

# Notice and Agenda City Council

Tuesday, October 27, 2020

5:30 PM

City Web Stream | Comcast Channel 15

Special Meeting: Closed Session - 5:30 PM | Regular Meeting - 7 PM

Because of the COVID-19 emergency and the "shelter in place" orders issued by Santa Clara County and the State of California, this meeting of the Sunnyvale City Council will take place by teleconference, as allowed by Governor Gavin Newsom's Executive Order N-29-20.

- Watch the City Council meeting on television over Comcast Channel 15, at http://youtube.com/SunnyvaleMeetings or https://sunnyvaleca.legistar.com/calendar.aspx.
- Submit written comments to the City Council up to 4 hours prior to the meeting to council@sunnyvale.ca.gov or by mail to City Clerk, 603 All America Way, Sunnyvale, CA 94086.
- Teleconference participation: You may provide audio public comment by connecting to the teleconference meeting online or by telephone. Use the Raise Hand feature to request to speak (\*9 on a telephone):

Meeting online link: https://sunnyvale-ca-gov.zoom.us/j/96111580540 Meeting call-in telephone number: 833-548-0276 | Meeting ID: 961 1158 0540

Pursuant to the Americans with Disabilities Act (ADA) and Executive Order N-29-20, if you need special assistance to provide public comment, contact the City at least 2 hours prior to the meeting in order for the City to make reasonable alternative arrangements for you to communicate your comments. For other special assistance; please contact the City at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting. The Office of the City Clerk may be reached at (408) 730-7483 or cityclerk@sunnyvale.ca.gov (28 CFR 35.160 (b) (1)).

# 5:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)

## **Call to Order**

Call to Order via teleconference.

#### Roll Call

## **Public Comment**

The public may provide comments regarding the Closed Session item(s). If you wish to address the Council, please refer to the notice at the beginning of this agenda. Closed Sessions are not open to the public.

#### Convene to Closed Session

Α	<u>20-0833</u>	Closed Session held pursuant to California Government Code
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Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS Property: Acquisition of 970 W Evelyn Ave, Sunnyvale, CA -

APN 165-20-017

Agency negotiator: Kent Steffens, City Manager; Chip Taylor, Director of Public Works; and Sherine Nafie, City Property

Administrator

Negotiating parties: Edward Woodhall, Owner

Under negotiation: Price and terms

**B** 20-0667 Closed Session Held Pursuant to California Government Code

Section 54957.6:

**CONFERENCE WITH LABOR NEGOTIATORS** 

Agency Designated Representatives: Tina Murphy, Director of

Human Resources; Kent Steffens, City Manager; Charles

Sakai, Labor Attorney

Employee Organization: Public Safety Officers Association

(PSOA)

# **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 via teleconference.

# **ROLL CALL**

# **CLOSED SESSION REPORT**

# **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** 20-0027 Approve City Council Meeting Minutes of October 13, 2020

Recommendation: Approve the City Council Meeting Minutes of October 13, 2020

as submitted.

**1.B** 20-0733 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 20-0244 Appoint a City of Sunnyvale Community Member Representative to the Valley Transportation Authority Bicycle and Pedestrian Advisory Committee

**Recommendation:** Appoint Mr. Timothy Oey as Sunnyvale's community member representative for the Santa Clara Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee for a two-year term, which begins retroactively on July 1, 2020 and ends on June 30, 2022.

1.D 20-0804 Award of Contract to Kimley Horn & Associates, Inc., for Signal Coordination and Timing Optimization (F20-144)

**Recommendation:** Take the following actions:

- Award a Consultant Services Agreement in the amount not-to-exceed \$372,050 insubstantially the same form as Attachment 1 to the report to Kimley Horn & Associates, Inc.;
- Approve a 10% contingency in the amount of \$37,205; and
- Authorize the City Manager to execute the contract when all necessary conditions have been met.

1.E 20-0363 Acceptance of Google Inc.'s Donation of Voluntary Bicycle and Pedestrian Facility Improvements (Phase 1 and Phase 2) on Manila Drive/West Moffett Park Drive with an Estimated Construction Cost of \$2,575,800 and Finding of Exemption from the California Environmental Quality Act

Recommendation: Accept Google Inc.'s donation of voluntary Bicycle and Pedestrian Facility Improvements (Phase 1 and Phase 2) on Manila Drive/West Moffett Park Drive with an estimated construction cost of \$2,575,800 and make a finding that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (c) existing streets, sidewalks, bicycle lanes and facilities involving negligible or no expansion and that does not create additional automobile lanes.

1.F 20-0853 Ratify Vice Mayor Smith's Appointment to the League of California Cities Women's Caucus as Immediate Past President; Re-appoint Councilmember Glenn Hendricks to the Valley Transportation Authority Board of Directors as the City of Sunnyvale Representative

**Recommendation:** Staff makes no recommendation. By approval of the consent

calendar, Council ratifies Vice Mayor Smith's Appointment to the League of California Cities Women's Caucus as Immediate Past President and Re-appoints Councilmember Hendricks'

VTA Board of Directors as the City of Sunnyvale

Representative.

**1.G** 20-0906 CONTINUED FROM OCTOBER 13, 2020.

Approve Participation in the Bay Area Air Quality Management

District Spare the Air Cut the Commute Pledge

**Recommendation:** Approve participation in the BAAQMD Cut the Commute

Pledge with the aspirational goal to extend remote work options by at least 25 percent for employees whose work requirements allow for that flexibility to improve air quality and quality of life for all Bay Area residents. Implementation details

of the remote work policy will be determined by the City

Manager.

# **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 <u>20-0814</u> Approve a Phased Reach Codes Program and implement

Phase 1 for new Residential and Non-Residential Construction Projects: Introduce an Ordinance to Amend Chapter 16.42 (Energy Code) and Chapter 16.43 (Green Building Code) of Title 16 (Buildings and Construction) and Find that the Action

is Exempt from CEQA

**Recommendation:** Alternative 1: Phased Reach Codes Program and implement

Phase 1 for new Residential and Non-Residential Construction Projects: Introduce an Ordinance to Amend Chapter 16.42, Energy Code and Chapter 16.43 (Green Building Code) of Title 16 (Buildings and Construction) and Find that the Action is Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15308, 15305

and 15061.

3 <u>20-0799</u> Award of Bid No. PW20-16 to Hensel Phelps Construction Co.

for Civic Center Modernization Phase 1

# **Recommendation:** Alternative 1:

Take the following actions:

- Award a construction contract in substantially the same form as Attachment 2 to the report in the amount of \$174,116,999.92 to Hensel Phelps Construction Co.;

- Authorize the City Manager to execute the construction contract when all necessary conditions have been met; and - Approve an 8.2% construction contingency in the amount of
- \$14,277,594

4 20-0314 Introduce an Ordinance to Amend Chapter 9.28 (Regulation of Smoking) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code to Prohibit the Sale of Flavored Tobacco Products (Study Issue)

**Recommendation:** Alternative 1: Introduce an Ordinance to amend the Sunnyvale Municipal Code Chapter 9.28 to prohibit the sale of flavored tobacco products.

5 20-0905

> Receive and File the FY 2020/21 First Quarter Budget Update and Approval of Budget Modification No. 8 in the Amount of \$1,932,000 to Appropriate CARES Act Funding

CONTINUED FROM OCTOBER 13, 2020.

**Recommendation:** Receive and file the FY 2020/21 First Quarter Budget Update and Approve Budget Modification No. 8 in the amount of \$1,932,000 to Appropriate CARES Act Funding.

6 20-0865 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.

**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.

# 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.

<u>20-0782</u> Board/Commission Meeting Minutes

20-0803 Information/Action Items

# **ADJOURNMENT**

# NOTICE TO THE PUBLIC

The agenda reports to council (RTCs) may be viewed on the City's website at sunnyvale.ca.gov after 7 p.m. on Thursdays or in the Office of the City Clerk located at 603 All America Way, prior to Tuesday City Council meetings. Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, during normal business hours and in the Council Chamber on the evening of the Council Meeting, pursuant to Government Code §54957.5. Please contact the Office of the City Clerk at (408) 730-7483 to access City Hall to view these materials and for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a

90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

# Planning a presentation for a City Council meeting?

To help you prepare and deliver your public comments, please review the "Making Public Comments During City Council or Planning Commission Meetings" available at http://Sunnyvale.ca.gov/PublicComments

# Planning to provide materials to Council?

If you wish to provide the City Council with copies of your presentation materials, please provide 12 copies of the materials to the Office of the City Clerk. The City Clerk will distribute your items to the Council following the meeting.

# **Upcoming Meetings**

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



# Agenda Item

**20-0833** Agenda Date: 10/27/2020

Closed Session held pursuant to California Government Code Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Acquisition of 970 W Evelyn Ave, Sunnyvale, CA - APN 165-20-017

Agency negotiator: Kent Steffens, City Manager; Chip Taylor, Director of Public Works; and Sherine

Nafie, City Property Administrator

Negotiating parties: Edward Woodhall, Owner

Under negotiation: Price and terms



# **Agenda Item**

**20-0667** Agenda Date: 10/27/2020

Closed Session Held Pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: Tina Murphy, Director of Human Resources; Kent Steffens, City Manager; Charles Sakai, Labor Attorney

Employee Organization: Public Safety Officers Association (PSOA)



# Agenda Item

**20-0027** Agenda Date: 10/27/2020

# **SUBJECT**

Approve City Council Meeting Minutes of October 13, 2020

# **RECOMMENDATION**

Approve the City Council Meeting Minutes of October 13, 2020 as submitted.



# Meeting Minutes - Draft City Council

Tuesday, October 13, 2020

5:00 PM

Telepresence Meeting: City Web Stream | Comcast Channel 15

Special Meeting: Closed Session - 5 PM | Special Meeting: Study Session - 5:30 PM | Regular Meeting - 7 PM | Regular Joint Meeting of the City Council and the Sunnyvale Financing Authority - 7 PM (or as soon thereafter as the matter may be heard)

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

# **Call to Order**

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

Mayor Klein called the meeting to order at 5:00 p.m. via teleconference.

## **Roll Call**

Present: 7 - Mayor Larry Klein

Vice Mayor Nancy Smith

Councilmember Gustav Larsson

Councilmember Glenn Hendricks

Councilmember Russ Melton

Councilmember Michael S. Goldman

Councilmember Mason Fong

Mayor Klein, Vice Mayor Smith and all Councilmembers attended via teleconference.

# **Public Comment**

Public Comment opened at 5:01 p.m.

No speakers.

Public Comment closed at 5:01 p.m.

# **Convene to Closed Session**

A 20-0882 Closed Session held pursuant to California Government Code

Section 54956.9:

LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of

subdivision (d) of Section 54956.9. Number of Potential Cases: 1

# **Adjourn Special Meeting**

Mayor Klein adjourned the meeting at 5:25 p.m.

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

#### Call to Order

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

Mayor Klein called the meeting to order at 5:30 p.m. via teleconference.

## **Roll Call**

Present: 7 - Mayor Larry Klein

Vice Mayor Nancy Smith

Councilmember Gustav Larsson Councilmember Glenn Hendricks Councilmember Russ Melton

Councilmember Michael S. Goldman

Councilmember Mason Fong

Mayor Klein, Vice Mayor Smith and all Councilmembers attended via teleconference.

# **Study Session**

B <u>20-0751</u> Public Safety Policies and Practices

Deputy City Manager Jaqui Guzmán and Public Safety Chief Phan Ngo provided the staff report and presentation.

Public Comment opened at 6:52 p.m.

Omar Din, Sunnyvale City Council District Candidate 6 communicated support for establishing a human relations commission.

Frank Tavares spoke towards descoping and defunding the Police Services Division of the Department of Public Safety.

Richard Mehlinger shared support for a cultural diversity/human relations commission. He spoke towards de-emphasizing armed policing models and shifting towards unarmed models such as mental health response units.

Marian voiced support for providing guidelines regarding "how to interact with police officers" on the City's website.

Sol Martinez communicated support for unarmed police officers such as mental health officers.

C. Johnson spoke towards recent crimes in her neighborhood and shared support for armed police officers.

Public Comment closed at 7:03 p.m.

## **Adjourn Special Meeting**

Mayor Klein adjourned the meeting at 7:03 p.m.

## 7 P.M. COUNCIL MEETING

## **CALL TO ORDER**

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

Mayor Klein called the meeting to order at 7:05 p.m. via teleconference.

## **ROLL CALL**

Present: 7 - Mayor Larry Klein

Vice Mayor Nancy Smith

Councilmember Gustav Larsson Councilmember Glenn Hendricks

Councilmember Russ Melton

Councilmember Michael S. Goldman

Councilmember Mason Fong

Mayor Klein, Vice Mayor Smith and Councilmembers Larsson, Hendricks, Melton and Fong attended via teleconference. Councilmember Goldman attended at 7:08 p.m.

# **CLOSED SESSION REPORT**

Vice Mayor Smith reported that Council met in Closed Session held pursuant to California Government Code Section 54956.9: LEGAL COUNSEL ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9. Number of Potential Cases: 1; nothing to report.

# **SPECIAL ORDER OF THE DAY**

C 20-0744 SPECIAL ORDER OF THE DAY - Freedom From Workplace Bullies Week

Mayor Klein read a proclamation in honor of Freedom From Workplace Bullies Week.

# **ORAL COMMUNICATIONS**

Councilmember Melton announced details of COVID-19 testing availability at the Sunnyvale Murphy Park Building and testing availability via Santa Clara County and El Camino Hospital. He also announced applications are being accepted for the Neighborhood and Community Events Grant Program and the current recruitment for various Boards and Commissions.

# **CONSENT CALENDAR**

MOTION: Vice Mayor Smith moved and Councilmember Melton seconded the motion to approve agenda items 1.A through 1.F.

The motion carried with the following vote:

Yes: 7 - Mayor Klein

Vice Mayor Smith

Councilmember Larsson

Councilmember Hendricks

Councilmember Melton

Councilmember Goldman

Councilmember Fong

**No**: 0

**1.A** 20-0682 Approve City Council Meeting Minutes of September 29, 2020 Approve the City Council Meeting Minutes of September 29, 2020 as submitted.

**1.B** 20-0720 Authorize Amending an Existing Contract with Fire & Risk Alliance, LLC for Temporary Personnel Services (F21-022)

# Take the following actions:

- Authorize the City Manager to execute the seventh amendment to an existing contract with Fire & Risk Alliance, in substantially the same form as Attachment 1 to the report, increasing the not-to-exceed contract amount by \$175,000 for a new not-to-exceed contract amount of \$2,500,000 and extending the term of the Agreement until December 31, 2021; and
- Authorize the City Manager to amend the contract for up to two years, if operationally necessary, subject to available budget, provided pricing and service remain acceptable to the City.
- 1.C 20-0818 Authorize Amending an Existing Contract with CDM Smith for Program Management and Related Services for the Sunnyvale Cleanwater Program (F21-028)

# Take the following actions:

- Approve the fourth amendment to the consultant services agreement with CDM Smith, in substantially the same form as Attachment 1 to the report, increasing the not-to-exceed amount by \$10,099,549 for a new not-to-exceed amount of \$31,402,588, and extending the term of the agreement for three years, through December 31, 2023;
- Authorize the City Manager to execute the fourth amendment when all necessary conditions have been met; and
- Approve an increase to the contract contingency in the amount of \$34,284 for a contingency total of \$833,086.
- 1.D 20-0797 Adopt the City's Investment Policy for Fiscal Year 2020/21 and Receive Annual Performance Report for Fiscal Year 2019/20

Adopt the City's Investment Policy for FY 2020/21 (Council Policy 7.1.2).

1.E 20-0598 Authorize the Issuance of Blanket Purchase Orders with Graniterock and West Coast Sand & Gravel for Aggregate Base Materials for the Departments of Public Works and Environmental Services (F20-134)

Take the following actions:

- Authorize the issuance of a one-year blanket purchase order to Graniterock in substantially the same form as Attachment 2 to the report, in an amount not-to-exceed \$425,000;
- Authorize the issuance of a one-year blanket purchase order to West Coast Sand & Gravel, Inc., in substantially the same form as Attachment 3 to the report, in an amount not-to-exceed \$158,000; and
- Authorize the City Manager to amend and renew the purchase orders for two additional one-year periods, subject to available budget, if pricing and service remain acceptable to the City.
- **1.F** 20-0810 Adopt a Resolution Extending the City's Declaration of Local Emergency for COVID-19

Adopt a Resolution extending the City Manager/Director of Emergency Services' proclamation of existence of a local emergency (COVID 19).

# ADJOURNMENT TO REGULAR JOINT MEETING OF THE CITY COUNCIL AND THE SUNNYVALE FINANCING AUTHORITY

# **CALL TO ORDER**

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

Authority Chair / Mayor Klein called the joint Clty Council and Sunnyvale Financing Authority meeting to order at 7:18 p.m. via teleconference.

### **ROLL CALL**

Present: 7 - Authority Chair / Mayor Larry Klein
Authority Vice Chair / Vice Mayor Nancy Smith
Authority Member / Councilmember Gustav Larsson
Authority Member / Councilmember Glenn Hendricks
Authority Member / Councilmember Russ Melton
Authority Member / Councilmember Michael S. Goldman
Authority Member / Councilmember Mason Fong

Authority Chair / Mayor Klein, Authority Vice Chair / Vice Mayor Smith and all Authority Members / Councilmembers attended via teleconference.

# **CONSENT CALENDAR**

MOTION: Authority Vice Chair Smith moved and Authority Member Melton seconded the motion to approve item 2.A.

The motion carried with the following vote:

Yes: 7 - Authority Chair Klein

Authority Vice Chair Smith Authority Member Larsson Authority Member Hendricks Authority Member Melton Authority Member Goldman Authority Member Fong

No: 0

**2.A** 20-0855

Approve the Joint City Council and Sunnyvale Financing Authority Meeting Minutes of June 23, 2020

# **PUBLIC HEARINGS/GENERAL BUSINESS**

**3** 20-0811

Adopt Resolutions to Authorize Issuance of Lease Revenue Bonds to Finance the Civic Center Phase I Project in an Amount not to exceed \$160 Million Including Financing and Closing Costs; Approve Financing Team, and Authorize the City Manager/Executive Director or the Finance Director/Treasurer to Execute all Related Documents

Finance Director Tim Kirby provided the staff report and presentation.

Public Hearing opened at 7:58 p.m.

No speakers.

Public Hearing closed at 7:58 p.m.

# City Council:

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1:

- Adopt a Resolution to authorize issuance of lease revenue bonds (the "Bonds") to finance the Civic Center Phase I Project in an amount not-to-exceed \$160 million including financing and closing costs;

- Approve the Financing Team that implements the issuance of the Bonds; and
- Authorize the City Manager or the Finance Director to execute all documents related to, which include the Bond purchase agreement, the preliminary official statement (and ultimately the Official Statement), the continuing disclosure certificate, the Sunnyvale Lease, and the Sunnyvale Site Lease, the issuance of the Bonds and retaining the Financing Team.

The motion carried with the following vote:

Yes: 6 - Mayor Klein

Vice Mayor Smith

Councilmember Larsson

Councilmember Hendricks

Councilmember Melton

Councilmember Fong

No: 1 - Councilmember Goldman

Sunnyvale Financing Authority:

MOTION: Authority Member Hendricks moved and Authority Member Larsson seconded the motion to approve Alternative 1:

- Adopt a Resolution to authorize Issuance of lease revenue bonds (the "Bonds") to Finance the Civic Center Phase I Project in an amount not-to-exceed \$160 million including financing and closing costs; and
- Authorize the Executive Director or the Treasurer to execute all documents related to, which include the Bond purchase agreement, the assignment agreement, the Indenture of Trust, the Sunnyvale Lease, and the Sunnyvale Site Lease, the issuance of the Bonds and retaining the Financing Team.

The motion carried with the following vote:

Yes: 7 - Authority Chair Klein
Authority Vice Chair Smith
Authority Member Larsson
Authority Member Hendricks
Authority Member Melton
Authority Member Fong

No: 1 - Authority Member Goldman

#### ADJOURN SUNNYVALE FINANCING AUTHORITY MEETING

Authority Chair / Mayor Klein adjourned the joint City Council and Sunnyvale Financing Authority meeting at 8:22 p.m.

## RECONVENE TO CITY COUNCIL MEETING

Mayor Klein reconvened the City Council Meeting at 8:22 p.m.

Council took a recess at 8:22 p.m. and reconvened at 8:30 p.m. with all Councilmembers present via teleconference.

# **PUBLIC HEARINGS/GENERAL BUSINESS**

4 20-0809 Consider Approval of Draft 2020 Housing Strategy and Implementation Schedule (Study Issue)

Housing Officer Jenny Carloni and Matt Kowta, Managing Principal, BAE Urban Economics provided the staff report and presentation.

Public Hearing opened at 10:25 p.m.

Rick spoke regarding mobile home park space rates and voiced support for a mobile home park space Rent Stabilization Ordinance (RSO).

Linda Brost shared support for an RSO.

Ryan Jasinsky, Director of Property Management, Brandenburg Staedler & Moore communicated support for a Memorandum Of Understanding (MOU) between mobile home park owners and the City.

Mike Serrone voiced support for adding a home-sharing type program.

Veronica Smoot spoke towards housing costs at mobile home parks.

Jason Feinsmith communicated support for a RSO.

Richard Mehlinger, Chair, Livable Sunnyvale shared the organization's support for a home-sharing type program, RSO, development of missing middle housing types and de-emphasizing dwelling units per acre zoning.

Gail Rubino communicated concerns with an MOU and requested Council consider approving an RSO.

Henry Yin spoke towards mobile home park rental costs and loss in home equity.

Denise Gallardo provided information on real estate market trends and statistics within mobile home parks.

David Meyer, Silicon Valley @ Home voiced support for an RSO and development of an anti-displacement policy.

Linda Sell spoke towards displacement of at-risk seniors, establishing a Community Advisory Committee and ongoing legal support for mobile home park residents

Ken Kravenas, Chief Operating Officer, Hometown America provided property management information for Plaza Del Rey and communicated support for an MOU.

Daniella Muller shared support for an RSO.

Coleen Hausler spoke towards mobile home park space rental costs. She shared support for right to lease agreements and increasing ownership inclusionary percentage.

Frances Stanley-Jones shared information related to mobile home park rental costs for Plaza Del Rey and voiced support for an RSO.

Julia Liu spoke towards home-sharing type programs.

Doug Johnson, on behalf of Western Manufactured Housing Communities Association communicated support for an MOU.

Josh Grossman, Sunnyvale City Council District Candidate 2 urged Council to consider approving an RSO.

Fred Kameda spoke towards mobile home park rental costs and voiced support for a RSO.

MJ LaRoche communicated concerns with an MOU and shared support for an RSO.

Justin Wang, on behalf of Greenbelt Alliance voiced support for development of missing middle housing types, de-emphasizing dwelling units per acre and these

measures' correlation to environmental sustainability.

Bobbi Perrin shared concerns regarding mobile home park real estate and space rental costs.

Sandra Fagundes voiced concerns with the need for a recusal by Councilmembers living in mobile home parks.

Omar Din, Sunnyvale City Council District Candidate 6 communicated support to allow mobile home park renters the opportunity provide input and establishing a Community Advisory Committee.

Julianne Olivari shared support for an RSO.

Candice Gasperik voiced support for an RSO.

Sarah Hall spoke towards mobile home park rental costs and communicated support for an RSO.

Debbie Wolter shared concerns regarding Plaza Del Ray rental costs and voiced support for an RSO.

Leia Mehlman, Sunnyvale City Council District Candidate 6 urged Council to consider approving an RSO.

Public Hearing closed at 11:52 p.m.

MOTION: Vice Mayor Smith moved and Councilmember Larsson seconded the motion to accept as an information only report the 2020 Housing Strategy as originally proposed (Attachment 2 to the report).

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment to include in the 2020 Housing Strategy a statement that indicates the report was accepted by Council, however, the Implementation Schedule (Attachment 3 to the report) was modified based on Council direction.

Housing Officer Jenny Carloni clarified that the Implementation Schedule would be modified based on Council direction and the revised Implementation Schedule would be incorporated into the 2020 Housing Strategy report.

Councilmember Hendricks withdrew the friendly amendment.

The motion carried with the following vote:

Yes: 7 - Mayor Klein

Vice Mayor Smith

Councilmember Larsson

Councilmember Hendricks

Councilmember Melton

Councilmember Goldman

Councilmember Fong

**No**: 0

MOTION: Vice Mayor Smith moved and Councilmember Goldman seconded the motion to proceed with implementation of a rent stabilization ordinance.

The motion failed with the following vote:

Yes: 3 - Mayor Klein

Vice Mayor Smith

Councilmember Goldman

No: 4 - Councilmember Larsson

Councilmember Hendricks

Councilmember Melton

Councilmember Fong

MOTION: Councilmember Larsson moved and Councilmember Fong seconded the motion approve Section 4 of the Implementation Schedule (Attachment 3 of the report) as presented.

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment that the following topics be addressed:

- The annual rent increase percentage number;
- The amount of rent increase when a property changes ownership;
- How to deal with Capital Projects;
- How to deal with property tax pass-through; and
- Retroactive to October 13, 2020.

Councilmember Larsson accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Melton offered a friendly amendment to include a matrix that captures when an excess amount of mobile home park properties are on the housing market for length of time.

Following discussion, Councilmember Melton withdrew the friendly amendment.

FRIENDLY AMENDMENT: Vice Mayor Smith offered a friendly amendment to revise the tier recommendation for 4a: Mobile Home Space Rent Stabilization from tier 3 to tier 2.

Councilmember Larsson accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment to include that an emergency rent stabilization ordinance be implemented should a memorandum of understanding be nullified.

Councilmember Larsson declined to accept the friendly amendment.

The motion carried with the following vote:

Yes: 5 - Vice Mayor Smith

Councilmember Larsson Councilmember Melton Councilmember Goldman Councilmember Fong

No: 2 - Mayor Klein

Councilmember Hendricks

MOTION: Councilmember Larsson moved and Mayor Klein seconded the motion approve Section 3 of the Implementation Schedule (Attachment 3 of the report) with the following modifications:

- Revise the tier recommendation for 3a: Adopt a Right to Lease Ordinance from tier
   2 to tier 1; and
- Revise the tier recommendation for 3b: Adopt a Tenant Protection/Relocation Assistance requirement from tier 1 to tier 2.

The motion carried with the following vote:

Yes: 5 - Mayor Klein

Vice Mayor Smith

Councilmember Larsson Councilmember Melton Councilmember Goldman

No: 2 - Councilmember Hendricks

Councilmember Fong

MOTION: Councilmember Fong moved and Mayor Klein seconded the motion approve Section 2 of the Implementation Schedule (Attachment 3 of the report) with the following modification:

- Revise option 2a: Increase Ownership Inclusionary Percentage to include initiating a nexus study to determine if a percentage increase beyond 15% is possible.

The motion failed with the following vote:

Yes: 3 - Mayor Klein

Councilmember Goldman Councilmember Fong

No: 4 - Vice Mayor Smith

Councilmember Larsson Councilmember Hendricks Councilmember Melton

MOTION: Councilmember Melton moved and Councilmember Hendricks seconded the motion to approve Section 2 of the Implementation Schedule (Attachment 3 of the report) as presented.

FRIENDLY AMENDMENT: Councilmember Goldman offered a friendly amendment to revise option 2d: Up-Zone Land to Facilitate Increase Residential Development to not allow for rezoning of single-family residential zones to higher density.

Councilmember Melton restated and accepted the Friendly Amendment to clarify that option 2d only pertains to the properties within the El Camino Real Precise Plan, Lawrence Station Precise Plan and Moffett Park Specific Plan.

The motion carried with the following vote:

Yes: 7 - Mayor Klein

Vice Mayor Smith

Councilmember Larsson Councilmember Hendricks Councilmember Melton Councilmember Goldman Councilmember Fong

**No**: 0

MOTION: Vice Mayor Smith moved and Councilmember Melton seconded the motion to approve Section 1 of the Implementation Schedule (Attachment 3 of the report) as presented.

The motion carried with the following vote:

Yes: 7 - Mayor Klein

Vice Mayor Smith

Councilmember Larsson

Councilmember Hendricks

Councilmember Melton

Councilmember Goldman

Councilmember Fong

**No**: 0

MOTION: Councilmember Hendricks moved and Vice Mayor Smith seconded the motion to hear Public Hearing/General Business Agenda Item 5.

The motion carried with the following vote:

Yes: 7 - Mayor Klein

Vice Mayor Smith

Councilmember Larsson

Councilmember Hendricks

Councilmember Melton

Councilmember Goldman

Councilmember Fong

**No**: 0

**5** 20-0714

Receive and File the FY 2020/21 First Quarter Budget Update

and Approval of Budget Modification No. 8 in the Amount of \$1,932,000 to Appropriate CARES Act Funding

MOTION: Councilmember Hendricks moved and Vice Mayor Smith seconded the motion to adjourn the meeting at 1:33 a.m.

The motion carried with the following vote:

Yes: 7 - Mayor Klein

Vice Mayor Smith

Councilmember Larsson Councilmember Hendricks Councilmember Melton Councilmember Goldman Councilmember Fong

**No**: 0

Agenda item not heard by Council.

6 <u>20-0808</u> Approve Participation in the Bay Area Air Quality Management District Spare the Air Cut the Commute Pledge

Agenda item not heard by Council.

# COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Agenda item not heard by Council.

# **NON-AGENDA ITEMS & COMMENTS**

#### -Council

Agenda item not heard by Council.

# -City Manager

Agenda item not heard by Council.

# **INFORMATION ONLY REPORTS/ITEMS**

<u>20-0705</u>	Tentative Council Meeting Agenda Calendar
----------------	---

20-0820 Board/Commission Meeting Minutes

City Council	Meeting Minutes - Draft	October 13, 2020

20-0843	Information/Action Items
20-0873	Mayoral Announcement of Mayor-Appointed Ad Hoc Advisory
	Committee on City Manager Compensation (Information Only)

# **ADJOURNMENT**

Mayor Klein adjourned the meeting at 1:33 a.m.



# Agenda Item

**20-0733** Agenda Date: 10/27/2020

## 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>	Total Disbursements
043	09-13-20 through 09-19-20	\$2,962,826.00
044	09-20-20 through 09-26-20	\$2,854,004.96
045	09-27-20 through 10-03-20	\$1,939,037.42
046	10-04-20 through 10-10-20	\$9,233,552.77

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 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.

# 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

**Agenda Date:** 10/27/2020 20-0733

ATTACHMENTS

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

## City of Sunnyvale

# **LIST # 043**

# List of All Claims and Bills Approved for Payment

For Payments Dated 9/13/2020 through 9/19/2020

# **Sorted by Payment Number**

Payment	Payment							
No.	Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
xxx003160	9/15/20	PUBLIC EMPLOYEES RETIREMENT SYSTEM	950003160	Retirement Benefits - Misc Tier 1 & 2 Employer Required Cont.	179,642.62	0.00	179,642.62	\$767,887.20
			950003160	Retirement Benefits - Misc Tier 1&2 Employer Paid Member Cont.	66,655.14	0.00	66,655.14	
			950003160	Retirement Benefits - Misc PEPRA Employer Required Cont.	123,287.46	0.00	123,287.46	
			950003160	Retirement Benefits - Safety Tier 1&2 Employer Required Cont.	224,684.65	0.00	224,684.65	
			950003160	Retirement Benefits - Safety Tier 1&2 Emplyr Paid Member Cont	90,652.49	0.00	90,652.49	
			950003160	Retirement Benefits - Safety PEPRA Employer Required Cont.	82,964.84	0.00	82,964.84	
xxx100909	9/16/20	SFPUC WATER DEPARTMENT	080420-090120	Water for Resale	2,027,851.80	0.00	2,027,851.80	\$2,194,938.80
			080420-090120	Purchased Water Related Expenses - Mete Charges	er 22,939.00	0.00	22,939.00	
			080420-090120	BAWSCA Surcharge	144,148.00	0.00	144,148.00	

Grand Total Payment Amount \$2,962,826.00

# City of Sunnyvale

# **LIST # 044**

# List of All Claims and Bills Approved for Payment For Payments Dated 9/20/2020 through 9/26/2020

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
xxx003152	9/24/20	INTERNAL REVENUE SERVICE	950003152	Employer Taxes - FICA - Total	367.91	0.00	367.91	\$64,329.88
			950003152	Employer Taxes - Medicare - Total	63,961.97	0.00	63,961.97	
xxx003153	9/24/20	UNION BANK OF CALIFORNIA PARS	950003153	Retirement Benefits - PARS	835.19	0.00	835.19	\$835.19
xxx003154	9/24/20	ICMA RETIREMENT CORP	950003154	Retirement Benefits - Deferred Comp - Ci Portion	ty 17,148.26	0.00	17,148.26	\$17,148.26
xxx100910	9/22/20	SANTA CLARA VALLEY WATER DISTRICT	TI002416	Water for Resale	1,300,097.48	0.00	1,300,097.48	\$1,300,097.48
xxx100911	9/24/20	SPECIALTY SOLID WASTE & RECYCLING	AUG2020	Franchise - Specialty Garbage	-180,170.35	0.00	-180,170.35	\$1,471,594.15
		INC	AUG2020	Refuse Serv Fees - Specialty	-264,798.40	0.00	-264,798.40	
			AUG2020	Pymt to Franch Garb Collector	1,916,562.90	0.00	1,916,562.90	
	Gra	and Total Payment Amount					•	\$2,854,004.96

# City of Sunnyvale

# **LIST # 045**

# List of All Claims and Bills Approved for Payment

For Payments Dated 9/27/2020 through 10/3/2020

## **Sorted by Payment Number**

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
xxx003161	9/29/20	PUBLIC EMPLOYEES RETIREMENT SYSTEM	950003161	Retirement Benefits - Misc Tier 1 & 2 Employer Required Cont.	180,470.49	0.00	180,470.49	\$766,564.83
			950003161	Retirement Benefits - Misc Tier 1&2 Employer Paid Member Cont.	66,993.41	0.00	66,993.41	
			950003161	Retirement Benefits - Misc PEPRA Employer Required Cont.	124,052.15	0.00	124,052.15	
			950003161	Retirement Benefits - Safety Tier 1&2 Employer Required Cont.	222,364.58	0.00	222,364.58	
			950003161	Retirement Benefits - Safety Tier 1&2 Emplyr Paid Member Cont	89,716.35	0.00	89,716.35	
			950003161	Retirement Benefits - Safety PEPRA Employer Required Cont.	82,967.85	0.00	82,967.85	
xxx906731	9/28/20	US BANK TRUST NA	98PARKNG1020	Miscellaneous Payment	1,172,472.59	0.00	1,172,472.59	\$1,172,472.59
	Gra	and Total Payment Amount					\$1,939,037.42	

# City of Sunnyvale

# **LIST # 046**

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
xxx0369	10/9/20	ABEL A VARGAS	OCTOBER 2020	Insurances - Retiree Medical - Retiree Reimbursement	186.61	0.00	186.61	\$186.61
xxx0370	10/9/20	AIMEE FOSBENNER	OCTOBER 2020	Insurances - Retiree Medical - Retiree Reimbursement	206.46	0.00	206.46	\$206.46
xxx0371	10/9/20	ALI FATAPOUR	OCTOBER 2020	Insurances - Retiree Medical - Retiree Reimbursement	1,448.37	0.00	1,448.37	\$1,448.37
xxx0372	10/9/20	ANNABEL YURUTUCU	OCTOBER 2020	Insurances - Retiree Medical - Retiree Reimbursement	596.61	0.00	596.61	\$596.61
xxx0373	10/9/20	BRICE MCQUEEN	OCTOBER 2020	Insurances - Retiree Medical - Retiree Reimbursement	1,448.37	0.00	1,448.37	\$1,448.37
xxx0374	10/9/20	BYRON K PIPKIN	OCTOBER 2020	Insurances - Retiree Medical - Retiree Reimbursement	1,016.69	0.00	1,016.69	\$1,016.69
xxx0375	10/9/20	CARL RUSHMEYER	OCTOBER 2020	Insurances - Retiree Medical - Retiree Reimbursement	1,076.76	0.00	1,076.76	\$1,076.76
xxx0376	10/9/20	CATHY HAYNES	OCTOBER 2020	Insurances - Retiree Medical - Retiree Reimbursement	1,317.76	0.00	1,317.76	\$1,317.76
xxx0377	10/9/20	CHRIS CARRION	OCTOBER 2020	Insurances - Retiree Medical - Retiree Reimbursement	842.75	0.00	842.75	\$842.75
xxx0378	10/9/20	CHRISTINE MENDOZA	OCTOBER 2020	Insurances - Retiree Medical - Retiree Reimbursement	596.61	0.00	596.61	\$596.61
xxx0379	10/9/20	CORYN CAMPBELL	OCTOBER 2020	Insurances - Retiree Medical - Retiree Reimbursement	345.50	0.00	345.50	\$345.50
xxx0380	10/9/20	CYNTHIA HOWELLS	OCTOBER 2020	Insurances - Retiree Medical - Retiree Reimbursement	498.01	0.00	498.01	\$498.01
xxx0381	10/9/20	DAN HAMMONS	OCTOBER 2020	Insurances - Retiree Medical - Retiree Reimbursement	1,334.23	0.00	1,334.23	\$1,334.23
xxx0382	10/9/20	DAVID KAHN	OCTOBER 2020	Insurances - Retiree Medical - Retiree Reimbursement	923.81	0.00	923.81	\$923.81
xxx0383	10/9/20	DAVID L VERBRUGGE	OCTOBER 2020	Insurances - Retiree Medical - Retiree Reimbursement	2,010.89	0.00	2,010.89	\$2,010.89
xxx0384	10/9/20	DAYTON W K PANG	OCTOBER 2020	Insurances - Retiree Medical - Retiree Reimbursement	2,159.27	0.00	2,159.27	\$2,159.27
xxx0385	10/9/20	DEAN CHU	OCTOBER 2020	Insurances - Retiree Medical - Retiree Reimbursement	1,050.04	0.00	1,050.04	\$1,050.04

**LIST # 046** 

# City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment							
<b>No.</b> xxx0386	<b>Date</b> 10/9/20	Vendor Name DON JOHNSON	Invoice No. OCTOBER 2020	<b>Description</b> Insurances - Retiree Medical - Retiree	Invoice Amount 498.01	Discount Taken 0.00	Amount Paid 498.01	Payment Total \$498.01
	10/9/20		OCTOBER 2020	Reimbursement Retiree Wedledi Retiree	150.01	0.00	1,70.01	\$150.01
xxx0387	10/9/20	DOUGLAS MORETTO	OCTOBER 2020	Insurances - Retiree Medical - Retiree	1,076.76	0.00	1,076.76	\$1,076.76
				Reimbursement				
xxx0388	10/9/20	ENCARNACION HERNANDEZ	OCTOBER 2020	Insurances - Retiree Medical - Retiree Reimbursement	139.74	0.00	139.74	\$139.74
xxx0389	10/9/20	ESTRELLA KAWCZYNSKI	OCTOBER 2020	Insurances - Retiree Medical - Retiree	200.43	0.00	200.43	\$200.43
ARAOSOS	10/9/20	ESTREELITATIVELITAGA	OCTOBER 2020	Reimbursement	200.43	0.00	200.43	\$200.43
xxx0390	10/9/20	EUGENE J WADDELL	OCTOBER 2020	Insurances - Retiree Medical - Retiree	450.13	0.00	450.13	\$450.13
				Reimbursement				
xxx0391	10/9/20	GAIL SWEGLES	OCTOBER 2020	Insurances - Retiree Medical - Retiree	112.82	0.00	112.82	\$112.82
				Reimbursement				
xxx0392	10/9/20	GARY LUEBBERS	OCTOBER 2020	Insurances - Retiree Medical - Retiree	705.47	0.00	705.47	\$705.47
				Reimbursement				
xxx0393	10/9/20	GREGORY E KEVIN	OCTOBER 2020	Insurances - Retiree Medical - Retiree	777.69	0.00	777.69	\$777.69
				Reimbursement				
xxx0394	10/9/20	JAMES BOUZIANE	OCTOBER 2020	Insurances - Retiree Medical - Retiree	842.75	0.00	842.75	\$842.75
				Reimbursement				
xxx0395	10/9/20	JANICE BROUSSARD	OCTOBER 2020	Insurances - Retiree Medical - Retiree	615.67	0.00	615.67	\$615.67
				Reimbursement				
xxx0396	10/9/20	JEFFREY PLECQUE	OCTOBER 2020	Insurances - Retiree Medical - Retiree	1,277.69	0.00	1,277.69	\$1,277.69
				Reimbursement				
xxx0397	10/9/20	JEROME P AMMERMAN	OCTOBER 2020	Insurances - Retiree Medical - Retiree	615.67	0.00	615.67	\$615.67
				Reimbursement				
xxx0398	10/9/20	JOHN HOWE	OCTOBER 2020	Insurances - Retiree Medical - Retiree	596.61	0.00	596.61	\$596.61
				Reimbursement				
xxx0399	10/9/20	JOHN S WITTHAUS	OCTOBER 2020	Insurances - Retiree Medical - Retiree	1,448.37	0.00	1,448.37	\$1,448.37
				Reimbursement				
xxx0400	10/9/20	KAREN WOBLESKY	OCTOBER 2020	Insurances - Retiree Medical - Retiree	1,344.97	0.00	1,344.97	\$1,344.97
				Reimbursement				
xxx0401	10/9/20	KATHLEEN FRANCO SIMMONS	OCTOBER 2020	Insurances - Retiree Medical - Retiree	373.51	0.00	373.51	\$373.51
				Reimbursement				
xxx0402	10/9/20	KELLY FITZGERALD	OCTOBER 2020	Insurances - Retiree Medical - Retiree	577.69	0.00	577.69	\$577.69
				Reimbursement				
xxx0403	10/9/20	KELLY MENEHAN	OCTOBER 2020	Insurances - Retiree Medical - Retiree	211.83	0.00	211.83	\$211.83
				Reimbursement				

**LIST # 046** 

# City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment							
No.	<b>Date</b> 10/9/20	Vendor Name KLAUS DAEHNE	Invoice No.	Description	Invoice Amount 505.65	Discount Taken 0.00	Amount Paid 505.65	Payment Total \$505.65
xxx0404	10/9/20	KLAUS DAERINE	OCTOBER 2020	Insurances - Retiree Medical - Retiree	303.03	0.00	303.03	\$505.05
xxx0405	10/9/20	MARK G PETERSEN	OCTOBER 2020	Reimbursement	2,024.85	0.00	2,024.85	\$2,024.85
XXX0403	10/9/20	WARK OTETERSEN	OCTOBER 2020	Insurances - Retiree Medical - Retiree	2,024.63	0.00	2,024.63	\$2,024.03
xxx0406	10/9/20	MARK STIVERS	OCTOBER 2020	Reimbursement	100.69	0.00	100.69	\$100.69
XXX0400	10/9/20	WARK STIVERS	OCTOBER 2020	Insurances - Retiree Medical - Retiree	100.09	0.00	100.09	\$100.09
xxx0407	10/9/20	MIKE ECCLES	OCTODED 2020	Reimbursement Insurances - Retiree Medical - Retiree	218.64	0.00	218.64	\$218.64
AAA0407	10/7/20	WIRL LECELS	OCTOBER 2020	Reimbursement	218.04	0.00	218.04	\$210.04
xxx0408	10/9/20	PETE GONDA	OCTOBER 2020	Insurances - Retiree Medical - Retiree	2,010.89	0.00	2,010.89	\$2,010.89
АААОТОО	10/5/20	TETE GONDA	OCTOBER 2020	Reimbursement	2,010.07	0.00	2,010.07	\$2,010.07
xxx0409	10/9/20	ROBERT WALKER	OCTOBER 2020	Insurances - Retiree Medical - Retiree	1,276.49	0.00	1,276.49	\$1,276.49
AAAO 109	10/7/20	ROBERT WILKER	OCTOBER 2020	Reimbursement	1,270.17	0.00	1,270.19	\$1,270t15
xxx0410	10/9/20	RONALD DALBA	OCTOBER 2020	Insurances - Retiree Medical - Retiree	928.69	0.00	928.69	\$928.69
AAAOTTO	10/5/20	ROWIED DIED!!	OCTOBER 2020	Reimbursement	,20.0)	0.00	,20.07	\$720.07
xxx0411	10/9/20	SCOTT MORTON	OCTOBER 2020	Insurances - Retiree Medical - Retiree	615.67	0.00	615.67	\$615.67
	10///20		OCTOBER 2020	Reimbursement	013.07	0.00	013.07	<b>4013.07</b>
xxx0412	10/9/20	SILVIA MARTINS	OCTOBER 2020	Insurances - Retiree Medical - Retiree	842.75	0.00	842.75	\$842.75
			OCTOBER 2020	Reimbursement				44.2
xxx0413	10/9/20	SIMON C LEMUS	OCTOBER 2020	Insurances - Retiree Medical - Retiree	1,344.97	0.00	1,344.97	\$1,344.97
			OCTOBER 2020	Reimbursement	,		,	· /
xxx0414	10/9/20	STEPHEN QUICK	OCTOBER 2020	Insurances - Retiree Medical - Retiree	1,317.76	0.00	1,317.76	\$1,317.76
			OCTOBER 2020	Reimbursement	,		,	4-,
xxx0415	10/9/20	STEVEN D PIGOTT	OCTOBER 2020	Insurances - Retiree Medical - Retiree	528.13	0.00	528.13	\$528.13
			OCTOBER 2020	Reimbursement				
xxx0416	10/9/20	TAMMY PARKHURST	OCTOBER 2020	Insurances - Retiree Medical - Retiree	345.50	0.00	345.50	\$345.50
			0010BER 2020	Reimbursement				
xxx0417	10/9/20	THERESE BALBO	OCTOBER 2020	Insurances - Retiree Medical - Retiree	1,042.13	0.00	1,042.13	\$1,042.13
				Reimbursement				
xxx0418	10/9/20	TIM CARLYLE	OCTOBER 2020	Insurances - Retiree Medical - Retiree	777.69	0.00	777.69	\$777.69
				Reimbursement				
xxx0419	10/9/20	TIM JOHNSON	OCTOBER 2020	Insurances - Retiree Medical - Retiree	777.69	0.00	777.69	\$777.69
				Reimbursement				
xxx0420	10/9/20	VINCENT CHETCUTI	OCTOBER 2020	Insurances - Retiree Medical - Retiree	2,159.27	0.00	2,159.27	\$2,159.27
				Reimbursement				
xxx0421	10/9/20	WILLIAM BIELINSKI	OCTOBER 2020	Insurances - Retiree Medical - Retiree	345.50	0.00	345.50	\$345.50
				Reimbursement				

10/13/2020

### City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment No. xxx327813	Payment Date 10/6/20	Vendor Name AT&T	Invoice No. 000015156856	<b>Description</b> Utilities - Telephone	Invoice Amount 392.68	Discount Taken 0.00	Amount Paid 392.68	Payment Total \$392.68
xxx327814	10/6/20	AANTEX PEST CONTROL	412967	Facilities Maintenance & Repair Labor	82.00	0.00	82.00	\$1,834.00
			412968	Facilities Maintenance & Repair Labor	63.00	0.00	63.00	7 /
			412969	Facilities Maintenance & Repair Labor	105.00	0.00	105.00	
			412970	Facilities Maintenance & Repair Labor	101.00	0.00	101.00	
			412971	Facilities Maintenance & Repair Labor	80.00	0.00	80.00	
			412972	Facilities Maintenance & Repair Labor	126.00	0.00	126.00	
			412973	Facilities Maintenance & Repair Labor	86.00	0.00	86.00	
			412977	Facilities Maintenance & Repair Labor	86.00	0.00	86.00	
			412978	Facilities Maintenance & Repair Labor	86.00	0.00	86.00	
			412979	Facilities Maintenance & Repair Labor	63.00	0.00	63.00	
			412980	Facilities Maintenance & Repair Labor	63.00	0.00	63.00	
			412981	Facilities Maintenance & Repair Labor	63.00	0.00	63.00	
			412982	Facilities Maintenance & Repair Labor	44.00	0.00	44.00	
			412984	Facilities Maintenance & Repair Labor	44.00	0.00	44.00	
			412985	Facilities Maintenance & Repair Labor	44.00	0.00	44.00	
			412986	Facilities Maintenance & Repair Labor	44.00	0.00	44.00	
			412987	Facilities Maintenance & Repair Labor	44.00	0.00	44.00	
			412988	Facilities Maintenance & Repair Labor	63.00	0.00	63.00	
			412989	Services Maintain Land Improv	87.00	0.00	87.00	
			412990	Services Maintain Land Improv	63.00	0.00	63.00	
			412991	Services Maintain Land Improv	87.00	0.00	87.00	
			413012	Facilities Maintenance & Repair Labor	137.00	0.00	137.00	
			413035	Services Maintain Land Improv	85.00	0.00	85.00	
			413108	Services Maintain Land Improv	88.00	0.00	88.00	
xxx327817	10/6/20	ACADEMY OF TRUCK DRIVING INC	1944	DED Services/Training - Training	470.00	0.00	470.00	\$470.00
xxx327818	10/6/20	ACE FIRE EQUIPMENT & SERVICE CO INC	7662205	Inventory Purchase	568.53	0.00	568.53	\$568.53
xxx327819	10/6/20	ACUSHNET CO	909513635	Inventory Purchase	167.49	8.10	159.39	\$159.39
xxx327820	10/6/20	AIRGAS USA LLC	9103975091	General Supplies	152.27	0.00	152.27	\$1,670.67
			9104760820	Inventory Purchase	307.78	0.00	307.78	
			9973655750	Equipment Rental/Lease	651.51	0.00	651.51	

### **LIST # 046**

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

City of Sunnyvale

Payment	Payment							
No.	Date	Vendor Name	<b>Invoice No.</b> 9974397755	<b>Description</b> Equipment Rental/Lease	Invoice Amount 559.11	Discount Taken 0.00	Amount Paid 559.11	Payment Total
xxx327821	10/6/20	ALLIED UNIVERSAL SECURITY SERVICES	10439215	Contracts/Service Agreements	2,451.06	0.00	2,451.06	\$2,451.06
xxx327822	10/6/20	AMFASOFT CORP	MAYAHOJNAC KI01	DED Services/Training - Training	2,857.50	0.00	2,857.50	\$2,857.50
xxx327823	10/6/20	APPLEONE EMPLOYMENT SERVICES	01-5642013	Salaries - Contract Personnel	1,239.36	0.00	1,239.36	\$2,580.96
			01-5642014	Salaries - Contract Personnel	1,341.60	0.00	1,341.60	
xxx327824	10/6/20	BADGER METER INC	1387863	Inventory Purchase	14,185.08	0.00	14,185.08	\$24,979.96
			1389560	Inventory Purchase	3,254.88	0.00	3,254.88	
			1390953	Inventory Purchase	7,540.00	0.00	7,540.00	
xxx327825	10/6/20	BAKER & TAYLOR	415168072020V	Library Materials Preprocessing	125.91	0.00	125.91	\$125.91
xxx327826	10/6/20	BAY AREA NEWS GROUP	0006493085	Advertising Services	582.36	0.00	582.36	\$911.36
			0006498351	Advertising Services	84.00	0.00	84.00	
			0006498941	Advertising Services	245.00	0.00	245.00	
xxx327827	10/6/20	BENCHMARK ENVIRONMENTAL ENGINEERING	E20-1440	Customer Loans Disbursed	210.00	0.00	210.00	\$210.00
xxx327828	10/6/20	BEST BEST & KRIEGER LLP	884136	Legal Services	913.50	0.00	913.50	\$913.50
xxx327829	10/6/20	BIBLIOTHECA LLC	INV-US35071	Library Periodicals/Databases	276.92	0.00	276.92	\$276.92
xxx327830	10/6/20	BIN GU	2075237	DED Services/Training - Books	272.49	0.00	272.49	\$336.82
			306972-7435438	DED Services/Training - Books	64.33	0.00	64.33	
xxx327831	10/6/20	BOUND TREE MEDICAL LLC	83751439	Inventory Purchase	78.31	0.00	78.31	\$578.73
			83780260	Inventory Purchase	500.42	0.00	500.42	
xxx327833	10/6/20	BURTONS FIRE INC	S49819	Parts, Vehicles & Motor Equip	2,079.72	0.00	2,079.72	\$2,079.72
xxx327834	10/6/20	C OVERAA & CO	PRMRYTRTMT 2#37	Construction Services	2,167,123.69	0.00	2,167,123.69	\$2,167,123.69
xxx327835	10/6/20	CENGAGE LEARNING INC/GALE	71063671	Library Acquisitions, Books	158.66	0.00	158.66	\$588.47
			71069188	Library Acquisitions, Books	26.15	0.00	26.15	
			71076368	Library Acquisitions, Books	66.26	0.00	66.26	
			71102670	Library Acquisitions, Books	77.61	0.00	77.61	
			71526327	Library Acquisitions, Books	259.79	0.00	259.79	
xxx327836	10/6/20	CSG CONSULTANTS INC	B201206	Consultants	64,218.75	0.00	64,218.75	\$64,218.75
xxx327837	10/6/20	CALIFORNIA SCIENCE AND TECH UNIVERSITY	153	DED Services/Training - Training	16,200.00	0.00	16,200.00	\$16,200.00
xxx327838	10/6/20	CANON SOLUTIONS AMERICA INC						\$2,157.21

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### City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment							
No.	Date	Vendor Name	<b>Invoice No.</b> 4033600734	<b>Description</b> Misc Equip Maint & Repair	Invoice Amount 2,157.21	Discount Taken 0.00	Amount Paid 2,157.21	Payment Total
xxx327839	10/6/20	CARL WARREN & COMPANY	CWC-2002205	Liability Claims Adjustor	8,125.00	0.00	8,125.00	\$8,125.00
xxx327840	10/6/20	CENTER FOR EMPLOYMENT	3-DS	Contracts/Service Agreements	4,607.83	0.00	4,607.83	\$9,215.81
		OPPORTUNITIES	3-SSEL	Contracts/Service Agreements	4,607.98	0.00	4,607.98	
xxx327841	10/6/20	CENTRAL LABOR COUNCIL PARTNERSHIP	38	Contracts/Service Agreements	60,113.61	0.00	60,113.61	\$60,113.61
xxx327842	10/6/20	CITY & COUNTY OF SAN FRANCISCO	P2EI-007	Contracts/Service Agreements	4,472.78	0.00	4,472.78	\$4,472.78
xxx327843	10/6/20	CONCENTRA	66183058	Pre-Employment Testing	614.00	0.00	614.00	\$1,223.50
			66263038RE	Pre-Employment Testing	384.50	0.00	384.50	
			66320210RE	Pre-Employment Testing	225.00	0.00	225.00	
xxx327844	10/6/20	CONSOLIDATED PARTS INC	5062728	Electrical Parts & Supplies	11.23	0.00	11.23	\$831.46
			5062743	Electrical Parts & Supplies	414.20	0.00	414.20	
			5062793	Electrical Parts & Supplies	406.03	0.00	406.03	
xxx327845	10/6/20	D & M TRAFFIC SERVICES INC	73908	Inventory Purchase	227.81	0.00	227.81	\$227.81
xxx327846	10/6/20	DA LUBRICANT CO INC	2020-75156-00	Fuel, Oil & Lubricants	99.35	0.00	99.35	\$2,175.87
			2020-75552-00	Fuel, Oil & Lubricants	689.28	0.00	689.28	
			2020-76049-00	Fuel, Oil & Lubricants	1,387.24	0.00	1,387.24	
xxx327847	10/6/20	DEPARTMENT OF JUSTICE	467805	Pre-Employment Testing	320.00	0.00	320.00	\$320.00
xxx327848	10/6/20	DIESEL DIRECT WEST INC	83704497	Fuel, Oil & Lubricants	443.55	0.00	443.55	\$11,140.90
			83704514	Fuel, Oil & Lubricants	340.45	0.00	340.45	
			83704927	Inventory Purchase	1,647.70	0.00	1,647.70	
			83727324	Inventory Purchase	8,709.20	0.00	8,709.20	
xxx327849	10/6/20	DU-ALL SAFETY	21899	Occupational Health and Safety Services - Other	3,100.00	0.00	3,100.00	\$3,100.00
xxx327851	10/6/20	EWING IRRIGATION PRODUCTS INC	12282110	General Supplies	84.91	0.00	84.91	\$84.91
xxx327852	10/6/20	F&M BANK	PRMRYTRTMT 2#36	Construction Project Contract Retainage	131,913.32	0.00	131,913.32	\$131,913.32
xxx327853	10/6/20	FARWEST INSULATION CONTRACTING	69421	Construction Services	14,470.00	0.00	14,470.00	\$14,470.00
xxx327854	10/6/20	FEDEX	7-024-30077	Mailing & Delivery Services	6.49	0.00	6.49	\$50.77
			7-081-78274	Mailing & Delivery Services	44.28	0.00	44.28	
xxx327855	10/6/20	FEHR & PEERS	136088	Developer Passthroughs-Downtown Projects	1,222.35	0.00	1,222.35	\$4,338.23

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### City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment							
No.	Date	Vendor Name	Invoice No. 138798	<b>Description</b> Developer Passthroughs-Downtown	Invoice Amount 2,501.63	Discount Taken 0.00	<b>Amount Paid</b> 2,501.63	Payment Total
			150770	Projects				
			139448	Developer Passthroughs-Downtown	614.25	0.00	614.25	
				Projects				
xxx327856	10/6/20	FERGUSON WATERWORKS	1569625	Inventory Purchase	3,013.29	23.28	2,990.01	\$2,990.01
xxx327857	10/6/20	FISHER SCIENTIFIC CO LLC	3945910	General Supplies	313.94	0.00	313.94	\$313.94
xxx327858	10/6/20	FLEETPRIDE INC	57872138	Parts, Vehicles & Motor Equip	57.37	0.00	57.37	\$306.59
			57872326	Parts, Vehicles & Motor Equip	89.01	0.00	89.01	
			58162643	Parts, Vehicles & Motor Equip	90.83	0.00	90.83	
			58294749	Parts, Vehicles & Motor Equip	69.38	0.00	69.38	
xxx327859	10/6/20	FRANK A OLSEN CO INC	245392	Miscellaneous Equipment Parts & Supplie	s 534.11	0.00	534.11	\$534.11
xxx327860	10/6/20	FREMONT UNION HIGH SCHOOL	V200801	DED Services/Training - Training	58.00	0.00	58.00	\$282.50
		DISTRICT	V200802	DED Services/Training - Training	58.00	0.00	58.00	
			V200910	DED Services/Training - Training	166.50	0.00	166.50	
xxx327861	10/6/20	GARDA	10580022	Financial Services	2,838.94	0.00	2,838.94	\$2,838.94
xxx327862	10/6/20	GARDENLAND POWER EQUIPMENT	789884	Miscellaneous Equipment Parts & Supplie	s 1,071.44	0.00	1,071.44	\$1,071.44
xxx327863	10/6/20	GARTON TRACTOR, INC.	CF19337	Parts, Vehicles & Motor Equip	1,156.82	0.00	1,156.82	\$1,156.82
xxx327864	10/6/20	GETINGE USA SALES LLC	6991371397	General Supplies	355.99	0.00	355.99	\$355.99
xxx327865	10/6/20	GOLDEN GATE TRUCK CENTER	FA005004616:01	Parts, Vehicles & Motor Equip	41.43	0.00	41.43	\$545.23
			FA005004710:01	Parts, Vehicles & Motor Equip	26.12	0.00	26.12	
			FA005005813:01	Parts, Vehicles & Motor Equip	477.68	0.00	477.68	
xxx327866	10/6/20	GOODYEAR COMMERCIAL TIRE &	189-1104489	Inventory Purchase	432.01	0.00	432.01	\$432.01
		SERVICE CTR	10, 1101.0,	•				
xxx327867	10/6/20	GRAHAM CONTRACTORS INC	SLRRYSL2020#R	Construction Project Contract Retainage	41,836.50	0.00	41,836.50	\$41,836.50
xxx327868	10/6/20	GRAINGER	9651944044	Inventory Purchase	736.92	0.00	736.92	\$875.83
			9657367166	Inventory Purchase	138.91	0.00	138.91	
xxx327869	10/6/20	GRANITEROCK CO	1255333	Materials - Land Improve	4,773.65	0.00	4,773.65	\$4,773.65
xxx327870	10/6/20	JACQUELINE R ORRELL	MASP090220	Professional Services	1,200.00	0.00	1,200.00	\$1,200.00
xxx327871	10/6/20	KAREN L PIKE	KLP800-004	Medical Services	4,250.00	0.00	4,250.00	\$4,250.00
xxx327872	10/6/20	KEENAN & ASSOCIATES	240876	Workers' Compensation - Administration	36,045.66	0.00	36,045.66	\$36,045.66
xxx327874	10/6/20	KIRBY CANYON RECYCLING & DISPOSAL	AUGUST2020	Landill Fees to be Allocated	811,851.18	0.00	811,851.18	\$811,851.18
		FAC						
xxx327875	10/6/20	LA COUNTY SHERIFFS DEPARTMENT						\$970.00

### City of Sunnyvale

### **LIST # 046**

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment							
No.	Date	Vendor Name	Invoice No. 210347SG	<b>Description</b> Training and Conferences	Invoice Amount 970.00	Discount Taken 0.00	Amount Paid 970.00	Payment Total
xxx327876	10/6/20	LA OFERTA	1621	Advertising Services	5,025.00	0.00	5,025.00	\$5,025.00
xxx327877	10/6/20	MUFG UNION BANK NA	S309391M	Financial Services	15,025.31	0.00	15,025.31	\$15,025.31
xxx327878	10/6/20	MAHAN AND SONS INC	1786	Services Maintain Land Improv	1,060.00	0.00	1,060.00	\$1,060.00
xxx327880	10/6/20	OMEGA ENGRAVING	5748	Miscellaneous Services	16.50	0.00	16.50	\$16.50
xxx327881	10/6/20	OMNI CONSTRUCTION SERVICES INC	SNKNGRDNS17 #07	Construction Services	106,400.95	0.00	106,400.95	\$106,400.95
xxx327882	10/6/20	OVERDRIVE INC	910CO20269299	Library Periodicals/Databases	2,561.16	0.00	2,561.16	\$5,279.76
			910CO20270564	Library Periodicals/Databases	1,606.69	0.00	1,606.69	
			910DA20265154	Library Periodicals/Databases	72.45	0.00	72.45	
			910DA20270842	Library Periodicals/Databases	325.97	0.00	325.97	
			910DA20274683	Library Periodicals/Databases	30.00	0.00	30.00	
			910DA20280055	Library Periodicals/Databases	244.27	0.00	244.27	
			910DA20286837	Library Periodicals/Databases	439.22	0.00	439.22	
xxx327883	10/6/20	P&A ADMINSTRATIVE SERVICES INC	567369	Miscellaneous Payment	4,760.98	0.00	4,760.98	\$4,760.98
xxx327884	10/6/20	P&R PAPER SUPPLY CO INC	30333584-02	Inventory Purchase	763.87	0.00	763.87	\$4,357.69
			30333698-02	Inventory Purchase	229.14	0.00	229.14	
			30335155-00	Inventory Purchase	45.55	0.00	45.55	
			30335329-00	Inventory Purchase	551.80	0.00	551.80	
			30335471-00	Inventory Purchase	236.49	0.00	236.49	
			30335503-00	Inventory Purchase	762.56	0.00	762.56	
			30335670-00	Inventory Purchase	-109.59	0.00	-109.59	
			30336035-00	Inventory Purchase	69.74	0.00	69.74	
			30336560-00	Inventory Purchase	224.55	0.00	224.55	
			30336833-00	Inventory Purchase	610.98	0.00	610.98	
			30336833-01	Inventory Purchase	25.74	0.00	25.74	
			30337600-00	Inventory Purchase	394.15	0.00	394.15	
			30337640-00	Inventory Purchase	-9.96	0.00	-9.96	
			30338154-00	Inventory Purchase	562.67	0.00	562.67	
xxx327886	10/6/20	PAN PACIFIC SUPPLY CO INC	29605946	Miscellaneous Equipment Parts & Supplie	s 932.37	0.00	932.37	\$932.37
xxx327887	10/6/20	PENINSULA BATTERY INC	133794	Inventory Purchase	236.75	0.00	236.75	\$408.75

### **LIST # 046**

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

City of Sunnyvale

Payment	Payment							
No.	Date	Vendor Name	Invoice No. 133795	<b>Description</b> Inventory Purchase	Invoice Amount 172.00	Discount Taken 0.00	Amount Paid 172.00	Payment Total
xxx327888	10/6/20	PETERSON	PC240035648	Fuel, Oil & Lubricants	9,166.36	0.00	9,166.36	\$9,352.45
			PC240035649	Fuel, Oil & Lubricants	67.89	0.00	67.89	
			PC240035661	Miscellaneous Equipment Parts & Supplies	s 118.20	0.00	118.20	
xxx327889	10/6/20	PINE CONE LUMBER CO INC	67419	Materials - Land Improve	883.90	0.00	883.90	\$2,509.16
			67440	Inventory Purchase	582.24	5.34	576.90	
			70321	Inventory Purchase	1,057.98	9.62	1,048.36	
xxx327890	10/6/20	PORTNOV COMPUTER SCHOOL	08-02-20	DED Services/Training - Training	5,400.00	0.00	5,400.00	\$7,185.00
			09-03-20	DED Services/Training - Training	595.00	0.00	595.00	
			09-05-20	DED Services/Training - Training	595.00	0.00	595.00	
			09-09-20	DED Services/Training - Training	595.00	0.00	595.00	
xxx327891	10/6/20	PREFERRED BENEFIT INSURANCE ADMIN	EIA34275	Insurances - Dental	54,708.80	0.00	54,708.80	\$66,188.40
		INC	EIA34275	Insurances - Vision	11,479.60	0.00	11,479.60	
xxx327892	10/6/20	QUALITY CODE PUBLISHING LLC	2020-325	Books & Publications	1,259.00	0.00	1,259.00	\$1,259.00
xxx327893	10/6/20	R & B CO	S1965353.001	Inventory Purchase	745.56	0.00	745.56	\$2,173.90
			S1965353.002	Inventory Purchase	99.41	0.00	99.41	
			S1965353.003	Inventory Purchase	91.56	0.00	91.56	
			S1967192.001	Inventory Purchase	719.40	0.00	719.40	
			S1971405.001	Inventory Purchase	517.97	0.00	517.97	
xxx327894	10/6/20	R E P NUT N BOLT GUY	31908	Inventory Purchase	68.60	0.00	68.60	\$68.60
xxx327895	10/6/20	RDO EQUIPMENT CO	P9770474	Parts, Vehicles & Motor Equip	128.50	0.00	128.50	\$128.50
xxx327896	10/6/20	REED & GRAHAM INC	980247	Materials - Land Improve	7,311.00	0.00	7,311.00	\$47,319.65
			980396	Materials - Land Improve	9,147.07	0.00	9,147.07	
			981672	Materials - Land Improve	6,124.60	0.00	6,124.60	
			981840	Materials - Land Improve	5,271.47	0.00	5,271.47	
			981841	Materials - Land Improve	11,603.01	0.00	11,603.01	
			982040	Materials - Land Improve	7,862.50	0.00	7,862.50	
xxx327898	10/6/20	REGIONAL GOVERNMENT SERVICES AUTHORITY	11217	Consultants	3,442.50	0.00	3,442.50	\$3,442.50
xxx327899	10/6/20	RICARDO BONILLA	997712-1335424	DED Services/Training - Books	84.35	0.00	84.35	\$84.35
xxx327900	10/6/20	RICHARDS WATSON & GERSHON	227994	Legal Services	7,303.00	0.00	7,303.00	\$7,303.00
xxx327901	10/6/20	RITE AID PHARMACY						\$56.00

### **LIST # 046**

### City of Sunnyvale List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment							
No.	Date	Vendor Name	<b>Invoice No.</b> 95798-092220-1	<b>Description</b> City Wellness Program	Invoice Amount 56.00	Discount Taken 0.00	Amount Paid 56.00	Payment Total
xxx327902	10/6/20	ROSS RECREATION EQUIPMENT CO INC	I17464	Materials - Land Improve	1,064.12	0.00	1,064.12	\$1,064.12
xxx327903	10/6/20	ROYAL BRASS INC	928849-001	Parts, Vehicles & Motor Equip	178.43	0.00	178.43	\$635.23
			928963-001	Parts, Vehicles & Motor Equip	20.96	0.00	20.96	
			929809-001	Parts, Vehicles & Motor Equip	18.36	0.00	18.36	
			931201-001	Parts, Vehicles & Motor Equip	92.97	0.00	92.97	
			931211-001	Parts, Vehicles & Motor Equip	40.09	0.00	40.09	
			933002-001	Parts, Vehicles & Motor Equip	284.42	0.00	284.42	
xxx327905	10/6/20	SC FUELS	1715423-IN	Inventory Purchase	195.33	0.00	195.33	\$195.33
xxx327906	10/6/20	SC FUELS	4401171	Inventory Purchase	20,713.45	0.00	20,713.45	\$20,713.45
xxx327907	10/6/20	SCBA SAFETY CHECK INC	10684	Misc Equip Maint & Repair	10,582.00	0.00	10,582.00	\$10,582.00
xxx327908	10/6/20	SCVURPPP	2020.21.13	Membership Fees	374,655.00	0.00	374,655.00	\$374,655.00
xxx327909	10/6/20	SFO REPROGRAPHICS	66325	Printing & Related Services	13.08	0.00	13.08	\$970.10
			66383	Printing & Related Services	819.68	0.00	819.68	
			66479	Printing & Related Services	137.34	0.00	137.34	
xxx327910	10/6/20	SHI INTERNATIONAL CORP	B12094715	Software As a Service	302.53	0.00	302.53	\$302.53
xxx327911	10/6/20	SAFEWAY INC	439455-091420	Inventory Purchase	58.79	0.00	58.79	\$169.44
			800237-091620	Inventory Purchase	110.65	0.00	110.65	
xxx327912	10/6/20	SANTA CLARA ADULT EDUCATION	13482	DED Services/Training - Training	186.50	0.00	186.50	\$186.50
xxx327913	10/6/20	SANTA CLARA COUNTY	COSV0001	Supplies, Safety	4,921.22	0.00	4,921.22	\$4,921.22
xxx327914	10/6/20	SANTA CLARA VALLEY HEALTH &	H7223481200	Medical Services	1,572.00	0.00	1,572.00	\$12,113.00
		HOSPITAL SYS	H7254148300	Medical Services	1,572.00	0.00	1,572.00	
			H7254187500	Medical Services	1,791.00	0.00	1,791.00	
			H7307035200	Medical Services	1,791.00	0.00	1,791.00	
			H7308244201	Medical Services	2,096.00	0.00	2,096.00	
			H7328583100	Medical Services	1,719.00	0.00	1,719.00	
			H7341389300	Medical Services	1,572.00	0.00	1,572.00	
xxx327916	10/6/20	SHIN SHIN TRAINING CENTER	W2020018 1OF2	DED Services/Training - Training	600.00	0.00	600.00	\$600.00
xxx327917	10/6/20	SHRED-IT USA LLC	8180110862	Contracts/Service Agreements	99.10	0.00	99.10	\$176.42
			8180376582	Records Related Services	77.32	0.00	77.32	
xxx327918	10/6/20	SIERRA PACIFIC TURF SUPPLY INC	0581876-IN	Materials - Land Improve	1,091.66	0.00	1,091.66	\$1,091.66

### City of Sunnyvale

### **LIST # 046** List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment							
<b>No.</b> xxx327919	<b>Date</b> 10/6/20	Vendor Name SILVER & WRIGHT LLP	Invoice No. 26945	<b>Description</b> Legal Services	Invoice Amount 272.40	Discount Taken 0.00	Amount Paid 272.40	Payment Total \$272.40
xxx327920	10/6/20	STEPHANIE SEGOVIA	CK REQ 21-028	DED Services/Training - Books	554.43	0.00	554.43	\$634.42
			CK REQ 21-028	DED Services/Training - Support Services	79.99	0.00	79.99	
xxx327921	10/6/20	STEVENS CREEK CHEVROLET	110624	Parts, Vehicles & Motor Equip	50.46	0.00	50.46	\$199.94
			110643	Parts, Vehicles & Motor Equip	27.14	0.00	27.14	
			111049	Parts, Vehicles & Motor Equip	122.34	0.00	122.34	
xxx327922	10/6/20	SUNNYVALE FORD	172752	Parts, Vehicles & Motor Equip	213.14	0.00	213.14	\$1,106.44
			172972	Parts, Vehicles & Motor Equip	36.34	0.00	36.34	
			173013	Parts, Vehicles & Motor Equip	107.52	0.00	107.52	
			173017	Parts, Vehicles & Motor Equip	81.97	0.00	81.97	
			173075	Parts, Vehicles & Motor Equip	114.77	0.00	114.77	
			173155	Parts, Vehicles & Motor Equip	21.91	0.00	21.91	
			173769	Inventory Purchase	530.79	0.00	530.79	
xxx327923	10/6/20	SUNNYVALE PUBLIC SAFETY OFFICERS ASSN	DISABILITY092	Insurances - Long Term Disability	3,857.00	0.00	3,857.00	\$3,857.00
xxx327924	10/6/20	SUNNYVALE TOWING INC	290518	Vehicle Towing Services	40.00	0.00	40.00	\$585.00
			290529	Vehicle Towing Services	45.00	0.00	45.00	
			306715	Vehicle Towing Services	40.00	0.00	40.00	
			307600	Vehicle Towing Services	375.00	0.00	375.00	
			307695	Vehicle Towing Services	40.00	0.00	40.00	
			308909	Vehicle Towing Services	45.00	0.00	45.00	
xxx327925	10/6/20	SUSTAINABLE TURF SCIENCE INC	5110	Materials - Land Improve	757.55	0.00	757.55	\$757.55
xxx327926	10/6/20	SYLVIA BLANCH	MHHEDG74139 093	DED Services/Training - Books	193.26	0.00	193.26	\$193.26
xxx327927	10/6/20	TEC ACCUTITE	200481	Parts, Vehicles & Motor Equip	1,753.49	0.00	1,753.49	\$2,068.49
			200561	Parts, Vehicles & Motor Equip	315.00	0.00	315.00	
xxx327928	10/6/20	TMT ENTERPRISES INC	05555	Materials - Land Improve	1,476.69	0.00	1,476.69	\$1,476.69
xxx327929	10/6/20	THE MEJORANDO GROUP	30-2020	City Training Program	1,500.00	0.00	1,500.00	\$1,500.00
xxx327930	10/6/20	TRISTAR RISK MANAGEMENT	110850	Workers' Compensation - Claims	1,046.12	0.00	1,046.12	\$1,046.12
xxx327931	10/6/20	TURF & INDUSTRIAL EQUIPMENT CO	IV34817	Parts, Vehicles & Motor Equip	190.85	0.00	190.85	\$803.11
			IV34950	Parts, Vehicles & Motor Equip	-10.15	0.00	-10.15	

### City of Sunnyvale

### **LIST # 046**

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment							
No.	Date	Vendor Name	Invoice No. IV34977	<b>Description</b> Parts, Vehicles & Motor Equip	Invoice Amount 62.78	Discount Taken 0.00	Amount Paid 62.78	Payment Total
			IV35028	Parts, Vehicles & Motor Equip	88.43	0.00	88.43	
			IV35883	Parts, Vehicles & Motor Equip	106.78	0.00	106.78	
			IV35883A	Parts, Vehicles & Motor Equip	36.14	0.00	36.14	
			IV35969	Parts, Vehicles & Motor Equip	40.44	0.00	40.44	
			IV35970	Parts, Vehicles & Motor Equip	159.80	0.00	159.80	
			IV36061	Parts, Vehicles & Motor Equip	128.04	0.00	128.04	
xxx327932	10/6/20	TURF STAR INC	7128730-00	Parts, Vehicles & Motor Equip	143.69	0.00	143.69	\$1,673.83
			7131117-00	Parts, Vehicles & Motor Equip	45.91	0.00	45.91	
			7132348-00	Parts, Vehicles & Motor Equip	31.67	0.00	31.67	
			7132349-00	Parts, Vehicles & Motor Equip	259.57	0.00	259.57	
			7132608-00	Parts, Vehicles & Motor Equip	1,157.55	0.00	1,157.55	
			7132721-00	Parts, Vehicles & Motor Equip	35.44	0.00	35.44	
xxx327933	10/6/20	UC REGENTS	1048313-203	DED Services/Training - Training	433.50	0.00	433.50	\$19,699.50
			1063879-003	DED Services/Training - Training	433.50	0.00	433.50	
			1081578-204	DED Services/Training - Training	2,902.50	0.00	2,902.50	
			1082293-204	DED Services/Training - Training	5,346.00	0.00	5,346.00	
			1082294-204	DED Services/Training - Training	2,187.00	0.00	2,187.00	
			1082331-204	DED Services/Training - Training	3,901.50	0.00	3,901.50	
			1082346-204	DED Services/Training - Training	4,495.50	0.00	4,495.50	
xxx327934	10/6/20	UNITED ROTARY BRUSH CORP	CI255527	Inventory Purchase	2,151.50	0.00	2,151.50	\$2,151.50
xxx327936	10/6/20	UNIVERSITY OF CALIFORNIA SANTA	58583	DED Services/Training - Training	564.50	0.00	564.50	\$39,924.20
		CRUZ	58916	DED Services/Training - Training	2,952.00	0.00	2,952.00	
			58920	DED Services/Training - Training	5,050.35	0.00	5,050.35	
			58922	DED Services/Training - Training	3,143.25	0.00	3,143.25	
			58933	DED Services/Training - Training	3,448.80	0.00	3,448.80	
			58935	DED Services/Training - Training	4,707.00	0.00	4,707.00	
			58939	DED Services/Training - Training	3,667.50	0.00	3,667.50	
			58941	DED Services/Training - Training	4,762.80	0.00	4,762.80	
			58943	DED Services/Training - Training	4,560.30	0.00	4,560.30	
			58947	DED Services/Training - Training	4,610.70	0.00	4,610.70	

10/13/2020

### City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
110.	Date	venuoi Name	59824	DED Services/Training - Training	2,457.00	0.00	2,457.00	r ayment Total
xxx327937	10/6/20	VWR INTERNATIONAL LLC	8801971779	General Supplies	331.68	0.00	331.68	\$625.53
			8801974769	General Supplies	85.41	0.00	85.41	
			8801977440	Chemicals	33.53	0.00	33.53	
			8801991884	Chemicals	174.91	0.00	174.91	
xxx327938	10/6/20	VALLEY OIL CO	33499	Fuel, Oil & Lubricants	37.99	0.00	37.99	\$1,797.68
			34359	Fuel, Oil & Lubricants	505.69	0.00	505.69	
			34360	Fuel, Oil & Lubricants	239.69	0.00	239.69	
			34361	Fuel, Oil & Lubricants	491.07	0.00	491.07	
			34362	Fuel, Oil & Lubricants	190.01	0.00	190.01	
			34363	Fuel, Oil & Lubricants	333.23	0.00	333.23	
xxx327939	10/6/20	VALLEY WATER	GM102383	Taxes & Licenses - Misc	2,899.14	0.00	2,899.14	\$2,899.14
xxx327940	10/6/20	VERIZON WIRELESS	9862456268	Investigation Expense	51.04	0.00	51.04	\$51.04
xxx327941	10/6/20	WOWZY CREATION CORP	94523	Customized Products	249.56	0.00	249.56	\$600.21
			94571	Customized Products	350.65	0.00	350.65	
xxx327942	10/6/20	WEST VALLEY STAFFING GROUP	281202	Professional Services	5,131.62	0.00	5,131.62	\$8,421.12
			281568	Professional Services	3,289.50	0.00	3,289.50	
xxx327943	10/6/20	WINSUPPLY OF SILICON VALLEY	015938 00	Materials - Land Improve	343.03	0.00	343.03	\$663.84
			016460 00	Hand Tools	114.62	0.00	114.62	
			017109 00	Materials - Land Improve	83.23	0.00	83.23	
			018077 00	Miscellaneous Equipment Parts & Supplie	s 122.96	0.00	122.96	
xxx327944	10/6/20	CEP AMERICA CALIFORNIA	E1800080711401	Workers' Compensation - Claims	362.00	0.00	362.00	\$5,792.00
			E1800080711501	Workers' Compensation - Claims	362.00	0.00	362.00	
			E1800080711601	Workers' Compensation - Claims	362.00	0.00	362.00	
			E1800080711701	Workers' Compensation - Claims	362.00	0.00	362.00	
			E1800080717101	Workers' Compensation - Claims	362.00	0.00	362.00	
			E1800080717301	Workers' Compensation - Claims	362.00	0.00	362.00	
			E1800080717401	Workers' Compensation - Claims	362.00	0.00	362.00	
			E1800080717501	Workers' Compensation - Claims	362.00	0.00	362.00	
			E1800080717701	Workers' Compensation - Claims	362.00	0.00	362.00	
			E1800080717801	Workers' Compensation - Claims	362.00	0.00	362.00	

10.02

40.72

90.43

79.31

0.00

0.00

0.00

0.00

10.02

40.72

90.43

79.31

10/13/2020

#### City of Sunnyvale

### List of All Claims and Bills Approved for Payment

For Payments Dated 10/4/2020 through 10/10/2020

#### **Sorted by Payment Number**

Payment	Payment							
No.	Date	Vendor Name	Invoice No.	Description Workers! Companyation Claims	Invoice Amount 362.00	Discount Taken 0.00	Amount Paid 362.00	Payment Total
			E1800080718201	Workers' Compensation - Claims Workers' Compensation - Claims	362.00 362.00	0.00	362.00	
			E1800080718601	•	362.00	0.00	362.00	
			E1800080718701	Workers' Compensation - Claims				
			E1800080719001	Workers' Compensation - Claims	362.00	0.00	362.00 362.00	
			E1800080720701	Workers' Compensation - Claims	362.00			
227046	10/6/20	OPPLIED DEPOT DAG	E1800080731901	Workers' Compensation - Claims	362.00	0.00	362.00	#2 122 <b>52</b>
xxx327946	10/6/20	OFFICE DEPOT INC	120546894001	Supplies, Office	11.53	0.00	11.53	\$3,133.52
			121064545001	Supplies, Office	17.84	0.00	17.84	
			121078806001	Supplies, Office	332.72	0.00	332.72	
			121199916001	Supplies, Office	15.24	0.00	15.24	
			121201025001	Supplies, Office	52.28	0.00	52.28	
			121551276001	Supplies, Office	48.43	0.00	48.43	
			121802582001	Supplies, Office	8.93	0.00	8.93	
			121894159001	Supplies, Office	97.86	0.00	97.86	
			121907028001	Supplies, Office	845.18	0.00	845.18	
			122109528001	Supplies, Office	14.68	0.00	14.68	
			122166276001	Supplies, Office	230.73	0.00	230.73	
			122192480001	Supplies, Office	17.21	0.00	17.21	
			122213130001	Supplies, Office	7.76	0.00	7.76	
			122292096001	Supplies, Office	60.27	0.00	60.27	
			122306303001	Supplies, Office	26.48	0.00	26.48	
			122441095001	Supplies, Office	201.21	0.00	201.21	
			122478931001	Supplies, Office	15.24	0.00	15.24	
			122531845001	Supplies, Office	190.73	0.00	190.73	
			122716975001	Supplies, Office	37.81	0.00	37.81	
			122994775001	Supplies, Office	12.74	0.00	12.74	
			123007838001	Supplies, Office	16.56	0.00	16.56	

Supplies, Office

Supplies, Office

Supplies, Office

Supplies, Office

123007839001

123301068001

123341159001

123739880001

### City of Sunnyvale

### **LIST # 046** List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment							
No.	Date	Vendor Name	<b>Invoice No.</b> 123973511001	<b>Description</b> Supplies, Office	<b>Invoice Amount</b> 62.99	Discount Taken 0.00	Amount Paid 62.99	Payment Total
			124054785001	Supplies, Office	588.62	0.00	588.62	
xxx327949	10/6/20	PACIFIC GAS & ELECTRIC CO	05225890200820	Utilities - Gas	21.03	0.00	21.03	\$267,590.00
			05225892760820	Utilities - Electric	2,180.13	0.00	2,180.13	
			05225894560820	Utilities - Electric	1,396.77	0.00	1,396.77	
			06025923000820	Utilities - Electric	19.15	0.00	19.15	
			06040860490820	Utilities - Electric	26.38	0.00	26.38	
			06072000410820	Utilities - Electric	19.94	0.00	19.94	
			06075132700820	Utilities - Electric	14.19	0.00	14.19	
			06075133000820	Utilities - Electric	14.92	0.00	14.92	
			06075135280820	Utilities - Electric	37.78	0.00	37.78	
			06075135640820	Utilities - Electric	7.60	0.00	7.60	
			06075139670820	Utilities - Electric	0.38	0.00	0.38	
			06081240040820	Utilities - Electric	38.94	0.00	38.94	
			11008300870820	Utilities - Electric	349.14	0.00	349.14	
			11015884250820	Utilities - Electric	323.32	0.00	323.32	
			11023824480820	Utilities - Electric	903.78	0.00	903.78	
			11059220090820	Utilities - Electric	4,613.72	0.00	4,613.72	
			11059220250820	Utilities - Gas	964.37	0.00	964.37	
			11059220400820	Utilities - Gas	458.32	0.00	458.32	
			11059220450820	Utilities - Gas	721.89	0.00	721.89	
			11059220500820	Utilities - Gas	15.63	0.00	15.63	
			11059220550820	Utilities - Electric	613.31	0.00	613.31	
			11059220600820	Utilities - Gas	2,631.46	0.00	2,631.46	
			11059220640820	Utilities - Electric	2,150.76	0.00	2,150.76	
			11059220750820	Utilities - Gas	171.02	0.00	171.02	
			11059220900820	Utilities - Gas	58.93	0.00	58.93	
			11059220930820	Utilities - Electric	373.74	0.00	373.74	
			11059221020820	Utilities - Electric	253.36	0.00	253.36	
			11059221050820	Utilities - Gas	53.52	0.00	53.52	
			11059221060820	Utilities - Electric	904.48	0.00	904.48	

10/13/2020

City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment	
No.	Date	Vendor Name

Invoice No.	<b>Description</b> Utilities - Electric	Invoice Amount	Discount Taken 0.00	Amount Paid	Payment Total
11059221080820		803.02		803.02	
11059221150820	Utilities - Gas	67.62	0.00	67.62	
11059221180820	Utilities - Electric	7,861.13	0.00	7,861.13	
11059221280820	Utilities - Electric	705.87	0.00	705.87	
11059221350820	Utilities - Gas	69.78	0.00	69.78	
11059221400820	Utilities - Gas	101.25	0.00	101.25	
11059221600820	Utilities - Gas	65.98	0.00	65.98	
11059221680820	Utilities - Electric	121.21	0.00	121.21	
11059221700820	Utilities - Gas	49.33	0.00	49.33	
11059221730820	Utilities - Electric	1,133.05	0.00	1,133.05	
11059221930820	Utilities - Electric	10,637.98	0.00	10,637.98	
11059222190820	Utilities - Electric	0.03	0.00	0.03	
11059222630820	Utilities - Electric	1,565.41	0.00	1,565.41	
11059222720820	Utilities - Electric	803.71	0.00	803.71	
11059224060820	Utilities - Electric	11,099.85	0.00	11,099.85	
11059224270820	Utilities - Electric	9.91	0.00	9.91	
11059224730820	Utilities - Electric	337.74	0.00	337.74	
11059225100820	Utilities - Gas	104.95	0.00	104.95	
11059225290820	Utilities - Electric	738.54	0.00	738.54	
11059225550820	Utilities - Electric	3,214.98	0.00	3,214.98	
11059225650820	Utilities - Gas	773.62	0.00	773.62	
11059226380820	Utilities - Electric	7,137.16	0.00	7,137.16	
11059226470820	Utilities - Electric	414.32	0.00	414.32	
11059226810820	Utilities - Electric	7,976.64	0.00	7,976.64	
11059227030820	Utilities - Electric	734.48	0.00	734.48	
11059227060820	Utilities - Electric	3,327.36	0.00	3,327.36	
11059227230820	Utilities - Electric	6,976.79	0.00	6,976.79	
11059227650820	Utilities - Electric	341.34	0.00	341.34	
11059227850820	Utilities - Electric	5,445.19	0.00	5,445.19	
11059228050820	Utilities - Electric	7,248.90	0.00	7,248.90	
11059228290820	Utilities - Electric	58.97	0.00	58.97	
00,2202,0020					

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City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

### **Sorted by Payment Number**

Invoice No. 11059228670820	<b>Description</b> Utilities - Electric	Invoice Amount 372.21	Discount Taken 0.00	Amount Paid 372.21	Payment Total
11059229250820	Utilities - Electric	5,491.86	0.00	5,491.86	
11059229470820	Utilities - Electric	6,598.75	0.00	6,598.75	
11059229910820	Utilities - Electric	8,779.54	0.00	8,779.54	
11059229930820	Utilities - Electric	77.49	0.00	77.49	
11059229990820	Utilities - Electric	4,904.59	0.00	4,904.59	
11077288050820	Utilities - Electric	9,288.31	0.00	9,288.31	
11079279380820	Utilities - Electric	7,620.63	0.00	7,620.63	
11093977750820	Utilities - Electric	167.47	0.00	167.47	
12847684120820	Utilities - Electric	8.11	0.00	8.11	
14823837850820	Utilities - Electric	48.92	0.00	48.92	
18068041900820	Utilities - Electric	79.18	0.00	79.18	
19867842520820	Utilities - Electric	37.92	0.00	37.92	
22868920920820	Utilities - Electric	25.41	0.00	25.41	
24528699500820	Utilities - Electric	10.53	0.00	10.53	
25900730020820	Utilities - Electric	85.28	0.00	85.28	
32709321910820	Utilities - Electric	114.34	0.00	114.34	
32722258430820	Utilities - Electric	676.92	0.00	676.92	
32725920040820	Utilities - Electric	39.07	0.00	39.07	
32725920070820	Utilities - Electric	14.25	0.00	14.25	
32725920140820	Utilities - Electric	33.58	0.00	33.58	
32725920350820	Utilities - Gas	8.12	0.00	8.12	
32725921110820	Utilities - Electric	12.28	0.00	12.28	
32725921170820	Utilities - Electric	70.81	0.00	70.81	
32725921260820	Utilities - Electric	9.70	0.00	9.70	
32725921320820	Utilities - Electric	93.44	0.00	93.44	
32725921430820	Utilities - Electric	1.04	0.00	1.04	
32725921480820	Utilities - Electric	167.52	0.00	167.52	
32725921490820	Utilities - Electric	12.49	0.00	12.49	
32725921610820	Utilities - Electric	35.33	0.00	35.33	
32725921710820	Utilities - Electric	117.46	0.00	117.46	

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City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment	
No.	Date	Vendor Name

Invoice No. 32725921790820	<b>Description</b> Utilities - Electric	Invoice Amount	Discount Taken 0.00	Amount Paid	Payment Total
32725921800820	Utilities - Electric	18.24	0.00	18.24	
32725922050820	Utilities - Electric	37.56	0.00	37.56	
32725922090820	Utilities - Electric	1,231.73	0.00	1,231.73	
32725922410820	Utilities - Electric	852.36	0.00	852.36	
32725922520820	Utilities - Electric	291.07	0.00	291.07	
32725922580820	Utilities - Electric	60.97	0.00	60.97	
32725922850820	Utilities - Electric	4.46	0.00	4.46	
32725923120820	Utilities - Electric	96.85	0.00	96.85	
32725923350820	Utilities - Electric	133.99	0.00	133.99	
32725923370820	Utilities - Electric	7.27	0.00	7.27	
32725923400820	Utilities - Electric	20.79	0.00	20.79	
32725923710820	Utilities - Electric	12.71	0.00	12.71	
32725923770820	Utilities - Electric	175.21	0.00	175.21	
32725923850820	Utilities - Electric	17.89	0.00	17.89	
32725924030820	Utilities - Electric	222.53	0.00	222.53	
32725924040820	Utilities - Electric	63.78	0.00	63.78	
32725924170820	Utilities - Electric	72.12	0.00	72.12	
32725924960820	Utilities - Electric	541.33	0.00	541.33	
32725924970820	Utilities - Electric	12.66	0.00	12.66	
32725925000820	Utilities - Electric	225.07	0.00	225.07	
32725925010820	Utilities - Electric	49.64	0.00	49.64	
32725925200820	Utilities - Electric	487.08	0.00	487.08	
32725925210820	Utilities - Electric	8.19	0.00	8.19	
32725925230820	Utilities - Electric	44.66	0.00	44.66	
32725925370820	Utilities - Electric	193.84	0.00	193.84	
32725925630820	Utilities - Electric	2,572.80	0.00	2,572.80	
32725925690820	Utilities - Electric	22.17	0.00	22.17	
32725925890820	Utilities - Electric	188.28	0.00	188.28	
32725926210820	Utilities - Electric	171.64	0.00	171.64	
32725926440820	Utilities - Electric	841.73	0.00	841.73	

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City of Sunnyvale

#### List of All Claims and Bills Approved for Payment

For Payments Dated 10/4/2020 through 10/10/2020

#### Sorted by Payment Number

Utilities - Electric

32725929280820

32725929390820

32725929440820

32725929750820

32730750560820

32743967290820

32753650070820

32754254880820

32755005390820

Payment Payment
No. Date Vendor Name

#### Invoice No. Description **Invoice Amount** Discount Taken Amount Paid **Payment Total** Utilities - Electric 776.28 0.00 776.28 32725926470820 350.17 0.00 350.17 Utilities - Electric 32725926830820 Utilities - Electric 25.95 0.00 25.95 32725926850820 0.91 0.00 0.91 Utilities - Electric 32725926870820 349.43 349.43 Utilities - Electric 0.00 32725926940820 Utilities - Electric 25.96 0.00 25.96 32725926950820 Utilities - Electric 12.52 0.00 12.52 32725927040820 Utilities - Electric 179.40 0.00 179.40 32725927250820 Utilities - Electric 4.24 0.00 4.24 32725927290820 Utilities - Electric 439.41 0.00 439.41 32725927340820 Utilities - Gas 573.74 0.00 573.74 32725927360820 105.39 105.39 Utilities - Electric 0.00 32725927380820 Utilities - Electric 58.76 0.00 58.76 32725927400820 472.30 472.30 Utilities - Electric 0.00 32725927510820 Utilities - Electric 1,245.09 0.00 1,245.09 32725927630820 Utilities - Electric 1.00 0.00 1.00 32725927680820 Utilities - Electric 190.74 0.00 190.74 32725928000820 Utilities - Electric 13.09 0.00 13.09 32725928250820 0.94 0.94 Utilities - Electric 0.00 32725929100820 15.59 0.00 15.59 Utilities - Electric 32725929140820 Utilities - Electric 913.30 0.00 913.30 32725929220820 Utilities - Electric 0.90 0.00 0.90 32725929250820

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City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment	
No.	Date	Vendor Name

Invoice No. 32793174330820	<b>Description</b> Utilities - Electric	Invoice Amount 13.57	Discount Taken 0.00	Amount Paid 13.57	Payment Total
32799419320820	Utilities - Gas	17.01	0.00	17.01	
35600081570820	Utilities - Electric	36.72	0.00	36.72	
35602171200820	Utilities - Electric	30.80	0.00	30.80	
35604437160820	Utilities - Electric	26.53	0.00	26.53	
35606224450820	Utilities - Electric	20.38	0.00	20.38	
35607191900820	Utilities - Electric	40.53	0.00	40.53	
35608567660820	Utilities - Electric	31.40	0.00	31.40	
35609299510820	Utilities - Electric	31.93	0.00	31.93	
35610844500820	Utilities - Electric	91.18	0.00	91.18	
35611912240820	Utilities - Electric	40.60	0.00	40.60	
35612262510820	Utilities - Electric	31.72	0.00	31.72	
35613458020820	Utilities - Electric	20.61	0.00	20.61	
35615386140820	Utilities - Electric	17.57	0.00	17.57	
35615568540820	Utilities - Electric	60.01	0.00	60.01	
35616646260820	Utilities - Electric	29.12	0.00	29.12	
35617117850820	Utilities - Electric	19.10	0.00	19.10	
35619832010820	Utilities - Electric	6.30	0.00	6.30	
35620251620820	Utilities - Electric	16.19	0.00	16.19	
35621388650820	Utilities - Electric	22.74	0.00	22.74	
35622378290820	Utilities - Electric	26.92	0.00	26.92	
35622803790820	Utilities - Electric	37.49	0.00	37.49	
35623203290820	Utilities - Electric	32.02	0.00	32.02	
35623495080820	Utilities - Electric	29.44	0.00	29.44	
35624668430820	Utilities - Electric	32.25	0.00	32.25	
35625361150820	Utilities - Electric	19.85	0.00	19.85	
35625646290820	Utilities - Electric	38.25	0.00	38.25	
35626040760820	Utilities - Electric	86.43	0.00	86.43	
35629588410820	Utilities - Electric	27.54	0.00	27.54	
35630370110820	Utilities - Electric	35.59	0.00	35.59	
35630869420820	Utilities - Electric	23.65	0.00	23.65	

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# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment	
No.	Date	Vendor Name

<b>Invoice No.</b> 35631755360820	<b>Description</b> Utilities - Electric	Invoice Amount 27.00	Discount Taken 0.00	Amount Paid 27.00	Payment Total
35632810380820	Utilities - Electric	18.47	0.00	18.47	
35634101590820	Utilities - Electric	43.27	0.00	43.27	
35634868160820	Utilities - Electric	16.09	0.00	16.09	
35635840130820	Utilities - Electric	27.16	0.00	27.16	
35635878160820	Utilities - Electric	21.68	0.00	21.68	
35638635000820	Utilities - Electric	36.58	0.00	36.58	
35639668520820	Utilities - Electric	18.17	0.00	18.17	
35641783140820	Utilities - Electric	26.85	0.00	26.85	
35642309020820	Utilities - Electric	25.18	0.00	25.18	
35642590020820	Utilities - Electric	30.26	0.00	30.26	
35642590100820	Utilities - Electric	57.97	0.00	57.97	
35642590200820	Utilities - Electric	54.71	0.00	54.71	
35642590250820	Utilities - Electric	66.98	0.00	66.98	
35642590300820	Utilities - Electric	82.50	0.00	82.50	
35642590350820	Utilities - Electric	57.59	0.00	57.59	
35642590400820	Utilities - Electric	87.00	0.00	87.00	
35642590450820	Utilities - Electric	82.13	0.00	82.13	
35642590500820	Utilities - Electric	54.08	0.00	54.08	
35642590650820	Utilities - Electric	52.60	0.00	52.60	
35642590700820	Utilities - Electric	77.60	0.00	77.60	
35642590800820	Utilities - Electric	69.73	0.00	69.73	
35642590950820	Utilities - Electric	23.29	0.00	23.29	
35642591000820	Utilities - Electric	52.83	0.00	52.83	
35642591050820	Utilities - Electric	56.22	0.00	56.22	
35642591100820	Utilities - Electric	52.22	0.00	52.22	
35642591150820	Utilities - Electric	59.23	0.00	59.23	
35642591210820	Utilities - Electric	33.24	0.00	33.24	
35642591250820	Utilities - Electric	74.34	0.00	74.34	
35642591300820	Utilities - Electric	43.70	0.00	43.70	
35642591350820	Utilities - Electric	66.49	0.00	66.49	

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### City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment	
No.	Date	Vendor Name

Invoice No. 35642591400820	<b>Description</b> Utilities - Electric	Invoice Amount 63.22	Discount Taken 0.00	Amount Paid 63.22	Payment Total
35642591450820	Utilities - Electric	52.35	0.00	52.35	
35642591500820	Utilities - Electric	41.46	0.00	41.46	
35642591550820	Utilities - Electric	48.32	0.00	48.32	
35642591600820	Utilities - Electric	55.70	0.00	55.70	
35642591650820	Utilities - Electric	72.12	0.00	72.12	
35642591700820	Utilities - Electric	54.85	0.00	54.85	
35642591750820	Utilities - Electric	58.46	0.00	58.46	
35642591800820	Utilities - Electric	45.19	0.00	45.19	
35642591850820	Utilities - Electric	49.83	0.00	49.83	
35642591900820	Utilities - Electric	50.21	0.00	50.21	
35642591930820	Utilities - Electric	33.84	0.00	33.84	
35642591940820	Utilities - Electric	23.57	0.00	23.57	
35642591950820	Utilities - Electric	62.48	0.00	62.48	
35642592000820	Utilities - Electric	63.98	0.00	63.98	
35642592050820	Utilities - Electric	74.99	0.00	74.99	
35642592070820	Utilities - Electric	34.76	0.00	34.76	
35642592100820	Utilities - Electric	59.09	0.00	59.09	
35642592130820	Utilities - Electric	18.63	0.00	18.63	
35642592150820	Utilities - Electric	65.10	0.00	65.10	
35642592190820	Utilities - Electric	46.93	0.00	46.93	
35642592200820	Utilities - Electric	60.34	0.00	60.34	
35642592250820	Utilities - Electric	25.17	0.00	25.17	
35642592300820	Utilities - Electric	46.20	0.00	46.20	
35642592350820	Utilities - Electric	14.78	0.00	14.78	
35642592400820	Utilities - Electric	74.99	0.00	74.99	
35642592450820	Utilities - Electric	44.82	0.00	44.82	
35642592500820	Utilities - Electric	54.19	0.00	54.19	
35642592550820	Utilities - Electric	76.23	0.00	76.23	
35642592600820	Utilities - Electric	66.86	0.00	66.86	
35642592650820	Utilities - Electric	71.71	0.00	71.71	

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# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

### **Sorted by Payment Number**

<b>Invoice No.</b> 35642592700820	<b>Description</b> Utilities - Electric	Invoice Amount 63.70	Discount Taken 0.00	Amount Paid 63.70	Payment Total
35642592750820	Utilities - Electric	57.84	0.00	57.84	
35642592800820	Utilities - Electric	89.14	0.00	89.14	
35642592850820	Utilities - Electric	54.44	0.00	54.44	
35642592900820	Utilities - Electric	66.46	0.00	66.46	
35642592950820	Utilities - Electric	68.35	0.00	68.35	
35642593000820	Utilities - Electric	68.47	0.00	68.47	
35642593100820	Utilities - Electric	68.84	0.00	68.84	
35642593200820	Utilities - Electric	60.47	0.00	60.47	
35642593210820	Utilities - Electric	33.62	0.00	33.62	
35642593250820	Utilities - Electric	17.17	0.00	17.17	
35642593260820	Utilities - Electric	5.02	0.00	5.02	
35642593300820	Utilities - Electric	64.99	0.00	64.99	
35642593350820	Utilities - Electric	61.10	0.00	61.10	
35642593400820	Utilities - Electric	70.99	0.00	70.99	
35642593410820	Utilities - Electric	14.00	0.00	14.00	
35642593480820	Utilities - Electric	16.12	0.00	16.12	
35642593500820	Utilities - Electric	70.48	0.00	70.48	
35642593550820	Utilities - Electric	53.21	0.00	53.21	
35642593600820	Utilities - Electric	75.60	0.00	75.60	
35642593650820	Utilities - Electric	74.61	0.00	74.61	
35642593700820	Utilities - Electric	71.11	0.00	71.11	
35642593750820	Utilities - Electric	46.46	0.00	46.46	
35642593830820	Utilities - Electric	22.82	0.00	22.82	
35642593850820	Utilities - Electric	15.77	0.00	15.77	
35642593950820	Utilities - Electric	47.30	0.00	47.30	
35642593960820	Utilities - Electric	22.66	0.00	22.66	
35642594000820	Utilities - Electric	65.60	0.00	65.60	
35642594030820	Utilities - Electric	23.04	0.00	23.04	
35642594050820	Utilities - Electric	15.77	0.00	15.77	
35642594150820	Utilities - Electric	52.83	0.00	52.83	

