyvale temporarily closed one segment of South Murphy Avenue, between West Evelyn Avenue and East Washington Avenue (i.e., the 100 block of South Murphy Avenue) to vehicular traffic to facilitate outdoor dining and pedestrian zones; and

WHEREAS, on June 1, 2020, City staff issued Special Events Permit No. 2020-06-01 to allow the closure of the 100 block of South Murphy Avenue in accordance with Sunnyvale Municipal Code Chapter 9.45 and California Vehicle Code Section 21101(e), which allowed restaurants to expand their outdoor dining footprint into the right-of-way with the issuance of a Miscellaneous Plan Permit issued by the Planning Division; and

WHEREAS, after the issuance of Special Events Permit No. 2023-06-01, the City Council adopted Resolution No. 1075-21 and its amendments, which directed the City Manager to temporarily close the 100 block of South Murphy Avenue to vehicular traffic; and

WHEREAS, on February 7, 2023, the City Council adopted Resolution No. 1172-23, again directing the City Manager to extend the temporary closure of the 100 block of South Murphy Avenue; and

WHEREAS, pursuant to Resolution No. 1172-23, the temporary closure of the 100 block of South Murphy Avenue to vehicular traffic was to remain in effect through December 31, 2023; and

WHEREAS, the City wishes to retain these pedestrian zones beyond the end of the COVID-19 pandemic; and

WHEREAS, the Pedestrian Mall Law of 1960 (California Streets and Highways Code Section 11000 et seq.) authorizes municipalities to close streets to vehicular traffic and to establish pedestrian malls; and

WHEREAS, the City Council wishes to establish a pedestrian mall on South Murphy Avenue, pursuant to the Pedestrian Mall Law of 1960; and

WHEREAS, on February 7, 2023, the City Council adopted Resolution No. 1171-23 declaring its intention to establish a pedestrian mall on the 100 block of South Murphy Avenue, and setting a public hearing on the establishment of such pedestrian mall on May 16, 2023; and

WHEREAS, on August 11, 2020, the City Council certified an Environmental Impact Report (EIR) (State Clearinghouse #2018052020) for the Downtown Specific Plan (DSP) Amendments and six Specific Development Projects (2020 DSP EIR), which provided a program-level review of the 2020 DSP Amendments, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15146(b), and project-level review of six development projects, pursuant to CEQA Guidelines Section 15146(a); and

WHEREAS, CEQA Guidelines Section 15164(a) provides that an agency “shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred”; and

WHEREAS, with respect to the establishment of the pedestrian mall on the 100 block of South Murphy Avenue, none of the triggers set forth in CEQA Guidelines Section 15162 have occurred that would require preparation of a subsequent EIR; and

WHEREAS, pursuant to CEQA Guidelines Section 15164, the City prepared an addendum to the 2020 DSP EIR (Addendum); and

WHEREAS, a public hearing on the establishment of the pedestrian malls was held on May 16, 2023 in accordance with Streets and Highways Code Section 11301 et seq.; and

WHEREAS, at the public hearing on May 16, 2023, opportunity to present evidence, both written and/or oral, pertaining to the establishment of the pedestrian mall was provided, and all interested persons desiring to comment on the establishment of the pedestrian mall were heard; and

WHEREAS, the City did not receive written objections to the establishment of the pedestrian mall from the owners of land abutting on the proposed pedestrian mall representing a majority of the frontage on the proposed pedestrian mall pursuant to Streets and Highways Code Section 11306; and

WHEREAS, the City did not receive any written claims for damages by reason of the establishment of the proposed pedestrian malls pursuant to Streets and Highways Code Section 11304; and

WHEREAS, at the conclusion of the public hearing on May 16, 2023, the City Council adopted a resolution to proceed with establishing a pedestrian mall in accordance with Streets and Highways Code Section 11311; and

WHEREAS, the City Council now wishes to enact an ordinance, in accordance with Streets and Highways Code Section 11600, to establish the pedestrian mall on the 100 block of

South Murphy Avenue;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 10.56 AMENDED. Sections 10.56.010 (Definitions.), 10.56.140 (Riding on sidewalks and overhead pedestrian crossings—Prohibited.), and 10.56.170 (Stunt riding prohibited.) of Chapter 10.56 (BICYCLES) of Title 10 (VEHICLES AND TRAFFIC) of the Sunnyvale Municipal Code are hereby amended to read as follows:

**10.56.010. Definitions.**

For the purpose of this chapter, the word “bicycle” shall have the same meaning as that term is defined in the Vehicle Code Section 231 as the same exists or may be amended hereafter. A “bicyclist” is a person riding a bicycle. References to the “chief of public safety” means the chief or the chief’s designee. The word “pedestrian mall” shall have the same meaning as that term is defined in Chapter 10.66 of this code as the same exists or may be amended hereafter.

**10.56.140. Riding on sidewalks, pedestrian malls and overhead pedestrian crossings—Prohibited.**

(a) [Text unchanged.]

(b) [Text unchanged.]

(c) It is unlawful for any person to ride or operate a bicycle, motor driven cycle or motor scooter upon any pedestrian mall, except in the portion designated as a bike path. Notwithstanding the provisions of subsections (a) and (b), children under the age of thirteen years or persons sixty-two years of age or older may ride and operate their bicycles in single file upon any sidewalk, except sidewalks adjacent to schools, store buildings or other buildings used for commercial purposes, subject to their exercising due care and giving any pedestrian the right-of-way. Any individual regardless of age may ride a bicycle on a sidewalk if riding upon the adjacent street would place the cyclist in an unsafe situation.

(d) [Text unchanged.]

**10.56.170. Stunt riding prohibited.**

It is unlawful for any person riding or operating a bicycle to perform or attempt to perform any acrobatic or stunt riding upon any public sidewalk, pedestrian mall, pedestrian facility, or bicycle facility that is not part of a street or highway. Stunt riding shall be defined as activity falling within Vehicle Code Sections 21203, 21204, 21205 and 23103. This section is not meant to prohibit stunt riding as part of officially sanctioned events, or places clearly posting stunt riding as appropriate.

SECTION 2. Chapter 10.66 ADDED. Chapter 10.66 (PEDESTRIAN MALL ON

SOUTH MURPHY AVENUE) is hereby added to Title 10 (VEHICLES AND TRAFFIC) of the Sunnyvale City Code and reads as follows:

**Chapter 10.66. PEDESTRIAN MALL ON SOUTH MURPHY AVENUE.**

**10.66.010. Definitions.**

The following words and phrases and their derivations when used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them.

(1) “Intersecting street” means any street which meets or crosses a pedestrian mall at a mall intersection but includes only those portions thereof on either side of a mall intersection which lie between the mall intersection and the first intersection of the intersecting street with a public street or highway open to vehicular traffic. If any portion of a pedestrian mall terminates on a street at a place thereon other than a place of intersection with a public street or highway open to vehicular traffic, intersecting street also includes that portion of any street which lies between such place of termination and the first intersection of such “street” with a public street or highway open to vehicular traffic.

(2) “Mall intersection” means any intersection of a street constituting a part of a pedestrian mall with a different street, which intersection is itself part of the “pedestrian mall

(3) “Motor vehicle” means any vehicle that is self-propelled, except a self-propelled or motorized wheelchair, tricycle or quadricycle if used or operated by a person who, by reason of a physical disability, is otherwise unable to move about as a pedestrian.

(4) “Motor vehicle traffic” means motor vehicles, either singly or together, while using any street for purposes of travel.

(5) “Pedestrian mall” means one or more streets, or portions thereof, on which vehicular traffic is restricted in whole or in part and which is to be used exclusively or primarily for pedestrian travel.

(6) “Street” means any way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel.

(7) “Vehicle” means any device by which a person or property may be propelled, moved or drawn upon a street, except a device moved exclusively by human power.

**10.66.020. Establishment of pedestrian mall on South Murphy Avenue.**

A pedestrian mall is established on South Murphy Avenue, the boundaries of which are set forth in Chapter 10.66.040 (Pedestrian mall boundaries). There are no intersecting streets in this portion of South Murphy Avenue.

**10.66.030. Pedestrian mall boundaries.**



The boundaries of the pedestrian mall established herein are as follows:

(a) South Murphy Avenue between West Evelyn Avenue and East Washington Avenue (i.e., the 100 block of South Murphy Avenue).

**10.66.040. Prohibition of vehicular traffic on pedestrian mall and exceptions.**

All motor vehicle traffic is prohibited within the pedestrian mall boundaries at all times. However, the following vehicles shall be allowed access to the pedestrian mall on South Murphy Avenue at all hours:

(a) Emergency vehicles, including, but not limited to, police vehicles, fire vehicles and ambulances.

(b) Public utility vehicles, including street sweepers; any vehicle owned or operated by an agency or company providing essential utility services to property, such as electricity, telephone, water, sewer, cable, internet and gas; and any vehicle, as authorized by the public works director or designee, for purposes of performing city services on a pedestrian mall.

(c) Garbage and recycling trucks as necessary for the collection of waste or refuse.

Additionally, the following vehicles may be permitted access to the pedestrian mall on South Murphy Avenue by appointment only:

(a) Private maintenance vehicles, including grease trap cleaners and other maintenance vehicles for large equipment drop-offs, as authorized by the public works director or designee.

(b) Other commercial vehicles, as authorized by the public works director or designee, for purposes of performing work or services on the pedestrian mall, which include, but not limited to, work or services related to special events on the pedestrian mall.

**10.66.050. Regulations for the use of the pedestrian mall.**

Regulations for the use of the pedestrian mall on South Murphy Avenue shall be as set forth in Council Policy 1.1.10, or as it may be renumbered or amended, entitled Use of the Public Street and Sidewalk on the 100 Block of South Murphy Avenue, which is adopted herein by this reference.

SECTION 3. Compliance with CEQA. The adoption and implementation of this ordinance complies with the provisions of the California Environmental Quality Act (“CEQA”) under CEQA Guidelines Section 15164(a) which provides that an agency “shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” The Addendum to the 2020 DSP EIR was presented and considered by the City

Council during a public hearing on May 16, 2023. The City Council found that the Addendum was prepared for the establishment of the pedestrian mall on the 100 block of South Murphy Avenue in compliance with the requirements of CEQA and CEQA Guidelines, and is adequate for the City's use as the lead agency under CEQA. The City Council finds none of the conditions described in CEQA Guidelines Section 15162 or 15163 regarding the preparation of a subsequent or supplemental EIR, respectively, has occurred and, accordingly, under CEQA Guidelines Section 15164 an addendum is required. The City Council incorporates by this reference the findings and mitigation measures contained in the 2020 DSP EIR and Addendum as to the environmental effects of the establishment of the Pedestrian Mall, together with the additional findings contained in this ordinance. The Council hereby directs the Planning Division to file a Notice of Determination regarding the establishment of the pedestrian mall on South Murphy Avenue within five business days of adoption of this ordinance.

SECTION 4. Constitutionality; Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 5. Effective Date. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 6. Posting and Publication. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on \_\_\_\_\_, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  
RECUSAL:

ATTEST:

APPROVED:

---

DAVID CARNAHAN  
City Clerk

---

LARRY KLEIN  
Mayor

Date of Attestation: \_\_\_\_\_

(SEAL)

APPROVED AS TO FORM:

---

JOHN A. NAGEL  
City Attorney



01/11/22

To: Connie Verceles, Deputy City Manager  
Maria Rodriguez, Economic Development

Since reviewing the proposal from the city regarding the permanent street closure, the Sunnyvale Downtown Association (SDA) Business Improvement District (BID) members have expressed concerns about the new street ADA Accessibility changes and additional increased maintenance fees. With the California emergency health mandate lifting on February 28<sup>th</sup> and Murphy Avenue poised to reopen, these members still need to prepare for varying increased costs during the transition. In addition, below are a few of the challenges these businesses are experiencing that will impact their ongoing sustainability, along with some concerns that will arise with the street reopening:

- \$20,900 per business for public improvements.
- Amount of time and money lost for the installation of public improvements; cost vs. value justified with the installation of city improvements.
- \$4,800 per business annually for new maintenance and street cleaning fees.
- Businesses will also need to find and pay for storage of all the outdoor equipment (tables, chairs, tents, canopies, propane heaters, and other miscellaneous items).
- Increasing costs for foods and beverages.
- Increasing operational costs for gas, electricity, supplies, and transportation.
- Reduction in sales due to a declining economy.
- Massive layoffs in the Tech industry are causing local consumers to manage their expenses differently.

The SDA and BID members all support closing Historic Murphy Avenue. However, we request that the city finance all public improvements that have been identified and cover the annual maintenance fees for the next several years until businesses and the economy start recovering. We also request that the public improvements be completed on an expedited schedule since street construction would impact businesses' ability to utilize outdoor dining during the process. Construction will also impact events held on Murphy Ave.

After reviewing the Resolution of Intent (ROI) for the BID, the SDA understands that a new maintenance zone would need to be created to collect maintenance funds from a specific group of businesses. Creating a new assessment zone at this time would be a difficult process since we would be asking businesses to vote to increase their annual BID fees. Plus, adding a new zone would complicate the BID Reauthorization process and affect all businesses within the district.



The Sunnyvale Downtown District is considered the jewel of the city. However, with all the upcoming changes and improvements in our district, we must protect the businesses that have served this community for decades.

If the City of Sunnyvale can provide the financial support to complete the required public improvements with an expedited schedule and continue to manage and finance the sidewalk and street maintenance, Murphy Avenue businesses support a permanent closure of the street. If the City is unable to provide financial support, Murphy Avenue businesses can't afford to support a permanent closure.

If you have any questions, please call me at (408) 480-5437 or email me at [Michael@sunnyvaledowntown.com](mailto:Michael@sunnyvaledowntown.com)

Thank you,

*Michael Johnson*

Executive Director

Sunnyvale Downtown Association



# City of Sunnyvale

## Agenda Item

23-0581

Agenda Date: 5/16/2023

### REPORT TO COUNCIL

#### SUBJECT

Approve 16 Design Proposals for *The Great Box Cover-Up!* (Utility Box Art Project-Phase 2) and Authorize the Arts Commission to Approve the Selected Designs for Phase 3 of *The Great Box Cover-Up!*

#### SUMMARY OF COMMISSION ACTION

The Arts Commission considered this item on April 27, 2023.

The Arts Commission voted to Recommend City Council Approve 16 Design Proposals for *The Great Box Cover-Up!* (Utility Box Art Project-Phase 2). The vote was 4-0, with Commissioner Lam absent.

In addition, staff is requesting City Council delegate authority to the Arts Commission to approve the final designs for Phase 3. Existing policy would require the Phase 3 proposals to go to the Arts Commission for recommendation and the City Council for approval, but for efficiency staff is recommending that Council delegate final approval to the Arts Commission based on the following:

- The project is considered temporary and therefore the art will not be accessioned into the City's Permanent Collection
- The artist's stipend is low (\$1,000 to \$3,000/school)
- Funding for the project was previously approved by City Council
- There is no artist selection, only approval of proposed designs
- Delegating approval to the Arts Commission will allow the program to be implemented two to three months sooner.

Phase 3 of the project (FY 2023/24) will be completed by high school students on utility boxes near the four high schools that serve Sunnyvale residents:

#### Fremont High School

- Fremont Avenue @ Mary Avenue
- Fremont Avenue @ Hollenbeck Avenue
- Sunnyvale Saratoga Road @ Fremont Avenue

#### Homestead High School

- Homestead Road @ Hollenbeck Avenue
- Homestead Road @ Kennewick Drive
- Hollenbeck Avenue @ Alberta Avenue

#### Kings Academy

- Fair Oaks Avenue @ Wolfe Road
- Duane Avenue @ Wolfe Road

- Arques Avenue @ Wolfe Road

Wilcox High School

- Wolfe Road @ Old San Francisco Road
- Old San Francisco Road @ Gail Avenue

**PUBLIC CONTACT**

Public contact was made by posting the Council meeting agenda on the City's official-notice bulletin board at City Hall, at the Sunnyvale Public Library and in the Department of Public Safety Lobby. In addition, the agenda and this report are available at the NOVA Workforce Services reception desk located on the first floor of City Hall at 456 W. Olive Avenue (during normal business hours), and on the City's website.

**ALTERNATIVES**

1. Approve 16 Design Proposals for *The Great Box Cover-Up!* (Utility Box Art Project-Phase 2)
2. Approve Less Than 16 Design Proposals for *The Great Box Cover-Up!* (Utility Box Art Project-Phase 2)
3. Authorize the Arts Commission to Approve the Selected Designs for Phase 3 of *The Great Box Cover-Up!*
4. Take other action as determined by City Council

**STAFF RECOMMENDATION**

Alternatives 1 and 3: Review and Approve 16 Design Proposals for *The Great Box Cover-Up!* (Utility Box Art Project-Phase 2) and Authorize the Arts Commission to Approve the Selected Designs for Phase 3 of *The Great Box Cover-Up!*

Prepared by: Kristin Dance, Recreation Services Coordinator II

Reviewed by: Trenton Hill, Recreation Services Manager

Reviewed by: Damon Sparacino, Superintendent of Recreation Services

Reviewed by: Michelle Perera, Director of Library and Recreation Services

Reviewed by: Tim Kirby, Director of Finance

Reviewed by: Chip Taylor, Director of Public Works

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

**ATTACHMENTS**

1. Report to Arts Commission 23-0412, April 27, 2023 (without attachments)
2. RTC No. 20-0944 (without attachments)
3. Map of Phase 1 Downtown Locations
4. Call for Artists
5. Conceptual Designs and Past Work Examples

**Additional Attachments for Report to Council**

6. Excerpt of Draft Minutes of the Arts Commission Meeting of April 27, 2023



# City of Sunnyvale

## Agenda Item

---

23-0412

Agenda Date: 4/27/2023

---

### REPORT TO ARTS COMMISSION

#### **SUBJECT**

Recommend City Council Approve 16 Design Proposals for The Great Box Cover-Up! (Utility Box Art Project-Phase 2)

#### **BACKGROUND**

On November 10, 2020, the City Council approved \$50,000 from the Public Art Fund to Implement a Utility Box Art Project (Attachment 2 - RTC No. 20-0944). The project stemmed from the public outreach process conducted for the Master Plan for Public Art. The community, Arts Commission and City Council expressed an interest in implementing a temporary, community-based art project, in particular a utility box project.

Phase 1 of the project was completed in Spring 2022 and included 12 signal boxes located within the downtown area.

This report provides information on Phase 2, including the 16 artists selected by the Artist Selection Committee and their conceptual designs. The Arts Commission is being asked to review and recommend the design proposals to City Council for final approval. The Commission's recommendation will be reviewed by City Council on June 6, 2023.

Staff also plans to recommend to the City Council that the Council authorizes the Arts Commission to approve the final conceptual designs for Phase 3 of the Great Box Cover-up. Staff is making this recommendation for administrative efficiency, considering the high number of artworks for this project and the small commission amount. Phase 3 will include high school collaborations and is scheduled for calendar year 2024.

#### **EXISTING POLICY**

Sunnyvale Municipal Code 19.52 - Art in Private Development  
Sunnyvale Council Policy 6.4.4 - Art in Public Places

#### **ENVIRONMENTAL REVIEW**

Painting existing utility boxes does not require environmental review because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment (California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3)), and it is not a project or a reasonably foreseeable indirect change to the environment (CEQA Guidelines Section 15378(a).

#### **DISCUSSION**

##### **Project Description**

This project was designed to bring local artists and their artwork to the community, as well as convert



**23-0412**

**Agenda Date: 4/27/2023**

gray, non-descript, city-owned traffic signal boxes into attractive and engaging artwork. There will be 38 locations in total, with one to three signal boxes per location.

The Utility Box Art Project is being rolled out in multiple phases. The first phase included 12 signal boxes in the downtown area (Attachment 3 - Map of Downtown Locations). The second phase will include 16 boxes located throughout the City and a third phase with 10 boxes is planned for calendar year 2024 that will include high school collaborations.

### **Utility Box Locations**

The utility boxes in Phase 2 are city-owned traffic signal boxes throughout Sunnyvale at the following locations:

Sunnyvale Saratoga Road @ Remington Drive	Mathilda Avenue @ Tennis Center
Fair Oaks Avenue @ Kifer Road	Homestead Road @ Bellville Way
Mathilda Avenue @ Innovation Way	Fremont Avenue @ Wright Avenue
Mathilda Avenue @ Maude Avenue	Lawrence Station Road @ Elko Drive
Mathilda Avenue @ Sunnyvale Avenue/Talisman	Fair Oaks Avenue @ Iris Avenue
Arques Avenue @ Oakmead Parkway	Remington Drive @ Bernardo Avenue
Wolfe Road @ Marion Way	Mathilda Avenue @ El Camino Real
Caribbean Drive @ Crossman Avenue	Iowa Avenue @ Taaffe Street

Each location has one to three boxes. The selected artists are required to paint the largest of the boxes, with the option of including additional city-owned boxes on site as an extension of their design. The project commission is \$1,000 per location, regardless of the number of boxes painted by the artist.

### **Selection Process**

For this phase, staff are following the same approval process as Phase 1. Pursuant to the Art in Public Places process, a Request for Qualifications was distributed through public art websites, artist networks and the City's website inviting artists who live in Santa Clara, San Mateo, Santa Cruz, San Francisco, Contra Costa and Alameda counties to apply for the commission (Attachment 4 - Call for Artists).

Concurrently, City staff invited 10 Sunnyvale community members to form the panel responsible for reviewing and selecting the artists. Five of the members invited accepted, including two City staff and three residents.

Committee members were asked to rank applicants based on creative style and past artistic experience relative, or equivalent, to that of a utility box project.

Through a voting process, the panel selected 16 artists and two alternates for the project. The City has compensated the 16 artists (\$500/location or 50% of total commission) and invited them to develop a detailed conceptual design proposal for approval.

23-0412

Agenda Date: 4/27/2023

---

### Execution of Approved Designs

Following City Council's approval, staff will work with the artists to finalize their designs. Any major concept changes will be brought back to the Arts Commission and City Council for approval. The artists are expected to paint their designs between June 16 and August 6, 2023.

Each utility box must remain operable and Artists are required to use City approved paints, primers and finishes to ensure the art is durable and long-lasting. Pursuant to the Master Plan for Public Art, the utility box art project is considered "temporary art" and will not be accessioned into the City's Permanent Art Collection. The Request for Qualifications and artist contracts include language specifying that the art can be removed at the sole discretion of the City. It is the City's expectation that the art will remain in place for a minimum of five years, or until such time it is deemed necessary to paint over for any reason, including but not limited to: fading, graffiti, unforeseen damage or box replacement. The utility box art condition will be evaluated as part of the City's annual collection review. After five years, staff will conduct an assessment to determine whether the temporary Utility Box Art Project should continue.

### Design Proposals (Attachment 5 - Conceptual Designs and Past Work Examples):

Proposal #1 - Pablo Ruiz Arroyo: Mr. Arroyo will be painting a single box at the corner of Sunnyvale-Saratoga Road and Remington Drive. His design includes the vibrant colors of native flowers and showcases the native Brown Headed Cowbird, with a rider wearing a backpack full of houses on its back, to show the relationship between community and nature.

Proposal #2 - ArtCircle Studio: The students of ArtCircle Studio will be painting two boxes at the corner of Fair Oaks Avenue and Kifer Road. Their design has three components: an homage to the Ohlone Native Americans; bounding hills and mountains; and imagery representing the transition of Sunnyvale from a small agricultural town to the quaint, residential and commercial city of today.

Proposal #3 - Kristen Calderon: Ms. Calderon will be painting two boxes at the corner of Mathilda Avenue and Innovation Way. Her design will honor the aerospace and tech industries, featuring purple blue hills, green leaves of native fruit trees and orchards; a birds-eye view of Moffett Field with historic military planes and the USS Macon overhead; and a continuous background of blue skies with puffy white clouds.

Proposal #4 - Greg Cheung: Mr. Cheung will be painting a single box at Mathilda Avenue and Maude Avenue. His design consists of an aquarium housing fantail goldfish, which are considered symbols of perseverance, abundance, success and wealth in Chinese culture. The artist chose these qualities to represent Sunnyvale's diversity and position at the center of technology.

Proposal #5 - Jemal Diamond: Mr. Diamond will be painting three boxes at Mathilda Avenue and Sunnyvale Avenue at Talisman Drive. His design consists of playful, colorful figures on a bright yellow background displaying bold exaggerations of movement. They signify community and our active connection with technology, and the diverse people of Sunnyvale.

Proposal #6 - April Gee: Ms. Gee will be painting a single box at Arques Avenue and Oakmead Parkway. The design will include an original character, Harmonia the Wise, who represents technology in harmony with nature and wears a dress patterned from different, diverse cultures. Additional imagery represents aspects of our Earth that need to be protected and nurtured.

**23-0412**

**Agenda Date: 4/27/2023**

Proposal #7 - Alexandra Muddle: Ms. Muddle will be painting two boxes at Wolfe Road and Marion Way. She has created a design that speaks to the innovation and creativity represented in Sunnyvale, depicting turning gears and a brain generating “fuel” necessary to produce great ideas. The “fuel” is shown as water that nourishes the plants, which are light bulb topped flowers.

Proposal #8 - Yen Nguyen: Ms. Nguyen will be painting a single box at Caribbean Drive and Crossman Avenue. Her design is inspired by the growth of high buildings and technology in Silicon Valley, and the possible loss of human scale, which she illustrates with two windows: one with an expressive human face, and the other with an emotionless robot face. Both windows are surrounded by hopeful blue skies and rainbows.

Proposal #9 - Linda Nystrom: Ms. Nystrom will be painting two boxes at Mathilda Avenue and Tennis Center. Her design, "Baylands on a Box," consists of shoreline birds enjoying a game of tennis on a “wetlands” surface with birds either watching or playfully stealing balls.

Proposal #10 - Jayashree Sadasivan: Ms. Sadasivan will be painting a single box at Homestead Road and Belleville Way. The main theme celebrates community through a whimsical style of painting with elements of the surrounding community including the Stevens Creek with fish and dragonflies; an active playground; a school; and homes with hearts on top.

Proposal #11 - Ria Sharma and Geeta Taneja: Ms. Sharma and Ms. Taneja will be painting a single box at Fremont Avenue and Wright Avenue. Their cubist design addresses the online world integral to high tech in Sunnyvale, by depicting a young woman entangled by a laptop while trying to experience the outside world, where white blossoms of native peach and apricot trees abound.

Proposal #12 - Katherina Spaeth: Ms. Spaeth will be painting two boxes at Lawrence Station Road and Elko Drive. The main motifs for her design are the increasingly endangered Monarch Butterfly, which she sees as a symbol of transformation and new beginnings, and original, playful characters named Patchy Monsters, who care for our world.

Proposal #13 - Stephanie Tsao: Ms. Tsao will be painting a single box at Fair Oaks Avenue and Iris Avenue. Her design features gold sun rays on a blue background, with colorful and vibrant local plants, fish, birds and animals.

Proposal #14 - John Vellequette: Mr. Vellequette will be painting two boxes at Remington Drive and Bernardo Avenue. His design is a stylized rendering of Sunnyvale sunsets, incorporating the sky’s vibrant colors, the moon, which often shares the sky with the descending sun, and a nod to Sunnyvale’s past through a blimp gracing the skies.

Proposal # 15 - Deirdre Weinberg: Ms. Weinberg will be painting a single box at Mathilda Avenue and El Camino Real. Her design is allegorical for the beauty and possibility that comes with taking chances to achieve innovation and diversity. It highlights a young person of color holding a geometrical prism that catches light, throwing colors in all directions.

Proposal #16 - Madeleine Yung: Ms. Yung will be painting a single box at Iowa Avenue and Taaffe Street. Her design depicts oversized peaches, pears and cherries stacked on top of each other. As viewers move around the box, the fruit becomes increasingly more pixelated, reflecting the area’s progress towards modernity and automation.

23-0412

Agenda Date: 4/27/2023

### **Next Steps**

The City Council will consider the Arts Commission's recommendation on June 6, 2023. The conceptual designs approved by the City Council will be further developed with staff oversight to meet the Art in Public Places guidelines within the allocated budget. Any design proposals not approved by the Arts Commission or City Council will be further developed and brought back to the Arts Commission and City Council for a second review and approval. Similarly, if an artist decides to paint additional smaller boxes at their designated location, they will need staff authorization to ensure the box is owned by the City and must stay within the approved conceptual design or return for review and approval by City Council.

### **FISCAL IMPACT**

The project budget for all phases of the Utility Box Art Project is \$50,000. The funds will be expended from the Public Art Fund, with approximately \$17,000 in Phase 2 for artist fees and incidental costs. A total of \$12,500 was expended for Phase 1 of the project.

The boxes are considered temporary artworks and therefore are not scheduled for on-going maintenance. Should a minor repair be deemed necessary, that cost can be covered out of the Art in Public Places operating budget. If the repair is not considered minor, the City has retained the right to repaint the box to its original gray state.

### **PUBLIC CONTACT**

Public contact was made by posting the Arts Commission agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Public Library, Senior Center, Community Center and in the Department of Public Safety Lobby. In addition, the agenda and report are available at the Office of the City Clerk and on the City's website.

### **ALTERNATIVES**

1. Recommend City Council Approve 16 Design Proposals for The Great Box Cover-Up! (Utility Box Art Project-Phase 2)
2. Recommend City Council Approve less than 16 Design Proposals for The Great Box Cover-Up! (Utility Box Art Project-Phase 2)

### **RECOMMENDATION**

There is no staff recommendation for this project.

Prepared by: Kristin Dance, Recreation Services Coordinator II

Reviewed by: Trenton Hill, Recreation Services Manager

Reviewed by: Damon Sparacino, Superintendent of Recreation Services

Reviewed by: Michelle Perera, Director of Library and Recreation Services

Reviewed by: Tim Kirby, Director of Finance

Reviewed by: Chip Taylor, Director of Public Works

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

### **ATTACHMENTS**

1. Reserved for Report to Council
2. RTC No. 20-0944 (without attachments)

---

**23-0412**

**Agenda Date:** 4/27/2023

---

3. Map of Phase 1 Downtown Locations
4. Call for Artists
5. Conceptual Designs and Past Work Examples



# City of Sunnyvale

## Agenda Item

---

20-0944

Agenda Date: 11/10/2020

---

### REPORT TO COUNCIL

#### SUBJECT

CONTINUED FROM OCTOBER 27, 2020.

Approve the Master Plan for Public Art, Introduce an Ordinance Amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to Increase the Percent for Art Requirement from 1% to 1.5%, Implementing Option 2A of the Public Art Master Plan; and Allocate \$50,000 from the Public Art Fund to Implement a Utility Box Art Project.

#### SUMMARY OF COMMISSION ACTION

The Arts Commission considered this item on September 16, 2020. The Arts Commission voted to recommend Council approve Alternatives 1 and 2: (1) Approve the Master Plan for Public Art and Introduce an Ordinance Amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to Increase the Percent for Art Requirement from 1% to 1.5%, Implementing Option 2A of the Public Art Master Plan; and (2) Recommend the Council allocate \$50,000 from the Public Art Fund to Implement a Utility Box Art Project. The vote was 4-0, with Vice Chair Serrone absent.

The Planning Commission considered the recommended changes to the Zoning Code on September 28, 2020, and voted 5-0 (Weiss, Harrison absent) to recommend the Council introduce an Ordinance Amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to Increase the Percent for Art Requirement from 1% to 1.5%, Implementing Option 2A of the Public Art Master Plan.

#### 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.

#### ALTERNATIVES

1. Approve the Master Plan for Public Art.
2. Introduce an Ordinance Amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to Increase the Percent for Art Requirement from 1% to 1.5%, Implementing Option 2A of the Public Art Master Plan.
3. Allocate \$50,000 from the Public Art Fund to Implement a Utility Box Art Project.
4. Do not accept the Arts and Planning Commission recommendations to Approve the Master Plan for Public Art and Introduce an Ordinance Amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to Increase the Percent for Art Requirement from 1% to 1.5%, Implementing Option 2A of the Public Art Master Plan, with modifications.
5. Other direction by Council.

---

20-0944

Agenda Date: 11/10/2020

---

**STAFF RECOMMENDATION**

Alternatives 1 through 3: (1) Approve the Master Plan for Public Art; (2) Introduce an Ordinance Amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to Increase the Percent for Art Requirement from 1% to 1.5%, Implementing Option 2A of the Public Art Master Plan; and (3) Allocate \$50,000 from the Public Art Fund to Implement a Utility Box Art Project.

Prepared by: Damon Sparacino, Superintendent of Recreation Services

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

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

**ATTACHMENTS**

1. Draft Ordinance Amending Chapter 19.52 of the Sunnyvale Municipal Code
2. Report to Arts Commission 20-0318, 09/16/2020 (with attachments)
3. Report to Planning Commission 20-0844, 09/28/2020 (without attachments, same as 20-0318)

**Additional Attachments for Report to Council**

4. Excerpt of Draft Minutes for the Arts Commission Meeting of 09/16/2020
5. Excerpt of Draft Minutes for the Planning Commission Meeting of 09/28/2020



1

2

3

4

5

6

7

8

9

10

11

12

Beemer Ave

Angel Ave

N Taaffe St

N Murphy Ave

W Hendy Ave

W Evelyn Ave

S Sunnyvale Ave

W Washington Ave

S Mathilda Ave

W McKinley Ave

S Taaffe St

Aries Wy

S Murphy Ave

W Willow Ave

E McKinley Ave

Flora Vista Ave

1mi

- 1 Mathilda Avenue at California Avenue**  
*Deepti Nanawati (Art Circle Studio)*
- 2 Evelyn Avenue at Mathilda Avenue (under overpass)**  
*Alexandra Underwood*
- 3 Evelyn Avenue at Frances Avenue**  
*Winnie Lam and Anagha Mishra*
- 4 Washington Avenue at Taaffe Avenue**  
*Michelle Taniguchi*
- 5 Sunnyvale Avenue at Washington Avenue**  
*Lila Gemellos*
- 6 Sunnyvale Avenue at McKinley Avenue**  
*Skye Becker-Yamakawa*
- 7 Sunnyvale Avenue at Iowa Avenue**  
*Christine Oliver*
- 8 Mathilda Avenue at Olive Avenue**  
*Susan Seichrist*
- 9 Mathilda Avenue at Iowa Avenue**  
*Harumo Sato*
- 10 Mathilda Avenue at McKinley Avenue**  
*Neela Shukla and Geeta Taneja*
- 11 Mathilda Avenue at Washington Avenue**  
*Dotti Cichon*
- 12 Evelyn Avenue at Mathilda Avenue (along Evelyn)**  
*Caitlin Gilbert*



# **CALL FOR ARTISTS – Public Art Request for Qualifications (RFQ) *The Great Box Cover-up! (Phase 2)***



## **Call for Artists**

The City of Sunnyvale’s Art in Public Places program invites artists to participate in *The Great Box Cover-up!* This program was designed to transform uninteresting, ordinary utility boxes into attractive and engaging works of art.

The first phase of this project focused on utility boxes located in or near downtown Sunnyvale. This phase will include intersections throughout Sunnyvale in neighborhoods. A total of 16 artists/artist teams, will be selected to design and execute original works of art using city-owned utility boxes as their canvases.

## **Artist Eligibility**

This opportunity is open to artists residing in Santa Clara, Santa Cruz, San Mateo, Contra Costa, San Francisco or Alameda Counties. Applicants should be practicing artists or artistic teams with previous art and design experience. Sunnyvale artists are especially encouraged to apply. Applicants must be over the age of 18. (There will be a future phase developed for high-school students only.) Artists who were previously awarded a utility box for Phase 1 and City of Sunnyvale employees are not eligible to apply.

Selected artists may recruit assistants to help with prepping and/or painting their utility box. However, assistants must register as a City of Sunnyvale volunteer in order to participate.

## **Application Deadline**

Monday, Dec. 19, 2022 at noon (12 p.m.)

## **Public Art Budget**

Design Honorarium (per location)	\$1,000
----------------------------------	---------

The project budget is all-inclusive of project costs, including expenses for materials, supplies (City will provide clear coat), travel to and from the site and artist’s time to design and execute their art. The honorarium is \$1,000 per utility box location (not per artist or per box). Locations have one to three boxes on site. Artists may utilize all boxes at the site if they choose to but are required, at a minimum, to paint the largest of the boxes at the site.

Artists will receive a \$500 payment upon: being selected by the Artist Selection Committee, execution of an agreement with the City, and prior to developing a design. A second \$500 payment will be processed once the design is approved and executed, and the utility box artwork is deemed complete.

## Sunnyvale 's Character

The City of Sunnyvale is in the heart of Silicon Valley in Northern California covering 24 square-miles. It is the second largest city in Santa Clara County and the seventh largest city in the San Francisco Bay Area. Sunnyvale has a population of 156,234.

Nearly 8,000 local businesses, and a daytime workforce of an estimated 220,000 employees, provide a rich mixture of goods and services, retail, manufacturing, and R&D. Some of the nation's most successful tech and semiconductor businesses have campuses in Sunnyvale, including Apple, Google, LinkedIn, Facebook, Yahoo!, AMD, NetApp, Nokia, 23andMe, Juniper Networks, National Semiconductor, Fortinet, Intuitive Surgical, Broadcom, Synopsis, Spansion Inc. and Lockheed Martin.

Sunnyvale is also known for its innovative Public Safety Department concept, business-friendly environment, cultural arts programming, 200-seat theater, library, and quiet family neighborhoods. The City's 23 parks and open spaces span 772 acres with facilities for golf, tennis, and swimming. The historic, tree-lined downtown is home to a variety of local eateries and merchants and hosts frequent art festivals, concerts, and a year-round farmers market.

## Project Description

*The Great Box Cover-up!* is a public art program designed to bring local artists and their artwork to the community, while converting the City's non-descript, gray signal boxes into attractive and engaging artworks. The boxes will be transformed in multiple phases, the first of which included 12 utility boxes located in, or near, downtown Sunnyvale. Phase 2 will include 16 boxes outside of the downtown, and the remaining utility boxes have been reserved for the four high schools serving Sunnyvale.

Phase 2 will commission a total of 16 artists, or artist-led teams, to design and execute original designs. The designs will be painted directly on the utility boxes at each location.



Christine Oliver (Sunnyvale Avenue at Iowa Avenue)  
*The Great Box Cover-up!* (Phase 1), 2022, Photos by Jacqueline Orrell Photography



Harumo Sato (Mathilda Avenue at Iowa Avenue)

## Utility Box Locations

The following utility boxes are included in Phase 2:

Intersection	Neighborhood Association
Sunnyvale-Saratoga Road @ Remington Drive	None
Fair Oaks Avenue @ Kifer Road	None
Mathilda Avenue @ Innovation Way (Lockheed Way)	
Mathilda Avenue @ Maude Avenue	S.N.A.I.L.
Mathilda Avenue @ Sunnyvale Avenue/Talisman Drive	Cherry Orchard
Arques Avenue @ Oakmead Parkway	None
Wolfe Road @ Marian Way	Ortega Park/Panama Park/Raynor Park
Caribbean Drive @ Crossman Avenue	None
Mathilda Avenue @ Tennis Center	Las Palmas
Homestead Road @ Belleville Way	Stevens Creek
Fremont Avenue @ Wright Avenue	Wrightmont Corners
Lawrence Station Road @ Elko Drive	None
Fair Oaks Avenue @ Iris Avenue	None
Remington Drive @ Bernardo Avenue	Cherry Chase/Cherry Hill
Mathilda Avenue @ El Camino Real	Charles Street Garden/Washington Park
Iowa Avenue @ Taaffe Street	None

Boxes will be randomly assigned following artist selection and additional details and measurements will be provided once the boxes are assigned.

## Estimated Schedule (dates subject to change)

Distribute RFQ	Nov. 28, 2022
Entry Deadline	Dec. 19, 2022
Artist Selection Committee Review	Jan. 9-12, 2023
Notification of Finalists/Invitation to submit a Design Proposal/Contract	Jan. 13-25, 2023
Design Proposal Deadline	Feb. 6, 2023 (noon)
Arts Commission Review*	Mar. 15, 2023
City Council Review and Approval*	Apr. 2023 (TBD)
Execution of Artwork	Apr/May 2023 (6 weeks)

\*City Council may delegate approval to the Arts Commission for this project.

## Artist Selection Process

Applicants will be evaluated on artistic style and previous experience with art projects of a similar size and scope. A selection panel of residents and city staff will review the submitted applications for qualifications only. Artists will not be required to submit a design proposal until they have been selected for the project.

## Artist Responsibilities

The selected artists or artistic teams will be expected to work with City staff to accomplish the following:

- Enter into an agreement with the City and abide by all requirements of the artist's contract
- Prepare final design proposal for approval by the Arts Commission that meets design criteria (described below)
- Select and purchase approved paint for painting
- Prepare the box for painting, including cleaning and priming the surface
- Execute the approved design
- Finish the box with an approved clearcoat (provided by City)

## Design Criteria and Approval Process

Following the selection of 16 artists, finalists will be provided with a location, dimensions of the utility box(es) at that location and the first payment for half of the project stipend (\$500).

Artists will be asked to develop a final design, to be approved by the Arts Commission, incorporating the following criteria:

- Include all visible sides of the box, including the top.
- Avoid painting over vents, meters, locks, windows, handles, or hinges on the box. This is a working utility box that will need to be accessible for maintenance and repairs.
- The lower right corner of the front panel may be used for artist name(s).
- Avoid using large areas of dark colors as they attract the sun and could cause the box to overheat.
- Bold and bright colors assist with seeing the design from a distance.
- The art should be suitable for viewing by all ages in a public space.
- Must be an original design and artwork of the applicant.
- Should include images that reflect the history or current happenings of the location/neighborhood of the box assigned; and/or elements that incorporate the City's vision of diversity, inclusion, or brand essence: Bold, Sustainable Innovation.
- If selected, artists are encouraged to develop a design proposal that is unique to the collection and not like others currently in the collection.
- Text is discouraged.
- Artwork should not contain images or text that could be construed as: Political statements or persons; religious references, symbols, or numbers; copyrighted or trademarked material; defamatory or invading personal rights of anyone living or dead; corporate or organizational branding; images of violence or illegal, sexual, drug-related, or similar offensive conduct; images that mimic traffic signals or signs or create similar safety risks as determined by the City.

The final design proposals will be presented to the Arts Commission for review. The Commission will develop a recommendation for each of the designs and be presented to the City Council for final approval of the public art design/artists. However, City Council may delegate approval to the Arts Commission for this project.

Artists must execute the approved design; incorporating elements that were not in the original approval will be considered breach of contract and may result in removal of the artwork.

### Design Execution

Artists will coordinate with City staff to select a mutually agreeable painting period between April 1 and May 31, 2023. Artists are responsible for prepping the utility box, painting the design with appropriate paint, and sealing it with a clear, marine grade, UV and graffiti resistant coating (clearcoat will be provided by the City).

Artists will be assisted with instructions on how to properly prepare the utility box for painting. While executing the artwork, Artists will also comply with any requirements set by the City related to maintaining ingress and egress in the public right of way and ensuring that the public right of way is not damaged.

