

## RESPONSES TO COUNCIL QUESTIONS RE: 5/12/15 AGENDA

### CONSENT CALENDAR:

#### Item 1.A.

I believe the list of councilmembers' votes for item 1A in the minutes is incorrect. The non-agenda items refer to both "Mayor Griffith" and "Councilmember Griffith".

**Staff Response:** You are correct. Staff has revised the minutes accordingly.

#### Item 1.C.

Will staff routinely loop in Council when we have a SSO or does that require a policy set by Council? Eg could staff apprise us in the biweekly report if we have an SSO?

**Staff Response:** Staff will provide an update via the City Manager's Biweekly Report.

Are SSO's common? eg how many in a typical year?

**Staff Response:** A range of 9 – 16 over five years. In 2014 there were a total of eight, and for the first four months of 2015 we have had two. Roots and Fats, Oils and Grease (FOG) are the principal causes. All recent spills have been minor, whereas in the past, more serious spills occurred.

### PUBLIC HEARING/GENERAL BUSINESS:

#### Item #2

What permits or approvals would be required to add an air conditioning unit to an existing home, similar to the units proposed for this home?

**Staff Response:** A building permit is required. No special planning permit is required if the project meets setbacks, is not located between the building and the street and is screened from view from the public street and adjacent property (a property line fence is sufficient screening in a residential area). If installed on the roof, then rooftop screening is required. This is no limit to the number of air conditioners, but staff requires the applicant to submit specifications of the unit to review compliance with noise standards. The operating standard is that total noise level of the property cannot exceed 50 dBA measured at the property line during nighttime (10 p.m. to 7 a.m.) or 60 dBA (at property line) during daytime hours.

March 9 Attachment 11, (Sub attachment 5) page 2 of 5 PS-2 - Second floor, have we set a condition of approval to reduce this to eight feet?

**Staff Response:** No. The Planning Commission conditioned the first floor eave height to be brought down to be closer to adjacent homes. No changes were required to the proposed eight-foot plate height of the second floor.

May 12, Attachment 5 PS-2 - Now we are talking first floor. "Explore reducing the eave height....." What does the word "explore" mean? Are we requiring it to be reduced by one foot? To how many feet? Conditions of approval need to be more specific. Is the project viable if we change explore to require?

**Staff Response: This is the condition of approval as stated by the Planning Commission. Council can be more specific.**

Attachment 9, Page 3 of 6 - "and potentially lower the foundation of the first floor.....". Has this been explored? Is it viable? Can this be a condition of approval?

**Staff Response: The applicant has not yet drawn up the plans to reflect the Planning Commission action. This would be required prior to issuance of building permit. The condition requires this to be accomplished before submitting a formal building permit application.**

What are the rules around noise for Air conditioners? Is there a reason for two?

**Staff Response: There is no limit to the number of air conditioners. Applicant would have to describe their rationale for two. A building permit is required. No special Planning Permits are required if the project meets setbacks, is not located between the building and the street and is screened from view from the public street and adjacent property (a property line fence is sufficient screening in a residential area). If installed on the roof, then rooftop screening is required. Operating standard is that total noise level of the property cannot exceed 50 dBA measured at the property line during nighttime (10 p.m. to 7 a.m.) or 60 dBA (at property line) during daytime hours.**

Attachment 8 Page 1 of 5 - There is a comment about reducing 1st floor plate height to 10 feet. Has this been done? Or is this what was done above?

**Staff Response: Yes, this has been done. Planning Commission further modified the first-floor plate height through condition of approval PS-2**

I want to confirm - no balcony. Is this correct?

**Staff Response: Yes, this is correct.**

Second story windows. It is difficult to tell from the drawing. No windows look into the houses on the side. Is this correct? How about the windows in the back? What is being done to protect privacy from these windows?