### City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

### **Sorted by Payment Number**

**Payment Payment** No. Date Vendor Name

### **LIST # 046**

Invoice No.	Description	Invoice Amount Disco	unt Taken	Amount Paid	Payment Total
35642594250820	Utilities - Electric	93.03	0.00	93.03	ruyment rotur
35642594260820	Utilities - Electric	23.35	0.00	23.35	
35642594300820	Utilities - Electric	57.33	0.00	57.33	
35642594310820	Utilities - Electric	22.51	0.00	22.51	
35642594350820	Utilities - Electric	54.97	0.00	54.97	
35642594400820	Utilities - Electric	53.06	0.00	53.06	
35642594450820	Utilities - Electric	72.98	0.00	72.98	
35642594500820	Utilities - Electric	38.83	0.00	38.83	
35642594550820	Utilities - Electric	70.35	0.00	70.35	
35642594600820	Utilities - Electric	71.11	0.00	71.11	
35642594650820	Utilities - Electric	73.47	0.00	73.47	
35642594700820	Utilities - Electric	70.48	0.00	70.48	
35642594750820	Utilities - Electric	57.21	0.00	57.21	
35642594800820	Utilities - Electric	71.71	0.00	71.71	
35642594850820	Utilities - Electric	48.70	0.00	48.70	
35642594900820	Utilities - Electric	52.97	0.00	52.97	
35642594950820	Utilities - Electric	70.49	0.00	70.49	
35642595000820	Utilities - Electric	53.59	0.00	53.59	
35642595050820	Utilities - Electric	18.04	0.00	18.04	
35642595100820	Utilities - Electric	69.49	0.00	69.49	
35642595150820	Utilities - Electric	52.35	0.00	52.35	
35642595180820	Utilities - Electric	20.61	0.00	20.61	
35642595200820	Utilities - Electric	51.84	0.00	51.84	
35642595250820	Utilities - Electric	51.43	0.00	51.43	
35642595260820	Utilities - Electric	39.33	0.00	39.33	
35642595270820	Utilities - Electric	1.98	0.00	1.98	
35642595300820	Utilities - Electric	56.21	0.00	56.21	
35642595350820	Utilities - Electric	52.22	0.00	52.22	
35642595400820	Utilities - Electric	49.46	0.00	49.46	
35642595450820	Utilities - Electric	91.63	0.00	91.63	
35642595500820	Utilities - Electric	43.32	0.00	43.32	

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# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

### **Sorted by Payment Number**

Invoice No. 35642595550820	<b>Description</b> Utilities - Electric	Invoice Amount 48.70	Discount Taken 0.00	Amount Paid 48.70	Payment Total
35642595600820	Utilities - Electric	44.57	0.00	44.57	
35642595650820	Utilities - Electric	52.70	0.00	52.70	
35642595700820	Utilities - Electric	65.38	0.00	65.38	
35642595750820	Utilities - Electric	63.49	0.00	63.49	
35642595800820	Utilities - Electric	45.45	0.00	45.45	
35642595840820	Utilities - Electric	25.18	0.00	25.18	
35642595850820	Utilities - Electric	79.02	0.00	79.02	
35642595900820	Utilities - Electric	49.45	0.00	49.45	
35642595950820	Utilities - Electric	83.51	0.00	83.51	
35642596000820	Utilities - Electric	77.35	0.00	77.35	
35642596050820	Utilities - Electric	24.04	0.00	24.04	
35642596150820	Utilities - Electric	54.19	0.00	54.19	
35642596180820	Utilities - Electric	22.51	0.00	22.51	
35642596200820	Utilities - Electric	63.96	0.00	63.96	
35642596250820	Utilities - Electric	53.72	0.00	53.72	
35642596300820	Utilities - Electric	52.83	0.00	52.83	
35642596310820	Utilities - Electric	21.37	0.00	21.37	
35642596350820	Utilities - Electric	42.30	0.00	42.30	
35642596380820	Utilities - Electric	35.06	0.00	35.06	
35642596390820	Utilities - Electric	29.89	0.00	29.89	
35642596400820	Utilities - Electric	48.43	0.00	48.43	
35642596450820	Utilities - Electric	82.13	0.00	82.13	
35642596500820	Utilities - Electric	44.71	0.00	44.71	
35642596700820	Utilities - Electric	23.19	0.00	23.19	
35642596890820	Utilities - Electric	21.07	0.00	21.07	
35642597310820	Utilities - Electric	25.25	0.00	25.25	
35642597410820	Utilities - Electric	33.99	0.00	33.99	
35642597560820	Utilities - Electric	17.65	0.00	17.65	
35642597580820	Utilities - Electric	40.31	0.00	40.31	
35642597780820	Utilities - Electric	31.02	0.00	31.02	

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# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

### **Sorted by Payment Number**

Invoice No. 35642598090820	<b>Description</b> Utilities - Electric	Invoice Amount 33.16	Discount Taken 0.00	Amount Paid 33.16	Payment Total
35642598240820	Utilities - Electric	10.51	0.00	10.51	
35642598320820	Utilities - Electric	33.24	0.00	33.24	
35642598500820	Utilities - Electric	18.41	0.00	18.41	
35642598680820	Utilities - Electric	23.80	0.00	23.80	
35642599030820	Utilities - Electric	22.51	0.00	22.51	
35642599140820	Utilities - Electric	18.93	0.00	18.93	
35642599220820	Utilities - Electric	37.42	0.00	37.42	
35642599230820	Utilities - Electric	19.17	0.00	19.17	
35642599630820	Utilities - Electric	46.69	0.00	46.69	
35642599650820	Utilities - Electric	22.74	0.00	22.74	
35642657100820	Utilities - Electric	40.31	0.00	40.31	
35644680670820	Utilities - Electric	23.49	0.00	23.49	
35646567580820	Utilities - Electric	5.17	0.00	5.17	
35647525510820	Utilities - Electric	27.68	0.00	27.68	
35647587030820	Utilities - Electric	44.57	0.00	44.57	
35650040160820	Utilities - Electric	33.62	0.00	33.62	
35650072020820	Utilities - Electric	22.82	0.00	22.82	
35650295620820	Utilities - Electric	23.12	0.00	23.12	
35650736240820	Utilities - Electric	25.55	0.00	25.55	
35651995910820	Utilities - Electric	29.96	0.00	29.96	
35652446010820	Utilities - Electric	32.55	0.00	32.55	
35652837430820	Utilities - Electric	18.25	0.00	18.25	
35653850930820	Utilities - Electric	33.54	0.00	33.54	
35654460380820	Utilities - Electric	22.97	0.00	22.97	
35655027900820	Utilities - Electric	36.34	0.00	36.34	
35656954140820	Utilities - Electric	39.77	0.00	39.77	
35658641990820	Utilities - Electric	23.35	0.00	23.35	
35659521990820	Utilities - Electric	29.28	0.00	29.28	
35659719430820	Utilities - Electric	36.58	0.00	36.58	
35661606410820	Utilities - Electric	24.26	0.00	24.26	

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### City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

### **Sorted by Payment Number**

Invoice No.	Description Utilities - Electric	Invoice Amount 22.74	Discount Taken 0.00	Amount Paid 22.74	Payment Total
35662710140820					
35663598020820	Utilities - Electric	33.38	0.00	33.38	
35664661630820	Utilities - Electric	33.24	0.00	33.24	
35666020590820	Utilities - Electric	22.44	0.00	22.44	
35667305290820	Utilities - Electric	86.70	0.00	86.70	
35669864390820	Utilities - Electric	26.39	0.00	26.39	
35671931870820	Utilities - Electric	21.29	0.00	21.29	
35674252920820	Utilities - Electric	35.74	0.00	35.74	
35674989850820	Utilities - Electric	23.27	0.00	23.27	
35675679620820	Utilities - Electric	28.97	0.00	28.97	
35676150740820	Utilities - Electric	37.57	0.00	37.57	
35677237450820	Utilities - Electric	33.99	0.00	33.99	
35677708710820	Utilities - Electric	26.88	0.00	26.88	
35677904120820	Utilities - Electric	30.50	0.00	30.50	
35679500460820	Utilities - Electric	29.89	0.00	29.89	
35679745900820	Utilities - Electric	34.83	0.00	34.83	
35679838170820	Utilities - Electric	87.34	0.00	87.34	
35680001590820	Utilities - Electric	24.34	0.00	24.34	
35681394250820	Utilities - Electric	21.51	0.00	21.51	
35685072780820	Utilities - Electric	74.80	0.00	74.80	
35685267030820	Utilities - Electric	41.74	0.00	41.74	
35690738200820	Utilities - Electric	25.63	0.00	25.63	
35693522670820	Utilities - Electric	24.56	0.00	24.56	
35695357850820	Utilities - Electric	42.54	0.00	42.54	
35695460940820	Utilities - Electric	25.40	0.00	25.40	
35695887370820	Utilities - Electric	31.02	0.00	31.02	
35699206580820	Utilities - Electric	1.45	0.00	1.45	
35922924580820	Utilities - Electric	23.41	0.00	23.41	
36207652980820	Utilities - Electric	63.19	0.00	63.19	
38257235830820	Utilities - Electric	78.26	0.00	78.26	
39509111000820	Utilities - Electric	46.61	0.00	46.61	

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# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

### **Sorted by Payment Number**

Utilities - Electric

56892573010820

56892573210820 Utilities - Electric

Payment	Payment	
No.	Date	Vendor Name

Invoice No. 43142590150820	<b>Description</b> Utilities - Gas	Invoice Amount 8.12	Discount Taken 0.00	Amount Paid 8.12	Payment Total
43142590250820	Utilities - Gas	220.55	0.00	220.55	
43142590300820	Utilities - Gas	53.28	0.00	53.28	
43142597640820	Utilities - Electric	1,618.41	0.00	1,618.41	
43142599650820	Utilities - Electric	938.06	0.00	938.06	
43155469000820	Utilities - Electric	124.54	0.00	124.54	
43179602530820	Utilities - Electric	286.62	0.00	286.62	
43357992720820	Utilities - Electric	12.55	0.00	12.55	
45039216730820	Utilities - Electric	12.39	0.00	12.39	
48131400740820	Utilities - Electric	15.77	0.00	15.77	
52896844240820	Utilities - Gas	195.01	0.00	195.01	
52896847890820	Utilities - Electric	499.09	0.00	499.09	
56825387840820	Utilities - Electric	0.62	0.00	0.62	
56891435920820	Utilities - Electric	0.93	0.00	0.93	
56892570110820	Utilities - Electric	0.94	0.00	0.94	
56892570120820	Utilities - Electric	14.72	0.00	14.72	
56892570160820	Utilities - Electric	0.90	0.00	0.90	
56892570470820	Utilities - Electric	12.43	0.00	12.43	
56892570610820	Utilities - Electric	12.39	0.00	12.39	
56892570850820	Utilities - Electric	11.49	0.00	11.49	
56892571070820	Utilities - Electric	0.77	0.00	0.77	
56892571110820	Utilities - Electric	33.41	0.00	33.41	
56892571230820	Utilities - Electric	0.92	0.00	0.92	
56892571500820	Utilities - Electric	10.94	0.00	10.94	
56892571930820	Utilities - Electric	1.04	0.00	1.04	
56892572230820	Utilities - Electric	10.51	0.00	10.51	
56892572310820	Utilities - Electric	1.07	0.00	1.07	
56892572410820	Utilities - Electric	0.85	0.00	0.85	
56892572990820	Utilities - Electric	0.89	0.00	0.89	

0.85

12.81

0.00

0.00

0.85

12.81

10/13/2020

City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment	
No.	Date	Vendor Name

Invoice No. 56892573280820	<b>Description</b> Utilities - Electric	Invoice Amount 10.51	Discount Taken 0.00	Amount Paid 10.51	Payment Total
56892573340820	Utilities - Electric	12.14	0.00	12.14	
56892573450820	Utilities - Electric	10.51	0.00	10.51	
56892573610820	Utilities - Electric	1.93	0.00	1.93	
56892573790820	Utilities - Electric	1.04	0.00	1.04	
56892573860820	Utilities - Electric	0.86	0.00	0.86	
56892574540820	Utilities - Electric	12.48	0.00	12.48	
56892574610820	Utilities - Electric	12.77	0.00	12.77	
56892574640820	Utilities - Electric	1.22	0.00	1.22	
56892574690820	Utilities - Electric	12.60	0.00	12.60	
56892574720820	Utilities - Electric	12.41	0.00	12.41	
56892574750820	Utilities - Electric	1.06	0.00	1.06	
56892574930820	Utilities - Electric	12.25	0.00	12.25	
56892574970820	Utilities - Electric	0.06	0.00	0.06	
56892574980820	Utilities - Electric	0.79	0.00	0.79	
56892575010820	Utilities - Electric	14.24	0.00	14.24	
56892575240820	Utilities - Electric	10.51	0.00	10.51	
56892575250820	Utilities - Electric	12.77	0.00	12.77	
56892575560820	Utilities - Electric	12.87	0.00	12.87	
56892575840820	Utilities - Electric	14.03	0.00	14.03	
56892576280820	Utilities - Electric	12.19	0.00	12.19	
56892576480820	Utilities - Electric	13.20	0.00	13.20	
56892576590820	Utilities - Electric	12.45	0.00	12.45	
56892576670820	Utilities - Electric	12.62	0.00	12.62	
56892576690820	Utilities - Electric	12.64	0.00	12.64	
56892576720820	Utilities - Electric	0.73	0.00	0.73	
56892577190820	Utilities - Electric	0.90	0.00	0.90	
56892577220820	Utilities - Electric	12.09	0.00	12.09	
56892577390820	Utilities - Electric	12.86	0.00	12.86	
56892577590820	Utilities - Electric	0.84	0.00	0.84	
56892578070820	Utilities - Electric	1.03	0.00	1.03	

City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

### **Sorted by Payment Number**

**Payment** Payment No. Date Vendor Name

### **LIST # 046**

Invoice No. 56892578180820	<b>Description</b> Utilities - Electric	Invoice Amount 10.61	Discount Tal		-
56892578260820	Utilities - Electric	0.88	0.0	0.88	
56892578540820	Utilities - Electric	2.16	0.0	2.16	
56892578610820	Utilities - Electric	0.93	0.0	0.93	
56892578660820	Utilities - Electric	0.97	0.0	0.97	
56892578670820	Utilities - Electric	12.30	0.0	00 12.30	
56892578890820	Utilities - Electric	12.47	0.0	00 12.47	
56892578980820	Utilities - Electric	12.73	0.0	00 12.73	
56892579010820	Utilities - Electric	10.51	0.0	00 10.51	
56892579380820	Utilities - Electric	0.75	0.0	0.75	
56892579430820	Utilities - Electric	1.63	0.0	00 1.63	
56892579440820	Utilities - Electric	0.01	0.0	0.01	
56892579640820	Utilities - Electric	12.51	0.0	00 12.51	
56892579760820	Utilities - Electric	0.89	0.0	0.89	
56892579810820	Utilities - Electric	12.48	0.0	00 12.48	
56892579830820	Utilities - Electric	0.82	0.0	0.82	
56892579860820	Utilities - Electric	0.73	0.0	0.73	
60209026830820	Utilities - Electric	7.73	0.0	7.73	
60211953740820	Utilities - Electric	3.18	0.0	3.18	
60225900040820	Utilities - Electric	22,487.92	0.0	22,487.92	
60225900080820	Utilities - Electric	5,861.11	0.0	5,861.11	
60225900140820	Utilities - Electric	38.01	0.0	38.01	
60225900150820	Utilities - Electric	22.70	0.0	00 22.70	
60225900160820	Utilities - Electric	9.13	0.0	9.13	
60225900170820	Utilities - Electric	10.41	0.0	00 10.41	
60225900220820	Utilities - Electric	595.03	0.0	595.03	
60225900260820	Utilities - Electric	32.61	0.0	32.61	
60225900450820	Utilities - Electric	204.42	0.0	204.42	
60225901000820	Utilities - Electric	9.86	0.0	9.86	
60225901010820	Utilities - Electric	459.24	0.0	00 459.24	
60225901310820	Utilities - Electric	15.36	0.0	15.36	

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City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment	
No.	Date	Vendor Name

Invoice No. 60225901820820	<b>Description</b> Utilities - Electric	Invoice Amount 260.92	Discount Taken 0.00	Amount Paid 260.92	Payment Total
60225901980820	Utilities - Electric	16.94	0.00	16.94	
60225902010820	Utilities - Electric	182.63	0.00	182.63	
60225902290820	Utilities - Electric	32.78	0.00	32.78	
60225902640820	Utilities - Electric	40.98	0.00	40.98	
60225902660820	Utilities - Electric	554.24	0.00	554.24	
60225902810820	Utilities - Electric	272.58	0.00	272.58	
60225902900820	Utilities - Electric	100.96	0.00	100.96	
60225902950820	Utilities - Electric	26.42	0.00	26.42	
60225903300820	Utilities - Electric	80.39	0.00	80.39	
60225903370820	Utilities - Electric	2.44	0.00	2.44	
60225903550820	Utilities - Electric	134.45	0.00	134.45	
60225904170820	Utilities - Electric	2.72	0.00	2.72	
60225904270820	Utilities - Electric	3.38	0.00	3.38	
60225904460820	Utilities - Electric	2.22	0.00	2.22	
60225904500820	Utilities - Electric	0.08	0.00	0.08	
60225904580820	Utilities - Electric	52.96	0.00	52.96	
60225905100820	Utilities - Electric	3.57	0.00	3.57	
60225905410820	Utilities - Electric	33.65	0.00	33.65	
60225905570820	Utilities - Electric	67.30	0.00	67.30	
60225905580820	Utilities - Electric	9.11	0.00	9.11	
60225905590820	Utilities - Electric	9.11	0.00	9.11	
60225905600820	Utilities - Electric	2,293.82	0.00	2,293.82	
60225906090820	Utilities - Electric	8,514.78	0.00	8,514.78	
60225906210820	Utilities - Electric	3.57	0.00	3.57	
60225906400820	Utilities - Electric	4.87	0.00	4.87	
60225906510820	Utilities - Electric	1,301.55	0.00	1,301.55	
60225906590820	Utilities - Electric	603.07	0.00	603.07	
60225906600820	Utilities - Electric	40.30	0.00	40.30	
60225906650820	Utilities - Electric	65.98	0.00	65.98	
60225906780820	Utilities - Electric	4,253.74	0.00	4,253.74	

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City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment	
No.	Date	Vendor Name

Invoice No. 60225906940820	Description Utilities - Electric	Invoice Amount 4,353.55	Discount Taken 0.00	Amount Paid 4,353.55	Payment Total
60225906980820		319.49	0.00	319.49	
60225907190820		770.75	0.00	770.75	
60225907630820		2.99	0.00	2.99	
60225907690820	***************************************	193.74	0.00	193.74	
60225907730820	***************************************	30.61	0.00	30.61	
60225907760820	********* ***	12.09	0.00	12.09	
60225908160820		2,002.40	0.00	2,002.40	
60225908170820		31.60	0.00	31.60	
60225908580820	********* ***	36.83	0.00	36.83	
60225908610820	********* ***	36.93	0.00	36.93	
60225908940820	********* ***	44.46	0.00	44.46	
60225909050820	********* ***	10.87	0.00	10.87	
60225909410820	Utilities - Electric	67.74	0.00	67.74	
60225909830820	Utilities - Electric	21.17	0.00	21.17	
60243005770820	Utilities - Electric	1.37	0.00	1.37	
60255379990820	Utilities - Electric	4,849.41	0.00	4,849.41	
60279502630820	Utilities - Electric	2,062.80	0.00	2,062.80	
61266000050820	Utilities - Gas	8.66	0.00	8.66	
63004478110820	Utilities - Electric	59.51	0.00	59.51	
65170651530820	Utilities - Electric	1,272.53	0.00	1,272.53	
66172622090820	Utilities - Electric	27.59	0.00	27.59	
72891152060820	Utilities - Electric	10.06	0.00	10.06	
74408230820820	Utilities - Electric	58.22	0.00	58.22	
81004444430820	Utilities - Electric	5.94	0.00	5.94	
81008620210820	Utilities - Electric	0.83	0.00	0.83	
81008621120820	Utilities - Electric	1.65	0.00	1.65	
81008622290820	Utilities - Electric	7.06	0.00	7.06	
81008622550820	Utilities - Electric	12.93	0.00	12.93	
81008623480820	Utilities - Electric	10.72	0.00	10.72	
81008623720820	Utilities - Electric	0.72	0.00	0.72	

10/13/2020

City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment	
No.	Date	Vendor Name

Invoice No. 8100862427082	Description On Utilities - Electric	Invoice Amount 112.32	Discount Taken 0.00	Amount Paid 112.32	Payment Total
8100862431082		11.99	0.00	11.99	
8100862465082		10.72	0.00	10.72	
8100862480082	*********	12.08	0.00	12.08	
8100862537082	Y Y STATE OF THE S	42.75	0.00	42.75	
8100862665082	**************************************	10.31	0.00	10.31	
8100862810082		0.72	0.00	0.72	
8100862826082	**************************************	2.20	0.00	2.20	
8100862835082	**************************************	0.72	0.00	0.72	
8100862937082		2.20	0.00	2.20	
8100862945082	**************************************	2.24	0.00	2.24	
8100928018082	20 Utilities - Electric	638.01	0.00	638.01	
8101184609082	20 Utilities - Electric	12.28	0.00	12.28	
8101553631082	20 Utilities - Electric	1,406.26	0.00	1,406.26	
8102078562082	20 Utilities - Electric	6.73	0.00	6.73	
8102437071082	00 Utilities - Electric	62.06	0.00	62.06	
8102972704082	00 Utilities - Electric	5.94	0.00	5.94	
8103382348082	20 Utilities - Electric	32.99	0.00	32.99	
8103585477082	20 Utilities - Electric	18.30	0.00	18.30	
8104914467082	20 Utilities - Electric	10.03	0.00	10.03	
8105265570082	20 Utilities - Electric	12.08	0.00	12.08	
8106386899082	20 Utilities - Electric	13,725.23	0.00	13,725.23	
8107383115082	20 Utilities - Electric	20.62	0.00	20.62	
8107413534082	20 Utilities - Electric	72.09	0.00	72.09	
8108054722082	20 Utilities - Electric	12.52	0.00	12.52	
8108160114082	20 Utilities - Electric	15.03	0.00	15.03	
8170323161082	20 Utilities - Electric	15.50	0.00	15.50	
9147590036082	20 Utilities - Electric	20.96	0.00	20.96	
9147590045082	20 Utilities - Gas	21.10	0.00	21.10	
9147590122082	20 Utilities - Electric	33.25	0.00	33.25	
9147590319082	00 Utilities - Electric	99.53	0.00	99.53	

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### City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment							
No.	Date	Vendor Name	Invoice No. 91475903550820	<b>Description</b> Utilities - Electric	Invoice Amount 327.97	Discount Taken 0.00	Amount Paid 327.97	Payment Total
			91475904100820	Utilities - Electric	657.27	0.00	657.27	
			91475904310820	Utilities - Electric	71.53	0.00	71.53	
			91475904900820	Utilities - Electric	57.59	0.00	57.59	
			91475906250820	Utilities - Electric	319.04	0.00	319.04	
			91475906620820	Utilities - Electric	327.06	0.00	327.06	
			91475907050820	Utilities - Electric	155.36	0.00	155.36	
			91475907470820	Utilities - Electric	603.10	0.00	603.10	
			91475907600820	Utilities - Electric	510.00	0.00	510.00	
			91475907800820	Utilities - Electric	355.59	0.00	355.59	
			91475908690820	Utilities - Electric	712.55	0.00	712.55	
			91475909640820	Utilities - Electric	804.59	0.00	804.59	
			91475909790820	Utilities - Electric	1,071.67	0.00	1,071.67	
			94639783770820	Utilities - Electric	44.13	0.00	44.13	
			96226800430820	Utilities - Electric	61.87	0.00	61.87	
			96226804090820	Utilities - Electric	155.02	0.00	155.02	
			97306197490820	Utilities - Electric	7.21	0.00	7.21	
			97322830180820	Utilities - Electric	57.79	0.00	57.79	
			97322834740820	Utilities - Electric	26.29	0.00	26.29	
			97331850980820	Utilities - Electric	12.43	0.00	12.43	
			97386482120820	Utilities - Electric	12.69	0.00	12.69	
			SVVT136202082	Utilities - Electric	4,401.57	0.00	4,401.57	
			0					
xxx327996	10/6/20	SOUTH BAY REGIONAL PUBLIC SAFETY	221106	Training and Conferences	798.00	0.00	798.00	\$798.00
xxx327997	10/6/20	SOUTH BAY REGIONAL PUBLIC SAFETY	221125	Training and Conferences	597.00	0.00	597.00	\$597.00
xxx327998	10/6/20	SOUTH BAY REGIONAL PUBLIC SAFETY	221136	Training and Conferences	199.00	0.00	199.00	\$199.00
xxx327999	10/6/20	SOUTH BAY REGIONAL PUBLIC SAFETY	221110	Training and Conferences	398.00	0.00	398.00	\$398.00
xxx328000	10/6/20	SOUTH BAY REGIONAL PUBLIC SAFETY	221117	Training and Conferences	1,995.00	0.00	1,995.00	\$1,995.00
xxx328001	10/6/20	STAPLES INC	3456586425	Supplies, Office	33.01	0.00	33.01	\$999.01
			3456586426	Supplies, Office	47.40	0.00	47.40	
			3456586427	Supplies, Office	8.25	0.00	8.25	

10/13/2020

### City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment							
No.	Date	Vendor Name	<b>Invoice No.</b> 3456586428	<b>Description</b> Supplies, Office	Invoice Amount 392.83	Discount Taken 0.00	Amount Paid 392.83	Payment Total
			3456586429	Supplies, Office	49.51	0.00	49.51	
			3456586430	Supplies, Office	49.51	0.00	49.51	
			3456586431	Supplies, Office	-49.51	0.00	-49.51	
			3456586432	Supplies, Office	164.76	0.00	164.76	
			3456586433	Supplies, Office	164.76	0.00	164.76	
			3456586434	Supplies, Office	127.74	0.00	127.74	
			3456586435	Supplies, Office	10.75	0.00	10.75	
xxx328002	10/6/20	SUMMIT UNIFORMS	67728	Clothing, Uniforms & Access	193.37	0.00	193.37	\$21,322.19
			67775	Clothing, Uniforms & Access	394.39	0.00	394.39	
			67834	Clothing, Uniforms & Access	128.92	0.00	128.92	
			67859	Clothing, Uniforms & Access	257.83	0.00	257.83	
			67879	Clothing, Uniforms & Access	281.87	0.00	281.87	
			67975	Clothing, Uniforms & Access	257.83	0.00	257.83	
			67991	Clothing, Uniforms & Access	183.54	0.00	183.54	
			68053	Clothing, Uniforms & Access	257.83	0.00	257.83	
			68111	Clothing, Uniforms & Access	475.24	0.00	475.24	
			68175	Clothing, Uniforms & Access	257.83	0.00	257.83	
			68281	Clothing, Uniforms & Access	1,188.64	0.00	1,188.64	
			68282	Clothing, Uniforms & Access	78.66	0.00	78.66	
			68283	Clothing, Uniforms & Access	281.87	0.00	281.87	
			68296	Clothing, Uniforms & Access	809.54	0.00	809.54	
			68304	Clothing, Uniforms & Access	126.73	0.00	126.73	
			68305	Clothing, Uniforms & Access	126.73	0.00	126.73	
			68338	Clothing, Uniforms & Access	257.83	0.00	257.83	
			68339	Clothing, Uniforms & Access	146.40	0.00	146.40	
			68340	Clothing, Uniforms & Access	257.83	0.00	257.83	
			68360	Clothing, Uniforms & Access	91.77	0.00	91.77	
			68362	Clothing, Uniforms & Access	453.39	0.00	453.39	
			68374	Clothing, Uniforms & Access	128.92	0.00	128.92	
			68469	Clothing, Uniforms & Access	128.92	0.00	128.92	

422.80

644.58

676.26

0.00

0.00

0.00

**LIST # 046** 

10/13/2020

City of Sunnyvale

#### List of All Claims and Bills Approved for Payment

For Payments Dated 10/4/2020 through 10/10/2020

#### Sorted by Payment Number

Clothing, Uniforms & Access

Clothing, Uniforms & Access

Clothing, Uniforms & Access

68748

68755

68761

Payment Payment
No. Date Vendor Name

#### Invoice No. Description **Invoice Amount** Discount Taken Amount Paid **Payment Total** Clothing, Uniforms & Access 506.92 0.00 506.92 68485 747.27 Clothing, Uniforms & Access 747.27 0.00 68486 Clothing, Uniforms & Access 168.03 0.00 168.03 68489 65.55 0.00 65.55 68490 Clothing, Uniforms & Access 457.76 Clothing, Uniforms & Access 457.76 0.00 68596 Clothing, Uniforms & Access 31.68 0.00 31.68 68597 Clothing, Uniforms & Access 31.68 0.00 31.68 68598 32.78 Clothing, Uniforms & Access 32.78 0.00 68599 0.00 16.39 Clothing, Uniforms & Access 16.39 68600 Clothing, Uniforms & Access 140.93 0.00 140.93 68601 Clothing, Uniforms & Access 108.16 0.00 108.16 68602 Clothing, Uniforms & Access 238.17 0.00 238.17 68628 Clothing, Uniforms & Access 623.82 0.00 623.82 68629 Clothing, Uniforms & Access 400.95 0.00 400.95 68630 400.95 400.95 Clothing, Uniforms & Access 0.00 68631 64.46 Clothing, Uniforms & Access 64.46 0.00 68640 Clothing, Uniforms & Access 400.95 0.00 400.95 68652 Clothing, Uniforms & Access 680.63 0.00 680.63 68653 658.78 0.00 658.78 Clothing, Uniforms & Access 68654 Clothing, Uniforms & Access 379.10 0.00 379.10 68655 Clothing, Uniforms & Access 379.10 0.00 379.10 68656 Clothing, Uniforms & Access 195.56 0.00 195.56 68657 166.06 0.00 166.06 Clothing, Uniforms & Access 68658 166.06 0.00 166.06 Clothing, Uniforms & Access 68659 166.06 0.00 166.06 Clothing, Uniforms & Access 68660 Clothing, Uniforms & Access 166.06 0.00 166.06 68661 Clothing, Uniforms & Access 229.43 0.00 229.43 68662 Clothing, Uniforms & Access -256.74 0.00 -256.74 68664

422.80

644.58

676.26

### **LIST # 046**

### City of Sunnyvale List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment							
No.	Date	Vendor Name	Invoice No. 68763	<b>Description</b> Clothing, Uniforms & Access	Invoice Amount 771.31	Discount Taken 0.00	Amount Paid 771.31	Payment Total
			68772	Clothing, Uniforms & Access	75.38	0.00	75.38	
			68773	Clothing, Uniforms & Access	64.46	0.00	64.46	
			68774	Clothing, Uniforms & Access	64.46	0.00	64.46	
			68777	Clothing, Uniforms & Access	346.32	0.00	346.32	
			68782	Clothing, Uniforms & Access	930.81	0.00	930.81	
			68783	Clothing, Uniforms & Access	379.10	0.00	379.10	
			68785	Clothing, Uniforms & Access	373.64	0.00	373.64	
			68786	Clothing, Uniforms & Access	140.93	0.00	140.93	
			68788	Clothing, Uniforms & Access	140.93	0.00	140.93	
			68789	Clothing, Uniforms & Access	140.93	0.00	140.93	
			68790	Clothing, Uniforms & Access	140.93	0.00	140.93	
			68791	Clothing, Uniforms & Access	140.93	0.00	140.93	
			68794	Clothing, Uniforms & Access	86.31	0.00	86.31	
			68795	Clothing, Uniforms & Access	172.62	0.00	172.62	
			68854	Clothing, Uniforms & Access	1,092.50	0.00	1,092.50	
			68862	Clothing, Uniforms & Access	192.28	0.00	192.28	
			68863	Clothing, Uniforms & Access	192.28	0.00	192.28	
xxx328008	10/6/20	MONICA MARTINEZ VILLASENOR	482956	Refund Recreation Fees	100.00	0.00	100.00	\$100.00
xxx328009	10/6/20	ROLAND TE NIJENHUIS	98539-8428	Refund Utility Account Credit	263.98	0.00	263.98	\$263.98
xxx328010	10/6/20	SUPERIOR AUTOMATIC SPRINKLER CO	193635-32144	Refund Utility Account Credit	4,455.71	0.00	4,455.71	\$4,455.71
xxx328011	10/6/20	SWENSON & ASSOCIATES	197407-70142	Refund Utility Account Credit	4,596.00	0.00	4,596.00	\$4,596.00
xxx328012	10/6/20	VANCE BROWN INC	99611-72214	Refund Utility Account Credit	4,425.52	0.00	4,425.52	\$4,425.52
xxx328013	10/8/20	3T EQUIPMENT CO INC	69377	Miscellaneous Equipment	976.36	0.00	976.36	\$976.36
xxx328014	10/8/20	AT&T	000015178784	Utilities - Telephone	29,093.16	0.00	29,093.16	\$56,913.42
			000015295838	Utilities - Telephone	298.10	0.00	298.10	
			000015321287	Utilities - Telephone	27,522.16	0.00	27,522.16	
xxx328015	10/8/20	ALAMEDA COUNTY INFORMATION	112-2007054	Software As a Service	2,258.98	0.00	2,258.98	\$4,658.48
		TECH DEPT	112-2008056	Software As a Service	2,399.50	0.00	2,399.50	
xxx328016	10/8/20	ASCENT ENVIRONMENTAL	18010029.01-19	Consultants	5,455.65	0.00	5,455.65	\$5,455.65

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### City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment							
<b>No.</b> xxx328017	<b>Date</b> 10/8/20	Vendor Name ASSOCIATED INFRASTRUCTURE MGMT SERVICES	Invoice No. 2020-008	<b>Description</b> Consultants	Invoice Amount 5,762.90	Discount Taken 0.00	<b>Amount Paid</b> 5,762.90	Payment Total \$5,762.90
xxx328018	10/8/20	BAE URBAN ECONOMICS	2276-AUG20	Consultants	1,594.00	0.00	1,594.00	\$1,594.00
xxx328019	10/8/20	BAY AREA NEWS GROUP	0006502763	Advertising Services	451.00	0.00	451.00	\$665.00
			0006508891	Advertising Services	214.00	0.00	214.00	
xxx328020	10/8/20	BAY AREA WATER SUPPLY & CONSERVATION ACY	7216	Membership Fees	51,697.00	0.00	51,697.00	\$51,697.00
xxx328021	10/8/20	BETTY SUN	CK REQ 21-038	DED Services/Training - Books	40.32	0.00	40.32	\$40.32
xxx328022	10/8/20	BETTY WILKINS	CK REQ 21-035	DED Services/Training - Books	363.40	0.00	363.40	\$363.40
xxx328023	10/8/20	CCHNC PLAZA DE LAS FLORES, LLC	4	Outside Group Funding	102,970.90	0.00	102,970.90	\$102,970.90
xxx328024	10/8/20	CSAC EXCESS INSURANCE AUTHORITY	8147	Insurances - Life/AD&D Insurance	18,047.57	0.00	18,047.57	\$44,678.63
			8147	Insurances - Long Term Disability	26,631.06	0.00	26,631.06	
xxx328025	10/8/20	CALIFORNIA DEPT OF GENERAL SERVICES	1419238	Utilities - Gas	12,931.32	0.00	12,931.32	\$12,931.32
xxx328026	10/8/20	CARL WARREN & COMPANY	CWC-2002206	Liability Claims Adjustor	44,500.00	0.00	44,500.00	\$44,500.00
xxx328027	10/8/20	CELLEBRITE INC	INVUS218773	Software As a Service	3,700.00	0.00	3,700.00	\$3,700.00
xxx328028	10/8/20	CENTRAL SANITARY SUPPLY / RANCHO	1094685	Supplies, Safety	4,480.06	0.00	4,480.06	\$4,480.06
xxx328029	10/8/20	CLARIS INTERNATIONAL INC	5595553	Software Licensing & Support	1,860.00	0.00	1,860.00	\$1,860.00
xxx328030	10/8/20	COUNTY OF SANTA CLARA	164CARLROAD	Membership Fees	1,330.00	0.00	1,330.00	\$1,330.00
xxx328031	10/8/20	COUNTY OF SANTA CLARA FINANCE DEPT	1800073695	Contracts/Service Agreements	179,698.00	0.00	179,698.00	\$179,698.00
xxx328032	10/8/20	CYNTHIA ZAHEDIANFARD	CK REQ 21-037	DED Services/Training - Books	192.80	0.00	192.80	\$192.80
xxx328034	10/8/20	DECON 7 SYSTEMS INC	2020-12247	General Supplies	1,677.74	0.00	1,677.74	\$1,677.74
xxx328035	10/8/20	DEPARTMENT OF JUSTICE	465523	Contracts/Service Agreements	370.00	0.00	370.00	\$370.00
xxx328037	10/8/20	F&M BANK	PRMRYTRTMT 2#37	Construction Project Contract Retainage	114,059.14	0.00	114,059.14	\$114,059.14
xxx328038	10/8/20	FREMONT UNION HIGH SCHOOL DISTRICT	20-461	Services Maintain Land Improv	22,500.00	0.00	22,500.00	\$22,500.00
xxx328040	10/8/20	GOODYEAR COMMERCIAL TIRE & SERVICE CTR	189-1104601	Inventory Purchase	1,627.52	0.00	1,627.52	\$1,627.52
xxx328041	10/8/20	GRAINGER	9577941942	Supplies, Safety	358.80	0.00	358.80	\$448.50
			9577941942	General Supplies	89.70	0.00	89.70	
xxx328042	10/8/20	GRANITEROCK CO	1258352	Materials - Land Improve	1,173.29	0.00	1,173.29	\$1,173.29

### City of Sunnyvale

### **LIST # 046** List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment							
<b>No.</b> xxx328043	<b>Date</b> 10/8/20	<b>Vendor Name</b> HUMANE SOCIETY SILICON VALLEY	Invoice No. 125486	<b>Description</b> Contracts/Service Agreements	Invoice Amount 28,364.16	Discount Taken 0.00	<b>Amount Paid</b> 28,364.16	Payment Total \$28,364.16
xxx328044	10/8/20	HYBRID COMMERCIAL PRINTING INC	27156	Printing & Related Services	267.05	0.00	267.05	\$425.10
			27172	Printing & Related Services	158.05	0.00	158.05	
xxx328045	10/8/20	IDEXX DISTRIBUTION INC	3070188805	Chemicals	4,747.12	0.00	4,747.12	\$6,266.08
			3070188812	General Supplies	1,518.96	0.00	1,518.96	
xxx328046	10/8/20	IMAGETREND INC	123688	Software As a Service	7,614.29	0.00	7,614.29	\$7,614.29
xxx328047	10/8/20	INNOVATIVE INTERFACES INC	CM-INC2871	Software As a Service	-2,700.00	0.00	-2,700.00	\$131,778.75
			INV-INC25976	Software As a Service	28,025.73	0.00	28,025.73	
			INV-INC25977	Software Licensing & Support	7,184.18	0.00	7,184.18	
			INV-INC25978	Software Licensing & Support	33,500.25	0.00	33,500.25	
			INV-INC25980	Software Licensing & Support	65,768.59	0.00	65,768.59	
xxx328048	10/8/20	INTERIORS & TEXTILES CORP	1021	Facilities Maint & Repair - Labor	600.00	0.00	600.00	\$11,403.27
			1021	Facilities Maint & Repair - Materials	1,064.93	0.00	1,064.93	
			1129	Facilities Maint & Repair - Labor	125.00	0.00	125.00	
			1129	Facilities Maint & Repair - Materials	644.19	0.00	644.19	
			994	Facilities Maint & Repair - Labor	1,920.00	0.00	1,920.00	
			994	Facilities Maint & Repair - Materials	7,049.15	0.00	7,049.15	
xxx328049	10/8/20	KATHARIYA PUNGDUMRI	CK REQ 21-027	DED Services/Training - Books	39.98	0.00	39.98	\$39.98
xxx328050	10/8/20	KEENAN & ASSOCIATES	247988	Workers' Compensation - Administration	36,045.66	0.00	36,045.66	\$36,045.66
xxx328051	10/8/20	LIGHTING ANALYSTS INC	ES43176	Software As a Service	652.00	0.00	652.00	\$652.00
xxx328052	10/8/20	LINA SIBAI	CK REQ 21-022	DED Services/Training - Books	236.18	0.00	236.18	\$236.18
xxx328053	10/8/20	MARSHA HOVEY LLC	SV-021	Contracts/Service Agreements	1,375.00	0.00	1,375.00	\$1,375.00
xxx328054	10/8/20	MOTOROLA SOLUTIONS INC	8230275957	Hardware Maintenance	-49.50	0.00	-49.50	\$42,829.38
			8230285780	Hardware Maintenance	42,878.88	0.00	42,878.88	
xxx328055	10/8/20	P & D APPLIANCE	015471	Facilities Maint & Repair - Labor	356.25	0.00	356.25	\$717.51
			015471	Facilities Maint & Repair - Materials	10.63	0.00	10.63	
			0175472	Facilities Maint & Repair - Labor	340.00	0.00	340.00	
			0175472	Facilities Maint & Repair - Materials	10.63	0.00	10.63	
xxx328056	10/8/20	PR DIAMOND PRODUCTS INC	0056770-IN	Hand Tools	5,924.00	0.00	5,924.00	\$5,924.00
xxx328057	10/8/20	PACIFIC WEST SECURITY INC	39334	Alarm Services	96.00	0.00	96.00	\$301.00
			39564	Facilities Maintenance & Repair Labor	205.00	0.00	205.00	

**LIST # 046** 

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#### City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment							
<b>Date</b> 10/8/20	<b>Vendor Name</b> PINE CONE LUMBER CO INC	Invoice No. 71400	<b>Description</b> Inventory Purchase	Invoice Amount 503.81	Discount Taken 4.58	Amount Paid 499.23	Payment Total \$499.23
10/8/20	QUADIENT	16167267	Printing & Related Services	304.61	0.00	304.61	\$304.61
10/8/20	R & B CO	S1951192.002	Hand Tools	614.76	0.00	614.76	\$17,288.89
		S1957581.002	Construction Services	2,738.95	0.00	2,738.95	
		S1962551.001	Water Backflow Valves	1,721.66	0.00	1,721.66	
		S1962551.002	Construction Services	249.61	0.00	249.61	
		S1967192.002	Inventory Purchase	6,900.79	0.00	6,900.79	
		S1968500.001	Materials - Land Improve	3,145.74	0.00	3,145.74	
		S1971430.001	Materials - Land Improve	516.01	0.00	516.01	
		S1972072.001	Materials - Land Improve	1,401.37	0.00	1,401.37	
10/8/20	R & S ERECTION OF SANTA CLARA	86718	Facilities Maint & Repair - Labor	1,668.00	0.00	1,668.00	\$2,732.00
	COUNTY INC	86718	Facilities Maint & Repair - Materials	1,064.00	0.00	1,064.00	
10/8/20	RASH CURTIS & ASSOC	662700000417	Financial Services	410.07	0.00	410.07	\$765.94
		662700000423	Financial Services	215.23	0.00	215.23	
		662700000425	Financial Services	140.64	0.00	140.64	
10/8/20	REED & GRAHAM INC	982163	Materials - Land Improve	4,407.80	0.00	4,407.80	\$50,433.05
		982654	Materials - Land Improve	844.10	0.00	844.10	
		983098	Materials - Land Improve	-1,104.19	0.00	-1,104.19	
		983229	Materials - Land Improve	5,249.58	0.00	5,249.58	
		983359	Materials - Land Improve	2,728.36	0.00	2,728.36	
		983628	Materials - Land Improve	8,335.58	0.00	8,335.58	
		983801	Materials - Land Improve	4,374.02	0.00	4,374.02	
		983946	Materials - Land Improve	871.59	0.00	871.59	
		983947	Materials - Land Improve	5,573.80	0.00	5,573.80	
		984101	Materials - Land Improve	4,369.46	0.00	4,369.46	
		984285	Materials - Land Improve	5,203.99	0.00	5,203.99	
		984418	Materials - Land Improve	3,877.50	0.00	3,877.50	
		984557	Materials - Land Improve	5,701.46	0.00	5,701.46	
10/8/20	RICHARDS WATSON & GERSHON	228444	Legal Services	1,072.00	0.00	1,072.00	\$2,010.00
		228445	Legal Services	938.00	0.00	938.00	
10/8/20	ROYAL BRASS INC	936659-001	Materials - Land Improve	14.66	0.00	14.66	\$14.66
	Date 10/8/20 10/8/20 10/8/20 10/8/20 10/8/20	Date   Vendor Name   10/8/20   PINE CONE LUMBER CO INC   10/8/20   QUADIENT   10/8/20   R & B CO        10/8/20   R & S ERECTION OF SANTA CLARA COUNTY INC      10/8/20   RASH CURTIS & ASSOC      10/8/20   REED & GRAHAM INC      10/8/20   RICHARDS WATSON & GERSHON	Date 10/8/20         Vendor Name PINE CONE LUMBER CO INC         Invoice No. 71400           10/8/20         QUADIENT         16167267           10/8/20         R & B CO         \$1951192.002           \$1957581.002         \$1962551.001           \$1962551.002         \$1962551.002           \$1962551.002         \$1968500.001           \$197192.002         \$1971430.001           \$1972072.001         \$10/8/20           R & S ERECTION OF SANTA CLARA COUNTY INC         \$6718           \$10/8/20         RASH CURTIS & ASSOC         \$62700000417           \$62700000423         \$62700000425           \$10/8/20         REED & GRAHAM INC         \$98163           \$983098         \$983229           \$983098         \$983229           \$983801         \$983946           \$983947         \$984101           \$984285         \$984118           \$984557         \$228444           \$228445	Date 10%20         Vendor Name PINE CONE LUMBER CO INC         Invoice No. 71400         Description Inventory Purchase           10%20         QUADIENT         16167267         Printing & Related Services           10%20         R & B CO         \$1951192.002         Hand Tools           \$1962551.001         Water Backflow Valves           \$1962551.002         Construction Services           \$1962551.002         Inventory Purchase           \$1967192.002         Inventory Purchase           \$1972072.001         Materials - Land Improve           \$1971430.001         Materials - Land Improve           \$1972072.001         Materials - Land Improve           \$10%20         RASH CURTIS & ASSOC         86718         Facilities Maint & Repair - Materials           \$10%20         RASH CURTIS & ASSOC         662700000423         Financial Services           \$10%20         REED & GRAHAM INC         982163         Materials - Land Improve           \$983098         Materials - Land Improve         983098         Materials - Land Improve           \$983098         Materials - Land Improve         983628         Materials - Land Improve           \$983098         Materials - Land Improve         983946         Materials - Land Improve           \$983098         Materials - Land Improve <td>Dis (10820)         Vendor Name (10820)         Invoice No. 71400         Inventory Purchase         503.81           108/20         QUADIENT         16167267         Printing &amp; Related Services         304.61           108/20         R &amp; B CO         \$1951192.002         Hand Tools         614.76           108/20         R &amp; B CO         \$1957581.002         Construction Services         2,738.95           \$1962551.001         Water Backflow Valves         1,721.66         51962551.002         Construction Services         249.61           \$1962551.002         Inventory Purchase         6,900.79         51968500.001         Materials - Land Improve         3,145.74           \$1971430.001         Materials - Land Improve         1,601.01         51972072.001         Materials - Land Improve         1,601.01           \$108/20         R &amp; S ERECTION OF SANTA CLARA         86718         Facilities Maint &amp; Repair - Materials         1,604.00           \$108/20         RASH CURTIS &amp; ASSOC         662700000423         Financial Services         215.23           \$108/20         REED &amp; GRAHAM INC         982163         Materials - Land Improve         4,407.80           \$82654         Materials - Land Improve         \$2,409.80           \$83359         Materials - Land Improve         \$2,238.60</td> <td>Date (108/20)         Vendor Name (108/20)         Invoice No. (7140)         Description (108/20)         Invoice Amount (108/20)         Description (108/20)         Inventory Purchase (108/20)         503.84 (108/20)         4.88 (108/20)           108/20 (108/20)         QUADIENT         1616/267         Printing &amp; Related Services         303.61 (108/20)         0.00           108/20 (108/20)         R &amp; B CO         \$1957581.002         Construction Services         2,738.95 (100.00)         0.00           \$1962551.001         Water Backflow Valves         1,721.66 (100.00)         0.00         0.00           \$1962551.002         Construction Services         2,249.61 (100.00)         0.00         0.00           \$1967192.002         Inventory Purchase         6,900.79 (100.00)         0.00</td> <td>Date (10%2)         Vendor Name (10%2)         Invoice One (10%2)         Description (10%2)         Invoice Amount (10%2)         Mount (10%2)         Amount (10%2)         4.08         4.99         2.</td>	Dis (10820)         Vendor Name (10820)         Invoice No. 71400         Inventory Purchase         503.81           108/20         QUADIENT         16167267         Printing & Related Services         304.61           108/20         R & B CO         \$1951192.002         Hand Tools         614.76           108/20         R & B CO         \$1957581.002         Construction Services         2,738.95           \$1962551.001         Water Backflow Valves         1,721.66         51962551.002         Construction Services         249.61           \$1962551.002         Inventory Purchase         6,900.79         51968500.001         Materials - Land Improve         3,145.74           \$1971430.001         Materials - Land Improve         1,601.01         51972072.001         Materials - Land Improve         1,601.01           \$108/20         R & S ERECTION OF SANTA CLARA         86718         Facilities Maint & Repair - Materials         1,604.00           \$108/20         RASH CURTIS & ASSOC         662700000423         Financial Services         215.23           \$108/20         REED & GRAHAM INC         982163         Materials - Land Improve         4,407.80           \$82654         Materials - Land Improve         \$2,409.80           \$83359         Materials - Land Improve         \$2,238.60	Date (108/20)         Vendor Name (108/20)         Invoice No. (7140)         Description (108/20)         Invoice Amount (108/20)         Description (108/20)         Inventory Purchase (108/20)         503.84 (108/20)         4.88 (108/20)           108/20 (108/20)         QUADIENT         1616/267         Printing & Related Services         303.61 (108/20)         0.00           108/20 (108/20)         R & B CO         \$1957581.002         Construction Services         2,738.95 (100.00)         0.00           \$1962551.001         Water Backflow Valves         1,721.66 (100.00)         0.00         0.00           \$1962551.002         Construction Services         2,249.61 (100.00)         0.00         0.00           \$1967192.002         Inventory Purchase         6,900.79 (100.00)         0.00	Date (10%2)         Vendor Name (10%2)         Invoice One (10%2)         Description (10%2)         Invoice Amount (10%2)         Mount (10%2)         Amount (10%2)         4.08         4.99         2.

#### City of Sunnyvale **LIST # 046**

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment							
<b>No.</b> xxx328067	<b>Date</b> 10/8/20	Vendor Name S & L FENCE CO	Invoice No. 05018	<b>Description</b> Services Maintain Land Improv	Invoice Amount 876.01	Discount Taken 0.00	Amount Paid 876.01	Payment Total \$6,559.02
			05018	Materials - Land Improve	517.00	0.00	517.00	
			05022	Misc Equip Maint & Repair - Labor	403.88	0.00	403.88	
			05022	Misc Equip Maint & Repair - Materials	87.63	0.00	87.63	
			05024	Construction Services	3,489.50	0.00	3,489.50	
			05025	Construction Services	1,185.00	0.00	1,185.00	
xxx328068	10/8/20	SC FUELS	4411009	Inventory Purchase	17,199.76	0.00	17,199.76	\$17,199.76
xxx328069	10/8/20	SCBA SAFETY CHECK INC	10713	Misc Equip Maint & Repair	426.42	0.00	426.42	\$426.42
xxx328070	10/8/20	SFO REPROGRAPHICS	66504	Printing & Related Services	1,373.40	0.00	1,373.40	\$8,193.74
			66685	Printing & Related Services	1,098.72	0.00	1,098.72	
			66838	Printing & Related Services	1,244.34	0.00	1,244.34	
			66839	Printing & Related Services	4,477.28	0.00	4,477.28	
xxx328071	10/8/20	SAFEWAY INC	807227-090120	General Supplies	42.89	0.00	42.89	\$42.89
xxx328073	10/8/20	SECURITY ALERT SYSTEMS OF	175660	Facilities Maintenance & Repair Labor	282.00	0.00	282.00	\$2,176.00
		CALIFORNIA INC	175662	Facilities Maintenance & Repair Labor	1,894.00	0.00	1,894.00	
xxx328074	10/8/20	SERGEI STAROV	CK REQ 21-031	DED Services/Training - Books	41.65	0.00	41.65	\$41.65
xxx328075	10/8/20	SHANNON WELLS	CK REQ 21-029	DED Services/Training - Support Services	112.35	0.00	112.35	\$112.35
xxx328076	10/8/20	SIEGMAN & ASSOCIATES	1010	Training and Conferences	1,000.00	0.00	1,000.00	\$1,000.00
xxx328077	10/8/20	SLOAN SAKAI YEUNG & WONG LLP	44241	Legal Services	9,639.00	0.00	9,639.00	\$9,639.00
xxx328078	10/8/20	SPARTAN TOOL LLC	647846	Miscellaneous Equipment	109.87	0.00	109.87	\$109.87
xxx328079	10/8/20	STATCOMM INC	W10313	Facilities Maintenance & Repair Labor	270.00	0.00	270.00	\$1,747.43
			W10323	Facilities Maint & Repair - Labor	1,115.00	0.00	1,115.00	
			W10323	Facilities Maint & Repair - Materials	362.43	0.00	362.43	
xxx328080	10/8/20	SUNBELT RENTALS INC	105569952-0001	Equipment Rental/Lease	4,228.64	0.00	4,228.64	\$4,228.64
xxx328081	10/8/20	SURE FIRE PROTECTION CO INC	PA20085-01	Facilities Maintenance & Repair Labor	620.00	0.00	620.00	\$620.00
xxx328082	10/8/20	TALON ECOLOGICAL RESEARCH GROUP	SUNNYVALE20	Services Maintain Land Improv	800.00	0.00	800.00	\$800.00
			207					
xxx328083	10/8/20	TAP MASTER INC	0920-18	Construction Services	1,525.00	0.00	1,525.00	\$1,525.00
xxx328084	10/8/20	THOMSON REUTERS WEST	843060792	Books & Publications	1,917.09	0.00	1,917.09	\$1,917.09
xxx328085	10/8/20	USA BLUEBOOK	334077	Chemicals	585.22	0.00	585.22	\$2,581.17
			359912	Miscellaneous Equipment	279.08	0.00	279.08	

**LIST # 046** 

10/13/2020

#### City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment							
No.	Date	Vendor Name	<b>Invoice No.</b> 371898	<b>Description</b> Miscellaneous Equipment	Invoice Amount 353.02	Discount Taken 0.00	Amount Paid 353.02	Payment Total
			373053	Miscellaneous Equipment	401.01	0.00	401.01	
			374632	Miscellaneous Equipment	962.84	0.00	962.84	
xxx328086	10/8/20	ULRICK & ASSOC	1175	General Supplies	6,440.00	0.00	6,440.00	\$8,680.00
			1178	General Supplies	2,240.00	0.00	2,240.00	
xxx328087	10/8/20	UNITED PARCEL SERVICE	0000966608360	Mailing & Delivery Services	289.37	0.00	289.37	\$289.37
xxx328088	10/8/20	UNITED RENTALS	165469049-022	Equipment Rental/Lease	1,673.26	0.00	1,673.26	\$6,446.57
			172295268-015	Materials - Land Improve	3,367.64	0.00	3,367.64	
			185255347-001	Equipment Rental/Lease	789.73	0.00	789.73	
			185562804-001	Equipment Rental/Lease	615.94	0.00	615.94	
xxx328089	10/8/20	UNITY COURIER SERVICE INC	460593	Mailing & Delivery Services	3,282.25	0.00	3,282.25	\$3,282.25
xxx328090	10/8/20	VESTRA RESOURCES INC	26019	Professional Services	2,047.00	0.00	2,047.00	\$2,047.00
xxx328091	10/8/20	VERITIV OPERATING COMPANY	035-32698755	Printing & Related Services	877.92	0.00	877.92	\$1,956.52
			035-32704175	Printing & Related Services	433.17	0.00	433.17	
			035-32711175	Printing & Related Services	220.91	0.00	220.91	
			035-32711251	Printing & Related Services	84.18	0.00	84.18	
			035-32722575	Printing & Related Services	340.34	0.00	340.34	
xxx328092	10/8/20	WINSUPPLY OF SILICON VALLEY	017968 00	Hand Tools	78.32	0.00	78.32	\$480.06
			018007 00	Water Backflow Valves	401.74	0.00	401.74	
xxx328094	10/8/20	WOODARD & CURRAN INC	180676	Professional Services	1,365.95	0.00	1,365.95	\$1,365.95
xxx328095	10/8/20	ZUMAR INDUSTRIES INC	89814	Materials - Land Improve	1,847.94	0.00	1,847.94	\$1,847.94
xxx328096	10/8/20	CINTAS LOC #38K	4027164483	Clothing, Uniforms & Access	7.46	0.00	7.46	\$7,037.54
			4027164547	Clothing, Uniforms & Access	39.74	0.00	39.74	
			4027164572	Clothing, Uniforms & Access	10.67	0.00	10.67	
			4027650416	Clothing, Uniforms & Access	7.46	0.00	7.46	
			4027650458	Clothing, Uniforms & Access	10.67	0.00	10.67	
			4027650532	Clothing, Uniforms & Access	39.74	0.00	39.74	
			4028129097	Clothing, Uniforms & Access	7.46	0.00	7.46	
			4028129109	Clothing, Uniforms & Access	10.67	0.00	10.67	
			4028129190	Clothing, Uniforms & Access	70.32	0.00	70.32	
			4028626875	Clothing, Uniforms & Access	7.46	0.00	7.46	

**LIST # 046** 

10/13/2020

City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment	
No.	Date	Vendor Name

Invoice No.	<b>Description</b> Clothing, Uniforms & Access	Invoice Amount 39.74	Discount Taken 0.00	Amount Paid 39.74	Payment Total
4028626917	<b>C</b> ,				
4028626972	Clothing, Uniforms & Access	10.67	0.00	10.67	
4029134935	Clothing, Uniforms & Access	7.46	0.00	7.46	
4029134955	Clothing, Uniforms & Access	39.74	0.00	39.74	
4029135012	Clothing, Uniforms & Access	10.67	0.00	10.67	
4029653971	Clothing, Uniforms & Access	10.67	0.00	10.67	
4029654013	Clothing, Uniforms & Access	7.46	0.00	7.46	
4029654153	Clothing, Uniforms & Access	39.74	0.00	39.74	
4030180594	Clothing, Uniforms & Access	7.46	0.00	7.46	
4030180600	Clothing, Uniforms & Access	39.74	0.00	39.74	
4030180642	Clothing, Uniforms & Access	10.67	0.00	10.67	
4030699060	Clothing, Uniforms & Access	7.46	0.00	7.46	
4030699171	Clothing, Uniforms & Access	10.67	0.00	10.67	
4030699245	Clothing, Uniforms & Access	39.74	0.00	39.74	
4031239101	Clothing, Uniforms & Access	7.46	0.00	7.46	
4031239164	Clothing, Uniforms & Access	10.67	0.00	10.67	
4031239165	Clothing, Uniforms & Access	39.74	0.00	39.74	
4031750211	Clothing, Uniforms & Access	7.46	0.00	7.46	
4031750319	Clothing, Uniforms & Access	41.61	0.00	41.61	
4031750325	Clothing, Uniforms & Access	10.67	0.00	10.67	
4032273599	Clothing, Uniforms & Access	7.46	0.00	7.46	
4032273702	Clothing, Uniforms & Access	10.67	0.00	10.67	
4032273724	Clothing, Uniforms & Access	42.54	0.00	42.54	
4032827965	Clothing, Uniforms & Access	7.46	0.00	7.46	
4032827980	Clothing, Uniforms & Access	42.54	0.00	42.54	
4032828045	Clothing, Uniforms & Access	10.67	0.00	10.67	
4033374570	Clothing, Uniforms & Access	7.46	0.00	7.46	
4033374640	Clothing, Uniforms & Access	10.67	0.00	10.67	
4033374744	Clothing, Uniforms & Access	42.54	0.00	42.54	
4033944721	Clothing, Uniforms & Access	41.61	0.00	41.61	
4033944721	Clothing, Uniforms & Access	7.46	0.00	7.46	
TUJJ/44/0J		7.10	0.00	,0	

City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

#### **Sorted by Payment Number**

**Payment Payment** No. Date Vendor Name

#### **LIST # 046**

<b>Invoice No.</b> 4033944798	<b>Description</b> Clothing, Uniforms & Access	Invoice Amount 10.67	Discount Taken 0.00	Amount Paid 10.67	Payment Total
4034523644	Clothing, Uniforms & Access	7.46	0.00	7.46	
4034523698	Clothing, Uniforms & Access	41.61	0.00	41.61	
4034523723	Clothing, Uniforms & Access	10.67	0.00	10.67	
4035087580	Clothing, Uniforms & Access	10.67	0.00	10.67	
4035087611	Clothing, Uniforms & Access	42.54	0.00	42.54	
4035087613	Clothing, Uniforms & Access	7.46	0.00	7.46	
4035716937	Clothing, Uniforms & Access	7.46	0.00	7.46	
4035716987	Clothing, Uniforms & Access	43.48	0.00	43.48	
4035717033	Clothing, Uniforms & Access	10.67	0.00	10.67	
4036255045	Clothing, Uniforms & Access	7.46	0.00	7.46	
4036255088	Clothing, Uniforms & Access	10.67	0.00	10.67	
4036255165	Clothing, Uniforms & Access	43.48	0.00	43.48	
4036830571	Clothing, Uniforms & Access	10.67	0.00	10.67	
4036830613	Clothing, Uniforms & Access	7.46	0.00	7.46	
4036830665	Clothing, Uniforms & Access	43.48	0.00	43.48	
4037391850	Clothing, Uniforms & Access	43.48	0.00	43.48	
4037391866	Clothing, Uniforms & Access	7.46	0.00	7.46	
4037391889	Clothing, Uniforms & Access	10.67	0.00	10.67	
4037996428	Clothing, Uniforms & Access	7.46	0.00	7.46	
4037996504	Clothing, Uniforms & Access	10.67	0.00	10.67	
4037996562	Clothing, Uniforms & Access	43.48	0.00	43.48	
4038590621	Clothing, Uniforms & Access	7.46	0.00	7.46	
4038590686	Clothing, Uniforms & Access	10.67	0.00	10.67	
4038590704	Clothing, Uniforms & Access	43.48	0.00	43.48	
4054740681	Clothing, Uniforms & Access	10.67	0.00	10.67	
4054740718	Clothing, Uniforms & Access	7.46	0.00	7.46	
4054740782	Laundry & Cleaning Services	100.14	0.00	100.14	
4054740839	Laundry & Cleaning Services	74.35	0.00	74.35	
4054740884	Clothing, Uniforms & Access	45.03	0.00	45.03	
4054740920	Laundry & Cleaning Services	9.93	0.00	9.93	

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10/13/2020

City of Sunnyvale

#### List of All Claims and Bills Approved for Payment

For Payments Dated 10/4/2020 through 10/10/2020

#### Sorted by Payment Number

Description

Laundry & Cleaning Services

Clothing, Uniforms & Access

Clothing, Uniforms & Access

Laundry & Cleaning Services

Laundry & Cleaning Services

Clothing, Uniforms & Access

Laundry & Cleaning Services

Invoice No.

4054740951

4054740973

4054740988

4054741062

4054741077

4054741126

4054741176

4054741182

4054876541

4054876608

4054877736

4055322146

4055322176

4055322199

4055475329

4055475365

4055479763

4055479788

4055479820

4055479911

4055479972

4055480097

4055480111

4055480130

4055480133

4055480254

4055480278

4055480342

4055480385

4055939361

4055939517

Payment	Payment	
No.	Date	Vendor Name

# Invoice Amount 22.56 Discount Taken 0.00 22.56 172.74 0.00 172.74 172.37 0.00 172.37

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45.03

172.37

319.56

172.74

22.56

17.08

21.90

17.75

43.81

36.62

9.93

City of Sunnyvale

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

#### **Sorted by Payment Number**

Payment	Payment	
No.	Date	Vendor Name

### **LIST # 046**

Invoice No. 4056083996	<b>Description</b> Laundry & Cleaning Services	Invoice Amount 27.45	Discount Taken 0.00	Amount Paid 27.45	Payment Total
4056084004	Laundry & Cleaning Services	33.74	0.00	33.74	
4056088190	Clothing, Uniforms & Access	10.67	0.00	10.67	
4056088323	Clothing, Uniforms & Access	7.46	0.00	7.46	
4056088348	Laundry & Cleaning Services	74.35	0.00	74.35	
4056088372	Laundry & Cleaning Services	100.14	0.00	100.14	
4056088445	Clothing, Uniforms & Access	135.81	0.00	135.81	
4056088535	Laundry & Cleaning Services	172.37	0.00	172.37	
4056088624	Laundry & Cleaning Services	319.56	0.00	319.56	
4056088632	Laundry & Cleaning Services	172.74	0.00	172.74	
4056088642	Laundry & Cleaning Services	9.93	0.00	9.93	
4056088648	Laundry & Cleaning Services	22.56	0.00	22.56	
4056088711	Laundry & Cleaning Services	36.47	0.00	36.47	
4056088770	Laundry & Cleaning Services	17.08	0.00	17.08	
4056088806	Laundry & Cleaning Services	21.90	0.00	21.90	
4056088884	Laundry & Cleaning Services	17.75	0.00	17.75	
4056726508	Laundry & Cleaning Services	17.08	0.00	17.08	
4056726524	Laundry & Cleaning Services	17.08	0.00	17.08	
4056730070	Clothing, Uniforms & Access	7.46	0.00	7.46	
4056730155	Clothing, Uniforms & Access	10.67	0.00	10.67	
4056730211	Laundry & Cleaning Services	100.14	0.00	100.14	
4056730316	Laundry & Cleaning Services	74.35	0.00	74.35	
4056730346	Clothing, Uniforms & Access	44.10	0.00	44.10	
4056730667	Laundry & Cleaning Services	172.74	0.00	172.74	
4056730707	Laundry & Cleaning Services	9.93	0.00	9.93	
4056730722	Laundry & Cleaning Services	172.37	0.00	172.37	
4056730729	Laundry & Cleaning Services	319.56	0.00	319.56	
4056730854	Laundry & Cleaning Services	22.56	0.00	22.56	
4056730898	Laundry & Cleaning Services	21.90	0.00	21.90	
4056730911	Laundry & Cleaning Services	17.08	0.00	17.08	
4056731046	Laundry & Cleaning Services	17.75	0.00	17.75	

City of Sunnyvale

#### **LIST # 046**

# List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

Payment	Payment							
No.	Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken		Payment Total
			4057226078	Laundry & Cleaning Services	12.16	0.00	12.16	
			4057226089	Laundry & Cleaning Services	43.81	0.00	43.81	
			4057226163	Laundry & Cleaning Services	36.62	0.00	36.62	
			4057362838	Laundry & Cleaning Services	17.08	0.00	17.08	
			4057362839	Laundry & Cleaning Services	17.08	0.00	17.08	
			4057364218	Clothing, Uniforms & Access	7.46	0.00	7.46	
			4057364257	Laundry & Cleaning Services	100.14	0.00	100.14	
			4057364304	Clothing, Uniforms & Access	10.67	0.00	10.67	
			4057364307	Laundry & Cleaning Services	74.35	0.00	74.35	
			4057364334	Clothing, Uniforms & Access	44.10	0.00	44.10	
			4057364341	Laundry & Cleaning Services	9.93	0.00	9.93	
			4057364367	Laundry & Cleaning Services	172.74	0.00	172.74	
			4057364405	Laundry & Cleaning Services	173.62	0.00	173.62	
			4057364423	Laundry & Cleaning Services	319.56	0.00	319.56	
			4057364456	Laundry & Cleaning Services	21.90	0.00	21.90	
			4057364458	Laundry & Cleaning Services	17.75	0.00	17.75	
			4057364463	Laundry & Cleaning Services	22.56	0.00	22.56	
			4057364496	Laundry & Cleaning Services	36.47	0.00	36.47	
			4057364535	Laundry & Cleaning Services	17.08	0.00	17.08	
			4058011660	Laundry & Cleaning Services	9.93	0.00	9.93	
			4058634731	Laundry & Cleaning Services	9.93	0.00	9.93	
			4059261615	Laundry & Cleaning Services	9.93	0.00	9.93	
			4059927058	Laundry & Cleaning Services	9.93	0.00	9.93	
			4060585574	Laundry & Cleaning Services	9.93	0.00	9.93	
			4061190757	Laundry & Cleaning Services	9.93	0.00	9.93	
			4062558957	Laundry & Cleaning Services	9.93	0.00	9.93	
			4063234190	Laundry & Cleaning Services	9.93	0.00	9.93	
xxx328109	10/8/20	EMERGENCY MEDICAL SERVICES	27680-1911	Training and Conferences	450.00	0.00	450.00	\$1,747.00
		AUTHORITY	27680-1912	Training and Conferences	667.00	0.00	667.00	
			27680-2001	Training and Conferences	593.00	0.00	593.00	
			27680-2002	Training and Conferences	37.00	0.00	37.00	
			27000 2002	5				

#### City of Sunnyvale

#### **LIST # 046** List of All Claims and Bills Approved for Payment For Payments Dated 10/4/2020 through 10/10/2020

#### **Sorted by Payment Number**

Payment	Payment							
No.	Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
xxx328110	10/8/20	PACIFIC GAS & ELECTRIC CO	03142830050920	Utilities - Electric	33,852.49	0.00	33,852.49	\$56,762.16
			03153947310920	Utilities - Electric	18,917.77	0.00	18,917.77	
			03955461530920	Utilities - Electric	1,457.96	0.00	1,457.96	
			03958470700920	Utilities - Electric	2,430.44	0.00	2,430.44	
			91271084620920	Utilities - Electric	24.42	0.00	24.42	
			91290311060920	Utilities - Electric	79.08	0.00	79.08	
xxx328111	10/8/20	SANTA CLARA COUNTY DISTRICT	CR20-210	Return of Seized, Forfeiture or Found	13,330.00	0.00	13,330.00	\$13,330.00
		ATTORNEY		Funds				
xxx328112	10/8/20	UNITED STATES POSTAL SERVICE	BOX3707-SEP20	Equipment Rental/Lease	1,390.00	0.00	1,390.00	\$1,390.00
xxx328113	10/8/20	840 DEL REY LLC	178649-49398	Refund Utility Account Credit	744.86	0.00	744.86	\$744.86
xxx328114	10/8/20	BENYAMIN KASEB DANANDEH	CASE#19-9424	Return of Seized, Forfeiture or Found	915.00	0.00	915.00	\$915.00
				Funds				
xxx328115	10/8/20	BREAK LINE CONSULTING	067220	Business License Tax	39.95	0.00	39.95	\$39.95
xxx328116	10/8/20	CAMBRIOS ADVANCED MATERIALS	184173-49062	Refund Utility Account Credit	1,384.17	0.00	1,384.17	\$1,384.17
		CORP						
xxx328117	10/8/20	CEO BUSINESS CENTER	054760	Business License Tax	1,390.57	0.00	1,390.57	\$1,390.57
xxx328118	10/8/20	COLUMBIA ELECTRIC INC	200777-57096	Refund Utility Account Credit	3,642.45	0.00	3,642.45	\$3,642.45
xxx328119	10/8/20	DE ANZA APPLIANCE PARTS & SERVICE	078046	Business License Tax	217.60	0.00	217.60	\$217.60
		INC						
xxx328120	10/8/20	NICHOLAS CRAFT	198543-12940	Refund Utility Account Credit	308.63	0.00	308.63	\$308.63
xxx328121	10/8/20	PAUL EISENMAN	068075	Business License Tax	44.51	0.00	44.51	\$44.51
xxx000571	10/10/20	CALIFORNIA PUBLIC EMP RETIREMENT		Insurances - Retiree Medical - PERS	470,652.71	0.00	470,652.71	\$1,700,205.04
		SYSTEM	10000001618111	Insurances - Medical	1,229,552.33	0.00	1,229,552.33	
xxx906722	10/6/20	KEENAN & ASSOCIATES		Workers' Compensation - Claims	50,250.57	0.00	50,250.57	\$50,250.57
xxx906723	10/6/20	JPMORGAN CHASE BANK N A		Bond Interest	4,322.22	0.00	4,322.22	\$707,122.22
			14SLDWST1020	Bond Principal	702,800.00	0.00	702,800.00	
xxx906725	10/6/20	US BANK	09302020	Insurances - OPEB Trust Contribution	891,000.00	0.00	891,000.00	\$891,000.00
xxx906726	10/6/20	KEENAN & ASSOCIATES	2020-0916	Workers' Compensation - Claims	63,765.17	0.00	63,765.17	\$63,765.17

**Grand Total Payment Amount** \$9,233,552.77



#### City of Sunnyvale

#### Agenda Item

**20-0244** Agenda Date: 10/27/2020

#### REPORT TO COUNCIL

#### **SUBJECT**

Appoint a City of Sunnyvale Community Member Representative to the Valley Transportation Authority Bicycle and Pedestrian Advisory Committee

#### **BACKGROUND**

The Santa Clara Valley Transportation Authority (VTA) has requested that the City of Sunnyvale appoint a community representative to the VTA Bicycle and Pedestrian Advisory Committee (BPAC) (Attachment 1).

The VTA BPAC was formed in 1998 and is a 17-member committee that advises VTA's Board of Directors on planning and funding issues for bicycle and pedestrian projects in the county. The VTA BPAC bylaws (Attachment 2) specify that each Member Agency appoints one individual as a community representative of its local bicycle advisory committee. BPAC members are appointed for a two-year term that ends on June 30 of even-numbered years. Typical duties of the Community Member Representative are to:

- Provide advice to the Board of Directors regarding funding priorities for bicycle and pedestrian projects in the county.
- Review and provide comments to VTA staff regarding plans and designs for an effective countywide bikeway and pedestrian system, updates of the Countywide Bicycle Plan and Countywide Bicycle Map, bicycle and pedestrian element of the countywide transportation plan, and bicycle-related issues affecting the transit system.
- Make recommendations to the Board of Directors and County Board of Supervisors through the Roads Commission regarding the Countywide annual priority list of bicycle and pedestrian projects for the TDA Article 3 program, and regarding the annual Expressway Sidewalk Program project selections.
- Coordinate with bicycle and pedestrian advisory committees of other agencies on multijurisdictional bicycle and pedestrian issues.
- Serve as the countywide bicycle and pedestrian advisory committee for the County of Santa C lara, providing input and recommendations through the Roads Commission.

The term of Sunnyvale's current BPAC representative, David Simons, expired on June 30. Mr. Simons remains seated until the City makes a new appointment.

Sunnyvale has been asked to make an appointment to the VTA BPAC. The appointee will serve a two -year term that begins retroactively on July 1, 2020 and ending on June 30, 2022. Members may remain seated until the local jurisdiction makes a new subsequent appointment.

Members must live and/or work in Santa Clara County during their term and may be re-appointed to

**20-0244** Agenda Date: 10/27/2020

multiple and consecutive terms. The VTA asks that the appointee not be a staff member of either VTA or the Member Agency they represent, and that the appointee preferably be a representative from the City's BPAC.

#### **EXISTING POLICY**

General Plan - Chapter 3 Land Use and Transportation Element

Policy LT-1.1 Participate in coordinated land use and transportation planning in the region.

#### **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**

Timothy Oey is a current member of the City's BPAC. He started serving on the Sunnyvale BPAC in June 2016. He is currently serving his second term, which will end on June 30, 2024. Mr. Oey also served as the Vice-Chair of the BPAC between July 1, 2017 and June 30, 2018.

At its September 17, 2020 meeting, the Sunnyvale BPAC voted to recommend the appointment of Mr. Timothy Oey as Sunnyvale's VTA BPAC representative for a two-year term, which begins retroactively on July 1, 2020 and ends on June 30, 2022.

The vote was 7-0.

(Attachment 3 - Excerpt from Draft BPAC Meeting Minutes)

#### FISCAL IMPACT

None

#### **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.

#### RECOMMENDATION

Appoint Mr. Timothy Oey as Sunnyvale's community member representative for the Santa Clara Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee for a two-year term, which begins retroactively on July 1, 2020 and ends on June 30, 2022.

Prepared by: Lillian Tsang, Principal Transportation Engineer Reviewed by: Dennis Ng, Transportation and Traffic Manager

Reviewed by: Chip Taylor, Director, Public Works Reviewed by: Jaqui Guzmán, Deputy City Manager

Approved by: Kent Steffens, City Manager

#### **ATTACHMENTS**

1. Valley Transportation Authority Letter of Request for BPAC Appointment

**20-0244** Agenda Date: 10/27/2020

2. Valley Transportation Authority Bylaws for Bicycle & Pedestrian Advisory Committee

3. Excerpt of Draft Minutes of the Bicycle and Pedestrian Advisory Commission Meeting of September 17, 2020

September 8, 2020

Kent Steffens City Manager City of Sunnyvale 456 West Olive Avenue Sunnyvale, CA 94088

Subject: Appointment to VTA BPAC for Upcoming Term

Dear Mr. Steffens:

This is to request that the City of Sunnyvale appoint its representative to VTA's Bicycle & Pedestrian Advisory Committee (BPAC) for the two-year term.

The BPAC is a 17-member committee that advises VTA's Board of Directors on planning and funding issues for bicycle and pedestrian projects in the county. As a VTA Member Agency, the City of Sunnyvale has one voting position on this committee.

The BPAC bylaws specify that each Member Agency appoints one individual as a representative of its local bicycle advisory committee. Member Agencies that do not have such a committee may appoint an individual interested in bicycle or pedestrian issues. BPAC Members are appointed for a two-year term that ends on June 30 of even-numbered years and may be re-appointed to multiple and consecutive terms. Members must live and/or work in Santa Clara County during their term, and cannot be staff of either VTA or the Member Agency they represent. All BPAC appointments require ratification by the VTA Governance and Audit Committee. A copy of the BPAC bylaws is attached for your convenience.

The term of Sunnyvale's current BPAC representative, David Simons, has expired.

We request the City of Sunnyvale initiate the action necessary to either reappoint Mr. Simons or appoint another representative for the two-year term that begins retroactively on July 1, 2020. As a reminder, the appointing authority may remove or replace place its BPAC representative anytime during the term, subject to the replacement appointee meeting the stated eligibility requirements and ratification by the VTA Governance and Audit Committee.

When Sunnyvale has selected its appointee, please notify VTA in writing indicating your appointee's name, full address and contact information. If appointing a new member, the memo should also include the appointee's daytime telephone number, email address, and a brief biography (usually one or two paragraphs maximum that indicates their background, occupation, education, employer, how long they have lived in the area, etc.).

For expediency and surety, please scan and email the signed letter and/or mail the original to:

e-mail: board.secretary@vta.org

U.S. Mail: VTA Board Secretary

3331 North First Street, Building B

San Jose, CA 95134-1906

Your assistance with this appointment will be greatly appreciated. If you have questions, please contact either Michelle Oblena, Advisory Committee Coordinator, at (408) 321-5814 or myself at (408) 321-7578.

Sincerely,

Elaine F. Baltao

VTA Board Secretary

cc: Dennis Ng, Technical Advisory Committee (TAC) Member Lillian Tsang, TAC Alternate Member VTA Office of the Board Secretary file

#### BYLAWS FOR BICYCLE & PEDESTRIAN ADVISORY COMMITTEE

#### Article I GENERAL PROVISIONS

#### §1.1 Purpose

These Bylaws govern the proceedings of the VTA Bicycle & Pedestrian Advisory Committee (BPAC), an advisory Committee established by the Board of Directors of the Santa Clara Valley Transportation Authority (VTA).

#### **§1.2** Construction of Bylaws

Unless the provisions or the context of these Bylaws otherwise require, the general provisions, rules of construction and definitions set forth in Chapter 1 of the VTA Administrative Code shall govern the construction of these Bylaws. As used in these Bylaws, "Committee" means the VTA Bicycle & Pedestrian Advisory Committee. These Bylaws shall govern the Committee's proceedings to the extent they are not inconsistent with VTA's Administrative Code, or law.

#### §1.3 Definitions

- a. As used in these Bylaws, "chairperson" means the chairperson of the Committee.
- b. As used in these Bylaws, "secretary" means the secretary of the Committee.
- c. As used in these Bylaws, "Member Agency" means the County of Santa Clara or a city within the county.

# Article II DUTIES AND AUTHORITY

#### **§2.1** Mission and Duties

The BPAC is an advisory committee to the Board of Directors. The mission and duties of the Committee shall be:

#### **MISSION**:

The VTA BPAC provides expertise and guidance to the Board of Directors on promoting and enhancing non-motorized transportation opportunities throughout Santa Clara County and serves as liaison between VTA and the Member Agency bicycle and pedestrian advisory committees.

#### **DUTIES**:

- a. Provides advice to the Board of Directors regarding funding priorities for bicycle and pedestrian projects in the county.
- b. Reviews and provides comments to VTA staff regarding plans and designs for an effective countywide bikeway and pedestrian system, updates of the Countywide Bicycle Plan and Countywide Bicycle Map, bicycle and pedestrian element of the countywide transportation plan, and bicycle-related issues affecting the transit system.
- c. Make recommendations to the Board of Directors and County Board of Supervisors through the Roads Commission regarding the Countywide annual priority list of bicycle and pedestrian projects for the TDA Article 3 program, and regarding the annual Expressway Sidewalk Program project selections.
- d. Coordinate with bicycle and pedestrian advisory committees of other agencies on multi-jurisdictional bicycle and pedestrian issues.
- e. Serve as the countywide bicycle and pedestrian advisory committee for the County of Santa Clara, providing input and recommendations through the Roads Commission.

#### §2.2 Limitations

The Committee shall serve in an advisory capacity to the Board of Directors. It shall have no independent duties and no authority to take actions that bind VTA or the Board of Directors. No expenditures or requisitions for services and supplies shall be made by the Committee and no individual member thereof shall be entitled to reimbursement for travel or other expenses except as authorized by the Board of Directors.

#### Article III MEMBERSHIP

#### §3.1 Membership

The Committee shall be composed of 16 voting members and one exofficio member who are bicyclists or pedestrians. All members shall live or work, or both, in Santa Clara County during their terms on the Committee. VTA employees are not eligible for membership. The Board of Directors shall ratify the appointments of all members of the Committee.

It is the expectation that each member will keep the appropriate staff of their appointing Member Agency informed of key issues, facilitate communication between those entities and VTA, and help resolve and build general consensus on issues pertinent to the Committee.

It shall also be each member's responsibility to actively and reliably participate in the BPAC's execution of its Mission and Duties.

#### **Voting Members**

Committee members shall be representatives of local bicycle or pedestrian advisory committees, or, for Member Agencies that do not have a local bicycle or pedestrian advisory committee, shall be other individuals interested in bicycle or pedestrian issues. Each Member Agency shall appoint one member. Committee members may not be an employee of the Member Agency they represent.

#### Ex-officio Member

The Silicon Valley Bicycle Coalition (SVBC) may appoint one ex-officio member and one alternate, who shall not be counted for purposes of establishing a quorum and who shall have no voting rights.

#### §3.2 Members' Terms

The term of membership of each Committee member shall be two fiscal years, commencing on July 1 of even-numbered years and ending on the second successive June 30. Members may be appointed to successive terms.

#### §3.3 Vacancies

A vacancy in a member's position shall be filled for the remainder of the term by the Member Agency or other body which made the original appointment.

#### §3.4 Representative to Citizens Advisory Committee

The Committee shall also appoint one individual from its membership to serve as a voting member of VTA's Citizens Advisory Committee (CAC), to provide communication and collaboration between the two committees. Appointment of this position is subject to the following provisions:

- a. The representative must be a voting BPAC member while on the CAC and must be in good standing.
- b. The representative must meet all established CAC membership requirements during their term on the CAC.
- c. The term of appointment shall be two years, commencing on July 1 of evennumbered years. The representative may be reappointed for successive terms.
- d. The representative shall serve on the CAC until resignation from the position or the BPAC, or removal by the Committee or the Board.
- e. Appointment by the Committee requires approval by the membership as provided in Section 5.4.
- f. Appointment requires ratification by the Board of Directors.
- g. Vacancies shall be filled for the remainder of the term by the Committee following the established appointment process and all established criteria for the position.

#### Article IV OFFICERS

#### §4.1 Chairperson and Vice Chairperson

The Committee shall elect from its membership a chairperson and a vice chairperson at its last meeting of the calendar year, to serve for a one year term effective January 1 of the next calendar year. In the event of a vacancy in the chairperson's position, the vice chairperson shall succeed as chairperson for the balance of the chairperson's term and the Committee shall elect a successor to fill the vacancy in the vice chairperson's position as provided below. In the event of a vacancy in the vice chairperson's position, the Committee shall elect a successor from its membership to fill the vice chairperson's position for the remainder of the vice chairperson's term.

The chairperson shall preside at all meetings of the Committee and represent the Committee before the Board of Directors. The chairperson, in consultation with the Committee staff liaison, may identify items of interest for future agendas that are relevant to the Committee's duties and responsibilities.

The vice chairperson shall perform the duties of the chairperson when the chairperson is absent.

The Committee shall appoint a nominating committee to nominate Committee members for the positions of chairperson and vice chairperson. Members willing to serve in either of these positions may submit their names to the nominating committee for nomination. Members may also submit names of other members for nomination. The nominating committee shall verify that members whose names have been submitted are willing serve in those positions. The nominating committee shall submit to the Committee the names of those members whom it has nominated and recommends for election. Notwithstanding these procedures, any member may nominate a member from the floor.

#### §4.2 Secretary

The General Manager shall furnish staff services to prepare and distribute the Committee's agendas, notices, minutes, correspondence, and other documents and will assign an employee to attend each regular meeting of the Committee to serve in the capacity as the Committee's secretary. The secretary shall maintain a record of all proceedings of the Committee as required by law and shall perform other duties as provided by these Bylaws.

#### Article V MEETINGS

#### **§5.1** Regular Meetings

Regular meetings of the Committee shall generally be held on the Wednesday following the first Thursday of each month. The committee meeting shall commence at 6:30 p.m. at the VTA Administrative Offices, 3331 North First Street, San Jose, California. Whenever a regular meeting falls on a holiday observed by VTA, the meeting shall be held on another day or cancelled at the direction of the Committee. Meetings that last beyond 8:00 p.m. may have agenda items postponed to a future meeting, to be decided by the committee chairperson in consultation with the committee staff liaison and the Board Secretary or representative. A rescheduled regular meeting shall be designated a regular meeting.

#### §5.1A Workshop Meetings

Workshop meetings of the Committee are meetings in which agenda does not call for the Committee to take action (no voting is conducted). Because no action by the Committee will take place, the Board Secretary may choose to provide limited support. Workshops shall generally be held in lieu of a regular meeting and, where possible, be conducted at the normal regular meeting time. The workshop meeting shall be called and noticed as provided in Section 5.3.

#### §5.2 Special Meetings

A special meeting may be called by the chairperson with the approval of the General Manager. The meeting shall be called and noticed as provided in Section 5.3 below. (For a general description of the noticing procedures, see the Rules of Procedure of the Board of Directors.)

#### **§5.3** Calling and Noticing of Meetings

All meetings shall be called, noticed, and conducted in accordance with the applicable provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code). The General Manager and General Counsel shall be given notice of all meetings. The Committee shall conduct a maximum combination of 10 regular and workshop meetings per year. For purposes of this limit, regular and workshop meetings held on the same day will be considered one event. The Committee shall conduct at least one meeting every three months, unless the Committee's activities are suspended.

#### §5.4 Quorum; Vote; Committee of the Whole

The presence of nine members shall constitute a quorum for the transaction of business. All acts of the Committee shall require the presence of a quorum and the affirmative vote of a majority of the total membership. At any regularly called meeting not held because of a lack of quorum, the members present may constitute themselves a "committee of the whole" for the purpose of discussing matters on the agenda of interest to the Committee members present. The committee of the whole shall automatically cease to exist if a quorum is present at the meeting.

#### §5.5 [Reserved]

#### **§5.6** Thirty Minute Rule

If a quorum has not been established within thirty minutes of the noticed starting time for the regular meeting, Board Office staff may be excused from further attendance at the meeting.

#### §5.7 Absences

If a member is absent from four Committee meetings (regular and workshop; attendance is not counted for special meetings) in any twelve-month period, the position shall automatically be vacated, and a successor shall be appointed to fill the remainder of that member's term.

#### §5.8 Matters Not Listed on the Agenda Requiring Committee Action

Except as provided below, a matter requiring Committee action shall be listed on the posted agenda before the Committee may act upon it. The Committee may take action on items not appearing on the posted agenda only upon a determination by a two-thirds vote of the Committee, or if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action AND the need to take action came to the attention of the Committee subsequent to the agenda being posted.

#### §5.9 Time Limits for Speakers

Each member of the public appearing at a Committee meeting shall be limited to two minutes in his or her presentation, unless the chairperson, at his or her discretion, permits further remarks to be made. Any person addressing the Committee may submit written statements, petitions, or other documents to complement his or her presentation.

#### §5.10 Impertinence; Disturbance of Meeting

Any person making personal, impertinent or indecorous remarks while addressing the Committee may be barred by the chairperson from further appearance before the Committee at that meeting, unless permission to continue is granted by an affirmative vote of the Committee. The chairperson may order any person removed from the Committee meeting who causes a disturbance or interferes with the conduct of the meeting, and the chairperson may direct the meeting room cleared when deemed necessary to maintain order.

#### §5.11 Access to Public Records Distributed at Meeting

Writings which are public records and which are distributed during a committee meeting shall be made available for public inspection at the meeting if prepared by VTA or a member of the Committee, or after the meeting if prepared by some other person.

# Article VI AGENDAS AND MEETING NOTICES

#### §6.1 Agenda Preparation

The secretary shall prepare the agenda for each meeting in consultation with VTA staff and the chairperson. Material intended for placement on the agenda shall be delivered to the secretary on or before 12:00 Noon on the date established as the agenda deadline for the forthcoming meeting. The secretary may withhold placement on the agenda of any matter which is not timely received, lacks sufficient information, or is in need of staff review and report prior to Committee consideration. Any member of the

Committee may request that such withheld matter be placed on the agenda by contacting the secretary in advance of the meeting.

#### §6.2 Agenda Format & Development

The agenda shall specify the starting time and location of the meeting and shall contain a brief general description of each item of business to be transacted or discussed at the meeting. The description shall be reasonably calculated to adequately inform the public of the subject matter of each agenda item. The agenda shall also display the Board-adopted mission statement for the Committee.

Items may be referred for inclusion on an agenda by: (1) the Board of Directors; (2) the General Manager; (3) the Committee Chairperson; and (4) the Committee, with a quorum present and upon the affirmative vote of a majority of the members present. The order of business shall be established by the secretary with the approval of the chairperson.

#### **§6.3** Public Presentations

Each agenda for a regular meeting shall provide an opportunity for members of the public to address the Committee on matters of interest to the public either before or during the Committee's consideration of the item, if it is listed on the agenda, or, if it is not listed on the agenda but is within the jurisdiction of the Committee, under the agenda item heading "Public Presentations." The Committee shall not act upon an item that is not listed on the agenda except as provided under Section 5.8. Each notice for a special meeting shall provide an opportunity for members of the public to directly address the Committee concerning any item that has been described in the notice for the meeting before or during consideration of that item.

#### §6.4 Agenda Posting and Delivery

The written agenda for each regular meeting and each meeting continued for more than five calendar days shall be posted by the secretary at least 72 hours before the meeting is scheduled to begin. The written agenda for every special meeting shall be posted by the secretary at least 24 hours before the special meeting is scheduled to begin. The agenda shall be posted in a location that is freely accessible to members of the public. The agenda together with supporting documents shall be delivered to each Committee member, the General Manager, and General Counsel at least five days before each regular meeting and at least 24 hours before each special meeting.

#### **§6.5** Meeting Notices

The secretary shall mail notice of every regular meeting, and every special meeting which is called at least one week prior to the date set for the meeting, to each person which has filed with VTA a written request for notice as provided in Section 54954.1 of the Government Code. The notice shall be mailed at least 72 hours prior to the date set for the meeting, in accordance with the Ralph M. Brown Act. In lieu of

mailing, notices may be emailed to any person who so requests in writing. Notice of special meetings called less than seven days prior to the date set for the meeting shall be given as the secretary deems practical.

## Article VII MISCELLANEOUS

#### §7.1 Adoption and Amendment of Bylaws

These Bylaws may be amended by the Committee by the affirmative vote of a majority of its total authorized membership and with the approval of the Board of Directors.

#### §7.2 Rosenberg's Rules

All rules of order not herein provided for shall be determined in accordance with *Rosenberg's Rules of Order*, latest edition.

Adopted by Board of Directors: December 10, 1998

Amended by Board of Directors: December 14, 2000

Amended by Board of Directors: June 5, 2003 Amended by Board of Directors: March 4, 2004 Amended by Board of Directors: September 1, 2005 Amended by Board of Directors: March 1, 2007

Amended by Board of Directors: October 2, 2008 Amended by Board of Directors: June 3, 2010 (1) Amended by Board of Directors: April 5, 2012

Amended by Board of Directors: December 11, 2014 to take effect January 1, 2015

(1) In 2010, the Board of Directors, based on recommendations from the Advisory Committee Enhancement Process, approved converting two existing VTA Citizens Advisory Committee (CAC) positions to two voting members appointed by the Committee for Transit Accessibility (CTA) and the Bicycle & Pedestrian Advisory Committee (BPAC). These representatives will be from the respective committee's current membership and must meet established CAC membership requirements, including Board of Directors approval.

**September 17, 2020** 

Recommend to City Council a Sunnyvale Representative to the Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee (BPAC)

Ralph Garcia, Senior Transportation Engineer, stated there needs to be a motion to recommend to City Council a Sunnyvale Representative to the Valley Transportation Authority Bicycle and Pedestrian Advisory Committee. Mr. Garcia pointed out the following key points in the by-laws:

- All members shall work/live in the Santa Clara County during their terms on the committee
- VTA employees are not eligible as well as any staff members from the agency that they represent
- Each member will keep the appropriate staff of their appointing member agency informed of key issues
- 2 year term, expires on June 30 of even numbered years

Chair Mehlinger opened for Public Comment. Chair Mehlinger closed for Public Comment.

Commissioner Cordes commented on the following:

- Thanked Mr. Simons for his time spent as the VTA BPAC Representative
- VTA BPAC Representatives are usually on their appointing City's BPAC
- Would like to be considered as the Sunnyvale VTA BPAC Representative but cannot due to being a VTA BPAC Ex-officio Member appointed by the Silicon Valley Bicycle Coalition

Chair Mehlinger called for a recess at 6:47 p.m. Chair Mehlinger reconvened the meeting at 6:52 p.m.

Commissioner Oey asked about the time commitment being a VTA BPAC Representative. Commissioner Cordes addressed the question.

Chair Mehlinger announced that the Commission will come back to Public Hearings/General Business agenda item #20-0826. The Commission will come back to Public Hearings/General Business agenda item #20-0826 by General Consent.

Recommend to City Council a Sunnyvale Representative to the Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee (BPAC)

Chair Mehlinger opened for Public Comment.

Dave Simons, member of the public, commented on the following:

- Recommendations on the selection of picking a new VTA BPAC Representative
- Would consider doing another term

Chair Mehlinger closed the Public Comment.

Commissioner Oey stated he would be interested in being the VTA BPAC Representative.

MOTION: Commissioner Cordes moved and Vice Chair Mehlman seconded to

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appoint Commissioner Oey as the Sunnyvale Representative to the VTA BPAC.

FRIENDLY AMENDMENT: Chair Mehlinger made a friendly amendment to recommend to City Council to appoint Commissioner Oey as the Sunnyvale Representative to the VTA BPAC. Commissioner Cordes accepts the friendly amendment.

Commissioner Cordes commented on the following:

- Thanked Commissioner Simons for all his hard work as the VTA BPAC Representative.
- It is appropriate to have an existing BPAC Commissioner as the VTA BPAC Representative like other cities.
- Commissioner Oey knows many people at VTA and is a BPAC Commissioner. Commissioner Oey is a hard worker and would do a great job representing the BPAC.

Vice Chair Mehlman commented on the following:

- Agreed with Commissioner Cordes' comments
- Thanked Commissioner Simons for his many years of service
- Commissioner Oey will provide concise and meaningful reports to the BPAC

Commissioner Oey commented on the following:

- Thanked the Commission for their recommendation
- Thanked Commissioner Simons for his years of service

Chair Mehlinger asked Commissioner Oey if he were to get appointed by the City Council as the VTA BPAC Representative, would he carry out this role as a long term position. Commissioner Oey stated that he would be in the position long term.

Chair Mehlinger thanked Commissioner Simons for his many years of service.

The amendment carried by the following vote:

Yes 7 - Chair Mehlinger

Vice Chair Mehlman

**Commissioner Cordes** 

Commissioner Davé

Commissioner Hafeman

Commissioner Oey

Commissioner Swail

**Bicycle and Pedestrian Advisory Commission** 

**Meeting Minutes - Draft Excerpt** 

**September 17, 2020** 

**No** 0

# Sunnyvale

#### City of Sunnyvale

#### Agenda Item

**20-0804** Agenda Date: 10/27/2020

#### REPORT TO COUNCIL

#### **SUBJECT**

Award of Contract to Kimley Horn & Associates, Inc., for Signal Coordination and Timing Optimization (F20-144)

#### STAFF RECOMMENDATION

Take the following actions:

- Award a Consultant Services Agreement in the amount not-to-exceed \$372,050 insubstantially the same form as Attachment 1 to the report to Kimley Horn & Associates, Inc.;
- Approve a 10% contingency in the amount of \$37,205; and
- Authorize the City Manager to execute the contract when all necessary conditions have been met.

#### BASIS FOR RECOMMENDATION

A Request for Proposals (RFP) was posted on DemandStar on April 9, 2020 and distributed to multiple California firms. Five proposals were received on May 7, 2020. Kimley Horn & Associates, Inc. was selected as the top proposer. A detailed scope of work is included in Attachment 1 and List of Traffic Corridors in Attachment 3.

#### **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(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

#### FISCAL IMPACT

Funding is available in the projects outlined below and Project Information Sheets from the FY 2020/21 Adopted Budget are included as Attachment 2.

Project Name	Project Number	Amount
Tasman-Java LRT Corridor Signal Timing	834520	\$85,887.00
Maude Avenue Corridor Signal Timing	834530	\$33,417.00
Mathilda-Sunnyvale-Saratoga Corridor Signal Timing	834540	\$191,927.00
Duane Avenue Traffic Signals Retiming	835060	\$45,900
Wolfe Road Traffic Signals Retiming	835070	\$116,600.00
Homestead Road Traffic Signals Retiming	835080	\$61,100.00
Bernardo Avenue Traffic Signals Retiming	835090	\$40,200.00
Kifer Road Traffic Signals Retiming	835100	\$39,100
Total		\$614,131.00

**20-0804** Agenda Date: 10/27/2020

These projects are funded in the Capital Projects - General Fund Assets Sub-Fund (385-100) by Santa Clara Valley Transportation Authority (VTA) Transportation Fund for Clean Air (TFCA) grant funds.

#### **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.

Approved by: Kent Steffens, City Manager

#### **ATTACHMENTS**

- 1. Draft Consultant Services Agreement
- 2. Project Funding Summary Table
- 3. List of Corridors

# DRAFT CONSULTANT SERVICES AGREEMENT BETWEEN CITY OF SUNNYVALE AND KIMLEY HORN & ASSOCIATES, INC. FOR DESIGN AND CONSTRUCTION SUPPORT SERVICES FOR SIGNAL COORDINATION TIMING AND OPTIMIZATION

THIS AGREEMENT, dated \_\_\_\_\_\_, is by and between the CITY OF SUNNYVALE, a municipal corporation ("CITY"), and KIMLEY HORN & ASSOCIATES, INC. ("CONSULTANT").

WHEREAS, CITY desires to secure professional services necessary for preparation of traffic signal coordination timing plans for implementation for a project known as Signal Coordination Timing and Optimization Project; and

WHEREAS, CONSULTANT represents that it, and its sub-consultants, if any, possess the professional qualifications and expertise to provide the required services and are licensed by the State of California to practice engineering in the required disciplines;

NOW, THEREFORE, THE PARTIES ENTER INTO THIS AGREEMENT.

#### 1. <u>Services by CONSULTANT</u>

CONSULTANT shall provide services in accordance with Exhibit "A" entitled "Scope of Work." All exhibits referenced in this Agreement are attached hereto and are incorporated herein by reference. To accomplish that end, CONSULTANT agrees to assign Brian Sowers, P.E. this project, to act in the capacity of Project Manager and personally direct the professional services to be provided by CONSULTANT.

Except as specified in this Agreement, CONSULTANT shall furnish all technical and professional services, including labor, material, equipment, transportation, supervision and expertise to perform all operations necessary and required to satisfactorily complete the services required in this Agreement.

#### 2. <u>Notice to Proceed/Completion of Services</u>

- (a) CONSULTANT shall commence services upon receipt of a Notice to Proceed from CITY. Notice shall be deemed to have occurred three (3) calendar days after deposit in the regular course of the United States mail.
- (b) When CITY determines that CONSULTANT has satisfactorily completed the services defined in Exhibit "A," CITY shall give CONSULTANT written Notice of Final Acceptance, and CONSULTANT shall not incur any further costs hereunder. CONSULTANT may request this determination of completion when, in its opinion, it has satisfactorily completed the Scope of Work (Exhibit "A"), and if so requested, CITY shall make this determination within fourteen (14) days of such request.

#### 3. Project Schedule

The Project Schedule is set forth in the attached Exhibit "A-1."

#### 4. Payment of Fees and Expenses

Payments shall be made to CONSULTANT on a monthly basis as set forth in the attached Exhibit "B" entitled "Compensation Schedule." All compensation will be based on monthly billings as provided in Exhibit "B." Compensation will not be due until said detailed billing is submitted to CITY within a reasonable time before payment is expected to allow for normal CITY processing. An estimate of the percent of total completion associated with the various categories of the services shall be furnished by CONSULTANT with said billing. When applicable, copies of pertinent financial records will be included with the submission of billing(s) for all direct reimbursables. Compensation shall not exceed the amounts set forth in Exhibit "B" for each phase. In no event shall the total amount of compensation payable under this agreement exceed the sum of Three Hundred Seventy Two Thousand Fifty and No/100 Dollars (\$372,050.00) unless upon written modification of this Agreement. All invoices, including detailed backup, shall be sent to City of Sunnyvale, attention Accounts Payable, P.O. Box 3707, Sunnyvale, CA 94088-3707.

CONSULTANT will be reimbursed as promptly as fiscal procedures will permit upon receipt by the CITY of itemized invoices in triplicate. Invoices shall be submitted no later than 45 calendar days after the performance of work for which CONSULTANT is billing. Invoices shall detail the work performed on each milestone and each project as applicable. Invoices shall follow the format stipulated in the Compensation Schedule and shall reference the project title. The final invoice must contain the final cost and all credits due CITY. The final invoice should be submitted within 60 calendar days after completion of CONSULTANT's work.