### How to Apply

To apply for this call, Artists/Teams will electronically submit the following items to the link provided at the end of this document. Prepare the following in advance of submitting your application:

#### Solo Artist:

- Artist Contact Information
- Artist Resume (.doc, .pdf)
- Letter of interest and artist statement (one page maximum, .doc, .pdf)
- Up to 10 images of previous works (.jpg, .png, .ppt, .pdf, 10mb each max)
- Annotated image descriptions, including title, date, location, materials, art budget, and a 2-3 sentence description (.doc, .pdf)
- Two professional references (name and phone number)

#### Artist Teams:

- Lead Artist Contact Information (one per team)
- Contact Information for EACH artist
- Resume for EACH artist (.doc, .pdf)
- Letter of interest and artist team statement (one page maximum, one per team, .doc, .pdf)
- Up to 10 images of previous works (\*10 total for entire team)(.jpg, .png, .ppt, .pdf, 10mb each max)
- Annotated image descriptions, including title, date, location, materials, art budget, and a few sentence description (.doc, .pdf)
- Two professional references for LEAD artist (name and phone number)

\*Teams that do not have up to 10 images of past work done together may round out the images with the work of individual team members.



**All applications must be received by Monday, Dec. 19, 2022 at noon.** Incomplete submissions will not be considered.

You may be required to create a Google account, if you don't already have one, to submit your files. If you are unable to submit an application electronically, please contact [publicart@sunnyvale.ca.gov](mailto:publicart@sunnyvale.ca.gov) or 408-730-7758 for instructions to submit a paper application.

All applications (electronic, paper/mail) must be received by the deadline above to be considered.

### Award of Contract

The City of Sunnyvale reserves the right to accept or reject any applications, and to alter or extend the selection process as needed.

This RFQ and the selection process shall in no way be deemed as a binding contract or agreement of any kind between the City and the artist. Award of a contract is contingent upon selection by the City's selection panel and the artist's willingness to enter into an agreement with the City. The selected artist will be required to enter into an agreement, similar to the sample contract attached to this RFQ.

### Artwork is Temporary and Property of City

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 image or utility box is damaged, or the box needs to be moved, altered, or replaced.

### For More Information or Questions

Please contact the City of Sunnyvale Public Art Coordinator, Kristin Dance, at 408-730-7758 or [publicart@sunnyvale.ca.gov](mailto:publicart@sunnyvale.ca.gov). Questions received will be compiled into a single list with responses and made available to all interested parties upon request.

**Apply NOW:** <https://bit.ly/GreatBoxPhase2>

Deepti Nanawati (Art Circle Studio)  
*The Great Box Cover-up!* (Phase 1), 2022  
Mathilda Avenue at California Avenue  
Photo by Jacqueline Orrel Photography



**ARTIST AGREEMENT**  
**CITY OF SUNNYVALE**  
**UTILITY BOX ARTWORK PROGRAM**

This Agreement is made <DATE> by and between the City of Sunnyvale, ("Sponsor" or "City"), and <NAME> ("Artist"), related to the City's Utility Box Artwork Program.

**RECITALS**

1. The City of Sunnyvale's Art in Public Places program is implementing "The Great Box Cover-up!," a project designed to transform uninteresting, ordinary utility boxes into attractive and engaging works of art (the "Project").
2. The City sought applications from individuals/artists/artistic teams interested in being selected to create and implement a design on a City utility box (the "Artwork") as part of the Project.
3. City's Project selection committee selected Artist to participate in the Program.
4. City and Artist desire to enter into an Agreement to specify each party's rights and responsibilities as part of the Project.

Now, therefore, City and Artist agree as follows:

**I. SCOPE OF SERVICES**

Artist shall design and execute an Artwork on a City-owned utility box ("Services") at a location assigned by City, according to the process, specifications, and design guidelines set forth in City's Request for Qualifications, "The Great Box Cover-up!, Phase 2," attached hereto and incorporated by reference. Artist further agrees to be responsible for implementing the Artwork on the assigned utility box with adequate regard for the health and safety of all participants, volunteers, and the public, and for any damage to City property caused by Artist in the course of executing the Artwork.

**II. COMPENSATION**

City shall provide a stipend to Artist in the amount of one thousand dollars (\$1000.00) for each Utility Box location as assigned by City to Artist, payable as follows: five-hundred dollars (\$500.00) within thirty (30) days of execution of this Agreement, and five hundred dollars (\$500.00) within thirty (30) days of completing the Artwork.

**III. INDEPENDENT CONTRACTOR**

Artist is acting as an independent contractor in furnishing any services or materials and performing the Services required by this Agreement and is not an agent, servant, or employee of City of Sunnyvale. Nothing in this Agreement shall be interpreted or construed as creating or establishing the relationship of employer and employee between Artist and the City of Sunnyvale. Artist is responsible for paying all required state and federal taxes.

**IV. OWNERSHIP AND TEMPORARY NATURE OF ARTWORK**

- A. Completed Artwork will become property of the City.
- B. The Artwork is intended to be temporary and will not be considered part of the City's permanent art collection; and therefore, will not be maintained by the City in perpetuity.

**V. RECORDING, PHOTOGRAPHY, RIGHTS IN THE ARTWORK**

Artist shall retain the copyright of his/her Artwork design and production, and the right to use the copyrighted material for his/her personal use. In addition, at City's discretion and expense, City may video, film, photograph and/or make audio recordings (collectively, the "Material") of Artist, the Services, and Artist performing the Services, including but not limited to the Artwork. Artist grants the City a royalty-free, perpetual, irrevocable and non-exclusive license to incorporate in or use the Material solely in connection with media productions created by or agreed to by the City for City grant writing, promotional, archival, or other purposes in any media now existing or subsequently developed. Artist may or may not be credited when City uses the Material. The City shall not use any of the Material for any "for sale" or commercial purpose whatsoever without written consent and approval by Artist under a separate agreement.

**VI. ARTIST'S MORAL RIGHTS; WAIVER OF VARA AND CAPA RIGHTS**

- A. The Parties agree that the primary purpose of the Services and resulting Artwork is to provide a source of public interest in art. CITY must preserve complete flexibility to operate and manage the Artwork as CITY property consistent with the project goals and the underlying utility box function. Therefore, subject to CITY's obligation to make good faith efforts to consult with ARTIST as set forth in subsection (c), below, ARTIST agrees that CITY, in connection with its power and duty to operate and manage CITY property in the public's interest, shall have the absolute right to display alter, repair, modify, remove, relocate, sell, dispose of, or destroy (collectively, "MODIFY") the Artwork in CITY's sole judgment. For example, CITY may modify the Artwork to eliminate hazards, to comply with the ADA, to otherwise aid CITY in the management of its property and affairs, or through neglect or accident.
- B. ARTIST waives any and all claims, arising at any time and under any circumstances, against CITY, its officers, agents, employees, successors and assigns, arising under the federal Visual Artists Rights Act (17 U.S.C. §§106A and 113(d)), the California Art Preservation Act (Cal. Civil Code §§987 et seq.), and any other local, state, federal or international laws that convey rights of the same nature as those conveyed under 17 U.S.C. §106A, Cal. Civil Code §§987 et seq., or any other type of moral right protecting the integrity of works of art.
- C. Where time permits, prior to disposing of or destroying the Artwork, CITY shall make reasonably good faith efforts to notify and consult with ARTIST, at the last



phone number or address provided by ARTIST to the CITY, and to come to a mutually agreeable plan for disposition of the ARTWORK. Such consultation shall be without charge by ARTIST unless otherwise specifically agreed in writing. If CITY alters the ARTWORK without ARTIST'S consent in a manner that is prejudicial to ARTIST'S reputation, ARTIST may disclaim authorship of the ARTWORK. Artist understands, acknowledges and agrees that the function of the boxes is for utility purposes and that the City therefore has the right to remove, modify, or replace the Artwork, which the City may do in its sole discretion in situations including but not limited to when the image or utility box is damaged, or the box needs to be moved, altered or replaced for any reason determined by City.

**VII. LIABILITY**

- A. Artist shall defend, indemnify, and hold City harmless from and against any and all claims arising from any activity, demonstration, or things done, permitted or suffered by the Artist or Artist's agent(s), contractors, employees or volunteers; and shall further defend, indemnify, and hold City harmless from and against any and all damages arising from any breach or default in the performance of any obligation on Artist's part to be performed under the terms of this Agreement, including all costs, attorney's fees, expenses and liabilities incurred in the defense of any such claim. Artist, upon notification from City, shall defend the same at Artist's expense, by counsel satisfactory to City.
- B. City has no responsibility for furnishing, providing, or payment of the cost of any materials or equipment belonging to or used by Artist. To the extent Artist chooses to use or supply his or her own materials or equipment for any purpose related to the Artwork, Artist agrees to assume all liability for any such materials or equipment, and to hold City harmless from any and all damages, expenses, and liability arising out of use of such materials and equipment.
- C. Artist shall provide proof of insurance to City as set forth in Exhibit C.

**VIII. TERMINATION OF CONTRACT**

- A. This Agreement and the parties' respective obligations under it may be immediately terminated verbally or in writing by the City if:
  - 1. Artist fails to comply with the requirements set forth in Exhibit A to this agreement; conducts the Services in a manner that endangers participants or public; Artist conducts himself/herself in a manner that causes damage to property; Artist conducts himself/herself in a manner that is substantially detrimental to Sponsor; Artist breaches any obligations under this Agreement.
  - 2. Circumstances occur that make it impossible or impractical for the City to continue to offer the Program.

**IX. MISCELLANEOUS**

- A. Artist shall not discriminate against any employee or applicant for employment because of race, religion, creed, color, gender, age (persons 40 years of age or older), disability, national origin, sexual orientation, or any other basis to the extent prohibited by federal, state, or local law.
- B. Any amendments and modifications to this agreement must be in writing and signed by each party.
- C. Artist shall not assign, transfer, amend, or modify this agreement.
- D. Artist shall comply with all applicable federal, state, and local laws and ordinances in connection with the performance of his/her obligation under this Agreement, including, but not limited to unemployment insurance benefits, worker's compensation laws, and F.I.C.A. laws.
- E. This Agreement shall be governed by the laws of the State of California, with venue in Santa Clara County. Each party shall bear its own costs and attorney fees in the event of a dispute.

**APPROVED:**

City of Sunnyvale ("Sponsor")  
Department of Library and Recreation Services

\_\_\_\_\_

\_\_\_\_\_  
Artist's Name (please print)

\_\_\_\_\_  
Artist's Signature

Date: \_\_\_\_\_ Phone ( ) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_

IRS or  
Social Security Number \_\_\_\_\_

**Exhibits:**

A-The Great Box Cover-up! RFQ

B-Artist Application and Liability Waiver



Sunnyvale

# The Great Box Cover-up! (Phase 2)

Artist Proposals and Past Works





# Pablo Arroyo

## Proposal #1 (Sunnyvale Saratoga Road @ Remington Drive)

For this box I wanted something as vibrant and colorful as the nature found in Sunnyvale. The color palette is inspired by the flowers native to Sunnyvale, which are also included in the concept: the Orange Poppy, the Checker Bloom, and the Blue-eyed Grass. The Brown Headed Cowbird and Western Bluebird are also local birds, symbols of free spirits. The rider on the cowbird's back has a backpack full of houses, to show how integrated the relationship between the community and nature are.





# Pablo Arroyo

## Past Works





# Pablo Arroyo

## Past Works





# Pablo Arroyo

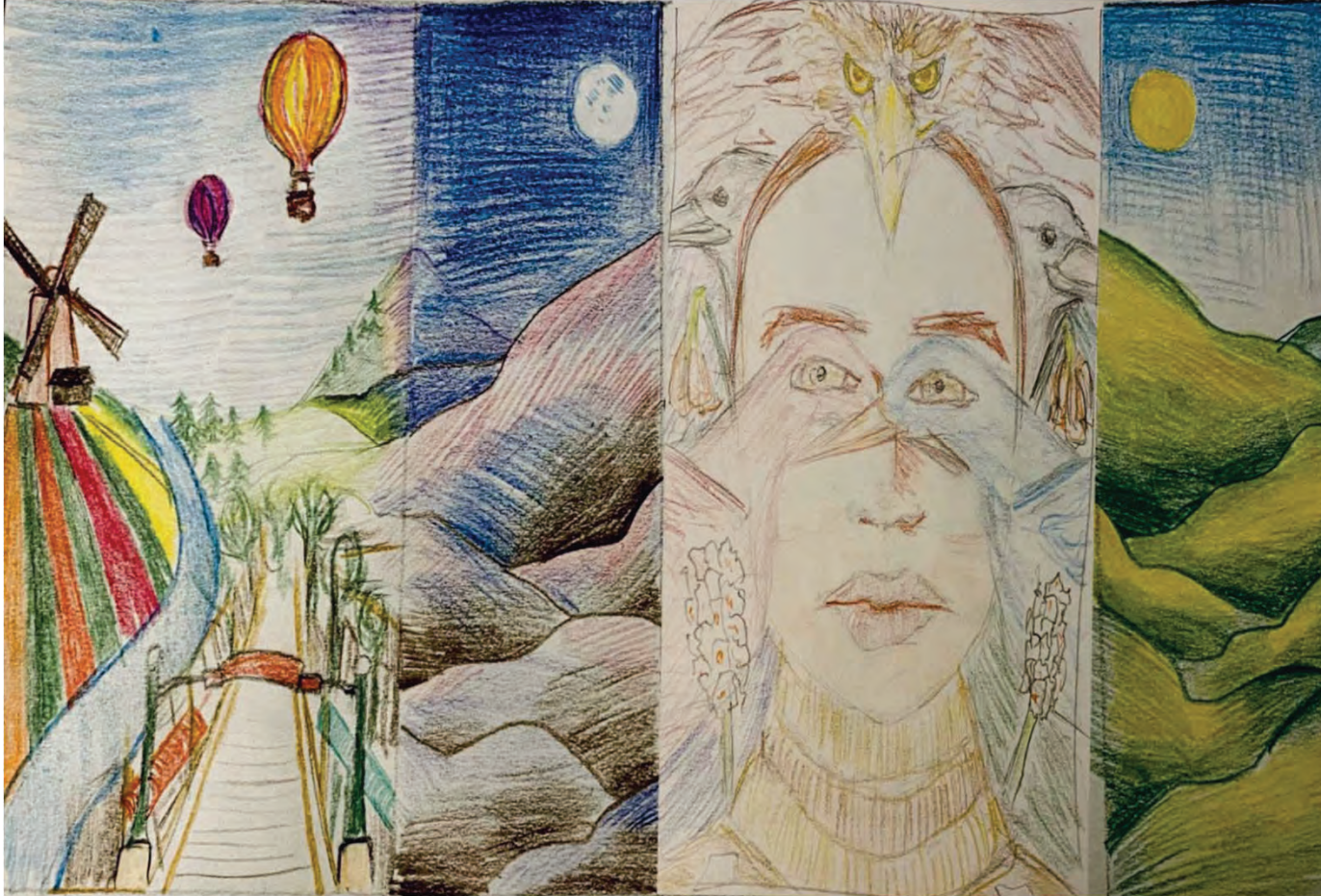
## Past Works





# ArtCircle Studio

## Proposal #2 (Fair Oaks Avenue and Kifer Road)



The bounding hills and mountains showcase the beautiful valley we live in, with night and day combined to reflect the gorgeous full lifetime of our experience here.

Everyone in this community is busy climbing their own mountains of success. We wish to capture this resilient and adventurous spirit of the people of Sunnyvale through these soaring peaks.

Cascading from the hills, this panel of flower fields, orchards and the entrance to Murphy St. represents the transition of Sunnyvale as a town originally known for its agriculture/orchards, to the quaint, residential, and commercial area it is today. The balloons in the sky are representative of the heights and dreams that the people all strive for in this city of destiny.







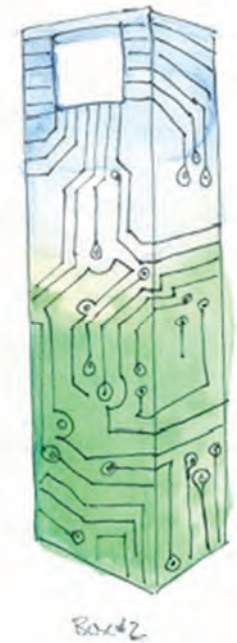
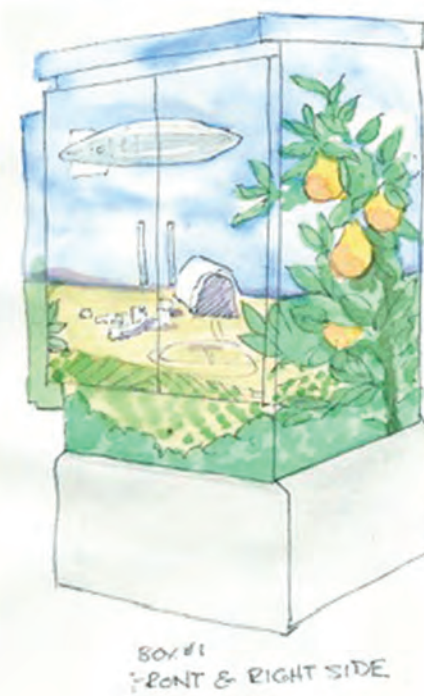
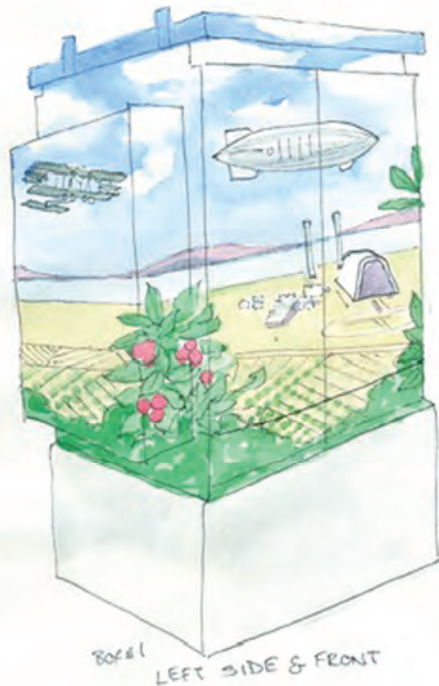
# ArtCircle Studio

## Past Works (Lead Artist, Deepti Nanawati)



# Kristen Calderon

## Proposal #3 (Mathilda Avenue @ Innovation Way)



I will be painting in acrylic paint on the boxes, so the final design will be bolder and more detailed. Because of the proximity to Moffett Field and the aerospace and tech industries, I have chosen to highlight their histories in conjunction with the rich history of agriculture in Sunnyvale.

Each box will be mostly blues and greens...from the bright blue sky with puffy bright white clouds, the purple blue of the surrounding hills, the blue of the bay to the greens of the fruit trees and orchards. The front panel of box #1 will feature the USS Macon flying over Moffett Field. The right-side panel will be a pear tree which will have a few leaves and branches which will wrap around the front and back. The left side panel will have the Army plane flown in 1916 and a bit of a cherry tree which will also wrap around the front. The back will feature a Navy P3 and Moffett Field landing strips. Box #2 will follow the same horizontal divisions of sky/ clouds, hills, bay, orchards. Overlaid on the landscape will be a circuit pattern...tying this box in to the tech industry. The two boxes will have the continuity of the sky and landscape, but one will feature aviation, the other tech. I am uncertain whether the cement box on which box #1 should also be painted, please advise. It can easily be incorporated into the green landscape at the bottom of my design if so.



# Kristen Calderon

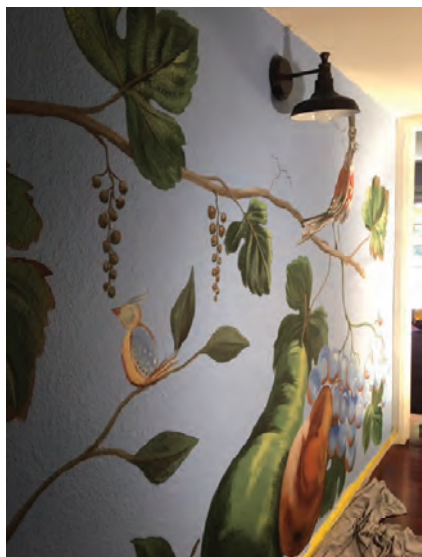
## Past Works





# Kristen Calderon

## Past Works



# Greg Cheung

## Proposal #4 (Mathilda Avenue @ Maude Avenue)

The design represents an aquarium housing fantail goldfish. Chinese tradition celebrates the fish as a symbol for perseverance, abundance and success. In addition, goldfish indicates abundant wealth. These are also qualities describing Sunnyvale, a center for high technology with a history of success and accumulation of wealth.

The utility box site is in front of an Apple office building.

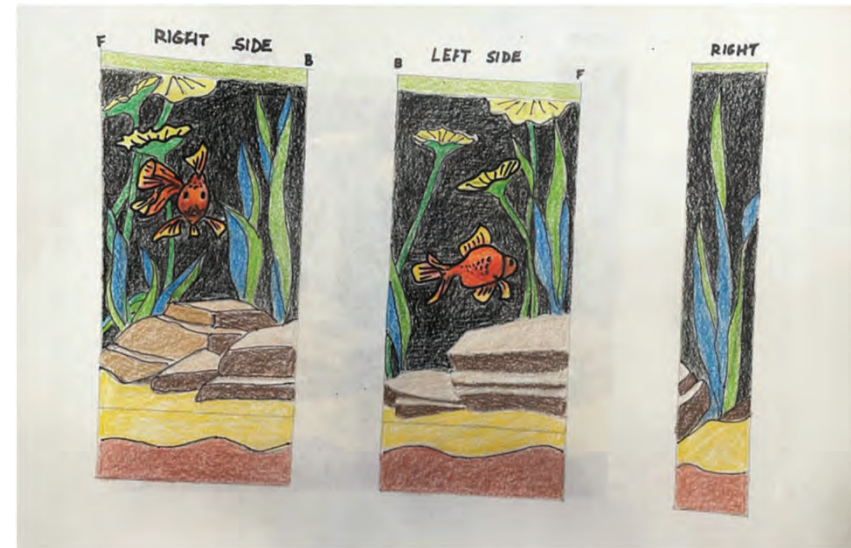
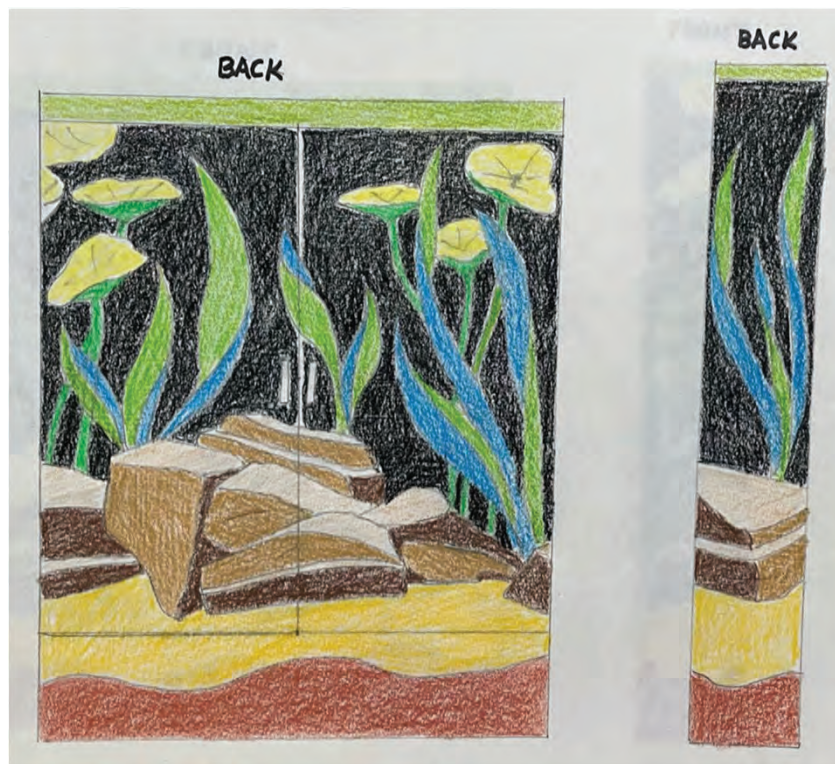
This Chinese theme hopefully will contribute to the goal of including diversity in the project.





# Greg Cheung

## Proposal #4 (Mathilda Avenue @ Maude Avenue)





# Greg Cheung Past Works





# Greg Cheung Past Works



# Jemal Diamond

## Proposal #5 (Mathilda Avenue @ Sunnyvale Avenue/Talisman)



My design consists of playful, colorful figures around each side of all three boxes. With a bright yellow background, there are colorful large bold exaggerated figures in green, blue, orange, and dark blue. They are depicted with joyful movement, dancing, jumping, stretching, and reaching out for each other, connected in community.

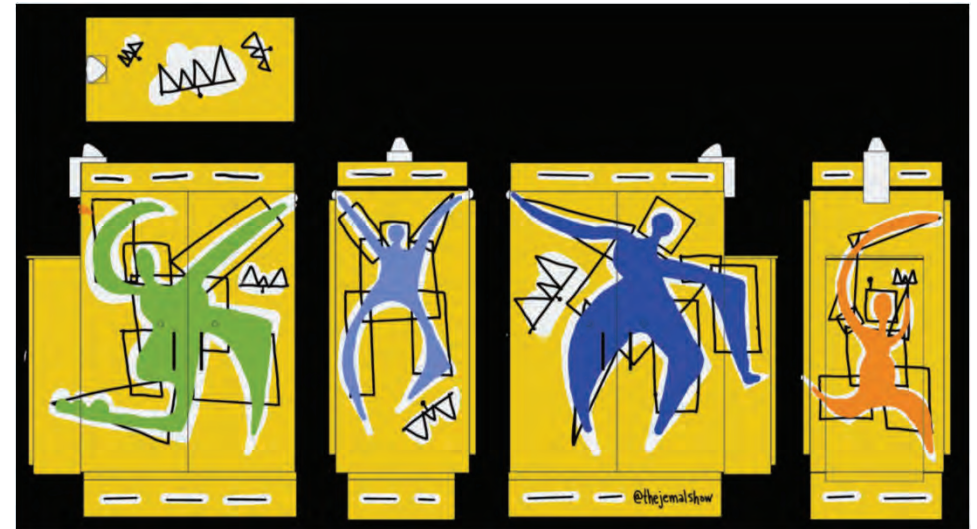
Nestled near the figures and on the top of each box are clouds, suggesting the beautiful Sunnyvale skies while also indicating cloud technology made popular by the tech industry of Sunnyvale and Silicon Valley. The angular black lines beneath each figure at once may indicate radar depictions of figures in autonomous and smart car technology and also the preoccupation we have with our own bodies.

The design presents a joyful, active connection between ourselves and the technology around us and also the connection between the diverse people of Sunnyvale, and all who pass by.

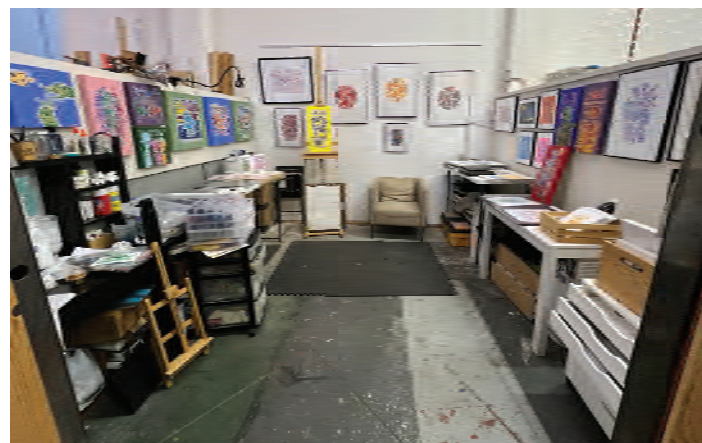


# Jemal Diamond

## Proposal #5 (Mathilda Avenue @ Sunnyvale Avenue/Talisman)



# Jemal Diamond Past Works





# Jemal Diamond Past Works



# April Gee

## Proposal #6 (Arques Avenue @ Oakmead Parkway)

Proposal : Honoring the diversity of Sunnyvale, and the technological innovations abound.

**HARMONIA THE WISE** is a gentle, welcoming, character who balances technology in harmony with nature, in a future that celebrates the most beautiful aspects of all cultures.

She will smile on all who pass her to remind them of what is possible.

Arques Ave @ Oakmead



For My Artbox, I would like to develop a character called Harmonia the Wise (imagine a green character in place of the green heart on the main face of this box). I would like to incorporate patterns in her dress from different cultures, so I will need more time to develop her properly. But she will be green and happy and with a warm and loving face, embracing the Earth in her song.

On The Bus Stop Facing Side, I will feature a sweet Sperm Whale, and music notation for a melody I'd written about Earth being our Home. Sperm whales had a very hard time surviving in the past. Our industrial revolution used their special oil in every cog and wheel. Thankfully, we are moving into a smarter and kinder future, and I wish to honor them subtly, and remind people that they are the loudest singers on the planet (233 decible voices!).

The Top will feature a monarch butterfly seemingly protected by circuitry, a symbol of transformation and in reality, a treasured pollinator that helps circulate life.

The Traffic Corner will feature what I call a rational eye, an earth centered jewel-like pupil set in the hearts of mankind and plugged into technology in an organic way. I would like to make the circuitry happen in metallic gold. I have chosen to take on large focal elements in this art box, so that it can be observed from a distance. Most people will catch it while driving past it.

The back end will feature a melody in gold on purple for any who venture to try it out. I will also include symbols from nature there under the melody lines, in hopes that they spark interest in anyone waiting for the bus.

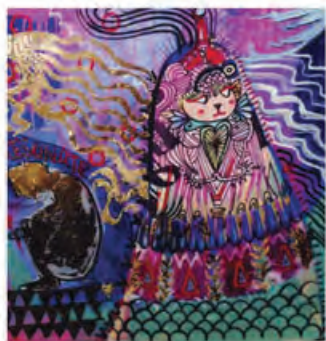


# April Gee Past Works



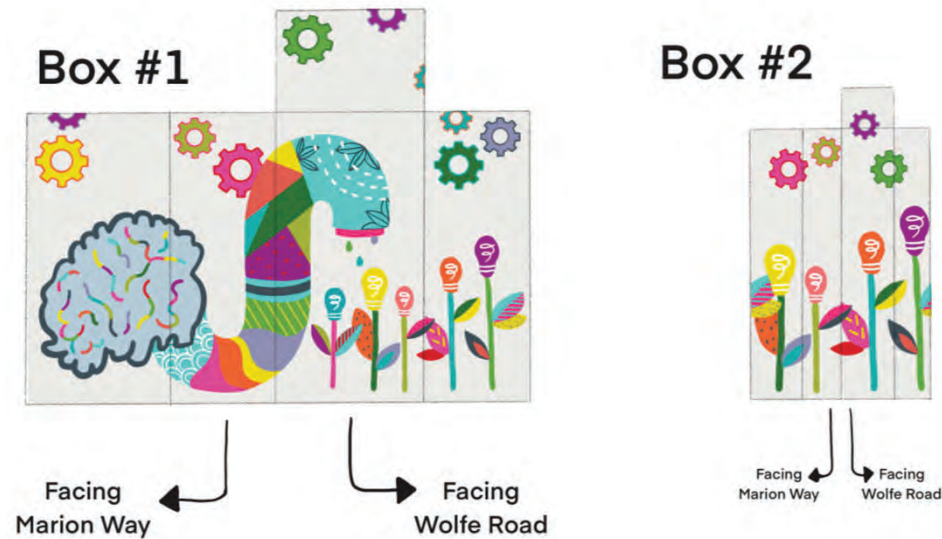


# April Gee Past Works



# Alexandra Muddle

## Proposal #7 (Wolfe Road @ Marion Way)



I considered various subject matters for my utility box design. Ultimately though, I felt that I really wanted to create an art piece that speaks to the amazing innovation and creativity represented in Sunnyvale. Located in the heart of Silicon Valley, Sunnyvale is home to many big tech companies and their employees. Not to mention, Apple headquarters and visitor center (albeit located technically in Cupertino), is only a few blocks down the road from the location of this utility box. I also think my design encompasses Sunnyvale's brand essence of: "bold, sustainable innovation."

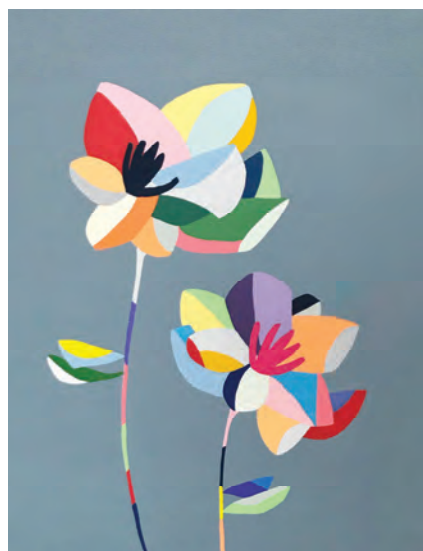
The design itself represents a brain that is fueling great ideas: the water source that helps the "flowers" grow. The design is also colorful and bold; something that will stand out and clearly communicate innovation and creativity, whether walking, cycling or driving by.

Box Number 2 per the design proposal has the same plants/flowers as Box Number 1. However, the actual utility box will have different flowers and gears. The flowers and gears for Box Number 2 will be created in the same style and color scheme as the flowers and gears on Box Number 1. Box Number 2 will be a continuation of flowers and gears, as dictated on Box Number 1. I may edit the brain a bit just to show a little division of lobes and cerebellum by rearranging some of the colorful, squiggly lines. I also may edit some of the patterns, or slightly rearrange the gears. Ultimately though, the design proposal is a good representation of what the final mural will look like. The color scheme will also remain the same (or close to it).



# Alexandra Muddle

## Past Works



# Alexandra Muddle

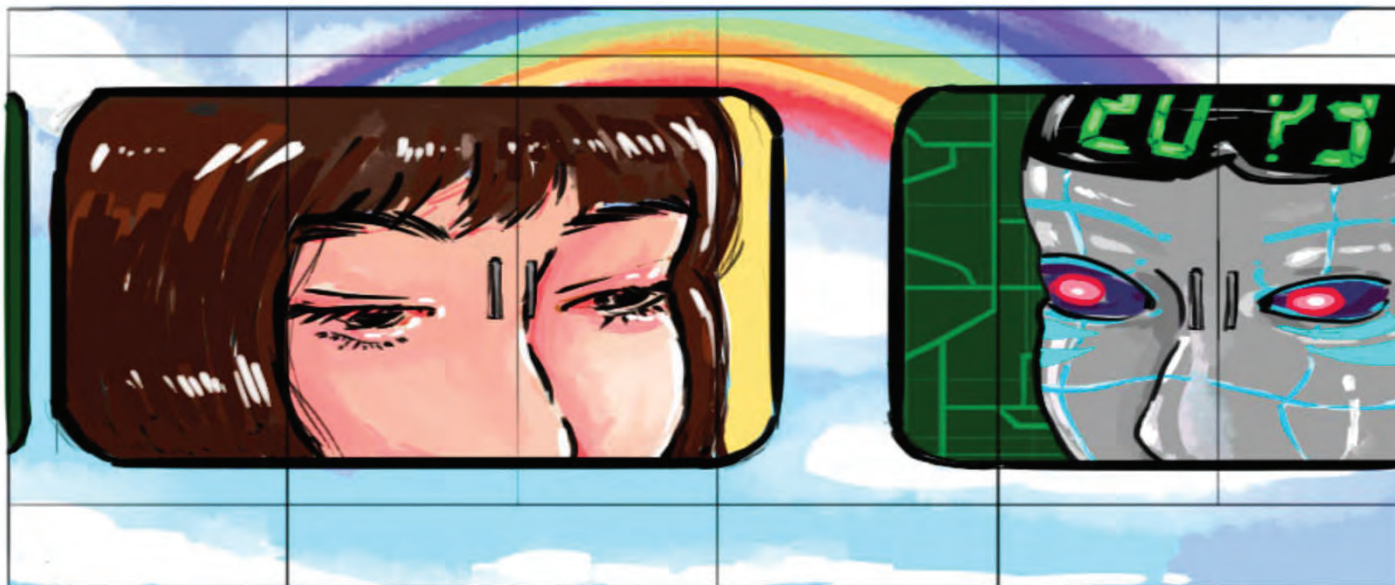
## Past Works





# Yen Nguyen

## Proposal #8 (Caribbean Drive @ Crossman Avenue)



I have had opportunities to visit different cities in Santa Clara county, as well as to the area around Crossman-Caribbean intersection many times in the past years. The city of Sunnyvale as well as its neighbor cities such as Milpitas, Saratoga, San Jose etc. are so beautiful thanks to the growth of green and peaceful weather. Together with that, I have also noticed the growth of high buildings and technology that are happening in the area recently. I am proud to witness and be a resident in such a beautiful and advanced county. However, somehow there are questions that keep appearing in my head: will the world be completely controlled by technologies and robots? Is it a good thing? Does it do more harm than help?

Therefore, I came up with a design which carries my message to viewers. My design has: a window with a human face next to a window with a robot face, with a blue sky and a colorful rainbow in the background. Neither of them is looking at each other, however, “facing” each other emotionally. The human is looking down, does not seem very happy, rather having so much thought in its head. On the other side, the robot seems emotionless and staring at blank space. I hope that no matter how advanced we are, we will not forget that we are still human, and put the human’s heart into our inventions. Technology should help us to have a better life, not to replace the human race. I believe that after all, both us humans and robots would love to co-exist peacefully under the same sky.

# Yen Nguyen

## Past Works





# Yen Nguyen

## Past Works





# Linda Nystrom

## Proposal #9 (Mathilda Avenue @ Tennis Center)



I am pleased to submit the conceptual painting for the 2 utility boxes located on Mathilda across from Las Palmas tennis courts. "Baylands on a Box": consists of shoreline birds playing tennis and birds either watching or stealing balls in the wetland area.

### Box 1:

Two pelicans with rackets are hitting the tennis balls, while one pelican holds a basket of balls in its beak. Seagulls are flying in the air to steal the balls while black-necked stilts watch the game. Stray balls fly in the air or bob in the water.

Box2: An egret stands on the net to catch the balls while seagulls watch or try to steal the ball.

# Linda Nystrom

## Past Works





# Linda Nystrom

## Past Works



# Linda Nystrom

## Past Works





# Jayashree Sadasivan

## Proposal #10 (Homestead Road @ Belleville Way)



The main theme for this utility box artwork is a Celebration of the Community where the utility box is located. Since the location of the box is located close to many schools and childcare centers, I chose to paint this box in a whimsical style as it will attract our young audiences. Each panel shows a different aspect of this community.

### Box #1 (Large size Utility Box)

- Panel that faces the Homestead Road — I chose to paint the Stevens Creek that flows nearby to the box location. The creek is home to fishes that live there along with their friends the dragonflies.
- Panel that faces Belleville Way (Front panel) — This shows the playground of the school located nearby. Children enjoy playing with their friends because it makes them happy and builds long lasting friendships.
- Panel that faces the Box #2 ( Small size utility box) — This shows that a school is a magical place of learning to be in. Because a school can provide a child to cultivate character and foster academic excellence in fields like science, mathematics , sports , music and creativity.
- Panel that faces the Sidewalk/Apartments — This panel shows a joyous community of apartments and houses that are located along the sidewalk where the utility box is located . A thriving neighborhood built on love( represented by the hearts on top of the building in my drawing ) , growth ( represented by the trees/plants near the building in my drawing) and life ( represented by the birds near the building in my drawing).

**Please Note:** The tints, tones and shades of the colors will be slightly different in the final utility box as I have painted digitally. Conceptual Drawing of Box #1 Larger

# Jayashree Sadasivan

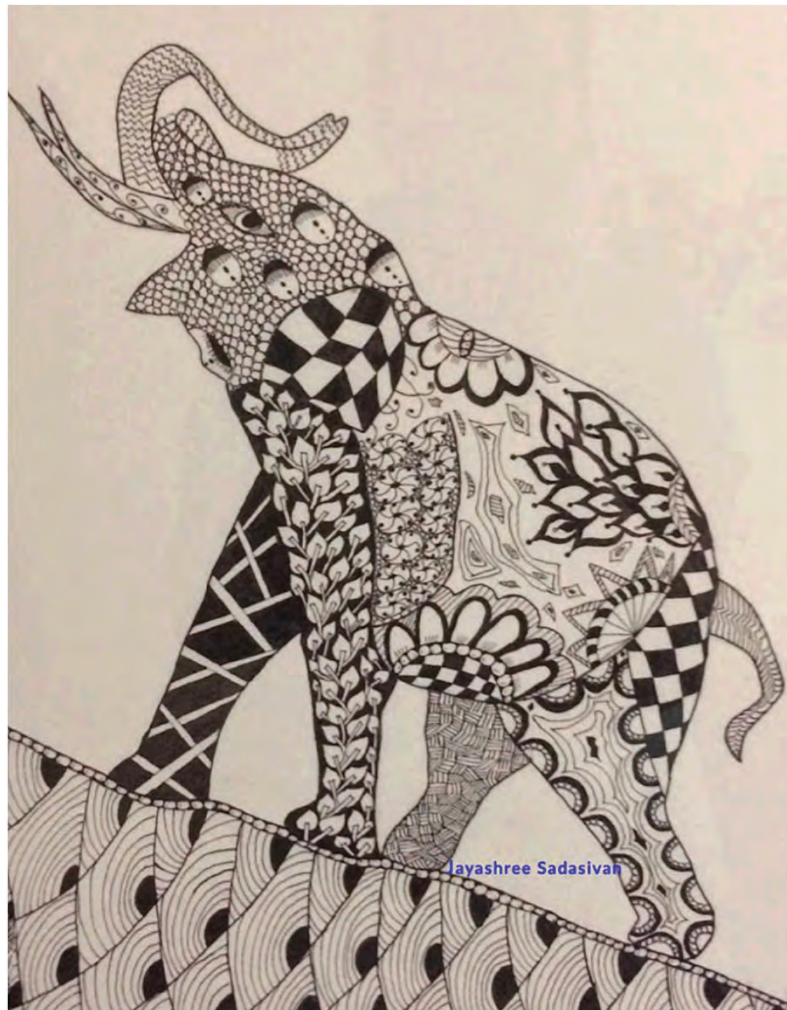
## Past Works





# Jayashree Sadasivan

## Past Works





# Jayashree Sadasivan

## Past Works



# Ria Sharma and Geeta Taneja

## Proposal #11 (Fremont Avenue @ Wright Way)



"Entangled is a cubic expression of Ria's photography project on Mental wellness". It is a conceptual work to find 'escape through' from the online world. Sunnyvale is known for its multinational software giants. But the software excellence of the city also brings along an extensive need to be online. Sunnyvale, known for its peach and apricot trees that turn magically white just before spring. The blossom trees symbolizes the nature's beauty. 'Entangled' encourages its residents and visitors to take efforts to find ways to 'Digital detox' and find a healthy balance. Many of us choose #workfromhome since covid and indeed a much awareness needed for a mentally healthier lifestyle.



