

RESPONSE TO COUNCIL QUESTIONS RE: 7/31/18 CITY COUNCIL AGENDA

Agenda Item #: 1.A

Title: Approve City Council Meeting Minutes of July 17, 2018

Council Question: As drafted, I believe the Motion shown on page 8 does not reflect the Motion that was actually made on the dais. Can Staff please redraft the Motion in the minutes along the following lines:

“MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the motion to approve Alternative 1 with a modification: Deny the appeal and affirm the Planning Commission’s determination to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map subject to the revised recommended conditions of approval in Attachment 4 of the report, with the Modification to Alternative 1 being that the requested front setback deviations on Elm Court and East Evelyn Avenue are not granted and any applicant redesign arising from the denial of the front setback deviations shall be subject to approval by the Director of Community Development.”

Would it be possible to have the minutes reflect the various Public Hearings / General Business items in the same sequence that Council actually considered them? So, for example, instead of writing, “Following action on Item 4, Council considered Item 6,” the minutes would be written in a sequential flow reflecting the following actual sequence that took place, specifically 2-3-5-8-4-6-7-9.

Staff Response: Corrections have been made to the Council Meeting minutes of July 17, 2018 and submitted for approval as revised. The motion on page 8, for public hearing item 2, RTC 18-0465 was corrected and the order of the minutes was revised to show the order of items in the sequence considered. A memo will be sent to Council with the revised draft minutes, with and without markup text. The memo has been posted online and will be made available on the dais and in the Public Review Binders Tuesday night.

Agenda Item #: 1.B

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

Council Question: Please provide additional information on the following payments:

- A. \$155,129.70 to F&M BANK for Construction Project Contract Retainage
- B. \$432,242.82 to PETERSON POWER SYSTEMS INC for Misc Equip Maint & Repair - Labor

Staff Response:

- A. This is a payment to F&M Bank to hold retention payments in escrow related to the construction contract issued to C. Overaa & Co. for the Sunnyvale Clean Water Program Primary Treatment Package 2 work.
- B. The Payment to Peterson Power Systems is a progress payment related to maintenance and repair of the Caterpillar Engines that operate the Power Generation Facility at the Water Pollution Control Plant. Council awarded a contract to Peterson Power to perform preventive and corrective maintenance on October 28, 2014 (RTC 14-0954) in an amount of \$2M with an option for a two-year extension.

Council Question: What are construction services (projects) that the C OVERAA & CO billing for \$1.7 Million and \$1.2 Million?

Staff Response: These payments are construction progress payments to C. Overaa & Co. for the construction of the Sunnyvale Clean Water Program Primary Treatment Package 2 project.

Agenda Item #: 1.D

Title: Award of Contract for Professional Design Services Associated with the Golf Building Renovations at Sunken Gardens (F18-188)

Council Question: As noted by Staff, this project falls within Project 828400, which has a 2018/19 budget amount of \$791 thousand. If the City spends \$165,077 of this amount on design services, that leaves roughly \$626 thousand to actually construct the designed project. Is that enough?

Staff Response: Yes. Staff anticipates that the remaining budgeted funding will be sufficient to fund the construction phase of the project.

Agenda Item #: 1.F

Title: Award of Contract for Consultant Services to Develop Sunnyvale Housing Strategy (F18-202)

Council Question: Regarding Task 3 (Mobile Home Parks Analysis) to be performed by the consultant, I would like to know if the following two potential outcomes are possible, as the Scope of Work is scoped (e.g. are not precluded from happening): (a) A strengthening of SMC 19.72, for example increasing the amount of required relocation assistance; and (b) A strengthening of General Plan Policy HE-2.6 (Maintain at least 400 acres of Mobile Home Park Zoning), for example by possibly moving this requirement to the City Charter.

Staff Response: Task 3 is to analyze city policies associated with Mobile Home Parks (MHP). As part of the analysis several actions will be evaluated, including possible models for a mobilehome space rent stabilization and/or mediation program, potential changes to the City's conversion policies (SMC 19.72), and options for park acquisition. This task will include a written analysis of potential benefits and drawbacks, proposed administrative and financing structure, and recommended next steps for implementing each program option. Community engagement efforts are likely to generate additional ideas and concepts to be evaluated (such as modifications to other housing policies such as the minimum zoning acreage for MHPs).

Council Question: Can you send more information on the BAE proposal, proposed timeline for community outreach, etc.?

Staff Response: Not at this time. One of the first orders of business is to have a kick-off meeting and from there the consultant will develop a more detailed schedule, consistent with the Work Plan approved by City Council in December 2017. Staff and the consultant are working on holding the kick-off meeting prior to the Housing and Human Services Commission (HHSC) meeting of August 22, 2018. An update on the Housing Strategy is on the August HHSC agenda.