#### 5. No Assignment of Agreement

CONSULTANT bind themselves, their partners, successors, assigns, executors, and administrators to all covenants of this Agreement. Except as otherwise set forth in this Agreement, no interest in this Agreement or any of the work provided for under this Agreement shall be assigned or transferred, either voluntarily or by operation of law, without the prior written approval of CITY. However, claims for money due to or to become due to CONSULTANT from CITY under this Agreement may be assigned to a bank, trust company or other financial institutions, or to a trustee in bankruptcy, provided that written notice of any such assignment or transfer shall be first furnished to CITY. In case of the death of one or more members of CONSULTANT's firm, the surviving member or members shall complete the services covered by this Agreement. Any such assignment shall not relieve CONSULTANT from any liability under the terms of this Agreement.

#### 6. Consultant is an Independent Contractor

CONSULTANT is not an agent or employee of CITY but is an independent contractor with full rights to manage its employees subject to the requirements of the law. All persons employed by CONSULTANT in connection with this Agreement will be employees of CONSULTANT and not employees of CITY in any respect. CONSULTANT is responsible for obtaining statutory Workers' Compensation coverage for its employees.

#### 7. Consultant's Services to be Approved by a Registered Professional

All reports, costs estimates, plans and other documents which may be submitted or furnished by CONSULTANT shall be approved and signed by a qualified registered professional in the State of California. The title sheet for calculations, specifications and reports, and each sheet of plans, shall bear the professional seal, certificate number, registration classification, expiration date of certificate

and signature of the professional responsible for their preparation.

#### 8. Standard of Workmanship

CONSULTANT represents and maintains that it is skilled in the professional calling necessary to perform the services and its duties and obligations, expressed and implied, contained herein, and CITY expressly relies upon CONSULTANT's representations regarding its skills and knowledge. CONSULTANT shall perform such services and duties in conformance to and consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California.

The plans, designs, specifications, estimates, calculations reports and other documents furnished under the Scope of Work (Exhibit "A") shall be of a quality acceptable to CITY. The criteria for acceptance of the work provided under this Agreement shall be a product of neat appearance, well-organized, technically and grammatically correct, checked and having the maker and checker identified. The minimum standard of appearance, organization and content of the drawings shall be that used by CITY for similar projects.

#### 9. Responsibility of CONSULTANT

CONSULTANT shall be responsible for the professional quality, technical accuracy and the coordination of the services furnished by it under this Agreement. Neither CITY's review, acceptance nor payment for any of the services required under this Agreement shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement and CONSULTANT shall be and remain liable to CITY in accordance with applicable law for all damages to CITY caused by CONSULTANT's negligent performance of any of the services furnished under this Agreement.

Any acceptance by CITY of plans, specifications, calculations, construction contract documents, reports, diagrams, maps and other material prepared by CONSULTANT shall not, in any respect, absolve CONSULTANT for the responsibility CONSULTANT has in accordance with customary standards of good engineering practice in compliance with applicable Federal, State, County and/or municipal laws, ordinances, regulations, rules and orders.

#### 10. Right of CITY to Inspect Records of CONSULTANT

CITY, through its authorized employees, representatives, or agents, shall have the right, at any and all reasonable times, to audit the books and records including, but not limited to, invoices, vouchers, canceled checks, time cards of CONSULTANT for the purpose of verifying any and all charges made by CONSULTANT in connection with this Agreement. CONSULTANT shall maintain for a minimum period of three (3) years from the date of final payment to CONSULTANT or for any longer period required by law, sufficient books and records in accordance with generally accepted accounting practices to establish the correctness of all charges submitted to CITY by CONSULTANT. Any expenses not so recorded shall be disallowed by CITY.

#### 11. <u>Confidentiality of Material</u>

All ideas, memoranda, specifications, plans, calculations, manufacturing procedures, data, drawings, descriptions, documents, discussions or other information developed or received by or for

CONSULTANT and all other written information submitted to CONSULTANT in connection with the performance of this Agreement shall be held confidential by CONSULTANT and shall not, without the prior written consent of CITY be used for any purposes other than the performance of the Project services, nor be disclosed to an entity not connected with the performance of the Project services. Nothing furnished to CONSULTANT which is otherwise known to CONSULTANT or is or becomes generally known to the related industry shall be deemed confidential. CONSULTANT shall not use CITY's name, insignia or distribute exploitative publicity pertaining to the services rendered under this Agreement in any magazine, trade paper, newspaper or other medium without the express written consent of CITY.

#### 12. No Pledging of CITY's Credit

Under no circumstances shall CONSULTANT have the authority or power to pledge the credit of CITY or incur any obligation in the name of CITY.

#### 13. Ownership of Material

All material, including information developed on computer(s), which shall include, but not be limited to, data, sketches, tracings, drawings, plans, diagrams, quantities, estimates, specifications, proposals, tests, maps, calculations, photographs, reports and other material developed, collected, prepared or caused to be prepared, under this Agreement shall be the property of CITY, but CONSULTANT may retain and use copies thereof.

CITY shall not be limited, in any way, in its use of said material, at any time, for work associated with Project. However, CONSULTANT shall not be responsible for damages resulting from the use of said material for work other than Project, including, but not limited to the release of this material to third parties for work other than on Project.

#### 14. Hold Harmless/Indemnification

To the extent permitted by law (including, without limitation, California Civil Code section 2782.8), CONSULTANT agrees to indemnify, defend and hold harmless CITY, its officers and employees from any and all claims, demands, actions, causes of action, losses, damages, liabilities, known or unknown, and all costs and expenses, including reasonable attorneys' fees in connection with any injury or damage to persons or property to the extent arising out of any negligence, recklessness or willful misconduct of CONSULTANT, its officers, employees, agents, contractor, subcontractors or any officer, agent or employee thereof in relation to CONSULTANT's performance under this Agreement. In no event shall the cost to defend charged to the design professional exceed the design professional's proportionate percentage of fault. However, notwithstanding the previous sentence, in the event one or more defendants is unable to pay its share of defense costs due to bankruptcy or dissolution of the business, the design professional shall meet and confer with other parties regarding unpaid defense costs. Such defense and indemnification shall not apply in any instance of and to the extent caused by the sole negligence, recklessness or willful misconduct of CITY, its officers, employees, agents or representatives.

#### 15. <u>Insurance Requirements</u>

CONSULTANT shall take out and maintain 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."

#### 16. No Third Party Beneficiary

This Agreement shall not be construed or deemed to be an agreement for the benefit of any third party or parties and no third party or parties shall have any claim or right of action hereunder for any cause whatsoever.

#### 17. Notices

All notices required by this Agreement, other than invoices for payment which shall be sent directly to Accounts Payable, shall be in writing, and sent by first class with postage prepaid, or sent by commercial courier, to address below.

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.

To CITY: Jennifer Ng, Assistant Director of Public Works/City Engineer

Department of Public Works CITY OF SUNNYVALE

P. O. Box 3707

Sunnyvale, CA 94088-3707

To CONSULTANT: Kimley Horn & Associates, Inc.

Attn: Brian Sowers, P.E. 4637 Chabot Drive, Suite 300 Pleasanton, CA 94588

#### 18. Waiver

CONSULTANT agrees that waiver by CITY of any one or more of the conditions of performance under this Agreement shall not be construed as waiver(s) of any other condition of performance under this Agreement.

#### 19. <u>Amendments</u>

No alterations or changes to the terms of this Agreement shall be valid unless made in writing and signed by both parties.

#### 20. Integrated Agreement

This Agreement embodies the agreement between CITY and CONSULTANT and its terms and conditions. No verbal agreements or conversation with any officer, agent or employee of CITY prior to execution of this Agreement shall affect or modify any of the terms or obligations contained in any documents comprising this Agreement. Any such verbal agreement shall be considered as

unofficial information and in no way binding upon CITY.

#### 21. Conflict of Interest

CONSULTANT shall avoid all conflicts of interest, or appearance of conflict, in performing the services and agrees to immediately notify CITY of any facts that may give rise to a conflict of interest. CONSULTANT is aware of the prohibition that no officer of CITY shall have any interest, direct or indirect, in this Agreement or in the proceeds thereof. During the term of this Agreement CONSULTANT shall not accept employment or an obligation which is inconsistent or incompatible with CONSULTANT'S obligations under this Agreement.

#### 22. Governing Law, Jurisdiction and Venue

This Agreement shall be governed by and construed in accordance with the laws of the State of California, excluding its conflict 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. Records, Reports and Documentation

CONSULTANT shall maintain complete and accurate records of its operation, including any and all additional records required by CITY in writing. CONSULTANT shall submit to CITY any and all reports concerning its performance under this Agreement that may be requested by CITY in writing. CONSULTANT agrees to assist CITY in meeting CITY's reporting requirements to the state and other agencies with respect to CONSULTANT's work hereunder. All records, reports and documentation relating to the work performed under this Agreement shall be made available to City during the term of this Agreement.

#### 24. Termination of Agreement

- A. If CONSULTANT defaults in the performance of this Agreement, or materially breaches any of its provisions, CITY at its option may terminate this Agreement by giving written notice to CONSULTANT. In the event of such termination, CONSULTANT shall be compensated in proportion to the percentage of satisfactory services performed or materials furnished (in relation to the total which would have been performed or furnished) through the date of receipt of notification from CITY to terminate. CONSULTANT shall present CITY with any work product completed at that point in time.
- B. Without limitation to such rights or remedies as CITY shall otherwise have by law, CITY also shall have the right to terminate this Agreement for any reason upon ten (10) days' written notice to CONSULTANT. In the event of such termination, CONSULTANT shall be compensated in proportion to the percentage of services performed or materials furnished (in relation to the total which would have been performed or furnished) through the date of receipt of notification from CITY to terminate. CONSULTANT shall present CITY with any work product completed at that point in time.
- C. If CITY fails to pay CONSULTANT, CONSULTANT at its option may terminate this Agreement if the failure is not remedied by CITY within (30) days after written notification of failure to pay.

#### 25. Subcontracting

None of the services covered by this Agreement shall be subcontracted without the prior written consent of CITY. Such consent may be issued with notice to proceed if subcontract consultants are listed in the project work plan.

#### 26. Fair Employment

CONSULTANT shall not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, condition of physical handicap, religion, ethnic background or marital status, in violation of state or federal law.

#### 27. Changes

CITY or CONSULTANT may, from time to time, request changes in the terms and conditions of this Agreement. Such changes, which are mutually agreed upon by CITY and CONSULTANT, shall be incorporated in amendments to this Agreement.

#### 28. Other Agreements

This Agreement shall not prevent either Party from entering into similar agreements with others.

#### 29. 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.

#### 30. Captions

The captions of the various sections, paragraphs and subparagraphs, of the contract are for convenience only and shall not be considered nor referred to for resolving questions of interpretation.

#### 31. 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.

#### 32. Miscellaneous

Time shall be of the essence in this Agreement. Consultant shall not have liability for or be deemed in breach because of delays caused by any factor outside of its reasonable control, including but not limited to natural disaster, severe weather, or any mandatory governmental order. Failure on the part of either party to enforce any provision of this Agreement shall not be construed as a waiver of the right to compel enforcement of such provision or any other provision. This Agreement shall be governed and construed in accordance with the laws of the State of California. Due to the everchanging circumstances surrounding the COVID-19 Virus, situations may arise during the performance of this Agreement that affect availability of resources and staff of CONSULTANT, the

CITY, other consultants, and public agencies. There could be changes in anticipated delivery times, jurisdictional approvals, and project costs, and the parties agree to meet and confer within ten 10 days to come to a mutual agreement on revised project schedule. CONSULTANT will exercise reasonable efforts to overcome the challenges presented by current circumstances.

IN WITNESS WHEREOF, the parties have executed this Agreement.

ATTEST:	CITY OF SUNNYVALE ("CITY")
ByCity Clerk	ByCity Manager
	KIMLEY HORN & ASSOCIATES,INC. ("CONSULTANT")
APPROVED AS TO FORM:	Ву
	Name/Title
O'. Att	By
City Attorney	
	Name/Title

# Signal Coordination Timing and Optimization

## Exhibit A

## **SCOPE OF WORK**

The following is the Scope of Services to complete this project for the City of Sunnyvale in accordance with the RFP and our proposed Approach. The project consists of traffic signal optimization and development of weekday and weekend signal coordination timing plans for the following seventy-three (73) traffic signals:

# Mathilda Avenue/Sunnyvale-Saratoga Road Corridor:

- 7100 Mathilda Avenue & 1st Avenue/Bordeaux Drive
- 2. 7043 Mathilda Avenue & Java Drive
- 3. 7002 Mathilda Avenue & 5th Avenue
- 4. 7042 Mathilda Avenue & Innovation Way
- 5. 7041 Mathilda Avenue & Moffett Park Drive- 237 WB Ramps Caltrans
- 6. 7113 Mathilda Avenue & 237 EB Ramps Caltrans
- 7. 7061 Mathilda Avenue & Ross Drive Caltrans
- 8. Mathilda Avenue & 101 WB Ramps Caltrans
- 9. Mathilda Avenue & 101 EB Ramps Caltrans
- 10. 7075 Mathilda Avenue & Ahwanee Avenue
- 11. 7119 Mathilda Avenue & San Aleso Avenue
- 12. 7047 Mathilda Avenue & Maude Avenue
- 13. 7083 Mathilda Avenue & Indio Avenue
- 14. 7035 Mathilda Avenue & California Avenue
- 15. 7023 Mathilda Avenue & Washington Avenue
- 16. 7017 Mathilda Avenue & McKinley Avenue
- 17. 7072 Mathilda Avenue & Iowa Avenue
- 18. 7053 Mathilda Avenue & Olive Avenue
- 19. 5000 Mathilda Avenue & El Camino Real
- 20. 7126 Mathilda Avenue & Tennis Center
- 21. 7085 Mathilda Avenue & Sunnyvale-Saratoga-Talisman Drive
- 22. 7008 Sunnyvale-Saratoga Road & Remington Drive
- 23. 7048 Sunnyvale-Saratoga Road & Fremont Avenue
- 24. 7082 Sunnyvale-Saratoga Road & Cheyenne Drive-Connemara Way
- 25. 7077 Sunnyvale-Saratoga Road & Alberta Avenue-Harwick Way

#### Maude Avenue Corridor:

- 1. 7063 Maude Avenue & Macara Avenue
- 2. 7108 Maude Avenue & Mary Avenue
- 3. 7090 Maude Avenue & Pastoria Avenue
- 4. 7040 Maude Avenue & Borregas Avenue-N Sunnyvale Avenue

#### Java/Tasman Corridor:

- 1. 7101 Java Drive & Bordeaux Drive
- 2. 7044 Java Drive & Borregas Avenue
- 7092 Java Drive & Geneva Drive
- 4. 7045 Java Drive & Crossman Avenue
- 5. 7109 Fair Oaks Avenue & Fair Oaks Way

# Signal Coordination Timing and Optimization

- 6. 7089 Fair Oaks Avenue & Tasman Drive (Reference point only)
- 7. 7103 Tasman Drive & Vienna Drive
- 8. 7019 Tasman Drive & Birchwood Drive
- 9. 7020 Tasman Drive & Reamwood Avenue
- Tasman Drive & Adobe Wells Street

#### Kifer Road Corridor:

- 1. 7034 Kifer Road & Fair Oaks Avenue (Reference point only)
- 2. 7099 Kifer Road & Pedestrian Signal
- 3. 7098 Kifer Road & Semiconductor Drive
- 7025 Kifer Road & Costco/La Rambla

#### Wolfe Road Corridor:

- 1. 7062 Wolfe Road & Fair Oaks Avenue (Reference point only)
- 2. 7104 Wolfe Road & Stewart Drive
- 3. 7037 Wolfe Road & Argues Avenue
- 4. 7067 Wolfe Road & Central Expressway
- 5. 7034 Wolfe Road & Kifer Road
- 6. 7046 Wolfe Road & Evelyn Avenue
- 7. 7056 Wolfe Road & Old San Francisco Road/Reed Avenue
- 8. 7076 Wolfe Road & Iris Avenue
- 9. 7065 Wolfe Road & Maria Lane
- 10. Wolfe Road & El Camino Real Caltrans
- 11. 7005 Wolfe Road & Fremont Avenue
- 12. 7123 Wolfe Road & Marion Way
- 13. 7058 Wolfe Road & Inverness Way
- 14. Wolfe Road & Maude Avenue

## Homestead Road Corridor:

- 1. 7001 Homestead Road & Hollenbeck Avenue/DeAnza Boulevard
- 2. 7125 Homestead Road & Kennewick Way
- 3. 7059 Homestead Road & Mary Avenue
- 4. 7068 Homestead Road & Wright Way
- 5. 7117 Homestead Road & Bernardo Avenue
- 6. Homestead Road & Maxine Way Caltrans
- 7. 7127 Homestead Road & Belleville Way/Barranca Drive

## Bernardo Avenue Corridor:

- 1. 7111 Bernardo Avenue & Evelyn Avenue
- 2. 7080 Bernardo Avenue & Washington Avenue
- 3. Bernardo Avenue & El Camino Real Caltrans
- 4. 7009 Bernardo Avenue & Heatherstone Way

# Signal Coordination Timing and Optimization

#### **Duane Avenue Corridor:**

- 1. 7015 Duane Avenue & Fair Oaks Avenue (Reference point only)
- 2. 7133 Duane Avenue & Britton Avenue
- 3. 7054 Duane Avenue & DeGuigne Avenue
- 4. 7093 Duane Avenue & Stewart Drive
- 5. 7105 Duane Avenue & Lakeside Way

The tasks below include the scope of services as included in the RFP, although the task description and order has been modified slightly based upon the anticipated flow of the project. Additional details on methods used during each task and additional details on specific considerations for the corridors are noted in the Scope of Work.

## **Task 1: Project Management and Meetings**

This task includes project management related tasks and meetings to consist of preparation of invoices, budget oversight, adherence to project scheduling, and general project coordination. An initial kick-off meeting will be arranged with City and Caltrans staff to review and discuss some of the elements associated with signal timing and to review project schedule, deliverables, and develop consensus on the overall project and signal timing approach. The Kimley-Horn project manager and one additional staff person will attend the kick-off meeting. With your involvement, we will review the proposed project approach and deliverables, and will set timetables for consultant deliverables, City review periods, scheduling of implementation, and other administrative details. We will also collect any available data for the signal timing effort that is available from the City, including:

- Hard copies or electronic copies of the existing timing sheets for the intersections to be re-timed
- Collision data for the past three years, preferably including intersection collision diagrams
- Information of service requests/citizen complaints
- Historic turning movement counts (if available)
- Strava Metro historic pedestrian/bicycle counts

Other than the kick-off meeting, four (4) project meetings to be held in the City offices (if feasible) with Caltrans staff are anticipated. The primary purposes of the meetings will be to review the signal grouping and cycle length analysis and to review the recommended timing. The Kimley-Horn project manager and one staff person will attend each meeting.

Kimley-Horn anticipates communicating frequently with the City project manager, including having biweekly calls to discuss project progress.

#### Task 1 Deliverables:

- 1. Attendance at kick-off meeting
- 2. Attendance at four (4) in-person or online project meetings
- 3. Attendance at bi-weekly calls with the City to discuss projects

#### **Task 2: Data Collection**

# Task 2.1 Traffic Counts

Prior to collecting any counts, Kimley-Horn will inform the City staff of the days and times the counts will be collected for coordination with the City's Police Department and Street Maintenance Department.

# Signal Coordination Timing and Optimization

24-hour machine counts will be collected for seven days, at 15 minute drop intervals, at critical and City-approved locations along the project corridors. Directional ADT and vehicular speed counts will be collected at up to sixteen (16) locations. The 24-hour hose counts will be collected prior to the turning movement counts to identify the peak periods for traffic count data collection. Traffic counts will be reviewed by a senior staff member and the City to ensure that the numbers are reasonable. All traffic counts will be provided to the City in electronic Excel format. For the 24-hour traffic counts, Excel files will include raw volumes and a formatted summary file with graphs.

Weekday turning movement counts, including vehicular, pedestrian, and bicycle counts, will be collected for three (3) hours during the AM and PM weekday peak periods and two (2) hours during the AM and PM weekend peak periods at all seventy-three (73) project intersections. Weekday turning movement counts, including vehicular, pedestrian, and bicycle counts, will be collected for two (2) hours during the midday weekday peak period at all seventy-three (73) project intersections. Traffic counts will not be collected near holidays or during abnormal weather conditions, on school breaks, or periods of construction.

Kimley-Horn will verify with the City the hours and locations (for ADT counts) of the counts to be collected. The traffic counts will be collected on the highest volume day selected from the 72-hr consecutive counts between Tuesday and Thursday. Weekend counts will be collected on the selected Saturday.

# Task 2.2 "Before" Study

Kimley-Horn is proposing to modify the approach to "Before" study data collection. Throughout the history of working on signal timing projects, Kimley-Horn noticed that projects that run through the whole year tend to return different results on "Before" vs. "After" study, if those are performed during different seasons, and not always due to new implemented traffic signal timing. Due to that, Kimley-Horn is proposing to split the "Before" study into two parts.

An "Initial Before" floating car study will be conducted during the 15-30 minutes of each, AM, midday, and PM peak hour to understand the corridor conditions and calibrate the Synchro model. This study will be performed at the beginning of the project during the days that the counts are collected. A maximum of two (2) runs in each direction will be conducted for each corridor during each peak period.

A "Secondary Before" floating car study will be conducted for each corridor one or two weeks prior to implementation of recommended timing. The "Secondary Before" study will be collected on each corridor for two (2) hours each during the AM, midday, and PM weekday peak periods and the AM and PM weekend peak periods. A minimum of six runs in each direction will be conducted for each corridor during each peak period that data is collected. The "Secondary Before" study will be used for comparison and performance measure to the "After" floating vehicle study.

Prior to the travel time runs, we will review the corridors with the City and the methodology for collecting the data. The travel time data will be collected using an Excel based data collection method developed internally by Kimley-Horn. If desired by the City, GPS technology can be used to collect the travel time data. Kimley-Horn will submit the travel time data to the City in Excel format and will include a summary that shows the average travel time, average stops, total delay time, average speed, average free flow speed, and distance traveled.

In addition to travel time data, each run will be recorded using a digital camera mounted on the window of the car. This will allow us to further verify conditions along the corridor by reviewing the video

# Signal Coordination Timing and Optimization

afterward. The video data files collected during the "Before" study, which have very large file sizes, can be provided to the City if desired.

In addition to traditional floating car studies, Kimley-Horn will collect and analyze both historic and current INRIX travel time data to supplement the field data collected. INRIX data will be used to supplement the "Before" and "After" conditions and will also be used to measure travel time trends to understand when traffic is returning to pre-pandemic conditions. INRIX travel time data will be reviewed and monitored to help determine when traffic count data collection (Task 2.2) can begin.

## Task 2.3 Field Observation

An important aspect of signal timing is field observation of traffic conditions in order to better understand signal timing issues such as queuing problems, lost times, early or late release times, pedestrian demands, and phase operation.

A field review will be conducted during each of the study periods by the staff who will be developing the signal models. Field review will consist of driving each corridor to observe general traffic flow conditions and standing along the corridor to review intersection operations to understand queuing and split demand issues. Field review will include reviewing the major traffic generators in the study area and to obtain an overall knowledge of the traffic conditions. A traffic engineer can rarely develop an effective model without a comprehensive field review. Additional field information will be collected to assist with the signal timing study. This information includes:

- Existing lane geometry and physical roadway features
- Other roadway conditions, such as on-street parking locations, bus stop locations, truck traffic
- Saturation flow rates for typical movements
- Initial lost times for typical intersections
- Queue lengths at key intersection and along the corridors
- Locations and movements with un-even lane distribution
- Travel speeds between intersections and along the corridors

#### Task 2 Deliverables:

- 1. 24-hour machine counts in raw Excel format
- 2. 24-hour machine counts in summary Excel format
- 3. Turning movement counts for weekday and weekend periods in Excel format.
- 4. "Before" travel time studies in Excel

# **Task 3: Data Validation and Existing Conditions**

All collected data will be reviewed for reasonableness and to confirm that the traffic count data collected represents typical conditions. It is understood that the City may collect traffic data at selected locations and complete checks of the traffic data to confirm the data reasonableness. It should be noted that Kimley-Horn has seen traffic counts vary by as much as 10-15% on the daily and weekly basis. Therefore, Kimley-Horn will provide the City, as requested, videos of the turning movement count data collection to verify the counts collected.

Once the traffic data has been collected, the traffic signal timing model will be developed for the project intersections. Trafficware Synchro 9/10 software will be utilized for timing development. Traffic volumes,

# Signal Coordination Timing and Optimization

saturation flow rates, peak-hour factors, vehicle classification, and other traffic data collected will be entered into the model.

Once the traffic data has been entered into the traffic model, the model will be calibrated for existing conditions. Calibration of the model consists of verifying the input data and adjusting the model parameters so that the model output reasonably matches the observed conditions in the network. This is an important step in a retiming project because the effectiveness of the optimal timings depends on how closely the model represents the existing conditions. Factors collected in the field, such as saturation flow rates, peak hour factors, heavy vehicles percentages, parking maneuvers, pedestrian and bicycle conflicts, will be reflected in the Synchro model.

In addition, due to the current COVID-19 Pandemic, traffic count data may be reviewed and adjusted based upon historic traffic count data. Kimley-Horn will utilize available historic ADT counts, turning movement counts, and pedestrian/bicycle volumes (Strava Metro data) to review traffic count data collected. Based on the new data collected, along with a comparison of the historic data, adjustments may be made to the traffic count data to model pre-pandemic conditions rather than the "current" measured conditions.

Kimley-Horn will obtain existing measures of effectiveness (MOE), including delay, number of stops, travel time, and emissions from the models, and submit the models along with MOE to the City for review and approval during the submittal of Existing Conditions Report. In addition, Kimley-Horn will obtain Level of Service (LOS) measurement and compare the Synchro model results to City's minimum acceptable LOS.

As part of the existing conditions review, Kimley-Horn will conduct a review of the existing initial and actuated signal timing parameters, such as pedestrian clearances, initial green times, yellow and all red clearance intervals, and minimum and maximum green settings. The parameters will be reviewed based on the City standards or the latest California MUTCD standards. In addition, Kimley-Horn will conduct a review of the collision data to identify patterns that are susceptible to correction through signal timing.

Kimley-Horn will develop an Existing Conditions Report summarizing the existing traffic volumes, information collected in the field review, the existing conditions models, recommended changes to the initial timings, the collision review, and performance measures. A draft of the Existing Conditions Report, along with Synchro models, will be submitted to the City for review. A Final Existing Report, along with updated Synchro models, and response to City's comments memorandum, will be submitted afterwards.

#### Task 3 Deliverables

- Draft Existing Conditions Report
- 2. Final Existing Conditions Report
- 3. Response to City Memorandum
- 4. Existing Conditions Synchro models and Measures of Effectiveness

## Task 4: Signal Timing Development and Optimization

Once the model is calibrated to accurately represent the existing conditions, Kimley-Horn will conduct the signal timing analysis and develop recommended timings for the corridors. A minimum of three (3) weekday plans, to include the AM, midday, and PM peak periods and two (2) weekend plans, to include "Peak" and "Off-peak" periods will be prepared for the signals. Kimley-Horn will also review the need to develop additional school peak plans if deemed beneficial. It should be noted that "transition" periods will

# Signal Coordination Timing and Optimization

be considered when evaluating the need and benefit of using additional school peak plans. Lastly, if the current pandemic extends into the middle of 2021, Kimley-Horn will develop a second set of lower cycle length plans, in addition to those noted above, that may be implemented prior to the return of typical traffic conditions.

The initial step in the signal timing optimization process will be to review the grouping of traffic signals for coordination and the selection of optimum cycle lengths. The goal of signal grouping will be to cluster those intersections together that have similar operational characteristics such as cycle lengths, higher platooning traffic, and shorter travel time between intersections. As part of the signal grouping and cycle length analysis, Kimley-Horn will consider the operations of other adjacent corridors and intersections that currently are connected in coordination or could be connected in coordination with the project intersections.

Kimley-Horn will submit a summary of preliminary recommended signal groupings and Cycle Lengths Memorandum, including existing versus proposed performance measures, for review prior to development of the draft signal timing plans. This will allow the City to review the proposed cycle lengths prior to conducting the detailed timing analysis. Kimley-Horn will coordinate with the City to review and discuss the preliminary signal grouping and cycle lengths.

Once the cycle lengths are selected, optimum splits and offsets for the coordination plans will be developed in the Synchro model and adjusted, as needed, to provide for the optimum timing. The goal of split optimization will be to allocate green time to different approaches in proportion to the overall intersection volume and capacity. Development of the offsets will include an evaluation of the use of alternate phase sequencing (lead/lag phasing) and setting of the offsets based on the corridor traffic conditions (progression priority).

The recommended timing development will include the review of the time-of-operation of the signal coordination plans. The time-of-operation will be reviewed based on the daily and weekly volumes and based on field observed conditions. In addition, Kimley-Horn will review and prepare TSP settings for LRT for the ten (10) traffic signals along Java Drive and Tasman Drive. TSP settings will consist of split reduction and extension times and other relevant settings, such as arrival time settings.

After the Synchro models are completed, signal timing parameters, critical performance measure information, time-of-operation, and other relevant timing information will be summarized in a draft Optimized Conditions Report for transmission to the City for review. In addition, recommended Synchro models will be provided to the City. Based on comments received, a Final Optimized Conditions Report and final Synchro models will be submitted to the City.

#### Task 4 Deliverables:

- 1. Cycle Lengths Memorandum
- 2. Draft Optimized Conditions Report
- 3. Final Optimized Conditions Report
- 4. Optimized Conditions Synchro models

# Task 5: Implementation (Deployment) and Fine-Tuning of Signal Timing

Once the recommended timings are finalized, Kimley-Horn will mark up timing sheets and revise City of Sunnyvale databases using the Intelight Controller Emulator. We will update signal timing databases, including initial timings, splits, offsets, cycle lengths, lead-lag (as needed), transition times, TSP settings

# Signal Coordination Timing and Optimization

(on certain corridors), and other parameters required for coordination. We will bench test the timing using the emulator and check all databases for errors, prior to submitting to the City for implementation. Kimley-Horn will also be available to assist with downloading the timings to the field for intersections with no connections to City's Central System.

As noted in Task 2.2, prior to implementation, Kimley-Horn will perform a "Secondary Before" floating car study to record existing conditions just before implementation, and to accurately compare the "Before" study to "After" study runs. The effort for the "Secondary Before" study is included in Task 2.2. As part of the "Secondary Before" study, INRIX travel time data will be collected and reduced.

Once the timing plans have been implemented, our team will also conduct a fine-tuning process by driving the corridors and standing at intersections to observe intersection operations. Kimley-Horn will accompany the City staff during fine-tuning or can complete the fine-tuning without City staff present. Kimley-Horn will notify the City of any fine-tuning adjustments and make changes directly into the system. It is estimated that two (2) days of fine-tuning on average will be conducted on each corridor during the weekday peak periods and one (1) day of fine-tuning on average will be conducted on each corridor during weekend peak periods, on days that are representative of typical traffic conditions. If needed, additional days of fine-tuning will be conducted to address City concerns. Up to six (6) days of fine-tuning will be completed to address City concerns. In total, Kimley-Horn will dedicate up to up to 320 hours, or approximately thirty (30) days, to conduct field fine-tuning.

Once fine-tuning is completed, Kimley-Horn will prepare final timing sheets in hardcopy format. The final timing sheets will be provided in hardcopy and electronic versions. In addition, Kimley-Horn will update the Synchro models to include fine-tuning adjustments. Final Synchro models will be submitted to the City in electronic format.

## Task 5 Deliverables:

- 1. Marked-up timing sheets for implementation
- 2. Final timing sheets
- 3. Fine-tuned Synchro models

# Task 6: "After" Study and Evaluation

After fine-tuning of the timings, a final "After" travel time study will be conducted to field measure the improvements in system performance. A floating car travel time study will be conducted for each corridor during the same times as the "Before" study was conducted. A minimum of six (6) runs in each direction will be conducted for each corridor during each peak and off-peak period. The travel time runs will be collected within thirty (30) calendar days after the timings are finalized. In addition, INRIX travel time data will be collected and analyzed for the "After" conditions.

The travel time data will be summarized for each corridor and include the average travel time, stops, total delay time, speed, and distance traveled. In addition, vehicle emissions will be calculated using the latest Bay Area Air Quality Management District methods and using the Synchro models. The "After" study data will be compared to the "Before" study to measure the improvement in system performance. Additionally, a comparison of the Measures of Effectiveness (MOEs) for before and after the project will be performed. MOEs will also include comparison between City's LOS minimum levels and existing/optimized conditions. The MOEs will include, travel time savings, delays and number of stops reduction, fuel consumption savings, CO2 emissions reduction, queue lengths, V/C ratio and Level of Service (LOS). In addition, Kimley-Horn will prepare and submit a one-page summary for each corridor

# Signal Coordination Timing and Optimization

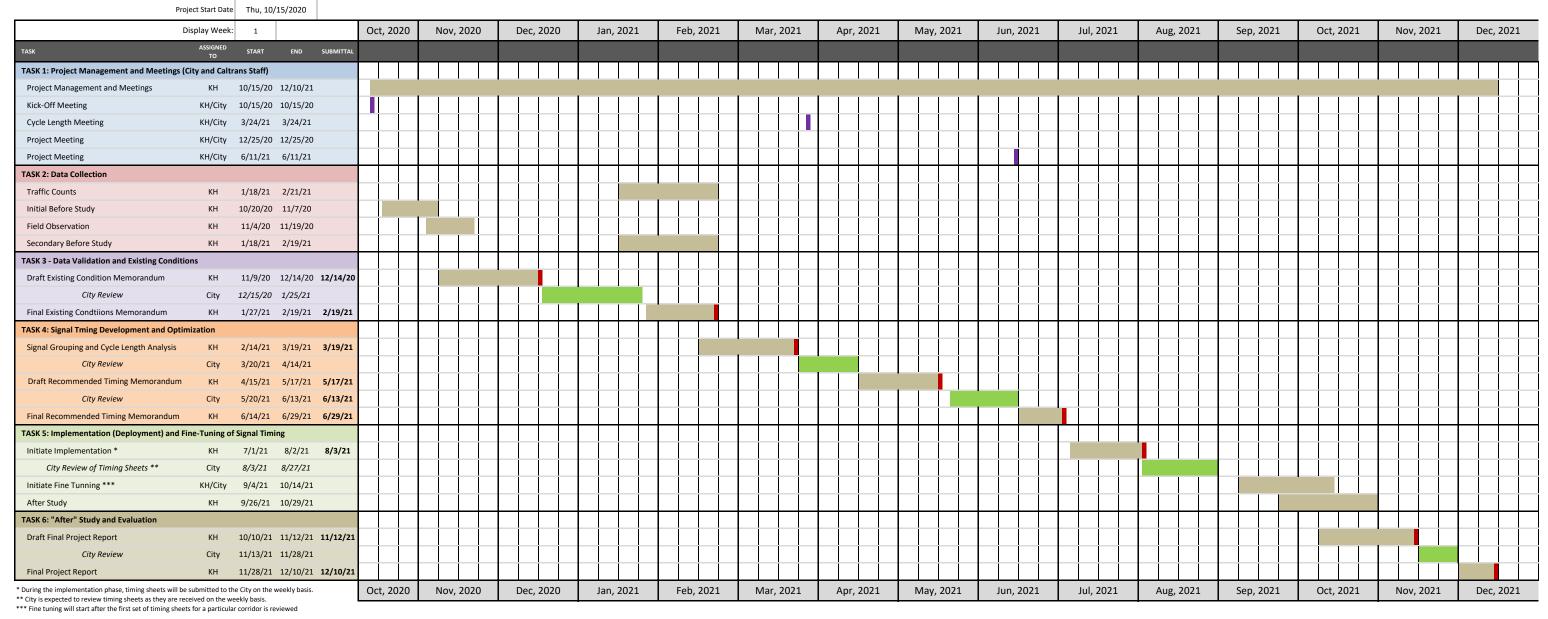
highlighting the project benefits and performance measure results of the project. The summary will include a map of the signals, discussion of benefits to various travel modes, and graphical summary of the "Before" and "After" performance measures.

A Draft Timings and Evaluation Report will be prepared summarizing the comparison of the "Before" versus "After" conditions and submitted to the City electronically. "After" study floating car runs and emission calculation will also be submitted to the City electronically in Excel format. The report will also include a summary of any traffic issues resolved in the project, including recommendations for future projects to further enhance the traffic flow. A Final Timing and Evaluation Report will be submitted to the City after City's review and approval of the Response to Comments Memorandum addressing City's comments on the Draft Timing and Evaluation Report.

# Task 6 Deliverables:

- 1. Draft Timings and Evaluation Report
- 2. Response to Comments Memorandum
- 3. Final Timing and Evaluation Report
- 4. "After" travel time studies in Excel format
- 5. Emission calculations in Excel format
- 6. One-page project summaries in PDF format

Kimley-Horn & Associates



LEGEND

- TASK SUMMARY - CITY REVIEW
- DELIVERABLE TO THE CITY - PROJECT MEETING

City of Sunnyvale

Project: Professional Engineering Services for Signal Coordination Timing and Optimization

Kimley-Horn and Associates, Inc.

	Tasks					Labor					Sı	ubconsulta	nts	ODCs	Total
		Project Manager	PIC/ QC/QA	Sr. Engineer	Engineer	Analyst II	Analyst I	Suppot			Counts	Counts	Big Data	Other	
Task #	Task Description	Sowers	Aguigui	Petrov	Wong Rainey	McCarron	Varies	Varies	Total Hours	Total Labor Costs	IDAX	TDS	Street Light	Direct Costs	Total Fee
		\$270	\$295	\$200	\$165	\$160	\$140	\$110			LS (EA)	LS (EA)	LS (EA)	Costs	
1	Project Management and Meetings (City and Caltrans Staff)	24	4	16	8	8		8	68	\$14,340				\$660	\$15,000
2	Data Collection														
2.1	Traffic Counts	1		4	8	12	16	2	43	\$6,770	\$33,620	\$31,600		\$320	\$72,310
2.2	Before Study	4		12	40	80	100	2	238	\$37,100				\$3,710	\$40,810
2.3	Field Observation	12		24	24	40	40	2	142	\$24,220				\$1,120	\$25,340
3	Data Validation and Existing Conditions	12	2	24	60	40	100	4	242	\$39,370				\$1,820	\$41,190
4	Signal Timing Development and Optimization	40	4	40	60	48	40	4	236	\$43,600				\$2,010	\$45,610
5	Implementation (Deployment) and Fine-Tuning of Signal Timing	120	12	180	50	50	16	4	432	\$90,870				\$4,190	\$95,060
6	"After" Study and Evaluation	12	2	16	16	60	100	8	214	\$34,150				\$2,580	\$36,730
	Proposal Total	225	24	316	266	338	412	34	1615	\$290,420	\$33,620	\$31,600	\$0	\$16,410	\$372,050
	Optional Services														
									0	\$0				\$0	\$0
	Total Optional Services	0		0	0	0	0	0	0	0	0	\$0	\$0	\$0	\$0
	<b>Total Including Optional Services</b>	225	24	316	266	338	412	34	1,615	290,420	33,620	\$31,600	\$0	\$16,410	\$372,050
	Notes:														
1															
2															
3															

# Exhibit C INSURANCE REQUIREMENTS FOR CONSULTANTS

Consultant 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 Consultant, his agents, representatives, or employees.

Minimum Scope and Limits of Insurance. Consultant shall maintain limits no less than:

- Commercial General Liability: \$2,000,000 per occurrence and \$4,000,000 aggregate for bodily injury, personal injury and property damage.
   ISO Occurrence Form CG 0001 or equivalent is required.
- 2. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage. ISO Form CA 0001 or equivalent is required.
- 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 Insurance / Errors and Omissions Liability in the minimum amount of \$2,000,000 per occurrence.  If working directly with children, the Certificate of Insurance must include coverage for molestation and sexual abuse in the minimum amount of \$1,000,000 per occurrence and \$2,000,000 aggregate. In the event that Abuse & Molestation Liability coverage is provided via a Claims Made
Policy, the coverage shall include a minimum of a five year extended reporting clause.
MCS-90 Endorsement to Business Automobile insurance for transportation of hazardous materials and pollutants Builder's Risk / Course of Construction Insurance in the minimum amount of \$

#### Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared and approved by the City of Sunnyvale. The consultant shall guarantee payment of any losses and related investigations, claim administration and defense expenses within the deductible or self-insured retention.

#### Other Insurance Provisions

The general liability and automobile liability policies (and if applicable, pollution liability, sexual abuse and molestation, and builder's risk policies) shall contain, or be endorsed to contain, the following provisions:

- The City of Sunnyvale, its officials, employees, agents and volunteers are to be covered as additional insureds with respects to liability arising out
  of activities performed by or on behalf of the Consultant; products and completed operations of the Consultant; premises owned, occupied or used
  by the Consultant; or automobiles owned, leased, hired or borrowed by the Consultant. The coverage shall contain no special limitations on the
  scope of protection afforded to the City of Sunnyvale, its officers, employees, agents or volunteers.
- 2. For any claims related to this project, the Consultant'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 Consultant's insurance and shall not contribute with it.
- 3. 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.
- 4. The Consultant'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.
- 5. 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.
- 6. 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 CONSULTANT'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 not less than A:VII, unless otherwise acceptable to the City of Sunnyvale.

#### Verification of Coverage

Consultant shall furnish the City of Sunnyvale with original a 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 prior to commencement of work.

#### Subcontractors

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

# Project: 834520 - Tasman-Java LRT Corridor Signal Timing

Category: Capital

Project Type: Traffic and Transportation

Year Identified: 2019

Project Phase: Planning

Est. Completion Year: 2021/22

**Department:** C90 - Public Works

Project Manager: De

Dennis Ng

**Project Coordinator:** 

Carmen Talavera

Fund - Sub-Fund: 385-100 - Capital Projects - General Fund

Assets

#### Project Description/Scope/Purpose:

The project goal is to reduce vehicular delays and queues, pollutant emissions, collisions, improve traffic flow, and facilitate safe pedestrians, bike and Americans with Disabilities Act (ADA) travel along the corridor, especially at controlled locations. The project scope will include data collection, analysis, computer modelling, and new traffic signal timing plans (splits and offsets) for AM Peak, Midday Peak, PM Peak, and Weekend Peaks. Pedestrian (per ADA requirement), and bike crossing times at traffic signals will also be updated. Also as a part of this project Advance Traffic Management System (ATMS) and other Intelligent Transportation Systems technology to collect data may be deployed to maintain progression and optimized traffic signal timings along the corridor based on real time traffic conditions. This project will complete work necessary to re-time and deploy of new traffic signal timing plans along the LRT-Tasman-Java Corridor.

#### **Project Evaluation and Analysis:**

This corridor was last retimed in 2014. Per industry standard, traffic signal timings should be updated every two to four years. This is important to meet the current traffic demand volume, and reduce congestion and travel times.

#### **Fiscal Impact:**

This project is fully funded by Santa Clara Valley Transportation Authority (VTA) Transportation Fund for Clean Air (TFCA) grant funds in the amount of \$85,887. No matching funds are required.

#### **Funding Sources:**

Santa Clara Valley Transportation Authority (VTA) Transportation Fund for Clean Air (TFCA) Grant

#### Plans and Goals:

LT - Land Use and Transportation - LT-3: An Effective Multimodal Transportation System

	Project Costs	Revenues	Transfers In	Operating Costs
Prior Actual	-	-	-	-
2019 - 20	85,887	85,887	-	-
2020 - 21	-	-	- -	-
2021 - 22	-	-	-	-
2022 - 23	-	-	-	-
2023 - 24	-	-	-	-
2024 - 25	-	-	-	-
2025 - 26	-	-	-	-
2026 - 27	-	-	-	-
2027 - 28	-	-	-	-
2028 - 29	-	-	-	-
2029 - 30	-	-	-	-
2030 - 31	-	-	-	-
2031 - 32	-	-	-	-
2032 - 33	-	-	-	-
2033 - 34	-	-	-	-
2034 - 35	-	-	-	-
2035 - 36	-	-	-	-
2036 - 37	-	-	-	-
2037 - 38	-	-	-	-
2038 - 39	-	-	-	-
2039 - 40	-	-	-	-
20 Year Total	-	-	-	-
<b>Grand Total</b>	85,887	85,887	-	-

# **Project: 834530 - Maude Avenue Corridor Signal Timing**

Category: Capital

Project Type:

Traffic and Transportation

Year Identified: 2019

**Est. Completion Year:** 

Project Phase:

Planning

**Department:** C90 - Public Works

Project Manager: Dennis Ng

**Project Coordinator:** Carmen Talavera

385-100 - Capital Projects - General Fund

Assets

#### Project Description/Scope/Purpose:

2021/22

The project goal is to reduce vehicular delays and queues, pollutant emissions, collisions, improve traffic flow, and facilitate safe pedestrians, bike and Americans with Disabilities Act (ADA) travel along the corridor, especially at controlled locations. The project scope will include data collection, analysis, computer modelling, and new traffic signal timing plans (splits and offsets) for AM Peak, Midday Peak, PM Peak, and Weekend Peaks. Pedestrian (per ADA requirement), and bike crossing times at traffic signals will also be updated. Also as a part of this project Advance Traffic Management System (ATMS) and other Intelligent Transportation Systems technology to collect data may be deployed to maintain progression and optimized traffic signal timings along the corridor based on real time traffic conditions. This project will complete work necessary to re-time and deploy of new traffic signal timing plans along Maude Corridor.

#### **Project Evaluation and Analysis:**

This corridor was last retimed in 2014. Per industry standard, traffic signal timings should be updated every two to four years. This is important to meet the current traffic demand volume, and reduce congestion and travel times.

#### **Fiscal Impact:**

This project is fully funded by Santa Clara Valley Transportation Authority (VTA) Transportation Fund for Clean Air (TFCA) grant funds in the amount of \$33,417. No matching funds are required.

#### **Funding Sources:**

Santa Clara Valley Transportation Authority (VTA) Transportation Fund for Clean Air (TFCA) Grant

#### Plans and Goals:

LT - Land Use and Transportation - LT-3: An Effective Multimodal Transportation System

### **Project Financial Summary**

Fund - Sub-Fund:

	Project Costs	Revenues	Transfers In	Operating Costs
Prior Actual	-	-	-	-
2019 - 20	33,417	33,417	-	-
2020 - 21	_	_	_	_
2021 - 22	_	_	_	-
2022 - 23	-	_	_	_
2023 - 24	-	_	_	-
2024 - 25	-	-	_	-
2025 - 26	_	-	-	-
2026 - 27	-	-	-	-
2027 - 28	-	-	-	-
2028 - 29	-	-	-	-
2029 - 30	-	-	-	-
2030 - 31	-	-	-	-
2031 - 32	-	-	-	-
2032 - 33	-	-	-	-
2033 - 34	-	-	-	-
2034 - 35	-	-	-	-
2035 - 36	-	-	-	-
2036 - 37	-	-	-	-
2037 - 38	-	-	-	-
2038 - 39	-	-	-	-
2039 - 40	-	-	-	-
20 Year Total	-	-	-	-
Grand Total	33,417	33,417	-	-

# Project: 834540 - Mathilda-Sunnyvale-Saratoga Corridor Signal Timing

C90 - Public Works

Category: Capital

Project Type: Traffic and Transportation

Year Identified: 2019

Project Phase: Planning

Est. Completion Year: 2021/22 Department:

Project Manager: Dennis Ng

**Project Coordinator:** Carmen Talavera

Fund - Sub-Fund: 385-100 - Capital Projects - General Fund

Assets

#### Project Description/Scope/Purpose:

The project goal is to reduce vehicular delays and queues, pollutant emissions, collisions, improve traffic flow, and facilitate safe pedestrians, bike and ADA travel along the corridor, especially at controlled locations. The project scope will include data collection, analysis, computer modelling, and new traffic signal timing plans (splits and offsets) for AM Peak, Midday Peak, PM Peak, and Weekend Peaks. Pedestrian (per ADA requirement), and bike crossing times at traffic signals will also be updated. Also as a part of this project Advance Traffic Management System (ATMS) and other Intelligent Transportation Systems technology to collect data may be deployed to maintain progression and optimized traffic signal timings along the corridor based on real time traffic conditions. This project will complete work necessary to re-time and deploy of new traffic signal timing plans along Mathilda/Sunnyvale-Saratoga Corridor.

#### **Project Evaluation and Analysis:**

This corridor was last retimed in 2014. Per industry standard, traffic signal timings should be updated every two to four years. This is important to meet the current traffic demand volume, and reduce congestion and travel times.

#### **Fiscal Impact:**

This project is fully funded by Santa Clara Valley Transportation Authority (VTA) Transportation Fund for Clean Air (TFCA) grant funds in the amount of \$191,927. No matching funds are required.

#### **Funding Sources:**

Santa Clara Valley Transportation Authority (VTA) Transportation Fund for Clean Air (TFCA) Grant

#### Plans and Goals:

LT - Land Use and Transportation - LT-3: An Effective Multimodal Transportation System

	Project Costs	Revenues	Transfers In	Operating Costs
Prior Actual	-	-	-	
2019 - 20	191,927	191,927	-	-
2020 - 21	-	-	-	-
2021 - 22	-	-	-	-
2022 - 23	-	-	-	-
2023 - 24	-	-	-	-
2024 - 25	-	-	-	-
2025 - 26	-	-	-	-
2026 - 27	-	-	-	-
2027 - 28	-	-	-	-
2028 - 29	-	-	-	-
2029 - 30	-	-	-	-
2030 - 31	-	-	-	-
2031 - 32	-	-	-	-
2032 - 33	-	-	-	-
2033 - 34	-	-	-	-
2034 - 35	-	-	-	-
2035 - 36	-	-	-	-
2036 - 37	-	-	-	-
2037 - 38	-	-	-	-
2038 - 39	-	-	-	-
2039 - 40	-	-	-	-
20 Year Total	-	-	-	-
<b>Grand Total</b>	191,927	191,927	-	-

# **Project: 835060 - Duane Avenue Traffic Signals Retiming**

Category: Capital

**Project Type:** Traffic and Transportation

Year Identified: 2020

Project Phase: Planning

Est. Completion Year: 2021/22

Department: C90 - Public Works

Project Manager: Carmer

Carmen Talavera
Carmen Talavera

Project Coordinator:

Fund - Sub-Fund:

385-100 - Capital Projects - General Fund

Assets

#### Project Description/Scope/Purpose:

The project goal is to reduce delays, queues, pollutant air emissions and collisions. Improve traffic flow, and facilitate safe pedestrians and bicyclists travel throughout along these corridors especially at signalized locations. The project scope includes data collection, analysis, computer modeling and development of new traffic signal coordination timing plans per Caltrans requirements to include revision and updated bike and pedestrian crossing times as well as clearance times at all traffic signals included in this project. As part of this project travel time equipment will be procured and deployed to monitor the new optimized traffic signals timing plans, and help maintain progression along the corridors.

#### **Project Evaluation and Analysis:**

The Duane Avenue corridor currently does not operate on a coordinated mode; with this project traffic signal coordination timing will be developed and implemented along the corridor per current Caltrans and industry standards. New traffic data will be collected and will also be used to update clearance, pedestrian and bicycle timing for each location part of this project in compliance with latest Caltrans requirements. As per industry standard the traffic signal timings should be updated on a 2 to 4 years cycle. This is important to account for the changes in vehicular, bicyclists and pedestrian traffic demand, and help reduce congestion, delays and improve travel times.

#### **Fiscal Impact:**

Budget Modification No. 20 has been prepared to appropriate FY 2019/20 TFCA County Program Manager Funds in the amount of \$45,900.00 to project for retiming of traffic signals. No matching funds or ongoing operating costs are required. All expenditures will be covered with the grant award appropriations.

#### **Funding Sources:**

Santa Clara VTA TFCA Program Manager Grant

#### Plans and Goals:

LT - Land Use and Transportation - LT-1: Coordinated Regional and Local Planning

	Project Costs	Revenues	Transfers In	Operating Costs
Prior Actual	-	-	-	-
2019 - 20	45,900	45,900	-	-
2020 - 21	-	-	=	-
2021 - 22	-	-	-	-
2022 - 23	-	-	-	-
2023 - 24	-	-	-	-
2024 - 25	-	-	-	-
2025 - 26	-	-	-	-
2026 - 27	-	-	-	-
2027 - 28	-	-	-	-
2028 - 29	-	-	-	-
2029 - 30	-	-	-	-
2030 - 31	-	-	-	-
2031 - 32	-	-	-	-
2032 - 33	-	-	-	-
2033 - 34	-	-	-	-
2034 - 35	-	-	-	-
2035 - 36	-	-	-	-
2036 - 37	-	-	-	-
2037 - 38	-	-	-	-
2038 - 39	-	-	-	-
2039 - 40	-	-	-	-
20 Year Total	-	-	-	-
<b>Grand Total</b>	45,900	45,900	-	-

# Project: 835070 - Wolfe Road Traffic Signals Retiming

Category: Capital

**Project Type:** Traffic and Transportation

Year Identified: 2020

Project Phase: Planning

Est. Completion Year: 2021/22

**Department:** C90 - Public Works

Project Manager: Carmen Talavera
Project Coordinator: Carmen Talavera

Fund - Sub-Fund: 385-100 - Capital Projects - General Fund

Assets

#### Project Description/Scope/Purpose:

The project goal is to reduce delays, queues, pollutant air emissions and collisions. Improve traffic flow, and facilitate safe pedestrians and bicyclists travel throughout along these corridors especially at signalized locations. The project scope includes data collection, analysis, computer modeling and development of new traffic signal coordination timing plans per Caltrans requirements to include revision and updated bike and pedestrian crossing times as well as clearance times at all traffic signals included in this project. As part of this project travel time equipment will be procured and deployed to monitor the new optimized traffic signals timing plans, and help maintain progression along the corridors.

#### **Project Evaluation and Analysis:**

The Wolfe Road corridor was retimed in 2017, however, per industry standards, traffic signal timing should be updated on a 2 to 4 year cycle. This corridor currently operate on a coordinated mode; with this project new traffic volume data will be collected to develop and implement updated traffic signal coordination timing along the corridor. Clearance, pedestrian and bicycle timing for each location part of this project will be updated in compliance with latest Caltrans requirements. Regular retiming of traffic signal systems is important to account for the changes in vehicular, bicyclists and pedestrian traffic demand, and to help reduce congestion, delays and improve travel times.

#### **Fiscal Impact:**

Budget Modification No. 20 has been prepared to appropriate FY 2019/20 TFCA County Program Manager Funds in the amount of \$116,600 to project for retiming of traffic signals. No matching funds or ongoing operating costs are required. All expenditures will be covered with the grant award appropriations.

#### **Funding Sources:**

Santa Clara VTA TFCA Program Manager Grant

#### Plans and Goals:

LT - Land Use and Transportation - LT-1: Coordinated Regional and Local Planning

	Project Costs	Revenues	Transfers In	Operating Costs
Prior Actual	-	-	-	-
2019 - 20	116,600	116,600	-	-
2020 - 21	_	_	_	_
2021 - 22	-	-	-	-
2022 - 23	-	-	_	-
2023 - 24	-	-	-	-
2024 - 25	-	-	-	-
2025 - 26	-	-	-	-
2026 - 27	-	-	-	-
2027 - 28	-	-	-	-
2028 - 29	-	-	-	-
2029 - 30	-	-	-	-
2030 - 31	-	-	-	-
2031 - 32	-	-	-	-
2032 - 33	-	-	-	-
2033 - 34	-	-	-	-
2034 - 35	-	-	-	-
2035 - 36	-	-	-	-
2036 - 37	-	-	-	-
2037 - 38	-	-	-	-
2038 - 39	-	-	-	-
2039 - 40	-	-	-	-
20 Year Total	-	-	-	-
Grand Total	116,600	116,600	-	-

# **Project: 835080 - Homestead Road Traffic Signals Retiming**

Category: Capital

**Project Type:** Traffic and Transportation

Year Identified: 2020

Project Phase: Planning

Est. Completion Year: 2021/22

**Department:** C90 - Public Works

Project Manager: Carmen Talavera

Fund - Sub-Fund: 385-100 - Capital Projects - General Fund

Carmen Talavera

Assets

#### Project Description/Scope/Purpose:

The project goal is to reduce delays, queues, pollutant air emissions and collisions. Improve traffic flow, and facilitate safe pedestrians and bicyclists travel throughout along these corridors especially at signalized locations. The project scope includes data collection, analysis, computer modeling and development of new traffic signal coordination timing plans per Caltrans requirements to include revision and updated bike and pedestrian crossing times as well as clearance times at all traffic signals included in this project. As part of this project travel time equipment will be procured and deployed to monitor the new optimized traffic signals timing plans, and help maintain progression along the corridors.

#### **Project Evaluation and Analysis:**

The Homestead Road corridor was retimed in 2017, however, per industry standards, traffic signal timing should be updated on a 2 to 4 year cycle. This corridor currently operate on a coordinated mode; with this project new traffic volume data will be collected to develop and implement updated traffic signal coordination timing along the corridor. Clearance, pedestrian and bicycle timing for each location part of this project will be updated in compliance with latest Caltrans requirements. Regular retiming of traffic signal systems is important to account for the changes in vehicular, bicyclists and pedestrian traffic demand, and to help reduce congestion, delays and improve travel times.

#### **Fiscal Impact:**

Budget Modification No. 20 has been prepared to appropriate FY 2019/20 TFCA County Program Manager Funds in the amount of \$61,100 to project for retiming of traffic signals. No matching funds or ongoing operating costs are required. All expenditures will be covered with the grant award appropriations.

#### **Funding Sources:**

Santa Clara VTA TFCA Program Manager Grant

#### Plans and Goals:

LT - Land Use and Transportation - LT-1: Coordinated Regional and Local Planning

## **Project Financial Summary**

**Project Coordinator:** 

	Project Costs	Revenues	Transfers In	Operating Costs
Prior Actual	-	-	-	-
2019 - 20	61,100	61,100	-	-
2020 - 21		_		_
2021 - 22	_	_	_	_
2022 - 23	_	_	_	_
2022 - 24	_	_	_	_
2024 - 25	_	_	_	_
2024 - 25	_		_	_
2026 - 27	_		_	_
2027 - 28	_			_
2027 - 20	_	-	-	_
2028 - 29	-	-	-	-
	-	-	-	-
2030 - 31	-	-	-	-
2031 - 32	-	-	-	-
2032 - 33	-	-	-	-
2033 - 34	-	-	-	-
2034 - 35	-	-	-	-
2035 - 36	-	-	-	-
2036 - 37	-	-	-	-
2037 - 38	-	-	-	-
2038 - 39	-	-	-	-
2039 - 40	-	-	-	-
20 Year Total	-	-	-	-
Grand Total	61,100	61,100	-	-

# Project: 835090 - Bernardo Avenue Traffic Signals Retiming

Category: Capital

Project Type: Traffic and Transportation

Year Identified: 2020

Project Phase: Planning

Est. Completion Year: 2021/22

Department: C90 - Public Works

Project Manager:

Carmen Talavera

**Project Coordinator:** 

Fund - Sub-Fund:

Carmen Talavera 385-100 - Capital Projects - General Fund

Assets

#### Project Description/Scope/Purpose:

The project goal is to reduce delays, queues, pollutant air emissions and collisions. Improve traffic flow, and facilitate safe pedestrians and bicyclists travel throughout along these corridors especially at signalized locations. The project scope includes data collection, analysis, computer modeling and development of new traffic signal coordination timing plans per Caltrans requirements to include revision and updated bike and pedestrian crossing times as well as clearance times at all traffic signals included in this project. As part of this project travel time equipment will be procured and deployed to monitor the new optimized traffic signals timing plans, and help maintain progression along the corridors.

#### **Project Evaluation and Analysis:**

The Bernardo Avenue corridor currently does not operate on a coordinated mode; with this project traffic signal coordination timing will be developed and implemented along the corridor per current Caltrans and industry standards. New traffic data will be collected and will also be used to update clearance, pedestrian and bicycle timing for each location part of this project in compliance with latest Caltrans requirements. As per industry standard the traffic signal timings should be updated on a 2 to 4 years cycle. This is important to account for the changes in vehicular, bicyclists and pedestrian traffic demand, and help reduce congestion, delays and improve travel times.

#### **Fiscal Impact:**

Budget Modification No. 20 has been prepared to appropriate FY 2019/20 TFCA County Program Manager Funds in the amount of \$40,200 to project for retiming of traffic signals. No matching funds or ongoing operating costs are required. All expenditures will be covered with the grant award appropriations.

## **Funding Sources:**

Santa Clara VTA TFCA Program Manager Grant

#### Plans and Goals:

LT - Land Use and Transportation - LT-1: Coordinated Regional and Local Planning

	Project Costs	Revenues	Transfers In	Operating Costs
Prior Actual	-	-	-	-
2019 - 20	40,200	40,200	-	-
2020 - 21		_	_	_
2021 - 22	_	-	-	-
2022 - 23	-	-	-	_
2023 - 24	-	-	-	-
2024 - 25	-	-	-	-
2025 - 26	-	-	-	-
2026 - 27	-	-	-	-
2027 - 28	-	-	-	-
2028 - 29	-	-	-	-
2029 - 30	-	-	-	-
2030 - 31	-	-	-	-
2031 - 32	-	-	-	-
2032 - 33	-	-	-	-
2033 - 34	-	-	-	-
2034 - 35	-	-	-	-
2035 - 36	-	-	-	-
2036 - 37	-	-	-	-
2037 - 38	-	-	-	-
2038 - 39	-	-	-	-
2039 - 40	-	-	-	-
20 Year Total	-	-	-	-
Grand Total	40,200	40,200	-	-

# **Project: 835100 - Kifer Road Traffic Signals Retiming**

Category: Capital

Project Type: Traffic and Transportation

Year Identified: 2020

Project Phase: Planning

Est. Completion Year: 2021/22

**Department:** C90 - Public Works

Project Manager: Carmer

Carmen Talavera

**Fund - Sub-Fund:** Carmen Talavera 385-100 - Capital

385-100 - Capital Projects - General Fund

Assets

#### Project Description/Scope/Purpose:

The project goal is to reduce delays, queues, pollutant air emissions and collisions. Improve traffic flow, and facilitate safe pedestrians and bicyclists travel throughout along these corridors especially at signalized locations. The project scope includes data collection, analysis, computer modeling and development of new traffic signal coordination timing plans per Caltrans requirements to include revision and updated bike and pedestrian crossing times as well as clearance times at all traffic signals included in this project. As part of this project travel time equipment will be procured and deployed to monitor the new optimized traffic signals timing plans, and help maintain progression along the corridors.

#### **Project Evaluation and Analysis:**

The Kifer Road corridor currently does not operate on a coordinated mode; with this project traffic signal coordination timing will be developed and implemented along the corridor per current Caltrans and industry standards. New traffic data will be collected and will also be used to update clearance, pedestrian and bicycle timing for each location part of this project in compliance with latest Caltrans requirements. As per industry standard the traffic signal timings should be updated on a 2 to 4 years cycle. This is important to account for the changes in vehicular, bicyclists and pedestrian traffic demand, and help reduce congestion, delays and improve travel times.

#### **Fiscal Impact:**

Budget Modification No. 20 has been prepared to appropriate FY 2019/20 TFCA County Program Manager Funds in the amount of \$39,100 to project for retiming of traffic signals. No matching funds or ongoing operating costs are required. All expenditures will be covered with the grant award appropriations.

#### **Funding Sources:**

Santa Clara VTA TFCA Program Manager Grant

#### Plans and Goals:

LT - Land Use and Transportation - LT-1: Coordinated Regional and Local Planning

	Project Costs	Revenues	Transfers In	Operating Costs
Prior Actual	-	-	-	-
2019 - 20	39,100	39,100	-	-
2020 - 21	=	_		_
2021 - 22	_	_	_	_
2022 - 23	_	_	_	_
2022 - 23	_			_
2023 - 24	_	-	-	_
	-	-	-	-
2025 - 26	-	-	-	-
2026 - 27	-	-	-	-
2027 - 28	-	-	-	-
2028 - 29	-	-	-	-
2029 - 30	-	-	-	-
2030 - 31	-	-	-	-
2031 - 32	-	-	-	-
2032 - 33	-	-	-	-
2033 - 34	-	-	-	-
2034 - 35	-	-	-	-
2035 - 36	-	-	-	-
2036 - 37	-	-	-	-
2037 - 38	-	-	-	-
2038 - 39	-	-	-	-
2039 - 40	-	-	-	-
20 Year Total	-	-	-	-
Grand Total	39,100	39,100	-	-

#### List of Corridors

# Mathilda Avenue/Sunnyvale-Saratoga Road Corridor:

- 1. 7100 Mathilda Avenue & 1st Avenue/Bordeaux Drive
- 2. 7043 Mathilda Avenue & Java Drive
- 3. 7002 Mathilda Avenue & 5th Avenue
- 4. 7042 Mathilda Avenue & Innovation Way
- 5. 7041 Mathilda Avenue & Moffett Park Drive- 237 WB Ramps Caltrans
- 6. 7113 Mathilda Avenue & 237 EB Ramps Caltrans
- 7. 7061 Mathilda Avenue & Ross Drive Caltrans
- 8. Mathilda Avenue & 101 WB Ramps Caltrans
- 9. Mathilda Avenue & 101 EB Ramps Caltrans
- 10. 7075 Mathilda Avenue & Ahwanee Avenue
- 11. 7119 Mathilda Avenue & San Aleso Avenue
- 12. 7047 Mathilda Avenue & Maude Avenue
- 13. 7083 Mathilda Avenue & Indio Avenue
- 14. 7035 Mathilda Avenue & California Avenue
- 15. 7023 Mathilda Avenue & Washington Avenue
- 16. 7017 Mathilda Avenue & McKinley Avenue
- 17. 7072 Mathilda Avenue & Iowa Avenue
- 18. 7053 Mathilda Avenue & Olive Avenue
- 19. 5000 Mathilda Avenue & El Camino Real
- 20, 7126 Mathilda Avenue & Tennis Center
- 21. 7085 Mathilda Avenue & Sunnyvale-Saratoga-Talisman Drive
- 22. 7008 Sunnyvale-Saratoga Road & Remington Drive
- 23. 7048 Sunnyvale-Saratoga Road & Fremont Avenue
- 24. 7082 Sunnyvale-Saratoga Road & Chevenne Drive-Connemara Way
- 25 7077 Sunnyvale-Saratoga Road & Alberta Avenue-Harwick Way

#### Maude Avenue Corridor:

- 1. 7063 Maude Avenue & Macara Avenue
- 2. 7108 Maude Avenue & Mary Avenue
- 3. 7090 Maude Avenue & Pastoria Avenue
- 4. 7040 Maude Avenue & Borregas Avenue-N Sunnyvale Avenue

#### Java/Tasman Corridor:

- 1. 7101 Java Drive & Bordeaux Drive
- 2. 7044 Java Drive & Borregas Avenue
- 3. 7092 Java Drive & Geneva Drive
- 4. 7045 Java Drive & Crossman Avenue
- 5. 7109 Fair Oaks Avenue & Fair Oaks Way
- 6. 7089 Fair Oaks Avenue & Tasman Drive (Reference point only)
- 7. 7103 Tasman Drive & Vienna Drive
- 8. 7019 Tasman Drive & Birchwood Drive

- 9. 7020 Tasman Drive & Reamwood Avenue
- 10. Tasman Drive & Adobe Wells Street

#### Kifer Road Corridor:

- 1. 7034 Kifer Road & Fair Oaks Avenue (Reference point only)
- 2. 7099 Kifer Road & Pedestrian Signal
- 3. 7098 Kifer Road & Semiconductor Drive
- 4. 7025 Kifer Road & Costco/La Rambla

#### Wolfe Road Corridor:

- 1. 7062 Wolfe Road & Fair Oaks Avenue (Reference point only)
- 2. 7104 Wolfe Road & Stewart Drive
- 3. 7037 Wolfe Road & Arques Avenue
- 4. 7067 Wolfe Road & Central Expressway
- 5. 7034 Wolfe Road & Kifer Road
- 6. 7046 Wolfe Road & Evelyn Avenue
- 7. 7056 Wolfe Road & Old San Francisco Road/Reed Avenue
- 8. 7076 Wolfe Road & Iris Avenue
- 9. 7065 Wolfe Road & Maria Lane
- 10. Wolfe Road & El Camino Real Caltrans
- 11. 7005 Wolfe Road & Fremont Avenue
- 12. 7123 Wolfe Road & Marion Way
- 13. 7058 Wolfe Road & Inverness Way
- 14. Wolfe Road & Maude Avenue

## Homestead Road Corridor:

- 1. 7001 Homestead Road & Hollenbeck Avenue/DeAnza Boulevard
- 2. 7125 Homestead Road & Kennewick Way
- 3. 7059 Homestead Road & Mary Avenue
- 4. 7068 Homestead Road & Wright Way
- 5. 7117 Homestead Road & Bernardo Avenue
- 6. Homestead Road & Maxine Way Caltrans
- 7. 7127 Homestead Road & Belleville Way/Barranca Drive

#### Bernardo Avenue Corridor:

- 1. 7111 Bernardo Avenue & Evelyn Avenue
- 2. 7080 Bernardo Avenue & Washington Avenue
- 3. Bernardo Avenue & El Camino Real Caltrans
- 4. 7009 Bernardo Avenue & Heatherstone Way

#### **Duane Avenue Corridor:**

- 1. 7015 Duane Avenue & Fair Oaks Avenue (Reference point only)
- 2. 7133 Duane Avenue & Britton Avenue
- 3. 7054 Duane Avenue & DeGuigne Avenue
- 4. 7093 Duane Avenue & Stewart Drive
- 5. 7105 Duane Avenue & Lakeside Drive



# City of Sunnyvale

# Agenda Item

**20-0363** Agenda Date: 10/27/2020

# REPORT TO COUNCIL

# **SUBJECT**

Acceptance of Google Inc.'s Donation of Voluntary Bicycle and Pedestrian Facility Improvements (Phase 1 and Phase 2) on Manila Drive/West Moffett Park Drive with an Estimated Construction Cost of \$2,575,800 and Finding of Exemption from the California Environmental Quality Act

## **BACKGROUND**

Manila Drive/West Moffett Park Drive is a predominately east-west frontage roadway that runs parallel to the United States Route (US) 101/State Route (SR) 237 corridor and the Santa Clara Valley Transportation Authority (VTA) light rail tracks. Manila Drive runs between Ellis Street in the City of Mountain View, through a portion of the County of Santa Clara, and ends in Sunnyvale at Enterprise Way. East of Enterprise Way, Manila Drive transitions into West Moffett Park Drive.

Manila Drive has a speed limit of 45 mph, consisting of one travel lane in each direction with dedicated left and right turn lanes at intermittent locations. There are continuous sidewalks on the north side of the road, and painted shoulders on both sides of the road. West Moffett Park Drive between Enterprise Way and Innovation Way has a speed limit of 40 mph, consisting of one travel lane in each direction with dedicated left and right turn lanes at intermittent locations. There is a Class II on-street bicycle lane on both sides of the street, but there is no sidewalk along this segment of West Moffett Park Drive. East of Innovation Way, VTA recently completed the construction of a new Class I shared-use path on the northside of Moffett Park Drive between Innovation Way and Bordeaux Drive as part of the Mathilda/101/237 interchange project

In 2018, Google Inc. (Google) approached the City with a request to install voluntary improvements consisting of an off-street Class I shared-use path, rail crossing safety modifications, traffic signal modification at the Enterprise Way traffic signal and minor street grading changes on Manila Drive west of Enterprise Way. The proposed improvements for this segment are included in Phase 1 of the project. In 2019, Google proposed Phase 2 of the project, which includes the extension of the proposed Class I shared-use path on West Moffett Park Drive from Enterprise Way to Innovation Way, with the intention of connecting to the new Class I shared-use path constructed by VTA. Phase 2 also includes rail crossing safety improvements, roadway realignments, as well as intersection crossing improvements and traffic signal modifications at the Innovation Way intersection. Google has retained the services of a professional engineering firm to prepare plans suitable for construction of the voluntary improvements.

## **EXISTING POLICY**

In performing the analysis and developing the conclusions identified in this report, the following policies were referenced and considered:

# **General Plan Chapter 3 Land Use and Transportation:**

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- 20-0363
  - LT-1.4: Coordinate with adjacent cities on local land use and transportation planning.
  - LT-1.7: Emphasize efforts to reduce regional vehicle miles traveled by supporting active modes of transportation including walking, biking, and public transit.
  - LT-3.6: Promote modes of travel and actions that provide safe access to city streets and reduce single-occupant vehicle trips and trip lengths locally and regionally.
     The order of consideration of transportation users shall be:
    - (1). Pedestrians
    - (2). Non-automotive (bikes, three wheeled bikes, scooters, etc.)
    - (3). Mass transit vehicles
    - (4). Single-occupant automobiles
  - LT-3.22: Provide safe access to city streets for all modes of transportation. Safety considerations of all transport modes shall take priority over capacity considerations of any one transport mode.
  - LT-3.30 Support regional and cross-regional transportation improvements and corridors while minimizing impacts to community form and intracity travel.

# General Plan Chapter 6 - Safety and Noise

• SN-3.5: Facilitate the safe movement of pedestrians, bicyclists and vehicles.

# City Council Policy 7.1.5 Grants, Donations, Contributions and Sponsorships

3. For donations, contributions or sponsorships with values of \$100,000 or more, as estimated by the donor, a Report to Council will be written outlining its purpose and the advantages and disadvantages prior to acceptance. Authority to accept any such donation, contribution or sponsorship shall rest with the City Council. For monetary donations, it will be stated in the Report to Council if the gift is a onetime contribution for a specific purpose or a contribution where the principal could be invested and the interest used to support all or part of a special project or program for a number of years.

# **ENVIRONMENTAL REVIEW**

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (c) for existing streets, sidewalks, bicycle lanes and facilities involving negligible or no expansion and that does not create additional automobile lanes. The CEQA document for Phase 1 of the project will be filed by the County of Santa Clara at the County Recorder's Office (as the County is the lead agency for Phase 1) prior to the start of construction activities. The CEQA document for Phase 2 of the project will be filed by the City of Sunnyvale at the County Recorder's Office prior to the start of construction activities.

## **DISCUSSION**

Google has voluntarily committed to implement bicycle and pedestrian facility improvements along Manila Drive and West Moffett Park Drive to provide better bicycle and pedestrian connectivity to the existing multi-modal network in the City of Sunnyvale, Santa Clara County, and the City of Mountain View. Google will donate the proposed improvements located within the City of Sunnyvale to the City of Sunnyvale for the benefit of the community. Similarly, Google will donate the proposed improvements located within the City of Mountain View, County of Santa Clara, VTA, and the National Aeronautics and Space Administration (NASA) to each respective jurisdiction for the benefit of the community.

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The Manila Drive/West Moffett Park Drive Improvement Project (Project) will implement a Class I shared-use path and related improvements across five jurisdictions: City of Sunnyvale, County of Santa Clara, VTA, NASA, and City of Mountain View. The project extends along Manila Drive from the intersection at Ellis Street in the City of Mountain View, to the intersection of West Moffett Park Drive/Innovation Way in the City of Sunnyvale. The segments between the cities' limits are within the County of Santa Clara's and VTA's jurisdiction, with a minimal area on NASA property; however, all the improvements are intended to occur outside the existing NASA security/chain link fence. The Project's proposed Class I shared-use path will connect to two existing VTA light rail stations (i.e., NASA/Bayshore Station and West Moffett Station).

The portion of the Project within the City of Sunnyvale's jurisdiction extends from 250 feet west of the Manila Drive/Enterprise Way intersection to the West Moffett Park Drive/Innovation Way intersection. The Class I shared-use path along Manila Drive and Moffett Park Drive is contemplated in the recently adopted Active Transportation Plan adopted by City Council on August 25, 2020. The proposed improvements are within the existing public right-of-way, and it does not propose any changes to any existing easements. Google will construct these improvements in two phases:

# Phase 1 (Manila Drive from Western City Limits to Enterprise Way)

Google will be responsible for implementing the following improvements under Phase 1 of the project: install 250 linear feet of Class I shared-use path on the north side of Manila Drive to the northwest quadrant of the intersection of Manila Drive/West Moffett Park Drive/Enterprise Way, install one bicycle ramp and two bicycle/pedestrian ramps, modify signal timing and traffic signal at the signalized intersection of Manila Drive/West Moffett Park Drive/Enterprise Way, slurry seal over the existing pavement, and install green bike lane markings where applicable. An encroachment permit would be issued to enable Google to perform these construction activities within the City of Sunnyvale. Currently, Google is also working with City of Mountain View, County of Santa Clara, VTA, and NASA to obtain permits to perform work in those jurisdictions.

The estimated value of these improvements based on the engineer's probable construction cost estimate is \$487,200. Pursuant to City Council Policy 7.1.5 - Grants, donations, Contributions and Sponsorships, authority to accept any contributions with values of more than \$100,000 rests with the City Council.

If the City Council accepts this donation, then Google estimates that construction may start at the end of fall 2020.

## Phase 2 (West Moffett Park Drive from Enterprise Way to Innovation Way)

Google will be responsible for implementing the following improvements under Phase 2 of the project: install approximately 1,850 linear feet of Class I shared-use path on the north side of West Moffett Park Drive between Enterprise Way and Innovation Way, 13 new streetlights, access connections to the West Moffett VTA light rail station, 3 bicycle/pedestrian curb ramps at the intersection of West Moffett Park Drive/Innovation Way, bicycle and pedestrian crossing and traffic signal modifications improvements at the intersection of West Moffett Park Drive/Innovation Way, and a fence separation between the Class I shared-use path and the West Moffett Park Drive roadway. At the Innovation Way intersection, there will also be rail crossing safety improvements as coordinated with VTA.

The existing Class II bicycle lanes along West Moffett Park Drive will be removed as the curb will be

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shifted south to install the Class I shared-use path, fence and streetlights. The shift of the existing curb is approximately 10 feet in front of the existing West Moffett VTA LRT Station, and up to 18 feet near Innovation Way where no sidewalk or pedestrian crossing currently exists. An encroachment permit would be issued to enable Google to construct these improvements. Google is also working with VTA to obtain permits to perform work in VTA jurisdiction.

The estimated value of the Phase 2 improvements based on the engineer's probable construction cost estimate is \$2,088,600. The estimated total value for the Phase 1 and Phase 2 improvements within the City of Sunnyvale city limits is approximately \$2,575,800. Pursuant to City Council Policy 7.1.5 - Grants, donations, contributions and sponsorships, authority to accept any contributions with values of more than \$100,000 rests with the City Council.

If the City Council accepts this donation, then Google estimates that construction may start as soon as the end of fall 2020, both Phase 1 and Phase 2 could be constructed concurrently.

If Phase 1 and 2 improvements are completed, there would be a continuous east-west Class I shared -use path on Manila Drive beginning in the City of Mountain View at Ellis Street, connecting the new VTA constructed Class I shared-use path on West Moffett Park Drive, ending in City of Sunnyvale at Bordeaux Drive. This will provide a multi-modal east-west access path between Mountain View and Moffett Park area in Sunnyvale.

# **FISCAL IMPACT**

Installation of bicycle and pedestrian improvements on Manila Drive under Phase 1 and West Moffett Park Drive under Phase 2 of the project will be fully funded by Google Inc. Upon acceptance of improvements, the City will be responsible for maintenance. The additional bicycle and pedestrian improvements will be maintained under Department of Public Works Street Operations Program 120 - Pavement and Concrete Maintenance; the additional streetlights will be maintained under Department of Public Works Street Operations Program 121 - Streetlight, Signs and Debris.

# **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.

Public outreach efforts also included the following:

• The project was presented to the Bicycle and Pedestrian Advisory Commission (BPAC) at the June 18 BPAC meeting.

#### RECOMMENDATION

Accept Google Inc.'s donation of voluntary Bicycle and Pedestrian Facility Improvements (Phase 1 and Phase 2) on Manila Drive/West Moffett Park Drive with an estimated construction cost of \$2,575,800 and make a finding that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (c) existing streets, sidewalks, bicycle lanes and facilities involving negligible or no expansion and that does not create additional automobile lanes.

Staff believes by installing a Class 1 shared-use path, it will provide better bicycle and pedestrian

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connectivity between the existing businesses and residences and improve transportation network connection and functionality in the City of Sunnyvale and adjacent cities, as well as seamless access to and from the VTA Light Rail Stations within the project limits. Upon the completion of this project, Manila Drive between Ellis Street in Mountain View and Enterprise Way in Sunnyvale, and West Moffett Park Drive between Enterprise Way and Innovation Way will have a Class I shared-use path, which will provide a connection to the recent VTA constructed Class I shared-use path along West Moffett Park Drive between Innovation Way and Bordeaux Drive. The Class I shared-use path will provide a safe and secure facility separated from vehicular traffic, improve safety and connectively when traveling along this intercity east-west corridor.

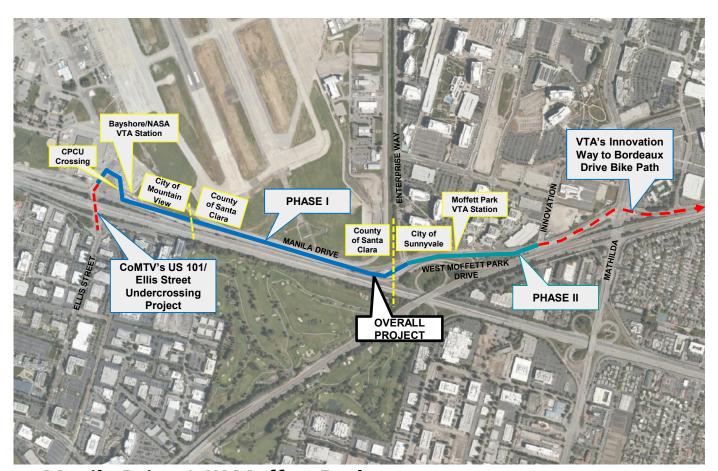
Prepared by: Lillian Tsang, Principal Transportation Engineer

Reviewed by: Chip Taylor, Director, Public Works Reviewed by: Jaqui Guzmán, Deputy City Manager

Approved by: Kent Steffens, City Manager

# **ATTACHMENTS**

- 1. Manila Drive/West Moffett Park Drive Project Limits
- 2. Manila Drive/West Moffett Park Drive Proposed Bicycle and Pedestrian Improvements
- 3. Preliminary Estimate Construction Costs
- 4. Excerpt from Bicycle and Pedestrian Advisory Commission Meeting Minutes of June 18, 2020



Manila Drive & W Moffett Park Drive Bikeway Project Vicinity

# **Opinion of Probable Construction Cost**

# Kimley-Horn and Associates, Inc.

Client:	Google	Date:	7/6/2020
Project:	Manila Avenue Bike/Ped Improvements	Prepared By:	NM
KHA No.:	197058003	Checked By:	AH
Location:	Manila Avenue	Cost Basis:	2018

## **Base Bid Items**

Item No.	Description	Quantity	Unit	Unit Cost	Cost
	General				
1	Mobilization, Notification, Construction Layout, Job Site Management, Demobilization And Other Incidentals (Bid Item No. 1) (15.6%)	1	LS	\$46,800	\$46,800
2	Water Pollution Control Plan (2%)	1	LS	\$46,800	\$46,800
3	Traffic Control (10%)	1	LS	\$30,000	\$30,000
			General S	Sub-Total =	\$123,600

Roadway 4 Clearing and Grubbing 1 LS \$12,000 \$12,000 Demolition of Concrete Sidewalks, Curb and/or Curb and SF 1,462 \$10 \$14,620 5 6 **Demolition of Asphalt Concrete** 2,974 SF \$14,870 7 Remove Tree 0 EΑ \$1,500 \$0 CY 8 Aggregate Base (Class 2) 27 \$85 \$2,328 9 Hot Mix Asphalt Concrete 24 TON \$225 \$5,333 961 SF \$15 \$14,415 10 Minor Concrete (Sidewalk) 11 Minor Concrete (Colored Sidewalk) 0 SF \$20 \$0 109 LF \$45 \$4,905 12 Minor Concrete (Curb and Gutter) LF Minor Concrete (Modified Curb and Gutter) 0 \$50 \$0 13 LF 82 \$35 \$2,870 14 Minor Concrete (Curb) Minor Concrete (Retaining Curb) 35 LF \$2,975 15 \$85 0 SF \$25 \$0 16 Valley Gutter 97 SF \$35 \$3,395 17 Detectable Warning Surface 18 Relocate Bike Locker 0 EΑ \$400 \$0 19 2" Mill and Overlay 2,523 SF \$4 \$10,092 20 Type 1 Pedestrian Barricade (Caltrans Detail ES-7Q) 0 EΑ \$1,500 \$0 1,518 SY 21 High Volume Traffic Slurry Seal (Type III) \$5 \$7,590 22 Preparation for High Volume Traffic Slurry Seal 1,518 SY \$1 \$1,898 684 SF \$14 \$9,576 23 Pavement Pothole Repair/Digout (Assume 5% of Area) LF \$1 24 Crack Seal (Assume Length of Improvement) 283 \$354 Roadway Sub-Total = \$107,300

	Signing and Striping				
25	Remove Existing Pavement Striping	1,178	LF	\$1	\$589
26	Remove Existing Pavement Marking	478	SF	\$1	\$478
27	Thermoplastic Pavement Marking (White)	950	SF	\$1	\$950
28	Thermoplastic Pavement Marking (Green)	823	SF	\$15	\$12,345
29	6" Yellow Line (Thermoplastic)	0	LF	\$1	\$0
30	Detail 9 Striping	0	LF	\$3	\$0
31	Detail 22 Striping	183	LF	\$3	\$549
32	Detail 39 Striping	566	LF	\$5	\$2,830
33	Detail 29 Striping	0	LF	\$1	\$0
34	Modified Detail 29 Striping	119	LF	\$1	\$119
35	Detail 38 Striping	189	LF	\$5	\$945

36	Detail 39A Striping	411	LF	\$5	\$2,055
37	Detail 41 Striping	101	LF	\$1	\$101
38	Remove Sign and Post	2	EA	\$200	\$400
39	Relocate Sign	0	EA	\$500	\$0
40	Install Sign and Post	4	EA	\$1,500	\$6,000
	Signing and Striping Sub-Total =			\$27,400	

	Utilities/Drainage				
41	Remove Street Light	0	EA	\$500	\$0
42	Remove Street Light Pullbox	0	EA	\$100	\$0
43	Landscape Area Drain	0	EA	\$500	\$0
44	2" Landscape Drain Pipe	0	LF	\$60	\$0
45	12" RCP Class IV Storm Drain Pipe	0	LF	\$120	\$0
46	18" RCP Class IV Storm Drain Pipe	0	LF	\$240	\$0
47	Sidewalk Underdrain	0	LF	\$20	\$0
48	Remove Storm Drain Catch Basin	0	EA	\$3,000	\$0
49	Manhole (City of Mountain View Type B-1)	0	EA	\$7,000	\$0
50	Manhole (SCC STD Detail C/6)	0	EA	\$7,200	\$0
51	Curb Inlet (City of Mountain View Type B-4)	0	EA	\$7,000	\$0
52	Curb Inlet (City of Sunnyvale Detail 10A)	0	EA	\$7,000	\$0
53	Convert Storm Drain Catch Basin to Junction Box	1	EA	\$4,000	\$4,000
54	Adjust Storm Drain Catch Basin to Grade	1	EA	\$2,000	\$2,000
55	Adjust Manhole to Grade	0	EA	\$2,000	\$0
56	Relocate/Adjust Vault to Grade	0	EA	\$1,000	\$0
57	Relocate/Adjust Vault to Grade (by PG&E)	0	EA	\$0	\$0
58	Relocate/Adjust Pullbox to Grade	2	EA	\$500	\$1,000
59	Relocate/Adjust Pullbox to Grade (by PG&E)	0	EA	\$0	\$0
60	Relocate/Adjust Facility to Grade	0	EA	\$800	\$0
	Utilities/Drainage Sub-Total =				

	Lighting and Signals				
61	Video Detection Camera System	1	LS	\$45,000	\$45,000
62	No. 6 Pullbox	5	EA	\$2,625	\$13,125
64	Conduit 2"	0	LF	\$47	\$0
65	Conduit 3"	250	LF	\$53	\$13,125
66	Conductor Wire	10,000	LF	\$2	\$16,000
67	Internally Illuminated Street Name Sign	1	EA	\$2,700	\$2,700
68	Mast Arm Sign	1	EA	\$150	\$150
69	Standard Type 18 (20'-30' M.A.)	1	EA	\$9,135	\$9,135
70	1-B Pole	2	EA	\$5,000	\$10,000
72	Signal Head SV/TV-1 (LED)	4	EA	\$2,500	\$10,000
73	Signal Head SV/TV-2 (LED)	1	EA	\$2,888	\$2,888
76	4-Section Signal Head (Additional Cost)	2	EA	\$2,100	\$4,200
77	Ped Push Button (Type B)	4	EA	\$788	\$3,150
78	Luminaire	4	EA	\$630	\$2,520
79	Detector Bicycle Loop (3'x8' Type Q)	0	EA	\$525	\$0
80	Detector Loop (Modified Type D)	0	EA	\$683	\$0
81	Detector Loop (Type A/D/E)	0	EA	\$683	\$0
82	Detector Hand Hole	0	EA	\$525	\$0
83	Adjust Existing Pullbox to Grade	2	EA	\$1,250	\$2,500
86	Relocate Luminaire Pole	0	LS	\$3,500	\$0
		Lighting an	d Signals	Sub-Total =	\$158,300

	Landscape				
87	Decomposed Granite	0	SF	\$20	\$0
88	Bench	0	EA	\$7,875	\$0
89	Wood Bark Mulch	0	SF	\$25	\$0
90	Weed Barrier	0	SF	\$1	\$0
91	24" Box Trees	0	EA	\$1,155	\$0
92	36" Box Trees	0	EA	\$1,575	\$0
93	1 Gallon Plants	0	EA	\$37	\$0
94	5 Gallon Plants	0	EA	\$47	\$0
95	Soil Amendments	0	CY	\$37	\$0
96	Plant Establishment Work	0	LS	\$42	\$0
97	Misc. Costs (10%) [Landscape]	0	LS	\$0	\$0
			andscape S	Sub-Total =	\$0

	Irrigation				
98	Subsurface Dripline	0	SF	\$5	\$0
99	Bubbler	0	EA	\$105	\$0
100	1" Remote Control Valve	0	EA	\$525	\$0
101	1" Drip Remote Control Valve	0	EA	\$630	\$0
102	Drip Air Relief Valve	0	EA	\$210	\$0
103	Drip Flush Valve	0	EA	\$210	\$0
104	Shutoff Valves	0	EA	\$315	\$0
105	Quick Coupler Valve	0	EA	\$263	\$0
106	Master Valve	0	EA	\$1,155	\$0
107	Flow Sensor	0	EA	\$840	\$0
108	Recycler Water Sign	0	EA	\$210	\$0
109	1" Recycled Water Meter	0	EA	\$42,000	\$0
110	1" Wye Strainer	0	EA	\$1,260	\$0
111	1" Check Valve	0	EA	\$1,260	\$0
112	1" Pressure Reducing Valve	0	EA	\$1,050	\$0
113	Test Station	0	EA	\$1,575	\$0
114	Valve Box	0	EA	\$263	\$0
115	Main Line: Sch. 40	0	LF	\$11	\$0
116	Lateral Line: Sch. 40	0	LF	\$11	\$0
117	Crossover Sleeves: Sch. 40	0	LF	\$26	\$0
118	Control and Neutral Conductors	0	LF	\$8	\$0
119	Wire, Conduit and Trenching	0	LF	\$9	\$0
120	Irrigation Controller	0	EA	\$10,500	\$0
121	Electric Meter and Power Connection	0	EA	\$5,250	\$0
122	Relocate Existing Overhead Irrigation	0	SF	\$3	\$0
123	Misc. Costs (10%) [Irrigation]	0	LS	\$0	\$0

	No Design Completed
	Preliminary Design
<b>✓</b>	Final Design

TOTAL ESTIMATED COST =	\$487,200
Contingency @ 15% =	\$63,600
Total =	\$423,600

# NOTES:

1. This opinion of probable construction cost is based on the 100% submittal.

# **DISCLAIMER:**

The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.

## **Opinion of Probable Construction Cost**

## Kimley-Horn and Associates, Inc.

Client:	Google	Date:	7/6/2020
Project:	Google W Moffett Park Drive Bike/Ped Improvements	Prepared By:	NM AH
	197058004 W Moffett Park Drive	Checked By:	AH
Location:	W Moffett Park Drive	Cost Basis:	2018

#### **Base Bid Items**

Item No.	Description	Quantity	Unit	Unit Cost	Cost
	General				
1	Mobilization, Notification, Construction Layout, Job Site Management, Demobilization And Other Incidentals (Bid Item No. 1) (15.6%)	1	LS	\$222,019	\$222,019
2	Water Pollution Control Plan (2%)	1	LS	\$28,464	\$28,464
3	Traffic Control (10%)	1	LS	\$142,320	\$142,320
		•	Genera	l Sub-Total =	\$392,900

	Roadway				
4	Clearing and Grubbing	1	LS	\$2,500	\$2,500
	Demolition of Concrete Sidewalks, Curb and/or Curb and				
5	Gutter	3793	SF	\$10	\$37,930
6	Demolition of Asphalt Concrete	33295	SF	\$5	\$166,475
7	Aggregate Base (Class 2)	327	CY	\$85	\$27,810
8	Hot Mix Asphalt Concrete	117	TON	\$225	\$26,325
10	Minor Concrete (Sidewalk)	18556	SF	\$15	\$278,340
11	Minor Concrete (Type II Curb and 12" Gutter)	1535	LF	\$40	\$61,400
12	Minor Concrete (Curb)	67	LF	\$35	\$2,345
13	Detectable Warning Surface	100	SF	\$35	\$3,500
14	6' Chain Link Fence	1253	LF	\$30	\$37,590
15	Crack Seal (Assume Length of Improvement)	1900	LF	\$1	\$2,375
			Roadway	/ Sub-Total =	\$691,000

			Noudiva	y Oub-i Otal -	ψ051,000
	Signing and Striping				
16	Remove Existing Pavement Striping	9920	LF	\$1	\$4,960
17	Remove Existing Pavement Marking	610	SF	\$1	\$610
18	Thermoplastic Pavement Marking (White)	1279	SF	\$1	\$1,279
19	6" Yellow Line (Thermoplastic)	462	LF	\$1	\$462
20	Detail 8 or 9 Striping	828	LF	\$3	\$2,484
21	Detail 22 Striping	1028	LF	\$3	\$3,084
22	Detail 39 Striping	572	LF	\$5	\$2,860
23	Detail 29 Striping	1115	LF	\$1	\$1,115
24	Detail 38 Striping	1440	LF	\$5	\$7,200
25	Detail 40 Striping	382	LF	\$1	\$382
26	Detail 41 Striping	250	LF	\$1	\$250
27	Remove Sign and Post	13	EA	\$200	\$2,600
28	Relocate Sign	5	EA	\$500	\$2,500
29	Install Sign and Post	7	EA	\$1,500	\$10,500
		Signing	and Striping	g Sub-Total =	\$40,300

	Utilities/Drainage				
30	Remove Street Light	0	EA	\$500	\$0
31	Remove Street Light Pullbox	0	EA	\$100	\$0
32	Sidewalk Underdrain	52	LF	\$20	\$1,040
33	Remove Storm Drain Catch Basin	3	EA	\$3,000	\$9,000

009,880,2\$

\$272,500

001,86\$

294,8\$

029,48\$

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8465

Contingency @ 15% =

Landscape Sub-Total =

294,8\$

0۱\$

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0\$	0\$	Α∃	0	Relocate/Adjust Pullbox to Grade (by PG&E)	07
000'\\$	009\$	Α∃	2	Relocate/Adjust Pullbox to Grade	36
0\$	0\$	Α∃	0	Relocate/Adjust Vault to Grade (by PG&E)	38
000'\\$	000,1\$	Α∃	ŀ	Relocate/Adjust Vault to Grade	7.5
000'8\$	000,2\$	Α∃	<b>▽</b>	ebs10 of elodnsM fzujbA	98
000'91\$	000Ԡ\$	Α∃	7	Convert Storm Drain Catch Basin to Junction Box	32
0\$	000'2\$	Α∃	0	Curb Inlet (City of Sunnyvale Detail 10A)	34

006'199\$	= lstoT-du8 =	elsngi2 bna	Lighting s		
0\$	009'8\$	ST	0	Polocate Luminaire Pole	64
0\$	1,250	Α∃	0	Adjust Existing Pullbox to Grade	87
0\$	\$252	Α∃	0	Detector Hand Hole	LL
\$4,200	002\$	Α∃	9	Detector Loop (Type A/D/E)	92
0\$	002\$	Α∃	0	Detector Loop (Modified Type D)	97
0\$	\$252	Α∃	0	Detector Bicycle Loop (3'x8' Type Q)	ÞΔ
000,01\$	000,2\$	Α∃	9	eninaire Luminaire	23
008Ԡ\$	008\$	Α∃	9	Ped Push Button (Type B)	ZZ
0\$	\$2,100	Α∃	0	4-Section Signal Head (Additional Cost)	١Z
000'9\$	000'9\$	Α∃	l	alog 81	02
009'2\$	009'7\$	Α∃	3	(LED) 1-VT/V2 bead Head	69
000'9£\$	000,81\$	Α∃	2	(.A.M '05-'05) 91 aqyT bashaard	89
000'08\$	\$12,000	Α∃	2	Standard Type 18 (20'-30' M.A.)	<b>Z</b> 9
1,250	\$250	Α∃	S	ngi2 m1A tasM	99
000'9\$	009,5\$	Α∃	2	ngiS əmsM 19tred Street Name Sign	99
\$3,200	Z\$	-Π	2000	Free Conductor Wire	<b>7</b> 9
\$12,750	98\$	ΤL	120	"S finbnoD	63
\$130,125	9 <b>८</b> \$	ΤL	1735	"Z finbnoD	79
009'69\$	009'8\$	Α∃	۷١	xodllu9 6 .oM	19
000'9†\$	000'9†\$	ST	l	Video Detection Camera System	09
				Lighting and Signals	

00	01,818,18	= lstoT	Final Design	
			No Design Completed Preliminary Design	

Misc. Costs (10%) [Landscape]

Wood Bark Mulch

#### :S3TON

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rsudscape

 $\ensuremath{\text{1.}}$  This opinion of probable construction cost is based on the 95% submittal.

#### **DISCLAIMER:**

The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over the Engineer at this competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.



## City of Sunnyvale

# Meeting Minutes - Final Excerpt Bicycle and Pedestrian Advisory Commission

Thursday, June 18, 2020 6:30 PM Telepresence Meeting: City Web Stream

20-0626 Moffett Park Green Link and Manila Avenue Bikeway Project Joshuah Mello, representing Google LLC, presented on the project concepts for the Moffett Park Green Link and Manila Avenue Bikeway Project. Mr. Mello showed and

June 18, 2020

explained slides on the following:

#### Moffett Park Green Link Project:

- Project Partners City of Sunnyvale and Santa Clara Valley Water District
- Moffett Park Bicycle Gateways
- Green Link Profile and overview of Moffett Park network
- Examples of Green Link Mixing Zone, Green Link Wayfinding Elements, Green Link Lighting, Green Link Kit of Parts
- Green Link Video can be found at http://youtu.be/yhAvYEnsm7s

#### Manila Avenue Bikeway:

- Manila Avenue Bikeway Project Vicinity
- Existing conditions on West Moffett Park Drive
- Phase I: Manila Avenue Improvements between Ellis Street in Mountain View and Enterprise Way in Sunnyvale
- Phase II: West Moffett Park Drive Improvements between Enterprise Way and Innovation Way, and connecting to the existing VTA Class 1 Shared-Use Path project
- Enterprise Intersection

#### Commissioner Oey asked about following:

- Can Google make a similar plan for the rest of Sunnyvale
- How were the bicycle counts conducted. Mr. Mello stated the bicycle counts were a mixed of automated counts and manual validation over an average of three weekdays which are done quarterly.
- Will the plan include improving the Borregas bridge street intersection. Mr. Mello stated that the Green Link is envisioned to tie in at the foot of the bridge at Moffett Park Drive.
- Are the bike and pedways on the same level crossing or is there a curb. Mr. Mello stated there is a 3 inch slope curb between the bikeway and pedestrian walkway.
- Will there be bike link lockers in the short-term parking area. Mr. Mello stated he will bring that suggestion back to the transportation team.
- Are the trash receptacles recyclable and composting with no trash. Mr. Mello stated that they will be handled by the Google facilities and they have 3 compartment cans with compost, recycling and trash.

#### Vice Chair Cordes asked about the following:

- The video shows 4 bicycles parallel to each other as they cross each other. Will the path be that wide? Mr. Mello stated this is an aspirational cross section with a

June 18, 2020

16 feet path; but it might not be feasible everywhere with right-of-way constraint. They are aiming for something that is very high quality and that accommodate people that are riding in groups together.

- Will Google give the City public easements for those places where it crosses private property. Mr. Mello stated that there has not been any discussion on providing public easements but that the whole network look similar and function as a public amenity.
- Any plans for automated bike counters. Mr. Mello stated there has been discussion on this topic for consideration.
- Is there bicycle parking along the route. Mr. Mello stated there will be short-term bicycle parking along the route and Google employees would have access to indoor long-term bike parking.
- The lighting pole height of 16 feet for the lighting seems tall; would like to see 10-12 feet. Mr. Mello stated he would present that idea to the design team.
- Is Carribean Drive part of the Green Link. Mr. Mello stated the current Green Link Network does not have any facilities along Carribean Drive but there are connections from the Bay Trail across Carribean Drive.
- Has there been discussion with the City on how the Manila route might connect to the future Mary Avenue Overcrossing Bridge. Mr. Mello stated there has not been discussion with the City at this time.

Commissioner Mehlman commented and asked about the following:

- How will there be a connection to Ellis. Mr. Mello stated that the City is going to cutback the embankment on the west side of Ellis under US 101 and create a 10 foot shared use path.
- Signage is great and use of recycled material in construction

Chair Mehlinger commented and asked about the following:

- What upgrade contributed to the 350% increase in bicycle usage after the Bay Trail was resurfaced. Mr. Mello listed the upgrades as decomposed granite along some of the segments, other segments used asphalt and some signal improvements.
- For Wayfinding signs, distance is more important than time.
- Is there a curb and other physical separation between the bike path and the vehicle travel lane. Mr. Mello stated there is vertical separation.
- There is a gutter as part of the Class II bike lane on Manila Avenue. Are flush gutter treatments that some streets use under consideration. Mr. Mello stated that the Class II bike lanes will be removed to widen the shared use path.
- How will this integrate with the ATP. Lillian Tsang, Principal Transportation

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Engineer, stated that they have incorporated most of the Phase I of the potential Green Link project into the ATP but not Phase II.

- Are there any plans to provide shade to the Green Link. Mr. Mello stated there will be shade where the landing strips are wide enough to provide it. They plan on planting as many trees as possible.

#### Commissioner Swail asked the following:

- Have you published or made public your presentation for further study and review. Mr. Mello stated that the City's Planning Department will post the presentation on website for the Moffett Park Specific Plan for public review. Ms. Tsang stated the presentation will be uploaded onto the Moffett Park Specific Plan webpage at https://www.moffettparksp.com/.
- What more would you like to see from the City of Sunnyvale in a public, private partnership to accomplish these goals. Mr. Mello stated City staff has been very cooperative and easy to work with.