# Ria Sharma

## Past Works



# Geeta Taneja

## Past Works





# Geeta Taneja

## Past Works





# Geeta Taneja

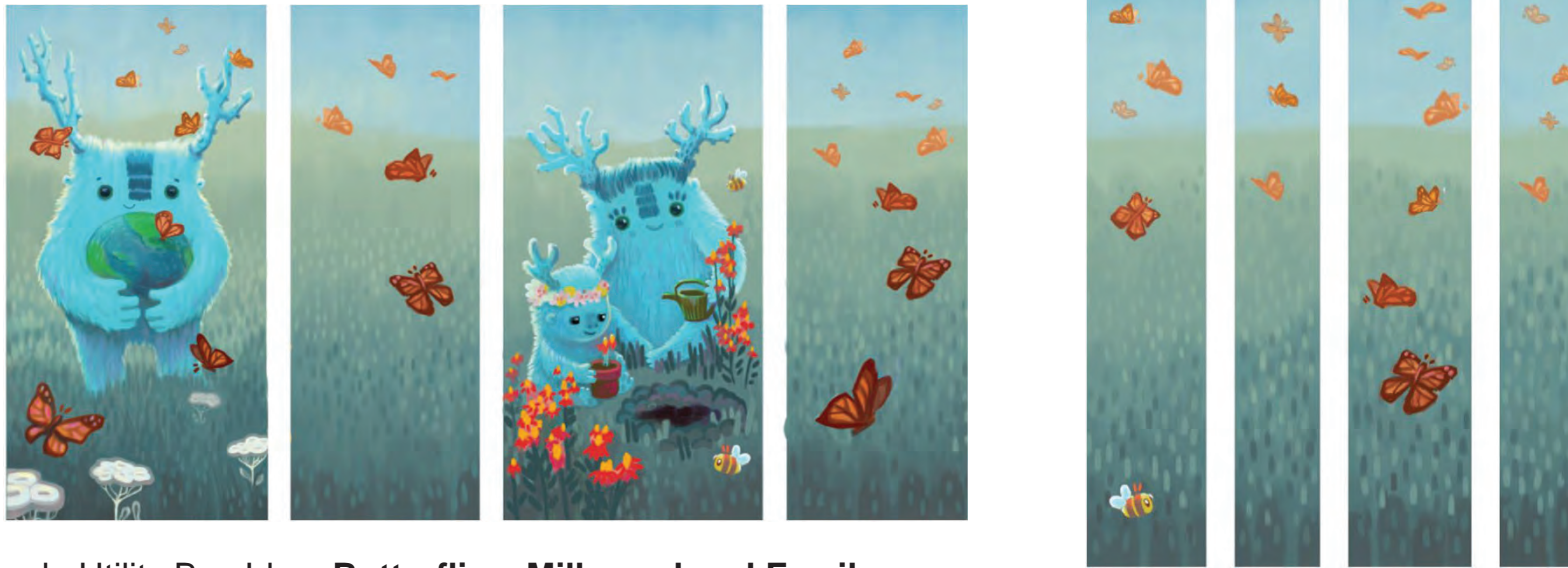
## Past Works



PIC•COLLAGE

# Katerina Spaeth

## Proposal #12 (Lawrence Station Road @ Elko Drive)



### Sunnyvale Utility Box Idea: **Butterflies, Milkweed and Family**

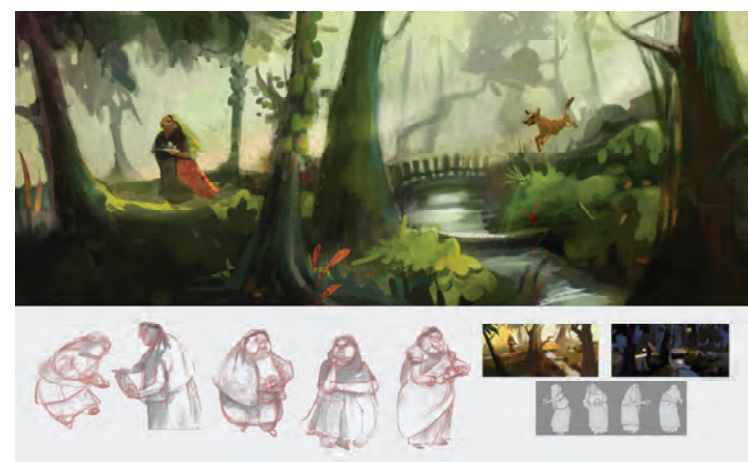
For my idea I am incorporating the increasingly endangered native Monarch Butterfly as the main motif. My box is situated on a busy Sunnyvale intersection that is currently being rebuilt with new structures rising up across the road. Butterflies are symbolic of transformation, growth and the power of new beginnings. All these are universal concepts related to the beautification process of a metropolitan area.

- On the front panel a friendly character, named Patchy Monster carries the world across a field of native plants, including the white yarrow. Butterflies and bees fly around him with one butterfly landing directly on the globe in his arms. This butterfly is a visual pun as it embodies a heart and a map marker.
- The back panel is a warm scene of a Patchy Monster mom teaching her child to garden. They are planting Milkweed flowers. I specifically chose the local, native Milkweed to spread awareness of this special plant, as it is crucial to the survival of the Monarch butterflies. The friendly monster child on the back panel wears a flower crown of cherry blossoms as a nod to the Olson's Cherry Farm. I think that gardening with your children is an incredible way to bond. Painting this panel took me back to my own childhood when I used to help my grandpa grow all kinds of flowers and vegetables in our garden.
- The side panels, the side box and the box tops feature bees and butterflies flying across the sky.



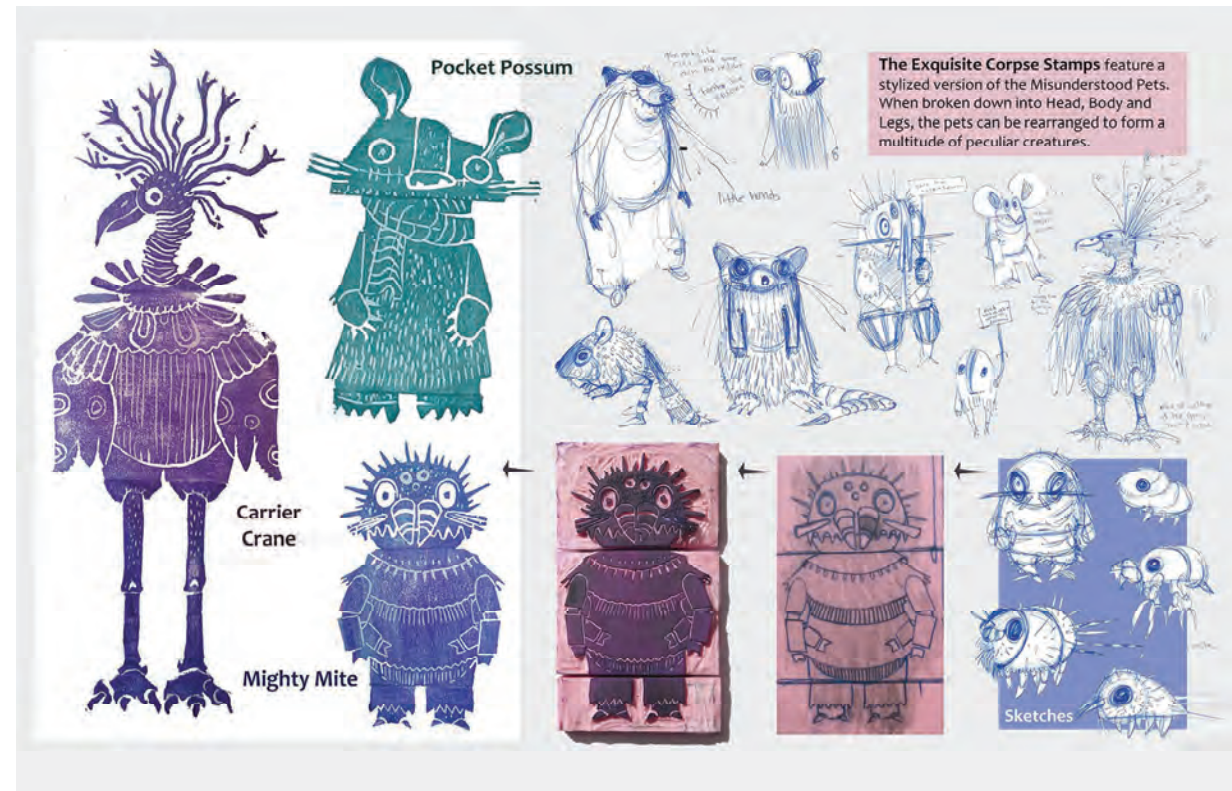
# Katerina Spaeth

## Past Works



# Katerina Spaeth

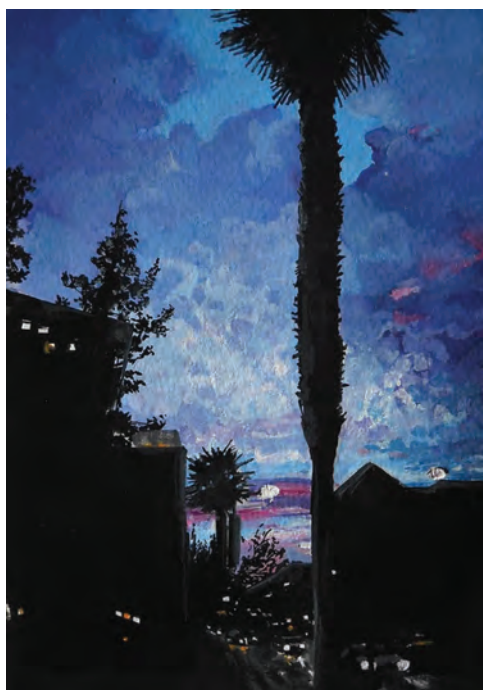
## Past Works





# Katerina Spaeth

## Past Works



# Stephanie Tsao

## Proposal #13 (Fair Oaks Avenue @ Iris Avenue)



My box concept features sun rays set behind local plants and animals.



# Stephanie Tsao

## Past Works





# Stephanie Tsao

## Past Works



# Stephanie Tsao

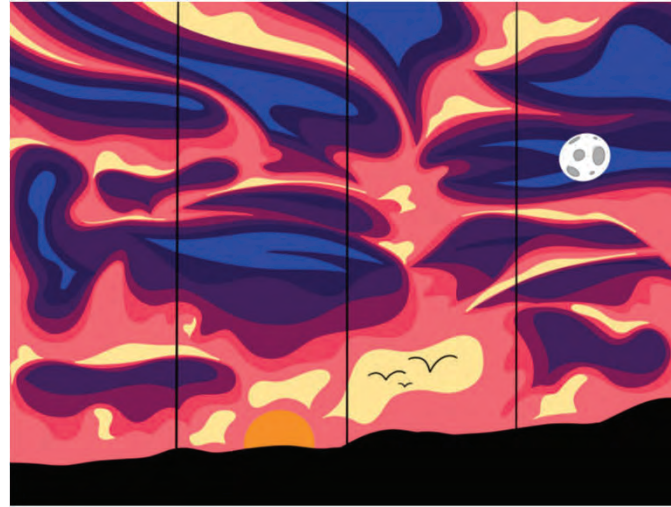
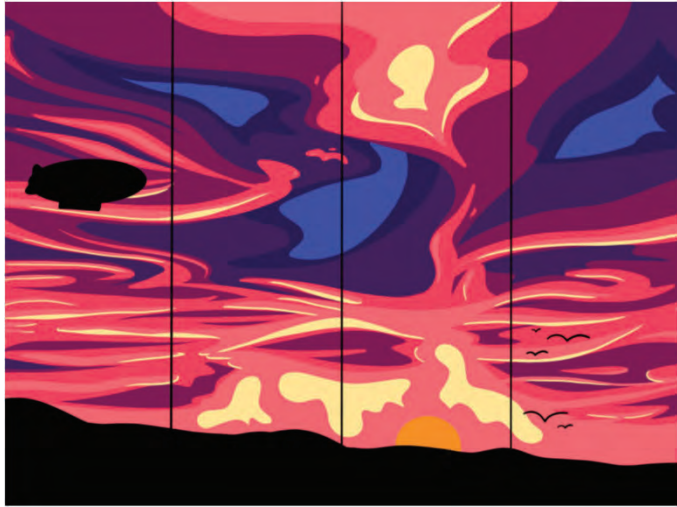
## Past Works





# John Vellequette

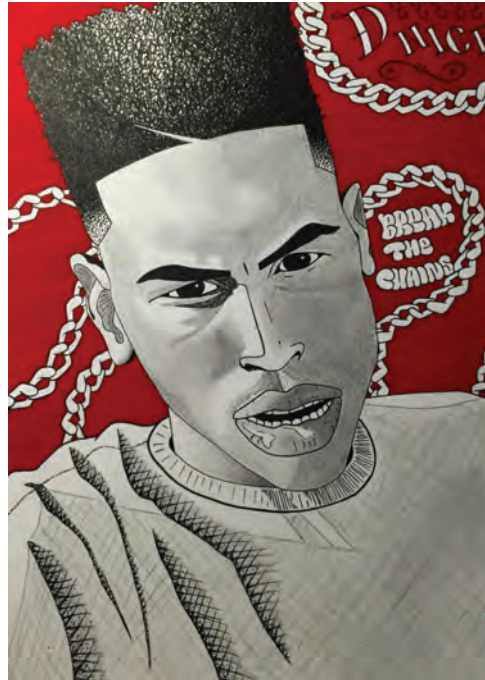
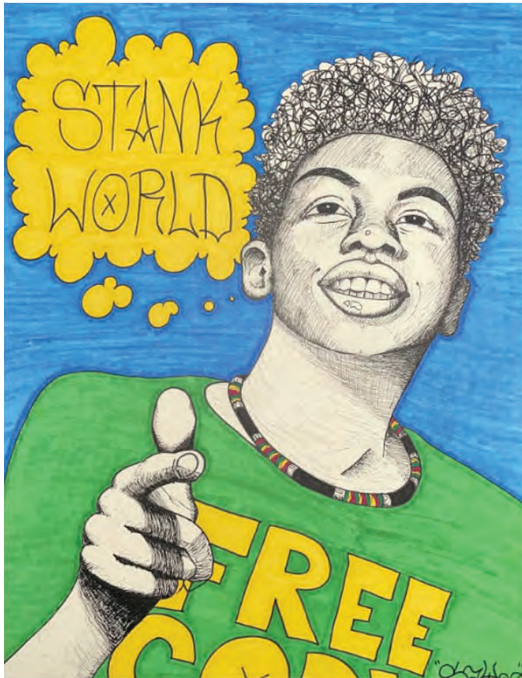
## Proposal #14 (Remington Drive @ Bernardo Avenue)



One of my favorite things in Sunnyvale are the sunsets, the whole sky turns all sorts of vibrant pinks, oranges, and purples. The only bad thing about them is that they only last about an hour in the evening, so my idea was to make it so that passersby could enjoy those natural colors anytime of day. I also wanted something bright and cheerful for all the kids going to and from nearby Sunnyvale Middle School to enjoy. I also added a blimp, a call back to the times they used to grace the skies above Sunnyvale on their way to Moffett Field's massive airship hangars. The moon also makes an appearance just as it often does when it rises a little too early and ends up sharing the blue sky with the sun. Below are the rough drafts to give an idea of what this would look like.

# John Vellequette

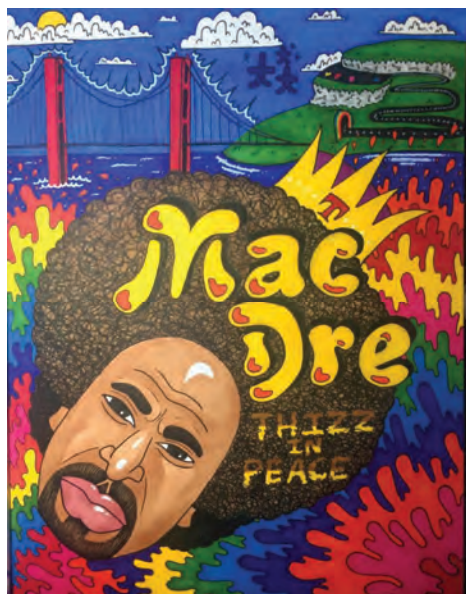
## Past Works





# John Vellequette

## Past Works



# Deirdre Weinberg

## Proposal #15 (Mathilda Avenue @ El Camino Real)

### DEIRDRE WEINBERG UTILITY BOX PROPOSAL

Taking the subjects of innovation and inclusion that define the Sunnyvale area, I propose to showcase prismatic light; light that glows and throws colors around the room. This is allegorical for the beauty and possibility that comes with taking chances. The design is bold and colorful and will be easily read from a distance.



BOX TOP



BOX FRONT

A young person of color holds a prismatic bar, reflecting in her face and illuminating everything around her. Energy and innovation is sparking.



The side panel continues the colorful rays from the prism.



BOX BACK

A hand holds a crystal shaped prism, throwing rainbow rays over the surface.



The side panel extends the rings and streaks of color.



# Deirdre Weinberg

## Past Works



# Dierdre Weinberg

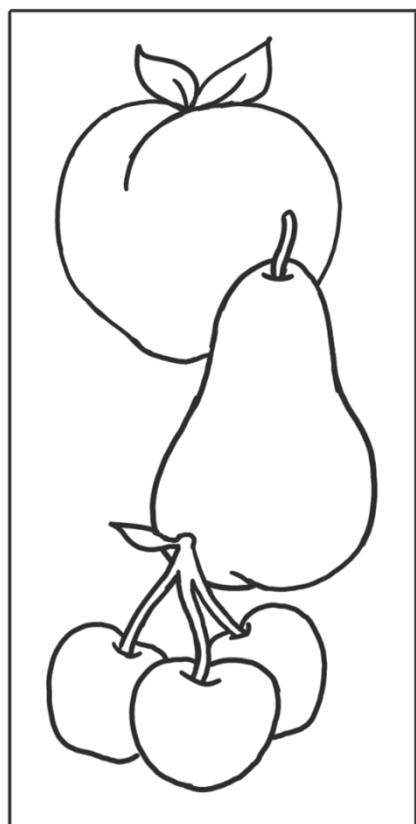
## Past Works





# Madeline Yung

## Proposal #16 (Iowa Avenue @ Taaffe Street)



This box design was inspired by both the city's past as a fruit orchard, specifically peaches, pears, and cherries, as well as its present as a center for technological advancement. Passersby can circle the box and watch the story unfold: each side features the same fruits becoming more and more pixelated in a clockwise direction, with thin side 1 facing the street, followed by wide side 2, thin side 2, then wide side 1, reflecting the area's progress towards modernity and automation. Wide side 1 will be colored similarly to the other three sides (I don't have the programs to do anything more on my computer), but without the pixelated look. The top of the box is simply the background color shared by the other four sides. This soft color was chosen to complement the bold colors of the fruits and as a light base to help prevent overheating of the box.

# Madeline Yung

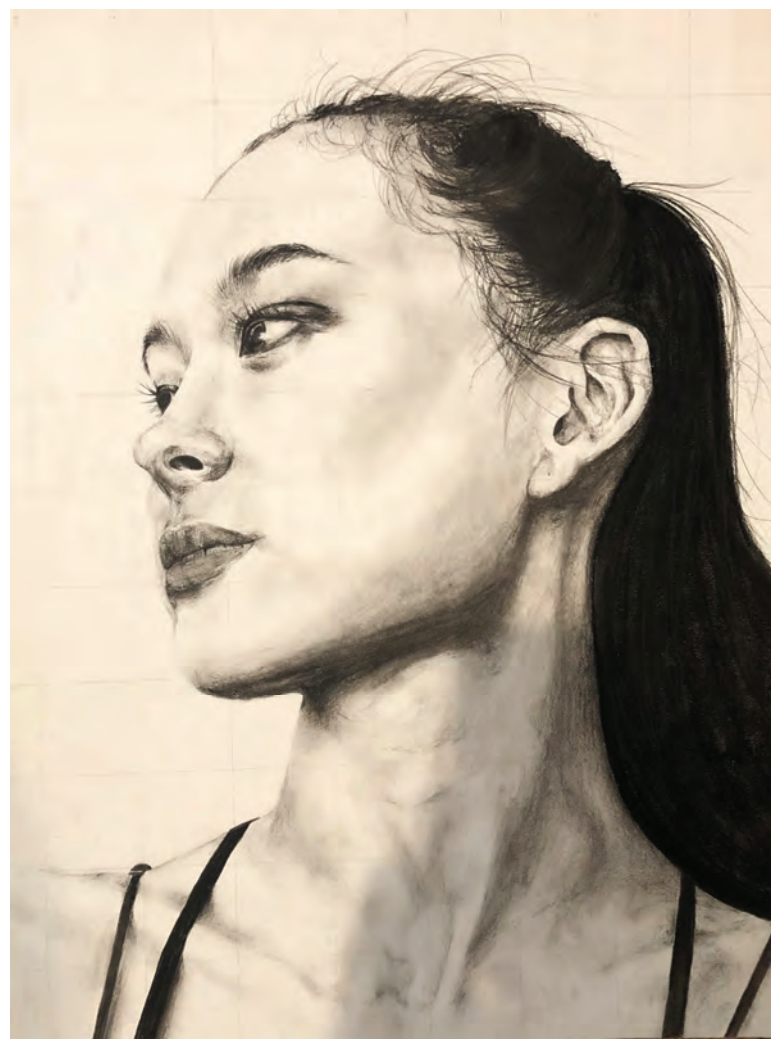
## Past Works





# Madeline Yung

## Past Works





# City of Sunnyvale

## Excerpt Meeting Minutes - Draft Arts Commission

---

Thursday, April 27, 2023

7:00 PM

Online and Bay Conference Room  
(Room 145), City Hall,  
456 W. Olive Ave.,  
Sunnyvale, CA 94086

---

### Special Meeting

#### **CALL TO ORDER**

Chair Eskridge called the meeting to order at 7:00 p.m.

#### **ROLL CALL**

**Present:** 4 - Chair Dawna Eskridge  
Commissioner Kathryn Filley  
Commissioner Molly Kauffman  
Commissioner Agnes Veith

**Absent:** 1 - Vice Chair Winnie Lam

- 2**      [23-0412](#)      Recommend City Council Approve 16 Design Proposals for  
The Great Box Cover-Up! (Utility Box Art Project-Phase 2)

Kristin Dance and Recreation Services Manager, Trenton Hill, provided a presentation on The Great Box Cover-Up (Phase 2). Highlights included: background, locations and artist proposals.

Commissioner Veith moved and Commissioner Filley seconded the motion to Recommend City Council Approve 16 Design Proposals for The Great Box Cover-Up! (Utility Box Art Project-Phase 2). The motion carried by the following vote:

**Yes:** 4 - Chair Eskridge  
Commissioner Filley  
Commissioner Kauffman  
Commissioner Veith

**No:** 0

**Absent:** 1 - Vice Chair Lam

#### **ADJOURNMENT**

Chair Eskridge adjourned the meeting at 8:28 p.m.



# City of Sunnyvale

## Agenda Item

---

23-0582

Agenda Date: 5/16/2023

---

### REPORT TO COUNCIL

#### SUBJECT

Select Final Icon and Approve Locations for the Sunnyvale Icon Sculpture Project and Authorize the Arts Commission to Approve the Final Icon Design and Select Artists

#### SUMMARY OF COMMISSION ACTION

The Arts Commission considered this item on April 27, 2023.

The Arts Commission voted to recommend three icon concepts, Fruit Box, Sun, and Fruit, and recommend the Location Map (Attachment 5) to City Council. The vote was 4-0, with Commissioner Lam absent. Staff is recommending that City Council choose one of the icons and approve the final location map for placement of the icons.

In addition, staff is requesting City Council delegate authority to the Arts Commission to approve the final design of the selected icon and the artists whose art will be placed on the icons. Although the City Council has authority under City policy to make final design and artist selections, staff is recommending delegating those final decisions to the Arts Commission based on the following considerations:

- The project is considered temporary and therefore the art will not be accessioned into the City's Permanent Collection,
- The artist stipend is low (\$1,500),
- Funding for the project was previously approved by City Council, and
- Delegating approval to the Arts Commission will allow the program to be implemented two to three months sooner.

#### PUBLIC CONTACT

Public contact was made by posting the Council meeting agenda on the City's official-notice bulletin board at City Hall, at the Sunnyvale Public Library and in the Department of Public Safety Lobby. In addition, the agenda and this report are available at the NOVA Workforce Services reception desk located on the first floor of City Hall at 456 W. Olive Avenue (during normal business hours), and on the City's website.

#### ALTERNATIVES

1. Select a Final Icon Selection and Approve Locations for the Sunnyvale Icon Sculpture Project
2. Authorize the Arts Commission to Approve the Final Icon Design and Select Artists
3. Take other action as determined by City Council

#### STAFF RECOMMENDATION

Alternatives 1 and 2: Select the Final Icon and Approve Locations for the Sunnyvale Icon Sculpture



Project; and Authorize the Arts Commission to Approve the Final Icon Design and Select Artists

Prepared by: Kristin Dance, Recreation Services Coordinator II

Reviewed by: Trenton Hill, Recreation Services Manager

Reviewed by: Damon Sparacino, Superintendent of Recreation Services

Reviewed by: Michelle Perera, Director of Library and Recreation Services

Reviewed by: Tim Kirby, Director of Finance

Reviewed by: Chip Taylor, Director of Public Works

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

### **ATTACHMENTS**

1. Report to Arts Commission 23-0413, April 27, 2023 (without attachments)
2. RTC No. 21-0972
3. Icon Survey
4. Preliminary Icon Designs
5. Map of Proposed Locations

### **Additional Attachments for Report to Council**

6. Excerpt of Draft Minutes of the Arts Commission Meeting of April 27, 2023



# City of Sunnyvale

## Agenda Item

---

23-0413

Agenda Date: 4/27/2023

---

### REPORT TO ARTS COMMISSION

#### **SUBJECT**

Recommend Three Icon Concepts and Location Map to City Council for Final Icon Selection and Locations

#### **BACKGROUND**

The Master Plan for Public Art provides a framework to enhance the visual landscape of the community by broadening the scope of existing public art programs. The Plan also provides specific goals and resource allocation procedures to guide short and long-term decision-making for public art, including expenditures from the Public Art Fund.

As part of the Master Plan for Public Art community engagement process, study sessions and meetings, the City Council and Arts Commission identified temporary art projects as a priority. Temporary art, as defined in the Master Plan for Public Art, is “any public art that is fixed-term, non-permanent and will not be accessioned into the City’s Permanent Art Collection.”

In November 2021, City Council approved an allocation of \$100,000 from the Public Art Fund to implement new temporary public art, the Sunnyvale Icon Sculpture Project (formerly titled “Prefabricated Sculptures Altered by Artists” (Attachment 2 - RTC No. 21-0972)). The goal of this Project is to create public art that is iconic and distinctly Sunnyvale, while providing fun exploration of the community.

In order to identify possible icons, City staff surveyed the community to learn what imagery/figures uniquely define Sunnyvale. Staff is requesting the Arts Commission review the results of the community survey and recommend three icons for City Council. Additionally, staff plans to recommend to the City Council to authorize the Arts Commission to approve the final icon designs and artists for the Icon Sculpture Project for administrative efficiency considering the high number of artworks for this Project. City Council is scheduled to consider this item at their June 6, 2023 meeting.

#### **EXISTING POLICY**

Council Policy 6.04.01 Arts - Goals and Policies (Policy A.1, A.2, B.3, E.1.)

Council Policy 6.04.04 Art in Public Places

General Plan, Chapter 4, Community Character - Design (Policy CC 1.1, 1.1c, 1.1d, 1.4, 1.8a/b/c/d/e/f, 6.1, 9.1, 9.1c)

#### **ENVIRONMENTAL REVIEW**

The Icon Project is exempt from environmental review pursuant to section 15303(e) of the CEQA Guidelines (minor temporary use of land having negligible or no permanent effects on the environment), and because it will not result in direct or indirect changes to the physical environment

23-0413

Agenda Date: 4/27/2023

(CEQA Guideline 15378(b)(5)).

## **DISCUSSION**

### **Implementation**

Staff identified the following phases to bring the Sunnyvale Icon Sculpture Project to fruition:

#### Phase 1: Identify Sunnyvale Icon

In May 2022, an online survey was conducted asking the community to select an icon to be reproduced on a larger scale (Attachment 3 - Icon Survey). The list of icons included: wagons, tractors, parrots, chickens, anvil/iron, farming tools, fruit, fruit boxes, blimp/airplanes, train whistle, railroad spikes, water tower, computer chip/palm pilot, a sun, Pong/Atari and “other.”

Based on 164 responses received, the top five icons are:

1. Cherry, Apricots, etc. (fruit)
2. Sun
3. Parrots
4. Fruit Boxes
5. Water Tower

Staff developed a preliminary design concept for each of the five icons (Attachment 4 - Preliminary Icon Designs) and is requesting the Arts Commission recommend three icons to the City Council who will select one as the final Sunnyvale Icon Sculpture.

Simultaneously, staff worked with the Department of Public Works/Parks Division to identify locations in Sunnyvale parks/open spaces for the installation of the temporary icon statues. The locations were selected to align with community goals listed in the Master Plan for Public Art (pg.17), where residents stated they wanted more art in “public gathering spaces,” in particular “parks and open spaces” and “public spaces and pedestrian areas.”

Additional considerations included reviewing locations through an equity lens in support of the City’s equity, access, and inclusion initiative, as well as locations of existing artworks and upcoming public art projects in the city.

- Recent Capital Improvement Project (CIP) public art installations:
  - District 2: Washington Park (FY 2021/22)
  - District 5: Fair Oaks Park (FY 2021/22), Murphy Park (FY 2015/16)
  - District 6: Seven Seas Park (FY 2015/16)
- Industrial areas with a high concentration of public art through private development and the recent Utility Box art installations:
  - District 2: Downtown Sunnyvale
  - District 6: Peery and Moffett Park
- Future Capital Improvement Projects that will include a public art component:
  - District 1: San Antonio Park (FY 2026/27), Serra Park (FY 2026/27)

23-0413

Agenda Date: 4/27/2023

- District 2: Civic Center (currently underway), Plaza del Sol (FY 2023/24), Las Palmas Park (FY 2025/26)
- District 3: Community Center (FY 2023/24)
- District 4: Braly Park (FY 2027/28)
- District 6: Lakewood Branch Library and Park (FY 2022/23), Baylands Park (FY 2025/26), Orchard Gardens Park (FY 2026/27)

Based on these considerations, staff is recommending the following parks for the Icons Project (Attachment 5 - Map of Proposed Locations):

- District 1: DeAnza Park, Las Palmas Park\*
- District 3: Ortega Park
- District 4: Ponderosa Park
- District 5: Columbia Park
- District 6: Fairwood Park

\*While Las Palmas Park is in District 1, it resides directly across the street from District 2 and will help bridge the distance between the dense number of artworks that are in District 2 (Downtown, Civic Center, El Camino Real) and District 1. There is currently no public art in Las Palmas Park, or other neighboring parks in District 1.

The exact number of sculptures at each location will be determined by final pricing and available space for installing the sculptures. Staff is requesting the Arts Commission recommend approval of the proposed locations.

#### Phase 2: Design

Based on City Council's final selection, staff will work with a fabricator to finish the design of the selected icon and determine the weight and height of the sculptures. The goal is to maximize the budget while providing sufficient "canvas" space for artists to work with. Staff anticipates the icons will be four to six-feet tall and ready for artists to begin modifying and installed in FY 2023/24.

Based on preliminary quotes for design, fabrication, shipping and installation of each icon sculpture, staff anticipate the approved budget will support 20 to 30 sculptures. The estimates below include an artist stipend of \$1,500 per statue. All sculptures will be fiberglass, mounted on a pole to a square metal/aluminum plate bolted into the concrete.

Icon	Estimated Price for 25 Sculptures*	Estimated Price for 30 Sculptures*	Estimated Height	Estimated Weight (each)	Required Fabrication Time
Fruit	\$74,770	\$88,470	5'7"	75lbs	4 to 8 months
Sun	\$75,525	\$84,450	4'5"	75lbs	
Parrots	\$85,120	\$92,700	5'5"	85lbs	
Fruit Boxes	\$77,000	\$91,000	5'	100lbs	
Water Tower	\$68,900	\$81,150	5'	60lbs	

\*Estimated quotes received December 2022

#### Phase 3: Artist Selection and Proposal Approval

---

**23-0413**

**Agenda Date: 4/27/2023**

---

Once the design is finalized and in fabrication, a Request for Qualifications (Call for Artists) will be distributed throughout Santa Clara County and neighboring counties to begin the artist selection process. A panel of community members will review and select the artists (and alternates). The selected artists will be invited to create a proposal to design their prefabricated sculpture. These design proposals will be presented to the Arts Commission. For this Project, staff plans to recommend that the City Council authorize the Arts Commission to approve the final icon design and artists for the Icon Sculpture Project.

**Phase 4: Execution and Installation of Approved Proposals**

During this phase artists will complete their designs as approved and icons will be installed in coordination with City staff.

The Icon Sculpture Project is considered “temporary art” and will not be accessioned into the City’s Permanent Art Collection. The Request for Qualifications and artist contracts include language specifying that the art can be removed at the sole discretion of the City. It is the City’s expectation that the art will remain in place for 18-24 months, or until such time it is deemed necessary to remove the sculptures for any reason, including but not limited to: fading, graffiti or unforeseen damage. The sculptures will be evaluated as part of the City’s annual collection review.

**FISCAL IMPACT**

All project expenditures will be from the Public Art Fund, ranging from \$65,000 to \$100,000. Staff time to administer the Project is included in the general fund.

On-going maintenance for this Project is negligible because the sculptures are considered temporary artworks and therefore not scheduled for annual maintenance. Should a minor repair be deemed necessary, that cost can be covered with the Public Art Maintenance Fund. If the repair is major, the City retains the right to remove the sculpture at any time.

**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.

**ALTERNATIVES**

1. Recommend Three Icon Concepts and Location Map to City Council for Final Icon Selection and Locations

**STAFF RECOMMENDATION**

Alternative 1:

Recommend Three Icon Concepts and Location Map to City Council for Final Icon Selection and Locations

Prepared by: Kristin Dance, Recreation Coordinator

Prepared by: Trenton Hill, Recreation Manager

Reviewed by: Damon Sparacino, Recreation Superintendent

Reviewed by: Michelle Perera, Director of Library and Recreation Services

Reviewed by: Chip Taylor, Director of Public Works

Reviewed by: Tim Kirby, Director of Finance

**23-0413**

**Agenda Date: 4/27/2023**

---

Reviewed by: Teri Silva, Assistant City Manager  
Approved by: Kent Steffens, City Manager

**ATTACHMENTS**

1. Reserved for Report to Council
2. RTC No. 21-0972
3. Icon Survey
4. Preliminary Icon Designs
5. Map of Proposed Locations





# City of Sunnyvale

## Agenda Item

21-0972

Agenda Date: 11/9/2021

---

### REPORT TO COUNCIL

#### **SUBJECT**

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

#### **BACKGROUND**

In November 2020, City Council adopted the Master Plan for Public Art (RTC No. 20-0865). The goal of the plan was to enhance the visual landscape of the community by broadening the scope of existing public art programs. The plan also provides specific goals and resource allocation procedures to guide short and long-term decision-making for public art, including expenditures from the Public Art Acquisition Fund. Currently, the Public Art Acquisition Fund has approximately \$622,000 from donations, in-lieu fees, and earned interest.

Staff is requesting City Council allocate up to \$100,000 from the Public Art Acquisition Fund for temporary prefabricated sculptures modified by artists. Once funding for this project is approved, staff will further define the project and establish a selection committee to begin artist selection. The Arts Commission will review and make recommendations, and the City Council will have final approval of each design concept.

#### **EXISTING POLICY**

Council Policy 6.04.01 Arts - Goals and Policies (Policy A.1, A.2, B.3, E.1.)

Council Policy 6.04.04 Art in Public Places

Municipal Code Chapter 19.52 - Art in Private Development

General Plan, Chapter 4, Community Character - Design (Policy CC 1.1, 1.1c, 1.1d, 1.4, 1.8a/b/c/d/e/f, 6.1, 9.1, 9.1c)

#### **ENVIRONMENTAL REVIEW**

Approving an allocation from the Public Art Acquisition Fund does not constitute a “project” with the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378 (b) (4) in that is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment. CEQA review for individual art projects will be completed as design is determined and projects are brought forward for approval; staff anticipates that the projects contemplated for this fiscal year will qualify for exemptions.

#### **DISCUSSION**

The Master Plan for Public Art provides a resource allocation procedure for utilizing the Public Art Acquisition Fund, which currently has approximately \$622,000 that is earmarked for public art projects.

As part of the Master Plan engagement process, a survey identified the top two public art categories

21-0972

Agenda Date: 11/9/2021

preferred by the community as (1) art that is functional and (2) small scale, whimsical art. Additional study sessions and brainstorming meetings with City Council and Arts Commission also identified projects that are considered temporary in nature as a priority. Based on this feedback, staff defined possible art projects and developed a community survey asking the public to identify their preferred public art concept in the areas of (1) art that is functional; (2) small scale, whimsical art and (3) temporary/rotating art (Attachment 1 - Public Art Projects Survey).

In May 2021, the Arts Commission reviewed the public survey results and provided their rankings (Attachment 2 - Arts Commission Project Rankings). Staff is now requesting funding to begin implementing the top ranked project in the temporary category:

Temporary or Rotating Art: Placement of prefabricated sculptures altered by artists throughout City spaces (Attachment 3 - Examples of Prefabricated Sculptures Altered by Artists)

- Estimated costs: between \$2,000 and \$5,000 per sculpture (depending on number of sculptures and size), for a maximum of \$100,000.
- Goals: To create an iconic program that is distinctly Sunnyvale, provide fun and unexpected discoveries, invite exploration of Sunnyvale, and establish a distinctive Sunnyvale icon.

Once City Council has allocated Public Art Acquisition Funds, the project will go through the public art review process outlined in Council Policy 6.4.4-Art in Public Places:

- 1) Distribute a Request for Qualifications/Call for Artists.
- 2) Establish a Review Committee to shortlist qualified artists.
- 3) Invite selected artists to develop and submit conceptual proposals.
- 4) Arts Commission review and recommendation of artists for each project.  
City Council review of Arts Commission recommendation and final approval of the artists and their design concepts.

Following artist approval by Council, staff will work with the selected artist to further define their concept, execute their approved design, and install the completed art piece.

### **FISCAL IMPACT**

Funding will be allocated through the Public Art Acquisition Fund with no fiscal impact on the City's General Fund. As of the end of FY 2020/21, there is an estimated balance of approximately \$622,000 available in the Public Art Acquisition fund that is collected as an in-lieu on eligible non-residential developments. The 1.1% in-lieu fee collected from private developments also includes an additional 0.1% fee to help defer future maintenance costs associated with works commissioned through the Public Art Acquisition Fund.

### **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.

---

**21-0972**

**Agenda Date:** 11/9/2021

---

**ALTERNATIVES**

1. Approve an allocation from the Public Art Acquisition Fund for up to \$100,000 for prefabricated sculptures modified by artists.
2. Approve an allocation from the Public Art Acquisition Fund for a different dollar amount for prefabricated sculptures modified by artists.
3. Do not approve funding from the Public Art Acquisition Fund at this time.
4. Other alternative as provided by Council.

**STAFF RECOMMENDATION**

Alternative 1: Approve an allocation from the Public Art Acquisition Fund for up to \$100,000 for prefabricated sculptures modified by artists.

Prepared by: Kristin Dance, Recreation Coordinator

Prepared by: Trenton Hill, Recreation Manager

Reviewed by: Damon Sparacino, Recreation Superintendent

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

Reviewed by: Chip Taylor, Director of Public Works

Reviewed by: Tim Kirby, Director of Finance

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

**ATTACHMENTS**

1. Public Art Projects Survey
2. Arts Commission Project Rankings
3. Examples of Prefabricated Sculptures Modified by Artists

**Public Art Project Survey**





What should the next public art project be?

## Summary Of Registered Responses

<b>As of August 31, 2021, 3:28 PM, this forum had:</b>	<b>Topic Start</b>
Attendees: 86	March 19, 2021, 12:56 PM
Registered Responses: 25	
Hours of Public Comment: 1.3	

## QUESTION 1

**Please choose your top two concepts for Functional Art projects.**

		<b>%</b>	<b>Count</b>
Permanent artistic bike racks for City parks and open spaces		60.0%	15
Permanent artistic benches for City parks and open spaces		48.0%	12
Hydroponic/Garden Art at Community Center		36.0%	9
Artist created wayfinding signs to downtown		52.0%	13

## QUESTION 2

**Please choose your top one concept for Whimsical small-scale projects.**

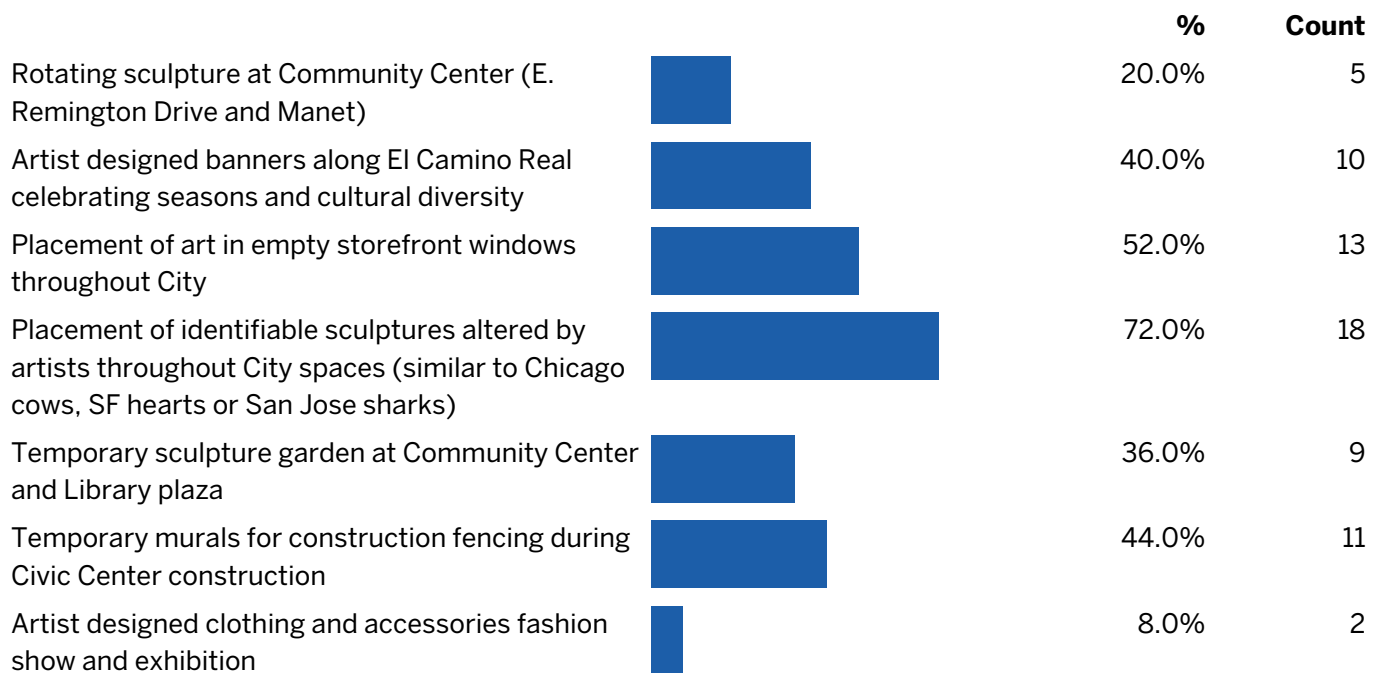
		<b>%</b>	<b>Count</b>
Permanent small-scale sculptures for City parks and open spaces		60.0%	15
Smale-scale murals throughout City facilities and open spaces		40.0%	10

## QUESTION 3

**Please choose your top three concepts for Temporary/Rotating art projects.**

## Public Art Project Survey

What should the next public art project be?