Agenda Item #: 2

Title: Introduce an Ordinance Enacting and Adopting a New Chapter 9.43 to the Sunnyvale Municipal Code to Regulate Licensed Firearms Dealers and to Prohibit Licensed Firearms Dealers from Selling, Delivering, or Giving Possession of a Semiautomatic Centerfire Rifle to any Person Under 21 Years of Age.

Council Question: Page 2 in staff report, the table with the Summary of Firearm Age restrictions makes the point that sales of handguns already have age restrictions at the federal and state levels. Why did the authors of the resolution include language about bringing to Sunnyvale similar restrictions for another class of guns?

Staff Response: The table on page 2 was included to show that both state and federal law currently have a higher age restriction for the purchase of handguns than for long guns, which includes semiautomatic fire rifles. In order to address these discrepancies with respect to semiautomatic centerfire rifles and afford greater protection for Sunnyvale residents, the Council directed the City Attorney to draft an ordinance that imposed an age restriction of 21 years of age for the purchase of semiautomatic centerfire rifles within Sunnyvale.

Council Question: About raising the age restrictions, Page 2 in the staff reports expresses that such action "**may potentially help** prevent or reduce the number of casualties in future mass shooting events" and in the resolution make the stronger statement in the 4th perambulatory clause that "raising the age limit ... **will** help prevent or reduce the number of casualties in future mass shooting events". On what basis does the resolution text include the stronger bases. Later perambulatory clauses make sure to point out that underage purchases of semi-automatic weapons have only travel to nearby cities, so this earlier clause seems at odds with the later ones.

Staff Response: The variations in language between the staff report and the recitals in the Ordinance was a drafting inconsistency. Ultimately, the recitals are drafted to reflect the Council 's finding for the necessity for adopting the Ordinance and the Council may either introduce the Ordinance with the recitals as drafted (i.e., **will** help prevent or reduce the number of casualties in future mass shooting events) or amend the recitals to include the language in the staff report (i.e., **may potentially help** prevent or reduce the number of casualties in future mass shooting events).

Council question: How many federal firearm licensees were in operation in Sunnyvale in January 2018?

Staff Response: Nine total as noted in the following summary:

NUMBER	YEAR	BUSINESS NAME	OWNER (s)	ISSUE DATE	EXPIRATION DATE
0080	18	Baxt Capitol Innovations	Bruce Tran	5/22/2018	5/21/2019
0079	18	Big 5 Sporting Goods	Michael Trapasso	4/20/2018	4/19/2019
0073	18	DGW Auctioneers Inc.	Kathleen/David Greenaway	1/24/2018	1/23/2019
0066	18	Dick's Sporting Goods	Ian Meek	2/14/2018	2/13/2019
0097	19	Firing Pin	Loran G. Courpet	8/1/2018	7/31/2019
0064	17	KUHLMAN ARMS	Kevin Kuhlman	10/21/2017	10/21/2018
0077	18	Samurai Gunsmith	Jeff Sato	4/5/2018	4/4/2019
0055	18	US FIREARM	Robert Armitano	8/16/2017	8/3/2018
0061	17	VICTORY FIREARMS	Diven Liu	10/6/2017	11/13/2018

Agenda Item #: 3

Title: Consider Amending the City of Sunnyvale's Minimum Wage Ordinance to Delay the Start of Annual Consumer Price Index Adjustments from January 1, 2019 to January 1, 2020

Council Question: If Council were to adopt Alternative 1 (take no action), what would Sunnyvale's minimum wage be on January 1, 2019? What is the number of workers throughout the City of Sunnyvale earning the minimum wage? Approximations in response to either question are okay.

Staff Response: Assuming a 3.5% CPI increase (as of June 30, 2018, the CPI increase is 3.6%) for 2018, Sunnyvale's minimum wage on January 1, 2019 would be \$15.53 per hour. Staff does not have access to a data source that provides the number of employees in Sunnyvale making minimum wage. We reviewed several data sources, but are unable to find a definitive source.

Agenda Item #: 4

Title: File #: 2017-7765

Location: 814 Coolidge Avenue (APN: 165-17-017)

Zoning: R-2 (Low Medium Density Residential) Proposed Project:

Appeal by the Applicant of a Planning Commission decision to deny a Design Review and Variance to allow a new one-story single family home resulting in 1,963 square feet (1,640 square feet of living area and 323 square foot one-car garage) and 49% floor area ratio on a 4,000-square foot lot (FAR greater than 45% requires Planning Commission review) with the following requested variances: · 10-15-foot front yard setback where 20 feet minimum is required; · 7 foot 2-inch combined side yard setback where 10-foot minimum is required; · One-covered parking space where two-covered parking spaces are required; and, · No uncovered parking spaces where two-uncovered parking spaces are required (subsequently revised to provide one uncovered space with substandard length of 18 feet).