Commissioner Hafeman asked if the lighting is all L.E.D lighting and will there be solar panels mounted on the poles. Mr. Mello stated that he will verify if it is L.E.D lighting. Solar panels have not be taken into consideration as of yet. Mr. Mello will ask the design team to look into it.

Dave Simons, member of the public, commented on the following:

- Great plan
- Supported Commissioners Oey's comment on having bike lockers
- Lighting standards
- Wayfinding standardization
- Will there be any improvements to work on to improve access to the Moffett Park Drive Light Rail Station. Mr. Mello stated there are plans to improve access to the Moffett Park Drive Light Rail Station with approval from VTA to create two new entrances.



## City of Sunnyvale

### Agenda Item

**20-0853** Agenda Date: 10/27/2020

#### REPORT TO COUNCIL

#### **SUBJECT**

Ratify Vice Mayor Smith's Appointment to the League of California Cities Women's Caucus as Immediate Past President; Re-appoint Councilmember Glenn Hendricks to the Valley Transportation Authority Board of Directors as the City of Sunnyvale Representative

#### **BACKGROUND & DISCUSSION**

Pursuant to Council policy, Council must ratify appointments made by outside agencies before the Councilmember may attend meetings or participate in that capacity. Staff presents this report to Council with the following intergovernmental appointments requiring Council action.

At the League of California Cities (the "League") Annual Conference held October 7-9, Vice Mayor Nancy Smith was appointed as the League's Women Caucus Immediate Past President. This is a one-year term for the duration of the League's session. Staff is presenting this outside agency appointment for ratification by the Council.

Councilmember Hendricks is currently Vice Chair of the Valley Transportation Authority ("VTA") Board of Directors ("Board"). Appointments to the Valley Transportation Authority ("VTA") are two-year terms; however, appointing agencies must confirm their appointments annually. Additionally, VTA strongly encourages agencies appoint the same representative annually for continuity.

Councilmember Hendricks has been the City's representative to the Board since 2016 and is going into the second year of his current appointment term. Councilmember Hendricks has expressed his interest to serve as the VTA Board of Directors ("Board") Chair for 2021. The VTA Board will select their Chair and Vice Chair at their meeting on December 5, 2020. Typically, Council ratifies and appoints intergovernmental assignments at their first meeting in January. Staff is presenting this appointment early to Council to confirm Councilmember Hendricks as the City's representative in 2021 prior to the Board meeting.

#### **EXISTING POLICY**

Council Policy 7.4.12, Council Appointments to Intergovernmental Agencies

#### **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.

#### **FISCAL IMPACT**

There is no fiscal impact associated with this report.

**20-0853** Agenda Date: 10/27/2020

#### **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.

#### RECOMMENDATION

Staff makes no recommendation. By approval of the consent calendar, Council ratifies Vice Mayor Smith's Appointment to the League of California Cities Women's Caucus as Immediate Past President and Re-appoints Councilmember Hendricks' VTA Board of Directors as the City of Sunnyvale Representative.

Prepared by: Jennifer Nuñez, Executive Assistant Reviewed by: Jaqui Guzmán, Deputy City Manager

Approved by: Kent Steffens, City Manager



## City of Sunnyvale

#### Agenda Item

**20-0906** Agenda Date: 10/27/2020

#### REPORT TO COUNCIL

#### **SUBJECT**

CONTINUED FROM OCTOBER 13, 2020.

Approve Participation in the Bay Area Air Quality Management District Spare the Air Cut the Commute Pledge

#### **BACKGROUND**

On March 16, 2020, the County of Santa Clara issued an initial public health shelter-in-place (SIP) order in response to the spread of the COVID-19 virus. This order required nonessential businesses to cease most operations, except for those activities that could be performed by employees working from home. This order was issued in coordination with six other public health officers in the region and has been modified and extended through the current time. As a result, the City significantly increased the number of employees telecommuting.

The COVID-19 pandemic led to a sudden shift in transportation patterns in the Bay Area. In response to public health advice, many employers in Sunnyvale had already taken measures to allow the majority of their employees to work remotely prior to the County's public health order restricting business operations. The County's initial SIP order required any ongoing work at nonessential businesses not defined as "Minimum Basic Operations" to be performed by employees working from their place of residence if possible. As a result, some businesses temporarily ceased operations, and others rapidly transitioned their employees to remote work. Many large employers in the Bay Area have announced they will allow their employees to work remotely through at least the end of 2020 and, in some cases, permanently.

#### **EXISTING POLICY**

General Plan Policy EM-11.1 The City should actively participate in regional air quality planning. (Previously Air Quality Policy C.1 also Air Quality Goal C)

#### **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

As part of their current "Spare the Air" campaign, the Bay Area Air Quality Management District (BAAQMD) developed a program to encourage broader use of remote work and support employers in safely reopening and resuming operations. This program, which BAAQMD launched on July 13, 2020 (Attachment 1), includes a pledge committing employers to adopt a policy that extends remote work options by at least 25 percent as a component of their organization's reopening plan.

**20-0906** Agenda Date: 10/27/2020

Additionally, at the August 13, 2020 Cities Association meeting, the Board of Director's passed a motion to support the BAAQMD Cut the Commute Pledge (Attachment 2) and ask all member jurisdictions to support the pledge. The *Cut the Commute Pledge* offers an opportunity for representatives of Bay Area companies and organizations to pledge to provide remote work options for their employees. Staff will notify businesses of the pledge and will partner with the Sunnyvale Silicon Valley Chamber of Commerce and the Sunnyvale Downtown Association to promote this pledge and support expanded telecommuting by Sunnyvale businesses.

Although the City does not have a permanent telecommuting program, in response to the County's SIP order, the City took action to temporarily allow as many employees as possible to work remotely. The City is in the process of implementing a limited duration Remote Work policy to ensure the highest level possible of continuity of operations during a health emergency, while addressing health and safety concerns for employees. The employee's eligibility for remote work will depend on the type of work performed, operational needs, and the ability for the employee to maintain the essential functions of their job duties. The reopening of City facilities to the public and the return of City employees to work on-site will depend on County orders regarding allowed activities, required safety protocols, and the City's readiness to provide broader access to City facilities and services in a manner that protects the health and safety of City employees and the public. Staff will assess the benefits and challenges associated with telecommuting with the aspirational goal of establishing a telecommuting program that meets the goal of this BAAQMD Cut the Commute Pledge.

The City provides employees with a Commuter Transportation Benefit in accordance with the Internal Revenue Code Section 132(f) that provides an option for employees to pay for qualified work-related transportation expenses for public transit, including train, subway, bus, vanpool, parking and parkand-ride expenses on a pre-tax basis, up to current IRS limit per month for mass transit or vanpooling costs.

#### FISCAL IMPACT

There is no direct fiscal impact from signing the Pledge. The City may choose to develop additional measures to support telecommuting in the future that may have associated costs, which can be considered by the City Council at the time such measures are presented for approval.

#### **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.

#### STAFF RECOMMENDATION

Approve participation in the BAAQMD Cut the Commute Pledge with the aspirational goal to extend remote work options by at least 25 percent for employees whose work requirements allow for that flexibility to improve air quality and quality of life for all Bay Area residents. Implementation details of the remote work policy will be determined by the City Manager.

Prepared by: Michelle Zahraie, Management Analyst Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

20-0906 **Agenda Date:** 10/27/2020

## **ATTACHMENTS**

- <u>1.</u>
- July 13, 2020 BAAQMD Press Release
  BAAQMD Cut the Commute Pledge (hyperlink) 2.

#### **NEWS RELEASE**

**FOR IMMEDIATE RELEASE:** July 13, 2020 **CONTACT:** Kristine Roselius, 415.519.5419

## Air District asks employers to expand remote work options

Employers encouraged to sign Cut the Commute Pledge

**SAN FRANCISCO** – At a press conference today, the Bay Area Air District asked Bay Area employers to sign the *Cut the Commute Pledge* to extend remote work options for employees and maintain our air quality progress even after shelter-in-place orders are eased.

The clean air we have experienced since the Bay Area was ordered to shelter in place on March 16 is due, in part, to the accompanying dramatic reduction in vehicle traffic on our roads. Transportation is the #1 source of air pollution in the region and taking cars off the road significantly improves the quality of our air. Allowing employees to work from home can be a big part of the solution to keeping our skies blue.

"The pandemic has shown us that remote work is possible and productive for many while offering an alternative to traffic gridlock and mega commutes - leading to open roads, healthier air and happier employees," said Jack Broadbent, executive officer of the Air District. "We are asking Bay Area employers to sign our Cut the Commute pledge and offer remote work options to their employees moving forward. Now is the time to seize this opportunity to sustain good air quality while improving our quality of life in the Bay Area."

#### Teleworking benefits include:

- Reduced traffic congestion
- Cost savings for employers and employees
- Improved employee recruitment and retention
- Improved work-life balance
- Increased ability to effectively continue business as a part of a disaster recovery or emergency plan

By signing the pledge at <a href="www.sparetheair.org">www.sparetheair.org</a>, employers vow to extend remote work options by at least 25 percent for employees whose work requirements allow for that flexibility. Employers also commit to include a formalized remote work policy as a component of their employee benefits package to improve air quality and quality of life for all Bay Area residents.

The <u>Bay Area Air Quality Management District</u> is the regional agency responsible for protecting air quality in the nine-county Bay Area. Connect with the Air District via Twitter, Facebook, and YouTube.

###



**RTC** #: 20-0808

**Document Title:** BAAQMD Cut the Commute Pledge

Link: <a href="https://www.sparetheair.org/reduce-your-impact/cut-the-commute/take-the-pledge">https://www.sparetheair.org/reduce-your-impact/cut-the-commute/take-the-pledge</a>



## City of Sunnyvale

#### Agenda Item

**20-0814** Agenda Date: 10/27/2020

#### REPORT TO COUNCIL

#### **SUBJECT**

Approve a Phased Reach Codes Program and implement Phase 1 for new Residential and Non-Residential Construction Projects: Introduce an Ordinance to Amend Chapter 16.42 (Energy Code) and Chapter 16.43 (Green Building Code) of Title 16 (Buildings and Construction) and Find that the Action is Exempt from CEQA

#### **SUMMARY OF COMMISSIONS ACTIONS**

The Sustainability Commission considered this item on August 17, 2020, and the Planning Commission considered this item on September 14, 2020.

The Sustainability Commission voted to recommend to City Council Alternative 2 to approve a Phased Reach Codes Program and implement Phase 1 for new Residential and Non-Residential Construction Projects and Introduce a Reach Code Ordinance for Residential and Non-Residential projects, with the following modifications. The vote was 5-0-1, with Commissioner Joesten absent.

(a) Increase the percentage of spaces that are EV-ready for multifamily residential and non-residential new construction in Phase 1.

<u>Staff Comment</u>: The Commission did not select a percentage of spaces to be EV ready. The current Zoning Code (Title 19 of the Sunnyvale Municipal Code) requires 12.5% of multifamily spaces to be EV capable (i.e., conduit installed and space available on the electrical panel for eventual wires to be pulled to the site where a charger could be installed). The state Green Building Code requires 10% of multifamily EV capable.

The State Green Building code requirement for non-residential is six percent EV capable, and the current city requirement is three percent EV ready.

San Jose has been suggested as a possible model from some local advocates, as well as the Silicon Valley Clean Energy (SVCE) recommendations. Several cities have adopted the SVCE/Peninsula Reach Codes recommendation. Attachment 14 provides a comparison of several local cities' EV requirements and a table of Sunnyvale's existing EV requirements, staff's initial recommendation and staff's revised recommendation. Staff has modified the recommendation to increase EV requirements to be consistent with the SVCE/Peninsula recommendations. Further description of the City Green Building Code and recommended EV charging infrastructure is below.

(b) Move EV pre-wiring requirements (additions/remodels) from Phase 2 into Phase 1.

**Agenda Date:** 10/27/2020

#### 20-0814

<u>Staff Comment</u>: The Commission did not define the scope of work needed to implement this requirement equitably. Pre-wiring for electric vehicle chargers during addition or altering a structure will have monetary impacts on construction costs. The cost of retrofit wiring for electric vehicles is \$1200 to \$6500 per estimates from SVCE. Keeping pre-wiring at Phase 2 will provide time to research proper implementation.

Staff recommends keeping this requirement in Phase 2 so that an appropriate threshold can be researched.

(c) In Phase 1, eliminate Exception 1 (buildings with industrial and process loads and Exception 4 (non-residential kitchens), since these uses can be addressed, where needed, through Exception 5.

<u>Staff Comment</u>: Exception 1 addresses occupancies of F (Fabrication), H (Hazardous), and L (Laboratory) as defined by the California Building Code (CBC). At about two and a half percent of non-residential permits issued, applications include businesses such as chip manufacturers, defense/space systems, and medical device fabrication. Structures with fabrication, hazardous, and laboratory use also consist of other occupancies. Most buildings that enclose Fabrication, Hazardous, or Laboratory uses also include Business, Assembly, and Storage areas. The exemption proposed would only apply to the specific portions of the building that would enclose the F, H, and L occupancies. The remaining portion of the building would be required to comply with the all-electric requirement.

Exception 4 addresses non-residential kitchens. Other cities require non-residential kitchens to be all-electric but provide exceptions that result in installation of wood and gas products. Currently, restaurant staff members are not formally trained on the use of electric kitchen equipment. When training for electric versions of kitchen equipment and appropriated sized kitchen cooking equipment is widely available, electric kitchens will be feasible. Staff will propose an ordinance when all-electric appliances, with few exceptions, are feasible options for large non-residential kitchens.

Exception 5 is for unusual instances when an electric option is not available. Exceptions 1 and 4 have defined situations for the absence of electric appliances and should be listed separately.

Staff is not recommending any changes to eliminate either Exception 1 or Exception 4.

(d) For non-residential kitchens, require Energy STAR appliances (as per the currently described Phase 2), if the exception is granted through the Exception 5 process (assumes Exception 4 is eliminated).

<u>Staff Comment</u>: As part of the process of moving toward all-electric non-residential kitchens, a practical step toward reducing greenhouse gases is through Energy STAR-rated appliances. A feasibility study commissioned by the California Public Utilities Commission shows the use of Energy STAR appliances will significantly reduce the carbon footprint for kitchens and increase sustainable food practices. Providing implementation during Phase 2 allows business owners to maintain food service quality and reduce greenhouse gas emissions.

**Agenda Date:** 10/27/2020

#### 20-0814

Staff has revised the Ordinance to require Energy STAR-rated appliances in non-residential kitchens (even if gas cooking appliances are provided) as part of Phase 1.

(e) Consider defining milestones to be met for implementation of Phases 3 and 4.

<u>Staff Comment</u>: The California Energy Commission requires Reach Code ordinances to meet cost -effectiveness studies. Cost-effectiveness is the total cost of the building and maintenance measured over the life of the project. Cost-effectiveness studies are a milestone to the implementation of Phase 3 and Phase 4 since Reach Codes cannot advance without them.

No modifications are proposed to the phased program, as the definition of the phases already include the assumption of milestones: the availability of cost-effectiveness studies.

The Planning Commission voted to recommend to City Council Alternative 2 to approve a Phased Reach Codes program and implement Phase 1 for new Residential and Non-Residential Construction Projects and Introduce a Reach Code Ordinance for Residential and Non-Residential projects, with the following modifications. The vote was 5-1-1, with Commissioner Rheaume absent.

1. Require pre-wiring for electric vehicle charging if a panel upgrade is required for modifications to a residential project and the service is not underground. The requirement must be implemented during Phase 1.

<u>Staff Comment</u>: This amendment intends to encourage homeowners to prepare to purchase an electric vehicle when upgrading their electrical panels. Residential projects (single or multifamily) upgrade main electric panels for various reasons, and installing conduit and wiring for an electric vehicle can cost an additional \$6500 to the cost of the panel upgrade.

Staff requires time to develop a method of implementation that is equitable for all panel upgrade scenarios and is recommending no changes.

2. Exception 5 to include new construction that, using different technologies, demonstrate a greater reduction in greenhouse gas emissions than with all electric energy, as approved by the Chief Building Official.

<u>Staff Comment</u>: The Ordinance has been updated to include this additional option for granting an exception to the all electric requirement.

3. Specify that Phase 1 Exception 1 (F, H, and L occupancies) be granted on a case by case basis by the Chief Building Official.

<u>Staff Comment</u>: See discussion (c), above, for explanations. Staff is not recommending any changes.

Public Comment letters received after publication of the Planning Commission report are provided in Attachment 13 to the report.

**20-0814** Agenda Date: 10/27/2020

#### AMENDMENTS TO THE GREEN BUILDING CODE

After this item went to the Sustainability and Planning Commissions, staff considered feedback from the Commissions and advocates and has added amendments to the City's Green Building Code (Sunnyvale Municipal Code Chapter 16.43) related to electric vehicle (EV) chargers in both residential and non-residential projects. These amendments are contained in Exhibit B of the proposed Ordinance (Attachment 2). The changes encompass the installation of various electric vehicle charger levels (voltage) and infrastructure. Silicon Valley Clean Energy has developed a Reach Code for EV charger installation that staff is recommending apply to Sunnyvale. Construction of new buildings will trigger the installation of infrastructure and in some circumstances actual chargers. The three types of infrastructure include: conduit only (EV Capable); conduit, wires, and an outlet for the charger (EV Ready Circuit); and, installation of a charger (EV Charging Station). Three levels of chargers are defined as a trickle charger (Level 1 - 120 volts), standard charger (Level 2 -240 volts), and fast charger (Level 3 400 or greater volts). The combination of the infrastructure types with the levels of chargers provides an array of minimum construction requirements. The staff recommended the Green Building Code amendments along with other city comparisons are shown in Attachment 14. As with the changes to the City's Energy Code, the new EV charger requirements will go into effect on January 1, 2021.

#### **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 a Phased Reach Codes Program and implement Phase 1 for new Residential and Non-Residential Construction Projects and Introduce an Ordinance to Amend Chapter 16.42 (Energy Code) and Chapter 16.43 (Green Building Code) of Title 16 (Buildings and Construction) and Find that the Action is Exempt from CEQA pursuant to CEQA Guidelines Sections 15308, 15305 and 15061.
- 2. Alternative 1 with Modifications.
- 3. Take no action and give staff direction on what should be included in the Reach Codes.

#### STAFF RECOMMENDATION

Alternative 1: Phased Reach Codes Program and implement Phase 1 for new Residential and Non-Residential Construction Projects: Introduce an Ordinance to Amend Chapter 16.42, Energy Code and Chapter 16.43 (Green Building Code) of Title 16 (Buildings and Construction) and Find that the Action is Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15308, 15305 and 15061.

Through a phased approach to implement Reach Codes, the City of Sunnyvale would make a positive difference in reducing green house gases and would be an aspirational example of a City's ability to go above and beyond to reduce its climate impact through aggressive prioritization and careful cost-benefit analysis. Phase 1 implementation is projected to commence January 1, 2021, and Phase 2 is planned for Summer 2021.

Prepared by: Suzanne Park, Chief Building Official

Reviewed by: Andrew Miner, Assistant Director of Community Development

**20-0814** Agenda Date: 10/27/2020

Reviewed by: Nupur Hiremath, Environmental Programs Manager Reviewed by: Trudi Ryan, Director of Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

#### **ATTACHMENTS**

- 1. Report to Sustainability Commission, 20-0655 on August 17, 2020 and Planning Commission, 20-0783 on September 14, 2020 (*without attachments*)
- 2. Draft Ordinance (with updated staff recommendation)
- 3. Benchmarking with other Reach Codes
- 4. Wood-burning/Gas Appliances and Commercial Kitchens
- 5. Cost-Effectiveness Studies
- 6. Commercial Kitchens Study: "Energy Reduction in Commercial Kitchens"
- 7. Survey Results: Non-residential Reach Codes
- 8. Survey Results: Residential Reach Codes
- 9. Green Building Program
- 10. Public Contact

#### **Additional Attachments for Report to Council**

- 11. Excerpt of Minutes of the Sustainability Commission Meeting of August 17, 2020
- 12. Excerpt of Minutes of the Planning Commission Meeting of September 14, 2020
- 13. Public Comment Letters after publication of the Planning Commission report
- 14. EV Charger Requirements Comparison of Cities



## City of Sunnyvale

#### Agenda Item

**20-0783** Agenda Date: 9/14/2020

#### REPORT TO SUSTAINABILITY COMMISSION and PLANNING COMMISSION

#### SUBJECT

Forward a Recommendation to the City Council to approve a Phased Reach Codes program and implement Phase 1 for new Residential and Non-Residential Construction Projects: Introduce an Ordinance to Amend Chapter 16.42 (Energy Code) of Title 16 (Buildings and Construction) and Find that the Action is Exempt from CEQA

#### REPORT IN BRIEF

Sunnyvale's Climate Action Playbook, adopted in 2019 includes six key strategies to reduce greenhouse gas (GHG) emissions. Strategy 2 is Decarbonizing Buildings, which aims to reduce natural gas use and shift to all-electric buildings. To help achieve environmental goals, many communities have adopted "reach codes." These are local energy codes for building design and construction that go beyond minimum state requirements. The codes help reduce greenhouse gas emissions by promoting electric versus natural gas energy use. Staff is recommending a phased Reach Codes program that would start with all electric construction for new buildings. Remodels, improvements and chargers for electric vehicles would come later. Reach codes apply to both residential and nonresidential buildings. Staff recommends implementation of Phase 1 through introduction and adoption of an amendment to the Sunnyvale Municipal Code Chapter 16 (Building and Construction).

#### **BACKGROUND**

Sunnyvale adopted its first Climate Action Plan in 2016 to assist the City in achieving the 2020 State of California climate targets. In 2019, the City adopted an updated plan, called the Climate Action Playbook (Playbook, and sometimes referred to as CAP 2.0) to identify a pathway to meet and exceed to State's longer-term climate targets for 2030 and 2050. The Playbook includes six key strategies to reduce GHG emissions. Strategy 2 is Decarbonizing Buildings, which aims to reduce natural gas use and shift to all-electric buildings. As of 2018, nearly 38 percent of community-wide GHG emissions in Sunnyvale come from energy use in buildings for space heating, water heating, clothes drying, and cooking.

Within Strategy 2, the Playbook includes:

**Move 2.E** - Evaluate code and permitting processes to streamline building electrification.

Reach codes are the policy tool for implementing the Playbook's Move 2.E and are designed to reduce the City's carbon emissions from building energy usage. Reach codes revise the California Title 24 energy code requirements (CALEnergy), and exceed the codified requirements of the CALEnergy codes.

The Playbook includes a target to achieve 100 percent all-electric new buildings by 2030. The proposed Reach Codes are consistent with this target. The City can implement Reach Code

requirements if they are demonstrated to be cost-effective compared to implementing the minimum CALEnergy provisions. Further, proposed reach codes that are shown to be cost-effective and consistent with our Playbook strategies must be approved by the California Energy Commission (CEC). The proposed ordinance cannot take effect until at least 30 days following CEC approval.

The City Council is scheduled to consider this item at their meeting of October 27, 2020.

#### **EXISTING POLICY**

#### **GENERAL PLAN**

#### **Chapter 2 - Community Vision**

#### VISION STATEMENT

Sunnyvale is an attractive, safe, environmentally-sensitive community which takes pride in the diversity of its people, the innovation of its business and the responsiveness of its government.

**Vision**: It is the aspiration of the people of Sunnyvale to build upon the attributes which the City currently enjoys, so that Sunnyvale of the future will become ...

- A regional leader in environmental sustainability ... advocating to reduce dependence on non-renewable resources by providing greater transportation options, reducing waste, protecting our natural resources, and promoting alternative energy usage and research. We take environmental preservation and protection seriously and consider how each action will affect Sunnyvale for future generations.
- A city managed by a responsible and responsive government ... that delivers quality services in a comprehensive, cost-effective manner. The City evolves gracefully with the changing needs of the community and regularly communicates with residents and businesses to engage them in decision-making processes.

#### **COMMUNITY VISION GOALS:**

**III. ENVIRONMENTAL SUSTAINABILITY** - To promote environmental sustainability and remediation in the planning and development of the City, in the design and operation of public and private buildings, in the transportation system, in the use of potable water and in the recycling of waste.

#### **Chapter 3 - Land Use and Transportation**

**GOAL LT-1: COORDINATED REGIONAL AND LOCAL PLANNING** - Protect the quality of life, the natural environment, and property investment, preserve home rule, secure fair share of funding, and provide leadership in the region.

#### **Environmental Protection and Adaptation**

**Policy LT-1.10** Participate in federal, state, and regional programs and processes in order to protect the natural and human environment in Sunnyvale and the region.

**Policy LT-1.11** Prepare for risks and hazards related to climate change prior to their occurrence.

GOAL LT-2: ENVIRONMENTALLY SUSTAINABLE LAND USE AND TRANSPORTATION PLANNING AND DEVELOPMENT - Support the sustainable vision by incorporating sustainable features into land use and transportation decisions and practices.

#### **Green Development**

**Policy LT-2.1** Enhance the public's health and welfare by promoting the city's environmental and economic health through sustainable practices for the design, construction, maintenance, operation, and deconstruction of buildings, including measures in the Climate Action Plan.

#### **Greenhouse Gas Reduction**

**Policy LT-2.2** Reduce greenhouse gas emissions that affect climate and the environment though land use and transportation planning and development.

#### Alternate/Renewable Energy Systems

**Policy LT-2.7** Provide Sunnyvale residents and businesses with opportunities to develop private, renewable energy facilities.

#### **Chapter 7 - Environmental Management (EM)**

AIR QUALITY

**GOAL EM-11 IMPROVED AIR QUALITY** - Improve Sunnyvale's air quality and reduce the exposure of its citizens to air pollutants.

**Policy EM-11.2** Utilize land use strategies to reduce air quality impact.

#### SUNNYVALE MUNICIPAL CODE

Chapter 19.39 (Green Building Regulations)

The purpose of this Chapter is to implement sustainable development with development and construction practices designed to use natural resources in a manner that does not eliminate, degrade or diminish their usefulness for future generations, to enhance the public health and welfare by promoting the environmental and economic health of the city through the design, construction, maintenance, operation and deconstruction of buildings and other site development, and to incorporate green building practices into all development projects. The green building provisions referred to in this Chapter are designed to achieve the following goals:

- a) Increase energy efficiency in buildings;
- b) Encourage water and resource conservation;
- c) Minimize waste generated by construction projects;
- d) Provide durable buildings that are efficient and economical to own and operate;
- e) Promote the health and productivity of residents, workers, and visitors to the city; and
- f) Recognize and conserve the energy embodied in existing buildings.

These zoning regulations have performance requirements adopted by Resolution that are periodically updated to strengthen green building standards. The most recent update took effect on July 1, 2019. Attachment 9 is a summary of the Green Building Program.

#### **CLIMATE ACTION PLAYBOOK**

The Playbook, adopted in 2019, identifies strategies for reducing community-wide greenhouse gas (GHG) emissions and a work plan for creating a more sustainable, healthy, and livable Sunnyvale. This document includes actions that the City and community can take to reduce community-wide GHG emissions and exceed the State's target of achieving an 80 percent reduction below 1990

emission levels by 2050. The Playbook identifies strategies, policies, and a work plan to reduce GHG emissions to achieve the following targets:

The Playbook's adopted targets for Sunnyvale are to reduce emissions to:

- 56 percent below 1990 levels by 2030 (exceeds State SB 32, 2016, a target of 40 percent below 1990 levels)
- 80 percent below 1990 levels by 2050 (meets Executive Order S-3-05, 2005)

Related to buildings, the Playbook includes specific targets to:

- Load from local solar: 3 percent by 2030; 5 percent by 2050
- Homes and businesses completely electrified: 20 percent by 2030; 50 percent by 2050
- 100-percent all-electric new buildings by 2030

#### **ENVIRONMENTAL REVIEW**

The action being considered is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Title 14 of the California Code of Regulations, Section 15308 (Class 8 - Actions by Regulatory Agencies for Protection of the Environment) and Section 15305 (Class 5 - Minor alterations in Land Use Limitations) and Section 15061 of the CEQA Guidelines, that the proposed Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the changes adopted will have a significant effect on the environment.

#### **DISCUSSION**

To help achieve environmental goals, many communities have adopted "reach codes." These are local energy codes for building design and construction that go beyond minimum state requirements. The codes help reduce greenhouse gas emissions by promoting electric versus natural gas energy use.

The proposed Reach Codes are designed to exceed the California Energy Codes, which are the State's minimum energy conservation standards. The Reach Codes are a pathway toward meeting the State and City GHG emission targets.

A proposed Reach Code must be fiscally responsible pursuant to the State of California, which requires proof of its cost-effectiveness, before implementation. Funded by the California investor-owned utilities (IOUs), the California Statewide Codes and Standards Program (Statewide Program) led the development of a cost-effectiveness study for Energy Reach Codes that examined different performance-based approaches for new construction of specific building types. Refer to Attachment 5 for cost-effectiveness studies.

There are two kinds of Reach Code approaches: performance-based ordinances and prescriptive ordinances. Performance-based ordinances mandate an increase in the overall energy efficiency required but allow flexibility for the developer regarding how to achieve this goal. In contrast, prescriptive ordinances mandate the implementation of a specific measure (such as solar panels or cool roofs). The Statewide Program's analysis focused on performance-based ordinances; some conclusions about prescriptive measures can also be made from the results.

A four-phased implementation of Reach Codes is summarized in the table below. Phase 1, covered

by the proposed ordinance, covers new construction to meet all-electric standards with few exemptions. Phase 2 is projected to follow in Summer 2021; the subsequent phases would follow when the Statewide Program determines cost-effectiveness.

	Residential	Non- Residential	Schedule
Phase 1 – All-Electric New Construction	х	Х	January 2021
Phase 2 – Commercial Kitchens (Stage 1) & Residential Pre-wiring for Vehicle Charging	Х	Х	Summer 2021
Phase 3 – Commercial Kitchens (Stage 2), and Additions and Alterations to Existing Buildings	X*	X*	Undetermined
Phase 4 – Large Hotel Laundry Facilities		X*	Undetermined

<sup>\*</sup> Not shown to be cost-effective as of August 2020.

#### Phase 1

Phase 1 would meet two Climate Action Playbook elements:

- Strategy 1 Promoting Clean Energy, Play 1.2 -Increase local solar photovoltaics
- Strategy 2 Decarbonizing Buildings, Play 2.3 Achieve all-electric new construction.

The proposed Phase 1 Reach Codes include residential and non-residential projects. The proposed ordinance will require new residential and non-residential construction to be all-electric. This phase addresses the largest GHG source from buildings, space and water heating, using natural gas.

Photovoltaic systems would be required for residential and non-residential new construction projects. For non-residential construction, solar water heating is offered as an option for photovoltaic energy generation.

There are five proposed exceptions to the requirements to have all-electric new construction:

- 1. Buildings with industrial and process loads (such as manufacturing and refrigeration buildings).
  - These uses cannot be demonstrated to meet energy efficiency requirements.
- 2. In-house commercial laundries in large hotels (more than 80 guestrooms).
  - These uses cannot be demonstrated to meet energy efficiency requirements.
- 3. Public agency owned and operated emergency centers. To take advantage of this exception applicant shall provide third party verification that All-Electric space heating requirement is not

cost effective and feasible.

4. Non-residential (commercial) kitchens in new buildings, which will be implemented in Phase 2 and Phase 3.

- Small scale (typically home) kitchens have several electric cooking options (e.g., induction, radiant, microwave); however, commercially viable alernatives have not been identified for non-residential kitchens. The use of induction stovetops requires specific cookware and may be a major investment. Attachment 6 is a copy of a study on Energy Reduction in Non-residential Kitchens that discusses many factors associated with operating Non-residential kitchens.
- 5. Buildings which the applicant establishes that it cannot achieve the performance compliance standard applicable to the building under the Energy Code using commercially available technology may approved by the Building Official, who shall require the applicant shall comply with the pre-wiring provisions.

In keeping with current practices and state building codes, attached accessory dwelling units (ADU), which are treated as an addition to an existing home. Detached ADUs are considered new construction and must comply with all-electric requirements).

Staff recommends that Phase 1 becomess effective on January 1, 2021. This date should provide sufficient time for the CEC to an adopted local ordinance. Further, staff recommends that the new code not apply to projects with a complete Planning application (including approved applications) and complete building permit applications submitted as of the effective date of the program. These developments are typically well into the design phase of their projects and would likely be negatively impacted by the late change in City policy. This exception is consistent with the practice of updating the City's Green Building requirements.

#### Phase 2

Phase 2 would address the following Playbook elements:

- **Strategy 2** Decarbonizing buildings, Play 2.3 Achieve all-electric new construction and Play 2.2 Support electrification of existing buildings; and,
- Strategy 3 Decarbonizing transportation and sustainable land use, Play 3.3 Increase zeroemission vehicles.

Phase 2 Reach Codes would require new residential additions and alterations to prewire buildings for electric vehicle charging.

Staff recommends that new construction of non-residential kitchens are addressed in a two-stage approach. The first stage would require the installation of highly efficient kitchen equipment with EnergyStar ratings and educating employees on energy-saving protocols. The second stage would require new kitchens to be all-electric. The timeline for the first stage implementation is Summer of 2021. The second stage would be considered for implementation in January 2023.

#### Phase 3

Phase 3 would address the following Playbook elements:

• **Strategy 2** - Decarbonizing buildings, Play 2.1 - Reduce energy consumption in existing buildings, and Play 2.2 support the electrification of existing buildings.

Phase 3 of the Reach Code implementation would address both residential and non-residential additions and alterations. It could require residential alterations to trigger upgrades to electric appliances (kitchen remodels). Residential additions would be required to meet the requirements of new construction, such as electric appliances and photovoltaic systems.

Non-residential new tenant improvements would be all-electric and shall meet the minimum California Energy Code standards. Non-residential additions must meet the standards of new construction and all-electric requirements. Phase 3's implementation timeline is unknown since it is currently not shown to be cost-effective.

#### Phase 4

Similar to Phase 1, this phase would align with Plays 1.2 and 2.3 of the Playbook.

This phase targets commercial laundry facilities in large hotels of 80 rooms or more. Phase 4 would require large hotels to provide electric clothes drying facilities. Under Phase 1, laundry facilities in Large Hotels are exempt from all-electric requirement because it has not been proven to be cost-effective.

Phase 4 requirements are proposed for deferral due to an ongoing study by the Statewide Program on the cost-effectiveness of electric laundry dryers versus gas dryers. Phase 4 could launch upon completion of the cost-effectiveness study if the findings support Reach Codes for this building type and size.

#### Benchmarking with Other Agency Reach Codes

Reach Code progress for the local jurisdictions within Santa Clara County are provided in Attachment 3. Nine of the 14 agencies included on the table have adopted reach codes. Four of the adopted codes ban use of natural gas in new buildings (and at least one has a ban on new connections to gas). All of the cities with a gas "ban" have exceptions for various situations such as non-residential kitchens (see Attachment 4).

#### **Current Feedback**

Althought outreach is still active, a trend in feedback has been revealed. Many believe Reach Codes will reduce greenhouse gases and support a healthier and safer living environment. Some support the City's Climate Action Playbook and the effort to support electrification. However, although Reach Codes are cost-effective over the life of the building, it is strongly felt by some that the initial cost is too high. Many believe electrification should be a personal choice and Reach Codes should be implemented through encouragement by way of city-backed monetary incentives.

#### FISCAL IMPACT

The implementation of Reach Codes would not have a direct fiscal impact to the City. Review of projects with Reach Code requirements would be covered through permit fees.

#### **PUBLIC CONTACT**

The City of Sunnyvale provided outreach through presentations posted on the City's YouTube channel. Feedback was collected through surveys available on Open City Hall. Survey results are

included in Attachments 7 and 8. Other public contact is found in Attachment 10.

Email messages were sent to announce the information presentation and surveys to neighborhood assocations, community organizations, building industry representatives, architects, developers, contractors and other persons and organizations expressing interest in Reach Codes or general Community Development Related activity. An article was placed in Update Sunnyvale.

#### Notice of Public Hearing, Staff Report and Agenda:

 Sustainability Commission and Planning Commission Agendas were posted on the City's official notice bulletin board.

#### **ALTERNATIVES**

- Forward a Recommendation to the City Council to approve a Phased Reach Codes program and implement Phase 1 for new Residential and Non-Residential Construction Projects and Introduce an Ordinance to Amend Chapter 16.42 (Energy Code) of Title 16 (Buildings and Construction) and Find that the Action is Exempt from CEQA pursuant to CEQA Guidelines Sections 15308, 15305 and 15061.
- 2. Alternative 1 with Modifications.
- 3. Take no action and give staff direction on what should be included in the Reach Codes.

#### STAFF RECOMMENDATION

Alternative 1: Forward a recommendation to the City Council to approve a Phased Reach Codes program and implement Phase 1 for new Residential and Non-Residential Construction Projects: Introduce an Ordinance to Amend Chapter 16.42, Energy Code, of Title 16 (Buildings and Construction) and Find that the Action is Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15308, 15305 and 15061.

Through a phased approach to implement Reach Codes, the City of Sunnyvale would make a positive difference in reducing GHG and would be an aspirational example of a City's ability to go above and beyond to reduce its climate impact through aggressive prioritization and careful cost-benefit analysis. Phase 1 implementation is projected to commence January 1, 2021, and Phase 2 is planned for Summer 2021.

Prepared by: Suzanne Park, Chief Building Official

Reviewed by: Andrew Miner, Assistant Director of Community Development

Reviewed by: Nupur Hiremath, Environmental Programs Manager Reviewed by: Trudi Ryan, Director of Community Development Reviewed by: Rebecca Moon, Senior Assistant City Attorney

Reviewed by: John Nagel, City Attorney

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

#### **ATTACHMENTS**

- 1. Reserved for Report to Council
- Draft Ordinance
- 3. Benchmarking with other Reach Codes
- 4. Wood-burning/Gas Appliances and Commercial Kitchens
- 5. Cost-Effectiveness Studies

- 6.
- Commercial Kitchens Study Survey Results: Non-residential Reach Codes Survey Results: Residential Reach Codes Green Building Program Public Contact 7.
- 8.
- 9.
- 10.

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND CHAPTER 16.42 (ENERGY CODE) AND CHAPTER 16.43 (GREEN BUILDING CODE) OF TITLE 16 (BUILDINGS AND CONSTRUCTION) OF THE SUNNYVALE MUNICIPAL CODE

WHEREAS, Sunnyvale's Climate Action Playbook, adopted in 2019 includes six key strategies to reduce greenhouse gas (GHG) emissions. Strategy 2 is Decarbonizing Buildings, which aims to reduce natural gas use and shift to all-electric buildings, including a target to achieve 100 percent all-electric new buildings by 2030; and

WHEREAS, pursuant to Sections 17922, 17958, 17958.5 and 17958.7 of the California Health and Safety Code, the City may adopt the provisions of the California Building Standards Code amendments to those provisions which are reasonably necessary to protect the health, welfare and safety of the residents of Sunnyvale because of local climatic, geological and topographical conditions; and

WHEREAS, on November 25, 2019, the City Council adopted Ordinance No. 3149-19 adopting by reference the 2019 California Energy Code as Chapter 16.42 of the Sunnyvale Municipal Code; and

WHEREAS, the City Council hereby makes the following findings with respect to local geological, topographical and climatic conditions relating to the amendments to the California Energy Code for which such findings are required:

- A. Sunnyvale is located in the Santa Clara Valley which is densely populated and located in an area of high seismic activities. Sunnyvale is situated on alluvial soils between San Francisco Bay and the San Andreas Fault zone. The City's location makes it particularly vulnerable to damage by seismic events. The relatively young geological processes that have created the San Francisco Bay Area are still active today. Seismically, the City sits between two active earthquake faults (San Andreas and the Hayward/Calaveras) and numerous potentially active faults;
- B. Concern for fire-life safety associated with gas appliances and associated piping located in the ground and in the buildings increases with the risk of explosion or fire if there is a structural failure due to a seismic event considering the increasing number of buildings in the region;
- C. Severe seismic events could disrupt communications, damage gas mains, and place extreme demands on the limited and widely dispersed resources of the Public Safety Department necessary for the life safety needs of the community;
- D. The local geographic, topographic, and climatic conditions pose an increased hazard in acceleration, spread, magnitude, and severity of potential fires in the

City, and may cause a delayed response from emergency responders, allowing further growth of the fire;

- E. Over the next century, increasing levels of atmospheric greenhouse gas concentrates are expected to result in global temperature increases, causing a variety of local changes, including extreme weather conditions, sea level rise, more frequent heat waves and extended period of drought. Sea level rise as a result of climate change will have a dramatic local impact on the City. The City's northern area borders the southern end of the San Francisco Bay and is particularly vulnerable to sea level rise and is at an increased risk of flooding. Increased heat as a result of climate change can have a local impact on the health, safety, and welfare of the City's population, especially those without resources to purchase air conditioning, the elderly, disabled, or those with children. Failure to address and substantially reduce Greenhouse Gas creates an increased risk to the health, safety and welfare of the City residents;
- F. Amendments to the California Codes have been adopted in the past by the City Council based on specific findings of local geographic, topographic and climatic conditions; and the City Council hereby reaffirms such findings and confirms that the facts on which such findings were based continue to exist;
- G. The provisions of this Ordinance establishing certain more restrictive standards than the California Codes will better serve to prevent or minimize structural and environmental damage resulting from local conditions; and

WHEREAS, the City Council hereby makes the following additional findings with respect to cost effectiveness of any amendments to the California Codes for which such findings are required:

- A. An August 1, 2019 Low Rise Residential Reach Code Cost Effectiveness Study prepared by Frontier Energy, Inc. and Misti Bruceri & Associates, LLC, funded by California utility ratepayers and submitted to the California Energy Commission supports and documents the cost-effectiveness of the Ordinance; and
- B. A July 25, 2019 Non-residential New Construction Reach Code Cost Effectiveness Study prepared by TRC Advanced Energy and Energy Soft, funded by California utility ratepayers and submitted to the California Energy Commission further supports and documents the cost-effectiveness of the Ordinance; and
- C. This Ordinance is in alignment with the cost effectiveness studies and therefore the City Council finds them to be cost-effective; and
- D. None of the provisions of this Ordinance change minimum efficiency standards, and therefore this Ordinance is not preempted by federal appliance regulations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

<u>SECTION 1</u>. Chapter 16.42 REPEALED AND RE-ADOPTED. Chapter 16.42 (Energy Code) of Title 16 (Buildings and Construction) of the Sunnyvale Municipal Code is hereby repealed and re-adopted to read as stated in Exhibit "A" attached hereto and incorporated by reference.

<u>SECTION 2</u>. Chapter 16.43 REPEALED AND RE-ADOPTED. Chapter 16.43 (Green Building Code) of Title 16 (Buildings and Construction) of the Sunnyvale Municipal Code is hereby repealed and re-adopted to read as stated in Exhibit "B" attached hereto and incorporated by reference.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the city of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

<u>SECTION 4.</u> INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for the purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. FINDINGS. To the extent the changes and modifications set forth in this ordinance to the 2019 California Code are deemed more restrictive than the standards contained in the 2019 California Building Standards Codes, thus requiring findings describing local conditions that justify such modifications, the Council finds and determines that the changes are reasonably necessary because of local climatic, geologic, or topographic conditions and adopts the findings for local amendments to the California Energy Code, 2019 Edition, attached as Exhibit "B" and incorporated herein by reference.

SECTION 6. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15308 (Class 8) Actions by Regulatory Agencies for Protection of the Environment and Section 15305 (Class 5) Minor alterations in Land Use Limitations and Section 15061 of the CEQA Guidelines, that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the changes adopted will have a significant effect on the environment.

<u>SECTION 7.</u> 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

3

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.

<u>SECTION 8.</u> EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2021.

<u>SECTION 9.</u> 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 <u>The Sun</u>, 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 an ordinance of the City of Sunnyvale at a, by the following vote:		
AYES:		
NOES:		
ABSTAIN:		
ABSENT:		
RECUSAL:		
ATTEST:	APPROVED:	
City Clerk	Mayor	
Date of Attestation:	<u> </u>	
(SEAL)		
APPROVED AS TO FORM:		
City Attomov	<del></del>	
City Attorney		

#### **EXHIBIT A**

#### **CHAPTER 16.42 — ENERGY CODE**

16.42.010.	Title.
16.42.020.	Adoption by Reference.
16.42.030.	Scope.
16.42.040.	Definitions.
16.42.050.	Space-conditioning equipment.
16.42.060.	Service water-heating systems and equipment.
16.42.070.	Pool and spa systems and equipment.
16.42.080.	Natural gas pilot lights.
16.42.090.	Solar requirements.

#### 16.42.010. Title.

This chapter shall be known and may be cited and referred to as the "Energy Code for the City of Sunnyvale."

#### Section 16.42.020. Adoption by reference.

The "2019 California Energy Code" adopted by the State Building Standards Commission in California Code of Regulations (CCR) Title 24, Part 6 is hereby adopted by reference, with changes and modifications as hereinafter set forth, as the energy code of the city of Sunnyvale.

#### **Section 16.42.030. Scope.**

- (a) Any project that has submitted a complete application for a planning or building entitlement prior to January 1, 2021, is not required to comply with the All-Electric Building requirements.
- (b) 2019 California Energy Code Section 100.0(e)2A (Newly constructed buildings All newly constructed buildings) is hereby amended to read as follows:

**100.0(e)2A.** All newly constructed buildings. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsections B, C, D or E, as applicable; and shall be an All-Electric Building as defined in Section 100.1(b).

For the purposes of All-Electric Building requirements, "newly constructed buildings" shall include the buildings defined in Section 100.1 as well as newly constructed additions and improvements in existing buildings where more than 50 percent of the exterior walls are removed or 50 percent of the wall plate height is raised. The Chief Building Official shall make the final determination regarding the application of this section.

For the purposes of All-Electric Building requirements, "newly constructed buildings" shall not include newly constructed additions and tenant improvements in existing buildings except as defined above.

- **Exception 1:** F, H, L Occupancies may utilize natural gas and shall provide installed prewiring for future use of electric appliances.
- **Exception 2:** Exemption for public agency owned and operated emergency centers. To take advantage of this exception applicant shall provide third party verification that All-Electric space heating requirement is not cost effective and feasible.
- **Exception 3:** Hotels with eighty or more guestrooms may utilize natural gas in on-site commercial laundry facilities only.
- **Exception 4**: Non-residential kitchens may utilize natural gas for cooking appliances. EnergySTAR rated natural gas appliances shall be used.
- **Exception 5:** If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the Energy Code, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Code using commercially available technology and an approved calculation method or if it is demonstrated that there is equivalent greenhouse gas reduction, then the Building Official may grant a modification. If the Building Official grants a modification pursuant to this Exception, the applicant shall comply with the pre-wiring provision of Note 1 below.
- **Note 1:** If natural gas appliances are used in any of the above exceptions 1-4, natural gas appliance locations must also be electrically pre-wired for future electric appliance installation. They shall include the following:
  - 1. A dedicated circuit, phased appropriately, for each appliance, with a minimum amperage requirement for a comparable electric appliance (see manufacturer's recommendations) with an electrical receptacle or junction box that is connected to the electric panel with conductors of adequate capacity, extending to within 3 feet of the appliance and accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors;
  - 2. Both ends of the conductor or conduit shall be labeled with the words "For Future Electric appliance" and be electrically isolated;
  - 3. A circuit breaker shall be installed in the electrical panel for the branch circuit and labeled for each circuit, an example is as follows (i.e "For Future Electric Range;") and
  - 4. All electrical components, including conductors, receptacles, junction boxes, or blank covers, related to this section shall be installed in accordance with the California Electrical Code.

**Note 2:** If any of the exceptions 1-4 are granted, the Building Official shall have the authority to approve alternative materials, design and methods of construction or equipment per CBC 104.

#### Section 16.42.040. Definitions.

2019 California Energy Code Section 100.1(b) (Definitions) is hereby amended by adding the following definition:

**ALL ELECTRIC BUILDING:** is a building that has no natural gas or propane plumbing installed within the building, and that uses electricity as the source of energy for its space heating, water heating (including pools and spas), cooking appliances, and clothes drying appliances. All Electric Buildings may include solar thermal pool heating.

#### Section 16.42.050. Space-conditioning equipment.

2019 California Energy Code Section 110.2 (Mandatory Requirements for Space-Conditioning Equipment), first paragraph, is hereby amended to read as follows:

**110.2.** Certification by Manufacturers. Any space-conditioning equipment listed in this section may be installed only if the manufacturer has certified to the Commission that the equipment complies with all the applicable requirements of this section and section 100.0(e)2A.

#### Section 16.42.060. Service water-heating systems and equipment.

2019 California Energy Code Section 110.3 (Mandatory Requirements for Service Water-Heating Systems and Equipment), subsection (a), first paragraph, is hereby amended to read as follows:

110.3(a). Certification by manufacturers. Any service water-heating system or equipment may be installed only if the manufacturer has certified that the system or equipment complies with all of the requirements of this subsection and section 100.0(e)2A for that system or equipment.

#### Section 16.42.070. Pool and spa systems and equipment.

2019 California Energy Code Section 110.4 (Mandatory Requirements for Pool and Spa Systems and Equipment), subsection (a), first paragraph, is hereby amended to read as follows:

**110.4(a). Certification by manufacturers.** Any pool or spa heating system or equipment may be installed only if the system or equipment meets the requirements of section 100.0(e)2A and the manufacturer has certified that the system or equipment has all of the following:

#### Section 16.42.080. Natural gas pilot lights.

2019 California Energy Code Section 110.5 (Natural Gas Central Furnaces, Cooking Equipment, Pool and Spa Heaters, and Fireplaces: Pilot Lights Prohibited), first paragraph, is amended as follows:

**110.5.** Any natural gas system or equipment listed below may be installed only if it meets the requirements of Section 100.0(e) 2A and does not have a continuously burning pilot light:

#### Section 16.42.090. Solar requirements.

(a) **Title.** 2019 California Energy Code Section 110.10 (Mandatory Requirements for Solar-Ready Buildings), title, is hereby amended to read as follows:

## SECTION 110.10 – MANDATORY REQUIREMENTS FOR SOLAR READY BUILDINGS AND SOLAR PANEL SYSTEM REQUIREMENTS FOR NON-RESIDENTIAL NEW BUILDINGS

- (b) **Hotel/Motel Occupancies and High-rise Multifamily Buildings.** 2019 California Energy Code Section 110.10(a)3 (Covered Occupancies Hotel/Motel Occupancies and High-rise Multifamily Buildings) is hereby amended to read as follows:
  - **110.10(a)3.** Hotel/Motel Occupancies and High-rise Multifamily Buildings. Hotel/motel occupancies and high-rise multifamily buildings with ten habitable stories or fewer shall comply with the requirements of Section 110.10(b) through 110.10(d) and Table 110.10-A.
- (c) **Nonresidential Buildings.** 2019 California Energy Code Section 110.10(a)4 (Covered Occupancies Nonresidential Buildings) is hereby amended to read as follows:
  - **110.10(a)4.** Nonresidential Buildings. Nonresidential buildings with three habitable stories or fewer, other than healthcare facilities, shall comply with the requirements of Section 110.10(b) through 110.10(d) and Table 110.10-A.
- (d) Solar panel requirements for all new nonresidential and high rise residential buildings. 2019 California Energy Code Section 110.10(a) (Covered Occupancies) is hereby amended by adding the following table:

Table 110.10-A: Solar panel requirements for all new nonresidential and high rise residential buildings	
Square footage of building	Size of panel
Less than 10,000 sq. ft.	Minimum of 3-kilowatt PV systems
Greater than or equal to 10,000 sq. ft.	Minimum of 5-kilowatt PV systems

**EXCEPTION**: As an alternative to a solar PV system, the building type may provide a solar hot water system (solar thermal) with a minimum collector area of 40 square feet, additional to any other solar thermal equipment otherwise required for compliance with Part 6.

(e) **Minimum solar area - exceptions.** 2019 California Energy Code Section 110.10(b)1B (Minimum Solar Area – Low-rise and High-rise Multifamily Buildings, Hotel/Motel Occupancies, and Nonresidential Buildings), Exception 2, is hereby amended to read as follows:

**EXCEPTION 2 to Section 110.10(b)1B:** High-rise multifamily buildings, hotel/motel occupancies with a permanently installed domestic solar water-heating system complying with Section 150.1(c)8Biii and an additional collector area of 40 square feet.

(f) **Minimum solar area** – **performance equivalency.** 2019 California Energy Code Section 110.10(b)1B (Minimum Solar Area – Low-rise and High-rise Multifamily Buildings, Hotel/Motel Occupancies, and Nonresidential Buildings) is hereby amended by adding the following:

**EXCEPTION 6 to Section 110.10(b)1B**: Performance equivalency approved by the building official.

(g) **Minimum solar area – shading.** 2019 California Energy Code Section 110.10(b)3 (Minimum Solar Area – Shading) is hereby amended by adding the following:

110.10(b)3C. The solar zone needs to account for shading from obstructions that may impact the area required in 110.10(b)1B. When determined by the Building Official that conditions exist where excessive shading occurs and solar zones cannot be met, a performance equivalency approved by the Building Official may be used as an alternative.

#### EXHIBIT B

#### **CHAPTER 16.43—GREEN BUILDING CODE**

16.43.010.	Title.
16.43.020.	Adoption by Reference.
16.43.030.	Fireplaces and Wood-Burning Appliances.
16.43.040.	Definitions.
16.43.050.	Residential mandatory measures—Electric vehicle (EV) charging.
16 43 060	Non-residential mandatory measures—Electric vehicle (EV) charging

#### 16.43.010. Title.

This chapter shall be known and may be cited and referred to as the "Green Building Code for the City of Sunnyvale."

#### Section 16.43.020. Adoption by reference.

The "2019 California Green Building Standards Code" adopted by the State Building Standards Commission in California Code of Regulations (CCR) Title 24, Part 11 is hereby adopted by reference, with changes and modifications as hereinafter set forth, as the green building code of the city of Sunnyvale.

#### Section 16.42.030. Fireplaces and Wood-Burning Appliances.

(a) 2019 California Green Building Code Section 4.503 is amended to read as follows:

**Section 4.503.1. Fireplaces and Wood-Burning Appliances.** Any installed gas fireplace shall be a direct-vent sealed-combustion type. Any installed wood stove or pellet stove shall comply with U.S. EPA New Source Performance Standards (NSPS) emission limits as applicable and shall have a permanent label indicating they are certified to meet the emission limit.

This section shall not apply to the repair, reconstruction or replacement of any lawful, existing wood-burning appliance.

- (1) Coal;
- (2) Garbage;
- (3) Glossy or colored paper;
- (4) Paint;
- (5) Paint solvent;
- (6) Particle board;
- (7) Plastic or items made from plastic;
- (8) Rubber or items made from rubber;
- (9) Salt water driftwood:
- (10) Treated wood; and
- (11) Waste petroleum products.

(b) 2019 California Green Building Code Section 5.503.1 is amended to read as follows:

Section 5.503 Fireplaces and Wood-Burning Appliances. Install only a direct-vent sealed-combustion gas or sealed wood-burning fireplace, or a sealed wood-stove or pellet stove. Any installed woodstove or pellet stove shall comply with U.S. EPA New Source Performance Standards (NSPS) emission limits as applicable, and shall have a permanent label indicating they are certified to meet the emission limits. Woodstoves, pellet stoves and fireplaces shall also comply with applicable local ordinances.

This section shall not apply to the repair, reconstruction or replacement of any lawful, existing wood-burning appliance.

It is unlawful to burn the following in any fireplace or wood-burning appliance:

- (1) Coal;
- (2) Garbage;
- (3) Glossy or colored paper;
- (4) Paint;
- (5) Paint solvent;
- (6) Particle board;
- (7) Plastic or items made from plastic;
- (8) Rubber or items made from rubber;
- (9) Salt water driftwood;
- (10) Treated wood; and
- (11) Waste petroleum products.

#### Section 16.43.040. Definitions.

2019 California Green Building Code Section 201 (Definitions) is hereby amended by adding the following definitions:

**EV Capable:** A parking space linked to a listed electrical panel with sufficient capacity to provide at least 110/120 volts and 20 amperes to the parking space. Raceways linking the electrical panel and parking space only need to be installed in spaces that will be inaccessible in the future, either trenched underground or where penetrations to walls, floors, or other partitions would otherwise be required for future installation of branch circuits. Raceways must be at least 1" in diameter and may be sized for multiple circuits as allowed by the California Electrical Code. The panel circuit directory shall identify the overcurrent protective device space(s) reserved for EV charging as "EV CAPABLE." Construction documents shall indicate future completion of raceway from the panel to the parking space, via the installed inaccessible raceways.

**Level 1 EV Ready Space:** A parking space served by a complete electric circuit with a minimum of 110/120 volt, 20-ampere capacity including electrical panel capacity, overprotection device, a minimum 1" diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and either a) a receptacle labelled "Electric Vehicle Outlet" with at least a ½" font adjacent to the parking space, or b) electric vehicle supply equipment (EVSE).

**Level 2 EV Ready Space:** A parking space served by a complete electric circuit with 208/240 volt, 40-ampere capacity including electrical panel capacity, overprotection device, a minimum 1" diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and either a) a receptacle labelled "Electric Vehicle Outlet" with at least a ½" font adjacent to the parking space, or b) electric vehicle supply equipment (EVSE) with a minimum output of 30 amperes.

**Level 3 EV Ready Space:** A parking space served by a complete electric circuit with at least a 208/240 volt, 40-ampere capacity including electrical panel capacity, overprotection device, a minimum 1" diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and either a) a receptacle labelled "Electric Vehicle Outlet" with at least a ½" font adjacent to the parking space, or b) electric vehicle supply equipment (EVSE) with a minimum output of 30 amperes.

**Electric Vehicle Charging Station (EVCS):** A parking space that includes installation of electric vehicle supply equipment (EVSE) with a minimum capacity of 30 amperes connected to a circuit serving a Level 2 EV Ready Space. EVCS installation may be used to satisfy a Level 2 EV Ready Space requirement.

**Level 3 Electric Vehicle Charging Station (EVCS):** A parking space that includes installation of electric vehicle supply equipment (EVSE) with a minimum capacity of 40 amperes connected to a circuit serving a Level 3 EV Ready Space. EVCS installation may be used to satisfy a Level 3 EV Ready Space requirement. As applied to this code, a Level 3 shall be SAE J1772 (IEC Type 1) or alternative approved by the chief building official.

**Automatic Load Management Systems (ALMS):** (ALMS) A control system which allows multiple EV chargers or EV-Ready electric vehicle outlets to share a circuit or panel and automatically reduce power at each charger, providing the opportunity to reduce electrical infrastructure costs and/or provide demand response capability. ALMS systems must be designed to deliver at least 1.4kW to each EV Capable, EV Ready or EVCS space served by the ALMS. The connected amperage on-site shall not be lower than the required connected amperage per Part 11, 2019 California Green Building Code for the relevant building types.

**Affordable Housing:** Residential buildings that entirely consist of units below market rate and whose rents or sales prices are governed my local agencies to be affordable based on area median income.

#### Section 16.42.050. Residential mandatory measures—Electric vehicle (EV) charging.

(a) 2019 California Green Building Code Section 4.106.4 (Electric vehicle (EV) charging for new construction) is hereby amended to read as follows:

**4.106.4. Electric vehicle (EV) charging for new construction.** New construction shall comply with Sections 4.106.4.1, 4.106.4.2, or 4.106.4.3 to facilitate future installation and use of EV chargers.

#### **Exceptions:**

- 1. Where there is no commercial power supply.
- 2. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities, unless the electrical panel is upgraded, or a new panel is installed in which case only the electrical capacity requirements apply.
- 3. Spaces accessible only by automated mechanical car parking systems are excepted from providing EV charging infrastructure.
- (b) 2019 California Green Building Code Section 4.106.4.1 (New one- and two-family dwellings and townhouses with attached private garages) is hereby amended to read as follows:
  - **4.106.4.1.** New one- and two-family dwellings and townhouses with attached private garages. For each dwelling unit, install a Level 2 EV Ready Space and Level 1 EV Ready Space.

**Exception:** For each dwelling unit with only one parking space, install a Level 2 EV Ready Space.

- (c) 2019 California Green Building Code Section 4.106.4.1.1 (Identification.) is hereby amended to read as follows:
  - **4.106.4.1.1. Identification.** The raceway termination location shall be permanently and visibly marked as "Level 2 EV-Ready".
- (d) 2019 California Green Building Code Section 4.106.4.2 (New multifamily dwellings) is hereby amended to read as follows:
  - **4.106.4.2. New multifamily dwellings.** The following requirements apply to all new multifamily dwellings:
    - 1. For multifamily buildings with less than or equal to 20 dwelling units, one parking space per dwelling unit with parking shall be provided with a Level 2 EV Ready Space.
    - 2. When more than 20 multifamily dwelling units are constructed on a building site:
      - a. 25% of the dwelling units with parking space(s) shall be provided with at least one Level 2 EV Ready Space. Calculations for the

- required minimum number of Level 2 EV Ready spaces shall be rounded up to the nearest whole number.
- b. In addition, each remaining dwelling unit with parking space(s) shall be provided with at least a Level 1 EV Ready Space.

**Exception:** For all multifamily Affordable housing, 10% of dwelling units with parking space(s) shall be provided with at least one Level 2 EV Ready Space. Calculations for the required minimum number of Level 2 EV Ready spaces shall be rounded up to the nearest whole number. The remaining dwelling units with parking space(s) shall each be provided with at least a Level 1 EV Ready Space.

#### **Notes:**

- 1. ALMS may be installed to decrease electrical service and transformer costs associated with EV Charging Equipment subject to review of the authority having jurisdiction.
- 2. Installation of Level 2 EV Ready Spaces above the minimum number required level may offset the minimum number Level 1 EV Ready Spaces required on a 1:1 basis.
- 3. The requirements apply to multifamily buildings with parking spaces including: a) assigned or leased to individual dwelling units, and b) unassigned residential parking.
- 4. If a building permit applicant provides documentation detailing that the increased cost of utility service or on-site transformer capacity would exceed an average of \$4,500 among parking spaces with Level 2 EV Ready Spaces and Level 1 EV Ready Spaces., the applicant shall provide EV infrastructure up to a level that would not exceed this cost for utility service or on-site transformer capacity.
- 5. All accessible parking spaces for covered newly constructed multifamily dwellings shall provide Level 1 or Level 2 EV Ready Spaces.
- (e) 2019 California Green Building Code Section 4.106.4.2.2 (Electric vehicle charging space (EV space) dimensions) is hereby amended to read as follows:
  - **4.106.4.2.2** Electric vehicle charging space (EV space) dimensions. The dimensions of the EV spaces shall comply with Chapter 19.46 (Parking) of the Sunnyvale Municipal Code.
- (f) The following sections of the 2019 California Green Building Code Section are deleted in their entirety: 4.106.4.2.3 (Single EV Space Required), 4.106.4.2.4 (Multiple EV spaces required), and 4.106.4.2.5 (Identification).

#### Section 16.42.060. Nonresidential mandatory measures—Electric vehicle (EV) charging.

- (a) 2019 California Green Building Code Section 5.106.5.3 (Electric vehicle (EV) charging) is hereby amended to read as follows:
  - **5.106.5.3.** Electric vehicle (EV) charging. New construction shall comply with Section 5.106.5.3.1 or Section 5.106.5.3.2 to facilitate future installation and use of EV chargers.

#### **Exceptions:**

- 1. Where there is no commercial power supply.
- 2. Spaces accessible only by automated mechanical car parking systems are excepted from providing EV charging infrastructure.
- (b) 2019 California Green Building Code Section 5.106.5.3.1 (Single charging space requirements) is hereby amended to read as follows:
  - **5.106.5.3.1. Office buildings:** In nonresidential new construction buildings designated primarily for office use with parking:
    - 1. When 10 or more parking spaces are constructed, 10% of the available parking spaces on site shall be equipped with Level 2 EVCS;
    - 2. An additional 10% shall be provided with at least Level 1 EV Ready Spaces; and
    - 3. An additional 30% shall be at least EV Capable.

Calculations for the required minimum number of spaces equipped with Level 2 EVCS, Level 1 EV Ready spaces and EV Capable spaces shall all be rounded up to the nearest whole number.

Construction plans and specifications shall demonstrate that all raceways shall be a minimum of 1" and sufficient for installation of EVCS at all required Level 1 EV Ready and EV Capable spaces; Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers, and have sufficient capacity to simultaneously charge EVs at all required EV spaces including Level 1 EV Ready and EV Capable spaces; and service panel or subpanel(s) shall have sufficient capacity to accommodate the required number of dedicated branch circuit(s) for the future installation of the EVSE.

#### **Notes:**

1. ALMS may be installed to increase the number of EV chargers or the amperage or voltage beyond the minimum requirements in this code. The

option does not allow for installing less electrical panel capacity than would be required without ALMS.

- (c) 2019 California Green Building Code Section 5.106.5.3.2 (Multiple charging space requirements) is hereby amended to read as follows:
  - **5.106.5.3.2. Other nonresidential buildings.** In nonresidential new construction buildings that are not designated primarily for office use, such as retail or institutional uses:
    - 1. When 10 or more parking spaces are constructed, 6% of the available parking spaces on site shall be equipped with Level 2 EVCS;
    - 2. An additional 5% shall be at least Level 1 EV Ready.
  - 3. A Level 3 EVCS (Direct Current Fast Charger) shall be provided for every one hundred (100) spaces on site.

Calculations for the required minimum number of spaces equipped with Level 2 and Level 3 EVCS and Level 1 EV Ready spaces shall be rounded up to the nearest whole number.

**Exception:** Installation of each Direct Current Fast Charger with the capacity to provide at least 80 kW output may substitute for 6 Level 2 EVCS and 5 Level 1 EV Ready spaces after a minimum of 6 Level 2 EVCS and 5 Level 1 EV Ready spaces are installed.

- (d) 2019 California Green Building Code Section 5.106.5.3.3 (EV charging space calculation) is hereby amended to read as follows:
  - **5.106.5.3.3.** Clean Air Vehicle Parking Designation. EVCS qualify as designated parking as described in Section 5.106.5.2 Designated parking for clean air vehicles.

#### **Notes:**

- 1. The California Department of Transportation adopts and publishes the California Manual on Uniform Traffic Control Devices (California MUTCD) to provide uniform standards and specifications for all official traffic control devices in California. Zero Emission Vehicle Signs and Pavement Markings can be found in the New Policies & Directives number 13-01. www.dot.ca.gov/hq/traffops/policy/13-01.pdf.
- 2. See Vehicle Code Section 22511 for EV charging spaces signage in offstreet parking facilities and for use of EV charging spaces.
- 3. The Governor's Office of Planning and Research published a Zero-Emission Vehicle Community Readiness Guidebook which provides

- helpful information for local governments, residents and businesses. www.opr.ca.gov/ docs/ZEV\_Guidebook.pdf.
- 4. Section 11B-812 of the California Building Code requires that a facility providing EVCS for public and common use also provide one or more accessible EVCS as specified in Table 11B-228.3.2.1.
- 5. It is encouraged that shared parking, EV Ready are designated as "EV preferred."
- (e) 2019 California Green Building Code Section 5.106.5.3.4 (Identification) is hereby amended to read as follows:
  - **5.106.5.3.4. Identification.** The raceway termination location shall be permanently and visibly marked as "EV CAPABLE Ready".
- (e) 2019 California Green Building Code Section 5.106.5.3.5 (Future charging stations) is hereby deleted in its entirety.

## BENCHMARKING WITH OTHER CITY REACH CODES

Member Agencies	Status	Next Meeting	Date of Next Meeting	Building Reach Code	Ban Natural Gas	EV Reach Code
Mountain View	Complete	Appro	oved	Yes	Yes	Yes
Morgan Hill	Complete	Appro	oved	Yes	Yes	
Milpitas	Complete	Appro	oved	Yes		Yes
Monte Sereno	Complete	Appro	oved	Yes		Yes
Saratoga	Complete	Appro	oved	Yes		Yes
Los Gatos	Complete	Appro	Approved		Yes	Yes
Cupertino	Complete	Approved		Yes	Yes	Yes
Los Altos Hills	Complete	Appro	oved	Yes		Yes
Campbell	Complete	Appro	oved	Yes		
Los Altos	1 <sup>st</sup> Reading	City Council	Pending	Yes	Yes	
Santa Clara County	Staff Proposal	Pending	Pending	Yes		
Sunnyvale	Staff Proposal	City Council	10/27/2020	Yes		Yes
Santa Clara	Staff Proposal	Pending	Pending	Yes		
Gilroy	Declined	Declined				

## **COMPARISON OF RESIDENTIAL WOOD-BURNING OR GAS APPLIANCES**

	Proposed Sunnyvale	Pending Mountain View	Proposed Santa Clara	Adopted Cupertino	Adopted Menlo Park
New Gas Ranges	Not permitted	Not permitted	Yes, as an exemption to all- electric	Not permitted	Yes, as an exemption to all- electric
New Wood-burning Fireplaces	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
New Gas Fireplaces	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted

### **COMPARISON OF COMMERCIAL KITCHENS**

	Proposed Sunnyvale	Adopted Mountain View	Pending Santa Clara	Adopted Cupertino	Adopted Menlo Park
Commercial Kitchens	Permitted	Not permitted	Not permitted	Not permitted	Not permitted
Business related reason to cook with flame. (Pizza Oven, Barbeque-themed restaurants)	n/a	Permitted	Permitted	Permitted	Permitted
The need cannot be achieved by with electric fuel source	n/a	Permitted	Permitted	Permitted	Permitted
The applicant has employed reasonable methods to mitigate the greenhouse gas impacts of the gas-fueled appliance	n/a	Permitted	Permitted	Permitted	Permitted
Applicant must pre-wire for electric appliances.	n/a	Required	Required	Required	Required

Cost-effectiveness studies have been developed and published by a consortium of California Investor-Owned Utilities and the California Statewide Codes and Standards Program. Since a summary of the cost-effectiveness studies do not exist, below are the links to the studies.

#### 2019 Residential New Construction:

https://localenergycodes.com/download/73/file\_path/fieldList/2019%20Res%20NC%20Cost-eff%20Report

#### 2019 Nonresidential New Construction:

https://localenergycodes.com/download/74/file\_path/fieldList/2019%20NR%20NC%20Cost%20Effectiveness%20Report

#### 2019 Mid-rise Residential New Construction:

https://localenergycodes.com/download/492/file\_path/fieldList/2019%20Midrise%20NC%20Cost-Eff%20Report.pdf

# **Energy Reduction in Commercial Kitchens**

San Francisco Institute of Architecture (SFIA)

Master of Science in Green Building (MSGB)

Master's Thesis

**Denis Livchak** 



MSGB316 – Green Building Consulting & Design Practice



Prepared for Fred A. Stitt and Phil Hawes, San Francisco Institute of Architecture

February 2017

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#### Introduction

America has the highest carbon footprints in the world, consuming 20 metric tons per person compared to an average of 4 tons worldwide<sup>1</sup>. An average American eats out more than 180 times a year<sup>2</sup>, and over a quarter of the US population is indirectly involved in the foodservice industry<sup>3</sup> which consumes millions of therms of gas and megawatts of electricity emitting greenhouse gases.

Cooking initially started out with placing food next to the fire and has evolved into a more controlled process. Some food even until this day gets cooked on underfired broilers by a direct flame underneath, while other cooking is done by injecting precise amounts of steam. A single commercial fryer in a restaurant often consumes more energy than an entire residential household and a quick service restaurant monthly energy bill can easily reach five figures.

The state of California cannot build more power plants and renewable energy cannot keep up with the state's population growth. Energy reduction should precede new energy generation and foodservice facilities consume over 250 kBtu/h per square foot compared to an office building which consumes less than 100 kBtu/h/ft2<sup>4</sup>. Foodservice is a difficult industry that adapts slowly to the new technologies. The biggest expense for the restaurant operator is labor then cost of food followed by rent. Energy bills are very high for the operator, however are cheaper than the other expenses. Lowering the energy bill can be a simple task requiring changing light bulbs, or can be much more difficult requiring ventilation system and cook line retrofits.

The challenges to energy reduction in the foodservice industry include the following:

- High stress environment where speed of service is key
- Equipment operators get paid low wages and do not have incentives to reduce energy
- Some inefficient equipment is easier to operate than energy efficient equipment
- Energy efficient equipment is more expensive and often requires more maintenance

This study will examine these challenges in different foodservice scenarios and identify the highest energy use appliances. The appliance energy use profiles will be characterized and related to operator behavior. Inefficient appliances will be replaced with efficient alternatives and submetered in order to document the energy savings. The findings from this study will be utilized in order to financially incentivize energy efficient equipment for restaurant operators by the gas and electric utilities. This research was commissioned by the California Public Utility Commission with a focus on Natural Gas Savings. The research was conducted by Fisher Nickel who runs the Foodservice Technology Center for the Pacific Gas and Electric Company.

<sup>&</sup>lt;sup>1</sup> Timothy Gutowski, MIT

<sup>&</sup>lt;sup>2</sup> Annual restaurant visits per capita in 2010 by country, Statista

<sup>&</sup>lt;sup>3</sup> Richard Young, Foodservice Technology Center

Sustainable Foodservice Consulting

## **Foodservice Appliance Types**

A typical foodservice facility will have a range, an oven, a griddle or a broiler and a fryer. Quick service restaurants often use griddles and fryers to cook the most popular items. Cook to order restaurants use ovens and ranges to cook their most popular items, but the appliance lines vary from restaurant to restaurant. The appliances have to be placed under a ventilation hood; larger institutional facilities have several ventilation hoods and quick service facilities may have individually designed hoods paired with each appliance type.

#### Range

Ranges are some of the most popular appliance types, heating a pot or a pan by direct flame. Fine dining and cook to order restaurants have several ranges mostly using smaller pans where food is heated for a short period of time 3-10 minutes. Stocks and soups are also prepared on ranges in larger pots and are simmered for hours.



Figure 1 six burner range at Werewolf

Figure 2 back range at Doubletree

Restaurant range design has not changed much over the years. A typical range will have six burners. Gas is supplied to the front of the appliance through a manifold and then supplied to each burner through a cast iron tube and a nozzle. The burners are usually circular in shape, however star shaped burners also are available. Each of the burners has a pilot next to it which remains lit 24/7 and consumes close to 0.5 kBtu/h per burner when properly adjusted. Fine dining restaurants with several ranges can have up to a therm per day per range attributed to the pilot.

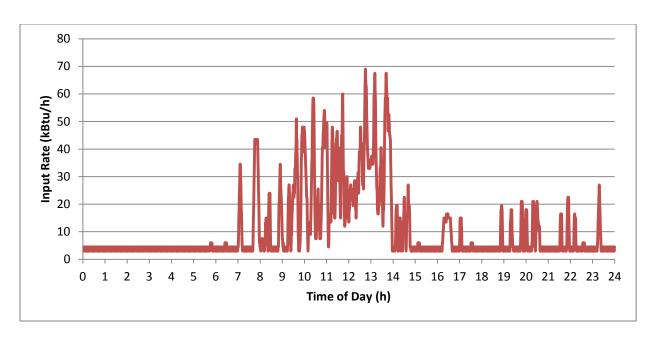
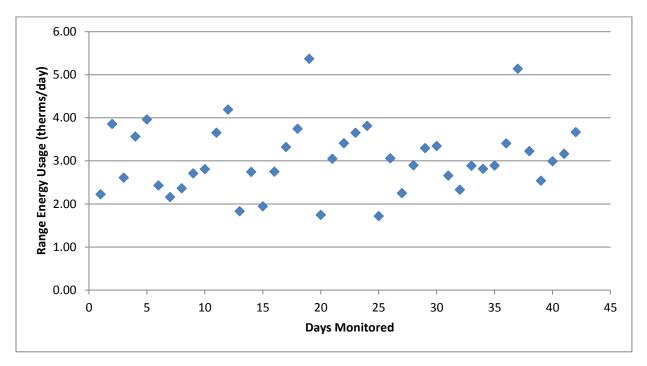


Figure 3 Typical Range Energy Use Profile

Spark ignition systems have been widely used in the residential sector; however have not been adapted by the commercial foodservice industry due to reliability issues. For automatic ignition, there needs to be a wire running to each burner in order to create a spark. When staff cleans the equipment, wires are often disturbed and the top of the spark contact often gets fouled with spilled food or bent by cleaning practices.



**Figure 4 Range Energy Usage Consistency** 

Comparison of different burner designs on the market has not shown energy savings of one design over another. The only energy savings opportunity besides pilot energy reduction is the cooking vessel itself. Pots and pans with a heatsink on the bottom have been proven to save energy and reduce cooking times. Energy usage of ranges is relatively low compared to other appliances, because the operator can see the cooking flame and knows that if the flame is on and nothing is being cooked the kitchen is heated up. Other appliances do not have an exposed flame and the operator does not always know when they are wasting energy.

Table 1 Range Energy Use and Time of Operation

	Energy Use	Operation Time
Werewolf	3.1 therms/day	7.2 hours/day
Airline Catering (with salamander)	4.7 therms/day	12.8 hours/day
Doubletree 1 (with salamander)	5.0 therms/day	19 hours/day
Doubletree 2	2.8 therms/day	16 hours/day
Doubletree 3	1.9 therms/day	11 hours/day
Average	3.5 therms/day	13.2 hours/day

No ranges were replaced; this study was able to characterize range energy usage at three sites. Two of the ranges had a built in salamander that was used for melting cheese for nachos. The ranges with salamanders used almost twice the energy, but the salamander was not submetered. Compared to other ranges with no salamander, it is estimated that salamanders account for 2 therms per day energy consumption. Ranges without the salamander used an average of 2.6 therms per day. Energy efficient cookware with integrated heatsinks is estimated to reduce that energy by 30-40% as documented in this report: <a href="http://www.fishnick.com/publications/appliancereports/rangetops/Eneron">http://www.fishnick.com/publications/appliancereports/rangetops/Eneron</a> Pot Testing.pdf

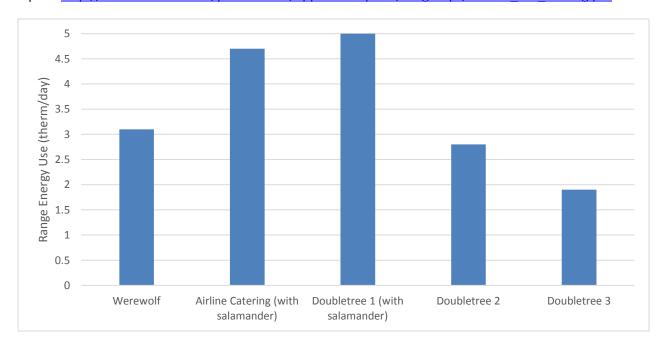


Figure 5 Standard Range Energy Use per Site

#### **Ovens and Steamers**

There are several different types of ovens on the market including convection ovens, pizza ovens, combi ovens, steamers and rack ovens. Convection ovens are one of the most popular appliance types with the ability to cook a plethora of different foods. Foodservice manufacturers have been improving oven designs for decades producing different oven types which vary in price and energy efficiency.



Figure 6 Baseline Convection Oven

Figure 7 Replacement Combi Oven

Most advanced ovens are combi ovens which combine convection and moisture cooking. Combi ovens can replace a convection oven and a steamer. Combis inject steam in the cooking cavity either by using an internal pressurized boiler or by spraying a controlled amount of water on a hot fan wheel which vaporizes the water. Power burners, better door seals and fan modulation make combi ovens more efficient and more expensive than convection ovens. Combi ovens allow the operator to maximize the use of space in the kitchen while expanding their menu. Aside from convection ovens, combis can replace steamers and rotisserie ovens. Rotisserie ovens are some of the most inefficient appliances in the kitchen that do not have a sealed cavity causing a lot of the heat to escape which makes them a great potential combi oven replacement.





Figure 8 Oliver's Market Combi Replacement

Figure 9 Oliver's Market Baseline Rotisserie

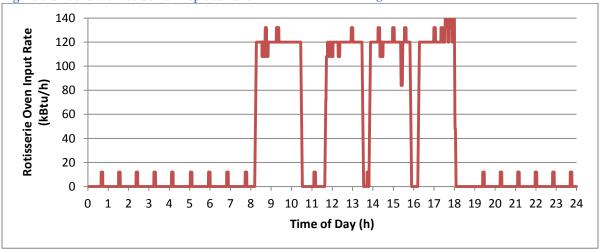


Figure 10 Rotisserie Oven Energy Profile Oliver's Market Cotati

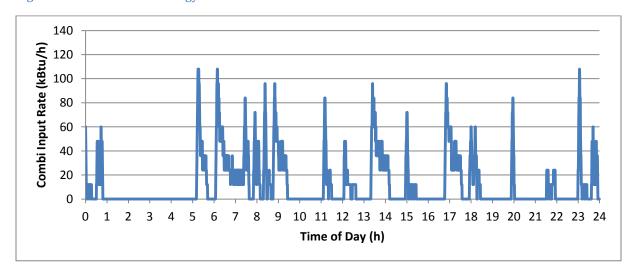


Figure 11 Combi Oven Energy Profile Oliver's Market Windsor

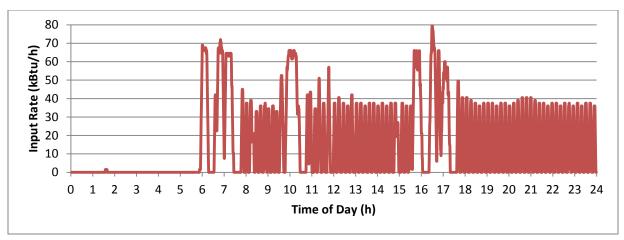


Figure 12 Convection Oven Average Hourly Input Rate

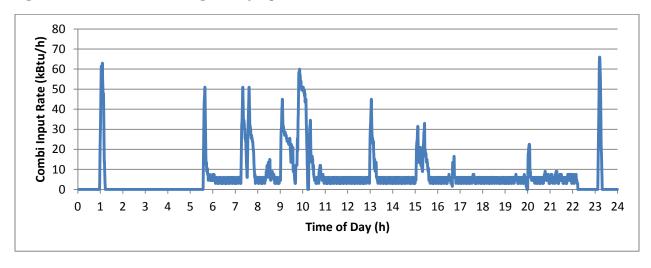


Figure 13 Combi Oven Replacement Average Hourly Input Rate

Standard convection ovens come in single and double stack configurations, based on gas monitoring, a single cavity consumes between 3 to 6 therms of gas per day, a doublestack cavity uses between 5 and 9 therms per day. Energy efficient convection ovens are characterized by utilizing insulation, thermostatic control optimization and efficient gas flue design. Doublestack convection ovens that were replaced at UCSF reduced energy consumption from 15.5 to 7.2 which is over 3000 therms saved per year.

**Table 2 Oven Energy Use and Operation Time** 

	Convection Oven Energy Use (therms/day)	Replacement (therms/day)	Operation Time
Doubletree 1 (dual)	4.2	1.4	19.2
Doubletree 2 (dual)	5.6	N/A	19.1
UCSF 1 (dual)	7.0	3.8	14.0
UCSF 2 (dual)	8.5	3.4	16.2
Airline Catering	5.9	N/A	17.6
Werewolf (single cavity)	3.5	1.7 (combi)	19

The convection oven is the most commonly replaced appliance by a combi oven. The single convection oven at the Airline Catering Company and the Restaurant Bar used 4.2 and 3.5 therms per day. The replacement combi oven at the Restaurant / Bar reduced the energy consumption by more than half and expanded their menu through moisture cooking. The biggest energy savings were achieved by replacing a rotisserie oven with a large combi oven resulting in 68% savings. The Doubletree hotel had three steamers with one of them replaced by a combi oven and the other two were replaced with an energy efficient steamer which reduced idle energy and consumed significantly less water.

**Table 3 Combi Oven Replacement Results** 

Site	Baseline	Baseline	Replacement	Replacement	Energy Savings	
Site	Appliance	Energy	Appliance	Energy	(therms/day)	
Doubletree	Doublestack	80	10 half Pan Combi	0.4	90 kWh/day	
Hotel	Steamer	kWh/day	10 fiall Pari Combi	Therms/day	80 kWh/day	
Airling Catarina	Convection	4.2	Doublestack 6 full	2 therms/day	2 therms/day	
Airline Catering	Oven	therms/day	Pan Combi	(est)	(est)	
Restaurant /	Convection	3.5	10 half Pan Combi	1.7 therms/day	1.8 therms/day	
Bar (Werewolf)	Oven	therms/day	10 fiall Pari Combi	1.7 therms/day	1.8 therms/day	
Grocery Store	Rotisserie	7.8	10 full Pan Combi	2.5 therms/day	5.3 therms/day	
Grocery Store	Rousserie	therms/day	10 Iuli Pali Collibi	2.5 therms/day	3.3 memis/day	

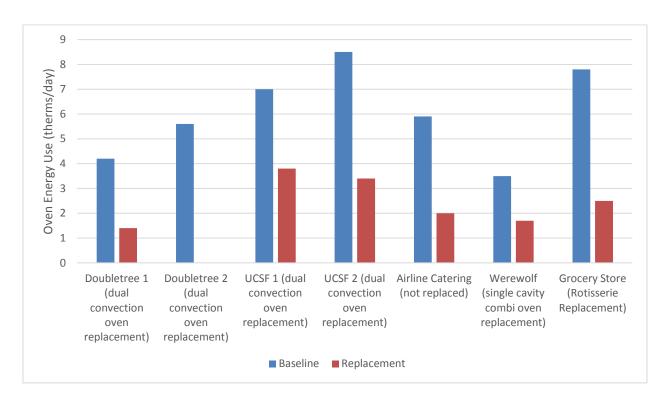


Figure 14 Oven Energy Savings per Site

#### **Fryers**

Fried food has been America's favorite food for centuries and fryers have become the centerpiece of quick service restaurants. They are able to produce delicious inexpensive food which often results in the highest profits for the restauranteur.





Figure 15 Low Cost Energy Efficient Fryer at Werewolf

Figure 16 High End Energy Efficient Fryer at Werewolf

A fryer is essentially a pot of oil that is heated. 14" wide fryers are the most popular and range in cost from \$1 to 5k depending on their design. Inexpensive baseline fryers have tube burners underneath the square frypot for heating, the exhaust gases are then routed the back of the fryer. More advanced designs utilize a power burner that feeds a controlled mixture of gas and air into the burner. The burners can utilize either jet nozzles or be infrared burners which are generally more efficient. Flue gases can also be routed through a heat exchanger which maximizes heat transfer to the cooking oil.

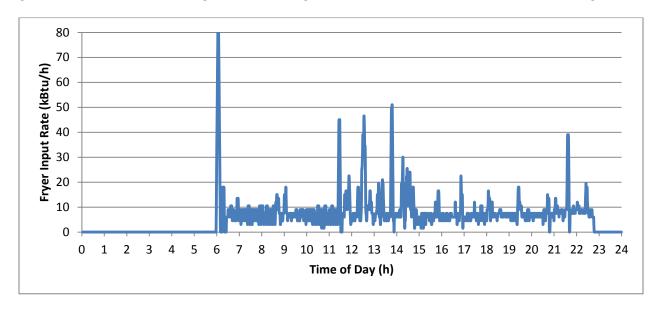
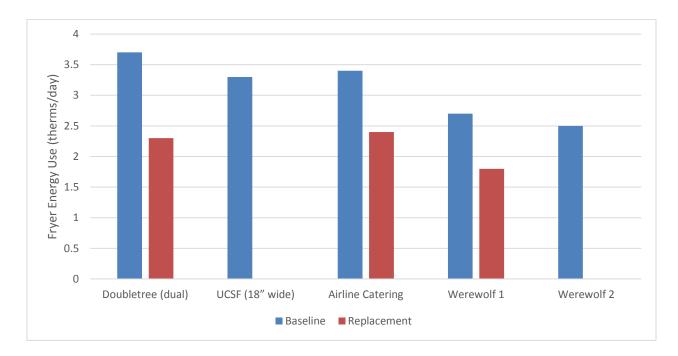


Figure 17 Typical Fryer Daily Energy Profile

14" fryers range between 30 and 60% in efficiency when cooking French fries with more efficient models having higher production capacity. Fryers were submetered at four sites and three standard fryers were replaced with energy efficient fryers. Replacement fryers resulted in 40-50% energy savings while increasing the restaurant's production capacity. Fryer replacement yielded in at least one therm per day per vat savings.

**Table 4 Fryer Energy Savings** 

	Baseline (therms/day)	Replacement (therms/day)	Operation Time (h)
Doubletree (dual)	3.7	1.3+1.0	15
UCSF (18" wide)	3.3	N/A	16.5
Airline Catering	3.4	2.4	16.7
Werewolf 1	2.7	1.8	11.0
Werewolf 2	2.5	N/A	18.6
Average	3.1	1.6	16



**Figure 18 Fryer Replacement Energy Reduction** 

#### Griddle

Griddles or Flattops are used in a variety of restaurants to cook proteins by searing the outer surface. Burgers are one of the most common items cooked on the griddle, other items include eggs and vegetables that are not cooked in a pan.



Figure 19 Doubletree Non-thermostatic Griddle



Figure 20 Doubletree Replacement Thermostatic Griddle

Griddles are essentially a flat sheet of metal that is heated underneath. Conventional griddles use a ¼" stainless steel plate with tube burners underneath. 3ft wide griddles are most popular and each linear foot has its own controls. There are two types of controls: manual where the knob position is directly proportional to the flame underneath the griddle plate, and thermostatic where the flame turns on and off automatically based on the temperature setting. Most food is cooked between 325 and 375F on the griddle surface. Non-thermostatic griddle efficiency depends heavily on the operator who can waste a lot of energy by forgetting to turn down the burners after an item has been cooked. Thermostatic controls eliminate this problem and often have an indicator showing that the griddle is up to temperature.

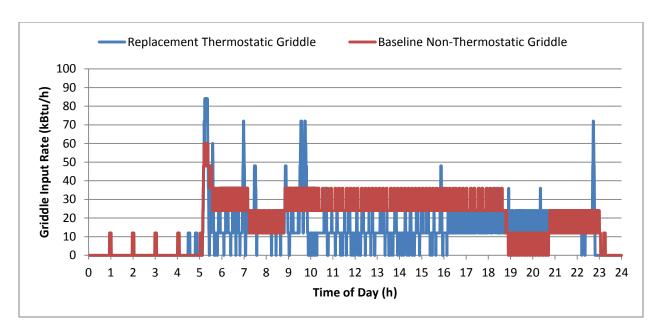


Figure 21 Thermostatic Griddle Replacement Energy Profiles

Energy efficient griddles use thermostatic controls and infrared burners. The griddle top thickness and surface material also makes a difference in energy consumption. Two griddles were monitored consuming an average of 4.5 therms per day. Baseline griddle replacement resulted in 1 therm per day energy savings with energy efficient thermostatic griddles.

**Table 5 Griddle Replacement Results** 

	Baseline Energy Use (therms/day)	Replacement (therms/day)	Operation Time (h)
Doubletree	4.1	3.1	11.9
Werewolf 1	4.9	3.7	17.5
Average	4.5	3.4	14.7

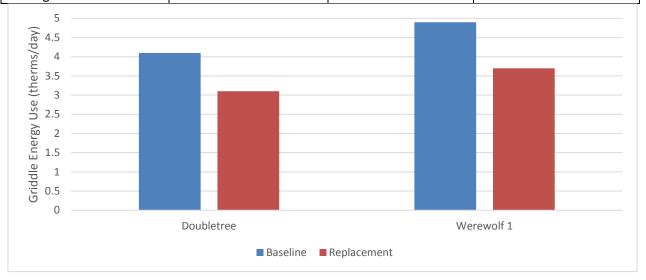


Figure 22 Griddle Replacement Results

#### **Broiler**

Broilers are some of the most energy intensive appliances in foodservice. Most establishments that serve alcohol have a broiler which is used to cook burgers and chicken producing the signature sear marks on the surface. Broilers operate between 500 to 600F requiring large amounts of heat which often escapes into the kitchen and requires high ventilation rates. Broilers use more than twice the energy of griddles and are non-thermostatic with each half linear foot having a gas input rate knob.





Figure 23 IR Plate Charbroiler

Figure 24 Baseline Underfired Charbroiler

Based on the broiler energy profiles below, these appliances are turned off in the morning and not adjusted much throughout the day. Energy efficient broilers utilize infrared burners that are more expensive than the standard cast iron tube burners. The infrared heat is spread more evenly across the broiler surface resulting in lower overall input rate compared to the standard broilers.

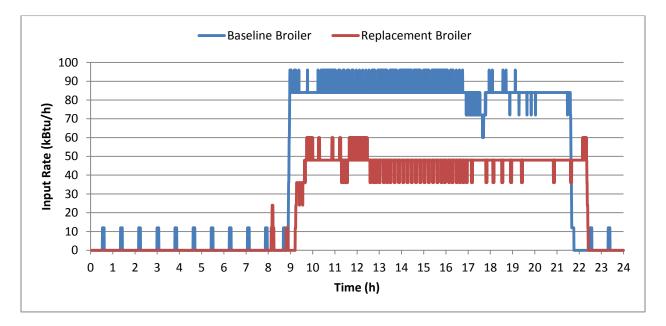


Figure 25 Broiler Replacement Typical Daily Energy Profile

**Table 6 Broiler Replacement Results** 

SITE	BROILER WIDTH	BROILER HOURS OPERATION	BASELINE BROILER ENERGY USAGE	REPLACEMENT BROILER ENERGY USAGE	REPLACEMEN T BROILER TYPE
Norm's	4	12.0	12.5	12.8	No Pilot
Firehouse 37	4	12.9	12.0	11.6	No Pilot
Yalla Mediterranean	conveyor	14.9	38.4	5.9	Conveyor Broiler
Sideboard Lafayette	3	12.0	7.5	NA	Not replaced
Hometown Buffet	3	5.2	3.4	NA	Not replaced
Doubletree	3	15.4	11.6	7.9	IR Burner
Werewolf	2	18.9	5.3	4.9	IR Plate
Airline Catering	4	20.4	18.0	15.7	Conveyor Broiler
Bridges	4	11.3	10.4	6.8	IR Plate
Esin	3	12.9	11.0	6.3	IR Plate
Revel	3	8.8	7.0	4.0	IR Plate
Average		13.2	9.7	8.4	

Baseline undefired broilers were replaced at multiple sites with the IR plate and IR burner broilers resulting in the highest energy savings of 30%. Conveyor broilers at Yalla and Airline Catering used the most energy and their energy efficient replacements resulted in the highest savings. Radiant reflector broilers with electronic ignition were analyzed, due to their energy savings claims, however they did not yield any actual energy savings at Norms and Firehouse. IR plate broilers had some problems with the plates warping after heat-stress caused by wet product.

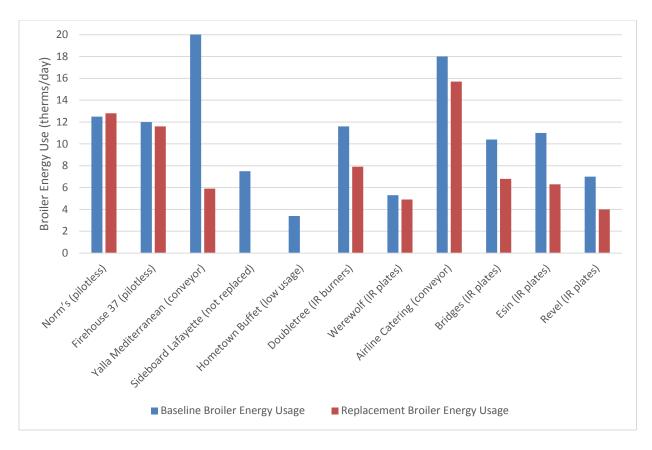


Figure 26 Broiler Replacement Energy

For the typical 3ft standard radiant broiler, the average energy use was about 72 kBtu/h. Given a restaurant that operates daily for an average of 10 hours a day, this would be equivalent to 262.8 MBtu annually. For a restaurant operating in California, where the average utility cost is \$0.88 per therm for natural gas, that would equate to approximately \$2313 in gas costs from the broiler alone. Assuming the average 25% energy savings from broiler replacement resulting in about \$578 in energy savings every year. Separate estimates for each category can be found listed in the table below, with the plate warping issues previously mentioned about the IR Plate broilers.

Table 7 Average Field Broiler Energy Use and Savings

Site	IR Plate	IR Burner	Radiant Reflector Pilotless	Lidded Thermostatic
Baseline (kBtu/h/ft)	22.992	22.355	24.568	25.143
Replacement (kBtu/h/ft)	14.859	16.990	24.916	18.427
Percent Savings	35%	24%	N/A	27%
Estimated Annual Energy Cost Savings	\$818.22	\$554.88	N/A	\$634.17

#### **Ventilation**

The 1500 square foot Werewolf restaurant with its 50 seat capacity and mixed-duty appliance line was a very good candidate for a Demand-Controlled Kitchen Ventilation (DCKV) system as an addition to the restaurant's HVAC system. A DCKV system refers to any engineered, automated method of modulating (i.e., variable reduction) the amount of air exhausted for a specific cooking operation in response to a full-load, part-load or no-load cooking condition (i.e., such as by duct temperature, effluent opacity or appliance surface temperatures). In conjunction with this, the amount of makeup air is also modulated to maintain the same relative air ratios, airflow patterns, and pressurizations. Complete capture and containment of all smoke and greasy vapor must be maintained when an exhaust system equipped with DCKV is operated at less than 100% of design airflow. Selection of all components, and design of the DCKV system, must be such that stable operation can be maintained at all modulated and full-flow conditions.

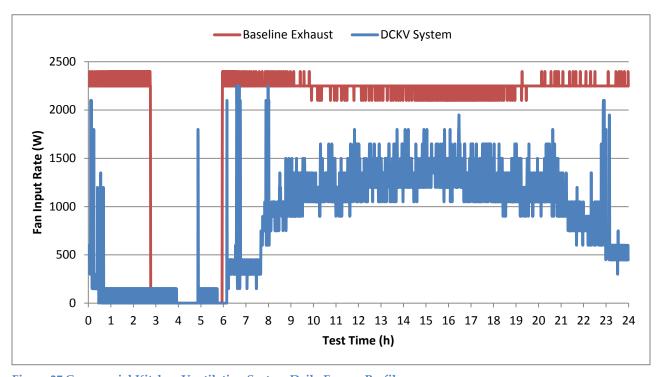


Figure 27 Commercial Kitchen Ventilation System Daily Energy Profile

The energy and utility savings are based on a reduction of fan energy due to reductions in air flows on both the exhaust and makeup air sides. There are additional savings based on reductions of cooling and heating energy due to a reduction in supply air flow rates. The type of system, appliance line, amount of exhaust air flow, weather conditions, and other factor affect the amount of savings.

The DCKV system chosen for the Werewolf restaurant was the Melink system. This system modulates both exhaust and supply fans based on duct temperature along with an opacity sensor that detects

smoke rising from the appliance. The opacity sensor allows for a quick fan speed increase response that maintains capture and containment during heavy effluent cooking which does not rapidly increase duct temperature. Because of this rapid optical response, the minimum airflow threshold can be lowered during times of light cooking or appliance idling. Maximizing the airflow range based on cooking conditions reduces the average fan speed which reduces energy use both from the supply and exhaust fans as well as makeup-air conditioning costs.

The Werewolf restaurant kitchen used a mixed duty appliance line including a range, combi, two fryers, small broiler and two griddles. It was a good candidate for the DCKV system. A Melink Intelli-Hood® 3 DCKV system was chosen and retrofitted to a dual section 18 ft hood with optical and temperature sensors over the main appliance line. The DCKV modulated the exhaust and supply fan between 20 and 80% power for three quarters of the time depending on exhaust temperature and effluent generated by the cooking process. The baseline energy consumption of the exhaust and makeup air fans was 72.1 kWh. After the retrofit, the energy consumption was reduced to 39.0 kWh. This represents a 33.1 kWh savings or a 46% reduction in fan energy. The temperate San Diego climate resulted in no cooling savings and the gas heating savings of 1,200 therms per year were calculated for makeup-air conditioning.

**Table 8 Commercial Kitchen Ventilation System Energy Savings** 

	Pre-DCKV	Post-DCKV Retrofit	Savings
Exhaust Fan	48.6 kWh/day	26.0 kWh/day	22.6 kWh/day
Supply Fan	23.5 kWh/day	13.0 kWh/day	10.5 kWh/day
Heating	N/A	N/A	1,200 therms/yr
Cooling	No Cooling	No Cooling	0
Total Savings			12,081 kWh/yr 1,200 therms/yr

## **Appliance energy reduction opportunities**

Gas and electric usage for the monitored foodservice facilities is shown in the table below. Daily gas consumption ranged between 22 and 115 therms per day which is between \$8k and \$42k in gas bills annually. Commercial kitchen ventilation systems were analyzed at all four sites; however, only two of them could potentially be optimized due to the facilities regulations. An energy consumption feedback system could be implemented at all but one site, informing the operators of their energy use so that they can make behavioral changes to reduce their consumption.

**Table 9 Energy Usage at Different Sites** 

Site	Appliances Monitored	Optimized Ventilation Potential	Energy Information System Potential	Daily Energy Usage (therms/day)	Daily Energy Usage (kWh/day)
Hotel	12	Yes	Yes	39	293
University Hospital	4	No	Yes	32	N/A
Airline Catering	12	No	No	115	N/A
Restaurant / Bar	8	Yes	Yes	22	64

The Airline Catering Company had the highest total energy usage out of all sites because of its long operating hours and several cook lines. The Restaurant/Bar had the least energy usage because of its small appliance line, however, it has the greatest energy reduction potential because of the outdated appliances. The Hotel had the greatest electric load because of the three electric steamers, large ventilation system, and a comparatively low gas load. The annual electric cost to run the steamers and the ventilation system was over \$16k. The University Hospital cookline had only two ovens that were candidates for replacement, these appliances used the most energy providing a great opportunity for targeted selective replacement.

Table 10 Average Operating Hours for Different Appliances (hours/day)

Site / Appliance	Fryer	Broiler	Griddle	Oven	Range
Hotel	15	17	12	19	15
University Hospital	17	N/A	N/A	15	N/A
Airline Catering	17	18	N/A	18	N/A
Restaurant / Bar	15	19	18	19	7
Average – All Sites	16	18	15	18	11

The monitored foodservice facilities had long operating hours with the most common appliances being on between 15 and 19 hours per day. Fryers, broilers, griddles, and ovens were usually turned on when the staff arrived in the morning and turned off after the dining room closed. The range was the only

appliance that was turned on and off during service because range burners are manually adjusted when necessary by the operator resulting in shorter operating hours. Ranges were also the only appliances where the cooking flame was visible to the operator, while other appliances such as ovens and broilers were left on longer and not turned down between lunch and dinner services.

Table 11 Average Energy Usage for Different Appliances (therms/day)

Site / Appliance	Fryer	Broiler	Griddle	Oven	Range
Hotel	3.7	11.9	4.1	5.1	3.2
University Hospital	3.3	N/A	N/A	7.8	N/A
Airline Catering	3.4	18.0	N/A	4.8	5.6
Restaurant / Bar	2.6	5.3	4.9	3.5	3.1
Average – All Sites	3.2	11.7	4.5	5.3	4.0

Broilers used the most energy followed by ovens and griddles. Griddles used half the energy of broilers. A fractional reduction in broiler energy could overshadow higher percentage reductions in other appliances. Ovens had the most energy variation, making the higher consumers great potential replacement candidates. Range energy usage depended greatly on restaurant menu items and availability of breakfast service. Fryers had the most consistent energy usage due to standard oil vat size and temperature set points. The next phase of the project will analyze energy reduction of each appliance type at the different foodservice facilities.