### QUESTION 4

**Do you have any additional ideas for future public art projects?**

Answered	14
Skipped	11

- abstract **art** benches **blank** building **center** concrete development developments **done** foot **good** lane library like love **more** much murals **need** neighborhoods public **really** s see similar some throughout traffic **us** walls

<b>Functional Art</b>	<b>Arts Commission Ranking*</b>
Permanent artistic benches for City parks and open spaces	1
Permanent artistic bike racks for City parks and open spaces	2
Artist created wayfinding signs to downtown	3
Hydroponic/Garden Art at Community Center	4
<b>Whimsical Small-Scale</b>	
Small-scale murals throughout City facilities and open spaces	1
Permanent small-scale, whimsical sculptures for City parks and open spaces	2
Permanent interior artwork for Community Center	3
<b>Temporary/Rotating Art</b>	
Placement of identifiable sculptures altered by artists throughout City spaces (similar to Chicago cows)	1
Temporary murals for construction fencing during Civic Center construction	2
Placement of art in empty storefront windows throughout City	3
Artist designed banners along El Camino Real celebrating seasons and cultural diversity	4
Temporary sculpture garden at Community Center and Library plaza	5
Rotating sculpture at Community Center (E. Remington Drive and Manet)	6
Artist designed clothing and accessories fashion show and exhibition	7

\*Arts Commission rankings were compiled by calculating the average ranking of all voting commissioners.



## Cows on Parade, 1999, Chicago



## The Hearts of San Francisco, 2004-present





Shark Bytes on Parade, 2001, San Jose



Pigs on Parade, 2001, Seattle





Sunnyvale

# Public Art – Prefabricated Sculptures Public Art Fund Allocation Request

City Council  
Nov. 9, 2021  
Cherise Brandell





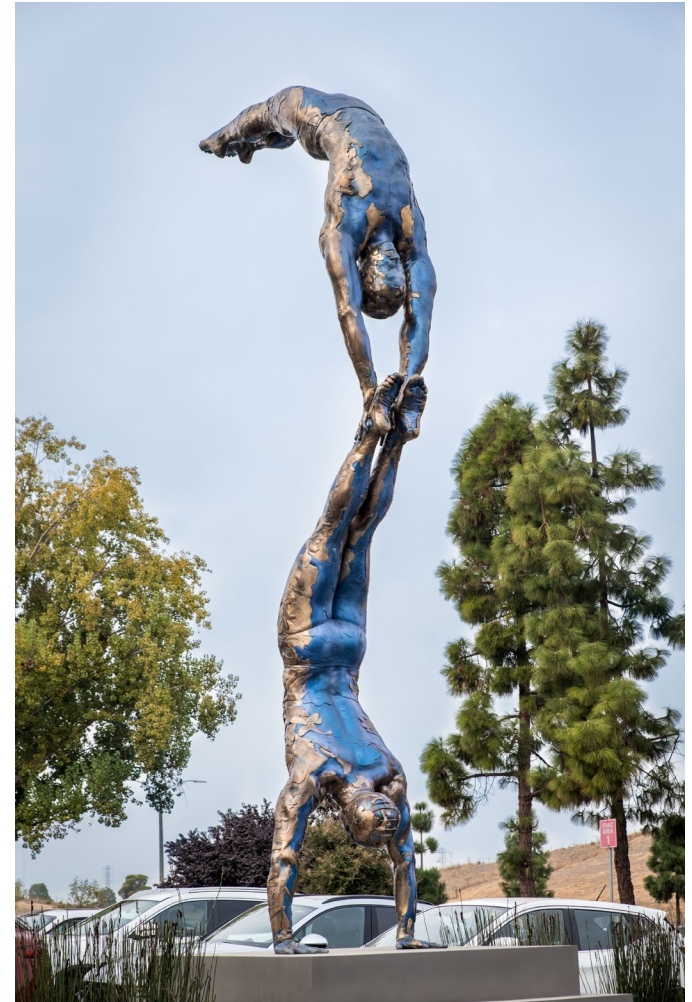
# Agenda

How We Got Here

Community Engagement

Proposed Project

Next Steps



# How We Got Here

- Master Plan for Public Art (MPPA) adopted in 2020
- \$600k+ balance in the Public Art Fund
- MPPA outreach identified public art priorities
  - ◆ Functional
  - ◆ Whimsical



# Engagement Process For Initial Project

- Two Study Sessions with Arts Commission and meetings with Councilmembers to brainstorm projects
- Community Survey identified public art priorities:
  - Art that is functional
  - Small-scale, whimsical
  - Temporary or rotating art





# Engagement Process

- May 2021 – Arts Commission project selection

## **Functional Art**

Such as permanent artistic benches for city parks and open spaces

## **Whimsical Small-Scale**

Such as small-scale murals throughout city facilities and open spaces

## **Temporary/Rotating Art**

Such as sculptures altered by artists throughout city spaces (similar to Chicago Cows)



# Proposed Project

---

- “Prefabricated sculptures altered by artists temporarily installed throughout city spaces.”
- Goal: To create an iconic program that is distinctly Sunnyvale, provide fun and unexpected discoveries, invite exploration of Sunnyvale, and establish a distinctive Sunnyvale icon.
- Estimated cost varies between \$2,000-\$5,000 per piece depending on size and number of sculptures
- Maximum expenditure of \$100,000

# Examples of Prefabricated Sculptures

Cows on Parade, 1999, Chicago





# Examples of Prefabricated Sculptures

## The Hearts of San Francisco, 2004-present



# Examples of Prefabricated Sculptures

Los Altos Bears going on now



# Public Art Fund Allocation Process / Next Steps

- Request Public Art Fund allocation from Council
- Identify the sculpture and vendor to fabricate
  - Surveys and study session generated a potential list
    - Suns
    - Wagons
    - Fruit boxes
    - Airplanes
    - Computer chips



## Public Art Fund Allocation Process / Next Steps

- On-line survey for community to vote for favorite
- Work with purchasing to select a vendor
- Distribute a Request for Qualifications/Call for Artists
- Establish a committee to select artists
- Artists develop proposals
- Arts Commission review and recommendation
- City Council review and final approval

# Recommendation

- Alternative 1: Approve an allocation from the Public Art Fund for up to \$100,000 for prefabricated sculptures modified by artists.



# Questions





# Public Art: What is unique to Sunnyvale?

August 29, 2022, 5:21 PM

## Contents

i.	Summary of registered responses	2
ii.	Survey questions	4
iii.	Individual registered responses	5

**Public Art: What is unique to Sunnyvale?**

What are your favorite local icons/figures?

## Summary Of Registered Responses

**As of August 29, 2022, 5:21 PM, this forum had:**

Attendees: 805

Registered Responses: 146

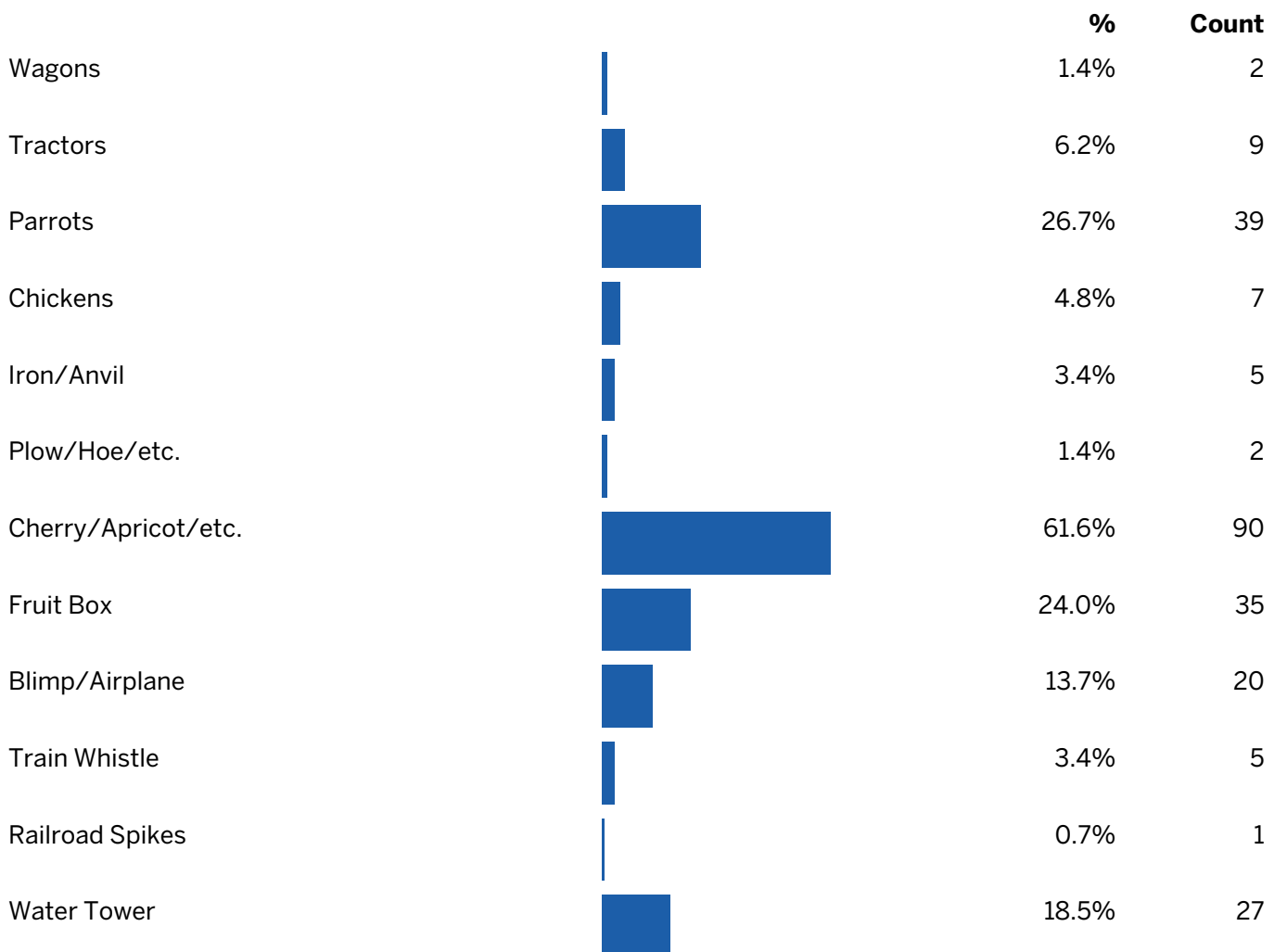
Hours of Public Comment: 7.3

**Topic Start**

March 11, 2022, 9:10 AM

**Topic End**




May 18, 2022, 12:00 AM

**QUESTION 1****Select your favorite icons/figures (up to three choices, hold "ctrl" button on keyboard to select multiple lines):**



**Public Art: What is unique to Sunnyvale?**

What are your favorite local icons/figures?

		<b>%</b>	<b>Count</b>
Comp.Chip/Palm Pilot		17.1%	25
Sun		44.5%	65
Pong/Atari		14.4%	21

QUESTION 2

**Any other suggestions or comments?**

Answered	55
Skipped	91



**Public Art: What is unique to Sunnyvale?**

What are your favorite local icons/figures?

## Survey Questions

### QUESTION 1

**Select your favorite icons/figures (up to three choices, hold "ctrl" button on keyboard to select multiple lines):**

- Wagons
- Tractors
- Parrots
- Chickens
- Iron/Anvil
- Plow/Hoe/etc.
- Cherry/Apricot/etc.
- Fruit Box
- Blimp/Airplane
- Train Whistle
- Railroad Spikes
- Water Tower
- Comp.Chip/Palm Pilot
- Sun
- Pong/Atari

### QUESTION 2

**Any other suggestions or comments?**

**Public Art: What is unique to Sunnyvale?**

What are your favorite local icons/figures?

## Individual Registered Responses

**Name not shown**

inside Sunnyvale

March 23, 2022, 10:23 PM

**Question 1**

- Sun

**Question 2**

the reading guy at the Library. Murphy Ave entrance

**Name not shown**

inside Sunnyvale

March 29, 2022, 12:58 PM

**Question 1**

- Parrots
- Cherry/Apricot/etc.
- Pong/Atari

**Question 2**

No response

**Name not shown**

inside Sunnyvale

April 6, 2022, 5:55 PM

**Question 1**

- Fruit Box
- Water Tower
- Pong/Atari

**Question 2**

No response

**Name not shown**

inside Sunnyvale

April 6, 2022, 8:09 PM

**Question 1**

- Cherry/Apricot/etc.
- Water Tower
- Sun

**Question 2**

Crows? (Just kidding) // The Heart of Silicon Valley (though without the specifics of Palm Pilot, Pong, and Atari) //

**Name not shown**

inside Sunnyvale

April 6, 2022, 8:37 PM

**Question 1**

- Cherry/Apricot/etc.
- Water Tower
- Sun

**Question 2**

No response

**Name not shown**

inside Sunnyvale

April 6, 2022, 10:20 PM

**Question 1**

- Cherry/Apricot/etc.
- Blimp/Airplane
- Water Tower

**Question 2**

No response

**Name not shown**

inside Sunnyvale

April 7, 2022, 5:04 AM

**Question 1**

## Public Art: What is unique to Sunnyvale?

What are your favorite local icons/figures?

- Parrots
- Cherry/Apricot/etc.

### Question 2

No response

### Name not shown

inside Sunnyvale

April 7, 2022, 5:41 AM

### Question 1

- Blimp/Airplane

### Question 2

Moffett Naval Air Station is of historical significance. Also, the Patent and Trademark Library was unique and very important.

### John Hausler

inside Sunnyvale

April 7, 2022, 7:55 AM

### Question 1

- Sun

### Question 2

No response

### Name not shown

inside Sunnyvale

April 7, 2022, 8:14 AM

### Question 1

- Blimp/Airplane
- Comp.Chip/Palm Pilot
- Pong/Atari

### Question 2

I think art representing Sunnyvale should be centered around the theme "Heart of Silicon Valley". There is plenty in Sunnyvale's history worth remembering, but the city hasn't done a good job preserving it and much

of it is not unique to Sunnyvale.

### Name not shown

inside Sunnyvale

April 7, 2022, 8:38 AM

### Question 1

- Blimp/Airplane
- Water Tower
- Comp.Chip/Palm Pilot

### Question 2

No response

### Gary Maxwell

inside Sunnyvale

April 7, 2022, 9:04 AM

### Question 1

- Fruit Box
- Comp.Chip/Palm Pilot
- Sun

### Question 2

No response

### Name not shown

inside Sunnyvale

April 7, 2022, 10:28 AM

### Question 1

- Fruit Box
- Comp.Chip/Palm Pilot
- Pong/Atari

### Question 2

No response

### Name not shown

inside Sunnyvale

## Public Art: What is unique to Sunnyvale?

What are your favorite local icons/figures?

April 7, 2022, 12:29 PM

### Question 1

- Cherry/Apricot/etc.
- Train Whistle
- Water Tower

### Question 2

No response

## Name not shown

inside Sunnyvale

April 7, 2022, 12:44 PM

### Question 1

- Sun

### Question 2

I don't like any of those! I don't want our city "littered" with fiberglass cows, sharks or anything. I don't like all of today's public art but variety is nicer than cookie cutter. Consider this a No vote.

## Name not shown

inside Sunnyvale

April 7, 2022, 7:33 PM

### Question 1

- Tractors
- Parrots
- Pong/Atari

### Question 2

Where will this project be located? It will make a difference for theme and size, etc.

## Name not shown

inside Sunnyvale

April 9, 2022, 1:47 PM

### Question 1

- Water Tower
- Comp.Chip/Palm Pilot
- Sun

### Question 2

No response

## Desmond Kamas

inside Sunnyvale

April 10, 2022, 2:17 PM

### Question 1

- Parrots
- Cherry/Apricot/etc.
- Fruit Box

### Question 2

No response

## Mickey Kaprelian

inside Sunnyvale

April 11, 2022, 7:44 AM

### Question 1

- Cherry/Apricot/etc.
- Fruit Box
- Water Tower

### Question 2

No response

## Geoffrey Lee

inside Sunnyvale

April 11, 2022, 8:02 AM

### Question 1

- Cherry/Apricot/etc.
- Blimp/Airplane
- Comp.Chip/Palm Pilot

## Public Art: What is unique to Sunnyvale?

What are your favorite local icons/figures?

### Question 2

No response

### Name not shown

inside Sunnyvale

April 11, 2022, 8:27 AM

### Question 1

- Sun

### Question 2

have decorated "suns" sprinkled around the city like SF does hearts. Make a tourist map for people to find them all.

### Lisa Corley

inside Sunnyvale

April 11, 2022, 9:02 AM

### Question 1

- Parrots
- Cherry/Apricot/etc.
- Sun

### Question 2

No response

### Mary Cwynar

inside Sunnyvale

April 11, 2022, 9:30 AM

### Question 1

- Tractors
- Parrots
- Chickens

### Question 2

Apricots

### Name not shown

inside Sunnyvale

April 12, 2022, 2:55 PM

### Question 1

- Tractors
- Parrots
- Fruit Box

### Question 2

No response

### Name not shown

outside Sunnyvale

April 14, 2022, 10:53 AM

### Question 1

- Chickens
- Cherry/Apricot/etc.
- Sun

### Question 2

No response

### Name not shown

inside Sunnyvale

April 14, 2022, 11:59 PM

### Question 1

- Cherry/Apricot/etc.
- Blimp/Airplane
- Sun

### Question 2

No response

### Name not shown

inside Sunnyvale

April 15, 2022, 1:16 PM

### Question 1

## Public Art: What is unique to Sunnyvale?

What are your favorite local icons/figures?

- Plow/Hoe/etc.
- Cherry/Apricot/etc.
- Sun

### Question 2

No response

### Name not shown

inside Sunnyvale

April 15, 2022, 1:17 PM

### Question 1

- Cherry/Apricot/etc.
- Water Tower
- Sun

### Question 2

No response

### Name not shown

inside Sunnyvale

April 15, 2022, 1:19 PM

### Question 1

- Wagons
- Parrots
- Cherry/Apricot/etc.

### Question 2

No response

### Name not shown

inside Sunnyvale

April 15, 2022, 1:21 PM

### Question 1

- Cherry/Apricot/etc.
- Comp.Chip/Palm Pilot
- Sun

### Question 2

I don't like the Palm Pilot, but really do like the computer chip. Cherry, apricot, and sun are also good.

### Name not shown

inside Sunnyvale

April 15, 2022, 1:28 PM

### Question 1

- Parrots

### Question 2

Crows - they've been in Sunnyvale news this year

### Ruby Phillips

inside Sunnyvale

April 15, 2022, 1:41 PM

### Question 1

- Cherry/Apricot/etc.
- Comp.Chip/Palm Pilot
- Pong/Atari

### Question 2

No response

### Name not shown

outside Sunnyvale

April 15, 2022, 2:01 PM

### Question 1

- Fruit Box
- Water Tower

### Question 2

No response

### Bill Hilton

inside Sunnyvale



**Public Art: What is unique to Sunnyvale?**

What are your favorite local icons/figures?

April 15, 2022, 2:12 PM

**Question 1**

- Iron/Anvil
- Cherry/Apricot/etc.
- Water Tower

**Question 2**

No response

**Name not shown**

inside Sunnyvale

April 15, 2022, 2:15 PM

**Question 1**

- Sun
- Pong/Atari
- Comp.Chip/Palm Pilot

**Question 2**

computers, ICs

**Melissa Caudle**

inside Sunnyvale

April 15, 2022, 2:39 PM

**Question 1**

- Cherry/Apricot/etc.
- Water Tower
- Sun

**Question 2**

No response

**Larry Klein**

inside Sunnyvale

April 15, 2022, 3:28 PM

**Question 1**

- Parrots

**Question 2**

Other options: Sun; Heart (Heart of Silicon Valley); Cherries

**Margaret Lawson**

inside Sunnyvale

April 15, 2022, 3:56 PM

**Question 1**

- Fruit Box
- Sun

**Question 2**

CROWS. COMPUTER CHIPS. SUN is my favorite

**Name not shown**

inside Sunnyvale

April 15, 2022, 4:28 PM

**Question 1**

- Parrots
- Fruit Box
- Sun

**Question 2**

No response

**Name not shown**

inside Sunnyvale

April 15, 2022, 4:29 PM

**Question 1**

- Cherry/Apricot/etc.
- Blimp/Airplane
- Sun

**Question 2**

No response

## Public Art: What is unique to Sunnyvale?

What are your favorite local icons/figures?

### Name not shown

inside Sunnyvale

April 15, 2022, 5:02 PM

#### Question 1

- Sun

#### Question 2

No response

### Name not shown

inside Sunnyvale

April 15, 2022, 5:49 PM

#### Question 1

- Parrots

#### Question 2

Sunnyvale Community Center fountains

### Name not shown

inside Sunnyvale

April 15, 2022, 5:52 PM

#### Question 1

- Parrots
- Cherry/Apricot/etc.
- Water Tower

#### Question 2

Apartment bldg. Tilt-up bldg

### Rose-Marie Twu

inside Sunnyvale

April 15, 2022, 9:47 PM

#### Question 1

- Cherry/Apricot/etc.
- Fruit Box

- Sun

#### Question 2

Whichever icon is decided, please let's start with the Sun for Sunnyvale.  
Another suggestion: Can(s) of Fruit for the historical canneries.

### Name not shown

inside Sunnyvale

April 15, 2022, 10:25 PM

#### Question 1

- Cherry/Apricot/etc.
- Water Tower
- Pong/Atari

#### Question 2

No response

### Name not shown

inside Sunnyvale

April 16, 2022, 3:06 AM

#### Question 1

- Parrots
- Chickens
- Cherry/Apricot/etc.

#### Question 2

Crows

### Katharina Woodman

inside Sunnyvale

April 16, 2022, 8:44 AM

#### Question 1

- Comp.Chip/Palm Pilot
- Sun

#### Question 2

it's not a blimp, if you are referring to the USS Macon, it's a dirigible

**Public Art: What is unique to Sunnyvale?**

What are your favorite local icons/figures?

**John Schmidt**

inside Sunnyvale

April 16, 2022, 11:05 AM

**Question 1**

- Chickens
- Cherry/Apricot/etc.
- Pong/Atari

**Question 2**

No response

**Name not shown**

inside Sunnyvale

April 16, 2022, 2:14 PM

**Question 1**

- Iron/Anvil
- Fruit Box
- Blimp/Airplane

**Question 2**

No response

**Patricia Wadsworth**

inside Sunnyvale

April 16, 2022, 2:34 PM

**Question 1**

- Tractors
- Parrots
- Cherry/Apricot/etc.

**Question 2**

No response

**Name not shown**

inside Sunnyvale

April 16, 2022, 9:07 PM

**Question 1**

- Parrots
- Cherry/Apricot/etc.
- Water Tower

**Question 2**

No response

**Shawn Gariepy**

inside Sunnyvale

April 17, 2022, 8:41 AM

**Question 1**

- Cherry/Apricot/etc.
- Blimp/Airplane
- Pong/Atari

**Question 2**

No response

**Name not shown**

inside Sunnyvale

April 17, 2022, 9:13 AM

**Question 1**

- Cherry/Apricot/etc.

**Question 2**

No response

**Name not shown**

inside Sunnyvale

April 17, 2022, 10:53 AM

**Question 1**

- Fruit Box
- Blimp/Airplane
- Comp.Chip/Palm Pilot

**Question 2**

**Public Art: What is unique to Sunnyvale?**

What are your favorite local icons/figures?

No response

April 18, 2022, 8:55 AM

**Nick Waschezyn**

inside Sunnyvale

April 17, 2022, 10:56 AM

**Question 1**

- Parrots
- Iron/Anvil
- Fruit Box

**Question 2**

No response

**Ruth Fry**

inside Sunnyvale

April 17, 2022, 10:18 PM

**Question 1**

- Parrots
- Iron/Anvil
- Sun

**Question 2**

No response

**Name not shown**

outside Sunnyvale

April 18, 2022, 12:14 AM

**Question 1**

- Cherry/Apricot/etc.
- Water Tower
- Pong/Atari

**Question 2**

No response

**Name not shown**

inside Sunnyvale

**Question 1**

- Cherry/Apricot/etc.
- Sun

**Question 2**

Sun is my #1 choice, since we are "SUN"nyvale and that's our City's logo.

**Name not shown**

inside Sunnyvale

April 18, 2022, 2:01 PM

**Question 1**

- Wagons
- Tractors
- Plow/Hoe/etc.

**Question 2**

No response

**JUDITH KEESECKER**

inside Sunnyvale

April 18, 2022, 2:12 PM

**Question 1**

- Tractors
- Cherry/Apricot/etc.
- Fruit Box

**Question 2**

No response

**Name not shown**

inside Sunnyvale

April 18, 2022, 2:20 PM

**Question 1**

- Parrots

## Public Art: What is unique to Sunnyvale?

What are your favorite local icons/figures?

- Cherry/Apricot/etc.
- Blimp/Airplane

### Question 2

Love this idea! Most other cities (like the examples before the survey) have animals, so parrots would be great! But I also love something that would honor the apricots or cherries grown here.

### Pamela Manquen

inside Sunnyvale

April 18, 2022, 2:23 PM

### Question 1

- Iron/Anvil
- Fruit Box
- Train Whistle

### Question 2

No response

### Name not shown

inside Sunnyvale

April 18, 2022, 2:35 PM

### Question 1

- Cherry/Apricot/etc.
- Blimp/Airplane

### Question 2

a tribute to the Ohlone indigenous peoples who occupied this area for thousands of years.

### Name not shown

outside Sunnyvale

April 18, 2022, 2:38 PM

### Question 1

- Cherry/Apricot/etc.
- Train Whistle
- Comp.Chip/Palm Pilot

### Question 2

Godzilla

### BRIAN MILLER

inside Sunnyvale

April 18, 2022, 2:54 PM

### Question 1

- Cherry/Apricot/etc.

### Question 2

Cherry

### Morgan Hua

inside Sunnyvale

April 18, 2022, 3:12 PM

### Question 1

- Cherry/Apricot/etc.
- Water Tower
- Sun

### Question 2

Blank Cans (like the Libby Water Tower) that can be painted by different artists. Could they also be functional, like garbage cans or used as bike racks?

### N P

inside Sunnyvale

April 18, 2022, 3:26 PM

### Question 1

- Cherry/Apricot/etc.
- Fruit Box
- Sun

### Question 2

No response

### Name not shown

## Public Art: What is unique to Sunnyvale?

What are your favorite local icons/figures?

inside Sunnyvale  
April 18, 2022, 4:34 PM

### Question 1

- Parrots
- Comp.Chip/Palm Pilot
- Pong/Atari

### Question 2

Crows

## Name not shown

inside Sunnyvale  
April 18, 2022, 5:14 PM

### Question 1

- Parrots
- Water Tower
- Sun

### Question 2

silicon wafer (w/ etched circuits & flat/notch)

## Name not shown

inside Sunnyvale  
April 18, 2022, 5:35 PM

### Question 1

- Cherry/Apricot/etc.
- Fruit Box
- Sun

### Question 2

No response

## Ari Feinsmith

inside Sunnyvale  
April 18, 2022, 5:39 PM

### Question 1

- Tractors
- Cherry/Apricot/etc.
- Sun

### Question 2

No response

## Todd Myers

inside Sunnyvale  
April 18, 2022, 7:14 PM

### Question 1

- Sun

### Question 2

a sun is most unique to Sunnyvale and transcends the various farm and tech eras of this region. Also, I would love to buy a blank sun sculpture for my yard to decorate myself!

## Name not shown

outside Sunnyvale  
April 18, 2022, 7:39 PM

### Question 1

- Sun

### Question 2

I was looking for smiley faces, but sun is close enough

## Shane Jacksteit

inside Sunnyvale  
April 18, 2022, 9:00 PM

### Question 1

- Cherry/Apricot/etc.
- Fruit Box

### Question 2

No response



**Public Art: What is unique to Sunnyvale?**

What are your favorite local icons/figures?

**Name not shown**

inside Sunnyvale

April 18, 2022, 9:53 PM

**Question 1**

- Parrots
- Cherry/Apricot/etc.
- Comp.Chip/Palm Pilot

**Question 2**

Squirrels!

**Autumn T**

inside Sunnyvale

April 18, 2022, 10:11 PM

**Question 1**

- Sun

**Question 2**

No response

**Robert Zehner**

inside Sunnyvale

April 19, 2022, 12:14 AM

**Question 1**

- Cherry/Apricot/etc.
- Blimp/Airplane

**Question 2**

No response

**Name not shown**

inside Sunnyvale

April 19, 2022, 2:42 AM

**Question 1**

- Parrots

- Cherry/Apricot/etc.

**Question 2**

crows

**Name not shown**

inside Sunnyvale

April 19, 2022, 12:29 PM

**Question 1**

- Sun

**Question 2**

No response

**Name not shown**

inside Sunnyvale

April 19, 2022, 5:56 PM

**Question 1**

- Cherry/Apricot/etc.
- Comp.Chip/Palm Pilot
- Sun

**Question 2**

Crows

**Name not shown**

inside Sunnyvale

April 20, 2022, 8:00 AM

**Question 1**

- Parrots
- Cherry/Apricot/etc.
- Sun

**Question 2**

Hummingbird

**Public Art: What is unique to Sunnyvale?**

What are your favorite local icons/figures?

**Name not shown**

inside Sunnyvale

April 20, 2022, 7:59 PM

**Question 1**

- Comp.Chip/Palm Pilot
- Sun
- Pong/Atari

**Question 2**

No response

**Michelle Ogburn**

inside Sunnyvale

April 20, 2022, 11:50 PM

**Question 1**

- Parrots
- Cherry/Apricot/etc.
- Blimp/Airplane

**Question 2**

No response

**Zakary Akin**

inside Sunnyvale

April 21, 2022, 8:59 AM

**Question 1**

- Cherry/Apricot/etc.

**Question 2**

Fruit trees best honor the past of Sunnyvale

**Amy Hewett**

inside Sunnyvale

April 21, 2022, 11:17 AM

**Question 1**

- Sun

**Question 2**

As much as I love the fruit box idea; I feel the Sun's will allow for the broadest range of artistic diversity.

**Name not shown**

inside Sunnyvale

April 21, 2022, 12:10 PM

**Question 1**

- Cherry/Apricot/etc.
- Comp.Chip/Palm Pilot
- Sun

**Question 2**

No response

**Name not shown**

inside Sunnyvale

April 21, 2022, 12:13 PM

**Question 1**

- Cherry/Apricot/etc.
- Fruit Box
- Sun

**Question 2**

Cats

**Name not shown**

inside Sunnyvale

April 21, 2022, 6:35 PM

**Question 1**

- Cherry/Apricot/etc.
- Fruit Box

**Question 2**

No response

## Public Art: What is unique to Sunnyvale?

What are your favorite local icons/figures?

### Laura Brunetti

inside Sunnyvale

April 21, 2022, 7:38 PM

#### Question 1

- Parrots
- Cherry/Apricot/etc.
- Pong/Atari

#### Question 2

No response

### Ambrosia Studley

inside Sunnyvale

April 21, 2022, 10:40 PM

#### Question 1

- Sun

#### Question 2

No response

### Stephanie Bodnaruk

inside Sunnyvale

April 21, 2022, 10:54 PM

#### Question 1

- Parrots
- Cherry/Apricot/etc.

#### Question 2

I think cherries would be a delightful symbol for our city because the simpler the shape, the more iconic. Take New York being thought of as "The Big Apple."

### Name not shown

inside Sunnyvale

April 21, 2022, 11:38 PM

#### Question 1

- Parrots

#### Question 2

No response

### Angela Hixson

inside Sunnyvale

April 22, 2022, 8:08 AM

#### Question 1

- Cherry/Apricot/etc.
- Fruit Box

#### Question 2

No response

### Anagha Mishra

inside Sunnyvale

April 22, 2022, 8:29 AM

#### Question 1

- Comp.Chip/Palm Pilot
- Sun

#### Question 2

No response

### Name not shown

inside Sunnyvale

April 22, 2022, 9:25 AM

#### Question 1

- Comp.Chip/Palm Pilot
- Sun
- Pong/Atari

#### Question 2

No response

## Public Art: What is unique to Sunnyvale?

What are your favorite local icons/figures?

### Andrea Catura

inside Sunnyvale

April 22, 2022, 9:36 AM

#### Question 1

- Sun

#### Question 2

Please reach out to the Sunnyvale Art Club to help create figures once you've decided ☐ We can certainly help create some images/sculptures

### Name not shown

inside Sunnyvale

April 22, 2022, 9:46 AM

#### Question 1

- Cherry/Apricot/etc.
- Comp.Chip/Palm Pilot
- Sun

#### Question 2

No response

### Julia Trujillo

inside Sunnyvale

April 22, 2022, 10:43 AM

#### Question 1

- Cherry/Apricot/etc.
- Water Tower
- Sun

#### Question 2

No response

### Jennifer Teal Levine

inside Sunnyvale

April 22, 2022, 11:43 AM

#### Question 1

- Parrots
- Cherry/Apricot/etc.

#### Question 2

Crows

### Adam Elman

inside Sunnyvale

April 22, 2022, 8:41 PM

#### Question 1

- Blimp/Airplane
- Sun
- Pong/Atari

#### Question 2

No response

### Name not shown

inside Sunnyvale

April 22, 2022, 8:42 PM

#### Question 1

- Cherry/Apricot/etc.
- Sun
- Pong/Atari

#### Question 2

No response

### Name not shown

inside Sunnyvale

April 22, 2022, 9:54 PM

#### Question 1

- Parrots
- Cherry/Apricot/etc.
- Fruit Box

#### Question 2

## Public Art: What is unique to Sunnyvale?

What are your favorite local icons/figures?

Crows

**Name not shown**

outside Sunnyvale

April 22, 2022, 10:15 PM

### Question 1

- Cherry/Apricot/etc.

### Question 2

No response

**Name not shown**

inside Sunnyvale

April 23, 2022, 6:35 AM

### Question 1

- Cherry/Apricot/etc.
- Sun

### Question 2

No response

**Name not shown**

inside Sunnyvale

April 29, 2022, 12:29 PM

### Question 1

- Cherry/Apricot/etc.
- Blimp/Airplane
- Water Tower

### Question 2

No response

**Name not shown**

inside Sunnyvale

April 30, 2022, 11:12 AM

### Question 1

- Train Whistle
- Railroad Spikes
- Sun

### Question 2

how about crows?

**Name not shown**

inside Sunnyvale

May 2, 2022, 3:45 PM

### Question 1

- Cherry/Apricot/etc.
- Fruit Box
- Sun

### Question 2

No response

**Amanda Maciel**

inside Sunnyvale

May 3, 2022, 2:17 AM

### Question 1

- Cherry/Apricot/etc.
- Blimp/Airplane
- Pong/Atari

### Question 2

No response

**Name not shown**

inside Sunnyvale

May 5, 2022, 11:15 AM

### Question 1

- Cherry/Apricot/etc.
- Sun

### Question 2

**Public Art: What is unique to Sunnyvale?**

What are your favorite local icons/figures?

No response

**Name not shown**

inside Sunnyvale

May 5, 2022, 11:31 AM

**Question 1**

- Cherry/Apricot/etc.
- Fruit Box
- Sun

**Question 2**

No response

**Nicholeen N-S**

inside Sunnyvale

May 5, 2022, 1:34 PM

**Question 1**

- Cherry/Apricot/etc.

**Question 2**

Don't forget the Trees that bore the fruit!

**Name not shown**

inside Sunnyvale

May 5, 2022, 1:36 PM

**Question 1**

- Cherry/Apricot/etc.
- Fruit Box

**Question 2**

Can't think of any other...

**Name not shown**

inside Sunnyvale

May 5, 2022, 5:09 PM

**Question 1**

- Cherry/Apricot/etc.

**Question 2**

No response

**Name not shown**

inside Sunnyvale

May 5, 2022, 6:25 PM

**Question 1**

- Parrots

**Question 2**

No response

**Name not shown**

inside Sunnyvale

May 5, 2022, 7:54 PM

**Question 1**

- Cherry/Apricot/etc.
- Comp.Chip/Palm Pilot

**Question 2**

Crows! Lol

**Matt Crowley**

inside Sunnyvale

May 5, 2022, 8:29 PM

**Question 1**

- Parrots
- Cherry/Apricot/etc.

**Question 2**

No response

**Name not shown**

inside Sunnyvale



**Public Art: What is unique to Sunnyvale?**

What are your favorite local icons/figures?

May 5, 2022, 10:05 PM

**Question 1**

- Cherry/Apricot/etc.
- Blimp/Airplane
- Pong/Atari

**Question 2**

No response

---

**Annika Crowley**

inside Sunnyvale

May 5, 2022, 10:12 PM

**Question 1**

- Cherry/Apricot/etc.
- Fruit Box

**Question 2**

Crows

---

**Name not shown**

inside Sunnyvale

May 6, 2022, 8:57 AM

**Question 1**

- Cherry/Apricot/etc.
- Sun

**Question 2**

No response

---

**Carmina DePangher**

inside Sunnyvale

May 6, 2022, 10:55 AM

**Question 1**

- Water Tower
- Comp.Chip/Palm Pilot

- Sun

**Question 2**

No response

---

**Name not shown**

inside Sunnyvale

May 6, 2022, 12:09 PM

**Question 1**

- Cherry/Apricot/etc.
- Fruit Box
- Sun

**Question 2**

No response

---

**Name not shown**

inside Sunnyvale

May 6, 2022, 12:10 PM

**Question 1**

- Parrots
- Cherry/Apricot/etc.

**Question 2**

Crows

---

**Name not shown**

inside Sunnyvale

May 6, 2022, 1:07 PM

**Question 1**

- Parrots
- Comp.Chip/Palm Pilot
- Sun

**Question 2**

No response

**Public Art: What is unique to Sunnyvale?**

What are your favorite local icons/figures?

**Zeba Huq**

inside Sunnyvale

May 6, 2022, 3:15 PM

**Question 1**

- Cherry/Apricot/etc.

**Question 2**

No response

**Rolane Santos**

outside Sunnyvale

May 6, 2022, 4:32 PM

**Question 1**

- Parrots
- Cherry/Apricot/etc.
- Water Tower

**Question 2**

No response

**Sue Serrone**

inside Sunnyvale

May 6, 2022, 4:59 PM

**Question 1**

- Parrots
- Fruit Box
- Sun

**Question 2**

No response

**Susan Lato**

inside Sunnyvale

May 6, 2022, 5:14 PM

**Question 1**

- Fruit Box
- Blimp/Airplane
- Pong/Atari

**Question 2**

Something bike related? Anyway to make it related to the "Blue Box" ?

**Laurie Garcia**

inside Sunnyvale

May 6, 2022, 7:22 PM

**Question 1**

- Cherry/Apricot/etc.
- Sun

**Question 2**

No response

**Name not shown**

inside Sunnyvale

May 7, 2022, 5:54 AM

**Question 1**

- Fruit Box
- Parrots
- Sun

**Question 2**

for a laugh: crows, squirrels (too many)

**Name not shown**

inside Sunnyvale

May 7, 2022, 6:59 AM

**Question 1**

- Sun

**Question 2**

No response

**Public Art: What is unique to Sunnyvale?**

What are your favorite local icons/figures?

**Name not shown**

inside Sunnyvale

May 7, 2022, 10:52 PM

**Question 1**

- Cherry/Apricot/etc.
- Water Tower
- Sun

**Question 2**

No response

**Stephen Meier**

inside Sunnyvale

May 8, 2022, 7:57 AM

**Question 1**

- Cherry/Apricot/etc.
- Water Tower
- Comp.Chip/Palm Pilot

**Question 2**

No response

**Denise Gallardo**

inside Sunnyvale

May 8, 2022, 10:11 AM

**Question 1**

- Cherry/Apricot/etc.
- Fruit Box
- Sun

**Question 2**

No response

**Patrick Healy**

outside Sunnyvale

May 9, 2022, 2:44 PM

**Question 1**

- Cherry/Apricot/etc.
- Train Whistle
- Water Tower

**Question 2**

No response

**Name not shown**

inside Sunnyvale

May 10, 2022, 8:33 AM

**Question 1**

- Tractors
- Cherry/Apricot/etc.
- Fruit Box

**Question 2**

I remember cherry trees and orchards

**Charlsie Chang**

inside Sunnyvale

May 10, 2022, 12:35 PM

**Question 1**

- Chickens

**Question 2**

Crow

**Alex Lucas**

inside Sunnyvale

May 10, 2022, 12:41 PM

**Question 1**

- Chickens

**Question 2**

Crows

**Public Art: What is unique to Sunnyvale?**

What are your favorite local icons/figures?

**Cameron Lucas**

inside Sunnyvale

May 10, 2022, 1:00 PM

**Question 1**

- Parrots
- Chickens
- Sun

**Question 2**

Crows

**Name not shown**

inside Sunnyvale

May 10, 2022, 7:23 PM

**Question 1**

- Cherry/Apricot/etc.
- Sun

**Question 2**

Crow

**Jens Lehmann**

inside Sunnyvale

May 10, 2022, 7:57 PM

**Question 1**

- Cherry/Apricot/etc.
- Water Tower
- Pong/Atari

**Question 2**

No response

**Palmira Walker**

inside Sunnyvale

May 12, 2022, 4:00 PM

**Question 1**

- Cherry/Apricot/etc.
- Fruit Box
- Blimp/Airplane

**Question 2**

No response

**duncan van arsdale**

outside Sunnyvale

May 12, 2022, 8:17 PM

**Question 1**

- Cherry/Apricot/etc.

**Question 2**

Bing cherry trees on ECR

**Name not shown**

inside Sunnyvale

May 12, 2022, 9:50 PM

**Question 1**

- Cherry/Apricot/etc.
- Comp.Chip/Palm Pilot

**Question 2**

No response

**Name not shown**

inside Sunnyvale

May 12, 2022, 10:29 PM

**Question 1**

- Tractors
- Fruit Box
- Water Tower

**Question 2**

No response

**Public Art: What is unique to Sunnyvale?**

What are your favorite local icons/figures?