**Staff Response: Correct, second-story windows in the bedrooms on the right side are high sill and for the bathroom obscured glass. On the left side there is a window in the stair tower (above standing height) and obscured glass in the bathroom. The rear elevation has three windows: the stair tower (above standing height) setback 52 feet from the rear property line and obscured glass in the bath area which is 43 feet from rear property line. The bedroom is 31 feet from rear property (20 feet is the minimum). There are no conditions to protect privacy from rear neighbor.**

A year or so ago, perhaps more, council considered on one agenda two separate appeals, regarding 2nd stories in residential neighborhoods, could staff remind me of the date of that meeting?

**Staff Response:** On July 23, 2013, the Council considered an appeal by the owner of a second-story addition for a house at 726 San Miguel. There was a tie vote and the application was continued to the Council meeting of August 27, 2013.

On August 27, 2013 the Council considered the following two items:

- **RTC 13-211 2012-7986 - Discussion and Possible Action on an Appeal by the Applicant of a Decision of the Planning Commission Denying a Design Review Permit for a New Two-Story Single-Family Home Resulting in 2,804 Square Feet and 53.5% Floor Area Ratio (FAR) Located at 726 San Miguel Avenue in an R-0 Zoning District (APN: 205-14-030) (Continued from August 13, 2013).**

Council action was to send the project back to the Planning Commission for a revised design review (to reduce the second to first story ratio to closer to 35% FAR). The applicant returned to the Planning Commission with a redesign, which was approved by the Planning Commission on June 9, 2014.

- **RTC 13-192 2013-7319 - Discussion and Possible Action on an Appeal by the Adjacent Neighbor of a Decision of the Planning Commission Approving a Design Review Application for an Addition to the First Story and a New Second Story on a Single-Family Home Resulting in 2,768 square feet and 49.7% Floor Area Ratio (FAR) located at 663 Toyon Avenue in an R-0 Zoning District (APN: 213-10-031).**

**Council Action** was to uphold the decision of the Planning Commission to approve the Design Review

### **Item #3**

What outreach is planned to non-residential water users (commercial, industrial, office)?

**Staff Response:** The City will continue to work with the Water District, the SFPUC, the State, and other cities and water companies to implement the regional outreach messages; and Sunnyvale staff will continue to hold outreach events at company sites and to work with the key individuals at the various companies. Also, the City's website is being updated, conservation messaging will be running on KSUN, and social networks will be utilized. The current plan is to augment this with a direct mailing to all residential and non-residential customers. The mailing will have two main objectives:

- **Provide customers with information about the drought including any new water restriction measures Council may enact on May 12. The mailing will also detail the enforcement action the City plans to take for any water waste violations.**
- **Provide information on resources available to all Sunnyvale customers. The information includes tips on how to conserve, phone numbers, websites, and information on the water conservation rebate programs.**

What is the purpose of alternating irrigation days for odd and even addresses, as compared to simply specifying two days a week for all addresses? Wouldn't limiting

water to two specific days for all users be considerably easier to enforce, and considerably easier for everyone to understand?

**Staff Response:** Yes, limiting irrigation days to two specific days would be easier to understand and easier to enforce. However, having all customers irrigate at the same time during peak summer days, and with watering prohibited between 9 a.m. to 6 p.m. has the potential to strain the operating capacity of the system. Also, the Water District has asked all cities to use this same schedule so they can use this in regional outreach. (Other cities would have even more trouble with operating capacity.)

I understand that San Francisco considered restrictions on pressure washing hardscape, but ultimately decided not to, because of the occasional need for washing for health and safety reasons. Is there value in exempting the washing of hardscape for health and safety reasons?

**Staff Response:** The practice of washing down surfaces for health and safety reasons is allowed in many jurisdictions. The sidewalk situation in San Francisco is significantly different than in Sunnyvale. The prohibitions listed under Stage 1 in the Urban Water Management Plan approved by Sunnyvale Council in 2010 can be amended to allow washing down hard surfaces for such an exception.

For the proposed fines for violations of water use restrictions, is the intent to be proactive or to simply respond to complaints?

**Staff Response:** Both. In addition to responding to complaints received from residents, the City will be stepping up patrolling the neighborhoods. This would be accomplished with existing field staff and with the addition of two part-time water conservation coordinators.