## Realized appliance energy reduction

Gas energy was measured for entire cooklines at four sites and for a single rotisserie at a grocery store with a deli. After energy efficient appliance replacement, the entire cookline gas energy reduction ranged between 19 and 27%. The airline catering company had the highest energy usage with most of the savings coming from the steam kettle replacement with energy efficient dual compartment steamers. The University Hospital benefited from oven replacement which resulted in 55% oven energy savings, however the rest of the cookline was not eligible for replacement resulting in 27% overall savings. The restaurant / bar benefited from the whole cookline replacement which resulted in 19% savings. The hotel appliance replacement resulted in 20% savings mostly due to broiler replacement.

Table 12 Cookline Gas Energy Reduction (therms/day)

Site	Pre Gas Consumption	Post Gas Consumption	Gas Savings	Gas Savings
Hotel	39.2	31.2	8.0	20%
University Hospital	31.8	23.3	8.5	27%
Airline Catering	115.3	88.2	27.1	23%
Restaurant / Bar	21.9	17.6	4.3	19%
Grocery Store	7.8	2.5	5.3	68%
Total – All Sites	215.9	162.8	53.1	25%

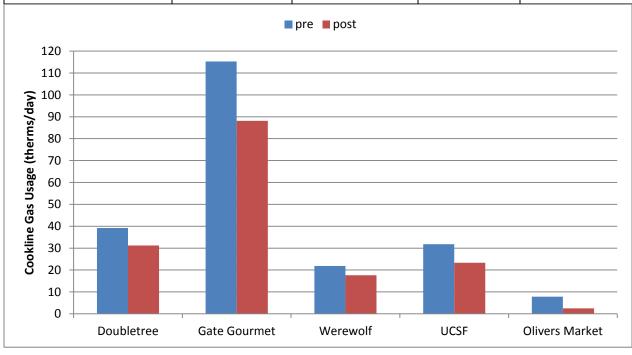


Figure 28 Cookline Gas Energy Reduction

The grocery store only had one appliance replaced. The rotisserie oven was replaced by a combi oven resulting in 68% savings. Based on the large savings and easier cleaning, the grocery store is planning to replace their rotisserie ovens with combi ovens at their other locations.

Electrical energy was monitored at two sites. The hotel had three electric dual compartment steamers which got replaced by a gas steamer, gas combi and an electric steamer. The steamer replacement resulted in over 200 kWh reduction and the two gas appliances only added two therms per day to the gas load. The restaurant / bar had two kitchen ventilation hoods which got consolidated into one by moving the oven from the prep line to the main cook line. The main line hood had a demand control ventilation system installed which resulted in additional 30% savings.

Table 13 Cookline Electric Energy Reduction (kWh/day)

Site	pre electric	post electric	electric savings	electric savings
Hotel	293.0	85.0	208.0	71%
Restaurant / Bar	64.0	32.3	31.7	49%
Total – All Sites	357.0	117.3	239.7	67%

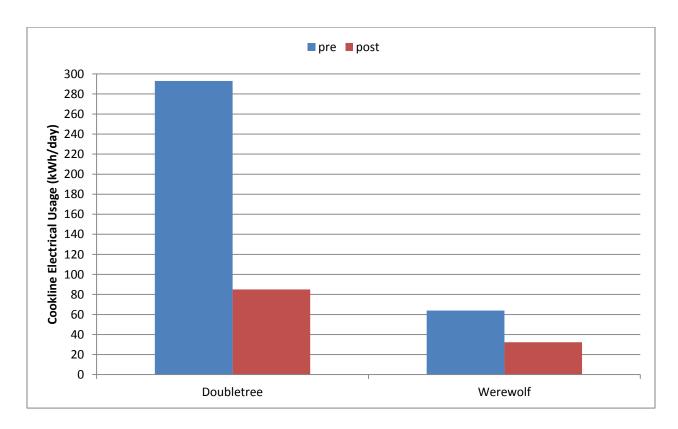


Figure 29 Cookline Electric Energy Reduction

## Impact on the industry

As energy becomes costlier and more people are becoming aware of their carbon footprint, it is more important to identify energy reduction opportunities in different commercial sectors. Historically, foodservice has been a slow to adapt industry where speed is valued more than efficiency. In order to reduce the carbon footprint of restaurants and institutional kitchens, change can come either from the cooking equipment providers, the restaurant operators or the consumers themselves.

### **Appliance Energy and Carbon Footprint**

As the consumers become more aware of the sustainable practices of the restaurant from the food sourcing perspective, they should start scrutinizing the amount of energy it takes to prepare the food. A sustainably sourced chicken that has been roasted in an open rotisserie that consumes 10 therms per day is no longer a sustainable product once it ends up on the plate. Authentic Italian pizza with ingredients flown in from Italy and cooked in a 1000F oven that is on 24/7 has some of the highest carbon footprints per pound of food served.

Sustainable material evaluation involves cradle to grave analysis starting from material sourcing and ending with the material recycling at its end of life. The cradle to grave analysis of our food is incomplete, because the overall energy impact of food is not complete once the animal is killed, it is complete once it is consumed by people. There is abundant data of the greenhouse gases emitted during production and transportation of different foods as shown in the figure below, but the cooking energy impact is often overlooked.

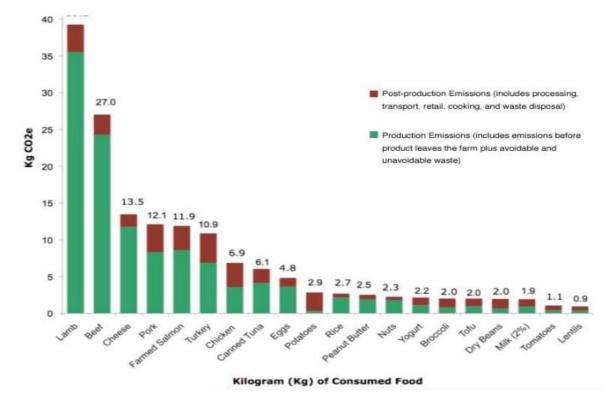


Figure 30 Food Product Greenhouse Gas Emissions (Environmental Working Group Meat Eaters Guide: Methodology 2011)

Even when craving for a hamburger, a consumer can have a decision of their carbon foot print impact: to go to a restaurant that uses a flat top griddle or a flamed char broiler that uses three times the energy. Quick Service Restaurants have been criticized for their use of food additives and unsustainably harvested products which may lead to higher production emissions, however most quick service restaurants utilize energy efficient appliances that result in lower post production emissions. Chain restaurants often have engineers that specify energy efficient equipment in order to streamline the cooking process and save costs on energy, therefore reducing their carbon emissions for the cooking process. High end cook to order restaurants may use very energy inefficient appliances to cook individual portions of food that have been sustainably sourced. This results in a lower food production emission and a higher post production emission. The chart below shows the energy consumption of each appliance which is used to cook food. The carbon emissions are proportionate to the energy consumption.

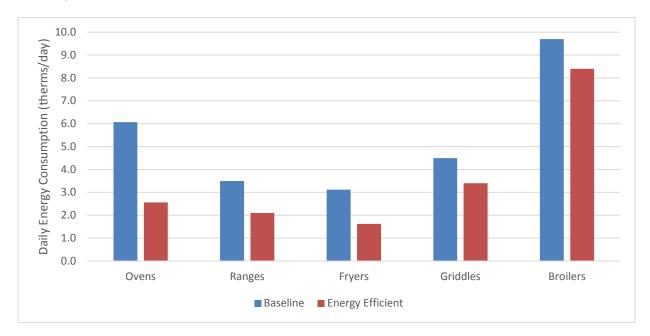


Figure 31 Energy Consumption Per Appliance Type

Energy consumption can initially be reduced by choosing less energy intensive appliance types, and then further reduced by specifying energy efficient appliances. Using the carbon footprint assumptions for PG&E territory, the annual carbon footprint of each appliance can be calculated.

Table 14 Carbon Emissions Per Energy Source in PG&E Territory (Pacific Gas and Electric Company Carbon Footprint Calculator Assumptions)

	Carbon Emissions (lbs)	Unit
Electric Appliance	0.524	Per kWh
Gas Appliance	13.446	Per therm

**Table 15 Commercial Kitchen Appliance Carbon Footprint** 

Cooking Appliance	Baseline Emissions (tons CO2 per year)	Energy Efficient Emissions (tons CO2 per year)
Ovens (2 Cavity)	29.8	12.6
Ranges (6 Burner)	17.2	10.3
Fryers (one 14in vat)	15.3	8.0
Griddles (3ft wide)	22.1	16.7
Broilers (3ft wide)	47.6	41.2

Broilers have the highest CO2 emissions with the ovens having the second highest emissions. In order to reduce the broiler carbon emissions, the operator can either replace it with an energy efficient broiler or switch to a griddle which would result in even greater reduction. Ovens are quite versatile and can cook a variety of products which means their carbon emissions per item cooked can be much lower if the food is cooked in large batches. Energy efficient ovens are readily available and are relatively inexpensive way to reduce the carbon footprint. Fryers seem to have the lowest footprint, however the reported numbers are per fryer vat and larger restaurants have several vats. Besides switching to energy efficient fryers, the operator can use fresh product instead of frozen which will reduce the overall cooking energy. A restaurant with one of each appliance type can reduce their carbon footprint by 43 tons of CO2 per year if the operator was to replace their inefficient appliances, or efficient appliances were specified in the first place.

# **Appliance Costs and Utility Rebates**

Commercial cooking appliances are much more expensive than their residential counterparts. These appliances are mostly made of stainless steel and use very few plastic pieces which results in higher cost. Furthermore, the appliance production numbers are lower for the commercial market than residential which drives the design and certification costs up compared to the units sold. The typical appliance costs for each type are shown in a table below. The most energy intensive appliances are some of the cheapest.

**Table 16 Typical Appliance Costs** 

Cooking Appliance	Baseline Efficiency Appliance Retail Cost
Convection Oven (Per Cavity)	\$4,000
Steamer (Per Cavity)	\$5,000
Combi Oven (Per Cavity)	\$10,000
Range (6 Burner)	\$3,000

Fryers (one 14in vat)	\$2,000
Griddles (3ft wide)	\$3,000
Broilers (3ft wide)	\$2,500

Appliances typically last anywhere from 6 to 20 years with an average effective useful life of 12 years. Ovens and steamers often require the most repairs with many components prone to failure such as thermostats, fans, igniters and door hinges. Broilers and ranges have less components that can fail, so the operators are less likely to replace those appliances. Once an appliance fails, and cannot be repaired, it is often hastily replaced by whatever appliance is available at the local foodservice retailer. Very little attention is paid to the appliance's energy efficiency.

Energy efficient appliances often cost 10-30% more than their baseline counterparts. Energy efficient appliances often have higher production capacities and additional features such as programmable timers. Energy efficient appliances also have low end and high end models, with the high end models often costing two to three times the baseline cost. Budget efficient appliances may cost almost the same as their inefficient counterparts. Higher initial appliance costs of energy efficient appliances can often be justified by energy savings and higher sales volumes for busy restaurants.

Energy efficient appliance cost premium is sometimes subsidized by the energy utility company in order to reduce the energy demand. California utilities estimate their rebates based on the first year energy savings of energy efficient appliances. Some competing utilities outside of California use rebates in order to convince the customer to switch fuel sources between gas an electric. Energy efficiency rebates often provide the appliance manufacturers competitive advantage, which persuades the manufacturers to reengineer their designs in order to make their product more energy efficient. Sometimes the rebates are given to the equipment sales people instead of the customers themselves in order to drive up the sales of energy efficient equipment. Overall, utility rebates justified by verified data are a great way to move the foodservice industry forward and reduce its carbon footprint.

# **Behavioral Changes**

Restaurant designers have the biggest influence over the restaurant's future energy consumption. Restaurant designers use foodservice consultants to specify appliances. Foodservice consultants are sometimes loyal to a certain appliance brand and may specify inefficient appliances. Foodservice consultants should be educated about the benefits of energy efficiency and have an arsenal of energy efficient appliances that they can specify for new restaurant designs and remodels.

The restaurant operator has the second most influence over the restaurant's carbon footprint. They get to decide what appliance gets replaced with what model and how much to spend. Often during restaurant construction, an unexpected change causes the project to go over budget and leaves it up to the operator to decide where to save costs. Restaurants are more likely to cut costs in the kitchen rather than the dining room, during cost cutting, specified energy efficient appliances are in danger of

being replaced by cheaper inefficient appliances. It is important to teach the restaurant operators and managers how energy efficient equipment can save them operating costs in the long term despite their initial higher costs.

The appliance operators are the line cooks and sous-chefs which are the lowest paid employees in the restaurant. They often do not have any idea how much energy a restaurant uses and what the restaurant energy bills are. They also do not have any financial incentive to reduce energy, however they are ultimately the ones that have the most control over energy consumption once an appliance is installed. There is a tremendous amount of energy that is wasted due to carelessness and poor planning.

Restaurant staff comes in early in the morning before the restaurant opens in order to prep food for service. Appliances are often turned on during that time even if no cooking is taking place. A typical appliance takes 10 to 20 minutes to preheat, turning on appliances half an hour before service can save 1-4 hours of wasted energy. Restaurants that serve breakfast, lunch and dinner may use certain appliances only for one of the three services, appliances need to be turned on for that service period only. Restaurants serving lunch and dinner often have a quiet period between those two services, most appliances can be turned off or turned down in between. Restaurant managers should educate their cooks and provide financial incentives for behavioral energy reduction. Feedback on how much energy a restaurant uses can be obtained through smart meters used by many utilities around the country. Additional gas or electric sub metering services can be available through local consulting companies.

# **Information Dissemination**

The foodservice industry is not fully aware of its overall impact on the global energy consumption and the greenhouse emissions associated with it. Operator training and information dissemination is crucial in order to achieve energy reduction goals in this commercial sector. This report will be posted on a publically accessible website and will be referenced for future energy studies. The information in this report will be used in presentations to foodservice operators, utility program managers, restaurant designers and restaurant equipment manufacturers.

The California utilities provide free training programs for their customers and employees that are involved in the commercial foodservice industry. Education and training will increase the awareness of energy waste and will trickle down to the operators and consumers that are ultimately responsible for it. Fortunately, energy use and energy cost are related to each other and most people are more likely to care about their carbon footprint if there are financial incentives to do so. Saving the operator money and saving energy go hand in hand. Utilities worldwide should continue providing financial incentives directly and indirectly to the operators to reduce their energy consumption and educate those who do not yet understand the value of it.



August 13, 2020, 3:19 PM

# **Contents**

i.	Summary of responses	2
ii.	Survey questions	6
iii.	Individual responses	7

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

# **Summary Of Responses**

As of August 13, 2020, 3:19 PM, this forum had: Topic Start

Attendees: 97 July 22, 2020, 7:39 AM

Responses: 47
Hours of Public Comment: 2.4

# QUESTION 1

# Do you live in the City of Sunnyvale?

		%	Count
Yes		74.5%	35
No		25.5%	12

# QUESTION 2

# Do you own a business in Sunnyvale?

	%	Count
Yes	6.4%	3
No	93.6%	44

# QUESTION 3

# Are you considering a development project in Sunnyvale?

	%	Count
Yes	8.5%	4
No	91.5%	43

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

# QUESTION 4

# What type of business do you own?

	%	Count
Retail	16.7%	1
Office	66.7%	4
Mixed Use	16.7%	1
Restaurant	16.7%	1

# QUESTION 5

# How informative did you find the reach code video presentation?

	%	Count
Extremely	7.9%	3
Very	47.4%	18
Somewhat	34.2%	13
Not Very	7.9%	3
Not at all	2.6%	1

# QUESTION 6

# Which types of Reach Code would you support?

	%	Count
A total ban on natural gas (including outside use).	66.0%	31
All-electric new construction	78.7%	37
All-electric additions and alterations	68.1%	32

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

	%	Count
All-electric for new construction with exceptions for cooking	23.4%	11
Mixed fuel with additional efficiency measures for new construction	12.8%	6
No Reach Codes	10.6%	5
Other	12.8%	6

# QUESTION 7

# If you support Reach Codes, select your reasons why.

	%	Count
Reduce greenhouse gas emissions	100.0%	42
Support Sunnyvale's Climate Action Playbook	85.7%	36
Health and safety	83.3%	35
Cost savings	61.9%	26
Other	16.7%	7

# QUESTION 8

# If you don't support Reach Codes, select the reasons why.

	%	Count
I don't believe it will make a difference in greenhouse gas emissions	66.7%	4
Reach Codes would be too costly	33.3%	2
l don't believe electric appliances perform as well as gas appliances	100.0%	6

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

Reach Codes should be a personal choice

**% Count** 50.0% 3

QUESTION 9

Please express any additional thoughts, questions, or concerns you may have regarding Reach Codes.

Answered 18

Skipped 29

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

# **Survey Questions**

#### QUESTION 1

# Do you live in the City of Sunnyvale?

- Yes
- No

#### **QUESTION 2**

#### Do you own a business in Sunnyvale?

- Yes
- No

#### QUESTION 3

# Are you considering a development project in Sunnyvale?

- Yes
- No

#### **QUESTION 4**

# What type of business do you own?

- Retail
- Office
- Mixed Use
- Restaurant

# **QUESTION 5**

# How informative did you find the reach code video presentation?

- Extremely
- Very
- Somewhat
- Not Very
- Not at all

# QUESTION 6

# Which types of Reach Code would you support?

- A total ban on natural gas (including outside use).
- · All-electric new construction
- · All-electric additions and alterations

- All-electric for new construction with exceptions for cooking
- Mixed fuel with additional efficiency measures for new construction
- No Reach Codes
- Other

# **QUESTION 7**

#### If you support Reach Codes, select your reasons why.

- · Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook
- · Health and safety
- Cost savings
- Other

#### **QUESTION 8**

# If you don't support Reach Codes, select the reasons why.

- I don't believe it will make a difference in greenhouse gas emissions
- Reach Codes would be too costly
- I don't believe electric appliances perform as well as gas appliances
- Reach Codes should be a personal choice
- Other

# QUESTION 9

Please express any additional thoughts, questions, or concerns you may have regarding Reach Codes.

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

# **Individual Responses**

# Name not shown

inside Sunnyvale July 24, 2020, 7:41 PM

#### Question 1

Yes

#### Question 2

No

# **Question 3**

• No

#### **Question 4**

No response

#### **Question 5**

Somewhat

#### Question 6

- A total ban on natural gas (including outside use).
- All-electric new construction
- · All-electric additions and alterations
- Other Pre-wiring for electric vehicle charging above state mandates.

#### **Question 7**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- · Health and safety
- · Cost savings
- Other Cities and developers should share in the commitment to eliminate GHG emissions. Building standards should be changed now so new fossil fuel equipment does not get designed into buildings that will be operating long after our window to act is closed.

## **Question 8**

No response

# Question 9

It would be nice to see the actual proposed code language. I like that future phases will include requirements for tennant improvements to be all-electric. I was hoping there would be requirements in the first phase for pre-wiring for electric vehicles beyond what is currently required by the state. Business and commercial development are ideal for EV charging because they can utilize excess solar on the grid during the day. Wondering if the phases will be implemented over months or years and how it will be decided when to move to a next phase and how long it would take. Wondering how much annual greenhouse gas emissions will be 'locked in' by allowing an exemption from the requirements for developments that already have a planning entitlement.

#### Name not shown

inside Sunnyvale July 24, 2020, 11:32 PM

#### **Question 1**

Yes

#### Question 2

No

#### Question 3

No

# **Question 4**

No response

#### **Question 5**

Somewhat

#### **Question 6**

- · A total ban on natural gas (including outside use).
- All-electric new construction
- · All-electric additions and alterations

#### **Question 7**

- · Reduce greenhouse gas emissions
- · Health and safety

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

No response

#### **Question 9**

With food service the most energy-intensive type of commercial building, it seems especially important that kitchens be electrified now rather than sometime in the indefinite future.

https://drive.google.com/file/d/1jmy96bedzjOq9VQouNCeymSxO\_aZn VOm/view——Why would responsible builders use inefficient kitchen appliances, and if they are, why is Sunnyvale allowing such at this point in history? I see no need for a phased approach. Builders were already given a heads up as to Sunnyvale's desires with the green building program that encouraged all-electric. We need to be pushing the envelope if we want to give our kids a fighting chance. We are out of time for dithering and half-measures. All electric is a superior product—healthier, safer, and the way of the present and future. There is no need to be tentative about requiring it. Please require all-electric kitchens now, with exception requests to go to Council. And as soon as we have an inkling that the exempted building types may be costeffective, we need to include them in our ordinance. —- Also, strengthened EV charging requirements need to be part of this reach code, Phase 1, to make driving electric as easy as possible as soon as possible. Charging at office buildings is especially important since this is where cars are parked during the day when solar is plentiful. Cupertino is a good model. http://www.buildingdecarb.org/uploads/3/0/7/3/30734489/cupertino \_staff\_report\_12-17.pdf —-It is important that the code include a requirement than any gas appliances be pre-wired for future conversion to electric, to reduce future costs.

#### Name not shown

inside Sunnyvale July 25, 2020, 10:37 PM

#### Question 1

• Yes

#### Question 2

No

## **Question 3**

No

# Question 4

No response

# **Question 5**

Very

# Question 6

- A total ban on natural gas (including outside use).
- · All-electric new construction
- · All-electric additions and alterations
- · All-electric for new construction with exceptions for cooking

# Question 7

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- Health and safety
- Cost savings

#### **Question 8**

No response

#### **Question 9**

No response

# **Sven Thesen**

outside Sunnyvale July 27, 2020, 8:40 AM

#### Question 1

No

#### Question 2

No

# Question 3

Yes

# Question 4

Office

#### **Question 5**

No response

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

• A total ban on natural gas (including outside use).

### **Question 7**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- · Health and safety
- Cost savings
- Other Support technological advances in energy/ building sectors which will drive down costs and yield safer healthier lowcarbon/energy buildings.

#### **Question 8**

No response

## **Question 9**

Our family, living in an all electric, zero net energy, passive home for the past 9 years, are in strong support of all electric reach codes. We invite city council and staff to tour our home in Palo Alto (both virtually and social distancing). Because of the interest in all-electric low carbon buildings, over 4,000 people have toured the home. If you have never seen an induction stove in action, a heat pump, or an air admittance valve, please do visit us. ProjectGreenHome.org

# **Robert Whitehair**

outside Sunnyvale July 27, 2020, 12:38 PM

#### Question 1

No

# Question 2

• No

# Question 3

Yes

# Question 4

- Mixed Use
- Restaurant

# Question 5

Not at all

#### **Question 6**

· A total ban on natural gas (including outside use).

#### Question 7

· Reduce greenhouse gas emissions

#### **Question 8**

No response

## **Question 9**

No response

# **Bill Hilton**

inside Sunnyvale July 27, 2020, 5:00 PM

#### Question 1

• Yes

# **Question 2**

No

# Question 3

• No

# Question 4

No response

# **Question 5**

Very

# **Question 6**

- All-electric new construction
- · All-electric additions and alterations
- Other All-electric new construction with no exceptions

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

· Health and safety

# Question 8

No response

# **Question 9**

No response

# **Ari Feinsmith**

inside Sunnyvale July 27, 2020, 8:39 PM

#### Question 1

• Yes

#### **Question 2**

• No

## **Question 3**

No

# Question 4

No response

# **Question 5**

• Very

# Question 6

- A total ban on natural gas (including outside use).
- · All-electric new construction
- All-electric additions and alterations
- · All-electric for new construction with exceptions for cooking
- Mixed fuel with additional efficiency measures for new construction

# **Question 7**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- · Health and safety
- Cost savings
- Other Less likely for their to be a gas leek or gas accident.

#### **Question 8**

No response

# **Question 9**

I like reach codes. Yeah!

# **Susan Butler-Graham**

outside Sunnyvale July 29, 2020, 2:31 PM

#### Question 1

No

#### Question 2

No

# Question 3

• No

# **Question 4**

No response

# **Question 5**

Very

#### **Question 6**

- · A total ban on natural gas (including outside use).
- All-electric new construction

#### **Question 7**

- · Reduce greenhouse gas emissions
- · Health and safety

# **Question 8**

No response

# **Question 9**

No response

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

Name not available	Question 3
July 30, 2020, 8:05 AM	• No
Question 1	Question 4
• Yes	No response
Question 2	Question 5
• No	No response
Question 3	Question 6
• No	No Reach Codes
Question 4	Question 7
No response	No response
Question 5	Question 8
• Extremely	I don't believe it will make a difference in greenhouse gas emissions
Question 6	I don't believe electric appliances perform as well as gas appliances
<ul> <li>All-electric for new construction with exceptions for cooking</li> <li>Mixed fuel with additional efficiency measures for new construction</li> </ul>	Question 9  No response
Question 7	Name not available
Reduce greenhouse gas emissions	July 30, 2020, 9:22 AM
Question 8	Question 1
• I don't believe electric appliances perform as well as gas appliances	• No
Question 9	Question 2
No response	• No
Name not available	Question 3
July 30, 2020, 9:16 AM	• No
Question 1	Question 4

No response

Question 5

Somewhat

Yes

• No

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

#### **Question 6**

• A total ban on natural gas (including outside use).

# **Question 7**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- · Health and safety
- · Cost savings
- Other Reduce dependence on fossil fuels and stop supporting fossil fuel companies

#### **Question 8**

No response

#### **Question 9**

I think there should be faster transition to all-electric commercial kitchens. Induction cooktops are excellent options. The City needs to be a leader in this area, and while listening to constituents is important, they will always want more time to change.

# Name not shown

inside Sunnyvale July 30, 2020, 9:47 AM

# Question 1

Yes

#### Question 2

No

#### Question 3

• No

# Question 4

No response

#### **Question 5**

Very

# Question 6

- · A total ban on natural gas (including outside use).
- All-electric new construction
- · All-electric additions and alterations

# Question 7

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- Health and safety
- · Cost savings

#### **Question 8**

No response

#### **Question 9**

No response

# Name not available

July 30, 2020, 1:53 PM

#### Question 1

• Yes

#### Question 2

No

#### **Question 3**

• No

#### **Question 4**

No response

#### **Question 5**

Very

- A total ban on natural gas (including outside use).
- All-electric new construction
- · All-electric additions and alterations
- Mixed fuel with additional efficiency measures for new construction

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

#### **Question 7**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook

#### **Question 8**

No response

# **Question 9**

No response

# **Timothy Oey**

inside Sunnyvale July 30, 2020, 9:05 PM

#### Question 1

• Yes

## Question 2

No

# **Question 3**

No

#### **Question 4**

No response

# **Question 5**

Not Very

#### **Question 6**

- A total ban on natural gas (including outside use).
- · All-electric new construction
- All-electric additions and alterations
- All-electric for new construction with exceptions for cooking
- Other Incentives to go all electric on existing buildings

# **Question 7**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- Health and safety

· Cost savings

# **Question 8**

No response

# **Question 9**

The reach code presentation could have been documented on a web page or 1 pager instead of needing to listen through a longish presentation for the amount of information it contained.

## Name not available

July 31, 2020, 8:51 AM

# Question 1

• Yes

#### Question 2

• No

# Question 3

No

# **Question 4**

No response

# Question 5

No response

#### **Question 6**

- A total ban on natural gas (including outside use).
- All-electric new construction
- · All-electric for new construction with exceptions for cooking

#### **Question 7**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook

#### **Question 8**

No response

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

Question 9	• Yes
No response	Question 2
Name not available	- • No
July 31, 2020, 11:01 PM	Question 3
Question 1	• No
• Yes	
• res	Question 4
Question 2	No response
• No	Question 5
Question 3	• Very
• No	Question 6
Question 4	All-electric new construction
No response	All-electric additions and alterations
	All-electric for new construction with exceptions for cooking
Question 5	Mixed fuel with additional efficiency measures for new construction
• Somewhat	Question 7
Question 6	Reduce greenhouse gas emissions
No Reach Codes	<ul><li>Support Sunnyvale's Climate Action Playbook</li><li>Health and safety</li></ul>
No readificació	Cost savings
Question 7	
No response	Question 8
	No response
Question 8	
• I don't believe it will make a difference in greenhouse gas emissions	Question 9
• I don't believe electric appliances perform as well as gas appliances	No response
Reach Codes should be a personal choice	
Question 9	Name not shown
No response	inside Sunnyvale
	August 1, 2020, 5:21 PM
Name not available	Question 1
August 1, 2020, 10:32 AM	• Yes

Question 2

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

No response • No **Question 5 Question 3** Very • No **Question 6 Question 4** No response • All-electric new construction **Question 5 Question 7** No response • Reduce greenhouse gas emissions • Support Sunnyvale's Climate Action Playbook Question 6 · Health and safety • All-electric new construction **Question 8** · All-electric additions and alterations No response **Question 7 Question 9** • Reduce greenhouse gas emissions No response • Support Sunnyvale's Climate Action Playbook · Health and safety · Cost savings Name not shown inside Sunnyvale **Question 8** August 1, 2020, 7:59 PM No response Question 1 **Question 9** • Yes No response Question 2 Name not available • No August 1, 2020, 6:28 PM Question 3 Question 1 No • Yes Question 4 Question 2 No response • No **Question 5** Question 3 Somewhat No **Question 6** 

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

- A total ban on natural gas (including outside use).
- · All-electric additions and alterations
- · All-electric for new construction with exceptions for cooking

# Question 7

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- · Health and safety
- · Cost savings

#### **Question 8**

No response

#### **Question 9**

Provide incentives for business to install EV chargers at their business. The cost should be the cost of electricity for the business

# Name not shown

inside Sunnyvale August 2, 2020, 7:33 AM

#### Question 1

• Yes

#### **Question 2**

• Yes

# Question 3

• Yes

# Question 4

· Office

#### **Question 5**

Very

## Question 6

· No Reach Codes

# **Question 7**

No response

#### **Question 8**

- I don't believe it will make a difference in greenhouse gas emissions
- · Reach Codes would be too costly
- I don't believe electric appliances perform as well as gas appliances
- · Reach Codes should be a personal choice

#### **Question 9**

It's already very expensive to operate in the city of Sunnyvale.

#### **Ariel Stein**

inside Sunnyvale August 3, 2020, 10:57 AM

#### Question 1

Yes

#### Question 2

No

# Question 3

No

#### Question 4

No response

# **Question 5**

Very

#### **Question 6**

- A total ban on natural gas (including outside use).
- All-electric new construction
- All-electric additions and alterations

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- · Health and safety
- Cost savings

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

#### **Question 8**

No response

# **Question 9**

Thank you for your work toward implementing Reach Codes in Sunnyvale! I'm glad to see Sunnyvale start to catch up to the rest of the Bay Area.

#### Name not available

August 5, 2020, 9:19 PM

#### Question 1

• Yes

# Question 2

No

#### Question 3

No

# Question 4

No response

#### **Question 5**

Not Very

# Question 6

- · A total ban on natural gas (including outside use).
- · All-electric new construction
- · All-electric additions and alterations
- All-electric for new construction with exceptions for cooking

# **Question 7**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook

# **Question 8**

No response

#### **Question 9**

No response

# Name not available

August 6, 2020, 11:33 AM

#### Question 1

• Yes

# Question 2

No

#### Question 3

No

# Question 4

No response

#### **Question 5**

Somewhat

#### **Question 6**

- A total ban on natural gas (including outside use).
- All-electric new construction
- Other Renewable Sources

#### **Question 7**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook

# **Question 8**

No response

# **Question 9**

No response

# Name not shown

outside Sunnyvale August 7, 2020, 12:41 PM

# Question 1

No

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

#### Question 2

• No

# Question 3

No

# Question 4

Office

#### **Question 5**

Very

# Question 6

- A total ban on natural gas (including outside use).
- · All-electric new construction
- · All-electric additions and alterations

#### **Question 7**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- · Health and safety

# **Question 8**

No response

#### **Question 9**

As an architect working in Sunnyvale, I applaud the city's CAP goals and Reach Code adoption. Eliminating natural gas from the built environment is not only affordable, it will contribute to improved health, safety, and welfare for everyone in Sunnyvale.

# **Galen Davis**

inside Sunnyvale August 8, 2020, 6:44 AM

#### Question 1

Yes

# Question 2

Yes

#### **Question 3**

No

# Question 4

• Office

# **Question 5**

Somewhat

#### **Question 6**

- A total ban on natural gas (including outside use).
- All-electric new construction
- · All-electric additions and alterations

#### **Question 7**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- Health and safety
- Cost savings

# **Question 8**

No response

# **Question 9**

No response

# **Steve Zornetzer**

inside Sunnyvale August 8, 2020, 10:21 AM

# Question 1

• Yes

#### Question 2

No

#### Question 3

No

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

No response

# **Question 5**

Somewhat

# **Question 6**

- All-electric new construction
- · All-electric additions and alterations

#### **Question 7**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- · Health and safety

#### **Question 8**

No response

# **Question 9**

No response

# Name not available

August 8, 2020, 10:59 PM

# Question 1

• Yes

# Question 2

• No

# Question 3

No

# Question 4

No response

# Question 5

Not Very

# Question 6

No Reach Codes

# **Question 7**

No response

# **Question 8**

- Reach Codes would be too costly
- I don't believe electric appliances perform as well as gas appliances
- Reach Codes should be a personal choice

#### **Question 9**

Stop high density. That will reduce emissions.

#### Name not available

August 9, 2020, 1:14 AM

#### Question 1

• No

# Question 2

• No

#### Question 3

• No

# Question 4

No response

# **Question 5**

No response

# **Question 6**

• All-electric new construction

# Question 7

· Reduce greenhouse gas emissions

#### **Question 8**

No response

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

#### **Question 9**

No response

# Name not shown

inside Sunnyvale August 9, 2020, 5:57 AM

#### Question 1

Yes

# Question 2

No

# Question 3

No

#### Question 4

No response

# **Question 5**

Somewhat

# Question 6

- All-electric new construction
- · All-electric additions and alterations
- · All-electric for new construction with exceptions for cooking
- Mixed fuel with additional efficiency measures for new construction

#### **Question 7**

- Reduce greenhouse gas emissions
- · Health and safety
- Cost savings

#### **Question 8**

No response

# Question 9

No response

# Name not available

August 9, 2020, 8:03 AM

#### Question 1

Yes

# Question 2

• No

#### Question 3

No

#### Question 4

No response

#### **Question 5**

Very

#### **Question 6**

- A total ban on natural gas (including outside use).
- All-electric new construction
- · All-electric additions and alterations

#### **Question 7**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- Health and safety
- · Cost savings

# **Question 8**

No response

#### **Question 9**

No response

#### Name not shown

inside Sunnyvale August 9, 2020, 10:33 AM

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

Yes

# Question 2

No

#### **Question 3**

Yes

#### Question 4

No response

# **Question 5**

Very

#### **Question 6**

- · A total ban on natural gas (including outside use).
- · All-electric new construction
- · All-electric additions and alterations

#### **Ouestion 7**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- · Health and safety
- Cost savings

#### **Question 8**

No response

## **Question 9**

Many people work in Sunnyvale and eventually they will be driving more EV vehicles. EVs vehicles charging during the day while solar electric resources are abundant would be helpful to reduce greenhouse gases and serve the workers who drive EVs vehicles. This could be a benefit to attracting workers to a company. In addition, the more EV charging capacity at businesses and offices then this will encourage use of EV vehicles. Please consider adding for new office building construction a 'reach' for Electric Vehicle readiness and/or charging infrastructure beyond state mandated levels for non-residential new construction in Phase 1. If you are not able to incorporate this into phase 1 then consider adding it to a later phase such as 2 or 3. Allow for a waiver process so that an applicant could request an exemption for a particular project in which the applicant would confirm that they have a need for the waiver and have reviewed the benefits of 'reach' for Electric Vehicle readiness and/or charging infrastructure beyond state mandated levels for non-

 $residential\ new\ construction\ in\ Phase\ 1.\ This\ waiver\ which\ would\ need\ approval\ by\ the\ Planning\ Commission\ or\ City\ Council.$ 

#### Name not available

August 9, 2020, 11:00 AM

#### Question 1

• No

#### Question 2

No

#### Question 3

• No

#### Question 4

No response

#### **Question 5**

Somewhat

#### **Question 6**

- · A total ban on natural gas (including outside use).
- · All-electric new construction
- · All-electric additions and alterations

#### Question 7

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- · Health and safety

# Question 8

No response

# Question 9

No response

## Name not shown

inside Sunnyvale August 9, 2020, 12:48 PM

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

#### Question 1

Yes

# Question 2

No

# Question 3

• No

#### **Question 4**

No response

#### **Question 5**

No response

#### **Question 6**

· No Reach Codes

# **Question 7**

No response

#### **Question 8**

- I don't believe it will make a difference in greenhouse gas emissions
- I don't believe electric appliances perform as well as gas appliances

#### **Question 9**

No response

#### Name not available

August 9, 2020, 2:04 PM

# Question 1

• No

#### Question 2

• No

#### Question 3

No

#### Question 4

Retail

#### **Question 5**

Very

# Question 6

- · A total ban on natural gas (including outside use).
- · All-electric new construction
- · All-electric additions and alterations

#### Question 7

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- · Health and safety
- · Cost savings
- Other Excellent proposal to start with Reach Codes. We are in the two decades that will determine the fate of our children and many species. Bold action to stop causing the climate problem is needed immediately. We will be retrofitting new buildings soon..

# **Question 8**

No response

# **Question 9**

I hope you don't allow new gassy kitchens, but if you "have to", make them pre-wire for the upcoming upgrades during construction while it costs less and is easier than in retrofit.

#### Name not available

August 9, 2020, 2:48 PM

#### Question 1

• Yes

# Question 2

No

# Question 3

No

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

#### Question 4

No response

## **Question 5**

· Extremely

#### **Question 6**

- · A total ban on natural gas (including outside use).
- · All-electric new construction
- · All-electric additions and alterations

#### **Question 7**

- · Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook
- · Health and safety
- · Cost savings

#### **Question 8**

No response

## **Question 9**

No response

# **Kaushik Tota**

inside Sunnyvale August 9, 2020, 3:25 PM

# Question 1

Yes

#### **Question 2**

No

#### Question 3

No

# Question 4

No response

## Question 5

Very

#### **Question 6**

- A total ban on natural gas (including outside use).
- · All-electric new construction
- · All-electric additions and alterations

#### **Question 7**

- · Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook
- · Health and safety
- Other Establishing groundwork for sustainable growth in Sunnyvale

#### **Question 8**

No response

#### **Question 9**

First and foremost, thank you for expediting the reach code timeline in Sunnyvale. I am aware that this policy was supposed to come later according to CAP, but seeing as to how our neighbors in Santa Clara County have already established reach codes, I am happy to see that the usually ahead-of-the-curve Sunnyvale is now instituting reach codes. I would like to see some reconsideration in the exemption being provided to process loads facilities; in particular, the exemption for data servers seems rather peculiar, given Sunnyvale's position as a tech hub in Silicon Valley, with many companies potentially setting up data servers within city limits. I believe that this exemption should be reconsidered, as data servers are typically very large facilities that can emit sizable GHG emissions if allowed to utilize fossil fuels as an energy source. Alternatively, some kind of offset measure may be mandated for process loads facilities in order to compensate for or potentially discourage usage of natural gas. With regards to exemptions in general, the city may also consider the elimination of all blanket exemptions and have a waiver process whereby an applicant could request an exemption for a particular project which would need approval by the Planning Commission or City Council.

#### Name not available

August 9, 2020, 3:58 PM

# Question 1

• Yes

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

No

# **Question 3**

No

#### **Question 4**

No response

#### **Question 5**

Very

# **Question 6**

- · All-electric new construction
- · All-electric additions and alterations
- · All-electric for new construction with exceptions for cooking
- Mixed fuel with additional efficiency measures for new construction
- Other Add a 'reach' for Electric Vehicle readiness and/or charging infrastructure beyond state mandated levels for non-residential new construction in Phase 1.

# Question 7

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- · Health and safety
- Cost savings

# **Question 8**

No response

#### **Question 9**

I would like to personally thank the city for taking action with regards to clean energy. I believe that these reach codes provide a potential opportunity to cover CAP Strategy 3, Play 3.3, which calls for an increase in zero-emission vehicles. More specifically, points 3.J and 3.K, which cover the development of a Community Electric Vehicle Readiness and Infrastructure Plan and incentivize the acquisition of electric vehicles, respectively, should be emphasized and tied into the reach codes. This would provide structure for cleaner vehicular transport while also creating interest within the general population of Sunnyvale for carbon-free transportation. If executed correctly, these plans would increase the adoption of EVs, while also giving the City of Sunnyvale a solid strategy for dealing with the forthcoming transition.

# Name not available

August 9, 2020, 4:14 PM

#### **Question 1**

No

#### **Question 2**

No

#### **Question 3**

No

#### **Question 4**

No response

#### **Question 5**

Somewhat

#### **Question 6**

- A total ban on natural gas (including outside use).
- · All-electric new construction
- · All-electric additions and alterations

#### **Question 7**

- · Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook
- Health and safety
- · Cost savings

#### **Question 8**

No response

#### **Question 9**

No response

# **Gary Bailey**

inside Sunnyvale August 9, 2020, 4:20 PM

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

Yes

# Question 2

• No

#### **Question 3**

• No

#### Question 4

No response

#### **Ouestion 5**

No response

#### **Question 6**

- · All-electric new construction
- · All-electric additions and alterations

#### **Question 7**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- · Health and safety

## **Question 8**

No response

# **Question 9**

No response

## Name not available

August 9, 2020, 5:02 PM

#### Question 1

• No

#### Question 2

No

# Question 3

• No

# Question 4

No response

# **Question 5**

Extremely

#### **Ouestion 6**

- A total ban on natural gas (including outside use).
- All-electric new construction
- · All-electric additions and alterations

#### Question 7

- · Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook
- · Health and safety
- · Cost savings

#### **Question 8**

No response

#### **Question 9**

To start, I would just like to thank you for creating a detailed plan and reach codes to aim for a more environmentally-friendly community. It's important to take such action now and reduce the damage that has been built over the years. I would like to mention that both the residential and non-residential plans lack a concrete timeline for the phases, which can lead to uncertainty of how impactful the reach codes are. It was mentioned that the CAP strives to reach a 56% GHG reduction by 2030 and even 80% reduction by 2050. Stated as well was that these are ambitious goals and to achieve them, a thought out plan will be necessary. Although the phases are well thought-out, it will nice to set a timeline in which they will take place. This will lead to a more improved and set plan that can run smoother as well as guarantee a high chance and reaching the end goals.

#### Name not shown

inside Sunnyvale August 9, 2020, 6:12 PM

# Question 1

Yes

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

# Question 2

• No

# Question 3

• No

# Question 4

No response

#### **Question 5**

Very

#### **Question 6**

- A total ban on natural gas (including outside use).
- · All-electric new construction
- · All-electric additions and alterations

#### **Question 7**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- Health and safety
- · Cost savings

# **Question 8**

No response

# **Question 9**

No response

# Name not shown

inside Sunnyvale

August 9, 2020, 6:16 PM

#### Question 1

• Yes

# Question 2

No

#### Question 3

• No

# Question 4

No response

# **Question 5**

Very

#### **Question 6**

- A total ban on natural gas (including outside use).
- All-electric new construction
- · All-electric additions and alterations

# **Question 7**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- · Health and safety
- · Cost savings

#### **Question 8**

No response

## **Question 9**

No response

# Name not available

August 9, 2020, 6:23 PM

# Question 1

No

# Question 2

• No

# Question 3

No

# Question 4

No response

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

#### **Question 5**

Somewhat

#### Question 6

- A total ban on natural gas (including outside use).
- · All-electric new construction
- · All-electric additions and alterations

#### **Question 7**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- · Health and safety
- Cost savings

#### **Question 8**

No response

# **Question 9**

Please pass REACH codes

#### Name not shown

inside Sunnyvale August 9, 2020, 6:45 PM

#### Question 1

• Yes

# Question 2

No

# Question 3

No

#### Question 4

No response

# Question 5

No response

# Question 6

- A total ban on natural gas (including outside use).
- All-electric new construction
- · All-electric additions and alterations
- · All-electric for new construction with exceptions for cooking

#### **Question 7**

- · Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook
- · Health and safety
- Cost savings

#### **Question 8**

No response

#### **Question 9**

No response

# **Mary Buxton**

outside Sunnyvale August 9, 2020, 9:00 PM

# Question 1

• No

#### Question 2

No

# Question 3

No

# Question 4

No response

#### **Question 5**

No response

# **Question 6**

• All-electric new construction

Sunnyvale Non-Residential Reach Codes: Please provide your feedback.

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook
- · Health and safety
- · Cost savings

#### **Question 8**

No response

#### **Question 9**

No response

# **James Tuleya**

inside Sunnyvale August 10, 2020, 7:58 AM

#### Question 1

Yes

# Question 2

• Yes

# Question 3

No

#### Question 4

No response

# **Question 5**

Somewhat

# **Question 6**

- A total ban on natural gas (including outside use).
- · All-electric new construction
- All-electric additions and alterations
- Other All-electric for new construction and major renovations/addtiions with exceptions only if applied for and approved by City Manager or Council

#### **Question 7**

• Reduce greenhouse gas emissions

- Support Sunnyvale's Climate Action Playbook
- · Health and safety
- Cost savings
- Other We in Silicon Valley need to lead to show the way for other parts of CA and the US to meet the urgent needs of our Climate Crisis.

#### **Question 8**

No response

#### **Question 9**

Exceptions should NOT be blanket exceptions for categories like commercial cooking or industrial. Instead, they should require application and explanation and then approval by City Manager or Council on a case by case basis. EV charging requirements at least at SVCE model level should be in Phase ONE, to avoid very high retrofit costs later.



August 13, 2020, 3:26 PM

# **Contents**

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Sunnyvale Residential Reach Codes: Please provide your feedback.

# **Summary Of Responses**

As of August 13, 2020, 3:26 PM, this forum had: Topic Start

Attendees: 136 July 22, 2020, 7:40 AM

Responses: 80
Hours of Public Comment: 4.0

# QUESTION 1

# Do you own property in Sunnyvale?

	%	Count
Yes	68.8%	55
No	31.3%	25

# QUESTION 2

# Do your own a business in Sunnyvale?

	%	Count
Yes	5.0%	4
No	95.0%	76

# QUESTION 3

# How informative did you find the reach code video presentation?

	%	Count
Extremely	13.7%	10
Very	46.6%	34

Sunnyvale Residential Reach Codes: Please provide your feedback.

	%	Count
Somewhat	31.5%	23
Not very	8.2%	6

# QUESTION 4

# Which of the following Reach Codes would you support? Choose any that apply.

	%	Count
A total ban on natural gas (including outdoor use)	52.5%	42
All electric for new construction	76.3%	61
All electric for additions and alterations of buildings	72.5%	58
All electric for new construction with exceptions for cooking	27.5%	22
No Reach Codes	12.5%	10
Other	10.0%	8

# QUESTION 5

# If you support Reach Codes, select the reasons why.

	%	Count
Reduce greenhouse gas emissions	98.6%	71
Support Sunnyvale's Climate Action Playbook goals	81.9%	59
Health and Safety	72.2%	52
Cost savings	55.6%	40
Other	12.5%	9

Sunnyvale Residential Reach Codes: Please provide your feedback.

# QUESTION 6

# If you don't support Reach Codes, select the reasons why.

	%	Count
The appliances installed in my home should be my choice	78.6%	11
I don't believe Reach Codes will make a difference in our greenhouse gas emissions	42.9%	6
Reach Codes would be too costly	50.0%	7
I don't think electric appliances perform as well as gas appliances	50.0%	7
Other	28.6%	4

# QUESTION 7

Please express any additional thoughts, questions, or concerns you may have regarding Reach Codes.

Answered 41
Skipped 39

Sunnyvale Residential Reach Codes: Please provide your feedback.

# **Survey Questions**

#### QUESTION 1

# Do you own property in Sunnyvale?

- Yes
- No

#### **QUESTION 2**

#### Do your own a business in Sunnyvale?

- Yes
- No

#### QUESTION 3

# How informative did you find the reach code video presentation?

- Extremely
- Very
- Somewhat
- Not very
- Not at all

#### **OUESTION 4**

# Which of the following Reach Codes would you support? Choose any that apply.

- A total ban on natural gas (including outdoor use)
- All electric for new construction
- · All electric for additions and alterations of buildings
- · All electric for new construction with exceptions for cooking
- No Reach Codes
- Other

# **QUESTION 5**

# If you support Reach Codes, select the reasons why.

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- Cost savings
- Other

#### **QUESTION 6**

# If you don't support Reach Codes, select the reasons why.

- The appliances installed in my home should be my choice
- I don't believe Reach Codes will make a difference in our greenhouse gas emissions
- · Reach Codes would be too costly
- I don't think electric appliances perform as well as gas appliances
- Other

#### **QUESTION 7**

Please express any additional thoughts, questions, or concerns you may have regarding Reach Codes.

Sunnyvale Residential Reach Codes: Please provide your feedback.

# **Individual Responses**

#### Name not shown

inside Sunnyvale July 24, 2020, 10:32 PM

#### Question 1

Yes

#### Question 2

No

#### **Question 3**

Very

#### **Question 4**

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- All electric for additions and alterations of buildings
- Other Pre-wiring for electric vehicle charging above state mandates in multi-family housing.

### **Question 5**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- Health and Safety
- · Cost savings
- Other Equity. Everyone deserves to live in healthy homes free of gas combustion by-products that are also comfortable, energy efficient and less expensive to operate.

#### **Question 6**

No response

### **Question 7**

At some point in the process I hope we can review the actual proposed code language at least for phase 1. I like that future phases will include requirements for alterations/remodels to be all-electric. I was hoping there would be requirements in the first phase for pre-wiring for electric vehicles above state mandates in multi-family residences. Easy access to convenient charging is the thing that most discourages apartment dwellers from investigating electric vehicles. How long will it take to implement subsequent phases and who decides when it is time?

Estimate how much annual greenhouse gas emissions will be 'locked in' by allowing an exemption from the requirements for residential developments that already have a planning entitlement. Consider ways to offset that amount of GHG emissions with other measures.

#### Name not shown

inside Sunnyvale July 25, 2020, 12:08 AM

#### Question 1

Yes

#### Question 2

No

### **Question 3**

Somewhat

#### Question 4

- A total ban on natural gas (including outdoor use)
- All electric for new construction
- · All electric for additions and alterations of buildings

#### **Question 5**

- Reduce greenhouse gas emissions
- Health and Safety
- · Cost savings

#### **Question 6**

No response

#### **Question 7**

I appreciate that in Sunnyvale significant remodels are considered new construction and subject to new construction building codes. I appreciate that the reach code will include detached ADUs. I appreciate that staff is looking down the road, including panel sizing calculations when an electrical box is to be replaced. And I appreciate that Sunnyvale has the Green Building Program in place to incentivize all-electric for buildings such as large hotels which would not be covered by this reach code, Phase 1. However, I urge staff to include strengthened EV requirements now, in Phase I. Cupertino's code would be a good model. It requires EV

Sunnyvale Residential Reach Codes: Please provide your feedback.

ready so that a resident could just plug in a charger without having to engage an electrician. The Cupertino reach code also specifies the number of Level 1 and Level 2 chargers for various sized residences. There is already substantial interest in EVs in this region. The sooner the switch is made to EVs the sooner the air gets cleaner and the sooner we reduce GHG emissions. I see no reason for foot-dragging at this point in history. Requiring EV ready for new construction is a comparatively easy ask—especially when the wires have to be there already anyway.

#### Rani Fischer

inside Sunnyvale July 25, 2020, 4:07 PM

### Question 1

• Yes

### Question 2

• No

#### Question 3

Not very

### Question 4

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- · All electric for additions and alterations of buildings
- All electric for new construction with exceptions for cooking

## Question 5

• Reduce greenhouse gas emissions

#### **Question 6**

No response

## Question 7

No response

#### Name not shown

inside Sunnyvale July 25, 2020, 10:37 PM

#### Question 1

• Yes

#### **Question 2**

No

### Question 3

Very

#### **Question 4**

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- · All electric for additions and alterations of buildings

#### **Question 5**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- Cost savings

## **Question 6**

No response

### **Question 7**

No response

## Name not shown

outside Sunnyvale July 27, 2020, 8:22 AM

### Question 1

No

#### Question 2

No

### Question 3

Very

Sunnyvale Residential Reach Codes: Please provide your feedback.

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- · All electric for additions and alterations of buildings
- · All electric for new construction with exceptions for cooking

#### **Question 5**

- · Reduce greenhouse gas emissions
- · Health and Safety

#### Question 6

No response

#### **Question 7**

No response

#### **Bill Hilton**

inside Sunnyvale July 27, 2020, 4:50 PM

#### Question 1

• Yes

#### **Question 2**

• No

### Question 3

Somewhat

### Question 4

- All electric for new construction
- · All electric for additions and alterations of buildings
- Other Panel upgrade estimates when remodeling residential buildings.

### **Question 5**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- Health and Safety

### Question 6

No response

#### **Question 7**

No response

#### Name not shown

inside Sunnyvale July 28, 2020, 2:43 PM

### Question 1

Yes

#### Question 2

• No

#### Question 3

Extremely

### Question 4

No Reach Codes

### **Question 5**

No response

## Question 6

• The appliances installed in my home should be my choice

### **Question 7**

You are taking our choice away and telling us how to live and think. As it is we have WAY too many codes now. Most do not make any sense but make more money for the state.

### Name not shown

inside Sunnyvale July 28, 2020, 8:16 PM

### Question 1

• Yes

Sunnyvale Residential Reach Codes: Please provide your feedback.

• No

### **Question 3**

Somewhat

#### **Question 4**

- · All electric for new construction
- All electric for additions and alterations of buildings

### **Question 5**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety

### Question 6

No response

#### **Question 7**

It is important to balance energy goals with cost to property owners as you consider the overall approach and timelines.

### Name not available

July 29, 2020, 8:27 AM

#### Question 1

• No

### Question 2

No

### Question 3

• Extremely

#### Question 4

- A total ban on natural gas (including outdoor use)
- All electric for new construction
- · All electric for additions and alterations of buildings
- All electric for new construction with exceptions for cooking

### Question 5

- · Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- · Cost savings

#### **Question 6**

No response

#### **Question 7**

No response

### Name not available

July 29, 2020, 3:08 PM

### Question 1

No

#### **Question 2**

No

### **Question 3**

Very

### Question 4

- All electric for new construction
- · All electric for additions and alterations of buildings
- All electric for new construction with exceptions for cooking

### **Question 5**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- Health and Safety

## **Question 6**

No response

## Question 7

No response

## Name not shown

Sunnyvale Residential Reach Codes: Please provide your feedback.

inside Sunnyvale July 30, 2020, 6:21 AM

### Question 1

Yes

### Question 2

• No

### Question 3

Extremely

#### **Question 4**

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- · All electric for additions and alterations of buildings

### **Question 5**

- Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety

#### **Question 6**

No response

#### **Question 7**

No response

#### Name not available

July 30, 2020, 9:15 AM

### Question 1

Yes

#### **Question 2**

• No

### Question 3

No response

#### **Question 4**

No Reach Codes

#### **Question 5**

No response

### **Question 6**

- The appliances installed in my home should be my choice
- I don't believe Reach Codes will make a difference in our greenhouse gas emissions
- I don't think electric appliances perform as well as gas appliances

### **Question 7**

No response

### Name not shown

inside Sunnyvale July 30, 2020, 9:20 AM

### Question 1

• Yes

### Question 2

No

#### Question 3

Somewhat

### Question 4

No Reach Codes

### **Question 5**

Cost savings

- The appliances installed in my home should be my choice
- I don't believe Reach Codes will make a difference in our greenhouse gas emissions
- Reach Codes would be too costly

Sunnyvale Residential Reach Codes: Please provide your feedback.

#### **Question 7**

No response

### Name not available

July 30, 2020, 9:20 AM

### Question 1

• No

#### Question 2

No

#### **Question 3**

Somewhat

#### **Question 4**

- A total ban on natural gas (including outdoor use)
- All electric for new construction
- · All electric for additions and alterations of buildings

#### **Question 5**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- Cost savings
- Other Reduce fossil fuel dependence

### **Question 6**

No response

### **Question 7**

The more aggressive you can be, the better! Future generations will thank you.

## **Robert Jeckell**

inside Sunnyvale July 30, 2020, 10:32 AM

#### Question 1

Yes

#### Question 2

No

### **Question 3**

Very

### Question 4

- · All electric for new construction
- · All electric for additions and alterations of buildings

### Question 5

- · Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety

#### **Question 6**

No response

### **Question 7**

No response

### **Ian Van Wert**

inside Sunnyvale July 30, 2020, 10:43 AM

## Question 1

• Yes

#### Question 2

No

### **Question 3**

Extremely

## **Question 4**

- All electric for additions and alterations of buildings
- · All electric for new construction with exceptions for cooking

Sunnyvale Residential Reach Codes: Please provide your feedback.

- · Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals

#### **Question 6**

• The appliances installed in my home should be my choice

#### **Question 7**

No response

#### **Ari Feinsmith**

inside Sunnyvale July 30, 2020, 11:16 AM

#### Question 1

No

#### **Question 2**

No

### Question 3

Somewhat

#### **Question 4**

- · A total ban on natural gas (including outdoor use)
- · All electric for new construction
- · All electric for additions and alterations of buildings
- Other Eliminate single family housing zoning codes. They reduce housing supply, therefore forcing people to live farther away from their jobs. Longer commutes mean more green house gas emissions.

#### **Question 5**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- · Cost savings
- Other Electrical appliances are generally more efficient than gas appliances.

### **Question 6**

No response

#### **Question 7**

I like the idea of pre-wiring electric vehicle chargers in homes. However, I would like to see the reach codes improve HVAC systems. HVAC systems are directly responsible for 12% of global green house gas emissions. The most effective way of reducing this is by using more efficient refrigerants. Currently, R-22 is the most commonly used refrigerant, but Bluon TdX 20 (AKA: R-458A) is much more efficient, cheaper, and has less GHG leaks. I would like to see the Reach Codes mandate that all new residential and non-residential buildings use the Bluon TdX 20 refrgerant for their HVAC systems. It is cost effective and would greatly reduce our GHG emissions. Here is more info: https://www.bluonenergy.com/sustainability/

#### Name not available

July 30, 2020, 12:19 PM

#### Question 1

• Yes

#### **Question 2**

No

### Question 3

Very

#### **Question 4**

· No Reach Codes

#### **Question 5**

No response

#### **Question 6**

- · The appliances installed in my home should be my choice
- I don't believe Reach Codes will make a difference in our greenhouse gas emissions
- · Reach Codes would be too costly
- · I don't think electric appliances perform as well as gas appliances

#### **Question 7**

These codes will only increase the cost of single family homes and drive out our neighborhoods, with little effect on the environment.

#### Name not available

Sunnyvale Residential Reach Codes: Please provide your feedback.

July 30, 2020, 1:47 PM

### Question 1

• Yes

#### Question 2

No

#### Question 3

Very

#### Question 4

- · All electric for new construction
- All electric for additions and alterations of buildings

#### **Question 5**

- Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals

#### Question 6

No response

## **Question 7**

No response

## Name not available

July 30, 2020, 4:48 PM

## Question 1

Yes

#### Question 2

Yes

### **Question 3**

• Somewhat

### Question 4

• No Reach Codes

#### **Question 5**

No response

### **Question 6**

• Other - Natural gas is the cleanest energy! Our electric grid cannot support more electric devices (cars & appliances)!!!

### **Question 7**

No response

### Name not available

July 30, 2020, 5:13 PM

### Question 1

• No

#### Question 2

• No

## Question 3

Extremely

### **Question 4**

• A total ban on natural gas (including outdoor use)

#### **Question 5**

- · Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals
- Health and Safety
- Cost savings

## **Question 6**

No response

#### **Question 7**

No response

### **Mark Hanlon**

inside Sunnyvale July 30, 2020, 5:46 PM

Sunnyvale Residential Reach Codes: Please provide your feedback.

#### **Question 1**

Yes

#### Question 2

No

## Question 3

Somewhat

#### **Question 4**

· All electric for new construction

### **Question 5**

· Reduce greenhouse gas emissions

#### **Question 6**

- · The appliances installed in my home should be my choice
- · Reach Codes would be too costly

#### **Ouestion 7**

There is a BIG difference between constructing a new building and replacing a failed major appliance. Mandating that a failed gas appliance be replaced by electric in an existing home could be cost prohibitive for the owner, and possibly lead to a house without heat. Think this through. Just because someone owns a house in Sunnyvale doesn't mean they have multiple thousands to re-wire/re-panel their home for a new stove or dryer. ... Several days later, I'm thinking it might be somewhat reasonable for all new PV installations to also require wiring to existing gas appliances at time of panel changes. This would make the transition from gas easier at time of replacement, and the cost burden could then be part of the price/payback calculations.

#### **Timothy Oey**

inside Sunnyvale July 30, 2020, 9:12 PM

#### **Question 1**

• Yes

### **Question 2**

No

#### Question 3

Not very

#### Question 4

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- All electric for additions and alterations of buildings
- · All electric for new construction with exceptions for cooking

#### **Question 5**

- Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- · Cost savings

#### **Question 6**

No response

#### **Question 7**

The reach code presentation could have been documented on a web page or 1 pager instead of needing to listen through a longish presentation for the amount of information it contained.

#### Name not available

July 31, 2020, 8:53 AM

### Question 1

Yes

#### Question 2

No

#### Question 3

No response

#### Question 4

- A total ban on natural gas (including outdoor use)
- All electric for new construction
- · All electric for new construction with exceptions for cooking

Sunnyvale Residential Reach Codes: Please provide your feedback.

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals

### **Question 6**

No response

### **Question 7**

No response

#### **John Cordes**

inside Sunnyvale July 31, 2020, 2:17 PM

#### Question 1

· Yes

#### **Question 2**

• No

#### Question 3

Somewhat

#### Question 4

- A total ban on natural gas (including outdoor use)
- All electric for new construction
- All electric for additions and alterations of buildings

#### **Question 5**

- Reduce greenhouse gas emissions
- · Health and Safety
- Cost savings

## Question 6

No response

## Question 7

No response

### Name not shown

outside Sunnyvale

July 31, 2020, 3:10 PM

## Question 1

• No

#### Question 2

No

#### Question 3

Very

#### Question 4

- A total ban on natural gas (including outdoor use)
- All electric for new construction
- · All electric for additions and alterations of buildings

#### **Question 5**

- · Reduce greenhouse gas emissions
- Health and Safety
- Cost savings

#### **Question 6**

No response

### **Question 7**

Induction stove tops are amazing, heat pumps for heating and cooling are a great idea! Thank you for taking this cost-effective step to help decarbonize our building stock.

## Name not available

July 31, 2020, 5:38 PM

### Question 1

• Yes

#### Question 2

No

## Question 3

Not very

Sunnyvale Residential Reach Codes: Please provide your feedback.

#### **Question 4**

· No Reach Codes

#### **Question 5**

No response

#### **Question 6**

- I don't think electric appliances perform as well as gas appliances
- Other Just follow the state guidelines.

#### **Question 7**

No response

### **Bruce Euzent**

inside Sunnyvale July 31, 2020, 8:41 PM

### Question 1

• Yes

### Question 2

No

#### Question 3

Somewhat

### **Question 4**

 Other - More Solar. Less restrictions on Solar. Encourage simple energy saving like LED retrofits and hot water recirculating pumps

#### **Question 5**

• Reduce greenhouse gas emissions

### Question 6

- The appliances installed in my home should be my choice
- · Reach Codes would be too costly
- I don't think electric appliances perform as well as gas appliances

## **Question 7**

Electricity is phenomenally expensive in California. Need to bring down

the cost before making this an even more unaffordable place. Need to make So; ar easier and cheaper to do.

#### **Adrian Elrod**

outside Sunnyvale July 31, 2020, 9:06 PM

#### Question 1

No

#### Question 2

• No

#### **Question 3**

Very

### Question 4

- · All electric for new construction
- · All electric for additions and alterations of buildings
- All electric for new construction with exceptions for cooking

### **Question 5**

- · Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- · Cost savings
- · Other Business

## Question 6

No response

#### Question 7

No response

## Name not available

July 31, 2020, 10:58 PM

#### Question 1

Yes

Sunnyvale Residential Reach Codes: Please provide your feedback.

### Question 2

• No

### Question 3

· Not very

### Question 4

· No Reach Codes

#### **Question 5**

No response

#### **Question 6**

- The appliances installed in my home should be my choice
- I don't believe Reach Codes will make a difference in our greenhouse gas emissions
- I don't think electric appliances perform as well as gas appliances

### **Question 7**

No response

### Name not shown

inside Sunnyvale August 1, 2020, 7:15 AM

## Question 1

• No

### Question 2

No

### **Question 3**

Extremely

### **Question 4**

- · All electric for new construction
- · All electric for additions and alterations of buildings
- All electric for new construction with exceptions for cooking

#### **Question 5**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- · Cost savings

### **Question 6**

No response

#### **Question 7**

I like how the reach code must be proven to be cost effective \_first\_.

#### Name not available

August 1, 2020, 10:33 AM

### Question 1

No

#### Question 2

• No

### Question 3

Very

### Question 4

- All electric for new construction
- · All electric for additions and alterations of buildings
- All electric for new construction with exceptions for cooking

### **Question 5**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- Health and Safety
- Cost savings

#### **Question 6**

No response

### **Question 7**

No response

Sunnyvale Residential Reach Codes: Please provide your feedback.

## **Richard Eggers**

inside Sunnyvale August 1, 2020, 10:39 AM

### Question 1

Yes

#### Question 2

• No

#### **Question 3**

Very

#### **Question 4**

• All electric for new construction with exceptions for cooking

#### **Question 5**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals

### Question 6

No response

#### **Question 7**

Are there any provisions for helping with the installation of solar panels for single family homes?

#### Name not available

August 1, 2020, 6:29 PM

### Question 1

• Yes

#### **Question 2**

No

### Question 3

Very

## Question 4

· All electric for new construction

### Question 5

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety

#### **Question 6**

No response

#### **Question 7**

No response

#### Name not shown

inside Sunnyvale August 1, 2020, 7:42 PM

#### Question 1

• Yes

## Question 2

• No

## Question 3

Somewhat

#### Question 4

- A total ban on natural gas (including outdoor use)
- All electric for additions and alterations of buildings
- · All electric for new construction with exceptions for cooking

### **Question 5**

- Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- Cost savings

## Question 6

No response

Sunnyvale Residential Reach Codes: Please provide your feedback.

#### **Question 7**

I think we should also make financial incentives to reduce the use of natural gas and electricity. The tier system should be designed such that it is cost neutral for the average residence. Make it cheaper at the lowest tier but more expensive at the upper tiers. We should also try to reduce the use of energy by providing incentives to increase insulation and installing double or triple pane windows

### Name not shown

inside Sunnyvale August 2, 2020, 7:28 AM

#### Question 1

Yes

#### Question 2

• Yes

#### **Question 3**

Somewhat

### Question 4

· No Reach Codes

### **Question 5**

No response

### Question 6

- · The appliances installed in my home should be my choice
- I don't believe Reach Codes will make a difference in our greenhouse gas emissions
- · Reach Codes would be too costly
- I don't think electric appliances perform as well as gas appliances
- Other Costly all-electric is a regressive tax on those already struggling with the high cost of living here.

### Question 7

Utility bills are already too high for many. Reach Codes make the problem worse while not solving the problem they claim to solve.

### Name not shown

outside Sunnyvale August 2, 2020, 1:50 PM

#### Question 1

No

### Question 2

No

### Question 3

Somewhat

#### Question 4

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- · All electric for additions and alterations of buildings

#### **Question 5**

- Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- Cost savings
- Other Lead the way for other cities to do the same.

#### **Question 6**

No response

### **Question 7**

Though I'm not a resident of Sunnyvale, unlike other more locally driven issues, the issue of climate change does not know municipal boundaries so what happens in Sunnyvale does affect me.

## Name not shown

outside Sunnyvale August 3, 2020, 8:47 AM

## Question 1

No

Sunnyvale Residential Reach Codes: Please provide your feedback.

No

### **Question 3**

Very

#### Question 4

· No Reach Codes

#### **Question 5**

No response

#### **Question 6**

- The appliances installed in my home should be my choice
- · Reach Codes would be too costly

#### **Question 7**

No response

### **Ariel Stein**

inside Sunnyvale August 3, 2020, 10:59 AM

#### Question 1

Yes

## Question 2

• No

### **Question 3**

Very

#### Question 4

- A total ban on natural gas (including outdoor use)
- All electric for new construction
- · All electric for additions and alterations of buildings

### **Question 5**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals

- · Health and Safety
- Cost savings

#### **Question 6**

No response

### **Question 7**

Thank you for your work on implmenting Reach Codes in Sunnyvale! I'm glad to see Sunnyvale catching up with the rest of the Bay Area.

#### Name not available

August 3, 2020, 3:25 PM

### Question 1

• Yes

## Question 2

• No

#### **Question 3**

No response

### **Question 4**

· All electric for new construction

#### **Question 5**

· Reduce greenhouse gas emissions

### Question 6

No response

### **Question 7**

No response

## Name not shown

inside Sunnyvale August 5, 2020, 2:23 PM

Sunnyvale Residential Reach Codes: Please provide your feedback.

• Yes

#### Question 2

No

#### **Question 3**

No response

#### **Ouestion 4**

- A total ban on natural gas (including outdoor use)
- All electric for new construction
- All electric for additions and alterations of buildings
- · All electric for new construction with exceptions for cooking

### **Question 5**

- · Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety

#### Question 6

No response

#### **Question 7**

No response

## **Ryan Dautel**

outside Sunnyvale August 5, 2020, 4:23 PM

### Question 1

No

### Question 2

No

#### **Question 3**

· Not very

#### **Question 4**

· All electric for new construction

- · All electric for new construction with exceptions for cooking
- No Reach Codes
- Other For existing structure, only require electric if 50% or more of building (i.e. the exterior walls and/or roof framing) is demolished.

#### Question 5

- · Reduce greenhouse gas emissions
- · Health and Safety
- Cost savings
- Other Improve safety, reduce emissions, and cut energy costs for NEW housing.

### Question 6

- · The appliances installed in my home should be my choice
- · Reach Codes would be too costly
- I don't think electric appliances perform as well as gas appliances
- Other \*\*Too costly to retrofit EXISTING residences\*\*

#### **Question 7**

I would NOT ban natural gas altogether, at least NOT for existing homes and appliance replacements. Doing so could place major financial hardships on families should their electrical service be insufficient, thus requiring a costly, disruptive service change. Not to mention the thousands of dollars worth of new appliances and electrical work that would be required. Lower-income families would be disproportionately impacted. What if a family can't afford all the upgrades, and either ends up without a water heater, furnace, or means of cooking? And, especially during a pandemic, the need for livable, affordable housing is greater than ever before. Think about our vulnerable children, and if they weren't able to take hot baths because their family couldn't afford the retrofit work. In summary, I do not believe families should be forced to convert their existing homes; that should be a personal choice.

### Name not available

August 5, 2020, 9:22 PM

#### **Question 1**

• Yes

#### **Question 2**

• No

Sunnyvale Residential Reach Codes: Please provide your feedback.

Not very

## Question 4

- A total ban on natural gas (including outdoor use)
- All electric for new construction
- · All electric for additions and alterations of buildings

#### **Question 5**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals

#### **Question 6**

No response

### **Question 7**

No response

#### **Jean Staats**

inside Sunnyvale August 6, 2020, 12:52 PM

## Question 1

• Yes

#### **Question 2**

No

#### **Question 3**

Very

### Question 4

- All electric for new construction
- · All electric for additions and alterations of buildings

#### **Question 5**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- Cost savings

#### Question 6

No response

### **Question 7**

I suggest the City invite Rod Diridon as a speaker for Sustainability Events in regard To Climate Change. Purpose of the suggestion is to raise community awareness and thus gain support for Reach Codes.

## **Christine Pepin**

inside Sunnyvale August 6, 2020, 2:33 PM

### Question 1

• Yes

#### Question 2

No

#### Question 3

No response

#### Question 4

- · All electric for new construction
- All electric for additions and alterations of buildings

### **Question 5**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals

### Question 6

No response

#### **Question 7**

Where can I find the reach code presentation video?

#### Name not shown

inside Sunnyvale August 7, 2020, 8:27 AM

Sunnyvale Residential Reach Codes: Please provide your feedback.

Yes

### Question 2

• No

#### **Question 3**

Very

#### Question 4

• All electric for new construction with exceptions for cooking

#### **Question 5**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals

#### Question 6

No response

### **Question 7**

No response

## **Sandi Spires**

inside Sunnyvale August 7, 2020, 9:45 AM

## Question 1

• Yes

## Question 2

No

#### **Question 3**

Very

### Question 4

- · All electric for new construction
- · All electric for additions and alterations of buildings
- · All electric for new construction with exceptions for cooking

### **Question 5**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety

### **Question 6**

No response

#### **Question 7**

Some concern about grandfathering in - and providing a reasonable upgrade path - for old homes like my 1950s Eichler.

### Name not shown

inside Sunnyvale August 7, 2020, 9:47 AM

#### Question 1

No

#### Question 2

No

#### Question 3

Very

### Question 4

- A total ban on natural gas (including outdoor use)
- All electric for new construction
- · All electric for additions and alterations of buildings

### Question 5

- Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- Cost savings

#### **Question 6**

No response

## Question 7

As a Sunnyvale resident, I think reach codes are extremely important to help make electrification equitable for renters. As a renter, I do not have

Sunnyvale Residential Reach Codes: Please provide your feedback.

the ability to make changes to the property that I reside in despite wanting to live in an all-electric home to help reduce my carbon emissions and have better indoor air quality. With reach codes, renters have a greater opportunity to choose all-electric buildings in the future and can benefit from better health and lower pollution levels. I highly support Sunnyvale's reach code efforts and wanted to raise my voice for the renters within Sunnyvale who do not want to endure poor indoor air quality from natural gas usage. In addition, all-electric construction costs for new buildings is significantly less costly. This cost savings can be transferred to renters to help address the housing crisis within Sunnyvale and Silicon Valley.

## Name not shown

outside Sunnyvale August 7, 2020, 12:53 PM

#### **Question 1**

• No

#### **Question 2**

• No

### **Question 3**

Very

### **Question 4**

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- · All electric for additions and alterations of buildings

## **Question 5**

- · Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety

### **Question 6**

No response

#### **Question 7**

As an architect working in Sunnyvale, I applaud the city's CAP goals and Reach Code adoption. Eliminating natural gas from the built environment is not only affordable, it will contribute to improved health, safety, and welfare for everyone in Sunnyvale. Eliminating natural gas appliances will

have a particularly positive impact on indoor air quality and thus the health of residents.

### **Galen Davis**

inside Sunnyvale August 8, 2020, 6:49 AM

#### **Ouestion 1**

Yes

#### Question 2

• Yes

#### Question 3

Somewhat

#### Question 4

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- · All electric for additions and alterations of buildings

### **Question 5**

- · Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- · Cost savings

#### **Question 6**

No response

### Question 7

Why is this taking so long? Other cities have already passed this.

### **Steve Zornetzer**

inside Sunnyvale August 8, 2020, 10:25 AM

#### **Question 1**

Yes

Sunnyvale Residential Reach Codes: Please provide your feedback.

### Question 2

• No

#### **Question 3**

Somewhat

### Question 4

- · All electric for new construction
- · All electric for additions and alterations of buildings

#### **Question 5**

- Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals

#### **Question 6**

No response

#### **Question 7**

No response

## Name not available

August 8, 2020, 2:45 PM

#### Question 1

No

#### **Question 2**

• No

### **Question 3**

Very

### **Question 4**

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- All electric for additions and alterations of buildings

### **Question 5**

• Reduce greenhouse gas emissions

- · Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- · Cost savings
- Other Reach Codes transform the market and will save on retrofit costs

#### **Question 6**

No response

#### **Question 7**

Excellent proposal to start with Reach Codes. I think they are cost effective for small additions and remodels by having them prohibit the extension of gas pipes into those areas of the home that will need to be retrofitted sooner than we think.

#### lance scudder

inside Sunnyvale August 8, 2020, 3:16 PM

#### Question 1

• Yes

### Question 2

• No

### Question 3

Somewhat

#### Question 4

- · All electric for new construction
- All electric for additions and alterations of buildings
- Other All electric with no blanket exemptions would be best.
   Exemptions could be dealt with on a case-by-case basis.

### **Question 5**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- Other Be a model city for other cities to see that it is possible and cost effective. (especially in other states)

### **Question 6**

No response

Sunnyvale Residential Reach Codes: Please provide your feedback.

#### **Question 7**

I'm happy to see panel sizing as part of first phase. I think it could encourage earlier adoption of electric vehicles. Is there a timeline for how/when to move from first phase to second phase. what are the triggers?

### **Robert Whitehair**

outside Sunnyvale August 8, 2020, 5:20 PM

#### Question 1

• No

#### **Question 2**

No

#### **Question 3**

· Extremely

#### Question 4

· A total ban on natural gas (including outdoor use)

#### **Question 5**

• Reduce greenhouse gas emissions

### Question 6

 I don't believe Reach Codes will make a difference in our greenhouse gas emissions

### Question 7

Reach codes are one way to attack climate change, now. If all cities worked together, the environmental impact of eliminating "natural" aka methane gas would be tremendous.

### Name not shown

inside Sunnyvale August 8, 2020, 9:01 PM

## Question 1

Yes

#### **Question 2**

No

### **Question 3**

Very

#### **Question 4**

- · All electric for new construction
- · All electric for additions and alterations of buildings

#### **Question 5**

- · Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- · Cost savings

### **Question 6**

No response

## **Question 7**

- All electric for new construction is preferred with no blanket exemptions (manufacturing, data centers, commercial kitchens). Instead, exceptions could be approved case by case by Planning Commission and/or City Council with justifications). - A 'reach' for Electric Vehicle readiness or charging infrastructure is important to include for phase 1 (multifamily and non-residential) - Kudos for including major residential remodels (>50% exterior walls removed) in phase 1 - Kudos for panel sizing calculations in phase 1 residential - Suggest to build in timelines or triggers for when to evaluate future phases for both residential and non-residential.

### Name not shown

inside Sunnyvale August 8, 2020, 10:33 PM

## Question 1

Yes

#### Question 2

• No

Sunnyvale Residential Reach Codes: Please provide your feedback.

Very

### Question 4

· All electric for new construction

#### **Question 5**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals

### **Question 6**

No response

### **Question 7**

No response

### Name not shown

inside Sunnyvale August 9, 2020, 5:48 AM

#### Question 1

Yes

#### Question 2

• No

## Question 3

Somewhat

## Question 4

- · All electric for additions and alterations of buildings
- All electric for new construction with exceptions for cooking

### Question 5

- Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals
- Cost savings

## Question 6

No response

#### **Question 7**

No response

### Name not available

August 9, 2020, 8:13 AM

## Question 1

No

#### Question 2

No

### Question 3

Very

### Question 4

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- All electric for additions and alterations of buildings

#### **Question 5**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- Cost savings

### **Question 6**

No response

#### **Question 7**

No response

## Name not available

August 9, 2020, 9:36 AM

### Question 1

• Yes

Sunnyvale Residential Reach Codes: Please provide your feedback.

No

## Question 3

Somewhat

#### **Question 4**

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- · All electric for additions and alterations of buildings

#### **Question 5**

· Reduce greenhouse gas emissions

#### **Question 6**

No response

#### **Question 7**

No response

## Name not shown

inside Sunnyvale August 9, 2020, 11:10 AM

## Question 1

Yes

#### Question 2

No

### Question 3

Very

### Question 4

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- · All electric for additions and alterations of buildings

### Question 5

• Reduce greenhouse gas emissions

- · Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- · Cost savings

#### **Question 6**

No response

#### **Question 7**

For people doing major remodels or building new houses, eventually they might be driving more EV vehicles. EVs vehicles charging during the evening would be helpful since Sunnyvale is provided with 100% Clean Energy from Silicon Valley Clean Energy. This would reduce greenhouse gases and this will encourage use of EV vehicles. Please consider adding for new residential construction, additions, and major remodels a 'reach' for Electric Vehicle readiness and/or charging infrastructure beyond state mandated levels for residential new construction, major remodels, and additions in Phase 1. If you are not able to incorporate this into phase 1 then consider adding it to a later phase such as 2 or 3. Allow for a waiver process so that an applicant could request an exemption for a particular project in which the applicant would confirm that they have a need for the waiver and have reviewed the benefits of 'reach' for Electric Vehicle readiness and/or charging infrastructure beyond state mandated levels for residential new construction in Phase 1. This waiver would need approval by the Planning Commission or City Council.

### **Ed Lau**

inside Sunnyvale August 9, 2020, 12:16 PM

#### Question 1

• Yes

#### **Ouestion 2**

• No

## Question 3

Very

#### **Question 4**

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- All electric for additions and alterations of buildings

Sunnyvale Residential Reach Codes: Please provide your feedback.

- · Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals
- Health and Safety
- · Cost savings

#### **Question 6**

No response

#### **Question 7**

I think the city needs to do a better job of publicizing this initiative and soliciting feedback. I found out about it only because I saw a Nextdoor notification a few hours before the end of the response period.

#### Name not shown

outside Sunnyvale August 9, 2020, 2:56 PM

#### Question 1

Yes

#### **Question 2**

No

#### **Question 3**

Somewhat

### Question 4

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- · All electric for additions and alterations of buildings

## Question 5

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- Cost savings

#### **Question 6**

No response

### **Question 7**

To begin, I'd like to thank you for these efforts to reach for higher expectations in Climate Advocacy. It's great to see steps being taken to exceed what is needed for reach codes, but I had one issue with the proposed solution. As the demand for electric vehicles is exponentially growing in the Bay Area (last year, we saw a 6% increase in registered electric vehicle owners - San Francisco Chronicle), so should the standards that follow them. I believe that Sunnyvale should incorporate electric vehicle standards that exceed CalGREEN standards. Doing so would help ease range anxiety and would be more cost effective moving forward. I do feel we should amend the current proposition to incorporate this idea as doing so will lead to a smoother future when it comes to more and more of the population switching to environmentally-friendly electric vehicles.

#### Name not shown

inside Sunnyvale August 9, 2020, 3:35 PM

### Question 1

No

### **Question 2**

No

## Question 3

Very

### **Question 4**

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- · All electric for additions and alterations of buildings

#### **Question 5**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety

#### **Question 6**

No response

## Question 7

Thank you to the city of Sunnyvale for catching up to the rest of the county by beginning the process of adopting reach codes. A timeline for

Sunnyvale Residential Reach Codes: Please provide your feedback.

the phases of the residential reach code rollout would be helpful in evaluating the impact it can realistically make towards reaching the 56% GHG reduction by 2030 goal listed by CAP.

### Name not available

August 9, 2020, 4:04 PM

### Question 1

Yes

#### Question 2

• No

### **Question 3**

Very

#### Question 4

- · All electric for new construction
- · All electric for additions and alterations of buildings
- · All electric for new construction with exceptions for cooking

#### **Question 5**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- · Cost savings

### Question 6

No response

#### **Question 7**

No response

## **Gary Bailey**

inside Sunnyvale August 9, 2020, 4:31 PM

#### Question 1

Yes

#### **Question 2**

No

### **Question 3**

No response

### **Question 4**

- · All electric for new construction
- All electric for additions and alterations of buildings

#### **Question 5**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety

### **Question 6**

No response

#### **Question 7**

No response

### Name not available

August 9, 2020, 4:59 PM

### Question 1

• No

### Question 2

No

#### Question 3

· Extremely

#### **Question 4**

- A total ban on natural gas (including outdoor use)
- All electric for new construction
- · All electric for additions and alterations of buildings
- All electric for new construction with exceptions for cooking

Sunnyvale Residential Reach Codes: Please provide your feedback.

- · Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety

#### **Question 6**

No response

### **Question 7**

Before anything else, I'd like to thank the city of Sunnyvale and Silicon Valley Clean Energy for finally starting to implement reach codes - this is a change that most surrounding municipalities have made and I can't say that I'm anything but excited and happy to see them implemented. While reading through the resources that were provided, one thing caught my eye - for the all electric mandate for remodeled homes, the threshold to consider a home "remodeled" is once 50% of all of the walls are removed/replaced. I was wondering why that threshold is so high, and if it would be possible to move that down to 25% of the walls being removed/replaced, considering that 38% of emissions related to residential areas come from construction. I feel that it would be more prudent to lower that threshold, so that we could further the carbon emission reduction within residential communities.

#### Name not available

August 9, 2020, 5:00 PM

#### Question 1

No

### Question 2

No

#### **Question 3**

Extremely

#### Question 4

- A total ban on natural gas (including outdoor use)
- All electric for new construction
- · All electric for additions and alterations of buildings

### **Question 5**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety

· Cost savings

#### **Question 6**

No response

#### **Question 7**

To start, I would just like to thank you for creating a detailed plan and reach codes to aim for a more environmentally-friendly community. It's important to take such action now and reduce the damage that has been built over the years. I would like to mention that both the residential and non-residential plans lack a concrete timeline for the phases, which can lead to uncertainty of how impactful the reach codes are. It was mentioned that the CAP strives to reach a 56% GHG reduction by 2030 and even 80% reduction by 2050. Stated as well was that these are ambitious goals and to achieve them, a thought out plan will be necessary. Although the phases are well thought-out, it will nice to set a timeline in which they will take place. This will lead to a more improved and set plan that can run smoother as well as guarantee a high chance and reaching the end goals.

### Name not available

August 9, 2020, 6:04 PM

### Question 1

• Yes

### Question 2

No

#### Question 3

Very

#### **Question 4**

- A total ban on natural gas (including outdoor use)
- All electric for new construction
- · All electric for additions and alterations of buildings

- Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- Cost savings

Sunnyvale Residential Reach Codes: Please provide your feedback.

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Y	ue	:οι	IU	ш	u

No response

### **Question 7**

No response

### Name not shown

inside Sunnyvale August 9, 2020, 6:07 PM

#### Question 1

• Yes

#### Question 2

• No

#### **Question 3**

Very

### Question 4

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- · All electric for additions and alterations of buildings

## **Question 5**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- Health and Safety
- Cost savings

### Question 6

No response

### Question 7

No response

## Name not shown

inside Sunnyvale August 9, 2020, 6:13 PM

#### Question 1

Yes

### Question 2

• No

### Question 3

Extremely

#### Question 4

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- All electric for additions and alterations of buildings

#### **Question 5**

- · Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- Cost savings

### Question 6

No response

### **Question 7**

No response

## Name not available

August 9, 2020, 6:21 PM

### Question 1

• No

## Question 2

No

### Question 3

Somewhat

Sunnyvale Residential Reach Codes: Please provide your feedback.

- A total ban on natural gas (including outdoor use)
- All electric for new construction
- · All electric for additions and alterations of buildings

### **Question 5**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- Health and Safety
- · Cost savings

#### **Question 6**

No response

#### **Question 7**

Please pass the REACH codes. We need all cities to be on board.

### Name not shown

inside Sunnyvale August 9, 2020, 7:22 PM

### Question 1

• Yes

## Question 2

No

#### **Question 3**

Very

#### Question 4

- A total ban on natural gas (including outdoor use)
- All electric for new construction
- · All electric for additions and alterations of buildings
- · All electric for new construction with exceptions for cooking
- Other The top preference is a total ban on natural gas, but the others might be more practical.

### **Question 5**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- Health and Safety

· Cost savings

### **Question 6**

No response

### **Question 7**

No response

### Name not available

August 9, 2020, 7:51 PM

#### Question 1

Yes

### Question 2

• No

### Question 3

Very

#### Question 4

· All electric for new construction with exceptions for cooking

## **Question 5**

• Reduce greenhouse gas emissions

#### **Question 6**

No response

### **Question 7**

In the presentation I would like to see data on how many metric tons of CO2 would be eliminated by the various proposals.

### Name not shown

inside Sunnyvale August 9, 2020, 8:12 PM

### Question 1

Yes

Sunnyvale Residential Reach Codes: Please provide your feedback.

### Question 2

• No

#### **Question 3**

Very

#### **Question 4**

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- All electric for additions and alterations of buildings

#### **Question 5**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- Cost savings

#### **Question 6**

No response

#### **Question 7**

Why have a Playbook if we don't follow it?

## **Mary Buxton**

outside Sunnyvale August 9, 2020, 9:03 PM

### Question 1

No

### Question 2

No

#### Question 3

No response

## Question 4

• All electric for new construction

#### **Question 5**

- Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- · Cost savings

### **Question 6**

No response

#### **Question 7**

No response

### Name not shown

inside Sunnyvale August 9, 2020, 9:26 PM

#### Question 1

• No

### Question 2

No

### Question 3

Somewhat

#### Question 4

- A total ban on natural gas (including outdoor use)
- All electric for new construction
- · All electric for additions and alterations of buildings

### Question 5

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- Cost savings

## **Question 6**

No response

### **Question 7**

Thank you for aiming to achieve the goals of the Climate Action Playbook through these reach codes. When it comes to Decarbonizing

Sunnyvale Residential Reach Codes: Please provide your feedback.

Transportation and Sustainable Land Use, I like the idea of increasing 0 emission vehicles by requiring new homes to have the capability to install electric vehicle chargers; however, I believe that some ways we can make it more inclusive to residents living in apartments is firstly, by requiring property owners to contact their electric utility to install charging for resident which further promotes the increase of 0 emission vehicles in different households. Secondly, new construction of apartments should go beyond state requirements for electric vehicle readiness in Phase 1.

#### Name not shown

inside Sunnyvale August 9, 2020, 9:28 PM

#### Question 1

• Yes

#### **Question 2**

• No

#### Question 3

Somewhat

#### Question 4

- All electric for additions and alterations of buildings
- All electric for new construction with exceptions for cooking

### **Question 5**

- Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals
- Health and Safety

#### **Question 6**

No response

### **Question 7**

I also would like to see educational opportunities for residents on switching to electric (similar to the composting classes or water use reduction classes). I thinking everything should be all electric for all new construction and renovations right away with an exemption for cooking.

## Name not shown

inside Sunnyvale

## August 9, 2020, 10:53 PM

### Question 1

Yes

#### Question 2

No

#### Question 3

Very

#### Question 4

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- All electric for additions and alterations of buildings

#### **Question 5**

- · Reduce greenhouse gas emissions
- Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- · Cost savings

#### **Question 6**

No response

#### **Question 7**

No response

#### Name not available

August 10, 2020, 2:17 AM

### Question 1

• No

#### Question 2

No

### Question 3

Very

Sunnyvale Residential Reach Codes: Please provide your feedback.

#### **Question 4**

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- · All electric for additions and alterations of buildings

#### Question 5

- Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals

### Question 6

No response

#### **Question 7**

Thank you for the inclusion of the remodel clause. The requirements of all electric appliances, photovoltaics on high rise multifamily buildings, and pre wiring for electric vehicles is much appreciated. However, I've noticed that there could be possible improvements made. It would be beneficial that the remodel clause accounted for a larger number of remodels to increase the probability of achieving the greenhouse gas reduction goals. Thank you for time and efforts.

## **James Tuleya**

inside Sunnyvale August 10, 2020, 7:51 AM

## Question 1

• Yes

## Question 2

Yes

### **Question 3**

Somewhat

### **Question 4**

- A total ban on natural gas (including outdoor use)
- · All electric for new construction
- · All electric for additions and alterations of buildings
- Other Including EV requirements per SVCE model; All electric for additions and alterations of buildings with exceptions for minor alterations that are not related to the electrical system

#### **Question 5**

- · Reduce greenhouse gas emissions
- · Support Sunnyvale's Climate Action Playbook goals
- · Health and Safety
- · Cost savings
- Other We in Silicon Valley need to lead to show the way for other
  parts of CA and the U.S., since we must urgently address our Climate
  Crisis and it will take longer for others to move ahead.

#### **Question 6**

No response

#### Question 7

Great work to consider multiple phases needed over time to create the right framework. Great to start with All-Electric for residential homes, since our Climate Crisis is urgent and every year makes a big difference in GHGs; this will help us match/better our close neighbors in Mountain View and Cupertino, which will help the market adopt smoothly. Great idea to include requirements for electric panel readiness for the future to reduce re-work and added cost for future needs, To address the large % of greenhouse gasses from transportation, to avoid large retrofit costs in the future, and to improve climate equity for those in multifamily buildings, we must include requirements for EV infrastructure and readiness at least at the SVCE model level in Phase ONE. Include timelines and/or triggers for future phases.



# **GREEN BUILDING PROGRAM**

These requirements apply to projects with a planning application that is "deemed complete" on or after July 1, 2019. For projects that do not require a planning application, these requirements apply to building permits submitted on or after July 1, 2019.

On May 7, 2019, the City Council revised the green building standards for new construction, additions, and remodels of buildings. The new requirements are effective for projects with a Planning Application that is 'deemed complete' on or after **July 1, 2019**. For projects that do not require a Planning Application, these requirements apply to building permits submitted on or after **July 1, 2019**.

## **GREEN BUILDING PROGRAM**

Following are the steps for complying with the green building program:

- <u>Identify minimum standards</u>: Minimum standards are based on the type of project and scope of work. Refer to the tables on the reverse side of this brochure to determine green building requirements, level of achievement, and verification necessary for various types of projects.
- <u>Submit Building Permit Plans</u>: Building permit plans shall include the applicable green building checklist on a plan sheet. All required/selected points/credits shall be incorporated in the plans.
- <u>Verification of Green Building Measures</u>: The type of verification is described in the tables on the reverse side of this brochure.

Green Point Rater/LEED AP verification requires the project LEED AP to provide a letter that confirms the project is designed to achieve the minimum points required. A similar letter, based on the actual construction, is required before occupancy/final inspection.

USGBC Certification verification requires the project's LEED AP to provide a letter prior to permit issuance that confirms the project is designed to achieve the minimum points required and that the project has been registered with the USGBC. A similar letter, based on the actual construction, is required before occupancy/final inspection and shall also confirm if and when project will be submitted to the USGBC.

## **INCENTIVES**

Incentives are offered for projects that exceed the minimum green building standards and are offered to encourage project applicants and developers to provide additional green building features.

Projects that add floor area to an existing site, qualify for the incentive if all buildings at the existing site meet the incentive level through an applicable LEED program (i.e. new construction, core and shell, commercial interiors, existing buildings). The LEED standard for the existing building(s) shall be met prior to occupancy of the new building(s).

## MIXED-USE PROJECTS

Mixed use projects are required to meet the appropriate BIG standard for the residential portion and LEED for the non-residential portion. Alternatively, LEED may be applied to the entire project.

Build It Green (BIG) is a non-profit organization whose mission is to promote healthy, energy- and resource-efficient building practices in California. www.builditgreen.org

The U.S. Green Building
Council (USGBC), through
the LEED program,
encourages adoption of
sustainable green building
and development practices
through the creation and
implementation of
universally understood and
accepted tools and
performance criteria.
www.usgbc.org

**CALGreen** was adopted by the State of California and is the nation's first mandatory green building code which sets the minimum sustainability standards for new residential and non-residential construction.

## **RESIDENTIAL PROJECTS**

Type of Project	Minimum Standard	Voluntary Incentives				
One Single-Family or Duplex Dwelling						
New Construction	CALGreen Mandatory Measures and GreenPoint Rated Checklist with 90 points minimum and verification by a GreenPoint Rater.  Applicants are highly encouraged to include any combination of the following items:  • All-electric appliances³ for the entire home (e.g. no gas line connection); or  • Installation of a "cool roof" or "green roof"; or  • Install EV chargers²; or  • Greywater, recycled water, and/or rainwater catchment system(s)	Projects may choose to increase lot coverage by 5% or qualify for staff level design review with a FAR up to 50% or 4,000 sq. ft. (whichever is less) if the project achieves:  120 points, with Build It Green Certification; or All-electric appliances³ for the entire home (e.g. no gas line connection).				
Addition (including all ADUs)	CALGreen Mandatory Measures as applicable to the scope of work. Reviewed by City staff					
Remodels and Alterations	CALGreen Mandatory Measures as applicable to the scope of work. Reviewed by City staff	<del></del>				
Multi-Family Residential Development						
New Construction	CALGreen Mandatory Measures and GreenPoint Rated Checklist with 90 points minimum with Build It Green Certification.  Applicants are highly encouraged to include any combination of the following items:  • All-electric appliances³ in every unit (e.g. no gas line connection for the project); or  • Installation of a "cool roof" or "green roof"; or  • Install EV chargers²; or  • Greywater, recycled water, and/or rainwater catchment system(s)	Projects may choose to increase building height by 5', lot coverage by 5%, or receive a 5% density bonus¹ if the project achieves:  1. 120 points with Build It Green Certification, and  2. All-electric appliances³ in every unit (e.g. no gas line connection for the project); and  3. Provides/installs one or more of the following items:  a. A "cool roof" or "green roof"; or b. Electric Vehicle Chargers²; or c. Greywater, recycled water, and/or rainwater catchment system(s).				
Additions, Remodels and Alterations	CALGreen Mandatory Measures as applicable to the scope of work. Reviewed by City staff					

- 1. Projects that take advantage of the 5% green building density bonus are subject to Sunnyvale's affordable housing requirements for all units provided.
- 2. Installation of Level 2 electric vehicle chargers are required at a rate of 12.5% of the required parking spaces for the development, with a minimum of one charger required.
- 3. All-electric appliances include heat pump water heater, heat pump space heaters, induction cooktops, electric clothes dryers, among others.

## **NON-RESIDENTIAL PROJECTS**

Type of Project	Minimum Standard	Voluntary Incentives				
New Construction and Initial Tenant Improvements <sup>1</sup>						
≤ 5,000 sq. ft.	CALGreen Mandatory Measures. Reviewed by City staff					
> 5,000 sq. ft. – 30,000 sq. ft.	CALGreen Mandatory Measures and LEED Gold Level with verification by a LEED AP	Citywide (Excluding Moffett Park)  Projects can increase FAR by 10% or height by 10' by achieving:  • LEED Gold Level with USGBC Certification <sup>2</sup> that achieves at least 75 total points with Design Phase Credits reviewed and approved by USGBC; and  • All-electric <sup>3</sup> (e.g. no gas line connection).				
		Moffett Park Projects can increase FAR by 15% (MP-I) or 20% (MP-TOD) by achieving:				
> 30,000 sq. ft.	CALGreen Mandatory Measures and LEED Gold Level with USGBC Certification, including Design Phase Credits reviewed and approved by USGBC <sup>2</sup>	<ul> <li>LEED Gold Level with USGBC Certification<sup>2</sup> that achieves at least 75 total points with Design Phase Credits reviewed and approved by USGBC; and</li> <li>All-electric<sup>3</sup> (e.g. no gas line connection).</li> <li>In addition, projects in Moffett Park can increase FAR by another 10%<sup>4</sup> by achieving:         <ol> <li>One of the following certifications:</li></ol></li></ul>				
Major Alterations (structural, mechanical, plumbing, and electrical alterations) <sup>6</sup>						
All Major Alterations	CALGreen Mandatory Measures and LEED Silver with verification by a LEED AP <sup>7</sup> .					

- 1. Projects in the Peery Park Specific Plan (PPSP) area are not eligible to receive incentives through the City's Green Building Program because they are eligible to achieve additional FAR for Green Building through the PPSP Community Benefits Program.
- 2. Although certification may occur after a project is finaled, the project's LEED AP must provide staff with a letter certifying that the building/project has been built to the plan and should be eligible to be certified at the approved LEED level prior to final sign-off of building permit(s).
- 3. All-electric appliances include heat pump water and space heaters, induction cooktops, electric clothes dryers, among others.
- 4. A Major Moffett Park Special Development Permit (reviewed and approved by City Council) is required for projects requesting the additional 10% FAR.
- 5. Although certification may occur after a project is finaled, the project's mechanical engineer must provide authorization that the design of the project meets all intent to achieve certification for Zero Energy prior to final sign-off of building permit(s).
- 6. See the Definition Section (last page) to identify which projects would be considered as Major Alterations.
- 7. Alternate means or methods that meet the intent of the Sunnyvale Green Building Program may be considered at the discretion of the Chief Building Official.

## **DEFINITIONS**

**Cool Roof** means a roofing product that has been designed to reflect more sunlight and absorb less heat than a standard roof to help reduce electricity used for air conditioning by lowering roof temperatures.

**Design Phase Credits** means credits a project can obtain during the Design Application Phase of the LEED application process. The Design Phase Credits are reviewed and approved by USGBC. No actual credits will be awarded as part of this process, but USGBC confirms that the project design is anticipated to be awarded for the design credits at the end of the LEED certification process.

**Green Roof** means a roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. Green roofs are also commonly known as "living roofs," and includes both roof gardens, rooftop gardens, and landscaped roof.

**International Living Future Institute** (ILFI) refers to a nonprofit organization that has developed a sustainable building certificate program that promotes the most advanced measurement of sustainability in the built environment, including zero energy and zero carbon buildings. ILFI's certificate program includes different types of certifications: Living Building Certification, Petal Certification, Zero Energy Certification, Zero Carbon Certification. It has been certifying buildings since 2006.

**Major Alteration** means non-residential alterations where interior finishes are removed and significant upgrades to structural and mechanical, electrical and/or plumbing systems are proposed where areas of such construction are ten thousand gross square feet or more in existing commercial, office and industrial buildings (SMC 19.12.140).

**Zero Energy Building** means an energy-efficient building where 100% of the building energy needs on a net annual basis supplied by onsite renewable energy, usually without any onsite combustion, demonstrating zero energy performance.

**Zero Energy Certification** means a performance-based certification program administered and certified by ILFI. This certification requires 100% of the building energy offsets with the onsite renewable energy. The program requires 100% onsite energy generation and no combustion allowed on site, but some exceptions may be given for special circumstances for off-site renewable energy, onsite combustion, and other circumstances, with additional documentations required by ILFI.

## **Suzanne Park**

**From:** Sharon Refvem <srefvem@hpsarch.com>

**Sent:** Friday, August 7, 2020 4:24 PM

**To:** Suzanne Park; reachcodes@sunnyvale.ca.gov

**Subject:** RE: Reach Code Announcement Attachments: AIACA Electrification letter Final.pdf

Follow Up Flag: Follow up Flag Status: Flagged

ATTN: Email is from an external source; Stop, Look, and Think before opening attachments or links.

Hello,

I have reviewed Sunnyvale's Reach Code plans and responded to the survey's. Thank you for recognizing the importance of accelerating the adoption of all-electric building standards.

The state is rapidly moving towards this goal, which will make the existing gas infrastructure an increasingly stranded asset. I support a full gas ban as soon as possible. By taking this step now, in addition to health, safety, and welfare benefits, the City of Sunnyvale will be saving residents and businesses considerable future retrofit expense. Even PG&E supports avoiding investments in new gas infrastructure based on the state's long-term decarbonization goals. Here are two articles on PG&E's position: Bloomberg Law and GreenTech Media.

I currently serve as the Vice-Chair of AIA California's Committee on the Environment and have attached the letter that AIA California recently wrote to the CEC in support of an accelerated timeline for all-electric building requirements in the code for your reference.

Thank you for your foresight and action.

Sharon Refvem

### Sharon Refvem, FAIA, LEED Fellow Senior Associate | Director, Sustainability Resource Group



Hawley Peterson Snyder
1237 E. Arques Ave., Ste. B, Sunnyvale, CA 94085

T 650.968.2944 | D 408.940.8318 | M 650.867.3756 | E srefvem@hpsarch.com
hpsarch.com | visit our new website!

From: Suzanne Park [mailto:SPark@sunnyvale.ca.gov]

**Sent:** Thursday, July 30, 2020 9:40 AM **To:** Suzanne Park <SPark@sunnyvale.ca.gov>

Subject: Reach Code Announcement

## Reach Codes Head to Sustainability Commission, Planning Commission, and City Council

We are pleased to inform the community of the next phase in the preparation of Reach Codes for the City of Sunnyvale.