**Name not shown**

inside Sunnyvale

May 15, 2022, 7:03 PM

**Question 1**

- Parrots
- Cherry/Apricot/etc.
- Fruit Box

**Question 2**

An Orchard

---

**Celia Tsao**

inside Sunnyvale

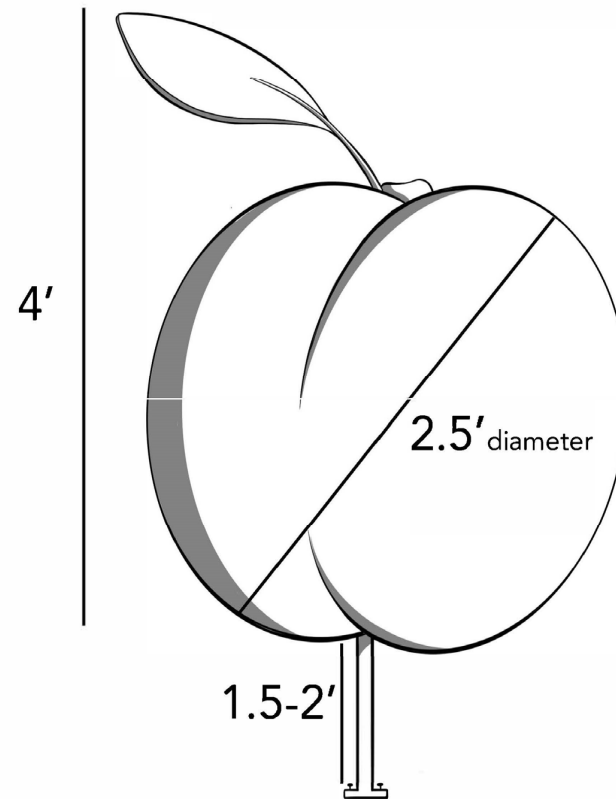
May 16, 2022, 1:10 AM

**Question 1**

- Sun

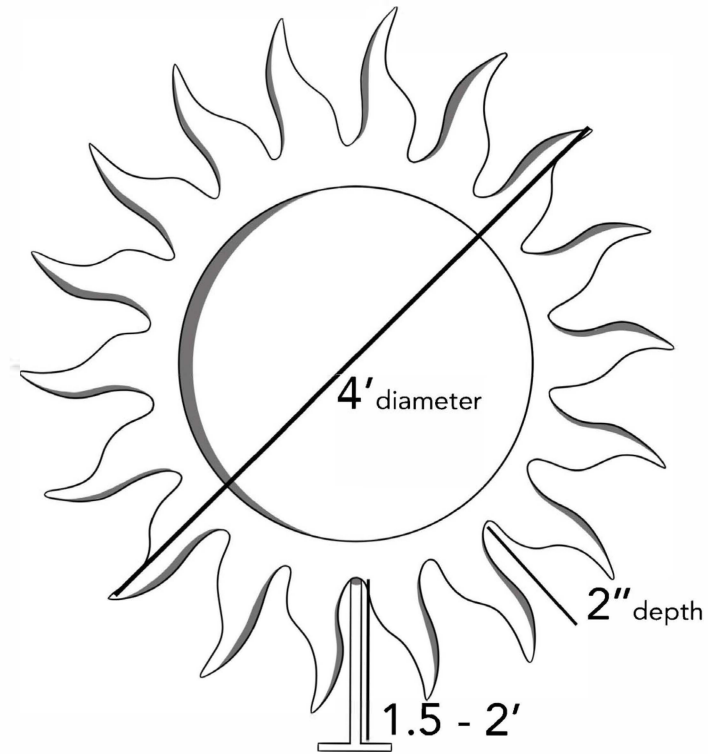
**Question 2**

Fruit tree

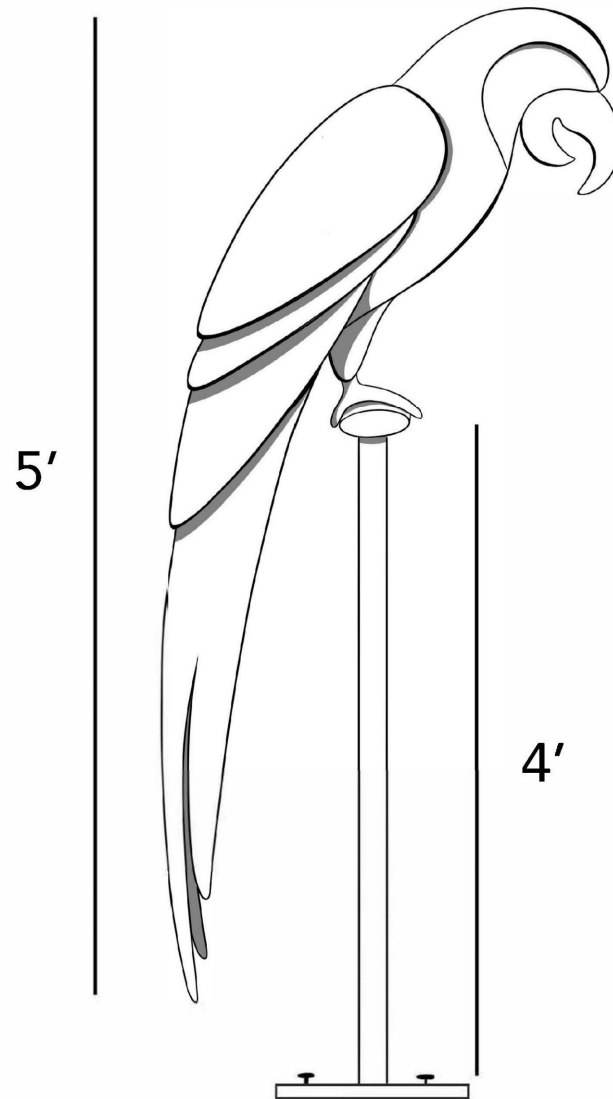


Fruit (Apricot)

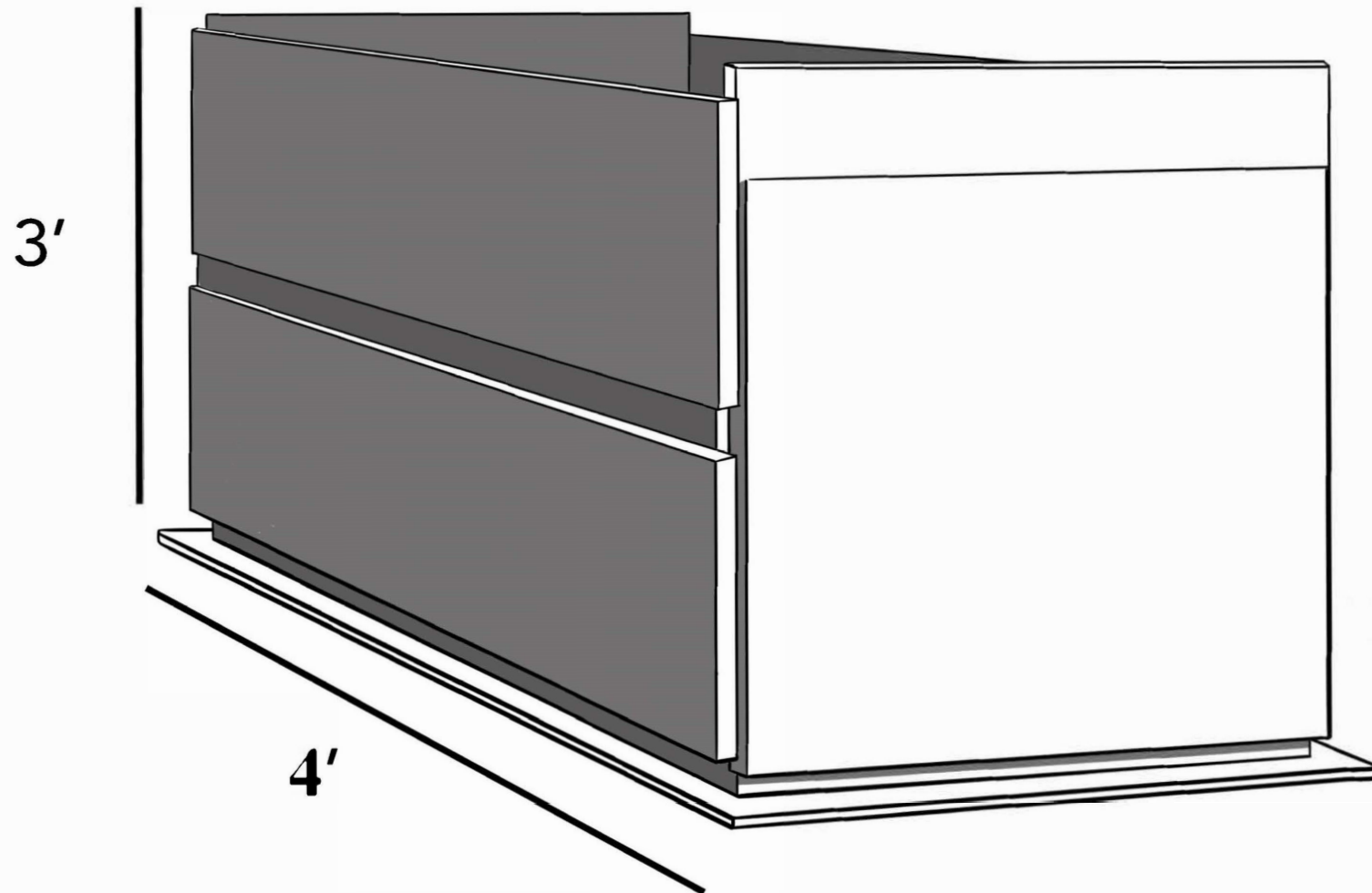




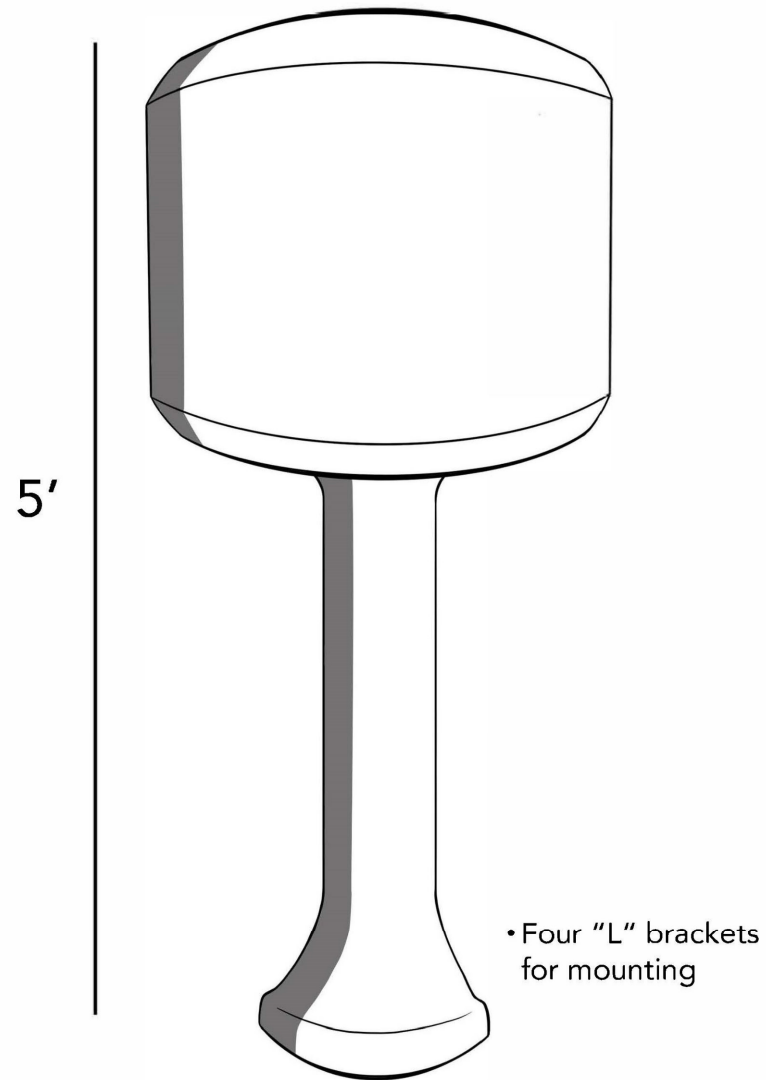
Sun



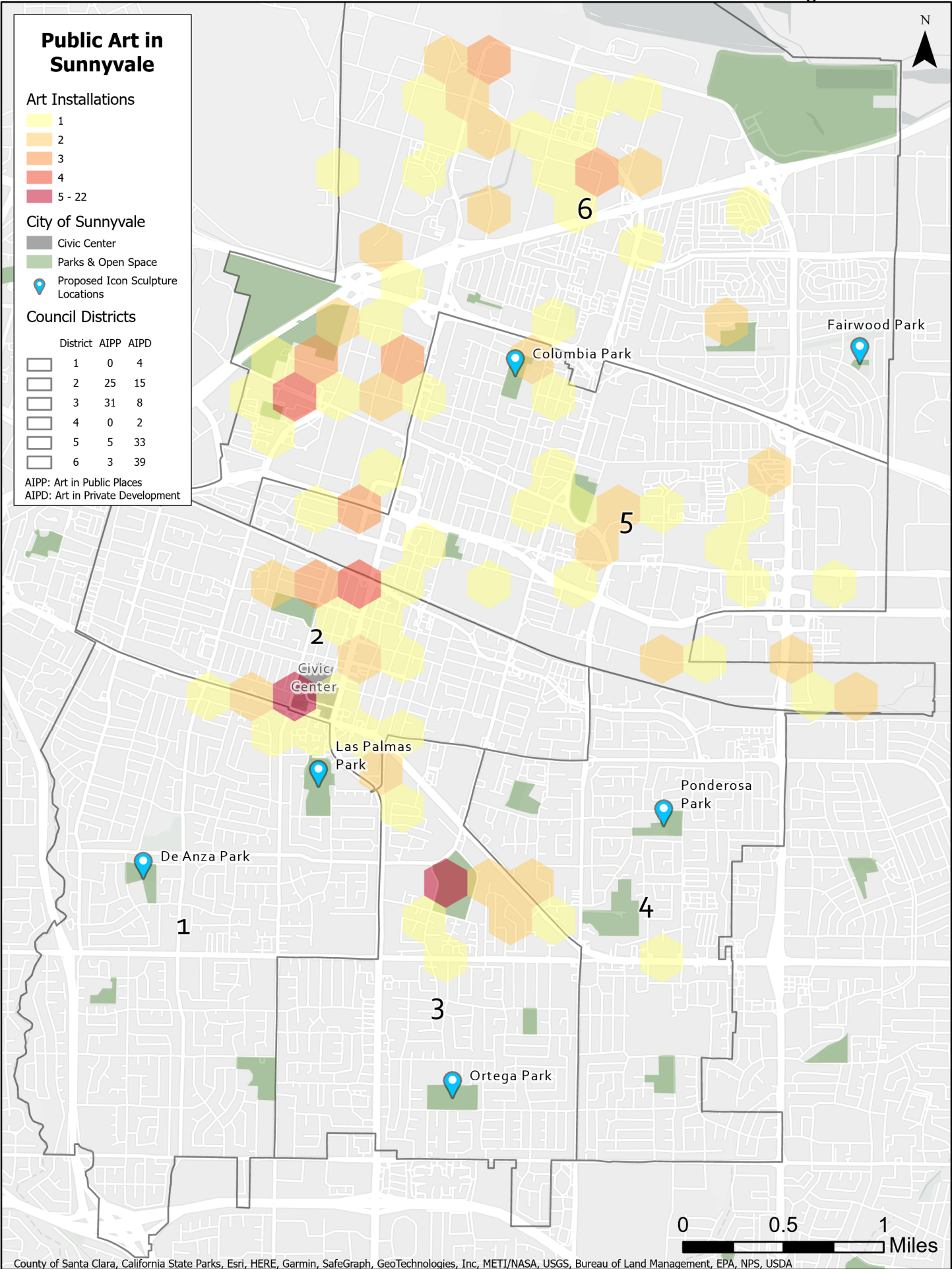
Parrot



Fruit Box



Water Tower





# City of Sunnyvale

## Excerpt Meeting Minutes - Draft Arts Commission

---

Thursday, April 27, 2023

7:00 PM

Online and Bay Conference Room  
(Room 145), City Hall,  
456 W. Olive Ave.,  
Sunnyvale, CA 94086

---

### Special Meeting

#### **CALL TO ORDER**

Chair Eskridge called the meeting to order at 7:00 p.m.

#### **ROLL CALL**

**Present:** 4 - Chair Dawna Eskridge  
Commissioner Kathryn Filley  
Commissioner Molly Kauffman  
Commissioner Agnes Veith

**Absent:** 1 - Vice Chair Winnie Lam

- 3**      [23-0413](#)      Recommend Three Icon Concepts and Location Map to City Council for Final Icon Selection and Locations

Trenton Hill and Kristin Dance provided a presentation on the Sunnyvale Icons Project. Highlights included: background, examples, icons, recommended locations, design, artist selection, installation, and recommendation.

Commissioners discussed and mentioned that the current illustration of the fruit box does not look like a traditional fruit box. They added that the City of San Francisco has already chosen the parrot as their icon.

Commissioners provided their top three icons. In no particular order, the top votes were for fruit basket, sun and fruits.

Commissioner Veith moved and Commissioner Filley seconded the motion to Recommend the Three Icon Concepts of Fruit Basket, Sun and Fruit and Location Map to City Council for Final Icon Selection and Locations. The motion carried by the following vote:



**Yes:** 4 - Chair Eskridge  
Commissioner Filley  
Commissioner Kauffman  
Commissioner Veith

**No:** 0

**Absent:** 1 - Vice Chair Lam

**ADJOURNMENT**

Chair Eskridge adjourned the meeting at 8:28 p.m.



# City of Sunnyvale

## Agenda Item

---

23-0047

Agenda Date: 5/16/2023

---

### REPORT TO COUNCIL

#### SUBJECT

Appoint Applicants to the Arts Commission, Bicycle and Pedestrian Advisory Commission, Board of Library Trustees, Heritage Preservation Commission, Human Relations Commission, Parks and Recreation Commission, Personnel Board, Planning Commission and Sustainability Commission

#### DISCUSSION

##### **Appointments**

The City has ten Council-appointed boards and commissions to recommend and advise City Council on specific policy-related issues for possible Council study and action, and to provide a forum and opportunity for broad community participation in the identification and prioritization of those issues. The term length for boards and commissions is four years, with staggered terms expiring June 30 of each year. Council makes appointments annually in May or June to fill seats with expiring terms to serve with an effective date of July 1. In addition, the Council fills vacancies as necessary quarterly throughout the year.

Pursuant to Council Policy 7.2.19, Boards and Commissions appointments of board and commission members are placed on the City Council meeting agenda. The appointment process is conducted by one of the following two methods, at the discretion of the Mayor:

Individual Candidate Votes: The Mayor will announce by board or commission each vacancy including its term, and then will read each applicant's name. Council will vote on each applicant. The candidate receiving the most affirmative votes and at least four affirmative votes will be appointed. The process is repeated for each board or commission.

Paper Votes: The Mayor will announce each board or commission in an order predetermined by the City Clerk to facilitate a speedy process and to accommodate applicants who specify multiple preferences. The City Clerk will distribute individual voting sheets to be completed by each Councilmember. The candidate receiving the most affirmative votes and at least four affirmative votes will be appointed. The process is repeated for each board or commission.

For each board or commission with both full 4-year terms and shorter-term vacancies that exist due to a resignation, the Mayor will ask Council for a motion to identify which applicant from among those with the most affirmative votes and at least four affirmative votes will be appointed. Council will identify which of the candidates who received the sufficient affirmative votes will be selected to serve the shorter term(s). The Council decision will be made by motion.

Resolving ties: Should a tie between the candidates receiving the most affirmative votes occur, the affected applicants will be voted on again. If a tie still remains, and the affected applicants each have

received at least four affirmative votes, the Mayor would ask the City Attorney to draw the name of the person to be appointed.

Should no candidate receive at least four affirmative votes, the vacancy will remain.

Below is the list of current applicants, the applicants' preferences as indicated on their application (when the applicant has applied for more than one board or commission), and terms of appointments. Applicant information is available as attachments to the May 8 and May 9 Council meeting packets and upon request from the Office of the City Clerk at [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) or 408-730-7483. Applications not included in the May 8 and May 9 Council meeting packets are included as Attachment 1 to this report:

Arts Commission (one term to 6/30/2027)

Agnes Veith (only preference) - Incumbent

Albina Chebykina (only preference)

Bicycle and Pedestrian Advisory Commission\* (one term to 6/30/2027 could be Category One or Category Two)

Dan Hafeman (Category One - only preference) - Incumbent

Jonathan Wilson (Category One - 2<sup>nd</sup> preference)

Kathie Lee (Category One - only preference)

Ravi Narayana (Category One - 2<sup>nd</sup> preference)

Tony Cheng (Category One - only preference)

Board of Library Trustees (one term to 6/30/2027)

Carter Hu (2<sup>nd</sup> preference)

Prashant Gattani (3<sup>rd</sup> preference)

Heritage Preservation Commission (two terms to 6/30/2027)

Ravi Narayana (4<sup>th</sup> preference)

Housing and Human Services Commission (one term to 6/30/2027)

No applications received.

Human Relations Commission (five terms\*\*)

Aaron Safoer (Category One - 2<sup>nd</sup> preference)

Cecil Dobbs (Category One - only preference)

Claudia Camacho (Category One - only preference)

Delia Ayala (Category One - only preference)

Elva De La Torre (Category One - only preference)

Gabriela Sanchez (Category One - only preference)

Jose Leon (Category One - only preference)

Luz Ayala (Category One - only preference)

Maria Ayala (Category One - only preference)

Maria Paulina Zapata (Category One - only preference)

Nambi Sankaran (Category One - only preference)

Narendra Pathak (Category One - only preference)

Nenuca Syquia (Category One - only preference)

Ofilia Mota (Category One - only preference)  
Rafael Ibarra (Category One - only preference)  
Reyna Ayala (Category One - only preference)  
Venkata Siva Ramisetty (Category One - only preference)  
Victoria Armigo (Category One - only preference)  
Yecenia Morales Alvarez (Category One - only preference)

Parks and Recreation Commission (two terms to 6/30/2027)

Prashant Gattani (1<sup>st</sup> preference)  
Prakash Giri (only preference) - Incumbent  
Ravi Narayana (1<sup>st</sup> preference)

Personnel Board (two Council-nominated terms to 6/30/2027)

Marc Ketzell (only preference) - Incumbent

Planning Commission (two terms to 6/30/2026)

Aaron Safoer (1<sup>st</sup> preference)  
Carter Hu (1<sup>st</sup> preference)  
David Kesting (only preference)  
Galen Davis (only preference)  
Nathan Iglesias (only preference)

Sustainability Commission\*\*\* (One term to 6/30/2025 and one term to 6/30/2027)

Aaron Safoer (Category One - 3<sup>rd</sup> preference)  
Bobbykin Makwana (Category One - only preference)  
Kathryn Besser (Category One - only preference) - Incumbent  
Jonathan Wilson (Category One - 1<sup>st</sup> preference)  
Tomasz Jasionowski (Category One - only preference)  
Ravi Narayana (Category One - 3<sup>rd</sup> preference)

\* Bicycle and Pedestrian Advisory Commission Category One Members represent bicyclists and pedestrians who live in Sunnyvale. Up-to-two Members may be Category Two Members, who live outside Sunnyvale and represent parent groups, school administrators, teachers, commute coordinators for major employers in the city the balance of the current makeup is six Category One members.

\*\* Initial Human Relations Commission terms will be staggered as following to maintain institutional knowledge in the future. All subsequent appointments to the Human Relations Commission will be for full 4-year terms.

- One term to 6/30/2024
- One term to 6/30/2025
- One term to 6/30/2026
- Two terms to 6/30/2027

\*\*\* Sustainability Commission must have a minimum of three Category One members (Sunnyvale resident) and a minimum of one Category Two member(s) (member of the Sunnyvale business

community); the balance of the current makeup is four Category One Members and one Category Two Member.

Full 4-year terms will be effective July 1, 2023; shorter vacancies that exist due to a resignation will be effective May 17, 2023. Following appointments, the staff liaison for each board or commission will provide a board/commission-specific orientation and each new member is required to take the Oath of Office, sign the Model of Excellence and attend the board and commission orientation hosted by the Office of the City Clerk. A ceremonial oath will be offered to all incoming members. Continuing vacancies will be scheduled for the recruitment process in August 2023.

### **EXISTING POLICY**

Council Policy 7.2.19 Boards and Commissions

Administrative Policy, Chapter 1, General Management, Article 15 Boards and Commissions

### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within 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.

### **FISCAL IMPACT**

None.

### **PUBLIC CONTACT**

Public contact was made by posting the Council meeting agenda on the City's official-notice bulletin board at City Hall, at the Sunnyvale Public Library and in the Department of Public Safety Lobby. In addition, the agenda and this report are available at the NOVA Workforce Services reception desk located on the first floor of City Hall at 456 W. Olive Avenue (during normal business hours), and on the City's website.

### **ALTERNATIVES**

1. Appoint commissioners from the applicants listed in this report.
2. Provide other direction to staff on how to proceed.

### **STAFF RECOMMENDATION**

Staff makes no recommendation.

Prepared by: David Carnahan, City Clerk

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

### **ATTACHMENTS**

1. Additional Board and Commission Applications (pages without responses have been removed)



**CITY OF SUNNYVALE  
BOARDS AND COMMISSIONS APPLICATION**

*The City supports its demographic diversity and encourages applicants from all groups to apply.*

<b>Office Use Only</b>	
Date Received:	4/27/23
Voter registration verified:	
On:	4/2/23
By:	[Signature]

Please print or type answers to all questions. Write N/A if not applicable.

General eligibility requirements: Sunnyvale residency. Other requirements may apply to specific boards and commissions. For more information, contact the Office of the City Clerk via [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) or at 408-730-7483 or visit the City website at [Sunnyvale.ca.gov](http://Sunnyvale.ca.gov) and search "Boards and Commission"

**If you would like to apply for more than one vacancy, place a number next to the board or commission, in order of your preference, for which you would like to apply.** Only applications for current openings will be considered at this time. Applications for future openings will be kept on file for one year. Qualified applicants will be contacted for an interview with City Council. Appointments will be made at a regular meeting of the City Council.

- ☐ Arts Commission
- ☐ Bicycle and Pedestrian Advisory Commission
- ☒ 2 Board of Library Trustees\*
- ☐ Heritage Preservation Commission\*
- ☐ Housing and Human Services Commission
- ☐ Human Relations Commission
- ☐ Parks and Recreation Commission\*
- ☐ Personnel Board\*
- ☒ 1 Planning Commission\*
- ☐ Sustainability Commission

\*Registered Sunnyvale voter

If you are applying for the **Bicycle and Pedestrian Advisory Commission**, please identify the category for which you are applying.

- ☐ Category One: Applicants must be bicyclists or pedestrians residing in Sunnyvale.
- ☐ Category Two: Applicants must have an interest in bicycle and/or pedestrian issues in the City, reside outside Sunnyvale and belong to one of the groups listed below. Please check as many that apply:
  - ☐ Parent Teacher Associations (PTA)/parent group member
  - ☐ Administrations of schools in Sunnyvale
  - ☐ Commute coordinators for major employers within Sunnyvale
  - ☐ Principals or teachers from Sunnyvale schools

If you are applying for the **Human Relations Commission**, please identify the category for which you are applying:

- ☐ Category One: Applicants shall be Sunnyvale residents.
- ☐ Category Two: Applicants shall include representatives of a nonprofit service agency that serves Sunnyvale residents. Such members need not be Sunnyvale residents.

If you are applying for the **Sustainability Commission**, please identify the category for which you are applying.

- ☐ Category One: Applicants shall be Sunnyvale registered voters.
- ☐ Category Two: Applicants shall include members of the Sunnyvale business community\*. Such members need not be Sunnyvale residents.

\*Sunnyvale business license holders; or designated representative of Sunnyvale businesses with 200 or more employees.

Applicant Name:	Hu	Carter	F
	Last	First	M.I.
Current Residence	[Redacted]	Sunnyvale	CA 94086
	Street	City	State Zip
E-mail Address:	[Redacted]		
Preferred Contact Phone Number(s)	[Redacted]		



Applicant Name Carter Hu

1. Are you a currently-registered voter in Sunnyvale?

Yes ☒ No ☐

When was the last time you voted?

Month November ☒ Year 2022

2. Are you currently serving or have you served on a City of Sunnyvale board or commission?

Yes ☐ No ☒

If yes, which one?

Term currently serving

Term previously served

3. Prior attendance at a board or commission meeting is highly desirable. Have you attended meeting(s) of the board or commission for which you are applying?

Yes ☒ No ☐

If yes, how many meetings have you attended?

I have attended several meetings virtually and have also been making progress listening to past meetings.

**NOTE: If you are applying for more than one board or commission, please reference the specific board or commission in your response to questions 4-7.**

4. What motivated you to apply for this board or commission?

I am deeply interested in local government and serving my community. I think joining a city commission is a good way for me to do both. Raised in Sunnyvale, I have a deep connection to the city. I am currently working on a graduate degree in public administration. I also think that being younger than other commissioners, I can bring an underrepresented perspective to meetings. I am committed to being well-informed on city issues and using my knowledge, experience, and perspective to serve on a commission and I am excited to contribute to the positive changes happening all around Sunnyvale.

5. What skills or attributes can you bring to this board or commission?

I believe that my background and experience would make me a valuable addition to this commission. As I am currently pursuing a graduate degree in public administration, I have been exposed to important concepts and practices relevant to city government. Furthermore, being raised in Sunnyvale, I have a deep understanding of the needs and challenges facing the city. I am also familiar with services available, which would enable me to provide informed input on related matters. Additionally, I bring a fresh perspective to the commission as a younger member, representing the needs and interests of under 30 demographics. I am confident that I can use my education, knowledge, and experience to contribute positively to this commission, and ultimately serve the public interest of Sunnyvale.

Applicant Name Carter Hu

6. The primary role of a board or commission member is to provide advice to City Council on policy issues that are within the scope of that board or commission. With this in mind, what steps would you take to effectively exercise this specific board or commission role?

As a board or commission member, I understand that my primary role is to provide advice to the City Council on policy issues within the scope of that board or commission. To effectively execute this role, I would take the following steps. First, I would seek out information on my own, researching relevant topics, gathering data, and staying up-to-date on current events related to my commission. Second, I would actively listen to city staff and leaders in the space, leveraging their expertise and knowledge to inform my input to the commission. Third, being on a commission would be a top priority for me, and I would commit the necessary time and effort to prepare for and attend meetings, review materials, and engage with stakeholders. Finally, I am respectful, thoughtful, open to new ideas, and hardworking, and I believe these qualities would enable me to collaborate effectively with other commission members, City Council members, and community members, and ultimately provide valuable advice to the City Council.

7. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on this board or commission.

I graduated from McGill University in Montreal, Canada in 2021 with a degree in International Development Studies and East Asian Studies. During that time I was a representative for the committee of university dorms. I am now working on completing a Master's in Public Administration which I think will be relevant to serve on the community.

8. Briefly describe your current or last occupation.

I currently work for the City of Santa Clara as a Human Resources Technician in the Benefits & Records division. I have only been in this role for about 6 months. Prior to this, I worked as a public safety dispatcher for over a year at UC Berkeley police department.

9. Briefly describe what you learned by attending a meeting of the City Council, board or commission. Describe what improvements you would suggest the City consider.

By attending commission meetings, I learned about ongoing projects and initiatives, as well as the concerns and perspectives of community members. I think it would be an improvement if community members were given an additional minute to prevent them from feeling rushed and to allow them to provide council with more context or details. I think it would also be worthwhile to update the city's official website with meetings to be compatible with modern browsers without plugins but recognize this may require a significant investment to do.

Applicant Name Carter Hu

10. Describe your involvement in community activities, volunteer and civic organizations.

I participate in adult education programs and frequently use city parks and the library. Whether or not I am selected to be a commissioner I intend to participate in more volunteer activities in Sunnyvale.

11. The City has a Code of Ethics and Conduct for Elected and Appointed Officials and an Attendance Policy (7.2.19), 2.G.(II) that appointed members are required to follow. Do you have any concerns in these two areas?

Yes ☐ No ☒

If so, please describe.

12. If an unplanned vacancy arises on the board(s) or commission(s) you are interested in, would you be willing to accept a temporary appointment for the remainder of the unexpired term or until a recruitment is held and Council officially fills the vacancy?

Yes ☒ No ☐

**IMPORTANT NOTICES – READ BEFORE SIGNING:**

All information provided on this application becomes a public record after it is officially filed. This document will be published to the City website with the interview materials. Personal contact information will be redacted.

Applicants appointed to the **Planning Commission, Arts Commission, Heritage Preservation Commission and Housing and Human Services Commission** are required to electronically file the Fair Political Practices Commission (FPPC) Statement of Economic Interests (Form 700), which is a public record. The Form 700 reports your economic interests and your spouse/domestic partner's economic interests (if applicable). A copy of this form is available in the Office of the City Clerk or by visiting [www.fppc.ca.gov/Form700.html](http://www.fppc.ca.gov/Form700.html)

Pursuant to the Americans with Disabilities Act (ADA), the City of Sunnyvale will make reasonable efforts to accommodate persons with qualified disabilities during the boards and commission interview process. Should you require special accommodations, please contact the Office of the City Clerk via [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) or at 408-730-7483 at least five days in advance of your scheduled interview.

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of Sunnyvale to investigate the accuracy of this information from any person or organization, and I release the City of Sunnyvale and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

**Your application is not complete until it is signed and submitted to the Office of the City Clerk.**

**Complete all above fields, the Supplemental Questionnaire and Demographic Information prior to signing this document. Applying your digital signature locks the information you entered, preventing further edits.**

Signature of Applicant

Carter Hu

Date 4/27/2023

**Please return to: Office of the City Clerk, 456 W. Olive Ave., P.O. Box 3707, Sunnyvale, CA 94088-3707 or email to [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov)**

Applicant Name Carter Hu

**Board of Library Trustees**

**We are looking for someone who has interest in Library-related issues**

4. Community demographics and technology are constantly changing. What do you think are the principal issues the Sunnyvale Public Library may be addressing over the next few years?

The Sunnyvale public library is facing several key issues that require attention. First, libraries will need to adapt to changing technological trends and user expectations. Digital media and online resources are more available now than at any point in history. Libraries need to balance their traditional role as book repositories with new services and resources that cater to the digital age. Additionally, libraries must address issues related to access and equity, and ensure that all members of the community can take advantage of its resources. I also believe it would be worth exploring how library spaces can be utilized for more community activities and if it would be possible to create study rooms such as those found at university libraries.

Applicant Name Carter Hu

**Planning Commission**

16. I understand that if I am appointed to Planning Commission, I will be required to electronically file the Fair Political Practices Commission (FPPC) Statement of Economic Interests (Form 700) that reports my economic interests and my spouse/domestic partner's economic interests (if applicable) , which is a public record?

Yes ☒ No ☐

A copy of this form is available by visiting [www.fppc.ca.gov/Form700.html](http://www.fppc.ca.gov/Form700.html)

17. Sunnyvale has limited vacant land for new development. This could increase pressure for redevelopment of existing developed areas. How can planning respond to this situation?

With limited vacant land for new development in Sunnyvale, the planning commission must respond thoughtfully and appropriately. In my view, planning should focus on enlarging Sunnyvale's housing stock, especially affordable housing to meet the needs of the growing population. This can be achieved by incentivizing developers to build affordable housing and working with non-profit organizations and community groups to identify suitable sites for development. Planning should also prioritize balancing new development against the need to retain Sunnyvale's historic elements that enhance the character of the city. This can be done by implementing regulations and guidelines to preserve historic structures and promote rehabilitation of existing buildings. Additionally, planning should prioritize new walkable and bikeable development that enhances the community and aligns with the values in Sunnyvale's sustainability policy and with the Vision Zero Plan. By taking a balanced and comprehensive approach, planning can respond to the limited vacant land for new development in Sunnyvale and create a sustainable, livable, and affordable community for all residents.

18. Planning Commissioners are often asked to consider social, economic and environmental issues when reviewing proposals. How does one achieve a balanced community?

When reviewing proposals, planning commissioners are tasked with evaluating social, economic, and environmental factors to achieve a balanced community. Though it is desirable, proposals do not necessarily need to make progress towards all factors at once. Instead, commissioners should evaluate projects holistically and in combination with other proposals on the docket while maintaining a long-term perspective, taking special care not to let perfect be the enemy of good. By taking this approach, planning can help create a balanced community that meets the needs of all residents current and future while taking into account Sunnyvale's unique characteristics and challenges. Planning commissioners can help create a sustainable and equitable community for years to come by considering relevant factors like affordability, access to services like transportation, and environmental factors,



**City of Sunnyvale  
Incumbent Board and Commission Member  
Request for Reappointment Consideration**

*Only incumbents seeking reappointment to the same board/commission may use this form*

Please print or type answers to all questions. Write N/A if not applicable.

<b>Office Use Only</b> Date Received: <u>04/27/23</u> Voter registration verified: On: _____ By: _____
--

Please accept my request to be reappointed to: Sustainability Commission

Applicant Name: Besser Kathryn H  
Last First M.I.

Current Residence [REDACTED] Sunnyvale CA 94087  
Street City State Zip

E-mail Address: [REDACTED]

Preferred Contact Phone Number(s): [REDACTED]

1. Are you a currently-registered voter in Sunnyvale? When was the last time you voted?  
Yes ☒ No ☐  
Month November Year 2022

2. Length served on current board/commission? 2 months

3. Have you served previously on other City boards or commissions?  
Yes ☐ No ☒

If yes, which one? \_\_\_\_\_ Term currently serving \_\_\_\_\_  
\_\_\_\_\_ Term previously served \_\_\_\_\_

4. New information about my qualifications that I would like Council to know:  
I haven't served long enough to add any significant commission-related experiences (was appointed in March 2023 to fulfill the remainder of Councilmember Srinivasan's term) but I did volunteer to participate in the Sustainability Speaker Series sub-committee at my first meeting. I hope to bring more of my perspective as a long-time Sunnyvale resident to the commission and serve the city to the best of my ability.



## 5. Reasons I wish to be reappointed:

1. I bring strong communication skills to this role; helping residents easily digest complex topics and stay engaged is a goal I hope to accomplish on the commission.
2. I see my creative skills (graphic design, marketing) as providing counter balance to the deep technical expertise of fellow commission members. Making data meaningful to a lay audience is highly important, particularly as it relates to sustainability issues affecting Sunnyvale residents.
3. I'm just getting started!

## 6. Additional Information:

I'm excited to have been appointed to this position the first time and hope I'm able to continue to grow into the role and contribute meaningfully to Sunnyvale's sustainability initiatives. Thank you for considering my request for re-appointment.

**IMPORTANT NOTICES – READ BEFORE SIGNING:**

All information provided on this application becomes a public record after it is officially filed. This document will be published to the City website with the interview materials. Personal contact information will be redacted.

Applicants appointed to the **Planning Commission, Arts Commission, Heritage Preservation Commission and Housing and Human Services Commission** are required to electronically file the Fair Political Practices Commission (FPPC) Statement of Economic Interests (Form 700), which is a public record. The Form 700 reports your economic interests and your spouse/domestic partner's economic interests (if applicable). A copy of this form is available in the Office of the City Clerk or by visiting [www.fppc.ca.gov/Form700.html](http://www.fppc.ca.gov/Form700.html)

Pursuant to the Americans with Disabilities Act (ADA), the City of Sunnyvale will make reasonable efforts to accommodate persons with qualified disabilities during the boards and commission interview process. Should you require special accommodations, please contact the Office of the City Clerk via [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) or at 408-730-7483 at least five days in advance of your scheduled interview.

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of Sunnyvale to investigate the accuracy of this information from any person or organization, and I release the City of Sunnyvale and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

**Your application is not complete until it is signed and submitted to the Office of the City Clerk.**

Signature of Applicant Kathryn H Besser Digitally signed by Kathryn H Besser  
Date: 2023.04.27 11:05:03 -07'00'

Date \_\_\_\_\_

***Applying your digital signature locks the information you entered on this application, preventing further edits.***

**Please return to: Office of the City Clerk, 456 W. Olive Ave., P.O. Box 3707, Sunnyvale, CA 94088-3707 or email to [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov)**



**CITY OF SUNNYVALE  
BOARDS AND COMMISSIONS APPLICATION**

*The City supports its demographic diversity and encourages applicants from all groups to apply.*

Office Use Only	
Date Received:	4/21/23
Voter registration verified:	
On:	N/A
By:	YMH

Please print or type answers to all questions. Write N/A if not applicable.

General eligibility requirements: Sunnyvale residency. Other requirements may apply to specific boards and commissions. For more information, contact the Office of the City Clerk via [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) or at 408-730-7483 or visit the City website at [Sunnyvale.ca.gov](http://Sunnyvale.ca.gov) and search "Boards and Commission"

**If you would like to apply for more than one vacancy, place a number next to the board or commission, in order of your preference, for which you would like to apply.**

Only applications for current openings will be considered at this time. Applications for future openings will be kept on file for one year. Qualified applicants will be contacted for an interview with City Council. Appointments will be made at a regular meeting of the City Council.

- ☐ Arts Commission
- ☐ Bicycle and Pedestrian Advisory Commission
- ☐ Board of Library Trustees\*
- ☐ Heritage Preservation Commission\*
- ☐ Housing and Human Services Commission
- ☒ Human Relations Commission
- ☐ Parks and Recreation Commission\*
- ☐ Personnel Board\*
- ☐ Planning Commission\*
- ☐ Sustainability Commission

\*Registered Sunnyvale voter

If you are applying for the **Bicycle and Pedestrian Advisory Commission**, please identify the category for which you are applying.

☐ Category One: Applicants must be bicyclists or pedestrians residing in Sunnyvale.

☐ Category Two: Applicants must have an interest in bicycle and/or pedestrian issues in the City, reside outside Sunnyvale and belong to one of the groups listed below. Please check as many that apply:

- ☐ Parent Teacher Associations (PTA)/parent group member
- ☐ Administrations of schools in Sunnyvale
- ☐ Commute coordinators for major employers within Sunnyvale
- ☐ Principals or teachers from Sunnyvale schools

If you are applying for the **Human Relations Commission**, please identify the category for which you are applying:

☒ Category One: Applicants shall be Sunnyvale residents.

☒ Category Two: Applicants shall include representatives of a nonprofit service agency that serves Sunnyvale residents. Such members need not be Sunnyvale residents.

If you are applying for the **Sustainability Commission**, please identify the category for which you are applying.

☐ Category One: Applicants shall be Sunnyvale residents.

☐ Category Two: Applicants shall include members of the Sunnyvale business community\*. Such members need not be Sunnyvale residents.

\*Sunnyvale business license holders; or designated representative of Sunnyvale businesses with 200 or more employees.

Applicant Name:

Ibarra

Rafael

Current Residence:

Street

City

State

Zip

E-mail Address:

Preferred Contact Phone Number(s):

Applicant Name \_\_\_\_\_

1. Are you a currently-registered voter in Sunnyvale?

Yes ☐ No ☒

When was the last time you voted?

Month Select Year \_\_\_\_\_

2. Are you currently serving or have you served on a City of Sunnyvale board or commission?

Yes ☐ No ☒

If yes, which one? \_\_\_\_\_

Term currently serving \_\_\_\_\_

Term previously served \_\_\_\_\_

3. Prior attendance at a board or commission meeting is highly desirable. Have you attended meeting(s) of the board or commission for which you are applying?

Yes ☐ No ☒

If yes, how many meetings have you attended? \_\_\_\_\_

**NOTE: If you are applying for more than one board or commission, please reference the specific board or commission in your response to questions 4-7.**

4. What motivated you to apply for this board or commission?

Lo que me motivó fue que me gustan las Relaciones Humanas, y pido una mejora para los latinos, sobre todo que tengan un trabajo digno y un hogar digno, se incluye el derecho a la salud.