The proposal includes informing each customer of what cutbacks are required. Will the information provided to customers include more general information, such as a breakdown of typical household water usage, so that customers have a better sense of specific areas to concentrate on?

**Staff Response:** The direct mailing being prepared will provide information on typical water use within a household. A more effective messaging would be to provide customers with water budgets reduced by 30% from their 2013 water use. City staff in ESD, IT, and Finance are working to see what effort would be required with our current billing and data management system to accomplish this.

Page 5 of 12, Item (d) - Is there some language that says we discourage this practice? Even though might still be legal?

**Staff Response:** With the declaration of Stage 1 Water Shortage Emergency this practice (washing sidewalks and driveways) is now illegal.

Question: Item (i) - This says we limit people to 15 minutes per day. Can we change this to 10 minutes per station?

**Staff Response:** The Council can change the watering time to 10 minutes if it so desires. The Muni Code will have to be amended accordingly. The 15-minute time limit is common.

Page 8 of 12 Additional Actions – Limit irrigation to 2 days a week. Can we add a time duration limit here? 10 minutes per station per day?

**Staff Response:** Yes, Council under the Water Code has broad authority during a water shortage emergency to enact new measures that can override the Muni Code. These measures would only be in effect during the emergency period.

Page 9 of 12 – I have lots of questions about enforcement. Just letting you know I will be asking. Enforcement seems weak. Do we really believe that voluntary action without meaningful enforcement will get us to the required results? We haven't even achieved the results we targeted before.

**Staff Response:** As noted in the memo, Sunnyvale has nearly achieved the State mandate of 16% from our 2013 water use though we did fall slightly short of the 15% target set last year (achieving 13.5%). Staff believes that education and outreach are the fundamental elements of a successful water use reduction program, much as they were the fundamental element of garbage recycling a generation ago. Staff agrees that to meet the very aggressive 30% goal, enforcement also needs to be an element of the program for the recalcitrant few. Therefore, staff is proposing a \$250 fine for a third violation and \$500 per violation thereafter. The proposed enforcement would be for individuals not taking the actions as established by Council. Again, the first effort would be focused on education and providing assistance.

If Council chooses to implement enforcement against individuals for not meeting the numerical goal (proposed at 30%), then an allocation and rationing program with penalties would have to be instituted. Such a program requires additional staff, billing system updates, and, most importantly, an extensive public hearing and outreach. Considerations would have to be made for customers who have been conserving and many other special situations. (This is listed in the staff report as an option that is not recommended at this time.)

How do we really get "Behavior change"?

**Staff Response:** Staff acknowledges that we are not experts on behavior change. The experts and literature suggest that key elements to achieving change include providing targeted information at the right time, keeping the requirements simple and achievable, repetition of the message, peer pressure, financial motivation, financial assistance (rebates, etc.), and the threat of possible enforcement.

Page 10 of 12 - Do we gain anything by moving to Stage 2 now?

**Staff Response:** Yes, Stage 2 is designed to achieve additional water use reductions. As noted in the staff report, Council could still choose to implement Stage 2 actions which include the prohibition of all new installations of plants, shrubs, trees, lawns other growing things; the prohibition of landscape for mounds; the prohibition of new swimming pools and pond construction; the prohibition of filling or refilling swimming pools (except to make up for water loss due to evaporation); and the prohibition of outdoor watering December through March.

1st item in the possibility list - Can we send target budgets in the next bills?

**Staff Response:** Since bills are sent on a bimonthly basis, it takes two months to reach all water users. Therefore, if water budgets are recommended, staff suggests sending water budgets in a stand-alone letter to all the customers. Staff work on the billing system and database is needed to be able to determine the water budgets.

The next 90 to 120 days are the most critical. How do we get this message out better and faster?

**Staff Response:** Staff is recommending a direct mailing in addition to the outreach efforts already in place.

As we learned in the County Water meeting on Sat - Subsidence is the big issue for the County. Will this be discussed in the Staff Report? Or do you want someone who was at the Sat meeting to discuss this?