A Reach Code is a local building energy code that "reaches" beyond the state minimum requirements for energy use in building design and construction, and that leads the way to cleaner air, climate solutions, and renewable energy. Many communities are considering Reach Codes to assist with the reduction of greenhouse gas emissions by promoting electric energy use over natural gas energy use; some communities are taking aggressive steps to minimize new gas energy hookups.

Community members can comment on the preliminary program through two online surveys available until August 10. Two short videos on the City's YouTube channel explain the proposed codes. Final recommendations will include community input and reflect the City's Climate Action goals. They will be considered by the Sustainability Commission on August 17, 2020, the Planning Commission on September 14, 2020, and City Council on October 27, 2020.

The public is invited to Email us to receive updates or to provide feedback.



Suzanne Park, P.E., CBO
Chief Building Official
Community Development Department

Phone: 408-730-7455

Email: <a href="mailto:spark@sunnyvale.ca.gov">spark@sunnyvale.ca.gov</a>

Follow us on:







Sunnyvale.ca.gov

July 22, 2020

California Energy Commission Docket Unit, MS-4 1516 Ninth Street Sacramento, CA 95814-5512

## Re: Docket No. 19-BSTD-03

The American Institute of Architects California (AIA CA), an association of 11,000 architects in California, supports the adoption of an all-electric code for residential and commercial buildings in the 2022 update of the Energy Code.

Last year, our national component adopted a policy supporting urgent climate action as a health, safety, and welfare issue and an exponential acceleration of the 'decarbonization' of buildings. Aligned with this resolution, AIA CA supports required electrification of new construction for the 2022 Title 24 currently in development, as the most effective means to decarbonization. We believe that the move toward electrification is quickly moving 'mainstream' – as evidenced by the dozens of California cities which have approved electrification reach codes. We have supported these forward thinking codes now in place, and our members are currently working with dozens more cities across the state on the same trajectory.

We appreciate that the California Energy Commission is mandated to minimize the cost of energy services to Californians. We believe that for virtually all commercial and institutional buildings today in California, required electrification is consistent with that mandate, since numerous CEC commissioned studies have found that electrification is the lowest cost and least risk pathway to achieve the State's legislated climate goals by 2045. AIA CA believes that the necessary transition to this path must begin with the 2022 update to Title 24. Failure to make this course correction early would result in a continuation of the installation of equipment and infrastructure that will quickly become obsolete and thus have to be replaced before its end of life, which would waste taxpayer money and thus be contrary to the cost effectiveness requirements of the Warren-Alquist Act. Future renovation and replacement costs must be included in cost effectiveness analysis when considering continued onsite combustion in

buildings. While we recognize that there are some very limited circumstances where 100% electrification may not currently be feasible, we believe that the T24 standard can be written to provide the flexibility to address these particular situations while keeping the vast majority of new construction all electric.

Delaying electrification until the 2025 code cycle would leave less than 20 years to retrofit millions of existing buildings across California by the 2045 deadline. Retrofits are inherently more costly, time consuming, and disruptive to owners and tenants than if buildings were electrified from the start. For example, the Governor has set a goal of building 3.5 million new housing units by 2025. These should be built for full electrification right from the start rather than passing electrification retrofit costs on to future Californians.

The health, safety, and equity issues of fuel combustion in buildings are also a serious concern. Indoor and outdoor air pollution disproportionately impact disadvantaged communities and communities of color, and California continues to lead the nation in air pollution and its health impacts. These structural inequities must be addressed with urgency. Fossil fuel combustion in buildings release seven times more NOX pollution than do all of California's power plants, and UCLA research has demonstrated serious health impacts from combustion inside homes. A 2019 CEC report by Berkeley Economic Advising and Research found the "benefits of electrification significantly outweigh the costs" and "more dramatically, the public health benefits are greater...for disadvantaged communities and contribute to reducing inequality." The health related costs of combustion in buildings are significant and part of the CEC's responsibility to develop an energy code that works for all Californians.

Fortunately, solutions are readily available. All-electric buildings of all types and sizes are being designed today by AIA CA member architects across the state. They use efficient electric appliances that run on California's rapidly expanding clean renewable energy supply supplemented with solar. Rapid advances in energy storage and demand flexibility continually make our electric grid more efficient and affordable. Electrification will reduce carbon emissions and other pollutants, improve health outcomes, lower energy costs, help mitigate fire risk, and aid California in meetings its legislated carbon reduction targets. The 2022 code will become effective on January 1<sup>st</sup>, 2023, and that is high time for a Title 24 that is definitive in requiring electrification

Sincerely,

Debra Gerod, FAIA AIA CA President



## City of Sunnyvale

# Meeting Minutes - Final Sustainability Commission

Monday, August 17, 2020

7:00 PM

**Telepresence Meeting: City Web Stream** 

## **CALL TO ORDER**

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

Chair Wickham called the meeting to order at 7:01 p.m. via teleconference.

## **ROLL CALL**

**Present:** 5 - Commissioner Bruce Paton

Chair Kristel Wickham Vice Chair Douglas Kunz

Commissioner Shana Padgett
Commissioner Murali Srinivasan

Absent: 1 - Commissioner Stephen Joesten

Council Liaison – Mayor Larry Klein (absent)

Commissioner Joesten's absence is excused by general consent.

Chair Wickham, Vice Chair Kunz, all Commissioners, and Councilmember attended via teleconference.

## **ORAL COMMUNICATIONS**

None.

## **CONSENT CALENDAR**

20-0745 Approve the Sustainability Commission Meeting Minutes of July 20, 2020

Commissioner Paton moved, and Vice Chair Kunz seconded, a motion to approve the consent calendar.

The motion carried by the following vote:

Yes: 5 - Commissioner Paton

Chair Wickham Vice Chair Kunz

Commissioner Padgett
Commissioner Srinivasan

**No**: 0

**Absent:** 1 - Commissioner Joesten

## **PUBLIC HEARINGS/GENERAL BUSINESS**

20-0655 Forward a Recommendation to the City Council to approve a

Phased Reach Codes program and implement Phase 1 for new Residential and Non-Residential Construction Projects: Introduce an Ordinance to Amend Chapter 16.42 (Energy Code) of Title 16 (Buildings and Construction) and Find that

the Action is Exempt from CEQA

Suzanne Park, Chief Building Official, presented on Sunnyvale's Proposed Building Energy Reach Codes. She gave an overview of Reach Codes, relevant definitions, descriptions of the City's phased roll out plan, and a summary of community feedback received on the proposal. The Reach Codes align with the Climate Action Playbook and will help the City reach its greenhouse gas emission targets through building and transportation decarbonization. Commissioners asked clarifying questions and staff provided responses.

Chair Wickham opened public comment.

Annabelle Law, a freshman at De Anza College with Sunnyvale Youth Climate Action, voiced support to strengthen the proposed Reach Codes. She suggested that the photovoltaic panel sizing calculations incorporate options with and without electric vehicle (EV) charging and with and without rooftop-mount solar to illustrate the potential savings.

Radhika Agarwal, a sophomore at Homestead High School with Sunnyvale Youth Climate Action, voiced support for strengthening the proposed Reach Codes. She suggested that the electrification of all appliances be moved to an earlier phase and requested staff to consider developing a detailed timeline.

Diane Bailey, a representative of Fossil Free Buildings for Silicon Valley, voiced

support for Reach Codes. She suggested collapsing Phase 2 into Phase 1, adding more EV charging infrastructure requirements to promote equitable EV adoption, and removing blanket exemptions.

Kaushik Tota, a senior at St. Francis High School with Sunnyvale Youth Climate Action and the Sunnyvale Youth Public Policy Institute, voiced support for strengthening the proposed Reach Codes. He suggested that blanket exemptions should be reconsidered specifically for buildings with data servers.

Beatrice Ho, a freshman at Homestead High School with Sunnyvale Youth Climate Action, voiced support to strengthen Reach Codes. She suggested EV infrastructure charging in Phase 1 should specifically call out multifamily housing and go beyond new residential infrastructure.

Naomi Chow, a student at Homestead High School with Sunnyvale Youth Climate Action, suggested that the remodeling clause be adjusted to allow more homes to qualify. She recommended, for example, lowering the percentage of remodeled space required to trigger the Reach Codes.

Malory Mitton, a junior at Homestead High School with Silicon Valley Youth Climate Action, voiced support for strengthening the proposed Reach Codes by including stronger requirements for non-residential buildings to install EV charging ports.

Dashiell Leeds, Conservation Assistant for Sierra Club Loma Prieta chapter, voiced support for Reach Codes. He echoed Diane Bailey's comments of folding Phases 1 and 2 together. He also stressed the importance of minimizing blanket exemptions and the risks of adding more natural gas pipelines.

Aakriti Adhikari, a student at Homestead High School with Silicon Valley Youth Climate Action, voiced support for strengthening the proposed Reach Codes. She suggested enhancing the EV requirements proposed in Phase 1 to increase multifamily and non-residential EV charging options.

Peri Plantenberg, a junior at Homestead High School with Silicon Valley Youth Climate Action, voiced support for strengthening the proposed Reach Codes. She recommended lowering the threshold for the percentage of remodeled space that would trigger the remodel to conform to the all-electric Reach Codes.

Bill Hilton, a resident of Sunnyvale, voiced his support for the proposed Reach

Codes. He proposed combining Phases 1 and 2 and requested that the City consider challenges that residents may have in transitioning to all-electric retrofits if utilities are underground.

Bruce Nagel supported combining Phases 1 and 2. He highlighted the health risks from gas stoves. He also suggested that the City consider requiring the installation of software controls that can make it easier to expand charging infrastructure networks.

James Tuleya, a resident of Sunnyvale and a member of Carbon Free Silicon Valley and Sunnyvale Cool, observed that the proposed Reach Codes did not clearly specify that the EV requirements in Phase 2 applied only to remodels. He also noted that the proposed Reach Codes only meet the state requirements for EV charging and recommended reviewing the Reach Codes requirements for EV charging adopted by the City of San Jose as a model.

Rathik Murtinty, a junior at Homestead High School with the Sunnyvale Youth Public Policy Institute, voiced support for strengthening the proposed Reach Codes by emphasizing infrastructure for zero-emission vehicles.

Rani Fischer, a Sunnyvale resident and member of Peninsula Interfaith Climate Action, voiced her support for the proposed Reach Codes. She recommended moving EV requirements from Phase 2 to Phase 1 and highlighted the need for adding EV charging infrastructure for multifamily homes.

Sannath Mathapathi, a student at Lynnbrook High School with the Sunnyvale Youth Public Policy Institute, voiced support for the proposed Reach Codes. He requested staff to consider changing section 5.106.5.3 to increase the percentage of parking spaces required to be EV-ready.

Linda Sell, a resident of Sunnyvale and adult advisor for Silicon Valley Youth Climate Action, requested that the City provide a more detailed timeline for Reach Code implementation.

Chair Wickham closed the public hearing.

Commissioner Paton moved, and Commissioner Srinivasan seconded, a motion to recommend Alternative 2 to City Council to adopt the ordinance to implement the Reach Codes for Residential and Non-Residential projects, with the following

## modifications:

- (a) Increase the percentage of spaces that are EV-ready for multi-family residential and non-residential new construction in Phase 1.
- (b) Move EV pre-wiring requirements (additions/remodels) from Phase 2 into Phase 1.
- (c) In Phase 1 eliminate Exception 1 (buildings with industrial and process loads) and Exception 4 (non-residential kitchens), since these uses can be addressed, where needed, through Exception 5.
- (d) For non-residential kitchens, require Energy STAR appliances (as per the currently described Phase 2), if the exception is granted through the Exception 5 process (assumes Exception 4 is eliminated).
- (e) Consider defining milestones to be met for implementation of Phases 3 and 4.

The motion carried by the following vote:

Yes: 5 - Commissioner Paton

Chair Wickham

Vice Chair Kunz

Commissioner Padgett
Commissioner Srinivasan

No: 0

Absent: 1 - Commissioner Joesten

## **PRESENTATION**

20-0741 PRESENTATION - Best Practices in Mobility and Transportation Planning

Commissioner Paton presented on the strategies and tactics of urban mobility planning. Commissioner Paton described the key components of other urban mobility plans and what the new objectives of mobility planning are.

## STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

Nupur Hiremath, Environmental Programs Manager, gave an overview of the Study Issue Sponsorship Process. Commissioners asked clarifying questions and staff provided responses.

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

#### -Commissioner Comments

None.

**Sustainability Commission** 

**Meeting Minutes - Final** 

August 17, 2020

## -Staff Comments

None.

## **INFORMATION ONLY REPORTS/ITEMS**

20-0747 2020 Annual Master Work Plan

## **ADJOURNMENT**

The meeting was adjourned at 10:18 p.m.

City of Sunnyvale

September 14, 2020

## **PUBLIC HEARINGS/GENERAL BUSINESS**

**2**. 20-0783

Forward a Recommendation to the City Council to approve a Phased Reach Codes program and implement Phase 1 for new Residential and Non-Residential Construction Projects: Introduce an Ordinance to Amend Chapter 16.42 (Energy Code) of Title 16 (Buildings and Construction) and Find that the Action is Exempt from CEQA

Suzanne Park, Chief Building Official, presented the staff report with a slide presentation.

Commissioner Weiss asked staff about the phasing for electric vehicle pre-wiring. Chief Building Official Park clarified that Phase 1 includes installing infrastructure (conduit) for new construction and Phase 2 includes pre-wiring (infrastructure and wiring) for additions and alterations. Commissioner Weiss asked if staff considered reviewing buildings with industrial and process loads on a case by case basis instead of giving them an automatic exemption and moving this aspect from Phase 2 to Phase 1. Chief Building Official Park responded that these small number of uses in the city conduct processes that cannot be supplemented by electricity. Commissioner Weiss asked if the City can negotiate electricity rates and Community Development Director Trudi Ryan stated that the rates are controlled by the Public Utilities Commission. Commissioner Weiss also asked about how staff defines the

cost effectiveness of all electric. Chief Building Official Park explained that cost effectiveness is defined as when the use of electric appliances is cheaper than using gas across the life of the structure.

Commissioner Harrison asked staff how much greenhouse gas emissions are produced for commercial uses in kitchens, from space and water heating, and from process loads. Chief Building Official Park stated that she can confirm with the Environmental Services Department that conducted the greenhouse gas emissions study. Commissioner Harrison asked why electric vehicle pre-wiring is not proposed for Phase 1 given the Climate Action Playbook's strategies and that other nearby jurisdictions require it during Phase 1. Chief Building Official Park and Director Ryan stated that it is staff's recommendation and staff cannot comment on other jurisdictions' policy decisions. Commissioner Harrison asked about the Phase 3 trigger for additions and alterations to existing residential construction. Chief Building Official Park stated that staff would implement Silicon Valley Clean Energy's recommendations once its cost effectiveness studies are complete. Commissioner Harrison confirmed with Chief Building Official Park that Exception 5 is for applicants who could not meet the State Energy Code without the use of gas and that their technical justifications would be reviewed by a consultant before a final decision is made. Commissioner Harrison stated her concern that Phase 1 Exception 1 is too general and Chief Building Official Park clarified that only F, H and L occupancies apply to Exception 1 and that those applicants would need to provide justification.

Vice Chair Simons asked if the Reach Codes would apply to the City, specifically to the gas reclamation process conducted at the City's closed landfill that reduces greenhouse gas emissions. Chief Building Official Park responded that the Reach Codes would only apply to the design and sustainability of standard construction and would not apply to Department of Public Works capital projects. Director Ryan stated that the City intends to comply with its own regulations and recognized that the closed landfill is a unique operation that might qualify for an exception. Vice Chair Simons stated that he would be disappointed if current operations in Sunnyvale that benefit the environment are not exempted under the Reach Codes.

Commissioner Olevson asked if, for example, a simple bathroom remodel requiring an electrical panel upgrade could then also trigger the requirement to install electric vehicle charging pre-wiring, an even larger investment. Chief Building Official Park confirmed that a simple home renovation could result in a more expensive upgrade elsewhere but stated that she cannot comment on the cost to pre-wire for electric

September 14, 2020

vehicle charging.

Commissioner Weiss asked if there are any requirements for the type of refrigerants used when new heating, ventilation, and air conditioning systems are installed and if not, if it might be studied during the later phases. Chief Building Official Park stated that refrigerant specifications are not part of the scope of the current Reach Codes and that there is a possibly they could be explored during Phase 3.

Chair Howard asked if parking spaces in multi-family projects entitled after the phase schedule dates would be plug-in ready for electric vehicles. Chief Building Official Park stated that only the pre-wiring would exist and that only 12.5% of multi-family parking spaces would be equipped with the infrastructure and they would be dedicated for common use. Director Ryan added that some multi-family projects have installed the chargers at residents' request. Chair Howard stated that it would be beneficial for all of them to install the chargers up front regardless of cost. He also asked if the cost effectiveness studies consider rebates from various organizations since they can significantly offset the cost of all electric projects. Chief Building Official Park responded that the studies did not consider rebates. Chair Howard stated that it is disappointing that Sunnyvale is proposing to defer the Reach Codes for electric vehicle charging and commercial kitchens when they are pending or adopted in other nearby cities. Chief Building Official Park answered that many of those cities' ordinances provide a significant number of exceptions and staff decided to wait for viable options to be provided before implementing those phases. Chair Howard noted the importance of at least keeping up with other cities' actions due to the gravity of climate change.

Commissioner Harrison asked what changes staff is expecting between January and summer 2021 that will help to implement Phase 2. Chief Building Official Park stated that staff is waiting for a viable option for non-residential uses to implement electric cooking, hoping for the availability of a cost-effectiveness study, and striving to ease residents into the requirements for electric vehicle charging. Director Ryan stated that staff would bring the Phase 2 Reach Codes back to the Planning Commission for review if the cost effectiveness studies are available before summer 2021. She added that in addition to the code changes, staff is also working with the community to help with the transition as another effort in implementing the Climate Action Playbook. Commissioner Harrison commented that another potential trigger for pre-wiring for electric vehicle charging is if a project already requires an electrical panel upgrade.

Commissioner Howe confirmed with Chief Building Official Park and Director Ryan that Phase 2 would go through the same process with the creation of an ordinance, public outreach, and public hearings with the Sustainability and Planning Commissions and City Council.

Chair Howard appreciated Commissioner Harrison and Commissioner Olevson's comments and questions and asked about residents receiving information about the panel size required for an all electric home when a panel upgrade is required. Chief Building Official Park stated that it would be an educational opportunity for residents as PG&E cannot support some panel upgrades in the eastern part of the city and the upgrade would be extremely costly for some homeowners.

Chair Howard opened the Public Hearing.

Radhika Agarwal, sophomore at Homestead High School, spoke in favor of the Reach Codes, particularly electric vehicle readiness and the installation of electric vehicle chargers in residences and hotels.

Kaushik Tota, senior at Saint Francis High School, spoke in support of strengthening the proposed Reach Codes, especially for data servers and non-residential kitchens.

Kristel Wickham, Chair of the Sustainability Commission speaking on her own behalf, voiced support for an electrical vehicle Reach Code for new construction in Phase 1.

Sannath Mathapathi, junior at Lynbrook High School, communicated interest in increasing electric vehicle readiness in non-residential facilities.

Mallory Mitton, junior at Homestead High School, advocated for milestones and a detailed plan for beginning Phase 3 and Phase 4.

Beatrice Ho, freshman at Homestead High School, spoke in support of moving electric vehicle pre-wiring requirements from Phase 2 to Phase 1.

Bruce Naegel, stressed the importance of youth believing that they can continue to living on Earth given climate change and stated that he is not aware of any cost effectiveness studies for electric vehicle infrastructure.

**September 14, 2020** 

Anika Khandavalli, junior at Fremont High School, spoke in favor of increasing electric vehicle readiness and chargers at non-residential facilities.

Pranay Mamileti, junior at Lynnbrook High School, advocated for electric vehicle infrastructure for new construction during Phase 1.

Rani Fischer, Sunnyvale resident, spoke about her difficulty finding charging stations for her own electric vehicle and encouraged the Commissioners to move electric vehicle infrastructure to Phase 1.

Jenny Green urged the Commissioners to recommend the strongest Reach Codes with as few exemptions as possible and stated her opinion that all electric appliances are energy efficient and that it was not expensive to install electric vehicle chargers in her own single-family home.

Rathik Murtinty, junior at Homestead High School, urged the Commissioners to support electric vehicle readiness with electric vehicle-friendly infrastructure.

Bill Hilton encouraged the Commissioners to recommend the Reach Codes to the City Council with electric vehicle charging infrastructure moved to Phase 1.

James Tuleya, Sunnyvale resident, spoke in support of strengthening the Reach Codes by incorporating electric vehicle infrastructure for new construction in Phase 1 and made comments on cost effectiveness studies.

Chair Howard closed the Public Hearing.

Commissioner Harrison asked staff what percentage of electric vehicle charging infrastructure would be required in multi-family and non-residential new construction and where the City would exceed the State's standards. Chief Building Official Park stated that multi-family would require 12.5% and hotels and office buildings would require 6%, which means the City would exceed the State's requirements with multi-family projects by 2.5 percentage points. Commissioner Harrison confirmed with Chief Building Official Park and Director Ryan that it is possible to increase the percentage of electric vehicle infrastructure and the change can be made in either the building code or the zoning code. Commissioner Harrison and Chief Building Official Park discussed the challenges of upgrading an electrical panel in east Sunnyvale.

Commissioner Weiss asked if it is appropriate for Phase 1 Exception 5 to be determined by the Building Official. Chief Building Official Park explained that the consultant would provide technical expertise and a recommendation with a final decision from the Building Official. Director Ryan added that the title is consistent with decisions made concerning the building code.

Chair Howard asked about the parking and electricity payment logistics for using a common electric vehicle charger and encouraged staff to review Silicon Valley Clean Energy's model Reach Code for electric vehicle readiness. Chief Building Official Park stated that staff will research both items. Chair Howard commented on the potential requirement that an applicant upgrade the electrical panel to support an all electric residence unless the electricity is supplied from underground and upgrading would be a financial hardship.

Commissioner Howe confirmed with Director Ryan that an applicant can appeal the Building Official's decision to the Board of Building Code Appeals and the process is established in the building code.

MOTION: Commissioner Harrison moved and Vice Chair Simons seconded the motion for Alternative 2 – Alternative 1 with Modifications.

The modification is as follows:

1. Require pre-wiring for electric vehicle charging if a panel upgrade is required for modifications to a residential project and the service is not underground. The requirement must be implemented during Phase 1.

Commissioner Harrison stated that in her professional experience many of her clients' projects require electrical panel upgrades and all of her clients who undergo entire home renovations choose to go all electric because they are interested in the most current and efficient technology. She commented that clients have never objected to installing electric vehicle charging infrastructure at the time they upgrade their electrical panel. While acknowledging that she has not conducted a cost effectiveness study, she stated that her experience has informed her that the cost to install electric vehicle charging infrastructure is negligible when already upgrading an electrical panel.

Vice Chair Simons, Chair Howard and Commissioner Harrison discussed the possibility of adding use cases and better clarity to the phases. Director Ryan stated

that staff will refine the report before it is presented to the City Council. Vice Chair Simons confirmed with Director Ryan that it is possible to modify Phase 1 Exception 5 to exempt a non-all electric operation if it demonstrates an ability to reduce greenhouse gas emissions further than if it were all electric. Commissioner Howe requested that the modification include that the exception must be reviewed by the Building Official. Vice Chair Simons explained for Commissioner Harrison how the modification would change the existing Phase 1 Exception 5.

FORMAL AMENDMENT: Vice Chair Simons moved and Commissioner Howe seconded the motion to modify Phase 1 Exception 5 to include new construction that, using different technologies, demonstrate a greater reduction in greenhouse gas emissions than with all electric energy, as approved by the Chief Building Official.

The motion for the formal amendment carried by the following vote:

Yes: 6 - Chair Howard

Vice Chair Simons

Commissioner Harrison

**Commissioner Howe** 

Commissioner Olevson

**Commissioner Weiss** 

**No**: 0

**Absent:** 1 - Commissioner Rheaume

Vice Chair Simons stated that he will support the motion and that he added the formal amendment to allow for technology improvements that might further reduce greenhouse gas emissions in the future. He stated his interest in speeding up the requirements for electric vehicle infrastructure and advocated for decreasing the cost of all electric infrastructure during new construction as it would benefit buyers and sellers.

FRIENDLY AMENDMENT: Commissioner Weiss proposed a friendly amendment to specify that Phase 1 Exception 1 be granted on a case by case basis by the Chief Building Official. Commissioner Harrison and Vice Chair Simons accepted the friendly amendment.

Commissioner Weiss stated that she is not comfortable with those facilities receiving

September 14, 2020

a blanket exception as they might not need it and because Phase 1 is important and should be successful.

Commissioner Howe stated his concern with the modification that would give those with underground service an exemption and commented that he receives electricity service from underground with no problems. He encouraged staff to resolve this equity issue before the report is presented to the City Council.

Commissioner Olevson stated that he will not support the motion because California has been shutting down its electricity sources from natural gas, nuclear power, and hydroelectric power and the purchase of electricity from other states has been unreliable. He stated his belief that the ordinance is too far reaching without the infrastructure to support the effort and that soon residences and commercial operations might not have enough power to support themselves.

Chair Howard stated his initial reservations with supporting the Reach Codes because they are not strong enough. He appreciated Commissioner Olevson's comments on the quality of the power grid, but stated that despite the uncertainty, burning fossil fuels must end. He added that given health concerns and Sunnyvale's wealthy and innovative status, swift action must be taken now. He appreciated staff's phased approach, the comments from members of the public, and the Commissioners' work to strengthen the Reach Codes.

Chair Howard summarized the original motion which is as follows:

MOTION: Commissioner Harrison moved and Vice Chair Simons seconded the motion for Alternative 2 – Alternative 1 with Modifications.

The modifications are as follows:

1. Require pre-wiring for electric vehicle charging if a panel upgrade is required for modifications to a residential project and the service is not underground. The requirement must be implemented during Phase 1.

FRIENDLY AMENDMENT: Commissioner Weiss proposed a friendly amendment to specify that Phase 1 Exception 1 be granted on a case by case basis by the Chief Building Official. Commissioner Harrison and Vice Chair Simons accepted the friendly amendment.

The motion carried by the following vote:

September 14, 2020

Yes: 5 - Chair Howard

Vice Chair Simons

Commissioner Harrison Commissioner Howe Commissioner Weiss

No: 1 - Commissioner Olevson

Absent: 1 - Commissioner Rheaume

Assistant Director Andrew Miner stated that this recommendation will be forwarded to the City Council for consideration at the Tuesday, October 27, 2020 meeting.

From: Bill Hilton

**To:** <u>PlanningCommission AP</u>

**Subject:** Reach Codes

**Date:** Monday, September 14, 2020 3:30:17 PM

Attachments: PastedGraphic-2.png

PastedGraphic-3.png PastedGraphic-4.png

ATTN: Email is from an external source; Stop, Look, and Think before opening attachments or links.

To members of the Sunnyvale Planning Commission

I am writing to urge that you lead the City to adopt Reach Codes that include requirements for Electric Vehicle charging in Phase 1 in new residential construction—as recommended by Silcon Valley Clean Energy. The capability to charge EVs is especially critical for residents of multi-unit residences since many cannot connect to electricity directly from their apartment/condo.

SVCE's EV Reach Code as summarized in the attached slides from <u>PeninsulaReachCodes.org</u>, addresses the biggest barrier to electric vehicle adoption, the lack of home charging by providing at least one outlet dedicated for an EV per residential unit. And, by providing options for either Level 1, Level 2 and or load sharing, the code does so in an extremely cost-effective manner.

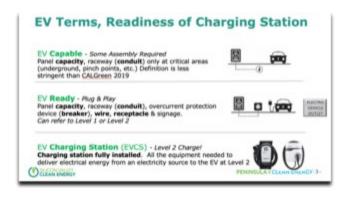
When SVCE was drafting these Reach Codes, they were acutely aware of the difficulties of installing EV chargers in residential buildings particularly multifamily dwellings. Landlords (and condo associations) seldom spend money on anything unless they have to. To preempt the fight between tenants and the management to install chargers in "EV Capable" spaces (which to do so necessitates the services of an electrician, city permitting and more), SVCE would require each unit to have at least one space per unit be plug and play or "EV-Ready."

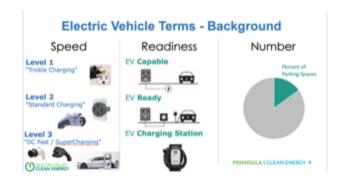
While some may deem that the current EV adoption rate does not warrant this level of infrastructure deployment, by providing each unit with an EV-Ready parking space, the city addresses the chicken and egg problem. People are not going to acquire EVs unless they know where they are going to charge and home is simply the best place to do so.

Sincerely,

Bill Hilton

Bill Hilton Cumberland Dr Sunnyvale







From:Guadalupe FriazTo:PlanningCommission APSubject:Pls support REACH codes

**Date:** Monday, September 14, 2020 4:35:02 PM

ATTN: Email is from an external source; Stop, Look, and Think before opening attachments or links.

Gas is not good for our environment.

Lupe

From: Council AnswerPoint
To: Jennifer Nunez

Cc: Kent Steffens; Teri Silva; Trudi Ryan; Deborah Gorman; Suzanne Park; CityClerk AP; Ramana Chinnakotla; Jody

**Badiei** 

**Subject:** POLICY--FW: In Support of All-Electric Reach Code

**Date:** Tuesday, October 20, 2020 1:51:27 PM

Attachments: All electric buildings current examples 8-25 6 up.pdf

200804 All-Electric Buildings Comments from Architects & Engineers.pdf

Councilmembers,

Forwarding from the Council AP.

From: Scott Shell <Scott.Shell@ehdd.com> Sent: Tuesday, October 20, 2020 12:04 PM

**To:** Council AnswerPoint <council@sunnyvale.ca.gov>

Subject: In Support of All-Electric Reach Code

ATTN: Email is from an external source; Stop, Look, and Think before opening attachments or links.

Dear Mayor and Councilmembers,

On behalf of the 70 architects and staff at EHDD Architecture we are writing in support of your proposed all-electric reach code. We have been designing all-electric buildings around the Bay Area for almost twenty years now and have found them robust, reliable, healthy, and cost-effective solutions for our clients.

As electric reach codes emerged two years ago, we met with our colleagues at other firms and our mechanical engineering partners and asked if the State of California was broadly ready to shift from gas to electric. The responses we got back were yes, with few exceptions the design and construction industry is ready for this transition as noted in their attached comments. We began collecting examples of all-electric projects of all building types from around the state which is also attached.

There are many robust studies showing the cost effectiveness of building electrification, and we have found that to be the case in our practice. A heat pump provides heating and cooling in one appliance which is lower cost than having two appliances--a gas furnace and electric air conditioner. This eliminates the gas service to the building, the meter, gas piping inside the building, and flues through the roof, all reducing cost. Going to a single utility does not reduce resilience since all modern gas appliances need electricity for electronic ignition and controls—they will not work in a power outage.

We have grown increasingly concerned about the very real health impacts of combusting fuel inside homes. The research shows that fossil fuel combustion inside living spaces is not safe and leads to NOx levels that exceed the outdoor legal limits. The warning labels clearly posted on camp stoves and portable generators to not use them indoors indicates the risks of combustion inside our homes. California tops the American Lung Association list of most polluted cities every year. Even though buildings use only slightly more gas than power plants in California, they emit seven times more NOx because unlike powerplants they have no pollution controls. All-electric buildings reduce indoor and outdoor air pollution.

We are especially concerned that continuing to build new fossil fuel infrastructure will then require expensive retrofits of relatively new buildings to meet California's legislated 2045 climate goals. This will saddle building

owners with disruptive renovations in occupied buildings--let's just build them right to start with. For the health, safety, climate benefits, and financial savings, we urge you to take approve a strong all-electric ordinance.

Sincerely,

Duncan Ballash, President

Jennifer Devlin, Principal

Scott Shell, Principal

Rebecca Sharkey, Principal

Brad Jacobson, Principal

Scott Shell FAIA, LEED® AP BD+C, CPHC®

petius Gamy se for

Principal

Pier 1 The Embarcadero, Bay 2 San Francisco, CA 94111

+1 415-214-7277



## CITY OF SUNNYVALE COMPARISON OF SURROUNDING CITIES FOR EV CHARGING

	Multifamily Dwellings		Hotels &	Mixed Use <sup>2</sup>	xed Use <sup>2</sup> Office Building <sup>2</sup>				Other non-residential <sup>2</sup>						
	Level 2	Level 1	Level 3	Level 2 <=20 du	Level 2 >20 du	Level 1			Level 3	Level 2	Level 1	EV Capable Conduit	Level 3	Level 2	Level 1
SUNNYVALE - Revised Recommendation	1 RC	1 RC	-	1/du RC	25% RC	75% RC	6% C	per use	-	10% EVCS	10% RC	30%	1/100 EVCS	6% EVCS	5% RC
Sunnyvale - Affordable Housing Recommendation			-	10%	RC	90% RC									
MOUNTAIN VIEW	1 RC	1 EVCS	1/100 EVCS	15% E	VCS		6% C	per use + 1/100 LV3 EVCS	1/100 EVCS	15% EVCS	-	-	1/100 EVCS	15% EVCS	-
CUPERTINO	1 RC	1 RC	-	1/du RC	25% RC	75% RC	6% C	-	-	20% EVCS	10% RC	30%	-	-	6% EVCS 5% RC
Cupertino Affordable Housing			-	10%	RC	90% RC									
SAN JOSE	1 RC	-	-	10% E 20% 70%	RC		10% EVCS 50% C	-	-	10% EVSE	-	40% LV2	-	10% EVSE 40% C	-
SVCE/Peninsula Proposed	1 RC	1 RC	-	1/du RC	25% RC	75% RC	-	-	-	10% EVCS	10% RC	30%	-	6% EVCS	5% RC
SVCE/Peninsula Affordable Housing Proposed			-	10%	RC	90% RC									

#### **LEGEND and NOTES**

EV Capable : Conduit provided
EV Ready Circuit: Outlet provided
EV Charging Station: Charger installed
120V
240V
400-800V

- 1. Single Family also includes Townhomes
- 2. State Green Building Code requires minimum 6% EV capable for all non-residential uses Percentages apply to total spaces

## CITY OF SUNNYVALE COMPARISON OF STAFF RECOMMENDATIONS FOR EV CHARGING

	_	Single Family* and Duplex		Multifamily Dwellings I		Hotels &	Mixed Use <sup>1</sup>	Office Building <sup>1</sup>				Other non-residential <sup>1</sup>			
	Level 2	Level 1	Level 3	Level 2 <=20 du	i	Level 1 >20 du	EV Capable conduit		Level 3	Level 2	Level 1	EV Capable Conduit	Level 3	Level 2	Level 1
SUNNYVALE - Existing Requirements	1C			12.5	% C <sup>2</sup>		6%	per use	-	6% C <sup>3</sup> (3%) RC <sup>3</sup>	-	6% C		6% C* (3% )RC <sup>3</sup>	
SUNNYVALE - Draft Recommendation	1C			12.5	% C <sup>2</sup>		6%	per use	-	6% C <sup>3</sup> (3%) RC <sup>3</sup>	-	6% C		6% C* (3% )RC <sup>3</sup>	
SUNNYVALE - Revised Recommendation	1 RC	1 RC	-	1/du RC	25% RC	75% RC	6% (3%) RC <sup>3</sup>	per use	-	10% EVCS	10% RC	30% C	1/100 EVCS	6% EVCS	5% RC
Sunnyvale Affordable Housing revised recommendation			-	10%	6 RC	90% RC									

#### **NOTES:**

1. State Green Building Code requires minimum 6% EV capable for all non-residential uses

## 2. 16.43.040. Pre-wiring for electric car chargers.

New multifamily dwellings. Where new multi-family dwelling units are constructed on a building site, twelve and one-half percent of the total number of parking spaces provided for all types of parking facilities, but in no case less than one, shall be electric vehicle charging spaces (EV spaces) capable of supporting future EVSE. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number.

Note: Construction documents are intended to demonstrate the project's capability and capacity for facilitating future EV charging. There is no requirement for EV spaces to be constructed or available until EV chargers are installed for use.

## 3. State Green Building Code plus Zoning: 19.46.100. General requirements for nonresidential and mixed-use parking.

(g) (6) Electric Car Chargers. New construction of industrial uses, research and development office or other office uses with one hundred spaces or more is required to provide pre-wiring for a minimum of Level 2 electric car chargers for a minimum of three percent of the total parking spaces provided.

\*Single Family also includes Townhomes Percentages apply to total spaces

# Sunnyvale

## City of Sunnyvale

## Agenda Item

**20-0799** Agenda Date: 10/27/2020

## REPORT TO COUNCIL

## **SUBJECT**

Award of Bid No. PW20-16 to Hensel Phelps Construction Co. for Civic Center Modernization Phase 1

## REPORT IN BRIEF

Approval is requested for authorization for the City Manager to take the following actions related to the Civic Center Modernization Phase 1 Project (Project No. PR-09-06).

- Award a construction contract in substantially the same form as Attachment 2 to the report in the amount of \$174,116,999.92 to Hensel Phelps Construction, Co;
- Authorize the City Manager to execute the construction contract when all necessary conditions have been met: and
- Approve an 8.2% construction contingency in the amount of 14,277,594.

## **BACKGROUND AND DISCUSSION**

Upon completion of the Civic Center Modernization Master Plan (RTC No. 17-0835), City Council provided direction to proceed with design and construction plans for a new Civic Center. On September 25, 2018 Council adopted a resolution to certify the Environmental Impact Report, adopt the Civic Center Master Plan and directed staff to proceed for a Net Zero City Hall Building (RTC No. 18-0799). On December 4, 2018, Council voted to award the Civic Center Phase 1 design contract to SmithGroup (RTC No. 18-1008).

Civic Center Phase I includes the following building and site components:

- A new City Hall building which relocates staff currently in the Main City Hall, City Hall Annex, South Annex and Sunnyvale Office Center into one building;
- An addition to the Department of Public Safety Building, housing an emergency operations center (EOC) and detectives' bureau;
- Renovation of the Public Safety Building to support current operational needs and technology functions;
- Demolition of the existing City Hall, City Hall Annex, South Annex, and Sunnyvale Office Center; and
- Creation of approximately six acres of plazas and open space.

On August 27, 2019 Council approved the Schematic Design, the Highly Recommended and Recommended Cost Saving Strategies, and directed staff to proceed with the design and construction procurement for the Civic Center Phase 1 project (RTC No. 19-0592).

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On February 25, 2020 Council awarded the Civic Center Phase 1 construction management services to Jacobs Project Management Co. (RTC No. 20-0168).

An Invitation for Bids was posted on the City's DemandStar public procurement network, distributed to the Bay Area Builders Exchange, provided directly to multiple construction companies and published on the City's website on August 14, 2020. A virtual Mandatory Pre-Bid Conference was held on August 20, 2020. One hundred seventy-three (173) contractors requested bid documents and one responsive bid was publicly opened on September 30, 2020. The bid summary is contained in Attachment 1.

The sole responsive and responsible bid was from Hensel Phelps Construction Co. in the amount of \$174,116,999.92. The bid is approximately 23% below the engineer's estimate of \$225,000,000.

An 8.2% construction contingency is requested for this project. A large sized project typically has a construction contingency allocation of 7% to 10%. The 8.2% allows for standard contingencies to be allocated for the new construction, site work, and tenant improvements. In addition, funds were included in this contingency percentage for a select few items which were removed from the design due to cost concerns but would greatly benefit the project in terms of aesthetics or "future proofing" the building including more durable granite surfacing in some areas and information technology infrastructure upgrades.

## Standardized Equipment (Sole Source) Purchasing

Throughout the development of the master plan and the design of the Civic Center Modernization Phase 1, various design elements were identified as proprietary or as sole source items. These items meet either a specific structural, architectural, mechanical, electrical design requirement or an interior design aesthetic. A summary table of the materials to be sole sourced is included as Attachment 3.

## **EXISTING POLICY**

Section 1309 of the City Charter requires construction contracts to be awarded to the lowest responsive and responsible bidder.

Pursuant to Section 2.09.040 of the Sunnyvale Municipal Code, City Council approval is required for public works contracts exceeding \$100,000 in any one transaction.

## **ENVIRONMENTAL REVIEW**

An Environmental Impact Report (EIR) is a required informational document under the California Environmental Quality Act (CEQA) that describes the environmental effects of the project, identifies ways to minimize the significance of the adverse impacts, responds to comments made during the public comment period, and discusses reasonable alternatives to the project that modify the environmental impacts. Certification means that the EIR was completed in compliance with CEQA, that the agency has reviewed and considered the EIR, and the EIR reflects the agency's independent judgment and analysis.

On September 25, 2018 (RTC No. 18-0799), City Council adopted a resolution to:

- a. Certify the EIR:
- b. Make the Findings Required by the California Environmental Quality Act;

**20-0799** Agenda Date: 10/27/2020

 Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program.

On July 14, 2020 (RTC No. 20-0505), Council voted to approve changes to the Civic Center Modernization Project as described in the Addendum to the Civic Center Environmental Impact Report.

## FISCAL IMPACT

Funding for this contract is available in Project 831340 - Civic Center Modernization. The total project budget is \$280 million. It is anticipated that with the savings from the construction bid, will result in final expenditures of approximately \$235 million.

The project is funded by a variety of sources, including General Fund, Park Dedication Funds, Traffic Impact Fee funds, and debt financing. Preliminary work indicates that the project will likely fully expend the Park Dedication allocation and partially expend the Transportation Impact Fee portion, with the majority of the savings coming to the General Fund portion of the project. Staff will closely monitor the expenditures, drawing from the appropriate funding sources as progress payments are made, and return funds to the various funding sources upon project closeout.

## **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. Take the following actions:
  - Award a construction contract in substantially the same form as Attachment 2 to the report in the amount of \$174,116,999.92 to Hensel Phelps Construction Co.;
  - Authorize the City Manager to execute the construction contract when all necessary conditions have been met; and
  - Approve an 8.2% construction contingency in the amount of \$14,277,594
- 2. Do not award the construction contract in Alternative 1 and reject the bid
- 3. Take other action as determined by Council

## STAFF RECOMMENDATION

Alternative 1:

Take the following actions:

- Award a construction contract in substantially the same form as Attachment 2 to the report in the amount of \$174,116,999.92 to Hensel Phelps Construction Co.;
- Authorize the City Manager to execute the construction contract when all necessary conditions have been met; and
- Approve an 8.2% construction contingency in the amount of \$14,277,594

Prepared by: Gregory S. Card, Purchasing Officer

Reviewed by: Tim Kirby, Director of Finance Reviewed by: Chip Taylor, Direct of Public Works Reviewed by: Teri Silva, Assistant City Manager **20-0799** Agenda Date: 10/27/2020

Approved by: Kent Steffens, City Manager

## **ATTACHMENTS**

- 1. Bid Summary
- 2. Draft General Construction Contract
- 3. Sole Source Table

Invitation for Bids No. PW20-16			Hensel Phelps				
Civic Center Modernization Phase 1			4750 W	4750 Willow Road, Suite 100			
PUBLIC WORKS PROJECT NO. PR-19-06			Pleasar	nton, CA 94	588		
			Robert	P. Majerus			
BASE BID	QTY	UOM	Uni	it Cost		Extended Cost	
1 Mobilization & Demobilization (Shall Not Exceed 5% of Total Base Bid)	1	LS*			\$	8,000,000.00	
2 New City Hall	1	LS*			\$	114,597,000.00	
3 EOC Addition	1	LS*			\$	16,164,000.00	
4 DPS Tenant Improvements	1	LS*			\$	6,019,000.00	
5 DPS Temporary Facilities	1	LS*			\$	405,000.00	
6 Site Improvements	1	LS*			\$	28,105,000.00	
7 COVID 19 Requirements	28	Month	\$	15,607.14	\$	436,999.92	
8 Unforeseen Conditions		Allo	wance		\$	140,000.00	
9 Off Haul of Hazardous Soils		Allo	wance		\$	250,000.00	
BID TOTAL					\$	174,116,999.92	

Surety	10% bond				
License	A & B				
	Subcontractor	Work to Be			
	- Cabboninacion	Performed			
	See attached list				

## Notes:

- A. Change of Subcontractor per Caterogries below:
  - 1. Photovoltaic:

From Intermountain Electric of San Carlos, CA to Helix Electric of San Diego, CA

2. Earthwork and Paving

From Granite Construction of Watsonville, CA to Duran & Venables Incorporated of Milpitas, CA

Name of Bidder: Hensel Phelps Construction Co.

# SUBCONTRACTOR LIST (Public Contract Code 4100 et seq)

Name of Subcontractor	Address of Subcontractor and License Number  (PWC Registration Numbers shall be included in Part E under 'Statement of Qualifications")	Work to be Performed	Value of Work to be performed by Subcontractor (\$)
1. AMPCO	1630 South Sunkist Street Anaheim, CA 92806 (License No.)	Demolition	\$1,100,000
2. AMPCO	1630 South Sunkist Street Anaheim, CA 92806 (License No.)1013207	Abatement	w/Above
3. Camblin	4175 Cincinnati Ave., Rocklin, CA 95765 (License No.)218839.	Reinforcing	\$1,911,000
4. Western Tile & Marble	7140 180th Ave NE, Redmond, WA 98052 (License No.)293260	Stone	\$9,029,000
5. Herrick	3003 East Hammer Lane Stockton, CA 95212 (License No.) 193755	Structural Steel	\$7,417,000
6. Golden State Steel	2250 S Golden State Blvd. Fowler, CA 93625 (License No.)383036.	Misc. Metals	\$2,040,000
7. B.T. Mancini	876 S. Milpitas Blvd., Milpitas, CA 95036 (License No.)	Metal Deck	\$866,000
8. NMI Industrial	8503 Weyand Ave., Sacramento CA 95828 (License No.)	Decorative Metal	\$1,836,000
9. ISEC, Inc	7077 Koll Center Pkwy, Suite 200, Pleasanton, CA 94566 (License No.)	Millwork	\$3,952,000
10. Four C's Construction	1560 H Street, Fresno, CA 93721 (License No.)908294	Metal Wall Panels	\$2,470,000
11. Four C's Construction	1560 H Street, Fresno, CA 93721 (License No.)908294	Terra Cotta Panels	w/Above
12. Courtney	5914 Las Positas Road Livermore, CA 94551 (License No.)	Roofing	\$1,045,000

Name of Bidder: Hensel Phelps Construction Co.

## SUBCONTRACTOR LIST (Public Contract Code 4100 et seq)

Name of Subcontractor	Address of Subcontractor and License Number (PWC Registration Numbers shall be included in Part E under 'Statement of Qualifications")	Work to be Performed	Value of Work to be performed by Subcontractor (\$)
1. FD Thomas	200 Harris Avenue, Sacramento, CA 95838 (License No.)	Waterproofing	\$947,000
2. C/S Erectors	2500 Old Crow Canyon Road, Suite 320 San Ramon, CA 94583 (License No.)	Ext. Glazing	\$15,300,000
3. Pacific Glazing	15940 Concord Cir, Morgan Hill, CA 95037 (License No.)	Int. Glazing	\$1,732,000
4. Nevell Group	3001 Enterprise St, Suite 200 Brea, CA 92821 (License No.)	Drywall	\$10,295,000
5. California Drywall	2290 S. 10th Street, San Jose, CA 95112 (License No.)	Acoustical Ceilings	\$2,285,000
6. Harry L. Murphy	42 Bonaventura Dr, San Jose, CA 95134 (License No.)	Flooring	\$748,000
7. Safway Atlantic	34301 7th Street, Union City, CA 94587 (License No.)	Building Maintenance System	\$1,713,000
8. OTIS	470 Lakeside Dr., Suite D Sunnyvale, CA 94085 (License No.)	Elevators	\$1,650,000
9. Transbay Fire	2182 Rheem Drive, Pleasanton, CA 94588 (License No.)	Fire Protection	\$1,911,000
10. Murray	18414 South Santa Fe Ave. Rancho Dominguez, CA 90221 (License No.)	Plumbing	\$13,790,000
11. Murray	18414 South Santa Fe Ave. Rancho Dominguez, CA 90221 (License No.)	HVAC	w/Above
12.	(License No.)		

**Bid Forms** 

Name of Bidder: Hensel Phelps Construction Co.

# SUBCONTRACTOR LIST (Public Contract Code 4100 et seq)

Name of Subcontractor	Address of Subcontractor and License Number  (PWC Registration Numbers shall be included in Part E under 'Statement of Qualifications")	Work to be Performed	Value of Work to be performed by Subcontractor (\$)
1. Helix	6795 Flanders Drive, San Diego, CA 92121 (License No.)	Electrical & Low Voltage	\$20,500,000
2. Helix	6795 Flanders Drive, San Diego, CA 92121 (License No.)	PV Panels	\$3,000,000
3. Duran & Venables	748 S. Hillview Dr., Milpitas, CA 95035 (License No.)	Earthwork & Paving	\$3,601,000
4. Condon Johnson	480 Roland Way, Suite 200 Oakland, CA 94621 (License No.) 300068	Shoring & Piles	\$1,647,000
5. DaSilva Concrete Inc.	4601 Lafayette Street. P.O. Box 5177 Santa Clara, CA 95056 (License No.)	Site Concrete	\$1,950,000
6. Marina	1683 E Louise Ave, Lathrop, CA 95330 (License No.)	Landscaping	\$4,308,000
7. McGuire & Hester	2810 Harbor Bay Parkway Alameda, CA 94502 (License No.)95879.	Site Utilities	\$1,505,000
8. Cal Coast Telecom	886 Faulstich Court, San Jose, CA 95112 (License No.)	Audio Visual	\$2,090,000
9. Corporate Sign	2464 De La Blvd. Santa Clara, CA 95050 (License No.)	Signage	\$1,000,000
10. System & Space	500 Boulder Court, Suite B Pleasanton, CA 94566 (License No.)	Lockers	\$723,000
11. Peninsulators	360 Piercy Road, San Jose, CA 95138 (License No.)	Window Shades	\$731,000
12.	(License No.)		

## DRAFT GENERAL CONSTRUCTION CONTRACT

THIS CONTRACT dated		is by and betwee	en the CITY OF	SUNNYVALE, a i	municipal
corporation of the State of	f California ("Owner	") and Hensel Phel	os Construction (	Co. ("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, "Sunnyvale Civic Center – Phase 1, Project No. PR-19-06 Invitation for Bids No PW20-06", including Eight (8) Addenda; 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.

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

All of 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 consist(s) of Complete project as outlined in the Contract Documents and as outlined in Section 011100 Summary of Work, as called for, and in the manner designated in, and in strict conformity with, the Plans and Specifications prepared by SmithGroup and adopted by the Owner. These Plans and Specifications are entitled respectively, Sunnyvale Civic Center – Phase 1, Project No. PR-19-06.

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 Jacobs Project Management, Co. 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 Hundred Seventy Four Million One Hundred Sixteen Thousand Nine Hundred Ninety Nine and 92/100 Dollars (\$174,116.999.92) 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 other than City Building Permit; Compliance with Law. Contractor shall, at its expense, obtain all necessary permits and licenses, easements, demolition, registration with green halo system, 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 at all times 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, as the case may be, 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 Eight Hundred Fifty-Four (854) calendar 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 (10) 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 (3) 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: Hensel Phelps Construction Co.

4750 Willow Road, Suite 100

Pleasanton, CA 94588

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 100 percent 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 100 percent 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. Contractor shall not commence work under this Contract until all insurance required under this paragraph has been obtained and such insurance has been approved by the Owner, nor shall Contractor allow any subcontractor to commence work on a subcontract until all similar insurance required of the subcontractor has been so obtained and approved. Contractor shall furnish the Owner with satisfactory proof of the carriage of insurance required, and there shall be a specific contractual liability endorsement extending the Contractor's coverage to include the contractual liability assumed by the Contractor pursuant to this Contract and particularly Paragraph 16 hereof. Any policy of insurance required of the Contractor under this Contract shall also contain an endorsement providing that thirty (30) days' notice must be given in writing to the Owner of any pending change in the limits of liability or of any cancellation or modification of the policy. Insurance carrier shall be California-admitted.

(a) Compensation Insurance and Employer's Liability Insurance. Contractor shall take out and maintain during the life of this Contract Workers' Compensation Insurance and Employer's Liability Insurance for all of employees employed at the site of the project and, in case any work is sublet, Contractor shall require the subcontractor similarly to provide Workers' Compensation Insurance and Employer's Liability Insurance for all of the latter's employees unless such employees are covered by the protection afforded by Contractor.

In signing this Contract, Contractor makes the following certification, required by Section 1861 of the Labor Code:

"I am aware of the provision of Section 3700 of the Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."

(b) General and Automobile Liability Insurance. Contractor, at its own cost and expense, shall maintain personal injury liability and property damage insurance for the period covered by the Contract in the amount of Five Million Dollars (\$5,000,000.00) per occurrence and Ten Million Dollars (\$10,000,000.00) annual aggregate combined single limit coverage, Two Million Dollars (\$2,000,000) for Pollution Liability, and Five million (\$5,000,000) for Automobile Liability. Such coverage shall include, but shall not be limited to, protection against claims arising therefrom, and damage to property resulting from activities contemplated under this Contract, use of owned automobiles, products and completed operations, including U, C and X. Such insurance shall be with insurers and under forms of policies satisfactory in all respects to the Owner and shall provide that notice must be given to Owner at least thirty (30) days prior to cancellation or material change. The following endorsements shall be attached to the policy:

Policy shall cover on an "occurrence" basis. Policy must cover personal injuries as well as bodily injuries. Exclusion of contractual liability must be eliminated from personal injury endorsement. Broad form property damage endorsement must be attached. Owner is to be named as an additional insured on any contracts of insurance under this paragraph (b). Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the Civil Code. The policies of insurance shall be considered primary insurance before any policies of insurance maintained by Owner.

- 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 in excess of 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 exercised at all times 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 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 Seven Thousand Five Hundred (\$7,500) for each and every calendar day during which work on the Emergency Operation Center (EOC) shall remain uncompleted beyond such time fixed for completion or any lawful extension thereof for the, the sum of Twelve Thousand Five Hundred (\$12,500) for each and every calendar day during which work on the City Hall building shall remain uncompleted beyond such time fixed for completion or any lawful extension thereof and the sum of Fifteen Thousand (\$15,000) for each and every calendar day during which work on the Department of Public Safety (DPS) 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 Eliable 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 purposed be deemed an original thereof, have been duly executed by the parties.

CITY OF SUNNYVALE a Municipal Corporation, Owner		HENSEL PHELPS CONSTRUCTION Contractor				
		License No. <u>10202</u>	62			
ByCity Manager	/ /	Ву				
City Manager	Date		/ /			
Attest:		Title	Date			
Allest.						
City Clerk		Ву				
			Date			
Ву	/ /					
City Clerk	Date					
	(SEAL)					
APPROVED AS TO FORM:						
Cit. Attama	/ /					
City Attorney	Date					

#### **EXHIBIT** A

No.	Description	QTY	Unit	Unit Cost	Total Cost
1	Mobilization & Demobilization (Shall Not Exceed 5% of Total Base Bid)	1	LS*		\$8,000,000.00
2	New City Hall	1	LS*		\$114,597,000.00
3	EOC Addition	1	LS*		\$16,164,000.00
4	DPS Tenant Improvements	1	LS*		\$6,019,000.00
5	DPS Temporary Facilities	1	LS*		\$405,000.00
6	Site Improvements	1	LS*		\$28,105,000.00
7	COVID 19 Requirements	28	Month	\$15,607.14	\$439,999.92
8	Unforeseen Conditions	Allowance			\$140,000.00
9	Off Haul of Hazardous Soils	Allowance			\$250,000.00

#### **EXHIBIT B**

<u>Utilization of Local Workforce in Construction Projects</u> – 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 30  Projected Percent of Locally Hired Workers 5 %
Subcontractor(s)	Projected Number of Locally Hired Workers 45  Projected Percent of Locally Hired Workers 10 %

Product Description	Manufacturer	Justification - reason why it must be sole source. Be specific and thorough.	Specification Section	Responsibility	LEED (Y/N)	Material Code if applicable
Granite Pavers, Planter Walls, Stair treads, granite panel	s Cold Springs Granite	Sustainability- local CA quarry (within 150 mi), only granite supplier in CA with Sierra White and Academy Black. Can cut/manufactuer locally	044200 - Stone Assemblies, 077618 - Pedestal Mounted Roof Pavers	SG-Landscape		
Stabilized Decomposed Granite (DG)	GraniteCrete	Sustainability and health of existing trees - this the only stabilizer product that uses no polymers, is permeable, and is ADA accessible.	321500 - Aggregate Surfacing	SG-Landscape		
Guide Bollard	Landscape forms	Chosen by client.	Site Furnishing	SG-Landscape		
PV Modules - Mono-facial	Canadian Solar	PV array size, spacing and layout are dependent on the basis of design PV module. CanadianSolar offers the only mono and bi-facial PV module pair that are closely matched in size	260630.10	Div 26		
PV Modules - Bi-facial	Canadian Solar	PV array size, spacing and layout are dependent on the basis of design PV module. CanadianSolar offers the only mono and bi-facial PV module pair that are closely matched in size	260630.10	Div 26		
PV Inverter	SolarEdge	PV array layout requires module level optimization, rapid shutdown and 480/277V AC side interconnection. Only product on market to satisfy the design and operational requirements.	260630.10	Div 26		
Adjustable Partition Closure	Gordon Inc (Bossier City, New Jersey) Mullion Mate 4 Series 40 Plus	Acoustically-Rated Non-Combustible Metal-faced Closure for use where interior partitions meet curtain wall mullions. No known equal.				
Site Street Light and Pedestrian Light Poles	Landscape Forms		Site Lighting	SG-Lighting		
Laminated Polycarbonate Glazing	Global Security Glazing and LTI	Only two known manufacturers can meet performance criteria for "bullet resistant" glazing.	085600 - Laminated Polycarbonate Glazing			
Security Baffle Partition System	Amortex	Only one known manufacturer can meet criteria.	85600 - Laminated Polycarbonate Glazing			
Door Hardware	Various	Sole source as required by Owner for consistency of hardware components.	087100-Door Hardware			
Side Plate Bolted Moment Frame Connections	SidePlate	Stiffer connection than the "standard" moment frame connections, so it improves overall performance by limiting building drift. Bolted connections are also considerably faster to build than field welded connections. Since the connection affects the building performance, and therefore the design of all parts of the structure and non-structural elements, the SidePlate connection was incorporated during design. Specifying SidePlate shouldn't limit the steel suppliers or fabricators.	051200 Structural Steel Framing	KPFF		

CoreBrace BRB Braces	CoreBrace	Superior seismic performance over non-BRB braced frames. CoreBrace is realistically the only viable BRB manufacturer in the US. Since BRB characteristics depend on the manufacturer, this affects the design of all parts of the structure and non-structural elements. CoreBrace BRB's were incorporated during design. Specifying CoreBrace does not limit the steel fabricators or erectors.	051250 - Buckling Restrained Braces	KPFF	
Metal Backed Gypsum Board	SureBoard	Used to brace the light-framed penthouses on both buildings, SureBoard is the only known brand with ICC approvals.	051600 - Metal Backed Gypsum Board (to be provided in 100% set	t KPFF	
none	none		142100 - Elevators	EWCG	
Access Control System	Hirsch/Identiv	Match existing City system.	281300 - Access Control	SFMI	
Microperforated wood veneer acoustical panels	Navy Island Soundply	The Navy Island Soundply panels offer better sound absorption with a more attractive appearance than competing panels. Also, they are dimensionally stable and available in large enough sizes to meet the design of the acoustical wood ceilings and feature walls in the Council Chamber, Council Chamber Lobby, and Main Reception area on Level 1.		SG	
Polyethylene water piping	Uponor	Joining systems from other cross-linked polyethylene manufacturer's is not of acceptable quality and performance.	222113 - Pipe and Pipe Fittings	Div 22	
Vertical Electrically Operated Partition	Skyfold	No known manufacturer can meet the in-place acoustical performance criteria.		SG	
Horizontal Partition on Level 2 to Close Stair	Hufcor	No known manufacturer can meet height required along with integrated door with panic device.		SG	
Environmental	None	None	None	RPS (Environmental)	
Signage	None	None	None	FOUND - Signage	
AV	none				



### City of Sunnyvale

#### Agenda Item

**20-0314** Agenda Date: 10/27/2020

#### REPORT TO COUNCIL

#### **SUBJECT**

Introduce an Ordinance to Amend Chapter 9.28 (Regulation of Smoking) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code to Prohibit the Sale of Flavored Tobacco Products (Study Issue)

#### REPORT IN BRIEF

In March 2019, the City Council directed staff to study a prohibition on the sale of flavored tobacco products (Attachment 1), including e-cigarettes, cigars, hookah tobacco, e-liquids, and smokeless tobacco (Study Issue DPS 19-01).

Staff was previously scheduled to present this Report to Council on March 31, 2020; however, it was postponed until October 27, 2020 due to COVID-19. Since then, on August 28, 2020, California passed a law prohibiting the sale of most flavored tobacco products (SB 793). The law is scheduled to take effect on January 1, 2021. However, despite a near complete ban on such products, the new State law explicitly provides that local governments may pass stricter local ordinances.

The state law largely prohibits the sale of flavored tobacco products with three primary exemptions:

- 1. hookah and shisha products if sold by a licensed tobacco retailer and where entry is limited to those aged 21 and over;
- 2. premium cigars that are handmade with a tobacco leaf wrapper, with a wholesale price of no less than \$12 as well as premium cigars sold in a cigar lounge and consumed on the premises; and 3. loose leaf tobacco, such as for use in pipes, and which is usually sold in pouches (except for tobacco used for roll-your-own cigarettes).

The Santa Clara County Public Health Department (PHD) recommends that local municipalities who wish to prohibit flavored tobacco in their jurisdictions proceed with adoption of a local ordinance to address the exemptions provided under state law and because of a recently filed referendum to SB 793. If the referendum qualifies for the ballot, the state law will be suspended until it is voted on in November 2022.

The purpose of this report is to summarize the key findings and policy options associated with the study and introduce amendments to the City's existing smoking ordinance (Sunnyvale Municipal Code Chapter 9.28).

#### BACKGROUND

In 2016, the City of Sunnyvale updated its smoking laws to protect the community from the harmful effects of secondhand smoke by prohibiting smoking in outdoor dining areas; within 25 feet of building entryways; in service areas; at public events; within 25 feet of public transit stops; and in all

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units, common areas, and within 25 feet of doors and windows of multi-family residences.

The PHD has provided funding to cities to support tobacco prevention strategies known to have the highest impact on reducing tobacco-related disparities and inequities. As part of this funding, the City of Sunnyvale received a \$67,205 grant from the PHD to explore tobacco prevention policies that have been shown to reduce youth access and exposure to tobacco products, such as a ban on flavored tobacco products.

#### **EXISTING POLICY**

#### **General Plan**

Chapter 4, Community Character, Policy CC-1.6 Maintain City neighborhoods as safe, healthy places to live.

Chapter 6, Safety and Noise, Policy SN-4-2 Provide for assessment of changing community needs and expectations.

Chapter 6, Safety and Noise, Goal SN-1 Acceptable Levels of Risk for Natural and Human-Caused Hazards. Ensure that natural and human-caused hazards are recognized and considered in decisions affecting the community and that land uses reflect acceptable levels of risk based on identified hazards and occupancy.

#### **ENVIRONMENTAL REVIEW**

The action being considered is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061 (b) (3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

#### **DISCUSSION**

Tobacco use remains the number one preventable cause of death and disease in California, causing nearly 40,000 deaths in California every year. In Santa Clara County, one in eight deaths annually is attributed to smoking-related illness or diseases, such as cancer, heart disease, and respiratory diseases. More than one in ten youth in the County currently use tobacco products, including electronic smoking devices, and nearly one in three Santa Clara County teens report that they have used an e-cigarette at least once.

Santa Clara County's Healthy Cities Program seeks to address these tobacco-related health concerns by promoting policies and practices to provide tobacco-free and smoke-free communities. Currently, Sunnyvale has adopted 7 out of 12 recommended tobacco prevention strategies in the Healthy Cities Program - 2019 Dashboard (Attachment 2). Although the City prohibits smoking in multi-family housing and many outdoor areas, it does not prohibit the sale of flavored tobacco products. The American Lung Association provides an evaluation of local tobacco control policies through an annual State of Tobacco Control Report. Sunnyvale currently has an overall "B" grade on this report, including an "F" grade in the category of reducing sales of tobacco products (Attachment 3).

After conducting research on best practices to reduce youth access to tobacco products and seeking

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public input, staff has drafted an Ordinance to prohibit the sale of flavored tobacco products in the City (Attachment 4). Such a prohibition would apply to flavored e-cigarettes, e-liquids, flavored cigars, cigarillos, flavored hookah, and menthol cigarettes and address gaps left by SB 793. E-liquids are nicotine solutions that are used with e-cigarettes. These liquid solutions are available in thousands of flavors that are attractive to youth, such as gummy bear and cotton candy.

As of August 2020, 54 communities in California have passed similar laws to restrict the sale of flavored tobacco products. Most of the recently adopted laws include a complete prohibition on the sale of flavored tobacco products, including menthol cigarettes. In October 2020, the City surveyed other Santa Clara County jurisdictions regarding local flavored tobacco ordinances. In Santa Clara County, the cities of Cupertino, Los Altos, Los Gatos, Morgan Hill, Palo Alto, Saratoga, and Santa Clara County prohibit the sale of flavored tobacco products with few exemptions (Attachment 5). The City of Saratoga exempts menthol cigarettes and the City of Morgan Hill exempts flavored loose-leaf tobacco products (smokeless), otherwise known as chewing tobacco. The following municipalities restrict the sale of all vaping products: Cupertino, Los Altos, Los Gatos, Morgan Hill, Palo Alto, Saratoga, and Santa Clara County.

Although federal law prohibits the sale of candy and fruit-flavored cigarettes, this law does not prohibit the sale of menthol cigarettes or flavored, non-cigarette tobacco products, such as cigars, cigarillos, smokeless tobacco, hookah tobacco, electronic smoking devices, and the e-liquid used in these devices.

The Study found that flavored tobacco products are considered "starter" products for youth who begin to use tobacco, establishing tobacco habits that can lead to long-term addiction. Studies and research indicate that youth believe that flavored products are safer and less addictive than non-flavored varieties. In Santa Clara County, 82.3% of teens currently using tobacco reported using a flavored product and 80% of youth who have ever used tobacco started with a flavored product. Nationally, e-cigarette use more than doubled among high school students (from 11.7% to 27.5%) and tripled among middle school students (from 3.3% to 10.5%) from 2017 to 2019.

In Santa Clara County, 93% of tobacco retailers sell menthol cigarettes and nearly 80% of tobacco retailers (including those near schools) sell flavored, non-cigarette tobacco products. Almost half of Santa Clara County teens (45.4%) reported purchasing their own e-cigarettes, with over a quarter of this group saying they buy them directly from a local store.

#### **Public Input**

20-0314

Earlier this year, staff conducted extensive outreach to obtain feedback from residents and businesses about the proposed ban on flavored tobacco products which included three in-person public outreach meetings in February 2020 and a community survey.

The outreach meetings and survey were advertised through the Department of Public Safety's social medial platforms including Twitter, Facebook, Nixle, and Nextdoor. They were also promoted through the Office of the City Manager, Communications Division, posted on the City's homepage, and placed on the events calendar. All 61 tobacco retailers in Sunnyvale, licensed by the State of California, were sent a letter notifying them of the outreach meeting for tobacco retailers and encouraging them to complete the survey.

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Outreach Meetings were held at the Sunnyvale Community Center as follows:

#### Community Meetings - Public Input

Wednesday, February 12 from 2:00 p.m. to 3:00 p.m.

Thursday, February 13 from 6:00 p.m. to 7:00 p.m.

#### Community Meeting - Tobacco Retailers

Thursday, February 13 from 10:00 a.m. to 11:00 a.m.

At the February 12 community meeting there were five attendees, four from one tobacco shop on S. Murphy Ave. and one person from Breathe California, a non-profit that works "to reduce the impact of lung disease through prevention, education, advocacy and patient services." At the meeting, the representatives from the tobacco shop expressed concern that their shop would go out of business if a ban on flavored tobacco is approved by Council. One community member, Mayor Klein, attended the February 13 community meeting held at 6:00 p.m.

At the February 13 community meeting for tobacco retailers, there were eight attendees representing all three tobacco shops in Sunnyvale and three tobacco retailers, such as gas station and liquor store owners. Several attendees expressed concerns about the loss of business if a ban on flavored tobacco is passed (Attachment 6). Many stated that they have, or would, complete the survey and would attend this City Council meeting. One attendee said that he did not receive the letter that was sent to the tobacco retailers. Instead, he was contacted by a representative of R.J Reynolds Tobacco Company who told him about the outreach meeting and survey.

The community outreach survey opened on February 3 and closed on February 24. A total of 700 responses were received (Attachment 7). The support for banning flavored tobacco dropped dramatically, from 91% in favor to 43.7%, after the tobacco retailers were provided with notice of the survey through a letter from the City. At least one tobacco shop, requested their social media followers to fill out the survey and oppose the ban. (Attachment 8). Staff received emails from tobacco retailers opposing the ban and provided alternatives to a ban on flavored tobacco (Attachment 9).

The Sunnyvale School District and the Fremont Union High School District have passed resolutions supporting a ban on flavored tobacco products (Attachments 10 and 11 respectively).

#### Implementation and Enforcement

If Council adopts the proposed ordinance, and the referendum to SB 793 does not qualify for the ballot, the statewide ban on flavored tobacco products would become effective January 1, 2021. However, because the City's ordinance proposes a six month grace period, the ban on flavored hookah and shisha products, premium cigars, and loose leaf tobacco would become effective six months after adoption. If Council adopts the proposed ordinance, and the referendum to SB 793 qualifies for the ballot, the new state law would be stayed and our local ordinance would not be stayed. The City's ban on the sale of all flavored tobacco products would become effective six months after adoption. This grace period would allow the City to educate retailers about the prohibition and allow retailers to sell down their existing inventory of flavored tobacco products. As of the ordinance's effective date, retailers would no longer be able to sell flavored tobacco products in Sunnyvale.

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#### 20-0314

The proposed Ordinance prohibits the sale of flavored tobacco products as a stand-alone requirement on tobacco retailers. However, the Council could ask staff to study the adoption of a local tobacco retailer license (TRL) requirement as a mechanism to enforce the law.

Nearly all California communities that restrict the sale of flavored tobacco products do so as a condition of a local TRL. Although the State of California requires a license to sell tobacco products, more than 150 cities and counties also require a local TRL. A local TRL is generally adopted to:

- Create more comprehensive restrictions than State law on the sale or marketing of tobacco products in the retail environment;
- Allow for meaningful penalties for violation of tobacco control laws, such as license suspension; and
- Help fund local enforcement of tobacco control laws through the local licensing fee.

Sunnyvale does not currently require a TRL. Although it is possible to adopt a prohibition on the sale of flavored tobacco products without a local TRL, the City would not have a dedicated source of funding to monitor compliance with the flavored tobacco restrictions. Currently, all but two of the 54 California communities that restrict the sale of flavored tobacco products also require a TRL.

Staff have identified three primary options for implementation and enforcement of a prohibition on the sale of flavored tobacco products:

- 1. Adopt the prohibition on the sale of flavored tobacco products as a stand-alone requirement for retailers. Staff from the Department of Public Safety (i.e., code enforcement), would conduct enforcement to ensure that tobacco retailers are in compliance. Existing code provides a violation of Chapter 9.28 may be punishable by an administrative citation or an infraction, or addressed by civil action initiated by the City Attorney against businesses out of compliance.
- 2. Require retailers to obtain a local license to sell tobacco products from the City of Sunnyvale. The sale of flavored tobacco products would be prohibited and would be a violation of the license. A retailer's license could be suspended for license violations.
- 3. Require retailers to obtain a local license to sell tobacco products in a program administered by the Santa Clara County Department of Environmental Health. Santa Clara County is willing to partner with the City of Sunnyvale to administer, implement, and monitor its tobacco retailer licensing law if the City adopts a TRL that mirrors the County's requirements below. To cover the costs of the program, the County typically collects a \$425 annual licensing fee paid by tobacco retailers. To participate, Sunnyvale's TRL ordinance must include the following:
  - a. Require retailers to obtain and annually renew a tobacco retailer license.
  - b. Require retailers to post a notice saying that the sale of tobacco products to anyone under 21 years of age is illegal and subject to penalties.
  - c. Require retailers to check the identification for any purchaser who appears to be under 30 years of age.
  - d. Prohibit the sale of tobacco products from a vending machine.
  - e. Prohibit retailers from covering more than 15% of windows and clear doors with any type of ads or signs.
  - f. Prohibit the sale of flavored tobacco products, including menthol cigarettes.

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- g. Prohibit the sale of all electronic smoking devices and vaping products.
- h. Prohibit new tobacco retailers from locating within 1,000 feet of a school (existing retailers within this radius may continue to sell tobacco products provided they are operating lawfully, submit a timely annual TRL renewal, and do not transfer ownership).
- Prohibit new tobacco retailers from locating within 500 feet of another tobacco retailer (existing retailers in these locations may continue to sell tobacco products provided they are operating lawfully, submit a timely annual TRL renewal, and do not transfer ownership).
- j. Prohibit the sale of tobacco products from pharmacies.
- k. Prohibit mobile tobacco retailing or tobacco retailing at a temporary event.

#### **FISCAL IMPACT**

If the City Council adopts a prohibition on the sale of flavored tobacco products as a stand-alone requirement for retailers, staff from the Department of Public Safety would conduct enforcement, which would be absorbed in the existing operating budget.

If Council directs staff to return with an amendatory ordinance, after conducting community outreach with stakeholders, to implement a TRL administered by the City, the fiscal impact would be studied and presented for Council's consideration at that time. If Council directs staff to return with an amendatory ordinance, after conducting community outreach with stakeholders, to implement a more comprehensive TRL administered by the Santa Clara County Department of Environmental Health, the County would implement and enforce the City's program at no cost to the City. The County would recover costs through charging each tobacco retailer in Sunnyvale an annual fee.

#### **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. Introduce an Ordinance to amend Sunnyvale Municipal Code Chapter 9.28 to prohibit the sale of flavored tobacco products.
- Direct staff to return with an amended ordinance, after conducting community outreach with stakeholders, to implement a Tobacco Retailer License administered by the City, prohibiting the sale of flavored tobacco products.
- 3. Direct staff to return with an amended ordinance, after conducting community outreach with stakeholders, to implement a Tobacco Retailer License administered by the Santa Clara County Department of Environmental Health, prohibiting the sale of flavored tobacco products, electronic smoking devices and vaping products, sales of tobacco products from pharmacies, and all other requirements listed in this Report to Council.
- 4. Do not introduce an Ordinance to Amend Sunnyvale Municipal Code Chapter 9.28 to prohibit the sale of flavored tobacco products.

#### STAFF RECOMMENDATION

Alternative 1: Introduce an Ordinance to amend the Sunnyvale Municipal Code Chapter 9.28 to prohibit the sale of flavored tobacco products.

The City has the opportunity to help prevent youth from using tobacco by prohibiting the sale of

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20-0314

flavored tobacco products and reducing the availability of tobacco in the City. These policies would demonstrate the City's commitment to protecting the health of its residents and would improve the City's performance on the County's Healthy Cities Initiative and the American Lung Association's State of Tobacco Control grades.

Prepared by: Christy Gunvalsen, Neighborhood Preservation Manager

Reviewed by: Phan S. Ngo, Director, Public Safety Reviewed by: Teri Silva, Assistant City Manager Approved by: Kent Steffens, City Manager

#### **ATTACHMENTS**

- 1. Study Issue DPS 19-01 Tobacco
- 2. Healthy Cities Program - 2019 Dashboard
- American Lung Association 2020 Report 3.
- 4. **Draft Ordinance**
- 5. Tobacco-Free Communities in Santa Clara County
- Tobacco Retailers Outreach Meeting Feedback 6.
- 7. Flavored Tobacco Community Survey Results
- Tobacco Retailer Advertising Survey 8.
- 9. **Emails from Tobacco Retailers**
- 10. Sunnyvale School District Letter and Resolution
- 11. Fremont Union High School District Letter and Resolution



### City of Sunnyvale

#### Agenda Item

**18-0750 Agenda Date:** 3/7/2019

#### **2019 COUNCIL STUDY ISSUE**

<u>NUMBER</u>

DPS 19-01

**<u>TITLE</u>** Ban the Sale of Flavored Tobacco Products

**BACKGROUND** 

Lead Department: Department of Public Safety
Support Departments: Office of the City Manager

Office of the City Attorney

**Sponsor(s):** Councilmembers: Hendricks, Melton, Klein

**History:** 1 year ago: N/A

2 years ago: N/A

#### SCOPE OF THE STUDY

#### What precipitated this study?

At the July 17, 2018 City Council meeting, Mayor Hendricks requested a study issue banning candy flavored e-cigarettes.

According to the American Lung Association, the tobacco industry uses flavored tobacco products to target youth in an effort to gain new customers with long-term nicotine addictions. It is estimated that 7 out of 10 middle and high school students who currently use tobacco products have used flavored tobacco such as bubble gum, strawberry, grape, and candy cane. Flavored options are more palatable to youth than unflavored tobacco. Several local governments across California, and across the country, have enacted laws prohibiting the sale of flavored tobacco products.

#### What are the key elements of the study?

The study will consider prohibiting tobacco retailers from selling flavored e-cigarettes (e-cigs). It will also include the option of banning the sale of other tobacco flavored products such as cigars, hookah tobacco, e-liquids, and smokeless tobacco.

The study will also include implementation strategies and enforcement options if a ban on flavored ecigarettes or flavored tobacco products is approved by Council.

Estimated years to complete study: 1 year

#### FISCAL IMPACT

**Cost to Conduct Study** 

Level of staff effort required (opportunity cost): Moderate

Funding Required for Non-Budgeted Costs: \$0

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#### **Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs.

The County of Santa Clara Public Health Department has indicated that grant funding may be available to implement the study results if certain criteria are met. This option will be explored and presented to Council as part of the study.

#### EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION

Council-Approved Work Plan: No

Council Study Session: No

Reviewed by Boards/Commissions: No

#### STAFF RECOMMENDATION

Support. This policy issue merits discussion at the 2019 Study Issues Workshop.

According to the County of Santa Clara Public Health Department, 80% of teenagers who smoke, started with flavored tobacco. This study aligns with General Plan Citywide Vision Goal IV, "Safe and Healthy Community: To maintain Sunnyvale's high level of public health and safety, so all residents, employees and visitors feel safe at all times."

This study is also consistent with recently adopted changes to Sunnyvale Municipal Code Chapter 9.28, entitled Regulation of Smoking. In 2016, the City updated its smoking laws to protect the community from the harmful effects of secondhand smoke by prohibiting smoking in outdoor dining areas; within 25 feet of building entryways; in service areas; at public events; within 25 feet of public transit stops; and in all units, common areas, and within 25 feet of doors and windows of multi-family residences.

Prepared by: Christy Gunvalsen, Neighborhood Preservation Manager

Reviewed by: Phan S. Ngo, Director, Public Safety Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

### **Healthy Cities Program, 2019 Dashboard**

### **City of Sunnyvale**

Promoting policies and environments that support racial health equity

# Active & Safe Communities

**Total Strategies Achieved** 

8 of 9

#### Promote Healthy Recreation & Transportation

- ✓ Vision Zero Action Plan
- Complete Streets
- NACTO Street Design Guidelines
- Bicycle Master Plan
- Pedestrian Master Plan
- Parks, Trails, and Recreation Areas Master Plan
- Achieve Bike and/or Walk Friendly Designation
- Safe Routes to School
  Resolution and Coordination
- Transportation Demand Management Policies

# Healthy Food & Beverage Environments

**Total Strategies Achieved** 

3 of 9

# Increase Healthy Food & Water Access

- Procurement Standards for City-Sponsored Meetings and Celebrations
- Procurement Standards for City-Sponsored Events
- Procurement Standards for Vending on City Properties
- Procurement Standards for City-Sponsored Programming
- Procurement Standards for City-Run Food
- Establishments
- Drinking Water Access
  Policy
- Community Gardens on City

#### Reduce Exposure to Sugary Drinks

- Require Warning Labels on Sugary Drink Advertisements
- Resolution to Decline
  Funding from the Beverage
  Industry

# Tobacco-Free Communities

**Total Strategies Achieved** 

7 of 12

#### Reduce Exposure to Secondhand Smoke

- Smoke-Free Multi-Unit
  Housing
- Smoke-Free Parks, Trails, and Recreation Areas
- ✓ Smoke-Free Outdoor Dining
- Smoke-Free Entryways
- Smoke-Free Public Events

## Reduce Youth Access to Tobacco

- Adopt and Implement a
  Tobacco Retail License
- Reduce Density of Tobacco
  Outlets
- Flavored Tobacco
  Restrictions (Including
  Menthol Cigarettes)
- Price-Discounting
  Restrictions
- Limit Tobacco Sales to Adult Tobacco Stores Only
- Conduct Enforcement to Verify Retailers Are Not Selling Tobacco to Minors

### Cross-Cutting Strategies

**Total Strategies Achieved** 

4 of 4

Increase Access to Healthy & Safe Environments

- Health Language in General Plan
- Climate Action Plan
- ✓ Workplace Wellness Policies
- \*\* Age-Friendly Community

#### **City Spotlight**

The Sunnyvale Department of Public Works is currently developing an Active Transportation Plan (ATP), which evaluates existing bike/pedestrian/ safe routes to school infrastructures. The ATP will help the City strategically invest in programs and projects to make walking and bicycling safer and more convenient for residents.

#### Legend

- A model level policy or strategy is **possible** but jurisdiction has not met criteria to earn a star
- Jurisdiction has met criteria to earn a check and achieved this policy or strategy
  - Jurisdiction has met criteria to earn a star and achieved a model level policy or strategy







### Santa Clara County

Charles Care Charles C

Overall Tobacco Control Grade	В	С	С	D	F	Α	D	n/a	С	D	Α	В	В	Α	В	Α
TOTAL POINTS	8	7	5	4	0	12	2		7	2	13	8	8	11	8	13
Smokefree Outdoor Air	Α	С	D	Α	F	Α	С	n/a	В	С	Α	В	Α	Α	Α	Α
Dining	4	4	2	4	0	4	4		2	4	4	4	4	4	4	4
Entryways	4	4	0	2	0	4	0		4	4	4	2	4	4	4	4
Public Events	4	0	0	4	0	4	0		3	2	4	2	4	2	4	2
Recreation Areas	4	4	2	4	0	4	4		3	2	4	4	4	4	4	4
Service Areas	4	0	0	4	0	4	0		4	0	4	4	4	4	4	4
Sidewalks	0	0	0	1	0	1	0		0	0	1	0	0	0	1	0
Worksites	0	0	0	0	0	1	0		0	0	1	0	0	1	0	1
TOTAL POINTS	20	12	4	19	0	22	8		16	12	22	16	20	19	21	19
Smokefree Housing	F	F	F	F	F	В	F	n/a	F	F	Α	С	Α	С	Α	Α
Nonsmoking Apartments	0	0	0	0	0	4	0		0	0	4	0	4	1	4	4
Nonsmoking Condominiums	0	0	0	0	0	0	0		0	0	4	0	4	0	4	4
Nonsmoking Common Areas	0	0	0	0	0	4	0		0	0	4	4	4	4	4	4
TOTAL POINTS	0	0	0	0	0	8	0	0	0	0	12	4	12	5	12	12
Reducing Sales of Tobacco Products	Α	Α	Α	F	n/a	Α	F	n/a	A	F	Α	В	F	A	F	Α
Tobacco Retailer Licensing	4	4	4	0		4	0		4	0	4	3	0	4	0	4
TOTAL POINTS	4	4	4	0		4	0		4	0	4	3	0	4	0	4
Emerging Issues Bonus Points																
Emerging Products Definition - Secondhand Smoke	1	1	0	1	0	1	1		1	1	1	0	1	1	1	1
Emerging Products Definition - Licensing	1	1	1	0	0	1	0		1	0	1	0	0	1	0	1
Retailer Location Restrictions	0	1	1	0	0	1	0		0	1	1	0	0	1	0	1
Sale of Tobacco Products in Pharmacies	0	1	0	0	0	1	0		0	0	1	0	0	1	0	1
Flavored Tobacco Products	0	1	0	0	0	1	0		0	0	1	0	0	1	0	1
Minimum Pack Size of Cigars	0	0	0	0	0	0	0		0	0	0	0	0	0	0	0
TOTAL POINTS	2	5	2	1	0	5	1		2	2	5	0	1	5	1	5

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade A: 18+ D: 3-7 B: 13-17 F: 0-2 C: 8-12

Smokefree
Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade A: 4 D: 1 B: 3 F: 0 C: 2



#### ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND CHAPTER 9.28 (REGULATION OF SMOKING) OF TITLE 9 (PUBLIC PEACE, SAFETY OR WELFARE) OF THE SUNNYVALE MUNICIPAL CODE TO PROHIBIT THE SALE OF FLAVORED TOBACCO PRODUCTS

WHEREAS, the City of Sunnyvale desires to amend certain sections of the Sunnyvale Municipal Code Chapter 9.28 relating to regulation of smoking and flavored tobacco products to protect public health, safety, and welfare by discouraging the sale and distribution of flavored tobacco products; and

WHEREAS, in 2009, the federal Food and Drug Administration (FDA) banned all flavored cigarette products (with the exception of menthol); and

WHEREAS, following the FDA ban, tobacco use by youth decreased by 6% and decreased the likelihood of becoming a cigarette smoker by 17%; and

WHEREAS, federal law does not restrict the sale of menthol cigarettes or flavored noncigarette tobacco products, such as cigarillos or electronic smoking devices, and the solutions used in these devices; and

WHEREAS, on August 28, 2020, the state of California adopted SB 793, codified at California Health and Safety Code section 104559.5 and taking effect on January 1, 2021, which will prohibit the sale of most flavored tobacco products and which specifically provides that a municipality may adopt a more strict local ordinance; and

WHEREAS, mentholated and flavored non-cigarette products have been shown to be "starter" products for youth who begin using tobacco, helping to establish tobacco habits that can lead to long-term addiction; and

WHEREAS, tobacco use remains the number one most preventable cause of death and disease in the United States, causing one in eight deaths in Santa Clara County every year; and

WHEREAS, evidence and studies show that youth believe flavored tobacco products are safer and less addictive than non-flavored varieties; and

WHEREAS, 82.3% of Santa Clara County teens currently using tobacco reported using a flavored tobacco product; and

WHEREAS, 80% of Santa Clara County teens reported starting tobacco use with a flavored tobacco product; and

WHEREAS, in 2016, an estimated 82% of tobacco retailers in California sold flavored

non-cigarette tobacco products, over 90% of tobacco retailers sold menthol cigarettes, and 8 of 10 tobacco retailers near schools sold flavored, non-cigarette tobacco products; and

WHEREAS, in 2019, the City Council approved Study Issue 19-01, titled Ban the Sale of Flavored Tobacco Products, of which a main goal is to prohibit the sale of flavored tobacco products, and includes a study of implementation strategies and enforcement options.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

<u>SECTION 1</u>. Chapter 9.28 AMENDED. Chapter 9.28 (Regulation of Smoking) of Title 9 (Public Health, Safety or Welfare) of the Sunnyvale Municipal Code is hereby amended to read as follows:

#### 9.28. Regulation of Smoking and Flavored Tobacco Products.

<u>SECTION 2.</u> Section 9.28.010 AMENDED. Section 9.28.010 of Chapter 9.28 (Regulation of Smoking) of Title 9 (Public Health, Safety, or Welfare) of the Sunnyvale Municipal Code is hereby amended to read as follows:

#### 9.28.010. Purpose.

The city council of the city of Sunnyvale does hereby find that tobacco smoke is detrimental to the health, welfare and comfort of the general public and that the health, safety and general welfare of the residents of, persons employed in, and persons who frequent this city would be furthered by the prohibition and regulation of smoking in enclosed places or defined places, including places of employment and multi-unit residences. The city council also finds that smoking is the number one most preventable cause of death and disease and that the use of flavored tobacco products, particularly use among youth, has increased in recent years. The purpose of this chapter is to ensure a healthier environment within the city, improve public safety by reducing litter from smoking waste and the risk of fire from smoking, and enhance the welfare of residents, workers, and visitors by reducing exposure to second hand smoke, which studies confirm can cause negative health effects in non-smokers, and balance the needs of persons who smoke with the needs of nonsmokers, including children and youth, to be free from the discomforts and health threats created by exposure to second-hand smoke. This chapter also seeks to prevent access to flavored tobacco products, which studies show are a gateway to establishing tobacco habits with long-term addictive consequences.

<u>SECTION 3.</u> Section 9.28.020 AMENDED. Section 9.28.020 of Chapter 9.28 (Regulation of Smoking) of Title 9 (Public Health, Safety or Welfare) of the Sunnyvale Municipal Code is hereby amended to read as follows:

#### **9.28.020. Definitions**

(a)-(b) [Text unchanged]

(c) "Characterizing flavor" means a taste or aroma, other than the taste

or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct of the tobacco product, including but not limited to menthol, mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice, provided however that a tobacco product shall not be determined to have a characterizing flavor solely because of the use of additives, flavorings, or the provision of ingredient information.

#### (de)-(ji) [Text Unchanged; Renumbered]

(k) "Flavored tobacco product" means any tobacco product that imparts a characterizing flavor. A manufacturer's public statement or claim of characterizing flavor, texts or images on labeling or packing that explicitly or implicitly implies characterizing flavor, or actions by a manufacturer directed to consumers that would cause consumers to believe the tobacco product imparts a characterizing flavor shall raise a rebuttable presumption that the tobacco product is a flavored tobacco product.

#### (lj)-(qo) [Text Unchanged; Renumbered]

- (p) "Retail or wholesale tobacco store" means a store utilized primarily for the sale of tobacco products and/or electronic smoking devices, associated paraphernalia and accessories, and in which the sale of other products is merely incidental.
- (r) "Sale" or "sell" means any transfer, exchange, barter, gift, offer for sale, or distribution for a commercial purpose, in any manner or by any means whatsoever. Possession of four or more flavored tobacco products by a tobacco retailer, including individual or packages of such products, or any combination thereof, shall raise a rebuttable presumption of possession with intent to sell flavored tobacco products.

#### (sq) [Text Unchanged; Renumbered]

- (tr) "Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco or nicotine and the purpose of inhalation is solely olfactory such as, for example, from incense. The term "smoke" includes, but is not limited to tobacco smoke, vapors from an electronic smoking device vapors, and marijuana smoke.
- (us) "Smoking" means inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device, or any plant product intended tofor human inhalation.

- (vt) "Tobacco product" means any product containing, made from, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including but not limited to cigarettes, cigars, cigarillos, chewing tobacco, pipe tobacco, and snuff; and any electronic smoking device. "Tobacco product" also includes any component, part, or accessory intended or reasonably expected to be used with a tobacco product, whether or not sold separately. "Tobacco product" does not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration as defined in Sections 321 and 353(g) of Title 21 of the United States Code, relating to the Federal Food, Drug and Cosmetic Act.
- (www) "Tobacco retailer" means any person who sells or offers for sale tobacco products and associated paraphernalia, without regard to the quantity of tobacco products sold or offered for sale.

(xvt)-(zv) [Text Unchanged; Renumbered]

<u>SECTION 4</u>. Section 9.28.070 AMENDED. Section 9.28.070 (Violations) of Chapter 9.28 (Regulation of Smoking) of Title 9 (Public Health, Safety or Welfare) of the Sunnyvale Municipal Code is hereby added to read as follows:

#### **9.28.070** Violations.

- (a) It is unlawful for any person to smoke in a place within the city where smoking is prohibited.
- (b) No employer or other person with responsibility for management or control of a place where smoking is prohibit shall knowingly and intentionally allow smoking in violation of this chapter, or fail to post signs required by this chapter.
- (c) No person shall dispose of used smoking or tobacco product waste within the boundaries of an area in which smoking is prohibited, including within any reasonable distance required by this chapter.
- (d) No person, employer, or nonprofit entity shall intimidate, threaten any reprisal, effect any reprisal, or in any manner discriminate against another person who seeks to attain compliance with this chapter.
- (e) <u>It is unlawful for any tobacco retailer, its agents, employees, or assigns to sell or offer for sale, or possess with intent to sell or offer to sell any flavored tobacco product.</u>

#### (<u>fe</u>)-(<u>gf</u>) [Text Unchanged; Renumbered]

<u>SECTION 5.</u> Section 9.28.075 ADDED. Section 9.28.075 (Relationship to Other Requirements) of Chapter 9.28 (Regulation of Smoking) of Title 9 (Public Health, Safety or Welfare) of the Sunnyvale Municipal Code is hereby added to read as follows:

#### 9.28.075 Relationship to Other Requirements.

This chapter provides for regulation of smoking and sale of tobacco products and shall not be construed to preempt or otherwise limit or affect the applicability of any other law, regulation, requirement, policy or standard, or to alter the penalties provided by such laws, or regulate conduct where such regulation has been preempted by the United States or the State of California.

<u>SECTION 6</u>. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 7. 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.

<u>SECTION 8.</u> EFFECTIVE DATE. This ordinance shall be in full force and effect six (6) months from and after the date of its adoption.

SECTION 9. 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 r	regular meeting of the City	Council held on
, by the following vote:		
A.X.177.0		
AYES:		
NOES:		
ABSTAIN:		
ABSENT:		
RECUSAL:		
A COMPANIENT	ADDOLLED	
ATTEST:	APPROVED:	
City Clerk	Mayor	
Date of Attestation:	•	
(SEAL)		
APPROVED AS TO FORM:		
City Attorney		
- :,,		

10/2020: Tobacco-Free Communities - Policies Across Santa Clara County Jurisdictions													
	Reducing Exposure to Secondhand Smoke						Reducing Youth Access & Exposure to Tobacco Products						
	Parks &	Outdoor Dining		Service	Public	Multi-Unit	Common Areas of Multi- Unit	Tobacco Retail	Reduce Density of Tobacco	Limit Sales Near	Flavored Tobacco	Limit Sales in	Restricts Sale of all Tobacco (T) and/or Vaping (V)
Jurisdiction	Trails	Areas	Entryways	Areas	Events	Housing	Housing	Permit	Outlets	Schools	Restrictions	Pharmacies	Products
% of County population covered by policy	92.6%	97.2%	39.2%	85.9%	31.6%	24.3%	79.9%	77.4%	14.7%	17.5%	18.5%	14.7%	13.3%
County of Santa Clara	2010	2010	2010	2010		2010	2010	2010	2010	2010	2010	2010	2019 (V)
Campbell	2011	2011	2011	2011	2011			2012					
Cupertino	2011	2014	2014					2019	2019	2019	2019	2019	2020 (V)
Gilroy								2014		2014			
Los Altos	2011	2018	2018	2018	2018			2020			2020		2020 (V)
Los Altos Hills		n/a*		n/a*	n/a*	n/a*	n/a*	n/a*	n/a*	n/a*	n/a*	n/a*	n/a*
Los Gatos	2013	pre-2010	2016	2016	2016	2016	2016	2017	2017	2017	2017	2017	2019 (V)
Milpitas	2012	2017											
Monte Sereno	n/a*	n/a*	n/a*	n/a*	n/a*	2020	2020	n/a*	n/a*	n/a*	n/a*	n/a*	n/a*
Morgan Hill	2012	2012	2012	2012	2012			2014			2019***		
<b>Mountain View</b>		2012	2012		2012								
Palo Alto	2013	2014	2014	2014	2014	2016	2016	2017	2017	2017	2017	2017	2020 (V)
San Jose	pre-2010	2012		2012			2012	2011					
Santa Clara	2019	2019	2019	2019	2019	2019	2019						
Saratoga	pre-2010	2016	2016	2016	2016		2016	2015	2016	2016	2018**	2018	2020 (V)
Sunnyvale	2012	2016	2016	2016	2016	2016	2016						

<sup>\*</sup> Not included in denominator of % of county population covered by policy because don't have the specific venues/areas covered by policy (Ex. Monte Sereno & Los Altos Hills do not have any tobacco retailers)

\*\* Includes exemption for menthol-cigarettes

\*\*\* Includes exemption for loose-leaf tobacco products

Rev. 10/20

# February 13, 2020 Tobacco Retailers Outreach Meeting Feedback (11 Attendees)

- What about adults using e-cigarettes?
- Is there data or a study showing rates of adult usage compared to regular tobacco?
- Is the county or city considering how this affects adult usage?
- The ban is based on youth access and use, but also affects adults.
- It is not fair to only look at youth use and not adults, as adults can make decisions for themselves.
- Canada regulates packaging, can we regulate the packaging to look less like other products (i.e. the cookie example)?
- Fine proprietors which sell to youth in violation of current state law.
- Monitor locations which sell flavored products to ensure compliance with no-sell law. Sunnyvale should use data to show where youth use is coming from and monitor retailers to show parents, instead of a ban "that just looks like the city is trying to do something".
- Online retailers are point of access. This ban would "punish" Sunnyvale retailers.
- Studies don't show where the flavored products youth are using are coming from
- Sunnyvale is not trusting retailers to comply with legislation restricting sale to youth.
- Kids do not come into their stores.
- Has DPS found retailers selling to youth?
- Retailers would prefer ban on a macro level, not micro. If it's banned locally but not regionally or federally, then business just moves – when SF passed their ban, residents went and bought in Daly City which saw an increase in business. Retailers would accept a state or federal ban but not local.
- SF businesses started selling pure nicotine for customers to mix themselves which is more dangerous.
- Retailers would accept a state or federal ban but not local.
- Parents are responsible for ensuring their children do not have access to or use tobacco products.
- This ban would be Sunnyvale "playing parent"
- Bans create "black markets" (like Prohibition) which increases youth access
- County and city focus should be on education which is more important and effective than bans
- A local ban only destroys business as customers move to other locations/online to purchase product
- This ban would take away "smoking cessation" options which saves lives
- At combined shops (convenience store, liquor store, etc.) these products bring in customers who buy other non-tobacco products so there is a larger reduction in business than anticipated
- For dedicated smoke shops, these products are 60-95% of business so they would likely close down
- This ban would affect long-term Sunnyvale businesses
- Hookah is cultural so banning flavored hookah is not culturally sensitive
- The County studies are not rigorous enough to use as basis for ban
- This ban is a slippery slope junk food isn't healthy either, are stores going to soon be banned from selling chips and soda?
- Why is it illegal to sell to youth but not illegal for youth to smoke? Focus is on retailers and not focused on handling the youth use

- What happens to youth when they are caught smoking?
- Limit which businesses can sell flavored products limit legal sales to 21+ establishments and prohibit both new retailers and mixed-age businesses like gas stations from selling flavored products

Do you think it is easy or difficult for youth under the age of 21 to buy flavored tobacco products in Sunnyvale?

	%	Count
Easy	27.1%	189
Difficult	42.1%	294
I don't know	30.8%	215

#### QUESTION 2

Do you think flavored tobacco products are more appealing to youth than unflavored tobacco products?

	%	Count
Yes	59.5%	415
No	31.7%	221
I don't know	8.9%	62

#### QUESTION 3

Would you support or oppose a law prohibiting the sale of flavored tobacco products in Sunnyvale?

	%	Count
Support	43.7%	306
Oppose	53.7%	376
I don't know	2.6%	18

#### Have you used a tobacco product in the last 30 days?

	%	Count
Yes	39.3%	274
No	57.4%	401
Decline to state	3.3%	23

#### QUESTION 5

#### Have you used a flavored tobacco product in the last 30 days? Check all that apply:

	%	Count
Yes: flavored electronic cigarette/electronic liquid/vape solution	39.0%	271
Yes: flavored cigar/little cigar/cigarillo	5.6%	39
Yes: flavored hookah tobacco (shisha)	7.2%	50
Yes: flavored smokeless tobacco (chew/snuff)	1.6%	11
Yes: mint/menthol cigarette	6.9%	48
Yes: other flavored tobacco	2.6%	18
No: I don't use flavored tobacco products of any kind	56.1%	390

#### What category best describes your age:

	%	Count
Under 18	1.6%	11
18-24	16.2%	113
25-34	25.6%	179
35-44	19.8%	138
45-64	28.7%	200
65+	6.3%	44
Decline to state	1.9%	13

#### QUESTION 7

#### Which category best describes your race/ethnicity? Check all that apply:

	<b>%</b>	Count
American Indian or Alaska Native	1.0%	7
Asian	31.7%	221
Black or African American	1.3%	9
Hispanic or Latino	8.5%	59
Native Hawaiian or other Pacific Islander	2.9%	20
White/Caucasian	45.3%	316
Mixed race	6.2%	43
Another race	3.2%	22

#### Which category best describes your gender?

		%	Count
Female		47.6%	332
Male		48.1%	335
Trans/gender queer/non-binary		1.1%	8
Decline to state	ĺ	3.2%	22

#### QUESTION 9

#### Tell us about yourself. Check all that apply:

	%	Count
I live in Sunnyvale	78.3%	520
I work in Sunnyvale	35.8%	238
I go to school in Sunnyvale	6.2%	41
I own a business in Sunnyvale	3.6%	24
I own/manage or am an employee of a tobacco retailer business	1.7%	11

#### Comments:

I would like to see a ban on ALL tobacco and cannabis products.

The law should forbid teenagers purchase tobacco products and/or have severe penalty if a shop sells to teenagers. For adults, they should show proof of insurance as a tobacco user.

We should model our regulation of tobacco products like the UK does. They are having a dramatic reduction in smoking and tobacco use. E-sigs are seen as a way out of using tobacco products rather than an entry.

My don't know responses are due to not understanding if the ban is on all sales or just sales to people under 21. I support banning all sales to people under 21, but I think 21 and over can make stupid choices for themselves if they feel so compelled. Until 21 (or really 18), people need guidance in addition to parental oversight to make them think twice.

Given that tobacco products are proven carcinogens, they should be regulated as public health hazards.

I used to be (for 35+ years) a heavy smoker. Throat cancer ended that. Like my mother, I started with unfiltered cigarettes. I was addicted from my first cigarette. I knew from the start it was a mistake. But flavored tobacco products make that slippery slope even easier to access and more insidious.

Block all vaping products too

You state that one in ten use smoking devices. That is 10%! By Pareto's Principle, that is not a problem, and we should not waste time on it. The paperwork, staff time, and council time is not worth it! It would be better to spend the time on major problems that affect 80% of our citizens; those problems would likely be housing and traffic!

The Pareto Principle (the 80/20 rule) states that 80% of consequences come from 20% of the causes.

I think flavored tobacco products, especially for vaping, are nothing more than a way to attempt to gain a new generation of addicted customers.

I hear that students are vaping in middle and high schools, yet administration and teachers are unable to do anything about it. It appears that it is too easy for youth to obtain tobacco products. There has to be stricter laws not to sell flavored tobaccos to youth, including online. Online delivery must be with signature over 21 (ideally higher, but) years old.

I strongly support banning flavored tobacco products.

Make e-cigarettes off limits to all youth.

Kids are going to get flavored products and smoking gadgets somehow. I'd be happy to see the sale or use of the products in Sunnyvale illegal. I have lung ailments and asthma and I'm very sensitive to the smoke or vapor. I grew up in a smoking home and still live in my parents home so I've had to endure the 2nd and 3rd hand smoke all my life. My 34 yr old son uses vapor products and I really don't like it. Please don't allow these products in any public places or to be sold in Sunnyvale. They are not safe for anyone. Make it extremely difficult for these products to fall into the hands of our youth and stiff3n the penalties for those caught selling them!

I teach middle school in Sunnyvale and have observed vaping as a problem at our middle schools. I support measures to help minimize access to vaping materials.