5. What skills or attributes can you bring to this board or commission?

Mis habilidades:

→ Supervisión, Inspección, Auditorías  
presentar informes.  
→ Habilidades de comunicación.

Lo que puedo contribuir es comunicar las oportunidades de mejora para conseguir trabajos, Ayudas de Salud y dar a conocer la oportunidad de vivienda.

Applicant Name \_\_\_\_\_

6. The primary role of a board or commission member is to provide advice to City Council on policy issues that are within the scope of that board or commission. With this in mind, what steps would you take to effectively exercise this specific board or commission role?

Desde mi experiencia propia he notado que para encontrar trabajo piden documentos de E.U.A y no nos dan la oportunidad de igualdad en sueldos y trabajo como humanos, no me dan extensión larga para vivienda en el Shelter de Sunnyvale, debe existir un lugar donde se apoye con una cita de oficio y darles bolsa de trabajo. Se requiere capacitación de Inglés de Lunes a Viernes

7. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on this board or commission.

LICENCIATURA EN CONTADURIA PÚBLICA.  
EXPERIENCIA EN AUDITORIA, CONTABILIDAD Y ADMINISTRACION, CURSO-TALLER PLAN DE NEGOCIOS, USO DE LA COMPUTADORA- INFORMES ANALÍTICOS.

8. Briefly describe your current or last occupation.

POR EL MOMENTO ESTOY DE COCINERO PERO TENGO LA LICENCIATURA EN CONTADURIA PÚBLICA. EXPERIENCIA EN AUDITORIA INTERNA.

9. Briefly describe what you learned by attending a meeting of the City Council, board or commission. Describe what improvements you would suggest the City consider.

El 25 vamos a atender un evento de la Ciudad.

No saben las personas como acercarse al consejo. La página está en inglés no hay visibilidad.



Applicant Name \_\_\_\_\_

10. Describe your involvement in community activities, volunteer and civic organizations.

Somos líderes de la comunidad.  
Informamos a las personas  
de los beneficios.

11. The City has a [Code of Ethics and Conduct for Elected and Appointed Officials](#) and an [Attendance Policy \(7.2.19\)](#), 2.G.(II) that appointed members are required to follow. Do you have any concerns in these two areas?

Yes ☐ No ☒

If so, please describe.

12. If an unplanned vacancy arises on the board(s) or commission(s) you are interested in, would you be willing to accept a temporary appointment for the remainder of the unexpired term or until a recruitment is held and Council officially fills the vacancy?

Yes ☒ No ☐

**IMPORTANT NOTICES – READ BEFORE SIGNING:**

All information provided on this application becomes a public record after it is officially filed. This document will be published to the City website with the interview materials. Personal contact information will be redacted.

Applicants appointed to the **Planning Commission, Arts Commission, Heritage Preservation Commission and Housing and Human Services Commission** are required to electronically file the Fair Political Practices Commission (FPPC) Statement of Economic Interests (Form 700), which is a public record. The Form 700 reports your economic interests and your spouse/domestic partner's economic interests (if applicable). A copy of this form is available in the Office of the City Clerk or by visiting [www.fppc.ca.gov/Form700.html](http://www.fppc.ca.gov/Form700.html)

Pursuant to the Americans with Disabilities Act (ADA), the City of Sunnyvale will make reasonable efforts to accommodate persons with qualified disabilities during the boards and commission interview process. Should you require special accommodations, please contact the Office of the City Clerk via [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) or at 408-730-7483 at least five days in advance of your scheduled interview.

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of Sunnyvale to investigate the accuracy of this information from any person or organization, and I release the City of Sunnyvale and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

**Your application is not complete until it is signed and submitted to the Office of the City Clerk.**

**Complete all above fields, the Supplemental Questionnaire and Demographic Information prior to signing this document. Applying your digital signature locks the information you entered, preventing further edits.**

Signature of Applicant



Date 4/13/2023

Please return to: Office of the City Clerk, 456 W. Olive Ave., P.O. Box 3707, Sunnyvale, CA 94088-3707 or email to [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov)

Applicant Name \_\_\_\_\_

Human Relations Commission

We are looking for someone with community-level experience on issues related to equity, access, inclusion, and social justice

11. What do you think are major equity challenges facing the Sunnyvale community?

- No hay equidad en la oportunidad de trabajo.
- No dan más tiempo de ayuda en la instancia en el Selfther Sunnyvale.
- Las rentas son muy caras.
- Apoyo donde bañarse, tener donde tener un poco de privacidad para estudiar y arreglar cosas personales.
- Asesoría para discapacitados, Me dicos, Estudios de laboratorio.
- Donde tener un lugar para preparar su comida.

12. Please describe your experience working with historically marginalized communities. How have your actions benefited these communities?

Ser promotores  
- pasar información a la comunidad latina.



**Applicant: Rafael Ibarra**

**4. What motivated you to apply for this board or commission?**

What motivated me was that I like Human Relations, and I ask for improvements for Latinos, mostly for them to have a decent job and home, including the right to health.

**5. What skills or attributes can you bring to this board or commission?**

My abilities:

- Supervision, inspections, audits, present reports.
- Communication skills.

What I can contribute is to communicate improvement opportunities to get jobs, health support and learn about housing opportunities.

**6. The primary role of a board or commission member is to provide advice to City Council on policy issues that are within the scope of that board or commission. With this in mind, what steps would you take to effectively exercise this specific board or commission role?**

From my own experience, I have noticed that to find a job they ask for documents from the USA and we aren't given the opportunity of equal wages and we work as humans, they don't give me extended housing at the Sunnyvale Shelter. There should be a place that offers trade training and an employment agency. Training in English is needed Monday to Friday.

**7. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on this board or commission.**

Degree in Public Accounting. Experience in auditing, accounting and administration, business plan course - workshop, computer use, analytical reports.

**8. Briefly describe your current or last occupation.**

Right now I am a cook but I have a public accounting degree. Experience in internal auditing.

**9. Briefly describe what you learned by attending a meeting of the City Council, board or commission. Describe what improvements you would suggest the City consider.**

On the 25th we are going to attend an event in the city.  
The people don't know how to approach the council.  
The page is in English. There is no visibility.

**10. Describe your involvement in community activities, volunteer and civic organizations.**

We are community leaders. We inform people about benefits.

**11. What do you think are major equity challenges facing the Sunnyvale community?**

- There is no equity in work opportunities.
- They don't give more time to help with the application at the Sunnyvale Shelter.
- The rents are very expensive.
- Help with where to bathe, have a place for a little bit of privacy to study and tend to personal things.

- Counseling for the handicapped (doctors, lab tests).
- Have a place to prepare food.

**12. Please describe your experience working with historically marginalized communities. How have your actions benefited these communities?**

Be promoters.

Pass on information to the Latin community.



# City of Sunnyvale

## Agenda Item

---

**23-0423**

**Agenda Date: 5/16/2023**

---

Information/Action Items

Date Requested	Directive/Action Required	Dept	Due Date	Completed
9/14/21	Provide to Council a copy of final encroachment permit for the Intuitive Surgical bridge over Kifer.	DPW	Sep 2023	
4/5/22	Review no right on red at the intersection of Bernardo and Fremont Ave.	DPW	May 2023	
5/3/22	Provide a breakdown of what the various fees are for comparable cities and for an average project what percentage of the total fees of those projects fall into each of those categories. Also, would like to get a sense of how time factors into it.	CDD	May 2023	
6/7/22	Work with the Mayor to prepare advocacy letters in support of the efforts of the Amah Mutsun Tribal Band to preserve Sargent Ranch/Juristac as open space.	CDD	Jun 2023	
12/13/22	Provide UUT audit findings with the Annual Budget Report/Workshop.	FIN	May 2023	
12/13/22	Identify and review the "unfunded" list with Council during the Budget Workshop.	FIN	May 2023	
1/10/23	Provide information on metering at the Community Center and identify if there is a way to separate water usage per facility at this location.	DPW	Jun 2023	
1/10/23	Incorporate and address Council comments when the final Community Center grounds renovation project design is presented to Council for adoption.	DPW	Nov 2023	
2/7/23	Murphy Ave. pedestrian mall items for follow up: *Evaluate the crosswalk treatments at Murphy and Evelyn. *Look for more opportunities for bike racks on or near Murphy Ave *Identify options available to make Murphy Ave. more bike friendly *Look for ways to mark the clear pedestrian zone in the center of Murphy Ave. *Provide an update on the plan for Washington when Murphy Ave. is closed to vehicles	DPW	Oct 2023	
2/7/23	Provide information on the number of accidents before and after the closure of Tasman, and a graph with the number of pedestrians and bicyclists on Tasman.	DPW	May 2023	
3/14/23	Bring back an item to consider financial support for Sunnyvale Community Services	OCM	May 2023	
4/4/23	Provide Opioid settlement information to include the process to appropriate the funds and identify what the City spent funds on.	FIN	Jun 2023	

# New Study Issues and Budget Proposals Sponsored by Council

Initial Sponsor in **Bold**.

Following approval by the City Manager, study issues papers and budget proposals are posted to:

<https://www.sunnyvale.ca.gov/your-government/governance/city-council/study-issues-and-budget-proposals/proposed-study-issues-and-budget-proposals>

Date Requested	RTC #	Study Issue/Budget Proposal Topic	Requested By	Dept	Approved by City Manager
3/14/23	23-0301	Evaluate Feasibility of an Art Crosswalks Program or Policy	<b>Mehlinger</b> , Klein, Din, Melton, Cisneros, Srinivasan, Sell	DPW	
4/4/23	23-0536	Determine Cost and Feasibility of Requiring Structural Retrofitting of Existing Seismically-Vulnerable Buildings within a Specific Time Frame	<b>Cisneros</b> , Mehlinger, Melton, Klein, Din, Sell, Srinivasan	CDD	
4/25/23		Establishment of a sanctioned encampment for unhoused individuals in Sunnyvale.	Srinivasan, Klein, Cisneros, Sell, Din	CDD	



# City of Sunnyvale

## Agenda Item

---

**23-0421**

**Agenda Date: 5/16/2023**

---

Board/Commission Meeting Minutes





# City of Sunnyvale

## Meeting Minutes

### Planning Commission

---

Monday, April 24, 2023

7:00 PM

Online and Bay Conference Room  
(Room 145), City Hall,  
456 W. Olive Ave.,  
Sunnyvale, CA 94086

---

**Special Meeting: Public Hearing - 7:00 PM | Study Session - 7:15 PM**

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

##### **CALL TO ORDER**

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

##### **SALUTE TO THE FLAG**

Chair Pyne led the salute to the flag.

##### **ROLL CALL**

**Present:** 6 - Chair Martin Pyne  
Vice Chair Nathan Iglesias  
Commissioner Daniel Howard  
Commissioner Michael Serrone  
Commissioner Neela Shukla  
Commissioner Carol Weiss  
**Absent:** 1 - Commissioner John Howe

Commissioner Howe's absence is excused.

##### **ORAL COMMUNICATIONS**

None.

##### **CONSENT CALENDAR**

There were no public speakers for this agenda item.

MOTION: Commissioner Weiss moved and Commissioner Howard seconded the motion to approve the Consent Calendar with the revised minutes in the attachment

titled "23-0526 Updated Attachment 1 (posted 20230424)."

Chair Pyne confirmed with Planning Officer Shaunn Mendrin that the City Council will be advised of the of the Commission's adjusted recommendation regarding the Residential Tenant Protections Program that is being considered at the City Council meeting of April 25, 2023. This adjustment is noted in the revised April 10, 2023 Planning Commission meeting minutes (see attachment titled "23-0526 Updated Attachment 1 (posted 20230424)").

The motion carried by the following vote:

**Yes:** 6 - Chair Pyne  
Vice Chair Iglesias  
Commissioner Howard  
Commissioner Serrone  
Commissioner Shukla  
Commissioner Weiss

**No:** 0

**Absent:** 1 - Commissioner Howe

1. [23-0526](#) Approve Planning Commission Meeting Minutes of April 10, 2023  
Approve Planning Commission Meeting Minutes of April 10, 2023 as submitted.

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

2. [23-0538](#) **REQUEST FOR CONTINUANCE TO MAY 8, 2023 AND TO HOLD A STUDY SESSION AFTER THE APRIL 24, 2023 PUBLIC HEARING**

**Proposed Project:**

Forward recommendation to the City Council related to the Moffett Park Specific Plan (MPSP) to:

A. Adopt a Resolution (Attachment 6) to:

1. Certify the Environmental Impact Report (EIR);
2. Make the findings required by California Environmental Quality Act (CEQA);
3. Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program;
4. Adopt the Water Supply Assessment;
5. Adopt the Amended Moffett Park Specific Plan (with Staff recommended modifications to the draft MPSP detailed in Attachment 5);
6. Amend the General Plan text and update the General Plan

Map; and

7. Update the Green Building Program Table.

B. Adopt a Resolution (Attachment 7) to:

1. Amend the Fiscal Year 2022/23 Master Fee Schedule to adjust the MPSP Planning Application Fees, including the addition of the MPSP Maintenance Fee, the MPSP Infrastructure Fee and the MPSP Transportation Impact Fee (TIF).

C. Introduce An Ordinance (Attachment 8) to:

1. Repeal and Re-Adopt Sunnyvale Municipal Code (SMC) Chapter 19.29 (Moffett Park Specific Plan) and make other amendments to Title 19 (Zoning) to implement the MPSP.
2. Add SMC Chapter: 3.56 (MPSP Transportation Impact Fee) to Title 3 (Revenue and Finance); and
3. Amend the Zoning Plan District Map and re-zone parcels currently within the new MPSP district.

**Location: Existing Plan:** Moffett Park Specific Plan

**File number:** 2018-7715 (Moffett Park Specific Plan)

**General Plan Designation:**

**Existing:** Moffett Park Specific Plan

**Proposed:** Moffett Park Specific Plan

**Zoning:**

**Existing Zoning:**

MP-I: Industrial

MP- TOD: Transit Oriented Development

MP-C: Commercial

**Proposed MPSP Zoning Districts:**

MP-AC: Activity Center

MP-R: Residential

MP-MU: Mixed Use

MP-O1: Office 1

MP-O2: Office 2

MP-E1: Mixed Employment 1

MP-E2: Mixed Employment 2

MP-E3: Mixed Employment 3

MP-H: Hospitality

MP-PF: Public Facilities

**Proposed Combining District**

ECD: Ecological Combining District

**Applicant:** City of Sunnyvale

**Environmental Review:** Environmental Impact Report (SCH #

20210880338)

**Project Planner:** Michelle King, 408-730-7463,  
mking@sunnyvale.ca.gov

Principal Planner Michelle King stated that staff requests the continuation of this agenda item to the May 8, 2023 Planning Commission meeting and explained why.

There were no public speakers for this agenda item.

MOTION: Commissioner Weiss moved and Commissioner Howard seconded the motion to continue the discussion on Public Hearing Agenda Item 2 to Monday, May 8, 2023.

Commissioner Weiss voiced her agreement with staff's recommendation to continue this agenda item to a date certain.

The motion carried by the following vote:

**Yes:** 6 - Chair Pyne  
Vice Chair Iglesias  
Commissioner Howard  
Commissioner Serrone  
Commissioner Shukla  
Commissioner Weiss

**No:** 0

**Absent:** 1 - Commissioner Howe

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

None.

**NON-AGENDA ITEMS AND COMMENTS**

**-Commissioner Comments**

Chair Pyne confirmed with staff that the study session must start at 7:15 p.m. as stated on the meeting agenda.

**-Staff Comments**

Planning Officer Mendrin announced that the Planning Commission meeting tentatively scheduled for May 1, 2023 has been canceled.

**ADJOURNMENT**

Chair Pyne adjourned the meeting at 7:10 PM.

**7:15 P.M. STUDY SESSION**

**Call to Order**

Vice Chair Iglesias called the meeting to order at 7:15 PM.

**Roll Call**

**Present:** 6 - Chair Martin Pyne  
Vice Chair Nathan Iglesias  
Commissioner Daniel Howard  
Commissioner Michael Serrone  
Commissioner Neela Shukla  
Commissioner Carol Weiss  
**Absent:** 1 - Commissioner John Howe

Commissioner Howe's absence is excused.

**Study Session**

**A.**      [23-0540](#)      Draft Moffett Park Specific Plan (MPSP) Overview and Review of Draft Staff-Recommended Modifications  
**File #:** 2018-7715 (Moffett Park Specific Plan)  
**Project Planner:** Michelle King, 408-730-7463,  
mking@sunnyvale.ca.gov

**Adjourn Study Session**

**NOTICE TO THE PUBLIC**



# City of Sunnyvale

## Agenda Item

---

**23-0420**

**Agenda Date: 5/16/2023**

---

Tentative Council Meeting Agenda Calendar





## City of Sunnyvale Tentative Council Meeting Agenda Calendar

---

### **Thursday, May 18, 2023 - City Council**

#### **Workshop**

**23-0048**                      8:30 A.M. SPECIAL COUNCIL MEETING  
Budget Workshop

### **Tuesday, May 23, 2023 - City Council**

#### **Special Order of the Day**

**23-0074**                      SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and  
Commission Members

#### **Public Hearings/General Business**

**23-0031**                      Selection of the Preferred Alignment of the Bernardo Avenue Undercrossing  
Project to be Defined as the Proposed Project for the Project for  
Environmental Review

**23-0067**                      Accept the Findings of the Poplar Avenue Sidewalk Study (DPW 21-04),  
Install a 6-foot Wide Sidewalk and 4-foot Wide Park Strip Along the East  
Side of Poplar Avenue Between El Camino Real and Peterson Middle  
School, and Install a Minimum 6-foot Wide Sidewalk on the North and South  
Sides of Bryant Way East of Poplar Avenue

**23-0409**                      Provide Direction to the Department of Public Safety Regarding Proposed  
Changes to the Crossing Guard Program Budget

### **Tuesday, June 6, 2023 - City Council**

#### **Closed Session**

**23-0231**                      5 P.M. SPECIAL COUNCIL MEETING (Closed Session)  
Closed Session Held Pursuant to California Government Code Section  
54957.6:  
CONFERENCE WITH LABOR NEGOTIATORS  
Agency designated representatives: Tina Murphy, Director of Human  
Resources  
Employee organization: Sunnyvale Managers Association (SMA)

#### **Study Session**

**23-0457**                      6 P.M. SPECIAL COUNCIL MEETING (Study Session)

---

Village Centers Master Plan

**Public Hearings/General Business**

**23-0452** Annual City Council Public Hearing on FY 2023/24 Budget and Resource Allocation Plan and Establishment of Appropriations Limit and Sunnyvale Financing Authority Public Hearing on FY 2023/24 Budget

**23-0455** Annual Review of Proposed Fees and Charges for Fiscal Year 2023/24

**Tuesday, June 20, 2023 - City Council**

**Closed Session**

**23-0503** 5 P.M. Closed Session held pursuant to California Government Code Section 54957:  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: City Manager

**23-0504** 5:30 P.M. Closed Session held pursuant to California Government Code Section 54957:  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: City Attorney

**23-0232** 6 P.M. SPECIAL COUNCIL MEETING (Closed Session)  
Closed Session Held Pursuant to California Government Code Section 54957.6:  
CONFERENCE WITH LABOR NEGOTIATORS  
Agency designated representatives: Tina Murphy, Director of Human Resources  
Employee organization: Sunnyvale Managers Association (SMA)

**Public Hearings/General Business**

**23-0454** City Council Adoption of the FY 2023/24 Budget, Fee Schedule and Appropriations Limit, and Sunnyvale Financing Authority Adoption of the FY 2023/24 Budget

**Tuesday, June 27, 2023 - City Council**

**Closed Session**

**23-0505** 5:30 P.M. Closed Session Held Pursuant to California Government Code Section 54957.6:  
CONFERENCE WITH LABOR NEGOTIATORS  
Agency designated representatives: Ad Hoc Committee on City Attorney Compensation  
Council Members: Klein, Cisneros, Din  
Unrepresented employee: City Attorney

---

**Study Session**

- 23-0159** 6 P.M. SPECIAL COUNCIL MEETING (Closed Session)  
Closed Session held pursuant to California Government Code Section 54957  
(a): THREAT TO PUBLIC SERVICES OR FACILITIES  
Topic: Council Chambers and Bay Conference Room Security  
Consultation with Sunnyvale Department of Public Safety: Phan Ngo, Director of Public Safety and Captain Jeromy Lima; John Nagel, City Attorney

**Special Order of the Day**

- 23-0377** SPECIAL ORDER OF THE DAY - Parks and Recreation Month

**Public Hearings/General Business**

- 23-0453** Proposed Utility Rate Increases for FY 2023/24 Rates for Water, Wastewater, and Solid Waste Utilities for Service Provided to Customers Within and Outside City Boundaries; Finding of California Environmental Quality Act (CEQA) Exemption Pursuant to Public Resource Code Section 21080(b)(8) and CEQA Guidelines Section 15273
- 23-0532** Citywide Objective Design Standards for Multi-family Residential and Mixed-Use Developments
- 23-0579** Adopt a Resolution to Cause Charges for Non-Payment of Delinquent Utility Charges to be placed on the FY 2023/24 County of Santa Clara Property Tax Roll

**Tuesday, July 11, 2023 - City Council****Special Order of the Day**

- 23-0475** SPECIAL ORDER OF THE DAY - Disability Pride Month

**Public Hearings/General Business**

- 23-0224** CONTINUED FROM MAY 16, 2023  
Moffett Park Specific Plan and Final Environmental Impact Report
- 23-0442** Consider the Fourth Substantial Amendment to the 2019 Annual Action Plan to Allocate Remaining CDBG-CV Funds for Administrative Activities and Contract Management
- 23-0507** Consider Amending the Employment Agreement between the City of Sunnyvale and City Attorney John A. Nagel to Modify the City Attorney Salary [and/or Benefits, and Adopt a Resolution Amending the Salary Resolution Schedule of Pay to Adjust the City Attorney Salary Range]

**Tuesday, July 25, 2023 - City Council**

---

**Presentation**

**23-0519** PRESENTATION - Assembly Constitutional Amendment (ACA) No. 5 - Marriage Equality by Assemblymember Evan Low

**Public Hearings/General Business**

**23-0049** Forward a Recommendation to the Council to Adopt a Resolution Amending Chapter 1: Introduction (Environmental Justice); Chapter 6: Safety and Noise, and Chapter 7: Environmental Management (Air Quality) of the Sunnyvale General Plan

**23-0513** Adopt a Resolution to Approve the Final Engineer's Report, Confirm the Assessment, and Levy and Collect an Annual Assessment for The Downtown Parking Maintenance District for Fiscal Year 2023/24

**Tuesday, August 8, 2023 - City Council**

**Public Hearings/General Business**

**23-0161** 2023-2031 Housing Element Adoption

**23-0242** Second Quarter General Plan Initiation Requests

**23-0422** Consider Converting All Part-Time Bike Lanes on Homestead Road Into Full-Time Bike Lanes

**Tuesday, August 15, 2023 - City Council**

**Study Session**

**23-0055** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Board and Commission Interviews (as needed)

**Tuesday, August 29, 2023 - City Council**

**Special Order of the Day**

**23-0378** SPECIAL ORDER OF THE DAY - National Library Card Sign-up Month

**23-0379** SPECIAL ORDER OF THE DAY - POW/MIA Recognition Day

**Public Hearings/General Business**

**23-0056** Board and Commission Appointments

**Tuesday, September 12, 2023 - City Council**

**Special Order of the Day**

---

**23-0075** SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and Commission Members

**23-0380** SPECIAL ORDER OF THE DAY - Workforce Development Month

**23-0381** SPECIAL ORDER OF THE DAY - Hispanic Heritage Month

**Public Hearings/General Business**

**23-0057** Agenda Items Pending - to be scheduled

**Tuesday, September 26, 2023 - City Council**

**Special Order of the Day**

**23-0383** SPECIAL ORDER OF THE DAY - Active Aging Week

**23-0384** SPECIAL ORDER OF THE DAY - Arts and Humanities Month

**23-0385** SPECIAL ORDER OF THE DAY - Domestic Violence Awareness Month

**Public Hearings/General Business**

**23-0058** Agenda Items Pending - to be scheduled

**Tuesday, October 10, 2023 - City Council**

**Special Order of the Day**

**23-0382** SPECIAL ORDER OF THE DAY - Breast Cancer Awareness Month

**23-0386** SPECIAL ORDER OF THE DAY - Freedom from Workplace Bullies Week

**23-0387** SPECIAL ORDER OF THE DAY - Cybersecurity Awareness Month

**23-0388** SPECIAL ORDER OF THE DAY - National Friends of the Library Week

**Public Hearings/General Business**

**23-0059** Agenda Items Pending - to be scheduled

**Tuesday, October 24, 2023 - City Council**

**Special Order of the Day**

**23-0389** SPECIAL ORDER OF THE DAY - Picture Book Month

**Public Hearings/General Business**

---

**23-0060** Agenda Items Pending - to be scheduled

**Monday, November 6, 2023 - City Council**

**Study Session**

**23-0061** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Board and Commission Interviews (as needed)

**Tuesday, November 14, 2023 - City Council**

**Study Session**

**23-0066** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Joint Meeting of City Council with Board and Commission Chairs and Vice  
Chairs to Review and Improve Overall Effectiveness of Commission Meetings

**Special Order of the Day**

**23-0390** SPECIAL ORDER OF THE DAY - Sunnyvale Stands United Against Hate  
Week

**23-0391** SPECIAL ORDER OF THE DAY - Small Business Saturday

**Public Hearings/General Business**

**23-0062** Board and Commission Appointments

**23-0243** Third Quarter General Plan Initiation Requests

**Tuesday, November 28, 2023 - City Council**

**Special Order of the Day**

**23-0076** SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and  
Commission Members

**Public Hearings/General Business**

**23-0063** Agenda Items Pending - to be scheduled

**Tuesday, December 5, 2023 - City Council**

**Study Session**

**23-0173** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Discussion of Upcoming Selection of Vice Mayor

**23-0174** Discussion of 2024 Council Intergovernmental Assignments



---

**Public Hearings/General Business**

**23-0064**                      Agenda Items Pending - to be scheduled

**Tuesday, December 12, 2023 - City Council**

**Public Hearings/General Business**

**23-0065**                      Agenda Items Pending - to be scheduled

**Tuesday, January 9, 2024 - City Council**

**Public Hearings/General Business**

**23-0175**                      Selection of Vice Mayor for a One-Year Term Effective January 9, 2024

**23-0176**                      Appoint Councilmembers to Intergovernmental Assignments; Ratify  
Appointments of Councilmembers made by Outside Agencies; Take Action  
to Modify, Create, or Terminate Council Subcommittees

**23-0178**                      Determine the 2024 Seating Arrangements for City Council

**Tuesday, January 23, 2024 - City Council**

**Special Order of the Day**

**23-0179**                      SPECIAL ORDER OF THE DAY - Recognition of Outgoing Vice Mayor

**23-0180**                      SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Vice Mayor

**Public Hearings/General Business**

**23-0318**                      Annual Public Hearing-Discussion of Potential Council Study Issues and  
Budget Proposals for Calendar Year 2024

**23-0319**                      Approve the Proposed 2024 Priority Advocacy Issues and Review Long-term  
Legislative Advocacy Positions (LAPs)

**24-0001**                      Review the Council Policy 7.3.19 (Council Meetings) Process for City Council  
Colleague Memorandums to Propose new Agenda Items and Consider  
Amendments to the Process and/or an Extension of the Process Beyond  
January 31, 2024

**Thursday, January 25, 2024 - City Council**

**Workshop**

**23-0068**                      8:30 A.M. SPECIAL COUNCIL MEETING

---

Strategic Planning Workshop

**Tuesday, February 6, 2024 - City Council**

**Public Hearings/General Business**

**23-0244** Fourth Quarter General Plan Initiation Requests

**Tuesday, February 13, 2024 - City Council**

**Study Session**

**23-0070** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Board and Commission Interviews (as needed)

**Thursday, February 15, 2024 - City Council**

**Workshop**

**23-0071** 8:30 A.M. SPECIAL COUNCIL MEETING  
Study Issues/Budget Proposals Workshop

**Tuesday, February 27, 2024 - City Council**

**Public Hearings/General Business**

**23-0072** Board and Commission Appointments



# City of Sunnyvale

## Agenda Item

---

23-0573

Agenda Date: 5/16/2023

---

### REPORT TO COUNCIL

#### SUBJECT

Board/Commission Resignation (Information Only)

#### BACKGROUND AND DISCUSSION

This report is to inform the Council of the following resignation from a City commission.

Justin Wang, who was appointed to a term on the Sustainability Commission on March 1, 2021, and scheduled to serve a term to expire June 30, 2026, has submitted a letter of resignation from the Board, effective April 28, 2023.

Administrative Policy, Chapter 1, General Management, Article 15 Boards and Commissions, Section 2, Subdivision 8 states that when a resignation letter is received, staff shall prepare an Information Only Report to Council that indicates the resignation(s) and specifies the process that staff recommends to fill the new vacancy.

The Sustainability Commission vacancy will be promoted with the current recruitment process for May 2023 appointments. The application deadline for this recruitment was April 27, 2023, at 4:00 p.m., with interviews on May 8 and 9, 2023, and appointments on May 23, 2023.

With these resignations, the recruitment includes the following vacancies:

- Arts Commission (one vacancy)
- Bicycle and Pedestrian Advisory Commission (one vacancy)
- Board of Library Trustees (one vacancy)
- Heritage Preservation Commission (two vacancies)
- Housing and Human Services Commission (one vacancy)
- Human Relations Commission (Five vacancies)
- Parks and Recreation Commission (two vacancies)
- Personnel Board (Two Council-nominated vacancies)
- Planning Commission (two vacancies)
- Sustainability Commission (two vacancies)

#### EXISTING POLICY

Administrative Policy, Chapter 1, General Management, Article 15 Boards and Commissions

#### PUBLIC CONTACT

Public contact was made by posting the Council meeting agenda on the City's official-notice bulletin board at City Hall, at the Sunnyvale Public Library and in the Department of Public Safety Lobby. In addition, the agenda and this report are available at the NOVA Workforce Services reception desk

located on the first floor of City Hall at 456 W. Olive Avenue (during normal business hours), and on the City's website.

Prepared by: David Carnahan, City Clerk

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager



# City of Sunnyvale

## Agenda Item

---

**23-0489**

**Agenda Date: 5/16/2023**

---

Council Advocacy Letters

### **ATTACHMENTS**

1. 3/3/23: FY2024 Community Project Funding Requests - Padilla
2. 3/10/23: Letter of Support for FY2024 Community Project Funding Request from Sunnyvale Community Services
3. 3/16/23: FY2024 Community Project Funding Requests - Khanna
4. 3/17/23: Letters of Support for FY2024 Community Project Funding Request from Second Harvest of Silicon Valley
5. 4/13/23: Letter of Support for Public Transit Funding
6. 4/13/23: Letter of Support for Seamless Transit Principles
7. 4/17/23: Letter of Support for Santa Clara County Board of Supervisors Item 115443
8. 4/18/23: Letter of Support for SB 707
9. 4/19/23: 2023 State Budget Funding Requests - Low
10. 5/3/23: Building Forward Library Facilities Improvement Program Funding Request
11. 5/4/23: Letter of Opposition to AB 504
12. 5/4/23: Letter of Opposition Unless Amended to AB 1484



456 West Olive Avenue  
Sunnyvale, CA 94088-3707

408-730-7473  
TDD/TYY 408-730-7501  
[sunnyvale.ca.gov](http://sunnyvale.ca.gov)

March 3, 2023

The Honorable Alex Padilla  
United States Senate  
112 Hart Senate Office Building  
Washington, DC 20510

**RE: FY 2024 Community Project Funding Request from the City of Sunnyvale –  
Rebuild Fire Station 2**

Dear Senator Padilla:

Larry Klein  
Mayor

Omar Din  
Vice Mayor

Russ Melton  
Councilmember

Alysa Cisneros  
Councilmember

Richard Mehlinger  
Councilmember

Murali Srinivasan  
Councilmember

Linda Sell  
Councilmember

On behalf of the City of Sunnyvale, we respectfully submit a Community Project Funding request for \$5,000,000 to rebuild the old and out-of-date Fire Station 2 located at 795 E. Arques Ave. In addition to serving our community, Fire Station 2 is a countywide training workhorse. It serves as a regional fire academy training facility for Sunnyvale Department of Public Safety and fire departments throughout Santa Clara County.

California faces a growing threat from fires. In 2020, five of the largest fires in our state's history burned at the same time. They destroyed thousands of buildings and forced hundreds of thousands of evacuations. Our firefighters are on the frontlines, called to emergencies locally and statewide. A modern sustainable station would allow us to meet the high training demand and ensure our firefighters have healthy and safe living conditions.

This replacement and expansion project will:

- Improve emergency response services to East Central Sunnyvale
- Meet higher training demand in response to intensifying fire seasons throughout the state
- Improve interoperability among jurisdictions by expanding capacity for regional training
- Increase emergency preparedness by training more community volunteers
- Achieve sustainability goals with green building design



Thank you for considering our request. Please do not hesitate to contact me or Chief Phan Ngo, Director of Public Safety, at [pngo@sunnyvale.ca.gov](mailto:pngo@sunnyvale.ca.gov) if you have any questions.

Sincerely,



Larry Klein  
Mayor

enc. Letter of Support from State Assemblymember Evan Low  
Letter of Support from Santa Clara County Board Supervisor Otto Lee  
Letter of Support from Sunnyvale Chamber of Commerce CEO, Dawn Maher

cc: City Council  
Kent Steffens, City Manager  
Teri Silva, Assistant City Manager  
Phan Ngo, Director of Public Safety

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0026  
(916) 319-2026  
FAX (916) 319-2126



March 3, 2023

The Honorable Alex Padilla  
United States Senate  
112 Hart Senate Office Building  
Washington, DC 20510

**RE: FY 2024 Congressionally Directed Spending Request from the City of Sunnyvale – Rebuild Fire Station 2**

Dear Senator Padilla:

I am writing to respectfully urge you to support the City of Sunnyvale's Community Project Funding request to rebuild Fire Station 2, located at 795 East Arques Avenue.

With California facing a growing threat of fires annually, firefighters are on the frontlines. As such, they require modern facilities and robust training. Nearly 60 years old, Fire Station 2 is old and out of date, negatively impacting the effectiveness of our first responders. Fire Station 2 specifically trains over 400 people annually; they are one of only two facilities to offer numerous training courses for firefighters not only for the City of Sunnyvale, but countywide as well. The current living conditions of the fire station lack modern health and safety features for fire personnel, is costly to maintain due to the energy inefficiency of the facility, have a limited number of classrooms available, and currently has inadequate equipment storage.

By rebuilding Fire Station 2, the City of Sunnyvale would be able to meet higher demand in response to intensifying fire seasons throughout the State, improve interoperability among jurisdictions by expanding capacity for regional training, increase emergency preparedness by training more community volunteers, ensure living and working conditions meet modern health and safety standards, and achieve sustainability goals with green building design.

As a committed advocate for the safety of Sunnyvale residents and the County as a whole, as well as the sustainability of the community, I respectfully ask for your support to rebuild Fire Station 2. Thank you for your kind consideration of this request. Please do not hesitate to reach out to my office at (408) 446-2810 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Evan Low".

Evan Low  
Assemblymember, 26<sup>th</sup> District – San José/Silicon Valley

**Otto Lee**

**County of Santa Clara Supervisor, Third District**

County Government Center, East Wing

70 West Hedding Street, 10<sup>th</sup> Floor

San Jose, California 95110

Tel: (408) 299-5030 Fax: (408) 298-6637

[supervisor.lee@bos.sccgov.org](mailto:supervisor.lee@bos.sccgov.org) [www.supervisorlee.org](http://www.supervisorlee.org)



March 2, 2023

The Honorable Alex Padilla

United States Senate

112 Hart Senate Office Building

Washington, DC 20510

**RE: FY 2024 Congressionally Directed Spending Request from the City of Sunnyvale – Rebuild Fire Station 2**

Dear Senator Padilla:

I am pleased to support the City of Sunnyvale's request for rebuild of Fire Station 2 located at 795 East Arques Avenue.

Fire Station 2 is nearly 60 years old and has quickly outgrown its original footprint and is well past due its expected useful service life. The station currently does not have enough restrooms or equipment storage. The facilities also lack features that are standard in most modern stations, leading to higher utility costs and inadequate living conditions.

The station serves as a vital training center, serving more than 400 people annually. It is one of only two facilities that offers required training for firefighters in Santa Clara County, a county home to more than 4 million people. With wildfires becoming more and more prevalent, it is critical that we continue to invest in facilities that support training our first responders. In addition, Fire Station 2 hosts emergency preparedness training for volunteers and city public safety officers.

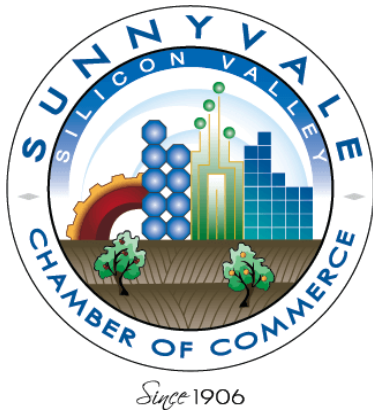
Rebuilding the station will improve emergency response in east-central Sunnyvale, accommodate greater utilization by public safety personnel, and enhance regional training capacity. It will also help the City achieve its sustainability goals for green building design and construction.

Thank you for your kind consideration of this request. If you have any questions, please do not hesitate to contact my Chief of Staff, Wendy Ho at (408) 299-5030 or via email at [wendy.ho@bos.sccgov.org](mailto:wendy.ho@bos.sccgov.org).

Sincerely,

A handwritten signature in blue ink that reads "Otto Lee". The signature is fluid and cursive, with the first name "Otto" being more prominent than the last name "Lee".

Otto O. Lee



Sunnyvale Chamber of Commerce  
260 S. Sunnyvale Ave, Ste 7  
Sunnyvale, CA 94086  
(408) 736-4971

[info@svcoc.org](mailto:info@svcoc.org)

#### BOARD of DIRECTORS

**Board Chair**  
Rashad Wiley  
Star One

**Immediate Past Chair**  
Javier Gonzalez  
Google

**Treasurer**  
Marie Bernard  
Sunnyvale Community Services

#### Members-at-large

Agustin Torres, Jr.  
Facebook

Andreu (AJ) Reall  
El Camino Health

Christine Mallery  
Fremont Union HS District

Drew Constantino  
Lockheed Martin Space

Ismael Islas  
Islas

Michael Velarde  
Comcast

Kerry Haywood  
Moffett Park Business Group

Mike Johnson  
Sunnyvale Downtown Association

March 1, 2023

The Honorable Alex Padilla, United States Senate  
112 Hart Senate Office Building, Washington, DC 20510

### RE: **FY 2023 Congressionally Directed Spending Request from the City of Sunnyvale – Rebuild Fire Station 2**

Dear Senator Padilla,

The Sunnyvale Chamber of Commerce is pleased to support the City of Sunnyvale's request to rebuild Fire Station 2 located at 795 East Arques Avenue.

Fire Station 2 was built in 1964 and has quickly outgrown its original footprint and is well past due its expected useful service life. The station currently does not have enough restrooms or equipment storage.

The station serves as a vital training center, serving more than 400 people annually. It is one of only two facilities that offers required training for firefighters in Santa Clara County, a county home to more than 4 million people. With wildfires becoming more and more prevalent, it is critical that we continue to invest in facilities that support training our first responders. In addition, Fire Station 2 hosts emergency preparedness training for volunteers and city public safety officers.

Rebuilding the station will improve emergency response in east-central Sunnyvale, accommodate greater utilization by public safety personnel, and enhance regional training capacity. Our firefighters are on the frontlines, called to emergencies locally and statewide. Modern facilities will allow them to better prepare and respond to the needs our community and our state.

Thank you for your consideration. Do not hesitate to contact me with any questions.

Regards,

*Dawn Maher*

Dawn Maher, CEO  
Sunnyvale Chamber of Commerce



456 West Olive Avenue  
Sunnyvale, CA 94088-3707

408-730-7473  
TDD/TYY 408-730-7501  
[sunnyvale.ca.gov](http://sunnyvale.ca.gov)

March 3, 2023

The Honorable Alex Padilla  
United States Senate  
112 Hart Senate Office Building  
Washington, DC 20510

**RE: FY 2024 Community Project Funding Request from the City of Sunnyvale –  
Lakewood Branch Library and Learning Center**

Dear Senator Padilla:

On behalf of the City of Sunnyvale, we respectfully submit a Community Project Funding request for \$4,000,000 to build the Lakewood Branch Library and Learning Center located at 760 Lakechime Drive.

Larry Klein  
Mayor

Omar Din  
Vice Mayor

Russ Melton  
Councilmember

Alysa Cisneros  
Councilmember

Richard Mehlinger  
Councilmember

Murali Srinivasan  
Councilmember

Linda Sell  
Councilmember

The City and two local school districts are partnering to build this 20,000 square foot facility. It will be a primary resource for literacy, learning and wellness for north Sunnyvale. This area currently has less access to services. It's diverse population also has income and educational inequities. The new Library will address this by supporting education, skill development and personal growth. This will strengthen quality of life and contribute to a healthy local economy.

This project will:

- Leverage local resources provided by the City and two school districts
- Foster creative expression, education, skill development, and personal enrichment for all ages
- Create a community hub to help residents shape their quality of life
- Contribute to healthy living and stronger neighborhoods
- Achieve sustainability goals with LEED Gold design

Thank you for considering our request. Please do not hesitate to contact me or Michelle Perera, Director of Library and Recreation Services, at [MPerera@sunnyvale.ca.gov](mailto:MPerera@sunnyvale.ca.gov) if you have any questions.

Sincerely,

Larry Klein  
Mayor

enc. Letter of Support from California State Librarian, Greg Lucas  
Letter of Support from Santa Clara County Board Supervisor Otto Lee  
Letter of Support from Sunnyvale School District Board President, Isabel Jubes-  
Flamerich

cc: City Council  
Kent Steffens, City Manager  
Teri Silva, Assistant City Manager  
Michelle Perera, Director of Library and Recreation Services





03/02/23

Senator Alex Padilla  
501 I Street  
Suite 7-800  
Sacramento, CA 95814

Subject: Funding for the Sunnyvale Public Library new Lakewood branch

Dear Senator Padilla,

I am writing in support of the City of Sunnyvale's new Lakewood branch which with your help will open in late 2024. The proposed Lakewood Branch Library and Learning Center at Lakewood Elementary is intended to serve as a modern library; a place for the community to gather, to learn, to experience and to share in the development of lifelong learning and capacity-building activities in north Sunnyvale. Lakewood is the only area in Sunnyvale where residents must travel more than two miles to access a public library. Increasing accessibility to educational resources would serve the neighboring Lakewood Elementary School, which is a Title 1 school where 40% of the student population qualifies for free or reduced lunch.

This new facility strives to be ecologically friendly. The City of Sunnyvale has been awarded a grant for \$500,000 from the Silicon Valley Clean Energy Authority to support the electrification of the new Lakewood Branch Library and Learning Center and the accompanying education and outreach program. The library's Learning Center will provide a digital display of the all-electric building components and energy use, host educational programming for community members on transitioning to all-electric, brochures, and provide an all-electric, rentable community space.