**Staff Response:** In the staff PowerPoint presentation a slide highlighting the threat of subsidence will be presented to Council. District staff was invited to speak on the subject at tomorrow's Council meeting. We are awaiting their reply.

How much potable water does the City use for municipal operation in the most recent year for which data are available? (fiscal or calendar year, whatever is handy)

**Staff Response:** For Calendar Year 2014 potable water consumption was 381,382 CCF, of which 319,101 CCF (84%) was delivered through a landscape meter.

Same question, same time period for:

Separately, how much for the golf courses?

**Staff Response:** 41,386 CCF used at the golf courses, with 40,074 CCF (97%) delivered through a landscape meter.

How much for municipal irrigation totally?

**Staff Response:** 319,101 CCF (0.65 mgd) potable water delivered through a landscape meter.

How much is used for residential in the city?

**Staff Response:** Citywide residential consumption was 5,398,372 CCF (11.1 mgd).

How much for non-residential non-municipal in the city?

**Staff Response:** City-wide non-residential consumption was 2,346,870 CCF (4.8 mgd).

Of non-residential, how much is for irrigation?

**Staff Response:** 534,252 CCF (1.1 mgd) delivered through landscape meters.

Please note that there are many sites that use water for landscape but do not necessarily have a landscape meter. The landscape amounts stated above only shows what was delivered through a landscape meter. Some City sites and many commercial sites do not have landscape meters, but have their landscape water included with their regular potable water meter. As such, actual landscape

consumption would be higher.

All the foregoing questions were for potable water:

Could staff clarify our status with respect to what water is flowing through purple pipe nowadays- is it 100% potable?

**Staff Response:** As staff has noted in the past, the current system of producing recycled water is in need of rebuilding. With the award of the “Hypochlorite Conversion and Continuous Recycled Water Production Facilities Project” last month, the project to improve the recycled water production is underway. However, in response to the drought, staff have been producing recycled water as much as economically and technically feasible. In 2014, approximately 18.9% of the water delivered in the purple pipes was recycled water. It was produced in March, June through September 2014 and in April 2015.

Could staff clarify the effect on our tiered rate structure of the recent court decision. No effect? Not sure?

**Staff Response:** The City and experts statewide are still evaluating the impact and next steps.

Could staff make clearer what phone# to call to report issues? People have asked and i have not seen a reply?

**Staff Response:** The City of Sunnyvale, along with other water agencies, partner with the District to respond to drought-related issues. The Drought Hotline managed by the District is 408-630-2000. Residents can also contact City staff at 408-730-7900 for any issues or assistance.

An east bay city is making treated water available free for pickup for irrigation. What would it cost us to provide this service? I believe if we provide this service it could be charged to the water enterprise fund, correct? Is there enough in the enterprise fund reserve to carry such service through to the FY16/17 rate setting cycle?

**Staff Response:** Unlike Dublin-San Ramon Sanitation District, Sunnyvale produces recycled water on a batch process where it is not available at all times. Recycled water quality as produced now in Sunnyvale is not ideal for all plants and vegetation as it high in dissolved solids and salinity that could be detrimental to some salt-sensitive species.

The location where recycled could be made available at the wastewater plant is not safe for citizens to drive in and fill up due to ongoing construction activities. The City is working on improving recycled water production which should be completed in the summer of 2016. We are also looking at ways where we can improve water quality by reducing the salinity. As plans are underway now to rebuild the wastewater plant, our goal is to have a location where trucks and vehicles will have the ability to utilize this resource. Funding for recycled water projects are borne by the Wastewater and Water Funds.

#### **Item #4**

Some typos in Attachment 1:

Page 1, "Policy Purpose": First line has an extra "is".

Page 3, I A: Third line should probably read "via submittal \*of\* a ...".

Page 4, II A: Second line has an extra comma after "as part of".

**Staff Response: These are all good edits which staff will address should Council approve the proposed policy.**