Applicant / Owner: Joe and Raquel Fanucchi (applicant / owner)

Council Question: Can staff please review the information presented in Attachments 1 and 2 for accuracy and provide any necessary updates. To Staff's knowledge, have the requirements of SMC 19.06 (as pertains to the Coolidge Ave. plan lines) been adhered to on each and every property

redevelopment on that street since adoption of the plan line in 1960? To what extent are the requirements of Council Policy 1.1.12 applicable or informative on this application?

Staff Response: Thank you for the questions. Based on a review of the Noticing Map, staff is recommending a continuance of this item to the City Council meeting of August 14, 2018. Mailed notice of the City Council hearing on the appeal will be sent once City Council has selected a date. The applicant has been notified of this staff error in noticing.

- **Attachments 1 and 2.** Attachment 1 will be updated to reflect the correct site location and noticing information and notice of the City Council hearing will be mailed out. Attachment 2 (Project Data Table) will be updated to reflect that the proposed lot size is 3,800 square feet (due to the right-of-way dedication) and that the driveway length is now proposed as 18 feet length.
- **Official Plan Line along Coolidge.** 15 out of the 54 lots on Coolidge have dedicated a street easement at this time, the subject property would be number 16. The Official Plan Line is to provide a 50-foot right-of-way where 40 was originally provided (five feet on each side of the street). The five-foot wide dedications are requested when a property is proposed for subdivision (there was a 5-lot subdivision adjacent to the subject property) or single-property redevelopment (including more than ½ of the exterior walls being removed as is the case for the subject property). Minor additions do not trigger a dedication requirement.
- **Policy 1.1.12 Maximum Standards for Small Lot Single Family Residential Developments.** This policy applies primarily to new development of multiple lots (such as when a larger infill site is subdivided and redeveloped). This project is compliant with the policy in that the proposed FAR is 49% (50% maximum in policy); usable open space (back yard) exceeds 500 square feet; this is a one-story house, therefore the second story setbacks do not apply.

Council Question: Can you send a new Project Data Table reflecting the proposed changes made after the Appeal?

Staff Response: Staff will do this with the report for the continuance date.

Council Question: How many (%) homes along Coolidge have already dedicated the (planned) 5 feet? How many remain?

Staff Response: See response above to *Official Plan Line Along Coolidge*.

Agenda Item #: 5

Title: Proposed Project: Related applications on an 8.09-acre site: DESIGN REVIEW PERMIT AND USE PERMIT: To allow site and building modifications to an existing office building complex resulting in 7,449 net new square footage (42% FAR) on an 8.09-acre site developed with (4) three-story buildings and various site improvements and a request to utilize square footage from the city-wide development reserve.

Location: 1230-1290 Oakmead Parkway (APN: 216-44-124) File #: 2017-7886

Zoning: Manufacturing and Services (M-S)

Applicant / Owner: Embarcadero Realty Services (Applicant) / Oakmead Terrace LLC (owner)

Council Question: In Attachment 4, Recommended Findings states Council must make one of the two findings 1 and 2. It does not seem to me like they are mutually exclusive. Is this a typo? Does Council need to make both findings?

Staff Response: Council is only required to make one of the findings to approve a Use Permit. To deny a Use Permit the City Council must demonstrate the neither finding can be made.

Council Question: In Attachment 9, one of the planning commissioners mentioned a potential study issue relating to TDM after the applicant pointed out what was considered to be a gap. Has the Planning Commission yet sponsored such a study issue?

Staff Response: The Planning Commission has not formally sponsored this as a study issue. Staff is preparing a preliminary write up for Planning Commission consideration at a future Planning Commission meeting

Council Question: In Attachment 10, the applicant mentioned a Sunnyvale office project that had difficulty meeting their TMD goals. Would staff clarify which project is being referenced and, if true, if there are lessons to be learned that we can apply to the appellant's case.

Staff Response: The applicant's letter does not identify which project. Staff uses all projects as "lessons learned" and applies that information to administrative practices and to the preparation of conditions of approval. In the case of a project not meeting TDM goals, staff will meet with property owner and tenants and require an adjustment to the TDM plan, to cure the problem. The City has preferred compliance with TDM goals over collection of fees.

Council Question: Has the city previously reduce TDM requirements for a project?

Staff Response: Minimum TDM trip reduction requirements are pre-established only for industrial/office projects in Moffett Park, Peery Park, and industrial/office projects using the Green Building Program incentive up to 45% FAR. All other TDM requirements are discretionary and have varied over the years based on the scope and location of projects. The reduction in this case is to the recommended TDM trip reduction and is based on the limited scope of the project.