The estimated project cost for design and construction of the facility is \$28,341,211. The City of Sunnyvale's FY 2019/20 Budget includes \$20,787,180 for this project, not including the \$6 million contribution from the participating school districts. The Friends of the Sunnyvale Library have committed \$500,000 toward construction. The City of Sunnyvale is therefore looking for an additional \$ 4 million in funding to complete the project and bring this community vision to life.

I strongly encourage your support of this innovative and essential project which will allow for the Lakewood community to grow and thrive.

Respectfully yours,

A handwritten signature in black ink that reads "Greg Lucas".

Greg Lucas  
California State Librarian

**Otto Lee**

**County of Santa Clara Supervisor, Third District**

County Government Center, East Wing

70 West Hedding Street, 10<sup>th</sup> Floor

San Jose, California 95110

Tel: (408) 299-5030 Fax: (408) 298-6637

[supervisor.lee@bos.sccgov.org](mailto:supervisor.lee@bos.sccgov.org) [www.supervisorlee.org](http://www.supervisorlee.org)

---



March 2, 2023

The Honorable Alex Padilla

United States Senate

112 Hart Senate Office Building

Washington, DC 20510

**RE: FY 2024 Congressionally Directed Spending Request from the City of Sunnyvale – Lakewood Branch Library and Learning Center Construction**

Dear Senator Padilla:

I am pleased to support the City of Sunnyvale's request for the construction of the Lakewood Branch Library and Learning Center at 760 Lakechime Drive on the Lakewood Elementary School site. The project will be a joint use facility between the City of Sunnyvale, Sunnyvale School District, and Fremont Union High School District.

The Lakewood neighborhood is home to a very diverse population, with varying levels of educational attainment, income, and access to services. It is also home to the highest percentage of vulnerable community members, including children living at or below poverty and older adults. Lakewood is the only area in Sunnyvale where residents must travel more than two miles to access a public library. Not surprisingly, the Lakewood neighborhood has the lowest percentage of residents with Sunnyvale library cards of all neighborhoods in the city. The Library and Learning Center will serve as a hub for learning, wellness and literacy for residents of north Sunnyvale, greatly enriching this underserved area.

With the growth in population in north Sunnyvale, investment in the Lakewood neighborhood will reap benefits for generations to come. The Library and Learning Center will support the development of youth, expand access to needed programs and services, and promote opportunities for community building.

Thank you for your kind consideration of this request. If you have any questions, please do not hesitate to contact my Chief of Staff, Wendy Ho at (408) 299-5030 or via email at [wendy.ho@bos.sccgov.org](mailto:wendy.ho@bos.sccgov.org).

Sincerely,

Otto O. Lee

**Superintendent**  
Michael Gallagher, Ed.D.

**Board of Education**  
Isabel Jubes-Flamerich  
Eileen Le  
Michelle Maginot  
Nancy Newkirk  
Bridget Watson



March 2, 2023

The Honorable Alex Padilla  
United States Senate  
Washington, DC 20510

**Re: FY 2024 Community Project Federal Funding Request of \$4 million from the City of Sunnyvale for Lakewood Branch Library and Learning Center Construction**

Dear Senator Padilla:

On behalf of the School Board of the Sunnyvale School District, we strongly urge support of the \$4 million FY 2024 Community Project Federal Funding request from the City of Sunnyvale towards the construction of the Lakewood Branch Library and Learning Center (LBLLC). The LBLLC will be a joint use, 20,000 square foot facility located at 760 Lakechime Drive in Sunnyvale, California. A partnership between the City of Sunnyvale, Sunnyvale School District, and Fremont Union High School District, the LBLLC will serve as a primary resource for literacy, learning and wellness for residents of north Sunnyvale.

The LBLLC facility design has been completed, and the plans have been submitted for review to California's Division of State Architect. We expect the project to be "shovel-ready" by Summer 2023 with opening to the public by the end of 2024. The initial project budget was \$28,341,211; however, cost estimates based on the completed design exceed budget by approximately \$4 million due to increasing costs of labor and construction materials. The FY 2024 Community Project Federal Funding request for \$4 million will be a one-time infusion which ensures successful project completion. Funds will be used solely for construction of the facility, and will not be used to cover operational costs.

The Sunnyvale School District believes so strongly in this project that we have signed a Memorandum of Understanding which commits the Sunnyvale School District to provide funding for both initial construction (\$3 million) and ongoing operations as well as a 50-year long term lease of the district-owned property on which to build the City-owned facility. The Fremont Union High School District has similarly committed both initial and ongoing funding towards the project. Additional one-time \$500,000 funding commitments have also been made by the Friends of the Sunnyvale Public Library for furnishings, fixtures and equipment and most recently by Silicon Valley Clean Energy Authority to support the electrification of the new facility and an associated education and outreach program.

The location of the LBLLC in the Lakewood area of the City of Sunnyvale is the only area where residents must travel more than two miles to access a public library. The Lakewood area has diverse demographics that reflect inequities in income, educational attainment and access to services. This area is also home to the highest percentage of vulnerable populations including children living at or below poverty and seniors. These age groups tend to make the most of library services and are most restricted in terms of mobility. According to the 2023 Silicon Valley Index, the Silicon Valley area has the nation's largest gaps in terms of income and wealth, and they are increasing. "While income inequality was lessening in the state and nation (down 1 and 3 percent) it rose in Silicon Valley by 5 percent in 2021."

By providing the residents in this area with expanded educational and enrichment opportunities, we expect this facility can have regional and national significance as the residents here contribute to the development of Silicon Valley and new innovations to come. The specific goals of the partnership include: support the positive development of youth, expand access for persons of all ages to programs and services that foster creative expression, education, skill development, and personal enrichment, and create opportunities for community engagement that contribute to healthy living and stronger neighborhoods. With the one-time contribution of \$4 million in FY 2024 Community Project Federal funding, I am confident that this project can deliver on these goals.

Thank you for your consideration. Please do not hesitate to contact me at email, phone if you have any questions.

Sincerely,



Isabel Jubes-Flamerich  
Sunnyvale School District  
Board President

March 10, 2023

The Honorable Ro Khanna  
United States House of Representatives  
306 Cannon House Office Building  
Washington, DC 20515

**RE: FY 2024 Community Project Funding Request from Sunnyvale Community Services**

Dear Congressman Khanna:

Larry Klein  
Mayor

On behalf of the City of Sunnyvale, we wholeheartedly support the Sunnyvale Community Services (SCS) request for funding for critical energy efficiency and accessibility projects.

Omar Din  
Vice Mayor

Russ Melton  
Councilmember

Sunnyvale Community Services is one of the lead nonprofits in CA-17, annually serving over 10,000 low-income children, adults, and seniors with rent assistance, food, and wrap-around safety-net services.

Alysa Cisneros  
Councilmember

Richard Mehlinger  
Councilmember

Even before COVID-19, SCS was already in need of much larger facilities to meet the growing demand for safety net services. After an extensive search, the agency purchased a 36,000 sq. ft. facility which is destined to become a North County Hub for several service agencies in Sunnyvale. Renovations were done during COVID-19, and SCS moved into the new building in November of 2021. The new facility has ten times the cooler and freezer space to help feed thousands of individuals. Installing solar and energy-saving features will allow SCS to use its resources on food and essential services.

Murali Srinivasan  
Councilmember

Linda Sell  
Councilmember

The City of Sunnyvale was a partner in these efforts with \$2.85M in grants and forgivable loans, along with dozens of businesses and foundations, and hundreds of individual donors. The demand for this larger facility has only been increased as SCS continues to expand efforts to meet an escalating need.

Thank you for your consideration of this request. Please do not hesitate to contact me or Teri Silva, Assistant City Manager, at [tsilva@sunnyvale.ca.gov](mailto:tsilva@sunnyvale.ca.gov) if you have any questions.

Sincerely,



Larry Klein  
Mayor

cc: City Council  
Kent Steffens, City Manager  
Teri Silva, Assistant City Manager





456 West Olive Avenue  
Sunnyvale, CA 94088-3707

408-730-7473  
TDD/TYY 408-730-7501  
[sunnyvale.ca.gov](http://sunnyvale.ca.gov)

March 16, 2023

The Honorable Ro Khanna  
United States House of Representatives  
306 Cannon House Office Building  
Washington, DC 20515

**RE: FY 2024 Community Project Funding Request from the City of Sunnyvale –  
Safe Routes to Schools and Parks**

Dear Congressman Khanna:

On behalf of the City of Sunnyvale, we respectfully submit a Community Project Funding request for \$3,000,000 to make walking and biking safer near schools and parks at four locations. These infrastructure improvements align with numerous local, state and federal policies and initiatives, and have significant health, safety and environmental benefits. Additionally, we would be investing in neighborhoods that have a high percentage of socio-economically disadvantaged families.

The enclosed Safe Routes to Schools and Parks Project Sheet outlines the benefits to Californians by funding these improvements.

Thank you for considering our request. Please do not hesitate to contact me or Chip Taylor, Director of Public Works, at [ctaylor@sunnyvale.ca.gov](mailto:ctaylor@sunnyvale.ca.gov) if you have any questions.

Sincerely,

Larry Klein  
Mayor

enc. Safe Routes to Schools and Parks Project Sheet  
Community Support Letters (5)

cc: City Council  
Kent Steffens, City Manager  
Teri Silva, Assistant City Manager  
Chip Taylor, Director of Public Works

Larry Klein  
Mayor

Omar Din  
Vice Mayor

Russ Melton  
Councilmember

Alysa Cisneros  
Councilmember

Richard Mehlinger  
Councilmember

Murali Srinivasan  
Councilmember

Linda Sell  
Councilmember

# Safe Routes to Schools & Parks

Sunnyvale's neighborhoods were not designed for the car volumes we see today. The resulting **congestion around schools and parks causes concerns** in our community about safety, air quality and access. **Safer routes will encourage walking and biking** which are healthier for people and better for the environment. The schools proposed for these **Safe Routes projects** have a combined enrollment of 3,500 students with a high percentage of socio-economically disadvantaged families. **Investing in these neighborhoods will improve overall health, safety, and connectivity.**

## Quick Facts

Requested Funds



**\$3 M**

Total Project Cost

**\$5.625 M**

## MEETS GOALS

- ✓ City
- ✓ County
- ✓ Bay Area
- ✓ State
- ✓ Federal

**PROJECT NEED** The 2020 Active Transportation Plan identified and prioritized these locations for safety improvements

## LOCATIONS

- ➔ **Braly Elementary School & Ponderosa Park:**  
Iris Avenue/Gail Avenue
- ➔ **Fremont High School:**  
Fremont Avenue/Sydney Drive
- ➔ **Lakewood Elementary School and John W. Christian Greenbelt:** Lakechime Drive/ Meadowlake Drive and Meadowlake Drive/ John W. Christian Greenbelt
- ➔ **Vargas Elementary School:** Leota Avenue/ Carson Drive and Leota Avenue/Washington Avenue

## Improvements for Safer Travel

- ➔ Corner curb and sidewalk extensions
- ➔ Pedestrian safety signs and striping
- ➔ ADA curb ramps
- ➔ Pedestrian hybrid activated beacon at busy arterial (Fremont High School project)



## This Project Will:

- ➔ Encourage walking and biking for all ages and abilities
- ➔ Reduce vehicle speeds and congestion
- ➔ Improve visibility for travelers
- ➔ Reduce crossing distances at busy intersections
- ➔ Expand and connect walking and biking networks
- ➔ Reduce negative environmental impacts
- ➔ Expand green stormwater infrastructure

## Aligns with Multiple Policies & Initiatives

- ➔ Active Transportation Plans
- ➔ Vision Zero Plans
- ➔ Climate Action Plans
- ➔ Green Stormwater Infrastructure Plan
- ➔ Complete Streets Policies
- ➔ MTC Plan Bay Area 2050

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0026  
(916) 319-2026  
FAX (916) 319-2126



EVAN LOW  
ASSEMBLYMEMBER, TWENTY-SIXTH DISTRICT

March 14, 2023

The Honorable Congressman Ro Khanna  
306 Cannon House Office Building  
Washington D.C. 20525

RE: FY 2024 Congressionally Directed Spending Request – Sunnyvale Road Improvement Projects

Dear Congressman Khanna,

I am writing to respectfully urge you to support the City of Sunnyvale's Community Project Funding request to improve routes around schools and parks for these four projects:

- Fremont High School
- Braly Elementary School & Ponderosa Park
- Lakewood Elementary School and John W. Christian Greenbelt
- Vargas Elementary School

While California continues to lead the nation in investing in reducing emissions through vehicular transportation, Sunnyvale has shown its commitment to supporting these sustainability and environmental goals through these improvement projects that would support the accessibility of existing routes and encourage our younger generations to walk and bike to their neighborhood schools and parks. These Safe Routes to School projects would help Sunnyvale update the routes around these schools, as they were not originally designed with the high volume of vehicular traffic these neighborhoods are currently experiencing, nor are they fully accessible for pedestrians.

By investing in these projects that would create safe routes to schools, which are located in neighborhoods with a high percentage of socio-economically disadvantaged students and families, Sunnyvale will be able to improve safety, air quality, and access in these neighborhoods. The safety improvements proposed include corner curb and sidewalk extensions, pedestrian safety signs and striping, ADA curb ramps, and a pedestrian hybrid-activated beacon at a busy intersection near Fremont High School.

As a committed advocate for the safety of Sunnyvale residents and the sustainability of the community, I respectfully ask for your support for these Safe Routes to School Projects in Sunnyvale. Thank you for your kind consideration of this request. Please do not hesitate to reach out to my office at (408) 446-2810 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Evan Low", with a long, sweeping horizontal line extending to the right.

Evan Low  
Assemblymember, 26th District – San José/Silicon Valley

**Otto Lee**

**County of Santa Clara Supervisor, Third District**

County Government Center, East Wing

70 West Hedding Street, 10<sup>th</sup> Floor

San Jose, California 95110

Tel: (408) 299-5030 Fax: (408) 298-6637

[supervisor.lee@bos.sccgov.org](mailto:supervisor.lee@bos.sccgov.org) [www.supervisorlee.org](http://www.supervisorlee.org)

---



March 14, 2023

The Honorable Ro Khanna  
306 Cannon House Office Building  
Washington, D.C. 20515

**SUBJECT: FY 2024 Congressionally Directed Spending Request from the City of Sunnyvale – Safe Routes to Schools and Parks**

Dear Representative Khanna:

I am pleased to support the City of Sunnyvale's request for funding to support the City's Safer Routes to School and Parks projects that will promote environmentally friendly walking and biking alternatives to driving.

The Safer Routes to Schools and Parks projects will help alleviate congestion near schools and parks in alignment with multiple regional, state, and federal policies. Planned safety improvements include corner curb and sidewalk extensions, pedestrian safety signs and striping, ADA curb ramps, and a pedestrian hybrid-activated beacon at a busy arterial. These improvements will reduce vehicle speeds and congestion, expand and connect walking and biking paths, and overall lessen negative environmental impacts. In addition, the target areas for the projects have a combined enrollment of 3,500 students with high concentrations of socio-economically disadvantaged families.

My office has been in communication with numerous families, school officials, school board members, and advocates who have expressed concern about pedestrian and biker safety in Sunnyvale. These projects will go a long way in protecting the community's health and safety.

Thank you for your kind consideration of this request. If you have any questions, please do not hesitate to contact my Chief of Staff, Wendy Ho at (408) 299-5030 or via email at [wendy.ho@bos.sccgov.org](mailto:wendy.ho@bos.sccgov.org).

Sincerely,

Otto O. Lee

March 10, 2023

The Honorable Ro Khanna  
United States House of Representatives  
306 Cannon House Office Building  
Washington, DC 20515

**RE: FY 2024 Federal Funding Request from the City of Sunnyvale – Safe Routes to Schools and Parks**

Dear Congressman Khanna:

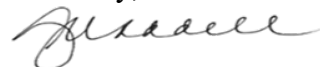
I am pleased to support the City of Sunnyvale's request for funding for the Safe Routes to Schools project, which will improve safety for students walking and biking near schools and parks at four locations in the Santa Clara County Unified School District.

This project is important because it supports a network of bicycle and pedestrian facilities that our community desperately needs. We know that supporting our students to get to and from school safely is critical. Providing better walking and bicycling routes to and from schools and parks will immensely support residents who choose to walk or bike to their destination. This can reduce the number of vehicles on our roadways.

A primary obstacle preventing more Sunnyvale residents and visitors from walking and bicycling is the lack of adequate infrastructure in the community, including the absence of comfortable crossings at arterial roadways. I believe the proposed improvements will address these and other challenges and will lead to an increase in bicycling and walking around the city.

I look forward to the positive impact this project will have to the Sunnyvale community and on our children and youth and welcome the opportunity to show my support for this request for funding.

Sincerely,



Gary Waddell, Ed.D.  
Superintendent  
Santa Clara Unified School District



**Board of Education**  
Isabel Jubes-Flamerich  
Eileen Le  
Michelle Maginot  
Nancy Newkirk  
Bridget Watson

March 9, 2023

The Honorable Ro Khanna  
United States House of Representatives  
306 Cannon House Office Building  
Washington, DC 20515

**RE: FY 2024 Federal Funding Request from the City of Sunnyvale – Safe Routes to Schools and Parks**

Dear Congressman Khanna:

I am pleased to support the City of Sunnyvale's request for funding for the Safe Routes to Schools & Parks project, which will improve safety for students walking and biking near schools and parks at four locations. I believe this project is important because it supports a network of bicycle and pedestrian facilities that our community desperately needs. Providing better walking and bicycling routes to and from schools and parks will help encourage residents to choose to walk or bike to their destination. This can reduce the number of vehicles on our roadways and therefore increase health benefits for all Sunnyvale community members.

One of the main obstacles preventing more Sunnyvale residents and visitors from walking and bicycling is the lack of adequate infrastructure in the community, including the absence of comfortable crossings at arterial roadways. I believe the proposed improvements will address these and other challenges and will lead to an increase in bicycling and walking around the city.

I look forward to the positive impact this project will have to the Sunnyvale community and welcome the opportunity to show my support for this request for funding.

Sincerely,

Michael Gallagher, Ed.D.  
Superintendent





March 16, 2023  
The Honorable Ro Khanna  
United States House of Representatives  
306 Cannon House Office Building  
Washington, DC 20515

**RE: FY 2023 Federal Funding Request from the City of Sunnyvale for  
Bernardo Avenue Undercrossing  
Safe Routes to Schools and  
Parks**

Dear Congressman Khanna:

I am writing as the Chair of Livable Sunnyvale, a coalition of individuals and organizations that are working together toward a more vibrant, inclusive and people-friendly Sunnyvale. With over 135 members, we educate and activate Sunnyvale residents and elected officials to secure an environmentally sustainable future with broadly shared prosperity and a high quality of life. I am writing to express support for the City of Sunnyvale's request for funding for the two active transportation improvement projects:

- Bernardo Avenue Undercrossing
- Safe Routes to Schools and Parks

Livable Sunnyvale strives to ensure equity in the transportation network. We support transportation solutions that protect the environment and reduce traffic. We also encourage the development of walkable, transit-friendly village centers, with homes, shops, jobs and green space. We are highly concerned with the slow pace of progress in making bicycling and walking safe in Sunnyvale and how this lack of change makes our climate goals less and less realistic.

Both of the proposed projects will promote active transportation, mode shifts, safety, equity, and connectivity. By enhancing the safety and improving the comfortability in the pedestrian and bicycle networks, these projects will expand mode choice and reduce automobile trips. In addition, the two proposed projects support the City's goal in reducing vehicle miles traveled and greenhouse gas emissions. By providing improved active transportation facilities, they enable more equitable and affordable transportation options for the Sunnyvale community.

Thank you for considering providing funding for these important projects.

Sincerely,

A handwritten signature in black ink, appearing to read "Angela Rausch". The signature is fluid and cursive, with the first name "Angela" and last name "Rausch" clearly distinguishable.

Angela Rausch

Chair



456 West Olive Avenue  
Sunnyvale, CA 94088-3707

408-730-7473  
TDD/TTY 408-730-7501  
[sunnyvale.ca.gov](http://sunnyvale.ca.gov)

March 16, 2023

The Honorable Ro Khanna  
United States House of Representatives  
306 Cannon House Office Building  
Washington, DC 20515

**RE: FY 2024 Community Project Funding Request from the City of Sunnyvale –  
Rebuild Fire Station 2**

Dear Congressman Khanna:

On behalf of the City of Sunnyvale, we respectfully submit a Community Project Funding request for \$3,000,000 to rebuild the old and out-of-date Fire Station 2 located at 795 E. Arques Ave. In addition to serving our community, Fire Station 2 is a countywide training workhorse. It is one of only two facilities to offer numerous required training courses for firefighters from throughout Santa Clara County. A modern sustainable station would allow us to meet the high training demand and ensure our firefighters have healthy and safe living conditions.

The enclosed Rebuild Fire Station 2 Project Sheet outlines the benefits to Californians by funding this replacement and expansion project.

Thank you for considering our request. Please do not hesitate to contact me or Chief Phan Ngo, Director of Public Safety, at [pngo@sunnyvale.ca.gov](mailto:pngo@sunnyvale.ca.gov) if you have any questions.

Sincerely,

Larry Klein  
Mayor

enc. Rebuild Fire Station 2 Project Sheet  
Community Support Letters (3)

cc: City Council  
Kent Steffens, City Manager  
Teri Silva, Assistant City Manager  
Phan Ngo, Director of Public Safety

Larry Klein  
Mayor

Omar Din  
Vice Mayor

Russ Melton  
Councilmember

Alysa Cisneros  
Councilmember

Richard Mehlinger  
Councilmember

Murali Srinivasan  
Councilmember

Linda Sell  
Councilmember

# Rebuild Fire Station 2

**California faces a growing threat from fires.** In 2020, five of the largest fires in our state's history burned at the same time. They destroyed thousands of buildings and forced hundreds of thousands of evacuations. **Our firefighters are on the frontlines, called to emergencies locally and statewide.** They need modern facilities and robust training to be effective first responders. For them to better prepare for and respond to emergencies, we need to **rebuild the old and out-of-date Fire Station 2.**

## Quick Facts



**MEETS GOALS** ✓ City ✓ County ✓ State

**PROJECT NEED** The 2021 Fire Station Masterplan identified Station 2 as being past its useful service life

**LOCATION** 795 E. Arques Ave.

**PROPOSED SQUARE FOOTAGE**  
Approx. 20,500 s.f.

## Fire Station 2 is a Countywide Training Workhorse

Fire Station 2 is one of only two facilities to offer numerous required training courses for firefighters countywide. This includes the 17-week Joint Fire Academy. The Station also hosts emergency preparedness training for community volunteers and annual in-service training for Sunnyvale's public safety officers. Rebuilding the Station would allow us to meet the high local and regional training demand in a modern sustainable facility.

## Why Rebuild?

- ➔ Living conditions lack modern health and safety features for fire personnel
- ➔ Aging, energy inefficient facility is costly to maintain
- ➔ Cramped and dated trailers used for classrooms
- ➔ Not enough restrooms; must rent portable toilets for training classes
- ➔ Inadequate equipment storage



**400+** people trained annually



**59** age of Station 2

## This Project Will:

- ➔ Improve emergency response services to East-Central Sunnyvale
- ➔ Meet higher training demand in response to intensifying fire seasons throughout the state
- ➔ Improve interoperability among jurisdictions by expanding capacity for regional training
- ➔ Increase emergency preparedness by training more community volunteers
- ➔ Ensure living and working conditions meet modern health and safety standards
- ➔ Achieve sustainability goals with green building design

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0026  
(916) 319-2026  
FAX (916) 319-2126



March 14, 2023

The Honorable Congressman Ro Khanna  
306 Cannon House Office Building  
Washington D.C. 20525

RE: FY 2024 Congressionally Directed Spending Request – Sunnyvale Fire Station 2

Dear Congressman Khanna,

I am writing to respectfully urge you to support the City of Sunnyvale's Community Project Funding request to rebuild Fire Station 2, located at 795 East Arques Avenue.

With California facing a growing threat of fires annually, firefighters are on the frontlines. As such, they require modern facilities and robust training. Nearly 60 years old, Fire Station 2 is old and out-of-date, negatively impacting the effectiveness of our first responders. Fire Station 2 specifically trains over 400 people annually; they are one of only two facilities to offer numerous training courses for firefighters not only for the City of Sunnyvale but countywide as well. The current living conditions of the fire station lack modern health and safety features for fire personnel, is costly to maintain due to the energy inefficiency of the facility, has a limited number of classrooms available, and currently has inadequate equipment storage.

By rebuilding Fire Station 2, the City of Sunnyvale would be able to meet higher demand in response to intensifying fire seasons throughout the State, improve interoperability among jurisdictions by expanding capacity for regional training, increase emergency preparedness by training more community volunteers, ensure living and working conditions meet modern health and safety standards, and achieve sustainability goals with green building design.

As a committed advocate for the safety of Sunnyvale residents and the County as a whole, as well as the sustainability of the community, I respectfully ask for your support to rebuild Fire Station 2 in Sunnyvale. Thank you for your kind consideration of this request. Please do not hesitate to reach out to my office at (408) 446-2810 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Evan Low", with a long, sweeping horizontal stroke extending to the right.

Evan Low  
Assemblymember, 26th District – San José/Silicon Valley

**Otto Lee**

**County of Santa Clara Supervisor, Third District**

County Government Center, East Wing

70 West Hedding Street, 10<sup>th</sup> Floor

San Jose, California 95110

Tel: (408) 299-5030 Fax: (408) 298-6637

[supervisor.lee@bos.sccgov.org](mailto:supervisor.lee@bos.sccgov.org) [www.supervisorlee.org](http://www.supervisorlee.org)



March 14, 2023

The Honorable Ro Khanna

306 Cannon House Office Building

Washington, D.C. 20515

**SUBJECT: FY 2024 Congressionally Directed Spending Request from the City of Sunnyvale – Rebuild Fire Station 2**

Dear Representative Khanna:

I am pleased to support the City of Sunnyvale's request for rebuild of Fire Station 2 located at 795 East Arques Avenue.

Fire Station 2 is nearly 60 years old and has quickly outgrown its original footprint and is well past due its expected useful service life. The station currently does not have enough restrooms or equipment storage. The facilities also lack features that are standard in most modern stations, leading to higher utility costs and inadequate living conditions.

The station serves as a vital training center, serving more than 400 people annually. It is one of only two facilities that offers required training for firefighters in Santa Clara County, which is home to more than 4 million people. With wildfires remaining a constant risk, it is critical that we continue to invest in facilities that support training our first responders. In addition, Fire Station 2 hosts emergency preparedness training for volunteers and city public safety officers.

Rebuilding the station will improve emergency response in east-central Sunnyvale, accommodate greater utilization by public safety personnel, and enhance regional training capacity. It will also help the City achieve its sustainability goals for green building design and construction.

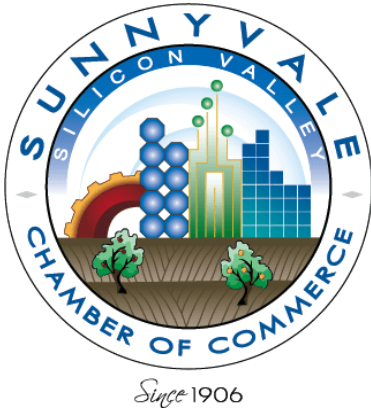
Thank you for your kind consideration of this request. If you have any questions, please do not hesitate to contact my Chief of Staff, Wendy Ho at (408) 299-5030 or via email at [wendy.ho@bos.sccgov.org](mailto:wendy.ho@bos.sccgov.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "Otto Lee". The signature is fluid and cursive, with the first name "Otto" being more prominent than the last name "Lee".

Otto O. Lee





Sunnyvale Chamber of Commerce  
260 S. Sunnyvale Ave, Ste 7  
Sunnyvale, CA 94086  
(408) 736-4971

[info@svcoc.org](mailto:info@svcoc.org)

**BOARD of DIRECTORS**

**Board Chair**  
Rashad Wiley  
Star One

**Immediate Past Chair**  
Javier Gonzalez  
Google

**Treasurer**  
Marie Bernard  
Sunnyvale Community Services

**Members-at-large**

Agustin Torres, Jr.  
Facebook

Andreu (AJ) Reall  
El Camino Health

Christine Mallery  
Fremont Union HS District

Drew Constantino  
Lockheed Martin Space

Ismael Islas  
Islas

Michael Velarde  
Comcast

Kerry Haywood  
Moffett Park Business Group

Mike Johnson  
Sunnyvale Downtown Association

March 1, 2023

The Honorable Ro Khanna, United States House of Representatives  
306 Cannon House Office Building, Washington, DC 20515

**RE: FY 2023 Congressionally Directed Spending Request from the  
City of Sunnyvale – Rebuild Fire Station 2**

Dear Congressman Khanna,

The Sunnyvale Chamber of Commerce is pleased to support the City of Sunnyvale's request to rebuild Fire Station 2 located at 795 East Arques Avenue.

Fire Station 2 was built in 1964 and has quickly outgrown its original footprint and is well past due its expected useful service life. The station currently does not have enough restrooms or equipment storage.

The station serves as a vital training center, serving more than 400 people annually. It is one of only two facilities that offers required training for firefighters in Santa Clara County, a county home to more than 4 million people. With wildfires becoming more and more prevalent, it is critical that we continue to invest in facilities that support training our first responders. In addition, Fire Station 2 hosts emergency preparedness training for volunteers and city public safety officers.

Rebuilding the station will improve emergency response in east-central Sunnyvale, accommodate greater utilization by public safety personnel, and enhance regional training capacity. Our firefighters are on the frontlines, called to emergencies locally and statewide. Modern facilities will allow them to better prepare and respond to the needs our community and our state.

Thank you for your consideration. Do not hesitate to contact me with any questions.

Regards,

*Dawn Maher*

Dawn Maher, CEO  
Sunnyvale Chamber of Commerce



456 West Olive Avenue  
Sunnyvale, CA 94088-3707

408-730-7473  
TDD/TYY 408-730-7501  
[sunnyvale.ca.gov](http://sunnyvale.ca.gov)

March 16, 2023

The Honorable Ro Khanna  
United States House of Representatives  
306 Cannon House Office Building  
Washington, DC 20515

**RE: FY 2024 Community Project Funding Request from the City of Sunnyvale –  
Bernardo Avenue Undercrossing**

Dear Congressman Khanna:

On behalf of the City of Sunnyvale, we respectfully submit a Community Project Funding request for \$3,000,000 to provide a separated pedestrian and bicycle pathway to connect north and south Bernardo Avenue. This crossing will go beneath the Caltrain railroad tracks and Central Expressway. The project will expand and connect the active transportation networks of Sunnyvale and Mountain View, support equity in transportation for those who cannot or choose not to drive, reduce vehicle emissions, and help meet our climate action plan by encouraging active transportation.

The enclosed Bernardo Avenue Undercrossing Project Sheet outlines the benefits to Californians by funding this pathway project.

Thank you for considering our request. Please do not hesitate to contact me or Chip Taylor, Director of Public Works, at [ctaylor@sunnyvale.ca.gov](mailto:ctaylor@sunnyvale.ca.gov) if you have any questions.

Sincerely,

Larry Klein  
Mayor

enc. Bernardo Avenue Undercrossing Project Sheet  
Community Group Support Letters (4)

cc: City Council  
Kent Steffens, City Manager  
Teri Silva, Assistant City Manager  
Chip Taylor, Director of Public Works

Larry Klein  
Mayor

Omar Din  
Vice Mayor

Russ Melton  
Councilmember

Alysa Cisneros  
Councilmember

Richard Mehlinger  
Councilmember

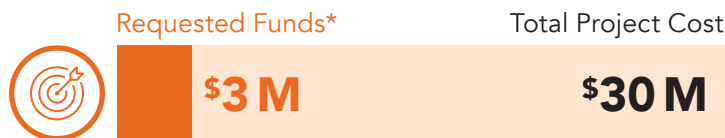
Murali Srinivasan  
Councilmember

Linda Sell  
Councilmember

# Bernardo Avenue Undercrossing

Commute corridors should **get people where they need to go** safely and efficiently. But today, **Bernardo Avenue, a major north-south route, is bisected** by the Caltrain commuter rail and Central Expressway. This **is a major barrier for bicyclists and pedestrians**. Multiple agencies are collaborating to **install an undercrossing beneath the tracks and expressway**. There is strong support for this project that would **better connect residential areas, job centers and recreation**.

## Quick Facts



**MEETS GOALS**  City  County  Bay Area  
 State  Federal

## PROJECT NEED

The VTA Countywide Bike Plan identifies the Caltrain tracks as an Access Barrier Crossing

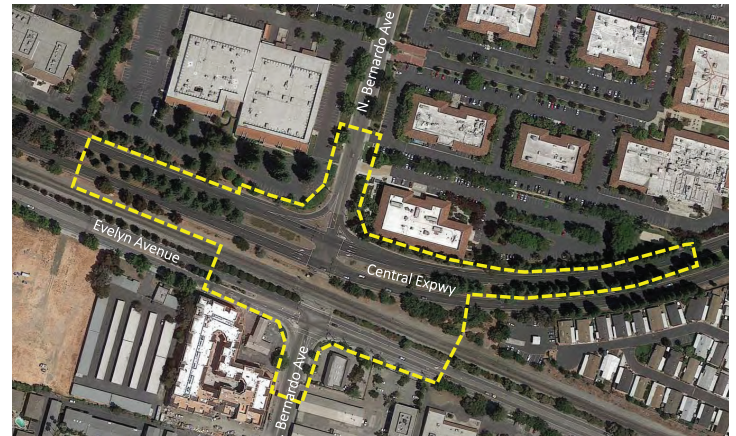
## LOCATION

Bernardo Avenue at the Caltrain and Central Expressway crossings

\*Will supplement \$25M from VTA 2016 Measure B, Cities of Sunnyvale and Mountain View, and One Bay Area Grant 2

## The Undercrossing Will:

- ➔ Connect residential neighborhoods to 200,000+ jobs in Moffett Park, Peery Park, East Whisman and Bayfront
- ➔ Provide access to recreation, including Baylands Park, Twin Creeks Sports Complex and the Bay Trail
- ➔ Expand and connect the active transportation networks of Sunnyvale and Mountain View
- ➔ Make biking and walking more accessible and comfortable with an off-road segment
- ➔ Significantly reduce the distances commuters currently travel to get to a crossing
- ➔ Encourage biking and walking which eases traffic and reduces vehicle emissions
- ➔ Support equity in transportation for those who cannot or choose not to drive



## Safe, Convenient, Connected Networks

The Bernardo Avenue Undercrossing project will provide a separated pedestrian and bicycle pathway. This pathway will connect north and south Bernardo Avenue. The crossing will go beneath the Caltrain railroad tracks and Central Expressway. VTA and the cities of Sunnyvale and Mountain View are leading the project. The undercrossing will connect into existing bicycle lanes on Bernardo and Evelyn avenues. These connections will link Sunnyvale and Mountain View networks and the countywide commuter bicycle lanes on Central Expressway.

## Aligns with Multiple Policies & Initiatives

- ➔ Active Transportation Plans
- ➔ Vision Zero Plans
- ➔ Climate Action Plans
- ➔ Green Stormwater Infrastructure Plan
- ➔ Complete Streets Policies
- ➔ VTA & MTC Regional Transportation Plans

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0026  
(916) 319-2026  
FAX (916) 319-2126



March 14, 2023

The Honorable Congressman Ro Khanna  
306 Cannon House Office Building  
Washington D.C. 20525

RE: FY 2024 Congressionally Directed Spending Request – Undercrossing for Bernardo Avenue

Dear Congressman Khanna,

I am writing to respectfully urge you to support the City of Sunnyvale's Community Project Funding request to build a pedestrian and bicycle undercrossing to connect North and South Bernardo Avenue.

While California continues to lead the nation in investing in reducing emissions through vehicular transportation, Sunnyvale has shown its commitment to supporting these sustainability and environmental goals through projects to encourage people to walk or bike safely through its ambitious Climate Action Plan. Not only would the proposed undercrossing connect North and South Bernardo Avenue in Sunnyvale, but the active transportation networks between Sunnyvale and Mountain View would also become integrated for those who walk and bike.

Wider roadways such as Expressways can be challenging for pedestrians and cyclists, considering the distance to a crossing and safety. As the undercrossing would go beneath the Caltrain railroad tracks and the highly-trafficked Central Expressway, this project involves collaboration between the Cities of Sunnyvale, Mountain View, the California Department of Transportation, and the County of Santa Clara. Not only would this project benefit residents of Sunnyvale, but it reflects the regional collaboration required on the local, state, and federal levels to invest in equitable connectivity of our transportation systems and an investment in an environmentally-friendly future.

As a committed advocate for the safety of Sunnyvale residents and the sustainability of the community, I respectfully ask for your support for the undercrossing on Bernardo Avenue in Sunnyvale. Thank you for your kind consideration of this request. Please do not hesitate to reach out to my office at (408) 446-2810 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Evan Low", with a long, sweeping horizontal line extending to the right.

Evan Low  
Assemblymember, 26th District – San José/Silicon Valley

**Otto Lee**

**County of Santa Clara Supervisor, Third District**

County Government Center, East Wing

70 West Hedding Street, 10<sup>th</sup> Floor

San Jose, California 95110

Tel: (408) 299-5030 Fax: (408) 298-6637

[supervisor.lee@bos.sccgov.org](mailto:supervisor.lee@bos.sccgov.org) [www.supervisorlee.org](http://www.supervisorlee.org)

---



March 14, 2023

The Honorable Ro Khanna  
306 Cannon House Office Building  
Washington, D.C. 20515

**SUBJECT: FY 2024 Congressionally Directed Spending Request from the City of Sunnyvale – Bernardo Avenue Undercrossing**

Dear Representative Khanna:

I am pleased to provide my full support of the City of Sunnyvale's request for funding to support the City's Bernardo Avenue Undercrossing project to provide a separated pedestrian and bicycle pathway to connect north and south Bernardo Avenue.

The Undercrossing will help expand and connect the active transportation networks of Sunnyvale and Mountain View, serving as an important link between residential neighborhoods to over 200,000 jobs in nearby areas and provide residents access to recreational areas including parks and complexes. This environmentally friendly project will also contribute to a reduction in vehicle emissions, decrease the distances that commuters travel to get to a crossing, and meet the City's climate action plan by encouraging active transportation such as biking and walking.

For these reasons, I am confident that the funds for the Bernardo Avenue Undercrossing will contribute to a greener, healthier community. Thank you in advance for your kind consideration of this request. If you have any questions, please do not hesitate to contact my Chief of Staff, Wendy Ho at (408) 299-5030 or via email at [wendy.ho@bos.sccgov.org](mailto:wendy.ho@bos.sccgov.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "Otto Lee", is written over a faint, larger blue outline of the same signature.

Otto O. Lee





March 14, 2023

The Honorable Ro Khanna  
United States House of  
Representatives 306  
Cannon House Office  
Building Washington, DC  
20515

bikesiliconvalley.org  
155 S 11th St  
San Jose, CA 95112  
408-287-7259

RE: FY 2023 Federal Funding Request from the City of Sunnyvale for two active transportation improvement projects.

Dear Congressman Khanna,

On behalf of Silicon Valley Bicycle Coalition (SVBC), a nonprofit creating a healthy community, environment, and economy through bicycling, we are writing to express support for the City of Sunnyvale's request for funding for the two active transportation improvement projects:

- Bernardo Avenue Undercrossing
- Safe Routes to Schools and Parks

Both of the proposed projects align with SVBC's goals of having low-stress routes, crossing major barriers and safe routes to school and connecting the community. The projects will promote active transportation, mode shift, safety, equity, and connectivity. By enhancing the safety and improving the comfortability in the pedestrian and bicycle networks, these projects will expand mode choice and reduce automobile trips. In addition, these projects support the City's goal in reducing vehicle miles travel and greenhouse gas emissions. They will also enhance the multi-modal system serving the greater Bay Area.

When the city of Sunnyvale adopted its Active Transportation Plan in 2020, one of SVBC's asks to the city was to procure funding to help a faster build-out of the proposed projects in the Plan. It is exciting to see the city of Sunnyvale making use of this excellent opportunity to help achieve their goals faster. We strongly support the projects and we request you to consider providing funding for these important projects.

Sincerely,

Shiloh Ballard

#### BOARD OF DIRECTORS

Amie Ashton  
Gary Brustin  
Melissa Cerezo  
Katie DeLeuw  
Jennifer Fierman  
Poncho Guevara  
Andrew Hsu  
James Lucas  
Josh Mello  
Jim Parker  
Alyssa Plicka  
Christina Salvatier

Shiloh Ballard  
President and  
Executive Director





President & Executive Director

bikesiliconvalley.org  
155 S 11th St  
San Jose, CA 95112  
408-287-7259

**BOARD OF DIRECTORS**

Amie Ashton  
Gary Brustin  
Melissa Cerezo  
Katie DeLeuw  
Jennifer Fierman  
Poncho Guevara  
Andrew Hsu  
James Lucas  
Josh Mello  
Jim Parker  
Alyssa Plicka  
Christina Salvatier

Shiloh Ballard  
President and  
Executive Director



March 16, 2023  
The Honorable Ro Khanna  
United States House of Representatives  
306 Cannon House Office Building  
Washington, DC 20515

**RE: FY 2023 Federal Funding Request from the City of Sunnyvale for  
Bernardo Avenue Undercrossing  
Safe Routes to Schools and  
Parks**

Dear Congressman Khanna:

I am writing as the Chair of Livable Sunnyvale, a coalition of individuals and organizations that are working together toward a more vibrant, inclusive and people-friendly Sunnyvale. With over 135 members, we educate and activate Sunnyvale residents and elected officials to secure an environmentally sustainable future with broadly shared prosperity and a high quality of life. I am writing to express support for the City of Sunnyvale's request for funding for the two active transportation improvement projects:

- Bernardo Avenue Undercrossing
- Safe Routes to Schools and Parks

Livable Sunnyvale strives to ensure equity in the transportation network. We support transportation solutions that protect the environment and reduce traffic. We also encourage the development of walkable, transit-friendly village centers, with homes, shops, jobs and green space. We are highly concerned with the slow pace of progress in making bicycling and walking safe in Sunnyvale and how this lack of change makes our climate goals less and less realistic.

Both of the proposed projects will promote active transportation, mode shifts, safety, equity, and connectivity. By enhancing the safety and improving the comfortability in the pedestrian and bicycle networks, these projects will expand mode choice and reduce automobile trips. In addition, the two proposed projects support the City's goal in reducing vehicle miles traveled and greenhouse gas emissions. By providing improved active transportation facilities, they enable more equitable and affordable transportation options for the Sunnyvale community.

Thank you for considering providing funding for these important projects.

Sincerely,

A handwritten signature in black ink, appearing to read 'Angela Rausch', written in a cursive style.

Angela Rausch

Chair

March 17, 2023

The Honorable Anna Eshoo  
272 Cannon House Office Building  
Washington, D.C. 20515

Dear Representative Eshoo,

We are writing to express our support of Second Harvest of Silicon Valley's funding request to complete their new facility in the Alviso neighborhood of San Jose, California. Second Harvest of Silicon Valley is the hub of the charitable food distribution system in San Mateo and Santa Clara counties in California and a strong partner in reducing food insecurity among low-income residents.