I work in a middle school and see vaping on the rise. I hope it will be banned statewide. Thank you!

I would like to see all e-cigarettes banned.

From what I have read and what I see when I am out shopping, at concerts, etc., young people are definitely using these products and they are not safe. As we have restricted their access to regular tobacco, we should restrict their access to these flavored products, too.

Studies have shown that flavored tobacco products have more appeal to kids and more likely to result in them getting addicted to these products.

This is an extremely important public health issue. The kids are targeted by enticing flavors and they don't understand the dangers and highly addictive nature of nicotine. They may be less attracted to the products if regular tobacco flavor is sold instead of the candy flavors.

I would also like all flavored products to be prohibited, menthol, tobacco flavored. I know there are some flavors that are sometimes excluded but I believe all of them are appealing to teenagers.

For people who don't smoke or know anything about vaping should do a little more research about it. A lot of people have quite smoking because of this. All this drama about people dying is not compared to people smoking cigarettes.

Target stores selling to minors, sting operations to identify the stores selling to minors take those stores away. I've been using a vape for a few years with no health issues. Switching from cigarette to a vape I noticed I was able to breath easier and I felt healthier. My smokers cough went away with this switch. Flavored vape juice is not the problem. Stores selling to minors are, as well as

harmful chemicals put in the THC cartridges that are sold on the black market. That is what harmed those people and killed a few, not vapes or vape juice or flavored vape juice.

I'm 21. Vaping is not a crime.

I work in a vape shop, regardless of how old people look I ID cause you never know how old the person is. 21 and older is the law and I will stick to that.

I smoked cigarettes for 3 years then switched to electronic cigarettes and is currently still using them. The affects after using an e-cigarette compared to a cigarette, I do not have difficulty breathing nor do I feel any withdrawals.

I know it's easy for a person under 21 to buy these type of products because my son has bought them & he is not 21yrs old & he is hooked. He started vaping sometime in high school & he is now in his 3rd year of college. I think the flavored liquids get the kids hooked, because they taste good & it's "fun" to try different flavors. The "fun" flavors are very deceiving into tricking the kids into thinking it's harmless. Case in point, my son would never smoke a cigarette. He can't stand the smell of the smoke & knows how bad it is for him. However, vaping using the flavors is not disgusting to him. It's just recently come into the spotlight on how bad vaping is for you. I'm glad they have commercials to remind kids who haven't tried it yet!

I asked my son to stop as soon as I discovered he was vaping & he promised me he would, but he still hasn't & I'm sure he has tried. Kids, even the smart ones like my son, don't realize how addicting these types of products can be. I'm really worried about the effects it's having on his body & worry about how it'll affect him in the long run.

I am very upset that these products are so easy to buy & are sold in Sunnyvale! I would definitely like them banned in Sunnyvale.

It's extremely difficult for smokers to quit from smoking cigarettes, non-smokers would probably never be able to understand. And flavor is the key factor that helps smokers to quit from cigarette so fast, because it makes cigarette smokers forget about the disgusting taste of traditional cigarettes. I'm not saying that vaping is good nor better than smoking cigarettes, it would be the best if people don't do them both. However, I strongly recommend cigarettes smokers to know more about vape, because his or her life could change from now on. And I have noticed that most of the people who submitted the survey and supports the ban are either non-smoker or have never tried any of the product, and I think City of Sunnyvale needs to listen to more voices or it's going to be strongly biased.

Being honest, I don't think banning the flavor is going to work. Even if all Smokeshops or Vaporshops were closed in Sunnyvale, youths would still be able to purchase. Because youths are usually getting their products online. Most websites has very lose age verification, which allows anyone, any age able to purchase. Non like in the physical store, we always check IDs and prevent youth from getting it. Which means banning the flavor isn't going to bring any change. They might still be able get them from surrounding cities since Sunnyvale is so small, and surrounding City like Mountain View and Santa Clara are not banning them yet, which would lead customers to go to other city. People who wants to get them would still be able to get them, for those who don't know where to get might starts to mix their own vape liquid, which is more dangerous. So the flavor ban very likely wouldn't bring any actual change. What city should does is enforce the regulation, and punish those who are selling to minors and making this industry looks bad. Moreover, the ban would probably create a black market, which makes it even harder for City of Sunnyvale to regulate and monitor the market.

Lastly, there was never any evidence which showing flavored tobacco product or electronic cigarettes cause any harm to its user. Even the CDC had already declared that the key which caused lung disease or death was the Vitamin E acetate found in Marijuana/THC liquid, which is the type of substance vape store does not sell. Meanwhile that the Marijuana industry and Vape industry are two completely different industry. There are too many political manipulation behind of the flavor ban, anyone who digs deep would notice that. Because big tobacco companies are just way too big, they are like the invisible hand behind of this. Because Vape is such an effective alternative that's able to substitutes and allows people to quit from traditional cigarettes; it's just not fair that people are just blindly blame everything on flavored tobacco or Vape but ignore the real causes. All thanks to Vape that the U.S. Smoking rate is hitting new low every year. Nothing can be banned, what's better than banning one thing is to have a more enforced and practical regulation. For example, the constitutional ban of alcoholic beverage between 1920 to 1933, it created even more social issues and big black market as well.

I have never expected that City of Sunnyvale, the heart of Silicon Valley, the center of innovation would ban Vape or flavored tobacco products. All the biggest name among vape industry were originated from here: Juul, Pax, etc,. I once read an article refers Vape as the #2 most remarkable invention in the past decade, worth to mention that #1 was 3D Printer and Vape was the only daily life invention on the list.

Thank you for your time for reading my comment, I truly appreciate if City of Sunnyvale could rethink about the ban and let more people in the city, in the neighborhood to understand more about the fact of what's going on.

I love my vape shop, they have the best prices & I wouldn't want to lose it!

why ban vaping? teens drink teens smoke cigarettes we just going to ban everything now? black market exists.. you want us to just go back to killing yourself with cigarettes?

I have quit using all tobacco products solely with the help of flavored e-cigarettes. I had previously smoked cigarettes since I was 15 years old and was told by my doctor I had to quit for the sake of my lungs. Without e-cigarettes I would still be smoking. E-cigarettes have actually saved lives, please do not overlook that.

If people elect to smoke, that's their business. Laws are already in place to stop underage people from purchasing/smoking cigarettes and to stop people from smoking in instances where it might harm others (eg indoors). We should ensure that existing laws are being enforced rather than outright banning them. If it's generally agreed that alcohol distribution can be managed, then there's no reason why we can't do the same for vaping.

I am an adult and former smoker for over 10 years. Vaping changed my life. My health has dramatically improved according to my doctor who fully supports me switching to vaping.

Furthmore, like alcohol and actual tobacco leaf products (cigarettes), I support a hard age limit. All the same, I believe similar rules should apply. Liqour stores who obey the law do not sell to youth, but just because some might, that doesn't mean I want liqour banned across the board. Banning vaping and vape stores is impeding on my freedom to choose what I put in my body and the decisions I should be aloud to make regarding health. I don't support teens vaping and believe that the government should address it, but not through sweeping bans that only effect people like me, as teens will still find a way, as they always do, to get access to things they aren't allowed to have.

Vapes are a highly addictive disaster. Ban 'em!

The problem with flavored tobacco product is its difficult for parents to find if the kid is smoking or not. I do oppose selling any kind of cigarette as studies show they are the hardest substance addiction to guit. I hope this would be a start of end rather than end to ban all tobacco products.

My son is in middle school in Sunnyvale and says there are so many kids vaping at school daily. Any time he good in a bathroom there are kids vaping.

I really appreciated that Sunnyvale city is considering tobacco ban on Sunnyvale. But why only on Sunnyvale? Why don't city council talk to neighboring city for similar ban? When you ban, ban with other cities, counties, and more. Just banning in Sunnyvale won't ban the tobacco users to buy as tobacco will be available in neighboring cities; if not in walking distance; in driving distance in minutes. Although the tobacco sale for any types of business is less than 5%, with this ban only in

Sunnyvale will push to loose more than 20% of business and customers for all business who serves customers in border of other cities. Really, appreciated for our city to think little broader way of banning tobacco products instead of limiting the sale in only our city. I am not suggesting not to ban the flavored tobacco; but ban together with neighboring cities, counties, and states. Until then let us know how can we as business owners/employees serve the communities better; we are always together with the city as always.

The law is for no sales of flavored products to any one under 21. If people under 21 are buying at shops then it is an enforcement issue and Sunnyvale Public safety needs to do a better job of closing shops selling to minors down. We can make it easier for them by having a zero tolerance caught once selling to minors and your business license is revoked forever policy. I have seen grown adults who used to smoke packs a day of cigarettes ween themselves away from cigarettes with the use of E cigarettes products and better for it. 95% of "vaping deaths" have been related to illegally manufactured marijuana products anyways. The banning of a product for all people of all ages seems to go against basic American freedoms to have the right to choose as adults over 21. Freedom is about having the right to choose after all.

This isn't rocket science, ban the products and be done with it. Just treat it like alcohol, under 21 no tobacco period.

I do not personally smoke FLAVORED tobacco, unfortunately having a ban like this might make things worse. Things like underground selling and using of said products. Could cause more problems than it's worth. Keeping products like these available also help those like I to ween off smoking cigarettes. Thank you for your time.

I oppose the ban on vape products. I quit smoking 3 years ago and switched to vaping. I vape with a very low dose of nicotine. (3mg)

I believe banning vape products is going to create a bigger problem for our youth. It's going to force them to the black market where products could be unsafe. I also believe that most vape stores uphold the laws and closely pay attention to who is buying and properly ID all persons in the store. This ban is just going to make things worse!!

There are already laws to prevent youth from purchasing/using tobacco products. Strictly enforce those laws.

Analogy: Alcohol is illegal for persons under 21. Should we illegalize the sale of all sweetened/fruity alcohol products because they may attract minors to drink? This proposed law only impacts adults who may wish to legally purchase these products, and does not reduce the number of youth who may attempt to purchase these products.

Vaping saved me from cigarettes and i feel alot better vaping because i dont smell bad and i still have the same feeling that i get with smoking. Make it harder for kids to get it but dont stop legal adults from there right.

It is very alarming to know the dangers of flavored tobacco products. I think people (especially youth) do not understand the true dangers of such products. Also though many are just tobacco some tobacco products are also combined with THC increasing the danger. The flavored tobacco products are strategically packaged to appeal to youth and are easily accessible. I would highly support this proposed law.

I have school-aged kids and strongly support the ban of sales of any flavored tobacco products in Sunnyvale.

- 1) While I totally agree with your desire to keep tobacco products out of the hands of those not old enough to make their own decisions about whether or not they choose to use them, I do not understand nor do I agree with taking action to limit access for adults who are old enough to make that decision. That is like saying that because some teenagers sneak off in their parents' car and are injured in an accident, nobody should be allowed to drive..
- 2) How is the appeal of flavored tobacco products any different from the appeal of flavored alcohol products to minors? Yet I have heard nothing about any proposed law prohibiting the sale of wines, liqueurs, beer/ale or malt liquors. According to the National Institute of Health, minors account for 11% of all alcohol consumed in the United states and it has deemed underage drinking serious public health threat. Just like alcohol, there is a legal age limit of 21 required to purchase tobacco products. And Just like alcohol, minors find a way to get their hands on tobacco. We impose fines on establishments caught selling to minors and punish the minors for their use of alcohol. We should follow the same protocol as alcohol and punish minors caught using tobacco products the same way..

While I think we can all agree that neither of these products are appropriate for young people, who do not understand the health consequences of alcohol or tobacco use, we should all agree that using the law to police this principle, at the expense of the personal choice freedoms of those who are of age to make that choice for themselves, is very inappropriate,. If we start writing laws for everything that we don't want our children to participate in, despite the effect on the rights of those around us, we have lost sight of the basic concept of respect and consideration and discarded the freedom of choice that this country was built on.

A ban on selling flavored tobacco products in Sunnyvale to reduce appeal to minors is ridiculous. I haven't used a tobacco product myself for 13 years, but I still have plenty of friends in their 40s

who smoke. Many of these 40 year old smokers use flavored products. I would far rather smell the strawberry tobacco product my neighbor uses than regular tobacco which turns my stomach. I don't like tobacco and I feel it is a killer, but you will have much more success with stopping sales to minors with undercover operations to store owners rather than some silly ban which will affect many adults. Please keep selling flavored tobacco products legal in Sunnyvale. Thank you.

I smoke cigarette almost all my adult life. I suffer consequences a lot. I am 73 years old. Four years ago I found e- cigarette flavored blueberry and switched from extra light menthol cigarettes to flavored e- cigarette. It made very positive effect on my health. Now I received from NJOY manufacturer of my e-cigarette that they no longer can send me my flavor. I have to quit that too... In my close family 3 out of 4 smokers switched to e- cigarette... Please don't take that option from cigarette smokers. It makes big impact on smokers health...

I agree that flavored tobacco products are more appealing to kids. And flavored products probably also encourage use in adults as well. I probably wish they didn't exist, but they do, and I suspect that if you limit sales in Sunnyvale, they'll just go somewhere else and Sunnyvale will lose the opportunity for that sales business.

And, it is true I seem to see more people vaping than I previously saw smoking cigarettes, but it would be much worse to have to smell their tobacco.... so, long story short, I'm not sure how I feel about this proposal.

Flavored vape has allowed me a healthy option to quit smoking cigarettes. This store has been here and has always had a positive relationship with the community.

Vaping is still better then cigarettes which I have smoked for over 30 years.

The disposing vapes were a good way for me to stop smoking cigarettes. It really helped

As a previous adult smoker that has quit I think making flavored vape products difficult to access will only increase the number of adult smokers in the area. I would also argue that the smell and other issues associated with regular cigarettes is more disruptive and unhealthy.

Stores in Sunnyvale are good about not selling to youth, it is mostly online sales.

Vaping helps in harm reduction

Helps to quit smoking

Please don't close up the shop we love the vape shop

Online vape stores need to be regulated not in store.

Flavored tobacco is an alternative to regular tobacco and helped me quick smoking cigarettes. To prevent teens smoking, just keep increasing the legal age and start enforcing the already existing law.

These are absolutely legal products that adults can buy. Limiting them because of hand-wringing fear about children using them is government overstep. Make the fines harsher for places that sell to minors, or to adults who give them to minors, or to the parents/guardians of children caught with them.

This survey is extremely flawed in its structure, and seems to be geared toward portraying an image of flavored "tobacco" products that is not supported by the available body of research on this topic, and one that is trying to demonize this product.

I was a pack or more a day cigarette smoker for over fifteen years (I started smoking CIGARETTES at age 13), and the only thing that enabled me to quit was flavored vapor products. I tried every other alternative on the market, and every quitting aid available. So, to me, these products are much better than tobacco.

Also, I don't think the opinion of random people with regard to "how easy it is for a child to obtain flavored tobacco products" is in any way valid. I think Kenny G is a great musician, but that doesn't actually make that true - does it? Unless I'm a music expert, in which case I have valid experience to make that determination. So, why are we not getting valid inputs from medical professionals (not just the Santa Clara Public Health Dept.) with no biased affiliation? That would be a MUCH better source of input, and would provide some actual information with which to make a decision like this that impacts many adults as well as children.

Since I started vaping I have stopped smoking cigarettes.

Vaping should be allowed to the 21 and older only, enforce ID strong ID Checks

I was previously a heavy tobacco smoker. Vaping has helped both my fiancé and I get off actual cigarettes.

I was personally a 1 pack a day smoker now I'm less than half a tank per day smoker and completely off tobacco.

I fully believe that it helps individuals get off actual cigarettes. And all vape shops that I have visited are very diligent on checking the age of their customers.

This has helped me to completely quit smoking cigarettes and I've been 100% smoke free since 1-1-20. I couldn't have quit without my vaping device. Vaping also allows me to step down my nicotine levels step by step in which I'm down to 6mg from much higher.

I 100% agree that we should keep tobacco products out of the hands of youth, and that we should be discouraging people from starting tobacco use at all. However, I disagree with sweeping bans like this that could have a negative impact on folks who are trying to practice harm reduction (such as moving their use from cigarettes to vaping).

See e.g.

http://www.casaa.org/what-is-tobacco-harm-reduction/ https://harmreductionjournal.biomedcentral.com/articles/10.1186/s12954-018-0237-7 https://www.ncbi.nlm.nih.gov/pubmed/29718475

Also, keep in mind that you can't stop something you don't like from happening just by banning it.

As a side note, is is clear from other comments that some folks taking this survey are not aware that the proposed ban is for ALL users, not just users under 21. This confusion exists to the extent that it calls into question the validity of the result of the support/oppose question.

I'm a law abiding tax paying citizen. What makes you think denying me the right to legally purchase something will stop kids from getting it? Your ban will do nothing to stop kids from getting what they want. Why don't you let parents police their kids and stay out of the way?

Vaping helped me stop smoking!!! Sunnyvale should not be imposing nanny state laws that will actually be harming their current and former smoking population. Banning this will harm people's health not help.

Vape helped me quit smoking, banning them is definitely not the best solution! City of Sunnyvale should've enforce its regulation instead of banning vape!

Vaping helped me quit

Please don't ban vape shop. This helped me shop chewing tobacco and helped my gums heal in the process. Vaping saves lives.

Vaping has helped me stop smoking.

Vaping has helped me quit cigarettes.

Seeking a way to stop this habit as I don't really vape that much but it is not a good habit I would say.

Helped me quit cigarettes and the mayor of my home city released false info on vapor products but got money from tobacco companies.

There are no carcinogens. Vaping doesn't target kids, it simply offers a variety of flavors, as does Alcohol.

Please do not ban flavored electronic cigarettes and eliquids because a lot of smokers were only able to get away from traditional tobacco cigarettes by using flavored eliquids..Banning flavored eliquids will force smokers to go back to traditional smoking or buy the flavored products from somewhere else. The best approach is to enforce the age verification law in local stores!

I think there are very few places in Sunnyvale which sell it and the places which sell already ID strictly.

By flavored tobacco I also mean mentholated/ mint products. These are appealing to teens/ new users.

I strongly believe that the sale of flavored tobacco products should be prohibited, especially near the school area. Even though students are not allowed to buy tobacco products, all the ads posted at retailers attract them and encourages them to try the products.

Helps me stay calm and off cigarettes which I used to be addicted to, cigarettes are what killed my grandfather and this only makes it harder to stop cigarettes.

Banning things is bad. It's even worse when it's something where the likely alternative, normal tobacco, is more likely to be used with worse results.

Vaping helps me reduce of my smoking cigarettes habits

If flavored tobacco products are banned in Sunnyvale, legal users of such products may have to resort to ordering online from potentially untrustworthy distributors, or, worse yet, manufacturing their own "vape liquid", resulting in more potential health risks. Please consider the unintended consequences of such a ban.

I know many will think that because I am considered "old" but I grew up in the era of drugs. Weed and LSD. Children are drawn to experiment with such thing and do not understand the long term affects and effect of this. Wheat we can do to educate and protect them, is our responsibility.

Helps me quick smoking

E cigarettes have changed my life when I started using them exclusively in 2009. I never smoked a tobacco cigarette ever since. I am healthy, fit, no breathing issues, do sports and fully participate in life without thinking of where and when I could smoke my next cigarette again. I don't smoke flavors but want it to be a choice for adults. I don't believe in prohibition as prohibition has proven throughout history that it just sparks crime and illegal actions. Look at European countries which

have a much more relaxed view about alcohol and tobacco products. They have less addiction problems than the US - by FAR. Please keep vaping age at 21 but please do not prohibit e cigs or flavored liquid for adults.

Vape products should not be considered as tobacco products since there is no tobacco in vape products.

Great store and products. Please do not take this product from us. It's a free county last time I checked

,

Vaping has helped me greatly to reduce smoking significantly and quit it eventually. It is a great alternative to smoking. It's all advantages and much less harmful as compared to smoking. If something is most harmful, they are the cigarettes. Try to get a ban on them instead of the politically/money (by tobacco and pharmaceutical industries) motivated race to ban vaping as it is chewing heavily on their business.

Vaping is definitely a great alternative to cigarettes and I don't want to go back to cigarettes. Please do not impose this ban.

Being in retail, e cigarettes have helped me reduce the amount of cigarette intake. I am able to get my nicotine intake with out bothering any customers with the odor of cigarettes

It has stopped me from smoking cigarettes. I would buy 2 packs a week and I have minimized that greatly.

Better than smoking cigarettes.

Vaping has helped me quit smoking. I've been able to decrease nicotine level gradually over the past two years.

The U.S. Surgeon General and the U.S. Food & Drug Administration have stated that e-cigarette use among youth has reached epidemic levels with a dramatic increase of e-cigarette use among middle and high school students. The use of e-cigarettes is unsafe and has negative health effects on teens and young adults and is a pathway to the use of combustible cigarettes. Tobacco use remains a leading cause of preventable death in the United States. Dispensing kid-friendly flavors have greatly contributed to the increased use among youth and should be discontinued for public health reasons.

If Sunnyvale city prohibit the sell of flavor tobacco to avoid under age smoking, but I'm pretty sure they will find a way to buy from other cities or under ground sellers. This law only will effect us

who's been smoking flavor tobacco for many years and now we will have to buy them from different cities or states. Also, it will increase crimes and violence because flavor tobacco in the streets, for example: Oakland crimes percentage dropped by making marijuana legally to buy from certified licensed stores. I think if the Sunnyvale city only allows flavor tobacco to be sold at certain stores only like smoke shops that only allows over 21 of age to enter

Using flavor cigarettes helped me quit smoking And I have been smoking for the last 20 years

Restrict it don't ban it because I'll hit the black market if it gets banned!and the city will lose a lot of taxes! Just have the shops that are 21+ years old to enter that will be the best option from my point of view.

Vaping helps support people to guit cigarettes which are much more harmful to your health.

#### Government overreaching

The reality is that a well-regulated attitude towards drugs has always worked better than bans. This is especially true for electronic vaping devices as devices sold on the street have been strongly linked to the cases of lipid pneumonia throughout the country.

This is a stupid law to try and pass, this country is supposed to be a democracy and you are trying to control what we do with our bodies.

Don't ban it....ban the cigs

I didn't want this to remove from any store

Prohibition or banning of these products will surely be counter-productive and encourage black market trade of these products. This would only cause health issues if products are unregulated etc.

Unfortunately, Federal policy makers have failed to appropriately regulate the emerging electronic cigarette market place. This lack of oversight has resulted in a runaway industry that has routinely forgone good practices in pursuit of profit. The failure to regulate these products prior to being introduced to the public for mass consumption has also placed undue burden on state and local policy makers across the country. I thank our local elected officials for taking time to consider what is best for Sunnyvale with the current absence of a regulatory system.

The FDA gave the industry a chance to continue to market products released before August 8, 2016 without pre-market approval and required that all products released after this date begin the FDA pre-market approval process before being released. Basically, the FDA said you can release new products so long as you've concurrently submitted an application for market approval. What

did the manufacturers, distributors and retailers do? They continued to flood the market with thousands of new products without submitting a single application for approval. Essentially the industry ignored the FDA as well as the potential safety concerns related to the untested products and took brought new products to market daily. This is the same industry now up in arms making the point of over regulation. When in fact there's been no regulation to date and the minimal guidelines set forth have been completely ignored by the industry.

You'll often hear proponents of electronic cigarettes and flavored tobacco suggest that 'bans' lead to a black market activity. Unfortunately, the entire market place is a black market. Nearly ALL of the electronic cigarette products being sold at our retailers here in Sunnyvale are ILLEGAL. Our local merchants have continued to sell products released after August 8, 2016 making them illegally marketed products. There is no excuse for this illegal activity, it is the responsibility of manufacturer, distributor and here locally the retailer to know if the products in their warehouses and on their shelves are in compliance and legal.

The newest and most addictive form of eliquid solution 'nic salts' commonly found in pod systems and the newest rage 'disposables' have all been released after Aug. 8, 2016. For what reason have our local merchants continued to stock and sell products they know are illegal?

Take a look at the popular product 'Puff Bar' which along with imitators have surpassed Juul in popularity amongst the youth. No one knows where these products actually come from, nor which are authentic and which are not. There is no way to tell which is 'real' yet you can buy them "legally" here in Sunnyvale. Scary, considering both 'real' and 'fake' are untested, unregulated and illegally imported from China. Why do our local merchants sell these particular products?

This is pure speculation, but I find it hard to believe that the industry is built solely on ex-smokers trying to quit combustible cigarettes. One look at our communities most prominent vapor outlet's social media account and one can see models in lingerie holding products with names like THOT Juice. That's an acronym for That Hoe Over There. Do adult smokers need these type products to quit smoking? How about the video game machines located inside the establishment on El Camino... also necessary to quit? Do you think teens look forward to going inside?

Bottom line is there is a reason we didn't allow flavored cigarettes to market. We shouldn't allow flavored nicotine products of any sort.

It's not about 'carding' people, it's about an expectation that products on store shelves, especially the type that are inhaled and extremely addictive have undergone some sort of approval process. That is a basic assumption every consumer makes.

Regardless of anyone's personal opinion, including mine, the fact remains that nearly ALL the flavored electronic cigarette products being sold in Sunnyvale are illegal tobacco products.

I hope council elects to curve the illegal marketplace and only allow for approved products to be sold within city limits.

While I understand the sentiment of keeping tobacco and nicotine away from kids, strong enforcement of existing laws is a better approach than trying to outright ban things. I started smoking as a teen and was able to because of lack of enforcement, not because my favorite flavor was available.

Banding flavor tobacco will bring more issues and concern to our community by what would the youth do for fun at parties and events. At my job, we celebrated New Years by having flavored hookah tobacco and alcohol. Few of my coworkers got drunk while the rest were having fun smoking hookah, at the end of the celebrations we were so worried about those who were drinking and we made sure they get home safe, while those who were smoking hookah we didn't have to worry about them. My point is that we need to have something for the youth to do instead of drinking alcohol. If we band flavor tobacco today state wise, I'm pretty sure our youth will find something else to smoke tomorrow even if it's illegal. We need to make sure we keep our youth record clean and by making new law. We have to consider that our youth will get more addicted to flavor tobacco when the band starts because they want to show off. The best solution will to designate certain places to sell flavor tobacco, and be very strict with those stores to only sell to over 21.

This help me quit smoking cigarettes

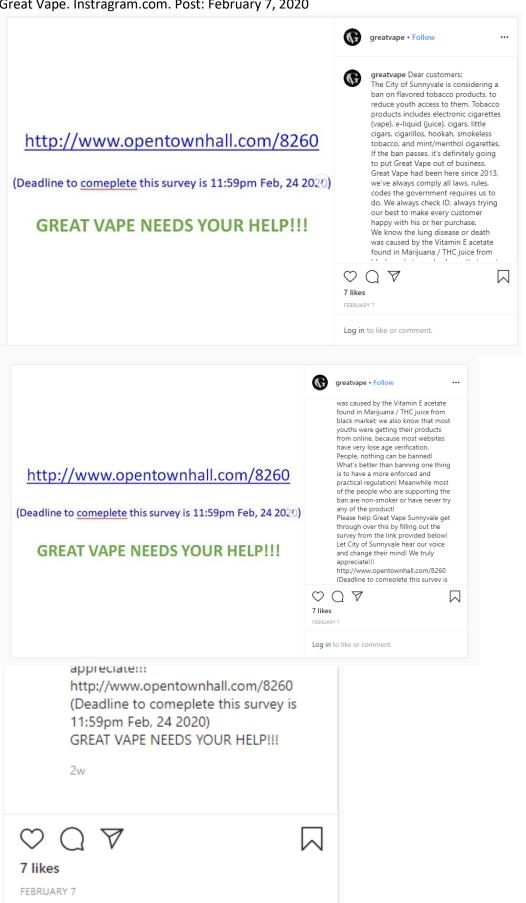
My kids also go to school in Sunnyvale and i strongly oppose any sales of any Tobacco in Sunnyvale.

Somehow it doesn't seem right to me to blame innocent businesses and customers and make them pay for someone else's crimes or social ills. Do we ban the sale of certain alcoholic drinks in Sunnyvale for everyone because of underage drinkers, or the sale of certain cars because of underage drivers? Who gets to decide? By what right? It is a very slippery slope that, if extended, could infringe upon the rights of law-abiding adults. It seems to me that banning the sale of all flavored tobacco is a blanket, knee-jerk, feel-good reaction because business owners and their customers are defenseless, and it's ok to violate their rights because we are the majority and we know better. By what right do we use government coercion to force their minds and prevent a voluntary transaction which is contrary to their own judgement? Furthermore, I don't think banning flavored tobacco sales in Sunnyvale will dissuade kids from obtaining or using tobacco products.

Attachment 7
Page 20 of 20
Attachment 7

The main problem I see is that these contraband are being brought mainly to school and shared among students, which is already illegal. I suggest that K9 sweeps and vape detectors at the schools, as well as a zero-tolerance policy with stiff punishments for bringing contraband on campus, would make schools far more safer for kids, and be far more effective at curbing illegal tobacco use by kids, than banning outright the sale of something that is, and ought to remain, legal for consenting adults.

Great Vape. Instragram.com. Post: February 7, 2020



Great Vape. Instragram.com. Screenshot: February 25, 2020



greatvape

Follow

82 posts 1,094 followers

95 following

#### Great Vape

♠583 E El Camino Real, Sunnyvale, CA 94087

**2**(408) 746-9971

△10:00am - 10:00pm Mon - Sat.

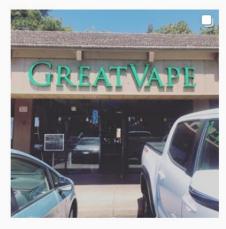
🐧 10:00am - 8:00pm Sunday. Must Be Legal Age To Vape

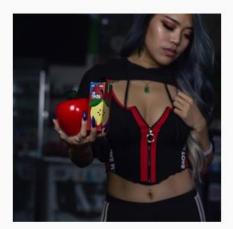
www.GreatVapeSV.com

**⊞** POSTS

☑ TAGGED













#### **Emails from Tobacco Retailers**

From: Chris 888 To: Christy Gunvalsen

Subject: About the Flavored Tobacco ban... from Business Owner

Date: Thursday, February 06, 2020 1:41:16 PM

ATTN: Email is from an external source; Stop, Look, and Think before opening attachments or links.

Dear Neighborhood Preservation Manager:

My name is Longzhe (Chris) Li, the business owner of Vape Store named "Great Vape", business license 075409, located by 583 E El Camino Real, Sunnyvale CA 94087, which is less than 5 minutes walking distance from Sunnyvale Community Center. I have just received the "Proposed Ban on the Sale of Flavored Tobacco Products" notice by yesterday, I can tell two major concerns the city of Sunnyvale has towards to flavored tobacco products: safety issue and increase number of youth usage. Therefore, as a business insider and tobacco retailer, I want to share some of my own opinion to help the City to understand and make better decision towards flavored tobacco product, especially the electronic cigarettes or vapes.

First of all, I want to briefly introduce myself. I'm 26 years old, currently living in San Jose, I used to live in Cupertino

& Sunnyvale area from 2009 to 2015. I graduated from Homestead High School in 2012, and majored in Nursing at De Anza College. Great Vape was established in the year of 2013, and I am the second business owner. I borrowed a

lot of money from my parents and from my friends bought the business from the previous owner in 2018. I appreciate the opportunity of allowing me owning one store in Sunnyvale, and its truly amazing that I am doing business in the city I grow up. Besides of owning a Vape Store, I used to be a cigarette smoker for 6 years. One day, my father passed me one electronic cigarette and asked me to try it and quit from smoking cigarette. After that, I almost never smoke cigarette again. I felt much better than I was, and I'm so happy I finally got the bad cigarette smell away from me. It's been over one year after I took over the business, and we (I and 5 employees) have helped

a lot of people quit smoking of cigarette, that included students from college, engineers from tech company, trainers from gym, deliver guy from post office, driver of ambulance, retired veterans who's over 70 years old, and much much more. That's why I have a lot of faith into this business, I believe that I am doing good things and helping people. It's extremely difficult for smokers to quit from smoking cigarettes, non-smokers would probably never be able to understand. And flavor is the key factor that helps smokers to quit from cigarette so fast, because it

makes cigarette smokers forget about the disgusting taste of traditional cigarettes. I'm not saying that vaping is good nor better than smoking cigarettes, it would be the best if people don't do them both. However, I strongly recommend cigarettes smokers to know more about vape, because his or her life could change from now on. And I have noticed that most of the people who submitted the survey and supports the ban are either non-smoker or have never tried any of the product, and I think City of Sunnyvale needs to listen to more voices or it's going to be strongly biased.

Secondly, I want to share my own thought of the flavors ban. What could be the consequences? Would it helps Sunnyvale lower the number of youth usage? Being honest, I don't think banning the flavor is going to work. Even if

all Smokeshops or Vaporshops were closed in Sunnyvale, youths would still be able to purchase. Because youths are

usually getting their products online. Most websites has very lose age verification, which allows anyone, any age able to purchase. Non like in the physical store, we always check IDs and prevent youth from getting it. Which means banning the flavor isn't going to bring any change. They might still be able get them from surrounding cities since Sunnyvale is so small, and surrounding City like Mountain View and Santa Clara are not banning them yet, which would lead customers to go to other city. People who wants to get them would still be able to get them, for those who don't know where to get might starts to mix their own vape liquid, which is more dangerous. So the flavor ban very likely wouldn't bring any actual change. The only change is put store like us out of business; who's following rules, paying taxes, providing job opportunities and helping people who wants to quit from smoking

cigarettes with an actual effective substitute. What city should does is enforce the regulation, and punish those who

are selling to minors and making this industry looks bad. I know that we are not as big as those big tobacco companies or big tech companies who's able to provide more job opportunities or bring more funds to the society, but we are also trying our best to do our job right. Moreover, the ban would probably create a black market, which makes it even harder for City of Sunnyvale to regulate and monitor the market.

Lastly, there was never any evidence which showing flavored tobacco product or electronic cigarettes cause any harm to its user. Even the CDC had already declared that the key which caused lung disease or death was the Vitamin E acetate found in Marijuana/THC liquid, which is the type of substance we do not sell in our store. Meanwhile that the Marijuana industry and Vape industry are two completely different industry. There are too many political manipulation behind of the flavor ban, anyone who digs deep would notice that. Because big tobacco

companies are just way too big, they are like the invisible hand behind of this. Because Vape is such an effective alternative that's able to substitutes and allows people to quit from traditional cigarettes; it's just not fair that people are just blindly blame everything on flavored tobacco or Vape but ignore the real causes. All thanks to Vape that the U.S. Smoking rate is hitting new low every year. China is banning Vape because all tobacco companies were

owned by the Chinese government, they don't care about it's citizens healthy and do not want people to quit from smoking cigarettes, because the government wants to make more money. Today, City of Sunnyvale is doing the same thing. Nothing can be banned, what's better than banning one thing is to have a more enforced and practical regulation. For example, the constitutional ban of alcoholic beverage between 1920 to 1933, it created even more social issues and big black market as well.

Thank you for your time and reading my email my dear neighborhood perservation manager, I truly appreciate if you could re-think about the ban and let more people in the city, in the neighborhood to understand more about the fact of what's going on. We did not sell them to minor, minors purchased them from online. I have never expected that City of Sunnyvale, the heart of Silicon Valley, the center of innovation would ban Vape or flavored tobacco products. All the biggest name among vape industry were originated from here: Juul, Pax, etc,. I once read an article refers Vape as the #2 most remarkable invention in the past decade, worth to mention that #1 was 3D Printer and Vape was the only daily life invention on the list. As a young entrepreneur, the ban would really breaks my heart, because I never do anything to harm anyone, we get all of our product from authorized and legitimate distributors or wholesalers, we pay tobacco taxes and all other fees, we follow all rules and policies the government

requires us to do and never sell to minors; we are just one business like every other business but didn't get treated fairly. The ban is definitely going to put me and other shops out of business, I really don't know what should I do, my

store is my everything. Last year I worked so hard only got myself two days off, Thanksgiving and Christmas. I borrowed a lot of money and invested a lot of time in this business. My lease still has 4 years to terminate and there's no way for me to back out early. Also I just had a daughter, she is only 3 months old... I really don't know what should I do, I don't know what I have done wrong. And who's going to be responsible for my lost, my store is literally my everything... I don't even know who to talk to because it's just too irresistible and making me feeling hopeless.

Time will tell.
Sincerely,
Longzhe (Chris) Li
Great Vape

**From:** Bassery Alriashi **To:** Christy Gunvalsen

**Subject:** Offer from business owner s Murphy st **Date:** Tuesday, February 25, 2020 4:02:46 PM

ATTN: Email is from an external source; Stop, Look, and Think before opening attachments or links.

Dear Mrs. Christy Gunvalsen my name is MR. Alriashi I'm the owner of the smoke shop on

114 S Murphy ST, Sunnyvale. I'm messaging you right now regarding the flavor band in Sunnyvale and I want to share some lights on my situation as an employer and an owner of the shop. I worked for the last 20 years gathering some money to support my family and save money to became an entrepreneur. Finally, a year ago decided to move from New York to this beautiful State California to make a living for me and my family in the city of Sunnyvale knowing that this city welcomes people from around the world with open arms. I decided to spend all my money I've gathered to buy my own business that cost me \$250,000. Which was everything that I have not known that this band will happen. Please notice that this ban will affect not just us but the adults smokers in Sunnyvale that are trying to quit smoking cigarettes. With that been said I understand that we're trying to keep the youth away from those products, we came with a few solutions that will help the city to eliminate the use of .tobacco to the youth. Below are few ideas I found out after doing research Limited the sell of flavor tobaccos to smoke shops and smoke shops only -1 Smoke shops to be considered adult stores of age 21 years of age and older only to enter -2 Monitor and regulate smoke shops with the police department or Surveillance cameras that -3 the business has to pay to the city

Major fines and penalties for whom breaks the laws -4

Limiting smoke shops to the existing ones no one else could open another smoke shops and -5 ..offenders lose their license

Thank you for giving us this opportunity to share our concerns and point of view. As a smoke shop owner in the city of Sunnyvale, I would like to offer my time and support to make sure our youth can't have easy access to flavor tobacco. Finally, I want to thank you for taking your .time reading my e-mail

Thank you

MR. Alriashi

# Attachment 10 BENJAMIN H. PICAPAGED SOF BINTENDENT



**BOARD OF EDUCATION** 

JEFFREY ARNETT MICHELLE MAGINOT REID MYERS NANCY NEWKIRK BRIDGET WATSON



January 21, 2020

Dear City Manager Kent Steffens:

On January 9, 2020, the Sunnyvale School District Board of Education unanimously passed the enclosed resolution establishing their opposition to the use and sale of e-cigarettes and electronic vaping devices as well as the District's opposition to the sale, manufacture, and distribution of flavored tobacco products, including menthol, e-cigarettes, and electronic vaping devices. The resolution also supports establishing proximity requirements of any tobacco retailers near schools and other youth-sensitive areas.

We ask for your support for the implementation of ordinances and/or legislation to align with the intent and terms of the enclosed resolution. Thank you for your consideration and assistance in keeping our youth protected from these harmful products.

Yours sincerely.

Benjamir H. Picard, Ed.D.

Superintendent of Schools

Michelle Maginot

President, Board of Education

Sunnyvale School District

Cc: Members, Board of Education

# BOARD OF EDUCATION RESOLUTION NO. 20-10

#### Resolution Opposing the Use and Sale of E-cigarettes and Electronic Vaping Devices

WHEREAS, e-cigarette use among youth in the United States has skyrocketed to what the U.S. Surgeon General and the U.S. Food & Drug Administration have called "epidemic" levels; and

WHEREAS, federal data shows that e-cigarette use among middle and high school students more than doubled from 2017 to 2019, with five million youths reportedly having used e-cigarettes in 2019; and

WHEREAS, state data shows that one in eight California high school students currently use tobacco products, with the most used product among all students being electronic smoking devices and flavored products; and

WHEREAS, with more than 15,000 available flavors, including many kid-friendly flavors such as mango, fruit, and crème, flavored nicotine products commonly referred to as "vapes," "vape juice," "vape liquid," "e-juice," etc., have fueled e-cigarette use among youth; and

WHEREAS, widespread advertising for these products, including via media for which advertising for conventional tobacco products is prohibited, such as television, has contributed to the increase in ecigarette use among youth; and

WHEREAS, the accessibility of these products in retailers such as vape shops, pharmacies, and convenience stores, and lower costs of some of the products relative to conventional cigarettes made possible by social media promotion from retailers and coupons, discounts, and other promotional materials make these products more easily available to youth; and

WHEREAS, e-cigarette use is unsafe and has negative health effects on teens and young adults; and

WHEREAS, more than 40 people, including four Californians, have died of lung illness after vaping in 2019; and

WHEREAS, teen nicotine use can impair parts of the brain that control attention and learning, as well as mood and impulse control; and

WHEREAS, teens who use e-cigarettes are nearly three times more likely to go on to smoke combustible cigarettes than their peers who don't use any type of tobacco product; and

WHEREAS, tobacco use remains the leading cause of preventable death in the U.S., killing more than 480,000 people each year; and

WHEREAS, tobacco-use rates are affected by where tobacco retailers are located and how concentrated they are in a given area; and

WHEREAS, increased availability of tobacco products is associated with increases in both youth and adult smoking rates; and

WHEREAS, under California law, local jurisdictions have the authority to regulate the sale of tobacco products through local tobacco retailer license programs; and

WHEREAS, such local tobacco license programs aim to decrease illegal sales of tobacco products, including flavored tobacco products, to minors by establishing maximum thresholds of tobacco retailer densities and establishing proximity requirements near schools and other youth-sensitive areas;

**NOW, THEREFORE BE IT RESOLVED**, the Sunnyvale School District Board of Education supports the Sunnyvale City Council, under its regulatory authority, to take urgent action to amend the City of Sunnyvale's Tobacco Retailer License program to address the following:

- prohibit the sale, manufacture, and distribution of flavored tobacco products, including menthol;
- 2. prohibit the sale, manufacture, and distribution of e-cigarettes and electronic vaping devices;
- 3. prohibit the sale of tobacco products in pharmacies;
- 4. set a minimum price and minimum pack size for sale;
- 5. restrict the marketing (including social media marketing), product placement, coupons and promotional materials, and self-service displays of tobacco products in and from retailers;
- 6. reduce the concentration and density of tobacco stores; and
- 7. prohibit a tobacco retailer license from being issued to or renewed for a business operating too close to a school or other area frequented by youth.

**BE IT FURTHER RESOLVED**, that the governing board of the Sunnyvale School District will adopt policy that specifically prohibits e-cigarettes anywhere in district-owned or leased buildings, on school or district property, and in district vehicles; and

**BE IT FURTHER RESOLVED**, that the Governing Board of the Sunnyvale School District will explore policies related to providing e-cigarette and electronic vaping device prevention and intervention services for district students.

Adopted by the Governing Board of the Sunnyvale School District on January 9, 2020, by the following vote:

AYES:

ARNETT, MAGINOT, MYERS, NEWKIRK, WATSON

NOES:

0

**ABSTAIN:** 

0

ABSENT:

-0

Signature (Governing Board President)

Signature (Governing Board Clerk)

#### FREMONT UNION HIGH SCHOOL DISTRICT

Cupertino High School | Fremont High School | Homestead High School | Lynbrook High School | Monta Vista High School | Adult School

February 28, 2019

Dear Honorable Sunnyvale Councilmembers,

Thank you so much for all your services, which make Sunnyvale a great city for our students and families.

Recently, we heard that parents are becoming increasingly concerned about the significant rise in ecigarette usage by teenagers. Our district has hosted workshops at our school sites to inform parents about this issue. At one such workshop, we heard that parents are particularly concerned about retailers located close to our school sites that sell e-cigarettes, which might encourage students to become more interested in using tobacco and other nicotine delivery products.

As an example, a retailer (which is 0.6 miles from the Fremont High School campus) displays all kinds of cigarette products including e-cigarettes on the front shelves near the cash register.

We would like to request that the City of Sunnyvale consider passing an ordinance to prohibit retailers near schools from selling e-cigarettes. Banning the sale of Flavored Tobacco Products is also one of the city's study issues (DPS 19-01). We hope that you take this under consideration, as we feel strongly that it will benefit our students and keep them from developing habits and behavior that may be harmful to their health.

Fremont High School is planning to send the attached message to all parents regarding the use of ecigarettes.

Thank you in advance for your consideration. Please do not hesitate to contact us should you have any questions.

Best regards,

Polly Bove

Superintendent

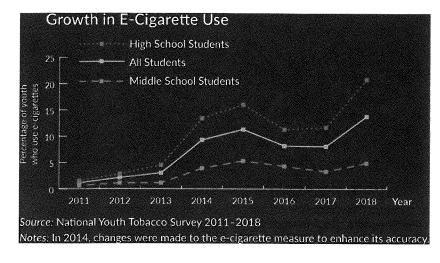
Jely M. Bove

Roy Rocklin

Roy Rocklin Board President

#### Dear Fremont Families,

We hope this letter finds you all doing very well. We wanted to inform you about a current issue facing out teenagers in High Schools across the nation. The Surgeon General along with the Center for Disease Control and Prevention have reported a statistically significant rise in e-cigarettes usage in teenagers to the point where they are referring to the problem as an epidemic. The statistics are indeed alarming. According to the Surgeon General, 20% of high school students across the country are using those e-cigarettes. Assuming the numbers are accurate, that would mean that for high school of 2200 students, have about 450 students who are using those devices. Usage of e-cigarettes and vapes has increased by 78% from last year.



The graph on the left shows the growth in vape usage among students in the USA. The year 2018 saw a significant spike in usage.

Unfortunately, the e-cigarettes/vapes are very addictive. There are different types of those e-cigarettes with some containing THC, nicotine, or other harmful chemicals. THC is the chemical that is found in cannabis/marijuana which leads to the "high" feeling. Manufacturers of some types of e-cigarettes are flavoring the drugs (nicotine or THC) with sweet tasting molecules to mimic the sweetness found in sugar. The companies pry on young adults' preference of sweet flavors. This creates a much more addictive situation for our young students who have brains that are still developing. The e-cigarettes/vapes come in different shapes and sizes making them very subtle. The CDC and Surgeon General has examples of what you could look for online.

From a parental/guardian perspective, it is a good idea to speak with your teenagers about those devices. It is best when parents/guardians are calm about the topic but it is critical to stress how negative the vapes can be on young people's health. Tell your students that you are concerned about their health and that they are not better than cigarettes in any way. The chemicals found in those vapes are still considered carcinogens in addition to leading to long term addiction.

This information was extracted from <a href="https://e-cigarettes.surgeongeneral.gov/">https://e-cigarettes.surgeongeneral.gov/</a> Please feel free to access this link if you would like more information on the dangers of vapes and e-cigarettes.

For parents and guardians, if you would like tips, this link provides this information  $\rightarrow \underline{\text{https://e-cigarettes.surgeongeneral.gov/documents/SGR}}$  ECig ParentTipSheet 508.pdf



# City of Sunnyvale

#### Agenda Item

**20-0905** Agenda Date: 10/27/2020

#### REPORT TO COUNCIL

#### **SUBJECT**

CONTINUED FROM OCTOBER 13, 2020.

Receive and File the FY 2020/21 First Quarter Budget Update and Approval of Budget Modification No. 8 in the Amount of \$1,932,000 to Appropriate CARES Act Funding

#### **REPORT IN BRIEF**

This report summarizes the year to date financial position of the City's major funds, including an update on the receipt of revenue and current status of expenditures. Overall, the City's financial position is tracking as planned in the FY 2020/21 Budget and ended the year slightly better than planned for FY 2019/20. Information early in the year is not yet fully available, especially revenues, which lag by approximately a month.

The City has been approved to receive \$1,932,000 in CARES act funding from the State to help offset the fiscal impact of the City's COVID response. Staff is recommending that Council Receive and File the First Quarter Budget Update and approve Budget Modification No. 8 to appropriate the CARES Act funding to the Budget Stabilization Fund.

#### **BACKGROUND**

As part of the FY 2020/21 Budget Adoption, staff committed to providing a report to Council detailing the current financial condition of the City on a quarterly basis. This is the first of these reports. This update compares the FY 2020/21 Adopted Budget with actual revenues and expenditures year to date. In addition, this report provides a preliminary review of the FY 2019/20 year-end financial results.

Information early in the fiscal year, especially on revenues, is not yet fully developed. Many sources of revenue aren't received until several months into the year. For example, Transient Occupancy Tax (TOT) for September, is not due to the City until the end of October. Another example is Business License Tax, which will appear low until the second half of the fiscal year after renewals occur. While operating expenditures tend to trend more evenly due to regular payroll costs, some expenditures also develop further into the year. For example, large bills like water purchases, are also delayed with July not paid until mid or late August. Consequently, each Quarterly Report will provide a little more context for the year to date status of revenues and expenditures.

This report also seeks Council approval to appropriate the \$1,932,000 in Coronavirus Aid, Relief, and Economic Security (CARES) Act funding received through the California Department of Finance.

#### **EXISTING POLICY**

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.

#### **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) (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.

#### **DISCUSSION**

This report presents preliminary budget and actual year-end results for FY 2019/20 and year-to-date information for FY 2020/21 (as of August 2020) for the General Fund and Enterprise funds. FY 2019/20 data reflects the estimates presented in the FY 2020/21 Adopted Budget, which includes updated revenue projections and budget modifications. Transfers, Interfund revenues, bond proceeds, debt service as well as project and equipment costs are not included in this report. Note that FY 2019/20 actuals are unaudited and that significant changes can occur during closing the fiscal year. For example, bills paid in FY 2020/21 may actually be attributable to work done in FY 2019/20 and adjusted accordingly. FY 2020/21 data represents the recently Adopted Budget.

While overall progress looks to be as planned, staff will continue to watch the incoming receipts and outgoing expenditures closely. One of the most closely watched unbudgeted expenditure is the effect of underperforming CalPERS returns on the City's pension costs. Preliminary estimates indicate an impact of \$1.5 million to \$2 million annually. CalPERS reports are released at the end of October, and then staff will engage its actuary to provide a new analysis and long-term projections, which will be factored into the FY 2021/22 budget and long-term financial plans for each fund.

During the budget development process, one of the major cost savings strategies was to hold vacant positions. The practical effect of this is some impact to various services. The City Manager held 29.65 FTE vacancies in the budget process and continues to exercise judgement on which vacancies to hold, with the service level reductions approved by Council through the cost savings measures maintained as planned. To date, the City manager has frozen an additional two part time positions and one full time position. This surgical approach to freezing positions allows the City to continue to be responsive to shifting and changing conditions while maintaining the needed cost savings in each affected fund. However, several impending retirements are expected well before the end of the Fiscal Year.

#### General Fund

Overall, preliminary FY 2019/20 financials show a positive year-end revenue and expenditure variance for the General Fund. Staff continues to monitor FY 2020/21 financials closely.

**Agenda Date:** 10/27/2020

### 20-0905

Revenue

Company Street Bossesson	FY 2020/21					FY 2019/20						
General Fund Revenue	16.67% of Fiscal Year					99% of Fiscal Year						
	Budget		Actuals	% to Date	I	Adjus	ted Budget		Actuals		Variance	
Property Tax	\$ 90,750,445	\$	101,460	0.1%	T	\$	85,495,426	\$	85,495,611	\$	185	
Sales Tax	\$ 27,163,221	\$	-	0.0%	Τ	\$	27,697,831	\$	28,833,160	\$	1,135,329	
Transient Occupancy Tax	\$ 10,617,327	\$	788,306	7.4%	Τ	\$	15,093,335	\$	15,895,540	\$	802,205	
UUT & Franchise Fees	\$ 15,760,876	\$	869,382	5.5%	Τ	\$	15,671,292	\$	15,421,694	\$	(249,598)	
Construction Tax	\$ 3,686,757	\$	466,256	12.6%	Τ	\$	4,775,825	\$	5,171,077	\$	395,252	
Business License Tax	\$ 1,914,476	\$	41,145	2.1%	T	\$	1,749,343	\$	1,935,129	\$	185,786	
Real Property Transfer Tax	\$ 1,790,431	\$	141,792	7.9%	T	\$	1,949,035	\$	1,815,234	\$	(133,801)	
Permits & Licenses	\$ 1,634,631	\$	207,222	12.7%	T	\$	1,864,135	\$	2,134,687	\$	270,552	
Service Fees	\$ 3,626,133	\$	230,257	6.3%	T	\$	5,473,049	\$	5,540,571	\$	67,522	
Rents & Concession	\$ 3,113,907	\$	106,431	3.4%	T	\$	3,320,321	\$	3,254,484	\$	(65,837)	
Other Revenue	\$ 3,822,573	\$	805,954	21.1%	T	\$	5,349,940	\$	6,637,790	\$	1,287,850	
Revenue Subtotal	\$ 163,880,779	\$	3,758,204	2.3%		\$ 1	168,439,532	\$	172,134,978	\$	3,695,446	
One-Time Revenue*	\$ -	\$	=			\$	15,343,570	\$	6,343,570	\$	(9,000,000)	
Grand Total	\$ 163,880,779	\$	3,758,204	2.3%		\$ 1	83,783,102	\$	178,478,547	\$	(5,304,555)	

<sup>\*</sup> Sale of Property, ERAF

#### FY 2019/20

General Fund revenue ended the year \$3.7M (or 2.2%) above projections when one-time revenues are excluded. Almost all major sources exceeded revised revenue projections. Sales Tax was \$1.1M above its revised estimate. While sales tax revenue was expected to decline steeply as a result of the COVID-19 pandemic business shutdowns and continuing business restrictions, the declines were not as steep as projected. During the shutdown, people were drawn to online shopping and continued to shop for essential goods though the better than expected results for the City are mainly related to the medical/biotech sector. Discretionary purchases, such as auto leases and purchases, also contributed to stronger than expected sales tax as customers sought to take advantage of the low interest rates and compelling sales offers. In addition, more deferred sales tax payments from the previous quarter were received than estimated.

With initial restrictions of only essential travel allowed and then the ongoing COVID-19 public health concerns, TOT dropped immediately and sharply, though not as sharply as anticipated. Further, TOT trended up each month of the last quarter with a monthly average of \$228,000 as COVID-19 restrictions tapered down. Strong construction tax revenue continues to reflect the City's robust development activity that quickly resumed after construction operations were halted briefly for two months as part of the COVID-19 response. The \$1.3M positive variance in the Other Revenue category is driven primarily by interest income, reflecting the City's strong cash position.

Real Property Transfer Tax did not meet projected revenue expectations as a result of slowing property sales due to the initial shutdown of non-essential businesses and economic uncertainty as a result of COVID-19. Utility Users Tax (UUT) and Franchise Fees were down as many large businesses closed as part of the COVID-19 response and then quickly shifted to work from home business models.

One-time revenue reflects \$6.3M in Property Tax Educational Revenue Augmentation Funds (ERAF) that was received as anticipated. The \$9M variance is associated with Sale of Property (Block 15 - Charles Street at Mathilda) from the General Fund to the Housing Fund and is now anticipated to be complete in FY 2020/21.

#### FY 2020/21 Year to Date Update

Few revenues are received evenly throughout the year and therefore progress is difficult to gauge early in the fiscal year. For example, no Sales Tax has been received to date as receipt of sales tax revenue lags the actual economic activity because taxpayers have 30 days to file for monthly reporting periods followed by processing by the California Department of Tax and Fee Administration (CDTFA), which takes several weeks. Receipt of sales tax revenue for the fiscal year typically begins in October. The City uses a Sales Tax consultant to analyze activity. At this time, the City's consultant has indicated that it is anticipated that the City will meet its Sales Tax estimates for FY 2020/21, which are anticipated to drop an additional 2% from 2019/20 after falling off 19% from FY 2018/19.

While TOT revenue is still a fraction of the pre-pandemic revenue, the positive monthly trend has continued into FY 2020/21 with an average of \$394,000 in monthly TOT paid in the first two months of the fiscal year. Reporting indicates that average room rates are down 48% from the same time last year to \$95 per night, and average occupancy rates are tracking at 40% vs. 77% in the first quarter of last Fiscal Year. Construction Tax continues to reflect the City's steady development activity. The Other Revenue positive position is related to a large non-compliance Transportation Demand Management (TDM) penalty of \$516,350 that the City received.

Property tax revenue received to date is due to Supplemental Tax payments. Supplemental taxes are taxes that are due when property undergoes a change of ownership or new construction. These midyear adjustments will be reflected on the tax roll the following year, but in the year of the event, the tax is prorated, and the City receives this amount separate from the Secured tax revenue. Secured is received in ten payments that the City receives between late November and June. Property valuation growth for the FY 2020/21 tax roll shows an increase of 10.4%, which is greater than the FY 2020/21 Budget estimate of 8.2%. With slower property sales and a sluggish economy, tax roll growth for FY 2021/22 is expected to moderate heavily. For example, the California CPI growth factor is trending less than the 2% allowed with 1.6% applied to the FY 2020/21 roll and 1.2% the current estimate for the FY 2021/22 roll. We will know the final growth factor for the FY 2021/22 tax roll when the County releases the data at the beginning of the 2021 calendar year.

#### **Expenditures**

Company Sund Sun and itums		FY 2020/21			FY 2019/20					
General Fund Expenditures	16.62	7% of Fiscal Year		99% of Fiscal Year						
	Budget	Actuals	% to Date	Adjusted Budget	Actuals	Variance				
Community Development	\$ 1,780,747	\$ 281,706	15.8%	\$ 1,562,731	\$ 1,334,407	\$ 228,324				
Environmental Services	\$ 2,417,676	\$ 250,324	10.4%	\$ 2,203,384	\$ 1,939,803	\$ 263,581				
Finance	\$ 11,298,211	\$ 1,527,973	13.5%	\$ 10,872,696	\$ 10,010,596	\$ 862,101				
Human Resources	\$ 5,136,261	\$ 671,843	13.1%	\$ 5,071,584	\$ 4,480,775	\$ 590,810				
Library and Recreation Services*	\$ 18,308,181	\$ 2,795,523	15.3%	\$ 20,134,877	\$ 17,838,759	\$ 2,296,119				
Office of the City Attorney	\$ 1,875,126	\$ 279,014	14.9%	\$ 1,807,509	\$ 1,751,319	\$ 56,190				
Office of the City Manager	\$ 5,505,884	\$ 821,409	14.9%	\$ 5,182,010	\$ 4,794,061	\$ 387,950				
Public Safety	\$ 102,064,174	\$ 14,944,926	14.6%	\$ 98,884,896	\$ 97,403,935	\$ 1,480,961				
Public Works	\$ 25,057,955	\$ 3,983,424	15.9%	\$ 26,169,448	\$ 26,097,872	\$ 71,576				
Operating Subtotal	\$ 173,444,216	\$ 25,556,141	14.7%	\$ 171,889,136	\$ 165,651,526	\$ 6,237,611				
Grand Total	\$ 173,444,216	\$ 25,556,141	14.7%	\$ 171,889,136	\$ 165,651,526	\$ 6,237,611				

<sup>\*</sup> Library and Community Services changed name to Library and Recreation Services in Sept. 2020

#### FY 2019/20

The General Fund is preliminarily projected to end the year with a \$6.2M positive operating variance. All departments met their General Fund operating budget primarily as a result of salary savings

related to the initial business interruption (e.g., restrictions on Library and Recreation Services recreation offerings, pivot to remote hiring process, etc.) associated with the COVID-19 pandemic and then the informal hiring freeze put in place by the City Manager. Similarly, Goods & Services spending is expected to end the year with a positive variance as some non-essential business activity slowed down in response to the pandemic as well as the City's conscientious efforts to spend only as necessary during the uncertain economic times presented.

While General Fund expenditures are expected to end the year favorably, the City did incur unexpected costs in response to the COVID-19 pandemic. The City used the Budget Stabilization Fund Reserve for \$750,000 in small business and non-profit financial assistance, purchased personal protection supplies, and re-routed personnel from regular duties to responding to the COVID-19 pandemic. While the City does not anticipate that all these costs will be reimbursed, the City has received \$1.9M in CARES Act Funding to offset these unanticipated expenditures. The City will also seek reimbursement from the Federal Emergency Management Agency (FEMA) for eligible costs.

#### FY 2020/21 Year to Date Update

General Fund expenditures are at 14.7% while 16.67% of the fiscal year has passed. Expenditures trend more evenly throughout the year driven mainly by bi-weekly payroll costs. Accordingly, salary and benefit expenditures are trending on target with the payroll benchmark for this point in the fiscal year at 14.6%. The timing of Operations & Maintenance expenditures can vary throughout the year and are expected to end the year at budget.

#### **Enterprise Funds**

#### **Golf & Tennis Operations**

Golf & Tennis Fund Revenue		Y 2020/21		FY 2019/20					
Goij & Tellilis Fulla Revellae	16.679	% of Fiscal Year		99% of Fiscal Year					
	Budget	Actuals	% to Date	Adjusted Budget	Actuals	Variance			
Golf Course Revenue	\$ 2,907,403	\$ 665,478	22.9%	\$ 2,834,780	\$ 3,317,904	\$ 483,124			
Tennis Revenue (Rental Fee)	\$ 105,000	\$ -	0.0%	\$ 72,500	\$ 83,750	\$ 11,250			
Grand Total	\$ 3,012,403	\$ 665,478	22.1%	\$ 2,907,280	\$ 3,401,654	\$ 494,374			

Solf & Tennis Fund Expenditures	F	Y 2020	0/21					FY 2	2019/20		
301) & Tennis Fund Expenditures	16.67% of Fiscal Year				99% of Fiscal Year						
	Budget	A	ctuals	% to Date		Adjust	ed Budget		Actuals	,	Variance
Golf Course Expenditures	\$ 3,961,279	\$	861,572	21.7%		\$	4,482,999	\$	4,823,977	\$	(340,977)
Tennis Expenditures	\$ 108,428	\$	6,690	6.2%		\$	110,536	\$	94,289	\$	16,247
Grand Total	\$ 4,069,707	\$	868,262	21.3%		\$	4,593,535	\$	4,918,266	\$	(324,731)

#### FY 2019/20

Revenue associated with the golf courses ended the year with a \$483,124 positive variance despite COVID-19 restrictions that closed operations for almost two months. Reopening partially in May after the COVID-19 pandemic operating restrictions, golf play picked up as soon as these restrictions eased up and allowed the course to re-open for a strong revenue finish. Further, the majority of this positive variance can be attributed directly to golf fees, such as Green fees and Driving Range fees.

The overspending in FY 2019/20 is related to the cost to end the contract with the restaurant concession operator at the Sunnyvale Golf Course. The costs associated with terminating the contract were more than anticipated.

#### FY 2020/21 Year to Date Update

Golf play continues to be steady and is benefiting as a sport that allows for the social distancing required to prevent the spread of COVID-19. At 23.9% of the annual revenue estimate, golf fees are trending up, but are very seasonal and will slow as winter approaches and the days shorten. Air quality due to wildfires has not impacted play as deeply as in the past as with COVID-19 face covering/mask requirements in place, customers were already prepared. Some COVID-19 restrictions continue to hinder revenue, such as the restriction on shared golf cart use, limited tee times and range due to space restrictions, etc. COVID-19 restrictions also continue to impact tennis operations with the operator reporting revenue loss of over 65% since the pandemic hit. The restaurant operator at Sunken Gardens also continues to experience revenue loss due to the ongoing restrictions on indoor dining. To this end, the City is working with both operators on rent abatement agreements to help mitigate their financial losses.

Golf & Tennis fund expenditures are trending high at this point in the fiscal year mainly due to water costs. Water costs are higher than usual at this point due to a billing reconciliation associated with a broken water meter that will be repaired shortly.

#### **Development Enterprise Fund**

Development Enterpise Fund	FY 2020/21			FY 2019/20						
Revenue	16.67% of Fiscal Year				99% of Fiscal Year					
	Budget	Actuals	% to Date		Adjusted Budget		Actuals		Variance	
Permits & Licenses	\$ 10,399,818	\$ 1,588,460	15.3%		\$ 12,993,816	ç	14,024,869	\$	1,031,052	
<b>Community Development Fees</b>	\$ 4,641,052	\$ 778,180	16.8%	T	\$ 6,052,619	Ş	6,519,949	\$	467,330	
Public Works Fees	\$ 1,282,029	\$ 157,670	12.3%		\$ 1,602,536	Ş	1,881,448	\$	682,370	
Other*	\$ 1,178,648	\$ 1,840	0.2%		\$ 1,199,077	Ç	1,222,593	\$	1,222,593	
Grand Total	\$ 17,501,547	\$ 2,526,151	14.4%	T	\$ 21,848,048	\$	23,648,858	\$	1,800,810	

<sup>\*</sup>Interest Income & Miscellaneous

Development Enterprise Fund		FY 2020/21				FY 2019/20							
Expenditures		16.679	% of F	iscal Year			99% of Fiscal Year						
	ı	Budget		Actuals	% to Date		Adjus	ted Budget		Actuals	,	Variance	
Community Development	\$	7,895,889	\$	1,227,661	15.5%		\$	8,542,161	\$	8,850,303	\$	(308,142)	
Environmental Services	\$	271,741	\$	25,245	9.3%		\$	258,876	\$	248,121	\$	10,754	
Library and Recreation	\$	25,018	\$	4,386	17.5%		\$	29,917	\$	35,333	\$	(5,416)	
Office of the City Attorney	\$	511,221	\$	79,784	15.6%		\$	482,443	\$	358,914	\$	123,530	
Public Safety	\$	1,425,639	\$	163,536	11.5%		\$	1,230,949	\$	893,257	\$	337,692	
Public Works	\$	2,756,989	\$	353,773	12.8%		\$	2,781,212	\$	2,538,567	\$	242,645	
Grand Total	\$	12,886,496	\$	1,854,386	14.4%		\$	13,325,558	\$	12,924,494	\$	401,064	

<sup>\*</sup> Library and Community Services changed name to Library and Recreation Services in Sept.

#### FY 2019/20

Revenues in the Development Enterprise Fund are projected to beat current revenue estimates by \$1.8M (or 8.3%). Development Enterprise Fund revenues continued to reflect the City's robust development activity and all major revenue sources are expected to beat revenue estimates with permits and license fees being the largest component.

Overall, the Development Enterprise Fund expenditures came in under budget by roughly \$400,000 (or 3%). The Community Development Department exceeded its operating budget by \$300,000 (or 4%). This overage can be attributed to the use of contract services by the Building Safety Division to

augment staffing needed to provide additional workload capacity related to elevated development activity, though overspending is offset by additional revenues. Consequently, contract staffing costs were moved from project to operating in the FY 2020/21 budget.

#### FY 2020/21 Year to Date Update

While the full impact of COVID-19's impact on the City's development activity remains unknown, development fee revenue has been steady for this point in the fiscal year.

Expenditures are trending as expected for this point. We will monitor revenues and expenditures closely to make timely adjustments as may be needed, but at this point, the fund is expected to meet budget.

#### **Development Impact Fees**

Development Impact Fees*	FY 2020/21 16.67% of Fiscal Year				FY 2019/20 99% of Fiscal Year					
	Budget	A	ctuals	% to Date		<b>Adjusted Budget</b>		Actuals		Variance
Park Dedication Fees	\$ 41,704,226	\$	70,785	0.2%		\$ 25,736,763	\$	25,736,763	\$	-
Housing Mitigation Fees	\$ 41,047,149	\$	-	0.0%		\$ 7,998,024	\$	9,821,274	\$	1,823,250
Transportation Impact Fees	\$ 7,459,583	\$	12,867	0.2%		\$ 5,161,729	\$	5,589,286	\$	427,557
Sense of Place Fees	\$ 1,632,757	\$	-	0.0%		\$ 1,738,012	\$	1,738,012	\$	-
Grand Total	\$ 91,843,715	\$	83,652	0.1%		\$ 40,634,527	\$	42,885,335	\$	2,250,807

<sup>\*</sup>Excludes Interest Income

Development projects take years to come to fruition, therefore, the timing of Development Fee Impact revenue is difficult to predict in the short-term. FY 2019/20 exceeded revenue projections by \$2.3M with some impact fees received in the last quarter of the fiscal year based on projects already in the development pipeline.

Due to project delays associated with the COVID-19 suspension of construction activity in March and April, a majority of revenue expected to be collected in FY 2019/20 is now projected to be collected in FY 2020/21 for existing projects under construction. Impact fees are not received evenly throughout year, but rather based on milestones in the development process. For projects in the earlier stages of development pipeline, the current economic uncertainty makes it difficult to predict projects that will proceed or stall. Staff will monitor development activity and revisit revenue projections as necessary during annual budget development.

#### **Utility Funds**

Hallan Frond Barrance	FY 2020/21			FY 2019/20						
Utility Fund Revenue	8.33%	of Fiscal Year		99% of Fiscal Year						
	Budget	Actuals	% to Date	Adjusted Budget	Actuals	Variance				
Water Fund	\$61,799,016	\$5,275,616	8.5%	\$66,032,607	\$ 72,461,356	\$ 6,428,749				
Wastewater Fund	\$49,738,978	\$4,899,218	9.8%	\$61,618,593	\$ 64,821,986	\$ 3,203,393				
Solid Waste Management Fund	\$53,167,280	\$4,120,698	7.8%	\$53,526,170	\$ 55,999,069	\$ 2,472,899				
Grand Total	\$ 164,705,274	\$ 14,295,532	8.7%	\$ 181,177,370	\$ 193,282,411	\$ 12,105,041				

<sup>\*</sup>July 2020 revenue data only

**Agenda Date:** 10/27/2020

#### 20-0905

Hallian Frond Fronce diamen	FY 2020/21				FY 2019/20						
Utility Fund Expenditures	16.679	99% of Fiscal Year									
	Budget	Actuals	% to Date	Τ	Budget		Actuals		Variance		
Water Fund	\$42,879,620	\$4,871,879	11.4%	Τ	\$42,050,864		\$ 41,198,677	\$	852,187		
Wastewater Fund	\$20,160,127	\$ 2,419,597	12.0%		\$18,455,282		\$ 17,996,083	\$	459,199		
Solid Waste Management Fund	\$41,838,851	\$6,100,930	14.6%		\$40,689,949		\$ 40,234,200	\$	455,750		
Grand Total	\$ 104,878,598	\$ 13,392,406	12.8%		\$ 101,196,096	\$	99,428,960	\$	1,767,136		

#### FY 2019/20

Preliminary year end results show the Water Fund revenue with a positive variance of \$6.4M mostly driven by metered water sales. A large component of the positive Wastewater revenue result is a \$1.8 M infrastructure fee payment associated with the Peery Park development as well as stronger than budgeted sewer fees. The Solid Waste Fund's favorable revenue position is mostly related to City refuse service fees for residential and commercial service. It should be noted that the fees associated with the construction debris boxes declined slightly in the last quarter as construction activity was suspended due to the County's COVID-19 business restrictions. In addition, Fines and penalties are down across all three utility funds due to Council action to waive late fee penalties in consideration of COVID-19 financial impacts to the community though this is not a significant portion (average of \$96,000) of the utility funds' revenue budget. Current delinquency rates for utilities remain approximately the same as they were pre-COVID.

Anticipated year end savings for the Water Fund are as mainly as a result of salary savings. The Wastewater Fund also benefited from salary savings as well as savings from contract and professional service costs that augment staffing for engineering work. The Solid Waste Fund had some salary savings, but also realized savings related to landfill and transfer costs due to business closures in response to COVID-19.

#### FY 2020/21 Year to Date Update

With COVID-19's prolonged impact to businesses (e.g., moving to work from home scenarios, reduced capacity, etc.), the City is closely monitoring utility service fees. It's also important to note that these fees lag as the City bills two months in arrears.

To date, at 8.3% of the fiscal year, Water revenues are at 9.7% with metered water sales and recycled water fees trending high for this point in the fiscal year. For the Wastewater fund, sewer fees are on par with this point in the fiscal year at 8.4%. Solid Waste Fees are trending low at 5.3% when compared to 8.3% of the fiscal year as businesses are holding and/or reducing service.

As with other funds, salary and benefit operating expenditures tend to trend more evenly during the fiscal year due to regular payroll costs while timing of Operations & Maintenance costs can vary. Water salary costs are trending at 13.7%, which is slightly lower than the payroll benchmark of 14.56% of the fiscal year. The cost to purchase water, this fund's largest expense, is trending at 10.72%, which is below the accounting benchmark of 16.67% of the fiscal year, but in line with costs for the same time last year. Wastewater salary costs are in line with the payroll benchmark of 14.56% of the fiscal year. Solid Waste salary costs are trending low for this point in time at 12%. Transfer and Landfill costs are trending high at 23.7%, which is reflective of solid waste activity resuming after the more severe COVID-19 restrictions were lifted and likely some catch up in expenditures from the prior year. Staff anticipates this will normalize throughout the year.

#### **FISCAL IMPACT**

Preliminary year-end financial data as well as the quarterly financial analysis discussed in this report are informational. As CARES Act funding was received after the FY 2020/21 Adopted Budget, staff is recommending a budget modification to appropriate these funds. Therefore, Budget Modification No. 8 has been prepared to appropriate CARES Act grant funds in the amount of \$1,932,000 for reimbursement of unanticipated costs related to the City's COVID-19 response.

#### Budget Modification No. 8 FY 2020/21

	Current	Increase/ (Decrease)	Revised
General Fund Revenue CARES Act Grant Funds	\$0	\$1,932,000	\$1,932,000
Reserves Budget Stabilization Fund	\$43,872,777	\$1,932,000	\$45,804,777

#### **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**

- Receive and file the FY 2020/21 First Quarter Budget Update and Approve Budget Modification No. 8 in the amount of \$1,932,000 to Appropriate CARES Act Funding.
- 2. Other action as determined by Council.

#### STAFF RECOMMENDATION

Receive and file the FY 2020/21 First Quarter Budget Update and Approve Budget Modification No. 8 in the amount of \$1,932,000 to Appropriate CARES Act Funding.

Prepared by: Felicia Silva, Budget Manager Reviewed by: Tim Kirby, Director of Finance Reviewed by: Teri Silva, Assistant City Manager Approved by: Kent Steffens, City Manager

# Sunnyvale

# City of Sunnyvale

#### Agenda Item

**20-0865** Agenda Date: 10/27/2020

#### REPORT TO COUNCIL

#### **SUBJECT**

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.

#### 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

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND CHAPTER 19.52 (ART IN PRIVATE DEVELOPMENT) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE RELATING TO PUBLIC ART REQUIREMENTS FOR DEVELOPMENT

WHEREAS, the City of Sunnyvale completed a master plan for public art (the "Public Art Master Plan). The Public Art Master Plan found that many private development projects spend more than one percent of the value of the project on public art, and consequently recommended, among other provisions, amending Chapter 19.52 of the Sunnyvale Municipal Code Chapter related to the City's public art requirements for private development to increase the percentage for art from 1% of the project value to 1.5% of the project value; and

WHEREAS, the Public Arts Commission held a hearing on September \_\_\_\_, 2020, and recommended that the City Council approve the proposed amendments to the City's Art in Private Development requirements; and

WHEREAS, the Planning Commission held a hearing on \_\_\_\_\_, 2020, and recommended that the City Council approve the proposed amendments to the City's Art in Private Development requirements; and

WHEREAS, the City of Sunnyvale therefore desires to amend certain sections of Chapter 19.52 of the Sunnyvale Municipal Code to implement the Public Art Master Plan recommendation and make minor clarifying changes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

<u>SECTION 1</u>. Chapter 19.52 AMENDED. Chapter 19.52 (Art in Private Development) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.52.010. Findings and purpose.** [Text Unchanged]

**19.52.020. Applicability.** [Text Unchanged]

#### 19.52.030. Art requirement.

- (a) Provision of Art. Projects shall provide publicly visible art on-site that is equal in value to one-percent one- and one-half percent (1.5%) of the project construction valuation.
  - (b) [Text Unchanged]
  - (c) [Text Unchanged]
  - (d) Art Valuation Remainders. In some instances the cost of artwork may not

1

equate precisely to one percent one- and one-half percent (1.5%) of the construction valuation. If the developer does not spend the entire one percent one- and one-half percent (1.5%) on public art, then the remaining amount shall be contributed to the public arts fund.

(e) [Text Unchanged]

**19.52.040. Standards for art.** [Text Unchanged]

**19.52.050. Art permit.** [Text Unchanged]

**19.52.060. Master art permit.** [Text Unchanged]

#### 19.52.070. Installation and maintenance requirements.

- (a) [Text Unchanged]
- (b) [Text Unchanged]
- (c) [Text Unchanged]
- (d) Plaque Required. Each piece of art shall provide an appropriate identification plaque or monument measuring at least eight inches by eight inches. The plaque shall be made of cast metal and be placed near the art piece. Information is limited to must include the date, title and artist. The requirement of this section may be waived if determined in a particular circumstance to be inconsistent with the intent of this chapter.
  - (e) [Text Unchanged]
  - (f) [Text Unchanged]

#### **19.52.080.** Establishment of the arts funds. [Text Unchanged]

<u>SECTION 2</u>. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 3. 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 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption. Projects with approved planning entitlements, discretionary planning applications for which there is a complete application and building permit applications submitted prior to the effective date may comply with the prior requirements.

SECTION 5. 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 ordinance.	d, within fifteen (15) days after adoption of	this
Introduced at a regular meeting of the Can ordinance of the City of Sunnyvale at a, by the following vote:	City Council held on, and adopte regular meeting of the City Council held	
AYES: NOES: ABSTAIN: ABSENT: RECUSAL:		
ATTEST:	APPROVED:	
City Clerk Date of Attestation:  (SEAL)	Mayor	
APPROVED AS TO FORM:  City Attorney	_	



# City of Sunnyvale

# Agenda Item

**20-0318** Agenda Date: 9/16/2020

## REPORT TO ARTS COMMISSION and PLANNING COMMISSION

# **SUBJECT**

Arts Commission Recommendation that the City Council (1) Approve the Master Plan for Public Art; and (2) Introduce an Ordinance Amending 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.

Planning Commission Recommendation that the City Council Introduce an Ordinance Amending 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.

# REPORT IN BRIEF

In April 2017, the Cultural Planning Group was hired to lead a community engagement process and develop a set of recommendations based on public input to update the City's Master Plan for Public Art that was originally developed in 1982. This report presents the community engagement findings and provides the recommendations built upon those findings that form the core of Sunnyvale's new Master Plan for Public Art (Attachment 3 - Final Draft Master Plan for Public Art). These findings and four funding options were presented to Council in a Study Session on August 25, 2020. Based on general feedback, Council supported implementation of Option 2A, which increases the value of required artwork in the Art in Private Development program from 1.0 percent to 1.5 percent of project construction valuation and maintains the in-lieu option at 1.1 percent to incentivize Public Art Fund contributions.

The Arts Commission is being asked to review and recommend approval of the Master Plan for Public Art, and the proposed amendments to Chapter 19.52 of the Sunnyvale Municipal Code, which will implement Option 2A of the Plan.

Because implementing Option 2A requires an amendment to the Zoning Code, the Planning Commission must review and provide a recommendation to the Council on the proposed changes to Sunnyvale Municipal Code Chapter 19.52.

Along with approval of the Master Plan, staff will also be bringing to Council an initial activation plan for the Public Art Fund during the FY 2020/21 Project Budget Cycle. The first project, for which \$50,000 will be requested when this report goes to Council, is Utility Box Art, which was one of the most requested programs by the community and Arts Commission. Projects will follow the same review and approval process as public art capital projects; Arts Commission's review and recommendation to Council for final approval.

#### **BACKGROUND**

Following a 1982 Charter review process, the City of Sunnyvale established an Arts Committee and

the original Public Art Master Plan. In 2002, two accounts were established to capture and account for art in-lieu fees from private development projects to be used for the purchase and maintenance of artwork and to support art projects for public facilities and open spaces. For the purposes of discussion, this report refers to these accounts together as the "Public Art Fund."

Currently, the Public Art Fund has approximately \$500,000 from donations, in-lieu fees, and earned interest. A 2012 study issue of the Art in Private Development in-lieu fee program recommended that a Master Plan for Public Art be developed (Attachment 2 - RTC No. 12-187: Art in Private Development In-lieu Fee Program Study). The goal of the plan was to broaden the scope of public art programs, address community vision for public art and provide guidance for allocating existing and future Public Art funds. The Department of Library and Recreation Services (LRS) was tasked with completing the planning process and developing a Master Plan for Public Art. Due to staff turnover in key positions the project was deferred until 2017.

In April 2017, the Cultural Planning Group was hired to lead a community engagement process and develop a set of recommendations based on public input during the community engagement process. These recommendations were intended to help staff create a final City of Sunnyvale Master Plan for Public Art.

This report presents the community engagement findings and provides the recommendations built upon those findings that form the core of Sunnyvale's Master Plan for Public Art (Attachment 3 - Final Draft Master Plan for Public Art). These findings and recommendations were originally presented to Council in a Study Session on June 18, 2019. Based on general feedback at that session, staff refined the Plan and included final recommendations for public art objectives and strategies as well as options for funding implementation, including: (1) maintaining the current public art requirements for developers, (2) modifying the percentages required for art by developers, and (3) utilizing the City Council's service level set-aside to provide additional resources to implement Plan strategies.

At a second Council Study Session on August 25, 2020, a majority of Council supported implementation of Option 2A, which increases the value of required artwork in the Art in Private Development program from 1.0 percent to 1.5 percent of project construction valuation and maintains the in-lieu option at 1.1 percent to incentivize Public Art Fund contributions.

The Arts Commission is being asked to review and recommend approval of the Master Plan for Public Art, and the proposed amendments to Chapter 19.52 of the Sunnyvale Municipal Code, which will implement Option 2A of the Plan by increasing the percent for art requirements in private development from 1% to 1.5%

Because implementing Option 2A requires an amendment to the Zoning Code, the Planning Commission must review and provide a recommendation to the Council on the proposed changes to Sunnyvale Municipal Code Chapter 19.52.

City Council is scheduled to consider this item on October 27, 2020.

## **EXISTING POLICY**

Council Policy 6.04.01 Arts - Goals and Policies (Policy A.1, A.2, B.3, E.1.) Council Policy 6.04.02 Art Loans and Gifts

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**

The proposed approval of the Public Art Master Plan is not, by itself, a "project" pursuant to CEQA Guidelines 15378 since it dies not result in a physical change in the environment. Rather, the Master Plan identifies a series of policy recommendations and implementation strategies, which include, in part, recommendations/strategies for public artwork and related physical improvements. However, future physical improvements identified in the Master Plan will require further discretionary decisions by the City prior to implementation which would be subject to project-level environmental review, as necessary and subject to funding, timelines, and details which are not yet known. Further, many of the recommendations for physical improvements included in the Plan can be categorized as minor alterations of existing facilities, new small structures, minor alterations to land, and/or accessory structures. Such improvements will be analyzed on a case-by-case basis, but will likely be categorically exempt from CEQA pursuant to State CEQA Guidelines Sections 15301 (Class 1 - Existing Facilities), 15303 (Class 3- New Construction or Conversion of Small Structures), 15304 (Class 4- Minor Alterations to Land), and/or 15311 (Class 11 - Accessory Structures).

Adoption of the Ordinance amending Sunnyvale Municipal Code Chapter 19.52 to increase the percent-for-art requirement is exempt from the requirements of the California Environmental Quality Act (CEQA), California Code of Regulations, Section 15061(b)(3), in that it is not a Project which has the potential for causing a significant effect on the environment.

## DISCUSSION

For decades, Sunnyvale has supported the arts and the benefits art provides to the community. In the early 1970's, when the community expressed interest in arts programming as part of the Sunnyvale Community Center development, two buildings were dedicated to the arts: the Sunnyvale Theatre and the Creative Arts Center. In addition to these facilities, the City dedicates 4.5 full-time staff to delivering arts programs and services at an annual total cost of \$1.3 million, which includes: dance, theater, visual and digital art, pottery, music and special events. These programs are funded by the General Fund.

Sunnyvale's Public Art program plays a vital role in the design and visual landscape of the community. Sunnyvale's current public art program includes two components: Art in Public Places and Art in Private Development. The Art in Public Places program includes 62 sculptures, murals, tapestries, stained glass and paintings funded through capital project allocations, donations and general funds.

The Art in Private Development program currently requires dedication of one percent of the construction valuation of non-residential development projects to public art in order to enhance the city's visual and aesthetic quality and to mitigate any undesired and potentially deleterious sense of uniformity and loss of human scale and orientation. Commercial developers can choose to incorporate art into their projects or contribute an in-lieu fee of 1.1 percent to the Public Art Fund. The Art in Private Development program has led to the creation of 83 artworks owned and maintained by private parties with the in-lieu fee option generating approximately \$500,000 to the Public Art Fund.

# 1. Overview of Master Plan for Public Art (Arts Commission Recommendation and Planning Commission Information)

The Master Plan for Public Art is a cohesive strategy reflecting the values and vision of the community, designed to improve the effectiveness of these public art programs. As Sunnyvale's demographics and arts landscape continue to evolve, a public art master plan will guide use of public dollars and create a unique City identity supporting economic, educational and quality of life initiatives. The Master Plan for Public Art is a comprehensive planning document providing a framework with specific goals and resource allocation procedures to guide short and long-term decision-making for public art.

# **Community Engagement**

To understand the interests and priorities of the community, the Master Plan for Public Art process began with extensive community outreach and engagement. The process was designed to: bring together multiple viewpoints; create legitimacy and a sense of shared responsibility for the Master Plan; cultivate new partners and collaborations; and stimulate broad awareness of, and momentum for, implementation of the Plan.

Community members, business representatives and key City staff were asked to share their sense of Sunnyvale's culture, what makes Sunnyvale unique, and what they considered to be Sunnyvale's favorite gathering places and public art pieces. Through focus groups, stakeholder meetings and surveys, participants were asked to provide feedback regarding the Master Plan for Public Art, including public art programs, art projects and preferred locations.

- Stakeholder Meetings 20 individual interviews with key stakeholders were conducted, including: City of Sunnyvale City Manager, Department Directors and Economic Development Manager; Sunnyvale Neighborhood Association President; Sunnyvale Downtown Association Executive Director; Chamber of Commerce President; Heritage Park Museum Director; Sunnyvale School District Superintendent; Moffett Park Business Group President; and local private development representatives.
- Community discussion groups included a focus group for local artists, three general community meetings and ten focus groups.
- Pop-up meetings included one "pop-up" style meeting at the 2017 State of the City event, two at the library plaza and three at the Sunnyvale Senior Center.
- Community survey Online and hardcopy surveys were posted on the City website and Facebook and emailed to 54,366 eNewsletter subscribers. Almost 800 responses were received.
- Arts Commission and City Council Presentations Presentations were made at the August 15, 2017 joint study session with the City Council and Arts Commission.
- Taskforce A nine-member committee was convened to advocate for community participation in the engagement and planning process, promote public art and its value in the community, think critically about the City's cultural life and convey opinions and feedback from their networks to staff.

#### **Key Findings**

Overall, development of a Master Plan for Public Art was well received by residents, stakeholders

and business owners. Stakeholders felt the Plan should address:

Lack of education about existing and future artworks: survey respondents were not aware of
public art programs, including the Art in Private Development Program where art locations are
predominately in industrial areas unknown to residents.

- Type of Art: The community engagement results indicated the community prefers functional art (75 percent), whimsical small-scale art (60 percent); art integrated into the natural environment (56 percent); art integrated into public buildings/facilities (55 percent); and art that welcomes people to Sunnyvale (50 percent).
- Locations for Public Art: Participants want to see art in their own neighborhood and would like
  to see rotating and temporary installations. The most important locations were public spaces
  and pedestrian areas (87 percent) and parks and open spaces (71 percent). Specific locations
  include downtown, Plaza del Sol, libraries and parks, train stations and bus stops,
  neighborhood and city gateways, and the new civic center.

#### **Vision Statement**

A key element developed to respond to the community engagement findings was a vision statement describing what the Master Plan for Public Art would achieve for Sunnyvale:

"We imagine a city where art enriches the daily experience of public spaces, providing accessible opportunities for reflection, serendipity and joyful interaction in an urban environment.

We imagine a public arts program celebrating the diversity of our neighborhoods and paying homage to Sunnyvale's rich cultural history.

We imagine a public art collection of the highest quality, encompassing a broad range of artistic styles and media-one that creates a sense of place that is uniquely Sunnyvale."

# **Implementation Options**

Overall program implementation is based on approved funding levels, organizational capacity, project scope and community interest. Four implementation options were developed to prioritize the Master Plan for Public Art objectives and program deliverables while considering estimated initial and annual costs. Consideration of Implementation Options 3 and 4 have been placed on hold as they are not currently financially viable in light of the COVID-19 pandemic and its impact on revenues to the City's General Fund. They remain in the Master Plan for Public Art and may be considered if they become realistic opportunities to expand the scope of public art activities in Sunnyvale.

Master Plan for Public Art Objectives:

- 1. Broaden the scope of public art programs.
- 2. Enhance management of public art programs.
- 3. Encourage involvement of the Arts Commission and community in the public art process.
- 4. Develop web-based and self-guided tour programs for the public and private art in Sunnyvale.
- 5. Incorporate a systematic approach to conservation and maintenance of the City's public art collection.
- 6. Update Sunnyvale codes, policies and procedures to align with the Master Plan for Public Art.

Implementation strategies for the six objectives include community gateways, a sculpture park, reactivation of gallery spaces, ongoing art workshops and lectures, a website and self-guided tour dedicated to Sunnyvale's public art, and more.

Master Plan for Public Art Implementation Options

Option 1. Maintain current Art in Private Development in-lieu fees and General Fund contribution:

- Continues current activity level
- Creates a process to allocate the Public Art Fund balance

Option 2. Expand Public Art through increased Art in Private Development in-lieu fee incentives:

- Provides for additional activities by increasing the incentive for developers to select the in-lieu fee option for Art in Private Development by either:
  - A. Increasing the art requirement percentage to 1.5 percent while maintaining the current in-lieu fee of 1.1 percent, OR
  - B. Maintaining the current art requirement percentage of 1 percent while lowering the in-lieu fee option to 0.75 percent

Both Options 2A and 2B would increase the dollars available for public art, but the funding would remain unpredictable, resulting in projects being completed as funding becomes available. Additionally, due to legal restrictions on the use of the Public Art Fund, only projects resulting in physical art are eligible.

The following options were included in the Public Art Master Plan but would require additional funding from the City's General Fund. The adopted 2019/20 budget included a General Fund Service Level Set-aside which would allow service enhancements as program needs arose and were approved by City Council. Future funding for the Lakewood Branch Library and Learning Center is an example of funding that has already been allocated from the Service Level Set-aside. Additional funding for arts programming could have also been considered. However, after the COVID-19 Pandemic hit, revenue reductions resulted in elimination of the uncommitted Service Level Set-aside from the 2020/21 budget and beyond. As a result, funding for consideration of Options 3 and 4 is not available at this time.

Option 3. Expand Public Art through increased General Fund contribution

- All of Option 1
- Broaden scope, enhance and implement systematic approach of public art programs,

Option 4. Expand Public Art through increased Art in Private Development in-lieu fees AND increased General Fund contribution

- Options 1 through 3
- 2. Amendment to Sunnyvale Municipal Code Chapter 19.52 to Increase the Percent-for-Art Requirement (Arts and Planning Commission Recommendations)

If the Master Plan and Implementation Option 2A are approved, Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development), must be amended to implement the increase from 1% to 1.5% for

art in private development projects (Attachment 4 - Redline Ordinance: Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development).

Staff is not currently recommending modification to Council Policy 6.04.04 Art in Public Places (Attachment 5), which requires dedication of 1% of construction funds for municipal construction projects for art. Council can reconsider this Policy at any time.

Staff also suggests a clarification to the provisions related to the plaque requirement. Sunnyvale Municipal Code Section 19.52.070 (d) currently states that "Information [on a plaque] is limited to the date, title and artist." In practice, this is the minimum amount of information staff and the Arts Commission typically recommend for a plaque; short descriptions of the work or artist statements are often included and desirable to inform the public. Therefore, staff recommends a minor amendment to clarify that plaque information include at least the date, title, and artist, rather than limit plaque information to those items.

# 3. Next Steps for Public Art Fund Activation (Information-Only for Arts and Planning Commissions)

Along with approval of the Master Plan, staff will also be bringing to Council an initial activation plan for the Public Art Fund during the FY 2020/21 Project Budget Cycle. Staff will identify public art projects that maximize the City's return on investment while minimizing on-going maintenance and unfunded liabilities. Some of the projects can be taken directly from the Master Plan, and some projects will be recommended based on general feedback identified through community dialogue and Arts Commission meetings. The first project for which \$50,000 will be requested when this report goes to Council is Utility Box Art, which was one of the most requested programs by the community and Arts Commission.

Projects will follow the same review and approval process as public art capital projects; Arts Commission's review and recommendation to Council for final approval.

#### FISCAL IMPACT

Revenues generated related to funding Public Art, including in-lieu developer fees, are unpredictable and have specific restrictions. Development supported Art in Private Development is subject to changes in the economy, not knowing if a developer will choose the in-lieu option, and/or the amount those projects would contribute to the Public Art Fund. Additionally, projects and programs that do not meet the threshold requirement for Public Art (either temporary or permanent) are not required to pay in-lieu fees. In-lieu developer fees are one-time revenues and, in many cases, cannot be allocated for delivering ongoing services such as: staffing and administration of public art programs, gallery and exhibit operations, public art website and publicity development, workshops, curriculum and tour development. Currently the Public Art Fund has a balance of approximately \$500,000.

Costs for implementation of the Master Plan for Public Art are detailed in the Plan document. Option 1 includes estimated initial costs of \$13,000 and estimated annual costs of \$8,500. Option 2A or 2B would affect fees generated from Private Development into the Public Art Fund, but not affect the General Fund.

Staff time allocated to the Art in Private Development program will not be affected, as permit fees associated with these projects have already been established and are adjusted on an annual basis

and include support for staff time required to implement that program.

#### PUBLIC CONTACT

Public contact was made through posting of the Art Commission and Planning Commission agendas on the City's official-notice bulletin board, on the City's website and the availability of the agenda and report in the Office of the City Clerk.

## ALTERNATIVES

Arts Commission Recommendation to City Council:

- 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 Master Plan.
- 2. Allocate \$50,000 from the Public Art Fund to implement a Utility Box Art project.
- 3. Do not recommend approval of the Public Art Master Plan or introduction of an ordinance amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to implement Option 2A of the Master Plan.

Planning Commission Recommendation to City 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 Master Plan
- 2. Do not recommend introduction of an ordinance amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to implement Option 2A of the Public Art Master Plan.

#### RECOMMENDATION

Arts Commission Recommendation: Alternatives 1 and 2, 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 Allocate \$50,000 from the Public Art Fund to implement a Utility Box Art project.

Planning Commission Recommendation: Alternative 1, 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.

Prepared by: Kristin Dance, Recreation Services Coordinator II

Prepared by: Trenton Hill, Recreation Services Manager

Reviewed 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. Reserved for Report to Council
- 2. RTC No. 12-187: Art in Private Development (AIPD) In-Lieu Fee Program Study,
- 3. Final Draft Master Plan for Public Art

4. Draft Ordinance Amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development)

5. Council Policy 6.4.4 Art in Public Places

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# REPORT TO MAYOR AND COUNCIL

Attachment 2 Page 11 of 190

NO: <u>12-187</u>



Council Date: August 14, 2012

SUBJECT: Review Effectiveness of Existing Art in Private Development In-Lieu Fee Option – Study Issue

#### REPORT IN BRIEF

Since the adoption of the Art in Private Development (AIPD) regulation in 1990 and a Council Policy requiring art in public construction projects in 2002, there has been periodic interest in revising specific aspects of the regulation and policy. On February 3, 2012, City Council approved a Study Issue to review the effectiveness of the City's current AIPD regulation, Municipal Code (MC) 19.52 and, specifically, the existing option that allows developers to pay an In-Lieu Fee rather than install artwork at the development site, MC 19.52.100. (Please refer to Attachment A – Study Issue LCS 12-02 Review Effectiveness of Existing Art in Private Development Policies and Practices.) Currently, MC 19.52.100 allows developers to utilize the Art In-Lieu Fee option under limited conditions and upon approval from the Director of Community Development.

This study will reevaluate the City's current emphasis on requiring developers to provide public art at the development site rather than permitting payment of an in-lieu fee to the City's Public Art Fund. (Please refer to Attachment B – Summary of Public Art Fund.) The Public Art Fund is intended to supplement the City's Art in Public Construction Program, as well as other public art projects sponsored by the City.

Additionally, this report incorporates discussion on two items that emerged during the course of developing this Study Issue: 1) the need to clearly define the types of projects that are eligible for funding through the Public Art Fund, and 2) the need to establish a process for deaccessioning art from the City's permanent collection. It is standard practice in museums and government agencies with art collections to have policies to cover both the acquisition of artwork as well as the removal of artwork in the collection. Sunnyvale currently does not have a deaccessioning policy.

#### **BACKGROUND**

The City's Art in Private Development (AIPD) Program was initially adopted in 1990. The criteria that triggers the inclusion of public art includes all nonresidential lots over two acres, nonresidential lots located on a major

intersection or thoroughfare of the City, or by means of specific plan, use permit or special development permit.

In-lieu fees were initially considered when the AIPD regulation was adopted into the City's Municipal Code. However, at that time, an emphasis was placed on requiring developers to incorporate public art into their projects as a means of mitigating the sense of uniformity and loss of human scale that often accompanies commercial and industrial development projects.

Since the adoption of the AIPD Program, the ordinance has been amended to strengthen the successes and positive components of the program. In 2002, City Council approved the addition of a requirement to expend 1% of the construction valuation of a qualifying development, including building and tenant improvements, but excluding the cost of land and site improvements. This requirement was established to encourage the selection of public art consistent with the scale and scope of eligible developments. Up until 2002, each developer determined how much to spend on public art.

At the same time, an option for the payment of an in-lieu fee alternative for public art was approved and the Public Art Fund was established to accrue the in-lieu fees. However, in order to emphasize the inclusion of artwork on the development site, limiting conditions were applied to the in-lieu fee option. Only two projects out of 26 have been determined eligible for the in-lieu option. Properties needed to possess at least one of the following conditions in order to qualify for the in-lieu fee waiver:

- an obstructed view corridor from the public right-of-way due to existing landscaping, utility poles or existing buildings on adjacent property;
- lack of an appropriate artwork location near the main entrance or street, either due to lack of space, existing trees and landscaping, required public easements, or existing utility pipes and electrical boxes;
- lack of a publicly visible location for art due to security restrictions;
- lack of adequate space to incorporate public art.

The current Study Issue to reevaluate the existing in-lieu fee alternative was proposed by City Council following a discussion that occurred during interviews with prospective Arts Commission candidates on November 1, 2011. During the course of developing the study issue report, staff also identified a need to further clarify the types of projects that can be funded through the Public Art Fund, priorities for possible art projects and funding, as well as a need to add a formal deaccessioning policy to the Council's Art in Public Construction Policy 6.4.4. A deaccessioning policy establishes the process and criteria for removing pieces from the City's permanent art collection.

# **EXISTING POLICY**

The Sunnyvale General Plan emphasizes the importance of art in the community. A selection of related policies follows:

<u>General Plan Policy CC-1.1</u>: Identify the boundaries of the City with attractive and distinctive features.

<u>General Plan Policy CC-1.8</u>: Provide and encourage the incorporation of art – both functional and decorative – in public and private development.

<u>General Plan Policy CC-1.8a</u>: As non-general fund resources allow – develop a new Master Plan for Public Art.

<u>General Plan Policy CC-1.8e</u>: Continue to acquire public artworks which contribute to the public identity of outdoor places and provide pleasure and enrichment for Sunnyvale residents.

<u>General Plan Policy CC- 4.1</u>: Ensure that Sunnyvale's public facilities are easily identified, accessible, attractive and representative of the Community's values and aspirations.

## **DISCUSSION**

Study Issue LCS 12-02 considers the City's current art in private development policy and municipal code regulation (MC19.52) and, more specifically, the City's in-lieu fee alternative for private development (MC19.52.100). To prepare this report, staff solicited input from the community regarding the art in private development regulation and existing criteria for utilizing the in-lieu fee alternative. Additionally, staff researched "best practices" from other agencies with art in private development programs. Although the City's original art in private development ordinance was adopted over twenty years ago, the City has revisited the regulation a number of times over the years, including an in-depth policy study regarding the status, intent and effectiveness of public art policies and practices existing in 2000. The two-year study was undertaken with the goal of maintaining and strengthening the successful and positive components of the existing art in private development program at that time, while offering policy level strategies to strengthen the provision of public art in Sunnyvale.

# Sunnyvale's Art In-Lieu Fee History

Since the adoption of the Art In-Lieu Fee option in 2002, 25 private development projects have been required to include public art under the AIPD Ordinance. Nineteen of those projects have completed the installation of artwork on private development sites and four projects have received Arts Commission approval on their public art proposal. The four artworks are still in varying stages of fabrication and installation. Of the total 26 projects, only two were eligible for the in-lieu fee option. Approximately \$6,000 of the \$124,000 principal contributed by the two projects in the Public Art Fund was then used

to design and fabricate a public art piece that was installed at the Columbia Neighborhood Center in 2007. The sculpture was created by Columbia Middle School students participating in the City-sponsored Art Apprenticeship Program. Remaining funds are being held pending development of guidelines for use of the Public Art Fund.

# Proposed Amendments to Sunnyvale's Current AIPD Ordinance

In addition to the possibility of allowing developers and property owners the flexibility to choose whether to place public art on their development sites or to contribute to the City's Public Art Fund an in-lieu fee equal to 1% of the construction valuation of their eligible projects, staff identified additional areas of the art in private development regulation that need to be addressed or clarified. There are three primary areas of the AIPD regulation and two City Council public art policies that Council is asked to consider:

- 1. Whether to allow developers and property owners the flexibility to choose without limitations to place public art on their development sites or to pay an in-lieu fee consistent with 1% of the construction valuation of eligible projects. If the in-lieu fee alternative is revised, Municipal Code 19.52. Required Art in Private Developments and Council Policy 6.4.3 Art in Private Development will need to be amended;
- 2. Amending Council Policy 6.4.4 Art in Public Construction Projects to reflect changes in Council Policy 6.4.3. by clarifying the types of City projects that will be eligible for support from the Public Art Fund and provide a process for removing artworks from the City's Permanent Art Collection (creation of a deaccessioning policy), and;
- 3. Development of a Master Plan for Art to serve as a framework for the expenditure of in-lieu fees held in the Public Art Fund by identifying and prioritizing public art projects and locations throughout the City.
- 1. Consider whether to allow developers and property owners the flexibility to choose without limitations whether to place public art on their development sites or to contribute to the City's Public Art Fund an in-lieu fee consistent with 1% of the construction valuation of eligible projects.

The current AIPD regulation limits the conditions under which the in-lieu fee option can be utilized. Projects must clearly demonstrate that there is no appropriate place for artwork, either because of lack of space or restricted view corridors and lack of visibility to the public. Many developers and property owners are in favor of a revised policy that allows them to choose whether or not to place artwork on their development sites or exercise the in-lieu fee option at their discretion. Developers have stated this change would be beneficial for large–scaled, mixed-use projects that have limited

funds, because either the 1% requirement applies only to the retail portion of the project or the project is a retail establishment that consists of the building shell only. These projects are usually large in scale, and providing artwork appropriate to the scope of the project can be challenging within a budget equal to 1% of the construction valuation of the commercial portion of their project.

Additionally, developers and property owners have stated they believe that in some locations artwork would be more publicly accessible and, therefore, a larger benefit to the Sunnyvale community if the art was placed in a public facility, park or open space rather than a commercial or industrial neighborhood. Many recent industrial projects subject to the art regulation are located in predominately industrial areas in North Sunnyvale, where the general public is unlikely to be unless they work or have business in the vicinity.