As the pandemic pushed people deeper into poverty and families lost jobs and savings, the need for Second Harvest's services doubled in a matter of weeks. Today, three years since the pandemic began, 460,000 people every month continue to rely on Second Harvest for grocery assistance, up from 240,000 people a month pre-pandemic. It is expected that need for food assistance will once again increase with the end of the SNAP Emergency Allotments in February 2023. Across San Mateo and Santa Clara counties, more than 93,000 households will lose approximately \$16 Million in monthly food benefits, while at the same time, food and fuel costs are significantly higher than before.

To meet community needs, Second Harvest partners with a network of 400 community partners at 900 sites to distribute food to the community. In FY22, they distributed 11 million pounds of food every month. The majority of groceries distributed in their two Counties come from Second Harvest – and no partner or client is ever charged. To ensure our community is connected to the full nutritional safety net, they also assist clients with applying for CalFresh benefits and make referrals for WIC and Senior Nutrition Programs.

Second Harvest provides groceries through large drive-thrus, client-choice farmer's markets, and home delivery for elderly and disabled. Nearly 50% of the food distributed is fresh produce. Eggs, milk, chicken, rice, and beans are other staples that are typically included. Second Harvest also provides food to partners who prepare hot meals for homeless, low-income or in residential settings.

Additionally, Second Harvest is the leading organization conducting food rescue in San Mateo and Santa Clara counties, recovering more than 17 million pounds of food from landfill last year.

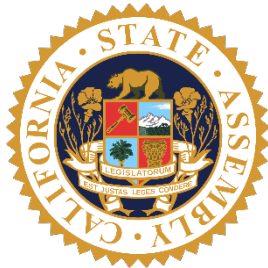
Second Harvest of Silicon Valley's current facilities were not built to handle today's level of need. Second Harvest is currently having to rent a fourth warehouse and is trying to

manage sustainable food provision across the four locations– the inefficiencies are costly and use resources that could be better used in other areas.

This funding request will support building a new facility in the Alviso neighborhood of San Jose. This new facility doubles cold storage capacity, increases volunteer workspace, and provides sufficient space to manage transportation and storage efficiently. This facility will provide the infrastructure needed to meet demand for the next 30-50 years.

We urge you to support funding of Second Harvest's infrastructure to serve our entire community.

Sincerely,



**Assemblymember Diane Papan**, District 21

**Assemblymember Evan Low**, District 26



**Senator Josh Becker**, Senate District 13



**Warren Slocum**, Supervisor District Four

**David Canepa**, Supervisor District Five

**County Executive Office**, County of San Mateo

**Office of Education**, County of San Mateo



**Otto Lee**, Supervisor District Three

**Social Services Agency**, County of Santa Clara



**Councilmember David Cohen**, District 4

**Councilmember Peter Ortiz**, District 5

**Councilmember Dev Davis**, District 6

**Councilmember Pam Foley**, District 9



**Larry Klein**, Mayor

**Councilmember Alysa Cisneros**, District 2





**PUENTE**



School of Arts & Culture  
Mexican Heritage Plaza



March 17, 2023

The Honorable Ro Khanna  
306 Cannon House Office Building  
Washington, DC 20515

Dear Representative Khanna,

We are writing to express our support of Second Harvest of Silicon Valley's funding request to complete their new facility in the Alviso neighborhood of San Jose, California. Second Harvest of Silicon Valley is the hub of the charitable food distribution system in San Mateo and Santa Clara counties in California and a strong partner in reducing food insecurity among low-income residents.

As the pandemic pushed people deeper into poverty and families lost jobs and savings, the need for Second Harvest's services doubled in a matter of weeks. Today, three years since the pandemic began, 460,000 people every month continue to rely on Second Harvest for grocery assistance, up from 240,000 people a month pre-pandemic. It is expected that need for food assistance will once again increase with the end of the SNAP Emergency Allotments in February 2023. Across San Mateo and Santa Clara counties, more than 93,000 households will lose approximately \$16 Million in monthly food benefits, while at the same time, food and fuel costs are significantly higher than before.

To meet community needs, Second Harvest partners with a network of 400 community partners at 900 sites to distribute food to the community. In FY22, they distributed 11 million pounds of food every month. The majority of groceries distributed in their two Counties come from Second Harvest – and no partner or client is ever charged. To ensure our community is connected to the full nutritional safety net, they also assist clients with applying for CalFresh benefits and make referrals for WIC and Senior Nutrition Programs.

Second Harvest provides groceries through large drive-thrus, client-choice farmer's markets, and home delivery for elderly and disabled. Nearly 50% of the food distributed is fresh produce. Eggs, milk, chicken, rice, and beans are other staples that are typically included. Second Harvest also provides food to partners who prepare hot meals for homeless, low-income or in residential settings.

Additionally, Second Harvest is the leading organization conducting food rescue in San Mateo and Santa Clara counties, recovering more than 17 million pounds of food from landfill last year.

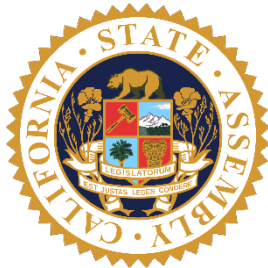
Second Harvest of Silicon Valley's current facilities were not built to handle today's level of need. Second Harvest is currently having to rent a fourth warehouse and is trying to

manage sustainable food provision across the four locations– the inefficiencies are costly and use resources that could be better used in other areas.

This funding request will support building a new facility in the Alviso neighborhood of San Jose. This new facility doubles cold storage capacity, increases volunteer workspace, and provides sufficient space to manage transportation and storage efficiently. This facility will provide the infrastructure needed to meet demand for the next 30-50 years.

We urge you to support funding of Second Harvest's infrastructure to serve our entire community.

Sincerely,



**Assemblymember Diane Papan**, District 21

**Assemblymember Evan Low**, District 26



**Senator Josh Becker**, Senate District 13



**Warren Slocum**, Supervisor District Four

**David Canepa**, Supervisor District Five

**County Executive Office**, County of San Mateo

**Office of Education**, County of San Mateo



**Otto Lee**, Supervisor District Three

**Social Services Agency**, County of Santa Clara



**Councilmember David Cohen**, District 4

**Councilmember Peter Ortiz**, District 5

**Councilmember Dev Davis**, District 6

**Councilmember Pam Foley**, District 9



**Larry Klein**, Mayor

**Councilmember Alysa Cisneros**, District 2



**PUENTE**



School of Arts & Culture  
Mexican Heritage Plaza



March 17, 2023

The Honorable Zoe Lofgren  
1401 Longworth House Office Building  
Washington, DC 20515

Dear Representative Lofgren,

We are writing to express our support of Second Harvest of Silicon Valley's funding request to complete their new facility in the Alviso neighborhood of San Jose, California. Second Harvest of Silicon Valley is the hub of the charitable food distribution system in San Mateo and Santa Clara counties in California and a strong partner in reducing food insecurity among low-income residents.

As the pandemic pushed people deeper into poverty and families lost jobs and savings, the need for Second Harvest's services doubled in a matter of weeks. Today, three years since the pandemic began, 460,000 people every month continue to rely on Second Harvest for grocery assistance, up from 240,000 people a month pre-pandemic. It is expected that need for food assistance will once again increase with the end of the SNAP Emergency Allotments in February 2023. Across San Mateo and Santa Clara counties, more than 93,000 households will lose approximately \$16 Million in monthly food benefits, while at the same time, food and fuel costs are significantly higher than before.

To meet community needs, Second Harvest partners with a network of 400 community partners at 900 sites to distribute food to the community. In FY22, they distributed 11 million pounds of food every month. The majority of groceries distributed in their two Counties come from Second Harvest – and no partner or client is ever charged. To ensure our community is connected to the full nutritional safety net, they also assist clients with applying for CalFresh benefits and make referrals for WIC and Senior Nutrition Programs.

Second Harvest provides groceries through large drive-thrus, client-choice farmer's markets, and home delivery for elderly and disabled. Nearly 50% of the food distributed is fresh produce. Eggs, milk, chicken, rice, and beans are other staples that are typically included. Second Harvest also provides food to partners who prepare hot meals for homeless, low-income or in residential settings.

Additionally, Second Harvest is the leading organization conducting food rescue in San Mateo and Santa Clara counties, recovering more than 17 million pounds of food from landfill last year.

Second Harvest of Silicon Valley's current facilities were not built to handle today's level of need. Second Harvest is currently having to rent a fourth warehouse and is trying to

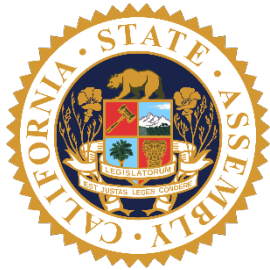


manage sustainable food provision across the four locations– the inefficiencies are costly and use resources that could be better used in other areas.

This funding request will support building a new facility in the Alviso neighborhood of San Jose. This new facility doubles cold storage capacity, increases volunteer workspace, and provides sufficient space to manage transportation and storage efficiently. This facility will provide the infrastructure needed to meet demand for the next 30-50 years.

We urge you to support funding of Second Harvest's infrastructure to serve our entire community.

Sincerely,



**Assemblymember Diane Papan**, District 21

**Assemblymember Evan Low**, District 26



**Senator Josh Becker**, Senate District 13



**Warren Slocum**, Supervisor District Four

**David Canepa**, Supervisor District Five

**County Executive Office**, County of San Mateo

**Office of Education**, County of San Mateo



**Otto Lee**, Supervisor District Three

**Social Services Agency**, County of Santa Clara



**Councilmember David Cohen**, District 4

**Councilmember Peter Ortiz**, District 5

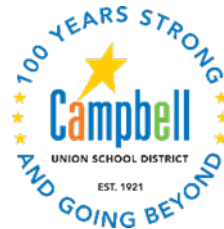
**Councilmember Dev Davis**, District 6

**Councilmember Pam Foley**, District 9



**Larry Klein**, Mayor

**Councilmember Alysa Cisneros**, District 2



**PUENTE**



School of Arts & Culture  
Mexican Heritage Plaza



April 13, 2023

The Honorable Nancy Skinner  
Chair, Senate Budget and Fiscal Review Committee  
1020 N Street, Room 502  
Sacramento, CA 95814  
VIA Email: [SBUD.Committee@senate.ca.gov](mailto:SBUD.Committee@senate.ca.gov)

The Honorable Phil Ting  
Chair, Assembly Committee on Budget  
1021 O Street, Suite 8230  
Sacramento, California 95814  
VIA Email: [AsmBudget@asm.ca.gov](mailto:AsmBudget@asm.ca.gov)

Larry Klein  
Mayor

Omar Din  
Vice Mayor

Russ Melton  
Councilmember

Alysa Cisneros  
Councilmember

Richard Mehlinger  
Councilmember

Murali Srinivasan  
Councilmember

Linda Sell  
Councilmember

**RE: Public Transit Funding in FY 2023-24 State Budget - SUPPORT**

Dear Chair Skinner and Chair Ting:

On behalf of the City of Sunnyvale, we strongly urge you to prioritize a comprehensive funding package for transit agencies recovering from the COVID-19 pandemic and facing a critical fiscal crisis. Across California, transit agencies have seen drastic reductions in ridership due to the COVID-19 emergency — especially agencies like Caltrain and BART whose ridership is especially tied to traditional peak commute patterns. While ridership continues to climb across the State, it may be years before many agencies are financially stable again. It is imperative that state lawmakers allocate the requisite funding to save California's transit agencies from the impending fiscal cliff they will face if the State fails to take action.

Whether or not they use transit, all Californians depend on healthy transit systems. Public transit is essential to California's economy and to the everyday lives of millions of Californians. Throughout the Bay Area, local agencies, including Sunnyvale, depend upon reliable and coordinated regional transit access in order to provide access to jobs, reduce traffic congestion, and improve the sustainability of current and future housing development.

Current City of Sunnyvale policy places a high priority on providing planned future growth around transit service and based assumptions relating to trip generation and travel options on its continued and increasing availability (Council Policy – Chapter 1 Land Use and Transportation, 1.3 Support efforts to create and maintain regional funding sources for critical transportation needs; 1.4 Support flexible spending of state and federal transportation funds for locally determined needs; 1.7 Support state funding for regional transportation projects; and General Plan – Chapter 3 – Land Use and Transportation Policies LT 1.1, LT 1.1a, LT 1.7 and LT 3.1).

For these reasons, we respectfully request prioritizing a multi-year funding package for transit agencies across California to prevent severe service cuts, adapt to changing travel patterns and regrow ridership. Thank you for your consideration of our request. Please do not hesitate to contact me or Chip Taylor, Director of Public Works, [ctaylor@sunnyvale.ca.gov](mailto:ctaylor@sunnyvale.ca.gov), if you have any questions.

Sincerely,



Larry Klein  
Mayor

cc. The Honorable Josh Becker, State Senate  
The Honorable Aisha Wahab, State Senate  
The Honorable Evan Low, State Assembly  
City Council  
Kent Steffens, City Manager  
Teri Silva, Assistant City Manager  
Chip Taylor, Director of Public Works

April 13, 2023

Seamless Bay Area Board Members  
189 Fair Oaks Street  
San Francisco, CA 94110  
VIA Email: [info@seamlessbayarea.org](mailto:info@seamlessbayarea.org)

**RE: Seamless Transit Principles - SUPPORT**

Dear Seamless Bay Area Board Members:

Larry Klein  
Mayor

Omar Din  
Vice Mayor

Russ Melton  
Councilmember

Alysa Cisneros  
Councilmember

Richard Mehlinger  
Councilmember

Murali Srinivasan  
Councilmember

Linda Sell  
Councilmember

On behalf of the City of Sunnyvale, we support the Seamless Transit Principles to build public awareness of, and broaden support for, the need for reforms that promote greater regional transit integration and the vision of seamless transit in the Bay Area.

Throughout the Bay Area, local agencies, including Sunnyvale, depend upon reliable and coordinated regional transit access in order to provide access to jobs, reduce traffic congestion, and improve the sustainability of current and future housing development. The City of Sunnyvale supports the seven Seamless Transit Principles developed to guide local, regional, and state decision-makers to pursue a seamlessly integrated, transit system that works for people. They are:

1. Run all Bay Area transit as one easy-to-use system
2. Put riders first
3. Make public transit equitable and accessible to all
4. Align transit prices to be simple, fair, and affordable
5. Connect effortlessly with other sustainable transportation
6. Plan communities and transportation together
7. Prioritize reforms to create a seamless network

Sunnyvale supports non-profit groups like Seamless Bay Area that advocate for a unified, public transit system with the input of cities and transit advocacy groups, local leaders, transit agency staff, and local elected officials.

Current City of Sunnyvale policy places a high priority on providing planned future growth around transit service and based assumptions relating to trip generation and



travel options on its continued and increasing availability (Council Policy – Chapter 1 Land Use and Transportation, 1.3 Support efforts to create and maintain regional funding sources for critical transportation needs; 1.4 Support flexible spending of state and federal transportation funds for locally determined needs; 1.7 Support state funding for regional transportation projects; and General Plan – Chapter 3 – Land Use and Transportation Policies LT 1.1, LT 1.1a, LT 1.7 and LT 3.1).

For these reasons, we support your Seamless Transit Principles. Please do not hesitate to contact me or Chip Taylor, Director of Public Works, [ctaylor@sunnyvale.ca.gov](mailto:ctaylor@sunnyvale.ca.gov), if you have any questions.

Sincerely,



Larry Klein  
Mayor

cc. The Honorable Josh Becker, State Senate  
The Honorable Aisha Wahab, State Senate  
The Honorable Evan Low, State Assembly  
City Council  
Kent Steffens, City Manager  
Teri Silva, Assistant City Manager  
Chip Taylor, Director of Public Works

April 17, 2023

Santa Clara County Board of Supervisors  
70 W. Hedding Street  
San Jose, CA 95110  
VIA Email: [BoardOperations@cob.sccgov.org](mailto:BoardOperations@cob.sccgov.org)

**RE: Approve referral to Administration to report to the Board by May 16, 2023 with options for consideration relating to developing a separate trailer facility on 999 Hamlin Court, Sunnyvale (Meeting Date 4/18/23, ID# 115443) - SUPPORT**

Larry Klein  
Mayor

Omar Din  
Vice Mayor

Russ Melton  
Councilmember

Alysa Cisneros  
Councilmember

Richard Mehlinger  
Councilmember

Murali Srinivasan  
Councilmember

Linda Sell  
Councilmember

Dear Board of Supervisors:

On behalf of the City of Sunnyvale, we encourage the Board to support Supervisor Otto Lee's referral and work to install a separate trailer facility that can be used as a flexible multipurpose space for the children that reside at the Hamlin Court shelter.

Since the shelter's conversion from a winter shelter to a year-round shelter to meet the rising demand of housing, the number of children that now reside there has been rising. The shelter has over 30 children that are currently staying in that congregate setting. This can be a traumatizing experience for young people and the City is concerned for their well-being.

We need to do everything that we can to create a child-friendly environment and bring some semblance of normalcy. A separate trailer on the property provides a private space for children to play and do homework. This would provide the children and their families with an opportunity to separate from the mostly adult population.

Current City of Sunnyvale policy places a high priority on supporting the unhoused community and participating in the County Collaborative on Affordable Housing and Homeless Issues to provide a continuum of care of services and facilities for the homeless. The City continues to support local service providers that offer facilities and support services to homeless individuals and families, and persons at risk of homelessness. (Policy HE-5.6). The City also continues to be a regional leader in implementing various policies and programs to provide housing in a variety of types and affordability levels for decades and continues to refine and implement its programs and policies. (Affordable Housing and Homelessness Priority Advocacy Issue).

For these reasons, we encourage the Board to refer this item to Administration to report to the Board by May 16, 2023 with options for consideration relating to developing a separate trailer facility on 999 Hamlin Court in the City of Sunnyvale. Please do not hesitate to contact me or Teri Silva, Assistant City Manager at [tsilva@sunnyvale.ca.gov](mailto:tsilva@sunnyvale.ca.gov), if you have any questions.

Sincerely,



Larry Klein  
Mayor

cc: City Council  
Kent Steffens, City Manager  
Teri Silva, Assistant City Manager



April 18, 2023

The Honorable Thomas J. Umberg  
Chair, Senate Judiciary Committee,  
1021 O Street, Room 3240,  
Sacramento, CA 95814

Submitted via Position Letter Portal

**RE: SB 707 (Newman) – Responsible Textile Recovery Act of 2023 – SUPPORT**

Dear Senator Newman,

On behalf of the undersigned organizations, we support SB 707: Responsible Textile Recovery Act of 2023, to establish a comprehensive textile EPR program to establish local collection infrastructure.

Textiles is the fifth most common material and the fastest growing category in residential and commercial waste streams in California. Textile and clothing producers over-produce hard-to-manage materials that can absorb, tangle, and combust if mixed into plastic recycling system. The cost burden for managing unusable textiles has fallen on thrifts, collectors, and secondhand markets, while producers keep making products with no plan for what to do with them when they are no longer wearable. For too long, textiles collected under the guise of recycling ended up in markets with less infrastructure and environmental protections. Industry efforts to increase textile reuse, repair, and recycling options have proven siloed and lacking transparency.

California has a long history of learned experiences with EPR and an opportunity to make a global impact by establishing a first-of-its kind EPR program for textiles that builds on the precedent set in the state by other EPR programs. There is currently only one textile EPR program that exists in the entire world. It's up to California, a top global waste generator, to take impactful actions to address textile waste and sets the stage as a center for sustainable fashion.

For these reasons, we support SB 707 and appreciate your leadership on this critical issue.

Sincerely,



Doug Kobold, Executive Director  
California Product Stewardship Council



Connie Ulasewicz, Founder & President  
CBU Productions



Jordan Wells, Director of Advocacy &  
Communications  
National Stewardship Action Council



Melissa Romero, Senior Legislative  
Manager  
California Environmental Voters




Nick Lapis, Director of Advocacy  
Californians Against Waste



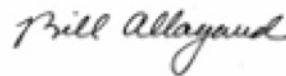
Krystle Moody Wood, Founder  
Materevolve



Zahlen Titcomb, CEO  
Ravel



Peter Majeranowski, President  
Circ, Inc.



Bill Allayaud, California Director of  
Government Affairs  
Environmental Working Group



Nikki Eclarinal, Policy Manager  
Fashion Revolution USA



Sarah Koplowicz, Consultant  
R3 Consulting Group, Inc.



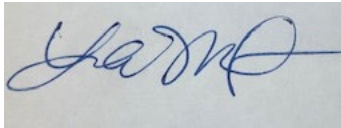
Karla Magruder, President & Founder  
Accelerating Circularity



Nora L. Scully, Innovation Designer  
ScullySpark



Leslie Robinson, Program Manager  
Santa Barbara County Resource Recovery &  
Waste Management Division



Laura McKaughans, President  
CRRRA



Colene McBeth, Director  
Cirtex



Eric Oddo, PE, Program Manager  
Western Placer Waste Management  
Authority



Jillian Clark, Founder & CEO  
Roboro



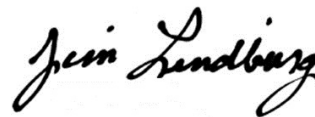
Shell Cleave, Founder  
Sea Hugger



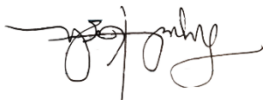
Leslie Lukacs, Executive Director  
Zero Waste Sonoma



Susy Borlido, Co-Executive Director  
Sustainable Works



Jim Lindburg, Legislative Consultant  
Friends Committee on Legislation of  
California



Lynda Koskela, Executive Director  
Repeat Reuse Inc.



Sofia Ratcovich, CEO  
Zero Waste Company

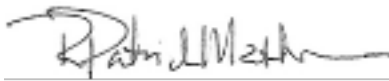


Anupama Pasricha, Department Chair  
St. Catherine University





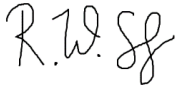
Joe La Mariana, Executive Director  
ReThink Waste



R. Patrick Mathews, General Manager/CAO  
Salinas Valley Recycles



Kerrie Romanow, Director of  
Environmental Services  
City of San Jose



Bob Sly, Media Director  
Zero Waste San Diego



Michael Caprio, Director Government  
Affairs  
Republic Services



Franco Rossi, President  
AQUAFIL



Bruce Houdesheldt, Mayor  
City of Roseville



Alison Waliszewski, Policy Director  
5 Gyres Institute



Shay Sethi, CEO  
Ambercycle



Constanza Gomez, CEO  
Sortile



Sakereh Carter, Senior Policy Advocate  
Sierra Club CA



Kathryn Pisano, Environmental Services  
Manager  
Santa Clara County Recycling and Waste  
Reduction Commission



Jessica Robinson, President  
Northern California Recycling Association



Emily Parker, Coastal and Marine Scientist  
Heal the Bay



Dianna Cohen, Co-Founder & CEO  
Plastic Pollution Coalition



Mati Waiya, Executive Director  
Wishtoyo Chumash Foundation

*Roland Williams*

Roland P. Williams, Jr., General Manager  
Castro Valley Sanitary District (CVSan)

*Christopher Chin*

Christopher Chin, Executive Director  
The Center for Oceanic Awareness,  
Research, and Education (COARE)

*Jenn Engstrom*

Jenn Engstrom, State Director  
California Public Interest Research Group  
(CALPIRG)

*Liz Bordessa*

Liz Bordessa, Co-Founder  
Upcycle it Now

*Urska Trunk*

Urska Trunk, Campaign Manager  
Changing Markets Foundation

*Scott Cassel*

Scott Cassell, CEO and Founder  
Product Stewardship Institute

*Heather Podoll*

Heather Podoll, Partnership and Advocacy  
Coordinator  
Fibershed

*Vicki Patterson*

Vicki Patterson, President  
Stand Up To Trash

*Leslie Mintz Tamminen*

Leslie Mintz Tamminen, Director  
Seventh Generation Advisors

*Ruth Abbe*

Ruth Abbe, President  
Zero Waste USA

*Julie Andersen*

Julie Andersen, Global Executive Director  
Plastic Oceans International

*Kathleen Talbot*

Kathleen Talbot, Chief Sustainability  
Officer & Vice President of Operations  
Reformation

*LeVonne Stone*

LeVonne Stone, Co-Founder and Executive  
Director  
Fort Ord Environmental Justice Network

*Kim Suarez*

Kim Suarez, Raw Materials Specialist  
Marmot

*Larry Klein*

Larry Klein, Mayor  
City of Sunnyvale

*Dana Davis*

Dana Davis, Vice President of Sustainability  
Mara Hoffman Inc.

*E. Rebecca Ballard*

Rebecca Ballard, Executive Director  
The Fashion Connection



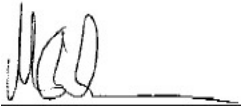
Laura Ferrante. Governmental Affairs  
Advocate  
Resource Recovery Coalition of California



Martin Stenfors, COO  
Renewcell AB



Juanyae "Jae" Allen, Founder & CEO  
Ouros Industries



Mattias Wallander, CEO  
USAgain



456 West Olive Avenue  
Sunnyvale, CA 94088-3707

408-730-7473  
TDD/TYY 408-730-7501  
[sunnyvale.ca.gov](http://sunnyvale.ca.gov)

April 19, 2023

The Honorable Evan Low  
State Capitol  
P.O. Box 942849, Suite 6110  
Sacramento, CA 94249-0026

**RE: 2023 State Budget Funding Request from the City of Sunnyvale – Lakewood Branch Library and Learning Center**

Dear Assemblymember Low:

On behalf of the City of Sunnyvale, we respectfully submit a State Budget Funding request for \$3,000,000 to build the Lakewood Branch Library and Learning Center located at 760 Lakechime Drive.

Larry Klein  
Mayor

Omar Din  
Vice Mayor

Russ Melton  
Councilmember

Alysa Cisneros  
Councilmember

Richard Mehlinger  
Councilmember

Murali Srinivasan  
Councilmember

Linda Sell  
Councilmember

The City and two local school districts are partnering to build this 20,000 square foot facility. It will be a primary resource for literacy, learning and wellness for north Sunnyvale. This area currently has less access to services. It's diverse population also has income and educational inequities. The new Library will address this by supporting education, skill development and personal growth. This will strengthen quality of life and contribute to a healthy local economy.

The enclosed Lakewood Branch Library and Learning Center Project Sheet outlines the benefits to Californians by funding this community project.

Thank you for considering our request. Please do not hesitate to contact me or Michelle Perera, Director of Library and Recreation Services, at [MPerera@sunnyvale.ca.gov](mailto:MPerera@sunnyvale.ca.gov) if you have any questions.

Sincerely,

Larry Klein  
Mayor

enc. Lakewood Branch Library and Learning Center Project Sheet

cc: City Council  
Kent Steffens, City Manager  
Teri Silva, Assistant City Manager  
Michelle Perera, Director of Library and Recreation Services

# Lakewood Branch Library and Learning Center



The City and two local school districts are partnering to build the **20,000 square foot Lakewood Branch Library and Learning Center**. It will be the City's second library and a primary resource for **literacy, learning and wellness for north Sunnyvale**. This area currently has **less access to services**. Its diverse population also has **income and educational inequities**. The new Library will address this by supporting education, skill development and personal growth. This will **strengthen quality of life** and **contribute to a healthy local economy**.

## Quick Facts



**MEETS GOALS**  City  County  State  Federal

**PROJECT NEED** Provide essential library and community services to an underserved area of Sunnyvale in a LEED Gold facility.

**LOCATION** 760 Lakechime Drive, Sunnyvale

**PROPOSED SQUARE FOOTAGE**  
Approx. 20,000 s.f.



## This Project Will:

- ➔ Leverage local funding and service resources provided by the City, Sunnyvale School District and Fremont Union High School District
- ➔ Foster creative expression, education, skill development, and personal enrichment for all ages
- ➔ Contribute to healthy living and stronger neighborhoods
- ➔ Meet state and local goals to provide equitable access to information, services and resources
- ➔ Achieve local, state and national sustainability goals with LEED Gold design

## Bringing Literacy, Learning and Wellness to North Sunnyvale

Silicon Valley is well-known throughout the world as a center for technology and innovation. Yet, wealth and income gaps have continued to widen in recent years. The highly diverse Lakewood area in north Sunnyvale reflects the inequities in income and education. It is also more isolated from services. Many residents live between two to four miles from any library. As a result, the area has the lowest percentage of residents with Sunnyvale library cards than any other neighborhood in the city. This means residents with the most to gain have a difficult time accessing these services. The new Library and Learning Center will bring targeted services closer to this population and support education, skill development and personal growth. The facility will also help achieve sustainability goals with its LEED Gold design.



456 West Olive Avenue  
Sunnyvale, CA 94088-3707

408-730-7473  
TDD/TYY 408-730-7501  
[sunnyvale.ca.gov](http://sunnyvale.ca.gov)

April 19, 2023

The Honorable Evan Low  
State Capitol  
P.O. Box 942849, Suite 6110  
Sacramento, CA 94249-0026

**RE: 2023 State Budget Funding Request from the City of Sunnyvale – Lakewood Safe Route to School**

Dear Assemblymember Low:

On behalf of the City of Sunnyvale, we respectfully submit a State Budget Funding request for \$1,750,000 to make walking and biking safer near the Lakewood Elementary School. These infrastructure improvements align with numerous local, state and federal policies and initiatives, and have significant health, safety and environmental benefits. Additionally, we would be investing in neighborhoods that have a high percentage of socio-economically disadvantaged families.

The enclosed Lakewood Safe Route to School Project Sheet outlines the benefits to Californians by funding these improvements.

Thank you for considering our request. Please do not hesitate to contact me or Chip Taylor, Director of Public Works, at [ctaylor@sunnyvale.ca.gov](mailto:ctaylor@sunnyvale.ca.gov) if you have any questions.

Sincerely,

Larry Klein  
Mayor

enc. Lakewood Safe Route to School Project Sheet

cc: City Council  
Kent Steffens, City Manager  
Teri Silva, Assistant City Manager  
Chip Taylor, Director of Public Works

Larry Klein  
Mayor

Omar Din  
Vice Mayor

Russ Melton  
Councilmember

Alysa Cisneros  
Councilmember

Richard Mehlinger  
Councilmember

Murali Srinivasan  
Councilmember

Linda Sell  
Councilmember



# Lakewood Safe Route to School

Sunnyvale's neighborhoods were not designed for the car volumes we see today. The resulting **congestion around schools causes concerns** in our community about safety, air quality and access. **Safer routes will encourage walking and biking** which are healthier for people and better for the environment. The school proposed for this **Safe Route project** has an enrollment of 437 students with a high percentage of socio-economically disadvantaged families. **Investing in this neighborhood will improve overall health, safety, and connectivity.**

## Quick Facts

Requested Funds



**\$1.75 M**

Total Project Cost



**\$1.75 M**



**MEETS GOALS** ☒ City ☒ County ☒ Bay Area  
☒ State ☒ Federal

**PROJECT NEED** The 2020 Active Transportation Plan identified and prioritized these locations for safety improvements.

## LOCATION

→ **Lakewood Elementary School:**  
Lakechime Drive/Meadowlake Drive

## Improvements for Safer Travel

- Curb radius reductions and curb extensions
- Pedestrian safety signs and striping
- ADA curb ramps



## This Project Will:

- Encourage walking and biking for all ages and abilities
- Reduce vehicle speeds
- Improve visibility for travelers
- Reduce crossing distances at busy intersections
- Expand and connect walking and biking networks
- Reduce negative environmental impacts

## Aligns with Multiple Policies & Initiatives

- Active Transportation Plan
- Vision Zero Plan
- Climate Action Plan
- MTC Plan Bay Area 2050
- Caltrans District 4 Bike Plan
- Caltrans Complete Streets Policy
- FHWA Complete Streets Policy

May 3, 2023

Building Grant Library Facilities Improvement Program  
California State Library  
914 Capitol Mall  
Sacramento, CA 95814

**Re: Building Forward Library Facilities Improvement Program Funding Request of \$4 million from the City of Sunnyvale for Lakewood Branch Library and Learning Center Construction**

Dear Building Forward Grant Administrators:

On behalf of the City of Sunnyvale, we respectfully submit a Building Forward Library Facilities Improvement Program funding request for \$4,000,000 to build the Lakewood Branch Library and Learning Center located at 760 Lakechime Drive.

The City and two local school districts are partnering to build this 20,000 square foot facility. It will be a primary resource for literacy, learning and wellness for north Sunnyvale. This area currently has less access to services. Its diverse population also has income and education inequities. The new Library will address this by supporting education, skill development and personal growth. This will strengthen quality of life and contribute to a healthy local economy.

This project will:

- Leverage local resources provided by the City and two school districts
- Foster creative expression, education, skill development, and personal enrichment for all ages
- Create a community hub to help residents shape their quality of life
- Contribute to healthy living and stronger neighborhoods
- Achieve sustainability goals with LEED Gold design

Thank you for considering our request. Please do not hesitate to contact me or Michelle Perera, Director Library and Recreation Services at [mperera@sunnyvale.ca.gov](mailto:mperera@sunnyvale.ca.gov) if you have any questions.

Sincerely,



Larry Klein  
Mayor

cc: City Council  
Kent Steffens, City Manager  
Teri Silva, Assistant City Manager  
Michelle Perera, Director Library and Recreation Services

Larry Klein  
Mayor

Omar Din  
Vice Mayor

Russ Melton  
Councilmember

Alysa Cisneros  
Councilmember

Richard Mehlinger  
Councilmember

Murali Srinivasan  
Councilmember

Linda Sell  
Councilmember



456 West Olive Avenue  
Sunnyvale, CA 94088-3707

408-730-7473  
TDD/TTY 408-730-7501  
sunnyvale.ca.gov

May 4, 2023

The Honorable Chris R. Holden  
Chair, Assembly Appropriations Committee  
Appropriations Committee  
1021 O Street, Suite 8220  
Sacramento, California 95814

**RE: AB 504 (Reyes): State and local public employees: Labor Relations: Disputes.  
– OPPOSE**

Dear Assembly Member Holden,

On behalf of the City of Sunnyvale, I strongly urge your opposition to AB 504 (Reyes) regarding State and local public employees: labor relations: disputes.

AB 504 (Reyes) allows any public employee with a limited exception to join a strike of another bargaining unit that they are not a member of which could lead to severe workforce shortage/stoppage. AB 504 (Reyes) would declare it a human right for a public employee to participate in a sympathy strike and to honor a picket line. The bill would override any policy or collective bargaining agreement that would limit or waive the rights. The bill would protect public employees that refuse to do any of the following:

- Enter property that is the site of a primary labor dispute.
- Perform work for a public employer involved in a primary labor dispute.
- Go through or work behind any primary picket line.

The City of Sunnyvale is a full-service city that provides essential services to the community. Critical services include public safety, dispatchers, animal control, road maintenance, street lighting, and stormwater/sewer services. Other non-urgent services that the community depends upon are building permits, business licenses, employment services, environmental services, and access to the library and recreation center.

The City of Sunnyvale's Council Policy 7.0.B.3 (Long Term Advocacy Positions – Planning and Management), indicates that Council will “oppose any legislation that

Larry Klein  
Mayor

Omar Din  
Vice Mayor

Russ Melton  
Councilmember

Alysa Cisneros  
Councilmember

Richard Mehlinger  
Councilmember

Murali Srinivasan  
Councilmember

Linda Sell  
Councilmember



reduces or erodes local revenues or local control”. AB 504 (Reyes) would reduce the local control as it would override the local Memorandum of Understanding previously agreed upon by the City and the recognized bargaining unit.

If the City and a bargaining unit are unable to come to agreement and a strike is proposed, a list of classifications essential to providing City services is identified prior to the strike. This list is provided to the California Public Employment Relations Board (PERB) to rule on which classifications are designated as “Essential Employee.” PERB’s decision is often based on other employees who would be available or eligible to perform the work instead, like a supervisor or manager in a different bargaining unit. Under AB 504 (Reyes), employees from another bargaining unit could create a work stoppage if the individual identified to perform work for the striking employee is not available due to a sympathy strike or refusal to cross a picket line. AB 504 (Reyes) would permit employees to participate in a sympathy strike, thus limiting the resources available to the public to maintain essential operations.

AB 504 (Reyes) would continue to exempt any public employee who is subject to Section 1962 of the Labor Code the right from the sympathy striking. Section 1962 of the Labor Code, indicates that Firefighters “shall not have the right to strike, or to recognize a picket line of a labor organization while in the course of the performance of their official duties.” The City of Sunnyvale has a fully integrated police and fire department. The City’s Public Safety Officers are trained police officers, firefighters, and emergency medical technicians and therefore may fall in this classification/group. Per the City’s 22/23 Fiscal Year Budget, there are 190 budgeted Public Safety Officers, with funding for an additional 20 Public Safety Officers-In-Training, which accounts for approximately 21% of the City’s workforce. The City of Sunnyvale’s mission to build community trust by delivering exceptional services would be impacted if the bill allows non-public safety employees to a sympathy strike, potentially placing the public’s health and safety at risk.

For these reasons, we would appreciate your support to OPPOSE AB 504 (Reyes). Thank you for your time and consideration of our position. Please do not hesitate to contact me or Tina Murphy, Director of Human Resources at 408-730-3001 or [tmurphy@sunnyvale.ca.gov](mailto:tmurphy@sunnyvale.ca.gov), if you have any questions.

Sincerely,



Larry Klein  
Mayor

cc: The Honorable Gavin Newsom, Governor  
The Honorable Eloise Gomez Reyes, State Assembly  
The Honorable Josh Becker, State Senate  
The Honorable Aisha Wahab, State Senate  
The Honorable Evan Low, State Assembly  
City Council  
Kent Steffens, City Manager  
Teri Silva, Assistant City Manager  
Tina Murphy, Director of Human Resources  
Seth Miller, Regional Division Public Affairs Manager  
[cityletters@calcities.org](mailto:cityletters@calcities.org)



456 West Olive Avenue  
Sunnyvale, CA 94088-3707

408-730-7473  
TDD/TYY 408-730-7501  
[sunnyvale.ca.gov](http://sunnyvale.ca.gov)

May 4, 2023

The Honorable Chris R. Holden  
Chair, Assembly Appropriations Committee  
Appropriations Committee  
1021 O Street, Suite 8220  
Sacramento, California 95814

**RE: AB 1484 (Zbur): Temporary public employees – OPPOSE UNLESS  
AMENDED (as Amended March 28, 2023)**

Dear Assembly Member Holden,

Larry Klein  
Mayor

Omar Din  
Vice Mayor

Russ Melton  
Councilmember

Alysa Cisneros  
Councilmember

Richard Mehlinger  
Councilmember

Murali Srinivasan  
Councilmember

Linda Sell  
Councilmember

On behalf of the City of Sunnyvale, I strongly urge your opposition, unless amended, to Assembly Bill (AB) 1484 (Zbur) regarding representation for temporary employees.

AB 1484 (Zbur) imposes an automatic requirement that temporary employees performing the same or similar work as a permanent employee be represented by a recognized employee organization that currently represents permanent employees performing that work. This requirement would provide temporary at-will employees with representation on all matters including employment conditions and employer-employee relations. Although AB 1484 intends to benefit temporary employees of local public agencies, it would negatively impact both the temporary and permanent employees, the City of Sunnyvale, and the community.

On an annual basis, the City of Sunnyvale hires/employs approximately 870 regular full time and part time employees, along with 361 temporary/casual employees. Temporary employees provide assistance with short-term projects and special events, provide temporary or seasonal city services including summer recreation programs and park maintenance, temporarily fill vacant positions, and augment the City's regular workforce.

AB 1484 would automatically include temporary employees in the same bargaining unit as permanent employees performing the same or similar work. This would therefore provide conditions of employment that are not negotiated or bargained on behalf of temporary employees. The bill will create challenges discharging temporary





employees at the end of their temporary assignment or during a reduction in workload. Temporary employees are at-will and do not have due process rights. The proposed legislation, Section 3507.7(b)(5), states “temporary employees...who have been employed for more than 30 calendar days shall be entitled to use any grievance procedure in the memorandum of understanding to challenge any discipline without cause.” This process would prolong the City’s ability to manage staffing resources for employees not hired to a budgeted position, nor have property rights related to their employment, creating additional financial burdens. The bill further eliminates the ability for the City to request reimbursement of costs expended by this process.

During the pandemic, the City of Sunnyvale experienced a one-time reduction in temporary staffing. With AB 1484 in place, it would have added time to laying off temporary staff that should not be required due to the at-will nature of their assignment and the need to adequately and quickly staff fluctuating workload demands. Council Policy 7.0.B.3 (Long Term Advocacy Positions – Planning and Management) states that Sunnyvale will “oppose any legislation that reduces or erodes local revenues or local control.”

Current City of Sunnyvale policy prevents temporary employees from exceeding 900 hours per fiscal year, except in exceptional circumstances, due to CalPERS requirements that temporary employees work less than 1,000 hours per fiscal year. Since temporary employees only work a limited number of hours within a designated time frame, the temporary nature of their employment is maintained on the City’s payroll for short-term and augmented staffing needs. The current use of casual and temporary employees allows the City of Sunnyvale to maximize responsiveness to customers through Council Policy 7.3.6 Service Delivery Options. This bill would increase costs to the City of Sunnyvale, reducing the number of temporary employees or obtaining services through temporary staffing agencies with higher overhead costs. Temporary employment agency confusion regarding contract employee determination could further increase the financial impact, thereby reducing the ability for the City to provide timely services to the public. Our Commitment to City Employees through the Council policy referenced above identifies the intangible benefit of providing services using City staff, rather than the added cost of delivering services by contract.

We propose an amendment to the current language in AB 1484 to mirror the CalPERS requirements that limit temporary employees to work less than 1,000 hours per fiscal

May 4, 2023

year before enrollment in CalPERS. Temporary employees who work more than 1,000 hours in a fiscal year could then be afforded the same protections as a classified employee under the proposed legislation.

Temporary employment provides opportunities for those looking for limited hours, additional income, students who are interested in paid internships with local government, individuals who are interested in local government and would like to work temporarily, and those between jobs who have valuable skills and knowledge. Similarly, temporary employees are frequently brought in to backfill permanent employees who are on leave or temporarily reassigned. This bill would discourage such hiring, leaving positions unfilled and the public unserved.

For these reasons, we would appreciate your support to **OPPOSE UNLESS AMENDED AB 1484** (Zbur). Thank you for your time and consideration of our position. Please do not hesitate to contact me or Tina Murphy, Director of Human Resources at 408-730-3001 or [tmurphy@sunnyvale.ca.gov](mailto:tmurphy@sunnyvale.ca.gov), if you have any questions.

Sincerely,



Larry Klein  
Mayor

cc: The Honorable Gavin Newsom, Governor  
The Honorable Rick Chavez Zbur, State Assembly  
The Honorable Josh Becker, State Senate  
The Honorable Aisha Wahab, State Senate  
The Honorable Evan Low, State Assembly  
City Council  
Kent Steffens, City Manager  
Teri Silva, Assistant City Manager  
Tina Murphy, Director of Human Resources  
Seth Miller, Regional Division Public Affairs Manager  
[cityletters@calcities.org](mailto:cityletters@calcities.org)