During initial discussions of this Study Issue, it was suggested that art in private development in-lieu fees could possibly be used to support performing arts programs, such as free concerts at Plaza del Sol. However, this would likely be considered outside the scope of what is meant by publicly-visible artwork.

#### Action Item:

• Amend Municipal Code 19.52 – Art in Private Developments

Should Council decide to provide developers and property owners more flexibility in utilizing the in-lieu fee option, MC 19.52 will need to be revised to reflect this. (Please refer to Attachment C for Proposed Changes to Municipal Code 19.52.)

With the proposed revisions of the section 19.52 of the Municipal Code, Council Policy 6.4.3 – Art in Private Development will no longer be required and may be rescinded at that time. (Attachment D - Council Policy 6.4.3 Art in Private Development.)

#### Action Item:

• Rescind Council Policy 6.4.3. – Art in Private Development

Developers who are required to provide art as a condition of development are also required to maintain and repair the artwork as long as it exists at their site. Since art purchased using in-lieu fees will be placed on public property, the developer will no longer be directly responsible for maintaining the artwork. An additional fee assessed on developers who exercise the in-

lieu option will provide the funds necessary for the City to maintain any artwork purchased using in-lieu fees. An alternative strategy would be to reduce the amount of in-lieu funding used for the actual purchase of art and set resources aside for long-term maintenance. This strategy would significantly reduce the actual amount of funding available for art purchases using in-lieu fees. A third alternative would be for the City to absorb the cost of maintenance and repair of all artwork purchased with in-lieu fees. Depending on the type of artwork that is eventually acquired, this could amount to as much as \$3,000 a year to clean, repair and maintain one large outdoor sculpture. Multiplied out over twenty years, the fiscal impact of only a few large-scale pieces could be substantial.

It is difficult to project what actual long-term maintenance costs might be on artwork that has not yet been purchased. Staff considered the costs the City currently incurs annually for the maintenance and repair of artwork in the City's permanent public art collection and then extrapolated out over twenty years. It appears that  $1/10^{\text{th}}$  of a percent (0.1%) may provide adequate resources to repair and maintain public art purchased with in-lieu fees paid by developers; however, there is no way to give an accurate estimate until such time as a piece of visual public art is identified for purchase.

Under this proposal, a project with a construction valuation of \$1,000,000 would require installation of an artwork valued at \$10,000 or an in-lieu fee equivalent to that amount. An additional \$1,000 would be assessed if the in-lieu fee option was exercised and deposited to the Public Art Maintenance Fund to be used to maintain and repair visual artwork purchased by the City using that \$10,000.

The type of materials used to fabricate the art and the installation location will affect the cost to maintain it. For example, the bronze sculpture at the corner of Matilda and El Camino Real, *El Paso de los Suenos*, cost the City \$250,000 to purchase. The cost to maintain it is generally \$1,800 annually. The \$65,000 cement, bronze and marble sculpture, *Ommagio a Tempo*, located in the upper pond of the Community Center costs approximately \$2,500 annually for cleaning. The stainless steel sculpture *Matrix*, which cost \$10,000 when it was installed in front of the theater at the Community Center only needs to be washed with soapy water from time to time for a nominal cost in staff time. A two-dimensional painting may only need to be dusted periodically; however, a textile mural on a wall may need professional cleaning once a year. Depending on how resources in the Public Art Fund are expended, a 0.1% set-aside may or may not cover the actual

cost of maintaining artwork purchased with these funds; but it would be a start.

#### Action Item:

- Adopt requirement for developers paying in-lieu fee to provide resources to maintain and repair art purchased with in-lieu fees in future years.
- 2. Consider whether to amend Council Policy 6.4.4 Art in Public Construction Projects to reflect changes in Council Policy 6.4.3. by clarifying the types of City projects that will be eligible for support from the Public Art Fund and provide a process for removing artworks from the City's Permanent Art Collection.

The expenditure of funds from the Public Art Fund is governed by Council Policy 6.4.4 Art in Public Construction, although use of funds is not restricted to new construction (hence a recommendation to rename the policy "Art in Public Places").

# Types of Projects Eligible for Funding from Public Art Fund

Should City Council modify MC 19.52 to provide developers and property owners with the flexibility to exercise the in-lieu fee alternative, it is anticipated that the Public Art Fund balance will increase significantly over time. The City may consider supplementing the existing Art in Public Construction Policy to include the acquisition of public art for City facilities and/or public open space using funds from the Public Art Fund rather than just funds from the 1% of the construction valuation of eligible City capital projects.

An amendment to the current regulation to Council Policy 6.4.4 Art in Public Construction will provide concise guidelines for allowable expenditures from the Public Art Fund. That will assist staff with meeting program goals. It will also ensure that the City is protected from possible litigation stemming from how the City assesses development fees, in particular the Art In-Lieu Fee. (Please refer to Attachment E – Council Policy 6.4.4 Art in Public Construction with Modifications Highlighted.)

#### Deaccessioning Policy

Council Policy 6.4.4 requires City staff to include any artwork purchased through construction projects to be included in the City's permanent art collection. The collection was established in 1979 with funding through the Sunnyvale Purchase Award Program in place at that time. Subsequent pieces were added to the collection through the City's Master Plan for Public Art, private donations, and most recently through implementation of the art in public construction program.

The City owns and maintains a collection of 64 works of art. The Council Policy that governs the City's Permanent Art Collection includes guidelines on how to acquire publicly funded works of art for municipal projects, but it does not include a process to deaccession, remove or dispose of works of art when it is deemed necessary. (Please refer to Attachment F – City of Sunnyvale Permanent Art Collection.)

Public art is intended to remain on public display indefinitely, but there are occasions where it may be necessary to remove an artwork from the collection. Artworks can deteriorate beyond repair due to environmental factors or vandalism. The selected location may also change due to property renovation, a change of site usage or sale of the site, necessitating the relocation or removal of the artwork.

The addition of a deaccession policy would provide a comprehensive and consistent manner for removal of publicly owned artworks. Deaccessioning guidelines are standard for museums, galleries, universities, and government organizations that maintain public art collections. After researching a number of deaccessioning policies from across the nation, it appears the following elements are essential to a successful program:

- The circumstances under which a work of art would be eligible for deaccessioning;
- The process for deaccessioning a work of art, and;
- The responsibility for oversight of the deaccessioning component.

#### Action Items:

- Amend Council Policy 6.4.4 Art in Public Construction as shown in Attachment E Art in Public Construction with Modifications Highlighted
  - o Define projects eligible for funding by Public Art Fund
  - o Establish deaccessioning policy for City's art collection

# 3. Consider development of a Master Plan for Art that identifies and prioritizes public art projects and locations throughout the City.

From 1984 to 1992, the City's Master for Public Art, a capital improvement project, provided a thoughtful approach to the strategic placement of public art throughout the community. Twenty-one sites were identified throughout Sunnyvale for the installation of public art and were selected using criteria established to provide maximum visibility and accessibility to the public. Sites identified in the master plan included the City Center, Community Center, and various park and open spaces in Sunnyvale. In addition to locating artwork geographically throughout the community, the Master Plan

worked to provide diversity in the City's public art collection by balancing representational art with abstract, three-dimensional work with two-dimensional, and artwork in a variety of media. Periodic review of the master plan was established to address changing priorities or interests of the community.

The master planning approach is an effective strategy to ensure that public art is located throughout the community in highly visible and strategic locations. Creation of a Master Plan for Public Art can serve as an essential framework for the expenditure of in-lieu fees held in the Public Art Fund by identifying and prioritizing potential locations for art, as well as the possible types of artwork and media. These goals would be developed in conjunction with the City's Arts Commission, with community input and interests in mind.

## Action Items:

- Amend Arts Commission 2012 Work Plan to add the development of a master plan for public art
- Direct staff to work with Arts Commission to develop a master plan for public art

# **Community Outreach**

A community outreach meeting was conducted on May 2, 2012, to solicit input from local property owners and developers. Twenty-one property owners, developers and architects associated with past, current or future non-residential projects in Sunnyvale were invited to attend. Of the 21 invitees, two individuals attended. Both of those individuals were part of either an architectural firm or business association; and, therefore, each represented a larger faction of property owners.

In general, both attendees agreed that broadening the conditions under which the Art In-Lieu Fee could be exercised was a positive alternative to the current regulation. They both concurred that placing artwork in municipal venues was more beneficial to the public, and that accessibility of artwork on private industrial properties was limited because the majority of community members do not frequent industrial/office parks in Sunnyvale. It was also suggested that, in most cases, the City was more equipped and knowledgeable about designing, siting and caring for public art than property owners.

# Survey of Other Public Agencies with Art in Private Development In-lieu Fee Options

During preparation of this report, staff surveyed the cities and counties belonging to the Northern California Public Art Administrators Network (PAAN). Of the 18 agencies surveyed, 11 did not respond and 7 agencies responded that their city had a percent for art requirement for private development and an associated in-lieu fee option. (Please refer to Attachment G – Public Art In-Lieu Fee Survey – Bay Area Cities.) The following is a brief summary of the survey results:

- One (1) agency imposed restrictions on when property owners and developers could utilize the in-lieu fee option. Similar to Sunnyvale's current practice, the in-lieu fee could only be used in instances where there was no viable location for art.
- Three (3) agencies have, or are developing, a Master Plan for Public Art.
- One (1) agency specified that the public art project must reside within the "project zone."
- Acceptable expenditures of the in-lieu fees collected included public art, including administrative fees and site preparation for public art.
- No agencies permitted the in-lieu funds to be utilized for performing arts programming.

#### FISCAL IMPACT

Staff does not anticipate new administrative costs would be incurred by the City as a result of allowing developers to use the in-lieu fee option rather than place art on their development sites. Increased revenue in the Public Art Fund and the development of more art projects for public facilities, parks and open space would require additional staff time to administer the projects. However, any increase in staff hours for public projects would be offset by a reduction in current staff hours required to assist developers and property owners to obtain Arts Commission approval for AIPD projects.

Currently, developers providing public art on-site are required to maintain and repair their artwork as long as the art exists on the property. There will be additional maintenance costs associated with caring for any new works of art commissioned by the City. To provide resources to pay these costs in future years, an additional 1/10<sup>th</sup> of a percent (0.1%) could be added to the 1% construction valuation of a development project. This would provide resources to repair and maintain art purchased with in-lieu fees paid by developers. Another option, as discussed on pages 6 and 7, would be to absorb future maintenance costs; this would result in no fiscal impact, but would reduce the

amount of in-lieu monies directed toward the actual fabrication and/or installation of visual public art.

An Art Permit fee would not be required from developers who choose to exercise the in-lieu fee option of Municipal Code 19.52. The new fee will offset the cost of staff hours to administer the project.

It is anticipated that the fiscal impact associated with the sale or deaccessioning of art from the City's permanent collection would be minimal because it is anticipated that the reason most artwork is removed from the collection would be due to irreparable damage or deterioration.

## PUBLIC CONTACT

Public Contact was made through posting of the Arts Commission agenda and Planning Commission agenda on the City's official-notice bulletin board, on the City's Web site, and the availability of the agenda and report in the Office of the City Clerk, Sunnyvale Public Library, Senior Center and Community Center.

Notice of Commission and Council meetings regarding this report was also distributed to the "Friends of Parks and Recreation" mailing list (a list of organizations and individuals who have expressed an interest in parks and recreation issues).

A community meeting was also held with interested businesses, developers and property owners on May 2, 2012, to solicit feedback on this issue. Staff also met with the Moffett Park Business Group's Board of Directors on this subject on May 14, 2012.

The Arts Commission conducted a public hearing on this item at their meeting on July 18, 2012. The Planning Commission conducted a public hearing on this item at their meeting on July 23, 2012.

## **ALTERNATIVES**

The Council is being asked to take action on LCS 12-02 Review Effectiveness of Existing Art in Private Development Policies and Practices. The Council may vote to:

1. Allow developers and property owners the flexibility to choose without limitations whether to place public art on their development sites or to contribute to the City's Public Art Fund an in-lieu fee consistent with 1% of the construction valuation of covered projects. Approve amendments to Municipal Code 19.52 Art in Private Developments and Council Policy 6.4.3 - Art in Private Development.

- 2. Approve fee of an additional 1/10<sup>th</sup> of a percent (0.1%) of construction valuation of covered projects to be placed in a separate Art Maintenance Fund to provide resources for repair and maintenance of art purchased with in-lieu fees.
- 3. Approve amendments to Council Policy 6.4.4. Art in Public Construction and direct staff to:
  - Implement guidelines for deaccessioning artwork from the City's Permanent Art Collection;
  - Develop guidelines to further define the parameters under which the Public Art Funds can be used;
  - Direct staff to develop a Master Plan for Public Art to identify potential public art projects and prioritize public art locations for funding, and;
  - Change title of policy to *Art in Public Places*.
- 4. Take no further action related to the Effectiveness of Existing Art in Private Development In-Lieu Fee Option Study Issue.
- 5. Direct staff to take some other action related to the City's public art policy.

# **RECOMMENDATION**

Staff recommends Alternatives 1, 2 and 3.

**Staff recommends Alternative 1** – Allow property owners to make an in-lieu contribution to the City's Public Art Fund, instead of placing art on site, even when there is an appropriate location for art. Approve amendments to Municipal Code 19.52 Art in Private Developments and Council Policy 6.4.3 - Art in Private Development. The in-lieu fee contribution will be beneficial for developers who are restricted by either a lack of appropriate space or limited art budgets because only a portion of their development is subject to the public art requirement. It will also provide funding for City public art projects that may be more accessible to the general public as compared to public art in predominately commercial and industrial neighborhoods. Additionally, public art commissioned through the Public Art Fund may provide a beneficial cultural art element to a larger audience. The artwork would also become part of the City's Permanent Art Collection, ensuring that the artwork is properly maintained and cared for.

**Staff recommends Alternative 2** – Adopt an additional  $1/10^{\text{th}}$  of a percent (0.1%) fee for developers exercising the in-lieu fee option. These resources will

be set aside in a separate Art Maintenance Fund to repair and maintain art purchased using in-lieu fees.

**Staff recommends Alternative 3** – Approve amendments to Council Policy 6.4.4. Art in Public Construction and direct staff to:

- Implement guidelines for deaccessioning artwork from the City's Permanent Art Collection;
- Develop guidelines to further define the parameters under which the Public Art Funds can be used;
- Direct staff to develop a Master Plan for Public Art to identify potential public art projects and prioritize public art locations for funding, and;
- Change title of policy to *Art in Public Places*.

The addition of a deaccession component will provide a comprehensive and consistent manner for dealing with the removal of publicly owned artworks. Deaccessioning policies are standard for museums, galleries, universities, and government organizations that oversee and manage a public art collection.

If the Council approves the in-lieu fee option as it is proposed in this Study Issue, there will be increased resources available through the Public Art Fund to develop community-based public art projects. Clearly defining the types of projects that can be supported by Public Art Funds and developing a Master Plan for Public Art projects will enable staff to develop and implement public art projects that are community driven and meaningful to the residents of Sunnyvale, as well as strategically integrated into the city's public landscape to provide the greatest accessibility and visibility for the public. Strategically prioritizing goals and locations for public art will keep the City's public art programs proactive and relevant and contribute to the City's identity and reputation as a cultural arts center.

Staff recommends the title change for Council Policy 6.4.4. to *Art in Public Places* (from Art in Public Construction) because adoption of the revised policy broadens its scope from a 1% set-aside for art in eligible construction projects to include acquisition of visual art for any public facility or park without a capital improvement project triggering the acquisition.

The Arts Commission reviewed a draft of this report at its meeting on July 18, 2012, and voted 4-1 (Commissioner Karun dissented.) to recommend that City Council support staff's recommendation, Alternatives 1, 2 and 3. The Commission's recommendation was based on the current economic climate and what they believe to be in the best interest of the City. Commissioner Karun dissented because she does not believe that developers should have complete flexibility to choose either artwork or the in-lieu fee. She said developers should generally be required to have artwork on site and the in-lieu fee exercised as an option for sites that cannot accommodate art. The way the revised regulation is worded developers will have complete authority as to whether or not to put artwork on their development site. (Attachment H, Draft Minutes of the July 18, 2012, Arts Commission Meeting)

The Planning Commission reviewed a draft of this report at its meeting on July 23, 2012, and voted 4-1 (Commissioner Melton dissented.) to recommend that City Council approve staff's recommendation, Alternatives 1, 2 and 3. The Commission's recommendation was based on the observation that allowing an in-lieu fee option would provide the City with resources to acquire and place art in more public settings than some of the previous development sites. Commissioner Melton dissented because he believes that developers should be required to place artwork on the development of site to achieve the goals outlined in the ordinance.

The Planning Commission also commented on their hope that developers will "self-regulate" and not use the in-lieu fee alternative for every project. The Commission also discussed the fact that public art could still be required on private development sites as a condition of development. They also suggested that it might be appropriate to conduct a policy study in the future to determine whether or not the 1% for art requirement should apply to large-scale residential developments as well, given the number of mixed use projects anticipated in the future. (Attachment I, Draft Minutes of the July 23, 2012, Planning Commission Meeting)

Both commissions stressed the importance and value of developing a master plan for public art as proposed in this report. A master plan would be used to guide the City's use of in-lieu fees in the future and ensure that funds do not sit unspent.

Reviewed by:

Lisa G. Rosenblum, Director, Library and Community Services Prepared by: Nancy Bolgard Steward, Community Services Superintendent Hanson Hom, Director, Community Development

Grace Leung, Director, Finance

Approved by:

Gary M. Luebbers City Manager

# **Attachments**

Attachment A	Study Issue LCS 12-02 Review Effectiveness of Existing Art in Private Development Policies and Practices
Attachment B	Summary of Public Art Fund
Attachment C	Municipal Code 19.52 Art in Private Developments
Attachment D	Council Policy 6.4.3 Art in Private Development
Attachment E	Council Policy 6.4.4 Art in Public Construction with Modifications Highlighted
Attachment F	City of Sunnyvale Permanent Art Collection
Attachment G	Public Art In-Lieu Fee Survey – Bay Area Cities
Attachment H	Draft Minutes of the Arts Commission Meeting of July 18, 2012
Attachment I	Draft Minutes of the Planning Commission Meeting of July 23, 2012

improvements.

# 2012 Council Study Issue

# LCS 12-02 Review Effectiveness of Existing Art in Private Development Policies and Practices

Lead Department Library and Community Services

History 1 year ago None 2 years ago None

# 1. What are the key elements of the issue? What precipitated it?

specific aspects of the regulation. This study will review the City's current Council Policies 6.4.3 and 6.4.4 (Art in Public Construction and Art in Private Development), as well as Municipal Code Chapter 19.52. - Required Artwork in Private Developments. Council proposed the study on November 15, 2011 following a discussion that occurred during City Council interviews with prospective Arts Commission candidates on November 1, 2011.

In-lieu fees were initially considered when the art in private development regulation was adopted into the City's municipal code. However, at that time an emphasis was placed on requiring developers to incorporate public art into their non-residential projects as a means of mitigating the sense of uniformity and loss of human scale that often accompanies commercial and industrial development projects. Public art can be an effective way to enhance the visual landscape of a community. Currently, developers may apply to the Director of Community Development for a waiver that allows them to pay a fee equal to 1% of the construction valuation of a development, including building and tenant improvements, and excluding the cost of land and site

Since the adoption of the Art in Private Development regulation in 1990 and a Council Policy requiring art in public construction projects in 2002, there has been periodic interest in revisiting

This study will re-evaluate the City's current emphasis on requiring developers to provide public art at the development site rather than permitting payment of in-lieu fees to the City's Public Art Fund. The Public Art Fund supplements the City's art in public places program. The existing regulation allows developers to pay an in-lieu fee as a means of satisfying the public art requirement, but only under limited circumstances. Qualifying projects may include, but are not limited to the following conditions:

- Properties that have an obstructed view corridor from the public right-of-way due to existing landscaping, utility poles or existing buildings on adjacent property.
- Properties that do not have an artwork location near the main entrance or street, either due to lack of space, existing trees and landscaping, required public easements, or existing utility pipes and electrical boxes.
- Properties that lack a publicly visible location for art due to security restrictions.
- Properties that do not have adequate space to incorporate public art.

Very few developments meet this limited criterion. Re-evaluating the City's intent behind the art in private development regulation could result in changes that provide developers additional flexibility, as well as to enhance the City's public art program in municipal facilities and parks by expanding the funding base.

#### 2. How does this relate to the General Plan or existing City Policy?

General Plan Policy CC1.1 Identify the boundaries of the City with attractive and distinctive

features.

General Plan Policy CC-1.8 Provide and encourage the incorporation of art – both functional and decorative – in public and private development.

General Plan CC-1.8e Continue to acquire public artworks which contribute to the public identity of outdoor places and provide pleasure and enrichment for Sunnyvale residents.

General Plan Goal CC-4.a Provide public facilities which are accessible, attractive and add to the enjoyment of the physical environment.

3. Origin of issue

Council Member(s) Councilmembers Griffith and Moylan

4. Staff effort required to conduct study Minor

Briefly explain the level of staff effort required

Approximately 65 hours of staff time would be required to conduct the study. This includes time spent updating research and analysis from 2002 public art policy study. This would require input from three City departments (Library and Community Services, Community Development, and Office of the City Attorney. Staff work will include preparation of a Report to Council, and public hearings before the Arts Commission and Planning Commission.

- 5. Multiple Year Project? No Planned Completion Year 2012
- 6. Expected participation involved in the study issue process?

Does Council need to approve a work plan?

No
Does this issue require review by a Board/Commission?

Yes
If so, which?

Arts Commission, Planning Commission
Is a Council Study Session anticipated?

Yes

7. Briefly explain if a budget modification will be required to study this issue

Amount of budget modification required

**Explanation** 

No budget modification will be required because staff time to conduct the study can be absorbed within the City's operation budget.

8. Briefly explain potential costs of implementing study results, note estimated capital and operating costs, as well as estimated revenue/savings, include dollar amounts

Are there costs of implementation? Yes

## Explanation

No additional costs are anticipated to implement potential study results. Staff time used to work with developers in the past will be repositioned to coordinate the creation and installation of art in public facilities and parks. Staff would be responsible for developing public art projects, selecting or recruiting artists and artwork, and installation of the artwork. Staff has reviewed the art in private development projects over the past four years. If the existing in-lieu fee policy was modified to provide more flexibility to developers, an average of \$160,000 could be deposited to

the City's Public Art Fund if every developer chose to pay the in-lieu fee, rather than include art in their developments.

#### 9. Staff Recommendation

Staff Recommendation Support

If 'Support', 'Drop' or 'Defer', explain

Staff recommends study of this issue in 2012. The art in private regulation and the Council Policies related to public art in private development and public construction projects were most recently visited in 2001 and 2002. City Council established an in-lieu fee option for developers in 2002; however, it was determined that the art in private development regulation would focus on the provision of art within actual private development projects. Since that time, the in-lieu fee option has permitted developers to pay a fee to the City only under limited conditions, and the fees have been used to acquire art for parks and municipal facilities. Use of the in-lieu fee option requires a waiver from the Director of Community Development and is the exception, rather than the rule. This study would potentially provide more flexibility to developers and additional funding for the creation and installation of art in public places.

Reviewed by

**Department Director** 

\_\_\_\_\_

Approved by

City Manager

Date

# Public Art Fund Summary – 890170 April 19-2012

Revenues				
FY	OL3	<b>Object Level Title</b>	Description	Total
2004	2349	Public Arts Revenues	Plaza Project Public Art	\$13,420
2004	2349	Public Arts Revenues Interest On	Toyama Ptnrs Donation	\$5,000
2004	3355	Investments	Interest Distribution CR022301/25 Dollinger frm GL	\$511
2005	2349	Public Arts Revenues Interest On	4023	\$4,413
2005	3355	Investments Interest On	Interest Distribution	\$656
2006	3355	Investments	Interest Distribution	\$942
2007	2349	Public Arts Revenues	ART IN-LIEU FEE-verizon	\$143,700
2007	2349	Public Arts Revenues Interest On	TO 890180 CR931291/193	(\$28,700)
2007	3355	Investments Interest On	Interest Distribution	\$6,437
2008	3355	Investments Interest On	Interest Distribution	\$6,181
2009	3355	Investments Interest On	Interest Distribution	\$3,523
2010	3355	Investments Interest On	Interest Distribution	\$1,541
2011	3355	Investments Interest On	Interest Distribution	\$1,041
2012	3355	Investments	Interest Distribution	\$747
			<b>Total Revenue</b>	\$159,412
Expenditu	res			
FY	OL3	<b>Object Level Title</b>	Description	Total
2007	5300	<b>Professional Services</b>	Work-Columbia Ctr Art Work	\$5,865
			Total Expenditures	\$5,865
			Account Balance	\$153,547

ORDINANCE NO.	
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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE REPEALING CHAPTER 19.52 (REQUIRED ARTWORK IN PRIVATE DEVELOPMENTS) AND ADDING CHAPTER 19.52 (ART IN PRIVATE DEVELOPMENT) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE

<u>SECTION 1.</u> CHAPTER 19.52 REPEALED. Chapter 19.52 (Required Artwork in Private Developments) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby deleted in its entirety.

<u>SECTION 2.</u> CHAPTER 19.52 ADDED. Chapter 19.52 (Art in Private Development) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby added to read as set forth in Exhibit "A" attached and incorporated by reference.

<u>SECTION 3.</u> EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

<u>SECTION 4.</u> 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.

<u>SECTION 5</u>. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

<u>SECTION 6</u>. 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	, 2012, and adopted
as an ordinance of the City of Sunnyvale at a regular meeting of the	City Council held on
, 2012, by the following vote:	
ANTO	
AYES:	
NOFS:	

ABSTAIN: ABSENT:

ATTEST:	APPROVED:
City Clerk Date of Attestation:	Mayor
SEAL	
APPROVED AS TO FORM AND LEGALITY:	
Michael D. Martello, Interim City Attorney	

# Chapter 19.52 ART IN PRIVATE DEVELOPMENT

19.52.010	Findings and Purpose
19.52.020	Applicability
19.52.030	Art Requirement
19.52.040	Standards for Art
19.52.050	Art Permit
19.52.060	Master Art Permit
19.52.070	<b>Installation and Maintenance Requirements</b>
19.52.080	Establishment of the Public Art Fund

## 19.52.010 Findings and Purpose

- (a) **Findings.** The city council makes the following findings:
- (1) The City's visual and aesthetic quality has a significant impact on property values, economic well-being and orderly development;
- (2) Development of large-scale or highly visible sites contributes to the City's unique character:
- (3) The incorporation of publicly visible art on large-scale sites, highly visible intersections or spaces that are publicly accessible within private developments enhances the City's visual and aesthetic quality and creates a unique sense of community and self-image; and
- (4) Providing art mitigates an undesired and potentially deleterious sense of uniformity and loss of human scale and orientation and is in the public interest.
- (b) **Purpose.** This chapter regulates and establishes standards for inclusion of art in private development.

# 19.52.020 Applicability

- (a) **Major Intersection.** Non-residential development, including hotels, shall provide art when located at a major street intersection listed in this section. A lot is located at one of the referenced intersections if the lot has frontage along both of the streets forming the intersection. The development may include either new construction of a main building of any size, an addition of at least 10,000 square feet to a main or accessory building, or new construction of an accessory building.
  - 1. El Camino Real and Wolfe Road
  - 2. El Camino Real and Remington Drive / Fair Oaks Avenue
  - 3. El Camino Real and Sunnyvale Avenue / Sunnyvale Saratoga Road
  - 4. El Camino Real and Mathilda Avenue
  - 5. Central Expressway and Lawrence Expressway
  - 6. Central Expressway and Mary Avenue
  - 7. Mathilda Avenue and State Highway 101
  - 8. Mathilda Avenue and State Highway 237
  - 9. Lawrence Expressway and State Highway 237
  - 10. Lawrence Expressway and State Highway 101
- (b) **Lots of 2 Acres or More.** Non-residential development, including hotels, shall provide art when located on any lot of 2 acres or more. The development may include either new construction of a main building of any size, an addition of at least 30,000 square feet to a main or accessory building, or new construction of an accessory building. If more than one lot is developed jointly or as an integrated project, the requirements of this chapter apply if the

aggregate lot area is 2 acres or more, regardless of whether the property is under common ownership.

- (c) **Phased Projects.** In the event of construction occurring over a period of time, projects become subject to this chapter when the aggregate floor area of all construction reaches the specified levels.
- (d) **Public Interest.** Art may be required for any proposed project, including those not mentioned in this section when deemed in the public interest.

# 19.52.030 Art Requirement

- (a) **Provision of Art.** Projects shall provide publicly visible art on-site that is equal in value to 1% of the project construction valuation.
- (b) **Building Valuation.** Building permit valuation is determined by the chief building official using the city building permit valuation formula. Valuation of development projects includes the construction of the building shell. Valuation does not include land acquisition, site improvements, parking structures, off-site improvements or tenant improvements. In the event of multi-phased development, valuation is based on the cost of all phases, even though all phases may not be completed at the same time.
- (c) **Art Valuation.** When calculating the value of an art to be placed on a private development site, eligible costs include:
  - (1) Purchase price of the art;
  - (2) Art consultant fees:
- (3) Installation costs, including transportation of the art to the site, pedestals or display costs;
- (4) Wiring, fixtures and other costs directly related to the installation of lighting the art; and
  - (5) Identification plaque.
- (6) Ineligible costs include land acquisition, site preparation, travel costs for the artist, architect fees, utility fees associated with the installation or operation of the art, fees associated with dedication ceremonies, publicity, or educational components and maintenance fees and repairs.
- (d) **Art Valuation Remainders.** In some instances the cost of artwork may not equate precisely to 1% of the construction valuation. If the developer does not spend the entire 1% on public art, then the remaining amount shall be contributed to the Public Arts Fund.
- (e) Alternative to Provision of Art. Developers may choose to make a contribution to the Public Art Fund in-lieu of placing art on their project site. Developers shall allocate an in-lieu amount equal to 1.1% of the building valuation. The additional 0.1% is to be used for maintenance of art provided through the Public Art Fund. The in-lieu fee shall be paid prior to issuance of the building permit.

# 19.52.040 Standards for Art

Proposed art in private development shall meet the criteria in this section. The arts commission may allow modifications that are consistent with the intent of this chapter.

(a) **Type of Art.** Art should be one significant piece of art, except that requirement may be met with several works of art when specifically found by the arts commission to fulfill the intent of this chapter. The nature and style of the art is considered in the context of other similar art in the surrounding area to encourage a wide range of types of art, styles and materials in order to create a balanced and interesting artistic and aesthetic appearance. The following types of art are permitted as long as they are on a large public scale:

- (1) Sculpture: in the round, bas-relief, mobile, fountain, kinetic, electronic, or other, in any material or combination of materials;
  - (2) Painting: all media, including permanently affixed works, such as murals;
- (3) Graphic arts: printmaking, drawing, calligraphy and photography, but only when on a large public scale;
  - (4) Mosaics;
  - (5) Glass;
  - (6) Clay, fiber and textiles, wood, metal, plastics and other materials;
- (7) Mixed media: any combination of forms or media, including collage. Water, neon, fiber optic and electronic sculpture generally should not be encouraged due to difficulty of maintenance. Such art may be permitted if adequate assurance of continued maintenance is provided.
- (8) Functional art created by a professional artist, such as benches, tree grates and trash receptacles; or,
  - (9) Any other form of work of art determined to satisfy the intent of this chapter.
- (10) Ineligible Works. The following do not meet the requirements for art in private development:
  - (i) Artwork that is similar to, reminiscent of or based on a corporate logo;
- (ii) Reproductions by mechanical or other means of original works of art. Permitted art may include, however, limited editions controlled by the artists of original prints, cast sculpture, photographs and other art forms;
- (iii) Directional or other functional elements such as supergraphics, signing, color coding, except where these elements are integral parts of original signed arts;
- (iv) Art objects which are mass produced from a standard design, such as playground equipment, fountains, flags or banners; and,
- (v) Landscaping and gardening, except where these elements are designed by the artists and are an integral part of a fine art.
- (a) Artist Qualifications. The artist is required to have experience and knowledge of monumental-scale art intended for public viewing. The artist's qualifications will be evaluated and examples of past work may be reviewed to determine whether or not the artist has appropriate experience for the project.
- (c) Artistic Preference. The determination of artistic preferences is primarily a function of the owner or developer of the property. It is the intent of this chapter to provide for the public display of private art on private property without substituting the artistic preferences of the city for those of the owner or developer of the property.
- (d) **Visibility and Locations.** Appropriate locations may include, but are not limited to, vehicular entryways to the property, plazas, greenbelts and building facades. The location selected should allow reasonable accessibility to the art, including visibility of the art from the public street. The location shall be exterior and installation of the art piece shall enhance the art and allow for unobstructed public viewing from as many angles as possible. When located in proximity to major traffic thoroughfares, the art should be at a motorist's scale and oriented toward the view corridor of the motorist. The art shall be an integral part of the landscaping and/or architecture of the buildings.
- (e) **Proportional Size.** The art shall be proportional to the scale of the development and designed to create an artistic, visual and aesthetic impact upon observers. Particularly in locations on major thoroughfares and major intersections, the art should be of such size and nature as to strengthen the urban design and aesthetic quality of life in the community.
- (f) **Inoffensive.** Because the art will necessarily be highly visible to the public, will be associated with city requirements and because the traveling public will have no real opportunity

to avoid the visual aspects of the art, expressions of obvious bad taste or profanity is prohibited. It is the intent of this criterion to address proposed art which by its nature would generally be considered offensive to the public.

(g) **Permanence.** The art shall be a permanent, fixed asset to the property. The composition of the art shall be of permanent materials requiring a low level of maintenance. Materials used shall be durable and weather resistant.

#### 19.52.050 Art Permit

- (a) **Art Permit Required.** An art permit is required for installation of art in private development. The art permit shall be obtained prior to building permit occupancy. In phased projects, the Director retains discretion as to which building permit triggers the need for the Art Permit application.
- (b) **Application.** The Art Permit application shall contain the following information:
  - (1) An application signed by the owner of the affected property;
- (2) Landscape and site plans indicating the location and orientation of the art, signage, utility boxes, fire suppression systems, and the landscaping and architectural treatment integrating the piece into the overall project design;
- (3) Color elevation rendering clearly showing the artwork to scale in relation to its surroundings;
- (4) A sample, model, or photograph and "to-scale" drawings or renderings of the proposed art piece;
  - (5) Material samples and finishes;
- (6) A resume of the proposed artist including slides or photographs of the proposed artist's past work which demonstrates similar work to the proposal;
- (7) A written statement by the artist describing any theme or development of the art, as well as a discussion of the manner in which the proposed art meets the criteria in Section 19.52.040 (Standards for Art);
  - (8) A lighting plan including samples of lighting fixtures; and
  - (9) Other information as required by the superintendent of community services.
- (c) **Finding.** The proposed art is consistent with the Section 19.52.040 (Standards for Art) and the purpose of this chapter.
- (d) **Decision.** The application, along with the recommendation of the superintendent of community services, will be forwarded to the arts commission for review and action at a public hearing. The arts commission, based on the finding, may either:
- (1) Approve the permit as requested or conditioned to meet the requirements of this chapter; or
  - (2) Deny the permit.
- (e) **Appeals**. Actions of the arts commission may be appealed by any person, including an arts commissioner or city councilmember. Written appeals shall be filed within 15 calendar days of the date of the action. The appeal shall state the grounds for the appeal. All proceedings initiated by the action of the arts commission will be suspended pending a final determination by the city council of the appeal's merits at a public hearing. The city council, based on the finding, may either:
  - (1) Approve the permit as requested or conditioned to the requirement of this chapter;
    - (2) Deny the permit.
- (f) **Failure to Act.** Failure of the arts commission to act on a permit application within 60 calendar days, or an extended period as mutually agreed upon by the applicant and the arts commission is deemed a denial of the application. Denial may be appealed to the city council in

or

accordance with this section. The superintendent of community services shall send a notice of the action to the applicant. Failure to send notice does not affect the arts commission action or extend any appeals period.

#### Section 19.52.060 Master Art Permit

- (a) **Applicability.** Development of any property having an aggregate area of more than 50 acres may apply for a Master Art Permit. Development may occur at one time or in phases and shall consist of contiguous lots.
- (b) **Application.** Application for a Master Art Permit is filed in the same manner as an Art Permit, except that the application does not need to specifically identify each particular piece of art proposed.
- (c) **Content.** The Master Art Permit may define the total obligation to provide art and include information on the quantity, type, orientation and timing of installation of the proposed art. The Master Art Permit may waive Art Permit requirements for individual installations.
- (d) **Decision.** Decisions require a city council hearing after recommendation by the arts commission.

#### 19.52.070 Installation and Maintenance Requirements

- (a) **Timing of Installation.** If art installation is impracticable prior to the anticipated date of building occupancy, the Director may allow building occupancy provided that the art permit has been issued and the applicant has filed with the city adequate security to guarantee installation of the art. The security may take the form of a bond, letter of credit, cash deposit, or similar security instrument, along with an agreement to install the required art in such amount and form as is acceptable to the Director.
- (b) **Permit for Installation.** The applicant shall obtain a building permit for the art.
- (c) **County Recordation.** Prior to completion of the art installation, a document shall be recorded with the county containing a description of the art and noting the obligation of present and future property owners to maintain and repair the art.
- (d) **Plaque Required.** Each piece of art shall provide an appropriate identification plaque or monument measuring at least 8 inches by 8 inches. The plaque shall be made of cast metal and be placed near the art piece. Information is limited to the date, title and artist. The requirement of this section may be waived if determined in a particular circumstance to be inconsistent with the intent of this chapter.
- (e) **Maintenance.** Art shall be maintained in good condition after its installation. Maintenance of the art includes related landscaping, lighting and the identification plaque. Violation of the maintenance requirements may result in the imposition of administrative fines and penalties under Chapter 1.06 (Administrative Fines and Penalties) and may include the City's cost of maintaining or repairing the art.
- (f) **Removal.** Removal of required art is prohibited without the City approval. The City may require replacement of the art. Removal or replacement of art shall comply with Section 19.52.050 (Art Permit).

#### 19.52.080 Establishment of the Arts Funds

The city council authorizes the establishment of two funds for the deposit of all fees paid under to this chapter.

(a) **Public Arts Fund.** This fund uses 1% of the construction valuation for the acquisition and installation of the art and administration of the public art program, including but not limited to improvements, site preparation, lighting and landscaping.

(b) **Art Maintenance Fund.** The 0.1% of the construction valuations shall be set aside in the art maintenance find for repairing and maintaining art purchased by the in-lieu fee.

#### RESCIND

Deleted: Policy 6.4.3 Art in Private Development

#### **POLICY PURPOSE:**

The purpose of this policy is to ensure the inclusion of art on private property by establishing uniform guidelines and procedures.

#### **POLICY STATEMENT**

This policy provides uniform guidelines for art in private development within the Sunnyvale community. In particular:

- A 1% flat fee of construction costs for all projects subject to the Art in Private Development requirement,
- 2. An in lieu fee option for projects that lack an appropriate location for public art.
- 3. Developments subject to the Art in Private Development requirement shall be required to provide publicly accessible artwork in an amount equal to 1% of the valuation of an eligible development project including building and tenant improvements. The following types of costs are typically excluded from the project valuation; land acquisition, site improvements, such as grading and costs associated with off site improvement costs beyond the property line, such as moving power lines, adding a traffic light or right turn lane, or relocating a historical landmark to another location, will be excluded.

#### **ELIGIBLE PROJECTS**

All nonresidential development projects (including hotel and motel developments) involving construction of new buildings or the expansion of existing buildings on property subject to Chapter 19.52 of the Sunnyvale Municipal Code.

#### **DEFINITIONS**

- Building Permit Valuation: The City's building permit valuation formula as referenced in
  Title 16 of the Sunnyvale Municipal Code will be used as the basis for calculating the
  required expenditure for public art. Valuation is based on the building standards
  published by the International Conference of Building Officials (ICBO), as adopted by
  the State of California.
- 2. In Lieu Fee Option: Developers of projects that lack an appropriate location for public art may apply to the Director of Community Development for a waiver that would allow them to contribute an in lieu fee of 1% of the construction valuation of a development, including building and tenant improvements, and excluding the cost of land site improvements. Such projects may include, but are not limited to the following conditions:
  - A. Properties that have an obstructed view corridor from the public right of way due
    to existing landscaping, utility poles or existing buildings on adjacent property.
    - B. Properties that do not have an artwork location near the main entrance or street, either due to lack of space, existing trees and landscaping, required public easements, or existing utility pipes and electrical boxes.

- C. Properties that lack a publicly visible location for art due to security restrictions.
- D. Properties that do not have adequate space to incorporate public art.
- Public Art Fund: In lieu fees will be contributed to the Public Art Fund administered by the Department of Parks and Recreation. In lieu fees from the Public Art Fund may be used to:
  - A. Create community art projects.
  - B. Install public art on public property such as parks or the grounds of public facilities such as the Community Center and Civic Center.
  - C. Install public art in the interior of public buildings that are deemed to be areas of concentrated public activity such as the lobbies and public areas of the Library, City Hall buildings and Community Center buildings.
  - D. Install public art at City gateways and focal points or other high profile locations identified in the Master Plan for Public Art.
- 4. Artwork Valuation: When calculating the value of an artwork to be placed on a private development site, eligible costs will include:
  - A. The purchase price of the artwork
  - B. Art consultant fees
  - C. Transportation of the artwork to the site
  - D. Installation of the artwork
  - E. Pedestals or display costs
  - F. Lighting for the artwork and utility fees associated with installation and/or operation of the artwork
  - G. Identification plaque

#### Ineligible costs include:

- A. Land acquisition
- B. Site preparation
- C. Travel costs for the artist
- D. Architect fees
- E. Utility fees associated with the installation or operation of the artwork
- F. Fees associated with dedication ceremonies, publicity, or educational components
- G. Maintenance fees and repairs

#### **PROCESS**

1. Verification of the eligible costs associated with the acquisition and installation of artwork required under the terms of the Sunnyvale Municipal Code must be submitted to the Director of Community Services or his/her designee.

#### COUNCIL POLICY MANUAL

2. Process for Artwork Valued at Less than One Percent (1%): Developers will not be prohibited from the acquisition and installation of artwork valued at less than the one percent (1%) required expenditure provided the proposed artwork meets all remaining criteria of the Art Private Development Ordinance and the applicant contributes to the Public Art Fund the difference between one percent (1%) of the construction valuation of the project as described in Sub-section A and the cost of the artwork as calculated in Sub-section F.

(Adopted RTC 02 136 (5/7/02); Revised for clarity (4/9/07)/Administrative update (March 2012))

**Lead Department: Department of Community Services** 

#### **Policy 6.4.4** Art in Public Places

Deleted: Art in Public Construction Projects

#### **POLICY PURPOSE**

The purpose of this policy is to ensure uniform guidelines and procedures for the inclusion of publicly accessible art on public properties, and to establish by establishing uniform guidelines and procedures for eligible municipal projects and to provide uniformity between the requirement for art in public municipal construction projects with the requirement for art in private development projects. Additionally, this policy will also provide uniform procedures and guidelines for the permanent removal or deaccession of a city-owned public art piece.

#### **POLICY STATEMENT**

In 2002, the City Council reviewed the status, intent and effectiveness of public art policy in Sunnyvale and approved a policy to require art in public construction projects under certain circumstances.

In 2012, the Council again reviewed the effectiveness of existing public art policy and voted to amend the current policies to include a deaccessioning policy for the City's Permanent Art Collection, as well as to further define project eligibility for subsidies from the Ctiy's Public Art Fund.

#### **DEFINITIONS**

- Art: The conscious use of skill and creative imagination in the production of aesthetic objects.
- Public Art: Artwork that is publicly accessible and is located in a building or on a site is
  located in a public building or on public property that allows an unobstructed view of the
  artwork. The artwork can be located on either public properties or private properties.
- 3. Public Areas: Any public gathering place including, but not limited to; public plazas, the library, parks and park buildings, police and fire stations, community, neighborhood and senior centers, public transportation centers, and civic centers.
- 4. Publicly Funded Projects: All construction funded by public or taxpayer funds.
- Eligible Projects:
  - A. All aboveground publicly funded public buildings or public open space projects within City jurisdiction with a construction valuation of \$1,000,000 or more. This includes the development or renovation of all public facilities, as well as; parks, street medians, City gateways, public plazas and any other locations identified in the Master Plan for Public Art developed in accordance with Council direction.
  - B. All construction or renovation projects of \$100,000 or more in facilities such as:
    - Sunnyvale Community Center
    - Sunnyvale Civic Center complex including Library and Public Safety Building

- Fire Stations
- Columbia Neighborhood Center
- Neighborhood Park Buildings
- Water Pollution Control Plant and SMART Station
- Focal points and gateways into the community
- Any future City buildings that are comparable in nature
- 6. Exempt Projects: All underground projects, utility (including water) projects, streets and sidewalks, trees and landscaping, utility relocation, seismic upgrades, mechanical and electrical work, traffic improvements (such as traffic lights, crosswalks and traffic calming measures), and construction due to fire or other natural calamities.
- 7. Eligible Costs: Acquisition of artwork, staff and consultant costs associated with the acquisition and installation of the artwork, artist and design fees, artist travel, transportation and installation of artwork, lighting, landscaping directly associated with the artwork and identification plaques. Any costs related to utility relocations, site preparation and staff time directly associated with the installation of an artwork are also eligible.
- Non-eligible Costs: Architect and engineering fees, site preparation (including utility relocation), landscaping, and public works and community development staff costs not directly associated with the artwork.
- 5. Public Art Fund: A fund established to create community art projects or to purchase artwork for installation on the interior or exterior of public buildings, or other such public property, such as parks, the grounds of public facilities, or community gateways. The Public Art Fund is administered by the Department of Community Services and receives funding through in-lieu fees for art. Public Art Funds may be used to support eligible projects:
  - A. Create community art projects for installation on public property.
  - B. Install public art on public property such as parks or the grounds of public facilities such as the Community Center and Civic Center.
  - C. Install public art in the interior of public buildings that are deemed to be areas of concentrated public activity such as the lobbies and public areas of the Library, City Hall buildings and Community Center buildings.
  - D. Install public art at City gateways and focal points or other high profile locations identified in the Master Plan for Public Art.
  - E. Install temporary or rotating art exhibits on public property.
  - F. Subsidize public art projects required through municipal construction projects and located on public property.

#### COUNCIL POLICY MANUAL

- 6. Project Valuation: The City's building permit valuation formula as set forth in Title 16 of the Municipal Code will be used as the basis for calculating the required expenditure for public art. The formula is based on the building standards published by the International Conference of Building Officials. In the case of park and open space projects, the one percent (1%) requirement will be calculated based on the total project budget, excluding administrative costs.
- 107, Artwork Valuation-Required Expenditure Valuation: When determining whether or not the 1% required expenditure has been met, the following costs can be included: calculating the value of an artwork to be incorporated into a public project, eligible costs include:
  - A. The purchase price of the artwork
  - B. Art consultant fees
  - C. Travel costs for the artist
  - D. Transportation of the artwork to the site
  - E. Installation of the artwork
  - F. Site preparation costs directly associated with installation of the artwork
  - G. Landscaping that is integral to the artwork
  - H. Pedestals or display costs
  - Lighting for the artwork and utility fees associated with installation and/or operation of the artwork
  - J. Identification plaque

#### Ineligible costs include:

- A. Land acquisition
- B. Site preparation
- C. Architect fees
- D. Fees associated with dedication ceremonies, publicity, or educational components
- E. Maintenance fees and repairs
- Public Art Collection: The collection of artwork either donated to the City, or purchased through public funds, which is owned and maintained, in trust for the public, by the City of Sunnyvale.
- 9. Deaccession: The process to permanently remove an artwork from the City's Public Art Collection.
- 10. Disposal: Any method used to transfer ownership of the deaccessioned piece to another entity, either through sale, donation, trade or destruction.
- Conservation: The broad concept of care necessary to maintain an artwork in good condition.
- 12. Preservation: Actions taken to prevent deterioration of damage in artworks.
- 13. Restoration: The treatment of deteriorated or damaged artwork to approximate as nearly as possible its original (or artist-intended) form, design, color and function.

Deleted: Public Art Fund: A fund established to create community art projects or to purchase artwork for installation on the interior or exterior of public buildings, or other such public property, such as parks, the grounds of public facilities, or community gateways. The Public Art Fund is administered by the Department of Community Services and receives funding through in-lieu fees for art. Eligible projects include: ¶
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#### **PROCESS** ART IN MUNICIPAL CONSTRUCTION PROJECTS

Eligible municipal construction projects are required to integrate public art. The artwork shall be located in publicly visible areas either inside a public building or on public property. Eligible projects will be required to provide artwork valued at one percent (1%) of the valuation of an eligible project. The artwork shall be valued at an amount equal to 1% of the project valuation within a variance of ten percent.

#### **PROJECT ELIGIBILITY**

#### Eligible Projects:

- A. All aboveground publicly funded public buildings or public open space projects within City jurisdiction with a construction valuation of \$1,000,000 or more. This includes the development or renovation of all public facilities, as well as; parks, street medians, City gateways, public plazas and any other locations identified in the Master Plan for Public Art developed in accordance with Council direction.
- B. All construction or renovation projects of \$100,000 or more in facilities such as:
  - Sunnyvale Community Center
  - Sunnyvale Civic Center complex including Library and Public Safety Building
  - Fire Stations
  - Columbia Neighborhood Center
  - Neighborhood Park Buildings
  - Water Pollution Control Plant and SMART Station
  - · Focal points and gateways into the community
  - Any future City buildings that are comparable in nature

6.Exempt Projects: All underground projects, utility (including water) projects, streets and sidewalks, trees and landscaping, utility relocation, seismic upgrades, mechanical and electrical work, traffic improvements (such as traffic lights, crosswalks and traffic calming measures), and construction due to fire or other natural calamities.

The in-lieu fee alternative available to private developers applies to public construction projects at the discretion of the Director of Public Works. If the in-lieu option is exercised, the funds will be placed in the Public Art Fund for acquisition and installation of art on public property or in public buildings at a later date.

#### ASSIGNMENT OF RESPONSIBILITIES

4-The Director of Public Works and the Director of Library and Community Services, or their designees shall be responsible for identifying municipal construction and renovation projects that meet the conditions of this policy and will be required to provide public art.

The Director of Library and Community Services, or his/her designee shall be responsible for initiating public art projects that are not required through municipal construction, but that have

been designated as eligible for funding from the Public Art Fund, in accordance with the City's approved Master Plan for Art.

#### 1. Review Process for Art in Public Places:

- A. Project review Committee: A project review This committee will coordinate the public art component of an eligible municipal construction project, and shall consisting of staff from the Departments of Public Works, <u>Library and Community Services</u>, and Community Development, as appropriate. , will coordinate the public art component of an eligible municipal project.
- B. Location and Artwork Review: Possible locations for the artwork and the type of artwork to be considered for the project shall be identified with input from the Project Review Committee, the Sunnyvale Arts Commission, pertinent city staff, interested citizens and project architects. Based upon this information, proposals will be solicited from qualified artists.
- C. Short List of Artists: The Project Review Committee will be responsible for reviewing all art proposals and/or qualifications of artist applications. A short list of 2-5 artists and/or proposals will be established by the Committee. The short list shall have a minimum of two artists and/or proposals for consideration.

#### 32. Approval Process:

- A. Report to Council (RTC): A draft Report to Council RTC outlining the project and the short list of artists will be forwarded to the Arts Commission with two or more qualified proposals for review and recommendation prior to going to City Council for action.
- B. Council Approval: 4. Following Council approval of a specific art proposal, the Director of Library and Community Services, or the Director's designee(s), shall be responsible for coordinating the integration of the public artwork into the capital improvement project. municipal construction project.

#### 3. In-Lieu Fee Alternative:

- A. The in-lieu fee alternative available to private developers applies to public construction projects at the discretion of the Director of Public Works.
- B. If the in-lieu option is exercised, the funds will be placed in the Public Art Fund for acquisition and installation of art on public property or in public buildings at a later date.

#### PERMANENT ART COLLECTION

5-Artwork approved for purchase or commission accepted by the City Council shall become part of the City's Public Permanent Art Collection. All artwork in the collection will be documented in the City's Public Art Inventory and identified with a metal plaque. Oversight and maintenance of the Public Art Collection is the responsibility of the Department of Community Services.

#### **DE-ACCESSIONING PLAN**

#### COUNCIL POLICY MANUAL

Artworks in the City's Permanent Art Collection are meant to remain on public display. However, circumstances may deem it necessary to permanently remove works of art from the City's Permanent Art Collection.

#### 1. Eligible Circumstances for De-accessioning:

- A. <u>Security</u>: The security or continued good condition of an artwork cannot be reasonably guaranteed in its current location. Arts staff will attempt to relocate any artwork deemed at risk for security purposes; but in the event a suitable, secure location cannot be found, the item may be de-accessioned from the collection.
- B. <u>Public Safety:</u> The artwork is a danger to the general public because it is naturally deteriorating, or it has been altered through vandalism, unforeseen man-made circumstances or a natural disaster.
- C. <u>Inauthentic:</u> The artwork is discovered to be inauthentic or fraudulent.
- D. <u>Stolen Art:</u> The artwork is discovered to be stolen, and therefore, is returned to its legal owner.
- E. <u>Theft:</u> The artwork is illegally removed from its place of public display and cannot be located.
- F. <u>Damage Beyond Repair</u>: The artwork has been severely damaged and deemed "beyond repair" by a professional art conservationist, or the artist, and it cannot be restored to the artist's original intended condition for a price less than is considered prohibitive.
- G. <u>Change in the Permanent Art Collection's Mission:</u> The artwork no longer meets the mission of the Permanent Art Collection due to a formal change in the Collection's Mission Statement.
- H. Loss of Site (Site Alteration or Sale of Site): The artwork can no longer reside in its original location because the original location is altered due to construction, a change of site usage, or sale of the site. Arts staff will attempt to relocate the artwork to a suitable site; however, lack of a suitable site, either now or in the foreseeable future, or if there is not suitable storage until a site in the foreseeable future is available, could merit deaccessioning.

For site-specific artwork, or permanently-affixed artwork, deaccessioning may be warranted without any attempt to relocate the artwork if it is deemed that the artwork cannot be moved without causing irreparable damage or the cost of relocating the artwork is considered prohibitive.

- Temporary Acquisition: The artwork is intended to be a temporary display and the City's obligation to display the artwork is complete.
- J. <u>Excessive Representation</u>: The artwork is deemed as duplicative or excessive in representation of work of that type or of that artist.
- K. <u>Aesthetic Value</u>: The artwork has not withstood the test of time and has been professionally determined to lack aesthetic value to justify its continued upkeep and/or storage.
- L. <u>Content</u>: Once the Artwork has been accessioned into the City's Permanent Art Collection, it may <u>not</u> be de-accessioned solely on the basis of content or personal preference of any staff member, commission or board member, or member of the public.

#### 2. Assignment of De-accessioning Responsibilities:

- A. No city department shall remove any work of art from the site for which it was selected, nor remove it from display, without prior consent of the Director of Library and Community Services, or the Director's designees(s).
- B. The Director of Library and Community Services, or the Director's designee(s), is responsible for determining whether or not the artwork meets any of the above criteria for removal or de-accessioning.
- C. The Director of Library and Community Services, or the Director's designee(s), shall be responsible for oversight of the de-accessioning process.
- D. The Director of Library and Community Services, or the Director's designee(s), shall make every effort to contact the artist of the artwork recommended for de-accession, or the artist's heirs, using current contact information. The artist, or the artist's heirs, shall be given the opportunity to purchase the artwork, or its parts, before the disposal or destruction of the artwork.
- E. The Director of Library and Community Services, or the Director's designee(s), shall determine the purchase price of a de-accessioned artwork, based on current market value.
- F. In the event that the de-accessioned artwork is sold, the Department of Community Services will deposit the proceeds of such sale into the Public Art Fund of the City.
- G. In the event that the de-accessioned artwork is sold or donated, the removal of the artwork from city property shall be the responsibility of the purchaser or recipient of the donation and shall be of no cost to the City.
- H. De-accessioning and disposal of an artwork must be conducted publicly and formally with adequate documentation. It must also comply with all applicable local, state and federal laws.
- No current, or former, member of the Art Commission, City Council or City staff member shall be allowed to bid on and/or purchase a de-accessioned artwork
- J. A permanent record of the artwork's inclusion in the City's Permanent Art Collection, and reasons for its removal, shall be maintained in a Permanent Art Collection database by the Department of Library and Community Services.

#### 3. Process for De-accessioning Artwork:

- A. If an artwork is subject to any of the above conditions and deemed eligible for de-accessioning, the Arts staff will prepare a report for review and evaluation by the City's Arts Commission, which will prepare a formal recommendation to the City Council for action on the de-accession.
- B. The Staff Report shall include:
  - a) Reasons for the suggested de-accession
  - b) Original accession method(s) and cost of artwork
  - c) Estimated current market value of the artwork
  - d) Proposed de-accession method(s) and cost for each proposed method, including the sale price if applicable
  - When appropriate, photo documentation of the site conditions and/or current condition of the artwork in question
  - f) Official Police Report (if applicable)

#### COUNCIL POLICY MANUAL

(Adopted: RTC 02-136 (5/7/2002); Updated for accuracy (10/28/09); Amended: RTC \_\_\_\_\_\_ (8/14/2012).)

Lead Department: Department of <u>Library and Community Services</u>



### **PUBLIC ART COLLECTION**

(Revised 04/2/12)

INVENTORY #	ARTIST & TITLE	MEDIUM	LOCATION	
	Judy Ackeret		CC/Senior Center	
85.3	'Only Flowers Bloom'	Watercolor	Cypress Room	
	John Battenberg		CC/Orchard Heritage Park	
88.2	'Murphy Street Scene'	Painted Steel		
	Sandra Beard		CC/Senior Center	
85.4	'Untitled #2'	Monoprint	Manager's Office	
	Sandra Beard		CC/CAC	
85.5	'Untitled #3'	Monoprint	Art Storage - to be relocated	
	Douglas Chun			
89.12	'Approaching Storm'	Watercolor	CC/Theater Lobby	
	Douglas Chun			
89.11	'Valley Vineyard II'	Watercolor	CC/Theater Lobby	
	Lee Truax Dalton			
91.3	'Portrait of Antone Vargas'	Oil on Canvas	CH/ Council Chambers Lobby	
	Elizabeth Devereaux			
91.11	'Allegorical Landscape'	Stained Glass	Library	
	Joe Draegert		CH/Council 🛌	
89.5	'August'	Lithograph	Chambers	
	Joe Draegert	Acrylic on	CH/OCM	
89.6	'Still Life with Artichoke Blossom'	Hardboard	Mayor's Office Ω	
	Carol Donegan		CC/Senior Center	
80.2**	'Ghost in Silicon Valley'	Lithograph	Chambers  CH/OCM  Mayor's Office  CC/Senior Center  Maple Room  CC/Senior Center	
	Nancy Weeks Dudchenko		CC/Senior Center ㅋ	
91.13	"lt's a Symphony"	Ceramic	Lobby 'ㅋ	

INVENTORY #	ARTIST & TITLE	MEDIUM	LOCATION
	Dan Dykes		CC/Theatre
84.1	'Matrix'	Stainless Steel	Main Entrance
	Sharon Evans	Graphite on	CC/CAC
91.5	'Charles Spalding'	Paper	Art Storage – to be relocated
	Malou Flato		Raynor Activity
88.1	'Untitled'	Painted Tile	Center/Bldg. 8
	Gene Flores		CH/Lawn @
85.2	'El Paso de los Suenos'	Bronze	ECR & Mathilda
	Alice Freund		CH/Council
91.4	'Walter Everett Crossman'	Pastel on Paper	Chambers Lobby
	D. Gabairis		CC/Senior Center
76.1	'Seagulls'	Metal	Lobby
	Bob Gerbracht		CC/Recreation Center
91.9	'Portrait of John Hendy'	Pastel on Paper	Conference Rm
	Matt Glavin		CH/OCM
89.2	'Genesis #802'	Mixed Media	Mayor's Office
	Gerald Heffernon	Painted Aluminum	Downtown Plaza/
04.2	'Fruit Gigantica'		Evelyn@Francis
	Martin Hernandez	Acrylic on	Raynor Activity Center/
97.2	'Growth in the Valley'	Plywood	Art Storage (Room 16) – to be
			reinstalled in CNC Lobby
	Jane Hofstetter		CC/CAC
97.1	'Romeo and Juliet'	Oil on Canvas	Art Storage – being repaired – to be
			reinstalled in Theatre Dance Studio
	Martha Hubert		CH /Council
89.3*	'Night Passage: 2'	Monoprint	Chambers
	Gordon Huether	Water-cut steel w/ dichroic	CC/Senior Center
03.1	'Tree of Life'	glass	Main Entrance
	Gordon Huether		CC/Senior Center
03.2	'Forest'	Etched Glass	Lobby
	Bill Iaculla	Cast Handmade	CH/(OCM)
89.4	'Cathedral Windows'	Paper	Hallway

INVENTORY #	ARTIST & TITLE	MEDIUM	LOCATION
	Melissa Jennifer	Steel, aluminum,	Raynor Activity Center/
06.1	'Pole People'	glass	Storage Rm 16-reinstall at CNC at the
			end of the expansion project
0= 4	J. Seward Johnson		
85.1	'Out to Lunch'	Bronze	Library Main Entrance
0.50	Judy Miller Johnson		CC/Senior Center
85.6	'Angel's Trumpets'	Etching	Breakroom
	Ellen Kiefer		CC/Senior Center
85.7	'Purification'	Monoprint	Willow Room
	Carlos Laorca		CC/Meeting
88.3	'Layer Painting #1'	Mixed media	Room (CAC)
	Lebadang		CC/Senior Center
89.13	'Nature's Prey'	Lithograph	Maple Room
	Sarah Linder		CC/Recreation Center
91.8	'Portrait of Martin & Mary Murphy'	Oil on Canvas	Conference Rm
	Yael Luri & Jean Pierre Larochette	Cotton, Wool,	Library
91.14	'Unfolding Knowledge'	Silk, Tapestry	Reference Desk
	Sandra MacDiarmid		CC/CAC
85.8	'Waijimi Market, Japan'	Oil on Paper	Art Storage – to be relocated
	Therese May		CC/Senior Center
04.2	'Sunnyvale Community Quilt'	Fabric with mixed media	Hallway
	Sal Pecoraro	Travertine marble and	
89.1	'Omaggio A Tempo'	bronze	CC/Upper Pond
	Carol Pfoutz		CH/Council
81.2**	'Community Center Oak'	Clay Collage	Chambers
	Virginia Pochman		
87.1	'Lily Pond'	Watercolor	Library
	Frank Rosen 'Metamorphosis		CH/Council
83.1*	of an Uncommercial Traveler'	Oil on Canvas	Chambers
	David Saccheri		CC/Rec Center
91.7	'Charles Stowell'	Oil on Canvas	Conference Rm
	Robert Salas	Water-based	Lakewood Park
91.12	'Lakewood Community Mural'	Tempera	Playground

INVENTORY #	ARTIST & TITLE	MEDIUM	LOCATION
	Lydia Sanchez	House Paint	Fair Oaks Park
10.01	"Sunnyvale Community Mural"	on concrete	NE field
	Susan Schary		CH/Council Chambers
91.2	'Portrait of Ida Trubschenck'	Oil on Canvas	Lobby
	Joan Schulze		CC/Senior Center
85.10	'Bridge to Bridge'	Fabric Collage	Waiting Area
	Joan Schulze		CC/Senior Center
85.11	'Flight'	Fabric Collage	Waiting Area
	Joan Schulze		CC/Senior Center
85.12	'Sunstorm'	Fabric Collage	Waiting Area
	Robert Semans		CH/Council Chambers
91.6	'Edwina Benner'	Oil on Canvas	Lobby
	Robert Semans		CH/Council Chambers
91.10	'Portrait of Alillion Wilhelmy'	Oil on Canvas	Lobby
	Kathleen Sharp		CC/CAC
89.7	'Portal Study'	Textile	Art Storage – to be relocated
	Danny Sheu & Jeff Bordona		Lakewood Park
99.1	'Untitled'	Ceramic Tiles	Park Building exterior
	Danny Sheu & Jeff Bordona		Washington Park
98.4	'Untitled'	Ceramic Tiles	Restroom exterior
	Dan Snyder		Washington Park
98.1	(Island Fantasy) Untitled	Brass Inlays	Playgrounds
	Mark Templeton	Watercolor	
89.9	'Untitled'	Collage	CH/OCM Lobby
	Mark Templeton	Watercolor	
89.10	'Untitled'	Collage	CH/OCM Lobby
	Susan Terry		CC/CAC
85.13	'Forget Me Nots'	Watercolor	Arts Storage
	Susan Terry		CC/CAC
89.10**	'Hendy Iron Works'	Watercolor	Art Storage
	Susan Terry		CC/CAC
85.14	'Tulips'	Watercolor	Art Storage
	Susan Terry 'Twin Palms,		CC/Senior Center
80.3**	Downtown Sunnyvale'	Watercolor	Sequoia Room

INVENTORY #	ARTIST & TITLE	MEDIUM	LOCATION
	Susan Terry 'Watertower		CC/CAC
80.3**	at California and Mathilda'	Watercolor	Art Storage
	Marilyn Thompson		
91.1	'Portrait of Carl & Hannah Olson'	Oil on Canvas	CH/Council Chambers Lobby
	Earlyn Tomasini		
96.1	'Mass Transit'	Painted Steel	Public Safety Main Entrance
	Flo Oy Wong 1933: Gee Lai Wah"		CC/Senior Center
08.1***	"Made in usa: Angel Island Shhh" series	Mixed Media	Sequoia Room
	Naomi Zapanta		CH/Council
79.2**	'Roots'	Etching 3/20	Chambers

CH – City Hall CC – Community Center CAC – Creative Arts Center OCM – Office of the City Manager \*Donated by Members of the City Council \*\*Sunnyvale Purchase Award \*\*\* Donated by artist

H:khd/Permanent Collection/Public Art Inventory

### Public Art In Lieu Fee Survey – BayArea Cities

	In Lieu	Conditions under which	Public Art	
Agency	Fee	In Lieu Fee	Master	Acceptable Public Art Fund
	Option?	can be Utilized	Plan?	Expenditures
City of Alameda	Yes 1%	Any	n/a	Public Art placement, acquisition, maintenance and/or administrative fees
City of Emeryville	Yes 1%	Any	n/a	Public Art placement, acquisition, maintenance and/or administrative fees
City of Napa	Yes 1%	Any	Yes**	Public art programming and temporary exhibitions**
City of Petaluma	Yes 1%	Any	no	Public Art placement, acquisition, maintenance and/or administrative fees, and public exhibitions of art
City of San Jose	Yes* n/a	Any*	Yes	Any art or cultural programs.
City of Santa Rosa	Yes 1%	Any	No	Public artworks, cultural programming, staffing costs and future reserves
City of Sunnyvale***	Yes 1%	Only if the site lacks an appropriate place for art, or other extenuating circumstance.  Must be approved by Director of Community Development	No	Public art or Visual Arts programs
City of Walnut Creek	Yes n/a	Only if the site lacks an appropriate place for art, or other extenuating circumstance. Must be approved by Design Review Committee	Yes (Priority List)	Fees must be used for public art project within "project zone"

<sup>\*</sup>Private Development was required through the Redevelopment Agency. In Lieu Fees were permitted. \*\*Master Plan for Public Art is currently being developed.

<sup>\*\*\*</sup>City of Sunnyvale is included in this survey for reference.

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

2. Draft Report to Commission: Review Effectiveness of Existing Art in Private Development Inlieu Fee Option – Study Issue

Superintendent Steward presented the staff report. In response to a question about the place in the decision-making process, Superintendent Steward said it is the Commission's role to review the information and formulate their own recommendation to Council.

A support letter from Ms. Kerry Haywood, Executive Director, Moffett Park Business Group, was distributed.

Commissioners' questions included whether funds resulting from in-lieu fees could be used for a visual arts facility; whether it would be an additional burden on staff to monitor; whether the City would put artwork on private property if the developer chose not to; if developers and property owners are allowed the unrestricted choice to either place public artwork or contribute an in-lieu fee, should there sometimes be qualifications for having public artwork instead of the in-lieu fee option. Questions were responded to satisfactorily.

Superintendent Steward thanked Diane Moglen, Arts Manager, and Kristin Dance, Visual Arts Coordinator, for the work and energy that they put into this study.

The Public Hearing was opened. There were no speakers. The Public Hearing was closed.

MOTION: Commissioner Sumner moved and Commissioner Santos seconded to recommend that Council support staff's recommendation, Alternatives 1, 2 and 3.

- 1. Allow developers and property owners the flexibility to choose without limitations whether to place public art on their development sites or to contribute to the City's Public Art Fund an in-lieu fee consistent with 1% of the construction valuation of covered projects. Approve amendments to Municipal Code 19.52 Art in Private Developments and Council Policy 6.4.3 Art in Private Development.
- 2. Approve fee of an additional 1/10<sup>th</sup> of a percent (0.1%) of construction valuation of covered projects to be placed in a separate Art Maintenance Fund to provide resources for repair and maintenance of art purchased with in-lieu fees.
- 3. Approve amendments to Council Policy 6.4.4. Art in Public Construction and direct staff to:
  - Implement guidelines for deaccessioning artwork from the City's Permanent Art Collection;
  - Develop guidelines to further define the parameters under which the Public Art Funds can be used;
  - Direct staff to develop a Master Plan for Public Art to identify potential public art projects and prioritize public art locations for funding, and;
  - Change title of policy to Art in Public Places.

Arts Commission Draft Minutes July 18, 2012

Discussion included the fact that the new policy would provide developers and property owners with choice and flexibility. Commissioners also indicated it would be very interesting and exciting to have a Public Art Fund. Commissioners discussed that there are no clear guidelines at this time as to how the in-lieu fees would be used. A downside would be that commercial properties might not have artwork if the business or developer chose the in-lieu fee option. Superintendent Steward explained that public art could still be required by City Council through a Special Development Permit or as a condition of development.

Commissioner Karun proposed a friendly amendment regarding exceptions to choosing the in-lieu fee option if developers meet certain criteria to be determined at a later time. Discussion followed as to how the friendly amendment could be formulated. The friendly amendment was declined by Commissioner Sumner following lengthy discussion.

#### **VOTE: 4-1 motion passed. Commissioner Karun dissented.**

Commissioner Karun dissented because she does not believe that developers should have complete flexibility to choose either artwork or in-lieu fee. Developers should be required to have artwork on site, and the in-lieu fee would give developers the option of not putting artwork on property.

Commissioner Park said in this situation, economic climate and in the best interests of the City, she would be comfortable going with staff's recommendations. She added that the in-lieu fee option would also make the City more attractive to developers.

3. Location: City-wide

**Proposed Project:** Review Effectiveness of Existing Art in Private Development

In-Lieu Fee Option – Study Issue

**Staff Contact:** Nancy Steward, 408-730-7342

nsteward@ci.sunnyvale.ca.us

**Notes:** This item is scheduled to be considered by City Council on

August 14, 2012.

Nancy Bolgard Steward, Superintendent of Community Services, presented the staff report.

**Comm. Hendricks** referred to a letter provided on the dais from the Moffett Park Business Group confirming with staff that this group is not in support of staff recommendation Alternative 2 regarding a .1% additional fee for developers exercising the in-lieu option. Comm. Hendricks discussed the recommended alternatives in the report with Superintendent Steward.

Comm. Melton discussed with Superintendent Steward the limited number of people showing up for outreach meetings and the outreach meeting with the Moffett Park Business Group. Comm. Melton discussed with staff the recommended Alternative 1, which would allow more flexibility to developers to pay in-lieu fees. Staff said they do not know whether developers would choose to pay the in-lieu fee or provide art. Comm. Melton referred to page 5 of the report and provided a summary of the proposed flexibility to be allowed for developers to either provide artwork versus paying in-lieu fees, and related legal aspects. Kathryn Berry, Senior Assistant City Attorney, further discussed the legal aspects including nexus studies and fee mitigations. Diana O'Dell, Senior Planner, added that the proposed in-lieu fee is not being classified as a mitigation fee, but would be a cash equivalent option for developments. Comm. Melton asked staff if, hypothetically, the in-lieu fees could be used towards providing an art museum. Superintendent Steward said this question came up recently and has been posed to the City Attorney's office, however a formal opinion has not yet been provided. Superintendent Steward said this question comes up every few years and discussed the previous outcomes to the question.

**Comm.** Sulser discussed with staff Attachment G regarding in-lieu fees in other cities, confirming that these are the only cities that responded to the survey, which does not include many of our neighboring cities.

Vice Chair Dohadwala discussed with Superintendent Steward the 1% fee. Ms. O'Dell said the 1% fee information is included in the zoning ordinance with Superintendent Steward referring to Attachment C, page 2, Chapter 19.52.030 of the proposed ordinance. Vice Chair Dohadwala asked if there are projects for public art waiting to be funded. Superintendent Steward said yes and discussed projects and funding.

**Comm. Hendricks** referred to page 10 of the report and clarified with staff that the in-lieu fees could go towards art anywhere in the City and not just in the project zone.

**Chair Larsson** discussed with staff the decision makers for whether art has to be provided. Staff discussed the process for various scenarios related to providing art. Chair Larsson asked

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Draft Sunnyvale Planning Commission Minutes
July 23, 2012

if there is there flexibility to collect and use in-lieu fees in private development areas. Superintendent Steward said no, that the way the use of in-lieu fees is currently envisioned, that would not be an option as the in-lieu fees become public money.

**Comm. Hendricks** discussed with staff if the Planning Commission would have the flexibility to require art from possibly a mixed-use project even if the size or scale of the project did not require it. Superintendent Steward said the Planning Commission could request it, but could not require it. Staff said if that is desired the regulation would need to be rewritten to include residential development. Comm. Hendricks said that in the future the City might want to look at this with Superintendent Steward saying she could include the issue in her tickler file and that the Commission might want to suggest a study issue.

**Chair Larsson** confirmed with staff that including residential now would be outside the scope of this study issue.

#### Chair Larsson opened the public hearing.

Pat Castillo, a member of the public, said speaking as a resident only, she would like to ask the Planning Commission to heartily support the changes proposed in the ordinance. She discussed some of the history from the 1990's of this issue. She said she knows money is tight; however it is also important that we have art. She discussed the importance of the use of a variety of art. She said she has no problem adding the additional percentage to deal with maintenance and hopes the Commission supports the staff report.

**Comm. Melton** asked Ms. Castillo to comment about staff recommendation Alternative 1, explaining why and how he is struggling with the recommendation. Ms. Castillo commented on Comm. Melton's question.

#### Chair Larsson closed the public hearing.

**Comm. Melton** discussed with staff the involvement of the Arts Commission, which provides final approval for private art with staff saying that the decision can be appealed to Council.

**Chair Larsson** discussed with staff the criteria the Art Commission uses in making their decisions, with staff saying it is very specific.

Vice Chair Dohadwala discussed with staff the various mechanisms of funding for public arts.

**Chair Larsson** commented about the accounting of funds collected recently, and confirmed with staff that not much has been spent. He said with the proposed changes the City could collect in-lieu fees but not spend them. He said it seems like the Master Plan is the answer to this concern with Superintendent Steward confirming, yes, that it is an important tool and would help set criteria and priorities for spending the in-lieu fees including the type of art, location.

Comm. Hendricks moved to recommend to City Council Alternatives 1, 2 and 3 as shown in the report. Comm. Sulser seconded.

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**Chair Hendricks** said he is happy to make this motion. He said he thinks this is great. He said a lot of the proposed clean-up, and the other part is regarding in-lieu fees. He discussed a couple of recent projects and art related to the projects. He said he likes the flexibility in the changes and hopes that developers do not just start paying the in-lieu fees as a default. He said the intent is to still have art on sites and hopefully the Planning Commission can encourage developers to provide the art. He said he still has some question on the .1% maintenance fee.

**Comm. Sulser** said most of the proposed changes are common sense. He said he likes the inlieu fee option and that it potentially makes more public art available. He said this could allow art to be redistributed to other parts of Sunnyvale. He said he also does not want to see every developer choose to pay the in-lieu fee.

**Comm. Melton** requested of the maker of the motion that the motion be split into two separate motions. He said he would like Alternative 3 to be one motion and then a second or even a third motion to vote on the alternatives separately. Comm. Hendricks asked why, with Comm. Melton explaining that it would allow him to more precisely register his recommendation. Chair Larsson suggested he could offer a Friendly Amendment. Comm. Melton offered a Friendly Amendment to amend the motion to speak solely to Alternative 3. He said he still has reservations about Alternative 1 and 2 and has no reservations about Alternative 3. The maker of the motion did not accept the Friendly Amendment, and said however, he would recommend that the Commission vote against his motion if they would prefer to separate the Alternatives. Comm. Melton said he understood. Chair Larsson suggested to Comm. Melton that a formal amendment could be offered. Comm. Melton said he would rather have his comments provided for the record and proceed with a vote. Comm. Melton commented that he likes the original purpose of art in private development with the humanizing of the corporate developments, and would like it to continue. He said he echoes Comm. Hendricks and Comm. Sulser's concern about the developers preferring to pay the in-lieu fees and no longer providing the art. He said he would not be supporting the motion.

**Chair Larsson** said he would be supporting the motion. He said he shares the concern that developers may go for the in-lieu option and we would not have the art in private development we would like. He said that for him the key is the Master Plan that sets out a vision for what we would like to do with art in the City. He said if we receive too much money, the City could stop excepting the in-lieu fees. He commented that he is not sure if the Master Plan is the appropriate place to talk about the balance of public or corporate art.

**Comm. Hendricks** acknowledged the concerns of Comm. Melton. He said he thinks there is mitigation. He said most of the affected projects would come before the Planning Commission, and the Commission would have an opportunity to talk to the developers. He said if we see a pattern we can ask staff to look at. He commented that he has seen projects that the art does not fit appropriately.

**Vice Chair Dohadwala** said she would be supporting the motion. She said she agrees with Comm. Melton that we may suddenly see less art in corporate areas. She discussed Moffett Park and said she thinks the developers would keep the 1%. She says she likes that staff has some flexibility. She said she would like to explore other avenues for funding for public art. Vice

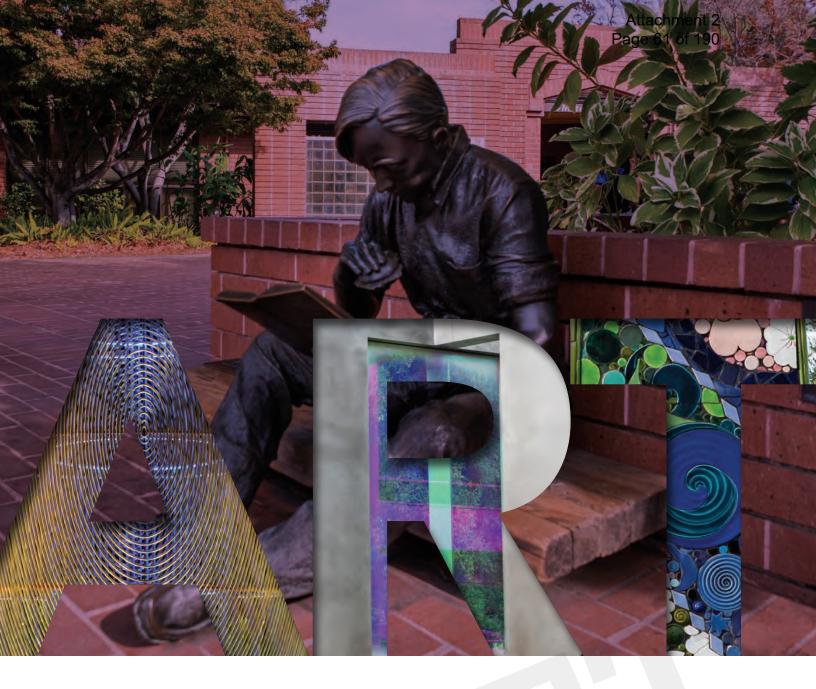
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Chair Dohadwala said she would like money dedicated towards particular public projects. Superintendent Steward commented that the kind of tool to dedicate to projects is not in place right now, however if the modification is approved the next step would be to develop the tool to prioritize where we want to use these funds.

ACTION: Comm. Hendricks made a motion to recommend to City Council Alternatives 1, 2 and 3 as shown in the report on pages 13 and 14: Alternative 1 regarding allowing property owners to make an in-lieu contribution to the City's Public Art fund, instead of placing art on site, even when there is an appropriate location for art; Alternative 2 regarding adopting an additional 1/10<sup>th</sup> of a percent fee for developers exercising the in-lieu fee option; and Alternative 3 regarding approving amendments to Council Policy 6.4.4., Art in Public Construction including recommendations to staff. Comm. Sulser seconded. Motion carried, 4-1, with Comm. Melton dissenting and Comm. Chang and Comm. Kolchak absent.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at their August 14, 2012 meeting.





# Master Plan for Public Art

Created in cooperation with the Cultural Planning Group

August 2020





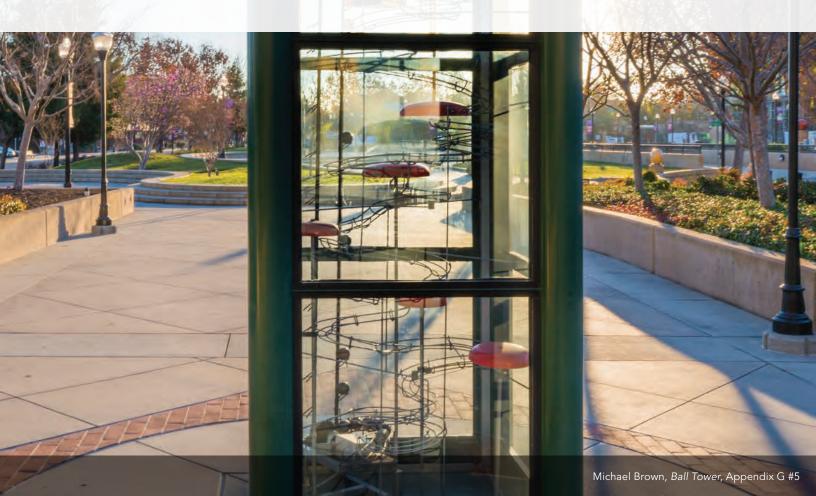
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## **EXECUTIVE SUMMARY**





"It is the City's intent to develop a collection of art that is of the highest quality; that will encompass a broad range of artistic styles and media; that will improve the quality of life in the community and be a source of pride to all residents."

In addition to the arts programming offered through the Library and Recreation Services Department, the City of Sunnyvale has designed a public art program to bring art to the City and its residents. The current public art program has two components:

special events.

For decades, Sunnyvale has been supporting

the arts and the benefits art provides for the

community. When the City and community

expressed a strong interest in providing a variety

of arts programs and studios for the community as part of the development of the Sunnyvale

Community Center in the early 1970s, two

buildings dedicated to the arts were included:

The Sunnyvale Theater and Creative Arts Center. In addition to these facilities, the City dedicates \$1.3 million, providing for 4.5 full-time staff which offer arts programs and services, including: dance, theater, visual and digital art, pottery, music and

• The Art in Private Development (AIPD) program designates 1% of development project funds to support artwork in the community. Private developers can choose to incorporate art into their projects or contribute an in-lieu fee to the Public Art Fund. As of today, the AIPD program has completed 70 projects,

with 84 separate artworks owned and maintained by private parties. The in-lieu fee option has generated nearly \$500,000 to fund City-owned public art projects.

• The Art in Public Places program brings art to public areas such as parks, community centers and other City-owned spaces. The City currently owns and maintains 62 pieces of acquired art, including: paintings, tapestries, stained glass, ceramics, sculptures and murals. These works of art were acquired through capital project allocations, donations, awards and general funds.



A substantial majority of art program activity, in terms of financial commitments, has been from private development projects, primarily located in North Sunnyvale. While many of these projects are of very high quality, they are largely unknown to the residents of Sunnyvale, since they are located on private property in a predominately industrial area. While the Public Art Fund currently has an approximate balance of \$500,000, the City does not have a clear process to spend those funds to reflect community desires.

As the field of public art evolves, so do municipal public art programs. A Master Plan for Public Art (MPPA) will provide options for the City to broaden the scope of public art programs and shift the boundaries of current policies to address community vision and aspirations.

In November 2016, the City of Sunnyvale issued a Request for Proposals to develop a Master Plan for Public Art, and hired the Cultural Planning Group to consult on the project. The goal was to create a highly visible program aligned with City policy and residents' vision for their community. This plan provides options for broadening the scope of public art programs, updating current policies, enhancing the management of public art programs, addressing public art collection maintenance and conservation, improving the marketing and visibility of the programs and activating the Public Art Fund. The program and associated funding options presented in this plan for Council consideration include:

Option 1. Maintaining current AIPD in-lieu fees and General Fund contribution

 This option continues current levels of support, to spend down the nearly \$500,000 balance of the Public Art Fund, along with the addition of a few low cost initiatives outlined in the Master Plan for Public Art, as well as the Public Art Fund.



Option 2. Public Art Expansion through increased AIPD in-lieu fee incentive

- This includes a combination of Option 1 with an increase to the incentive for developers to select the in-lieu AIPD option by either:
  - a. Increasing the art requirement percentage from 1% to 1.5%, while maintaining the current in-lieu fee option of 1.1%; or
  - b. Maintaining the current art requirement percentage of 1% while lowering the in-lieu fee option from 1.1% to 0.75%.

Two other possibilities (Options 3 and 4) were considered, but are not recommended given budget reductions to the General Fund resulting from the COVID-19 pandemic:

Option 3. Public Art Expansion through increased General Fund contribution

 This includes a combination of Option 1, with an increase of General Fund Service Level Setaside Funding to support various objectives outlined in the Master Plan for Public Art.

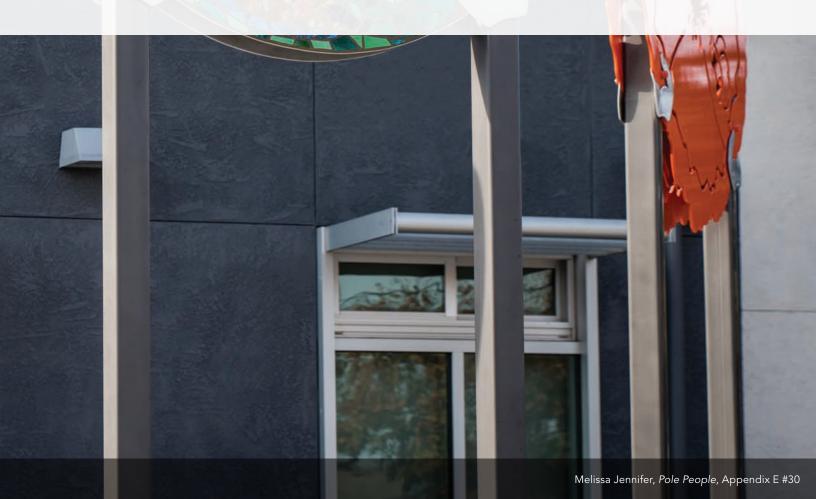
Option 4. Public Art Expansion through increased AIPD in-lieu fees and increased General Fund contribution

 This includes a combination of Options 1-3 with an increase of General Fund contributions and increase AIPD in-lieu fee incentives to support all objectives outlined in the Master Plan for Public Art.





## BACKGROUND



#### THE COMMUNITY

Sunnyvale is a distinctive place, a city with a beautiful natural environment, a rich history and an extraordinary presence as the self-described "Heart of Silicon Valley." Its history is one of continuous change and adaptation, and it is this capacity for successful adaptation that is a defining feature. Sunnyvale has an enviable quality of life as a suburban community that has become an affluent part of the larger high-tech region.

Sunnyvale has experienced cultural and economic eras of Native American settlement, agriculture, industry and the new economy, each leaving a unique imprint on the City. These agricultural roots and the planned environment remain part of Sunnyvale's story today, which is reflected in the preservation of the Heritage Orchard and in the strong value the community places on inclusion, the environment and sustainability.

The development of Sunnyvale as a modern city began with the arrival of the railroad and the layout of a grid around Murphy Station. The guiding concept was to make Sunnyvale a "complete city," where people can live, work and play, rather than a primarily residential or resort community. This concept remains the foundation of what Sunnyvale is and strives to become through its planning and governance.

Since the 2011 General Plan adoption, Sunnyvale has continued its trajectory as a technology and new economy center, as shown with the 2018 opening of a new Apple campus and the expanded presence of Google, LinkedIn, Amazon, Juniper Networks, Facebook and other technology companies.

#### ARTS FACILITIES

Sunnyvale's long-standing support of the arts began in 1972 when the Sunnyvale Community Center was constructed. Included in the design of the Community Center were two buildings dedicated to the arts: Sunnyvale Theater and Creative Arts Center.

The theater building houses a 200-seat theater featuring shows produced by resident theater groups. In 2014, the theater was updated to include a state of the art sound board and LED lighting system. Highlights of the theater's programming include:

- Evenings of Cultural Arts: This concert series is produced in-house and features 6-8 shows per season spotlighting a wide variety of genres and styles.
- Sunnyvale Community Players: Since 1969 this volunteer, community-based theater group has written and produced 4-5 shows annually, entertaining an estimated 8,000 patrons each year.
- Bay Area Children's Theater (BACT): Joining the theater line up in 2018, BACT produces 3-4 shows annually for elementary aged field trips, in addition to repertory camps for youth during the summer months.
- Musical Theater Camp: Continuing the City's long-standing musical theater camp experience, BACT now provides programming for youth and teens to develop, rehearse and perform original scripts each summer.
- Rentals: The theater hosts an average of 30 community dance, performing arts and corporate groups annually.
- City Events: The theater is utilized by other City departments for internal events, such as: swearing in ceremonies and graduations for public safety officers, NOVA workforce seminars and trainings, the Sustainability Speaker Series offered through Environmental Services Department, staff development trainings and Library Storytime.

In 1992, a dance studio was added to the northeast side of the theater to meet the increased demand for youth and adult dance programs. Today the dance studio is utilized for an average of 17,220 hours annually hosting classes, rehearsal and drop in dance program space for community groups.

The Creative Arts Center was designed to offer a variety of arts programming inspired by the beautiful scenery of the Sunnyvale Community Center. Currently, the facility provides programming for more than 59,000 participant hours annually.

- Pottery Studio: Housing one of the largest pottery programs in the Bay Area, the studio produces an estimated 36,000 works annually.
- Painting Studio: This studio is equipped with full-sized easels, natural lighting and scenic views of the Community Center pond, while offering: painting, drawing and mixed media classes for all ages.
- Performing Arts Program Room: Youth music classes, including piano, guitar and rhythm classes are offered year-round.
- Arts Program Room: Preschool art, glass fusing and arts camps are offered year-round.
- Fine Arts Gallery: Before closing, in 2005, the gallery space hosted 6-8 annual exhibits (over 100 total exhibits) featuring a wide variety of established and emerging artists, including youth and local artists.

### SUPPORTING PROGRAMS AND PARTNERSHIPS

In addition to the robust classes and programs offered at the Community Center facilities, the City has undertaken a number of art partnerships and supporting programs:

- Arts in Schools Program: Partnering with the Euphrat Museum of Art at DeAnza College, the program offers free after school art programming at Sunnyvale elementary schools.
- Library Art Programs: In partnership with the Friends of the Sunnyvale Library, the Library hosts a myriad of free arts-related programs, such as: craft programs for all ages, monthly film groups, art contests, family story time hours, maker services as well as music and dance performances.

• Heritage Park Museum: In partnership with the Sunnyvale Historical Society, the museum is a replica of the Martin Murphy house located on City property at the Sunnyvale Community Center site. After opening its doors in 2008, the museum continues to produce exhibits from its large collection of historical artifacts special to Sunnyvale's history.

#### SPECIAL EVENTS

Currently, the City hosts two special events per year:

- Hands on the Arts: Established in 1985, this
  event is the largest hands-on arts festival for
  children in Northern California and is Sunnyvale's
  marquee special event. Last year was the
  festival's 34th year with an estimated 1,700
  children in attendance. The festival endorses
  the STEAM (Science, Technology, Engineering,
  Art and Mathematics) initiative and features a
  performing arts stage, food court and roaming
  entertainment.
- State of the City: Over the past four years, the annual Mayor's State of the City address has grown into a larger street festival that includes a substantial arts presence, family fun zone and a community organization zone. The 2019 festival included a family chalk art zone, cultural arts performances and live mural demonstrations by five professional artists.

#### **ARTS COMMISSION**

The five member Sunnyvale Arts Commission was appointed in 1990 to advocate for arts and advise the City Council on arts policy. Through the years, the commission has overseen Sunnyvale's two public art programs (Art in Private Development and Art in Public Places) and the permanent art collection. The commission has also advised on budgetary matters, related to special projects and hosted art projects at the annual Hands on the Arts festival.

#### **GUIDING POLICIES**

The City's General Plan outlines goals meant to enhance the City aesthetically: "...acquire public artworks that contribute to the public identity of outdoor spaces and provide pleasure and enrichment for Sunnyvale residents." Many of Sunnyvale's public art works were installed under the Art in Private Development program, and the residents and visitors are not aware of them due to their placement in predominantly industrial areas residents do not typically visit.

"It is the City's intent to develop a collection of art that is of the highest quality; that will encompass a broad range of artistic styles and media; that will improve the quality of life in the community and be a source of pride to all residents."<sup>2</sup>

Current policies pertaining to public and cultural arts can be found in Appendix G. Specifically, Council Policies 6.4.1 (Arts – Goals and Policies) and 6.4.4 (Art in Private Development) address public art and call for the creation of "an aesthetically pleasing environment for Sunnyvale through use of functional and decorative art."

<sup>2</sup> City of Sunnyvale Council Policy Manual, 6.4.2 (Art Loans and Gifts), https://sunnyvale.ca.gov/government/codes/manual.htm



<sup>1</sup> City of Sunnyvale General Plan, https://sunnyvale.ca.gov/government/codes/plan.htm



#### HISTORY OF PUBLIC ART

"Public art has many functions – it expresses community values, enhances the environment, transforms a landscape, heightens awareness of community concerns, or questions assumptions. Public art commemorates local history and traditions. Placed in public sites, the art is intended for everyone, a form of collective community expression. Public art reflects how we see the world, the artist's response to our time and place combined with our own sense of who we are."<sup>3</sup>

Since the creation of the first percent-for-art program in Philadelphia in 1959, hundreds of cities, counties and states have followed suit. In their earliest efforts, public art programs took the form of a "Museum without Walls." The works collected were gallery art blown up to a larger scale and placed in public spaces. Later, in the 1970s, artists began to create site-specific art, works that were designed for specific places. During that same period, artists began working with architects and engineers as a part of project design teams. This allowed for greater integration of the art into buildings and public spaces. Public artists in the 1980s and the 1990s became increasingly interested in direct engagement of the community in the development of their projects.

Most recently, public art has come to be an essential element in placemaking, social practice and the creation of vibrant and economically successful communities. Public art has become a powerful tool or partner in achieving other civic goals, such as economic development, city identity, community engagement, equity, revitalization and placemaking. As the field evolves, so do city public art programs. Additionally, public art has been used as a social platform seeking to address social and political issues in the local, national and global arenas, such as the environment, gang intervention, inclusion and immigration.

#### PUBLIC ART IN SUNNYVALE

In addition to the comprehensive arts programming offered through the Library and Recreation Services Department described previously, over the past 30 years Sunnyvale has built a strong public art program providing art to the City and its residents:

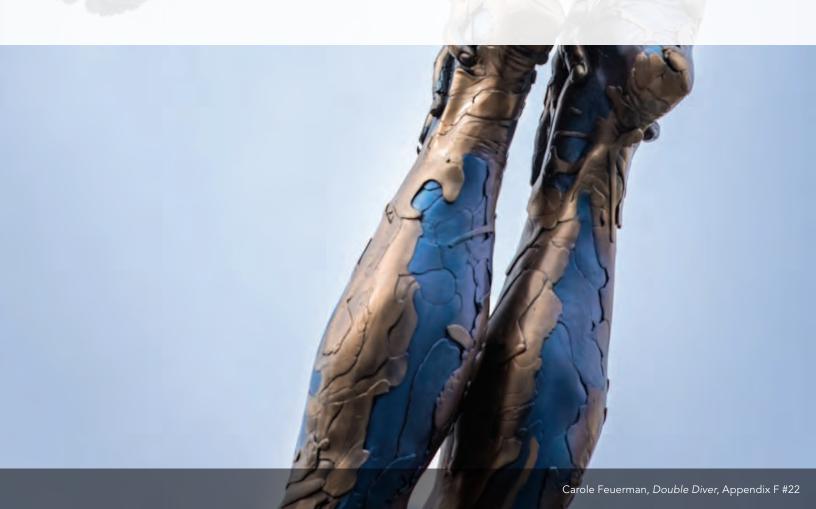
- The Art in Public Places program (AIPP) brings art to public areas such as parks, community centers and other City-owned spaces. The City of Sunnyvale currently owns and maintains 62 pieces of art, including: paintings, tapestries, stained glass, ceramics, sculptures and murals. These works of art were acquired through capital project allocations (1%), donations, awards and general funds.
- The Art in Private Development program (AIPD) designates 1% of private development project funds to support artwork in the community. Developers can choose to incorporate art into their projects or contribute an in-lieu fee to the Public Art Fund to support City-managed art projects. As of February 2020, the AIPD program has completed 70 projects, with 84 separate artworks commissioned by private parties. The in-lieu fee option is available and to date has generated nearly \$500,000 for City managed public art projects.

Both programs represent a variety of artists, types of imagery and overall, showcase extraordinary artistry; however, improvements are needed to enhance the visibility and accessibility of the City's public art, as well as to ensure a wide representation of community interests and values.

<sup>3</sup> This definition of public art was developed by The Cultural Planning Group and the Americans for the Arts (AFTA), a national arts service organization, for a public art research project sponsored by AFTA.



## THE MASTER PLAN PROCESS



#### **COMMUNITY OUTREACH**

The Master Plan for Public Art initial community engagement process spanned June through October 2017 and included over 1000 participants. The process provided multiple entry points for community residents and stakeholders through a community survey, community-based conversations, meetings and interviews.

The Cultural Planning Group employed a triangulation research methodology for the planning process (a combination of quantitative, qualitative and secondary research) ensuring genuine and deliberate engagement with a broad cross section of Sunnyvale's community members and stakeholders. The intent of the research was to gather residents' opinions, attitudes and preferences about public art in the Sunnyvale community and to review existing policies to identify the strengths and weaknesses of the current programs, as well as direct development of the new Plan.

The project team and staff conducted:

- 20 individual stakeholder interviews
- 10 community discussion groups
- Three community meetings and various popup meetings
- An online community survey (787 completed)
- Arts Commission and City Council presentations
- Task Force formation, meetings and presentations
- Core Team meetings

The goals of community engagement were to:

- Bring together multiple points of view to inform the planning process
- Create legitimacy and a sense of shared responsibility for the Master Plan for Public Art
- Cultivate new partners/allies and collaborations
- Stimulate broad awareness of and momentum for implementation of the plan

#### INTERNAL STAKEHOLDERS

During the research, the consultants spoke with many City Department Directors and representatives about how their work or personal lives intersect with the Public Art Program (City Manager, Assistant City Manager, Chief Information Officer, Economic Development Manager, Director of Community Development, Director of Public Works, Assistant Director of Public Works, Communications Officer). In general, City representatives were very supportive of public art.





Some specific opportunities emerged from the consultants' conversations with City representatives, such as:

- Utilizing public gathering spaces for public art (i.e., parks, downtown, etc.)
- Seizing opportunities for art with development of new public facilities
- Pooling funds to create more impactful artworks such as gateways
- Commissioning unique artworks to complement construction
- Commissioning artwork to incorporate and reflect the cultures of community residents

#### **EXTERNAL STAKEHOLDERS**

Various opportunities emerged in conversations with residents, artists, businesses and developers. In general, there were many comments about the lack of program awareness and a desire for artwork in parks and near homes. The emphasis was on the opportunities to employ art as a means of enhancing the physical landscape, addressing urban design challenges and bringing people together. Stakeholders viewed public art as a positive way to enhance the community,

opportunity to reflect the culture and values of Sunnyvale, and as a way to energize parks and public spaces. Interviewees defined public art broadly, including high quality temporary and permanent artwork installations and frequently emphasized the value of interactive artworks.

#### TASK FORCE

A task force was created to ensure that a diverse group of interests, opinions and demographics was represented during the project. Members were tasked with advocating for community participation in the MPPA outreach and planning processes, promoting public art and its value in the community, thinking critically about Sunnyvale's cultural life and conveying opinions and feedback from their networks. The task force met twice to discuss an overview of the master plan process and receive input to be considered in the development of the master plan.

#### Task Force Members:

- Henry Alexander, Parks and Recreation Commissioner
- Anubha Gupta, Teen Advisory Committee Member

- Kerry Haywood, Moffett Park Business Association, Executive Director
- Mike Johnson, Sunnyvale Downtown Association, President
- Reid Myers, Neighborhood Association, President
- Ben Picard, Sunnyvale School District, Superintendent
- Susannah Vaughan, Arts Commission, Vice Chair
- Connie Verceles, City of Sunnyvale, Economic Development Manager
- Ann Watts, Starting Arts, Director



#### **BUSINESS COMMUNITY**

Private developers and business owners were also interested in the potential for partnerships in the public art program. They saw public art as a way of enhancing their projects, while providing a benefit to the community. They also acknowledged residents don't necessarily see or interact with the artworks installed in North Sunnyvale and were open to alternatives to on-site artwork, such as utilizing the in-lieu fee option so the City can commission art for residential neighborhoods and parks. Developers and business owners also expressed a desire for a better understanding of the in-lieu fee option.

Participating private developers and businesses included:

- Irvine Company
- PSAI Realty Partners
- DiNapoli Companies
- Hunter Storm Properties
- Dove Hill Capital
- Starwood Capital Group
- Jay Paul Company
- T2 Development Inc.
- Moffett Park Business Association (representatives from Lockheed Martin, Juniper Networks, NetApp, Valley Transportation Authority (VTA), Jay Paul Co. and Google)

Preliminary recommendations from the consultants were presented to private developers at community meetings in March 2019. Topics included: a public art program overview, community outreach results, program improvements to increase visibility of the current program, vision statement, alternate funding strategies and the potential for an increased art requirement percentage, creating an incentive for the 1.1% in-lieu option.



#### **COMMUNITY RESPONSES**

### Perceptions of the Current Public Art Program

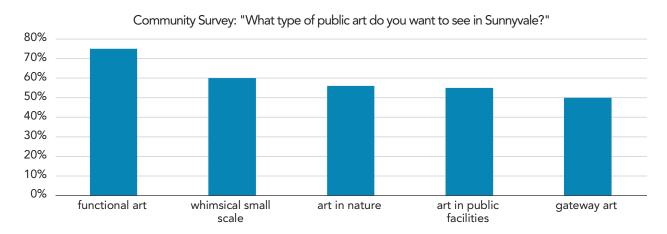
The City's current public art program includes an extraordinary collection of artworks with limited visibility to the broader community. At the community meetings, participants expressed a desire to increase access and visibility, beautify places and provide more public art programming. Commonly perceived limitations of the current public art program are:

- Lack of public awareness or knowledge of the public art program
- Limited visibility of existing private development projects

- Lack of reflection of the history and ethnic diversity of Sunnyvale
- Lack of understanding of the in-lieu fee option available to developers and businesses

Based on survey comments and feedback received at community meetings, several commonly referenced themes emerged:

- Greater visibility of existing artworks, possibly through an online gallery or self-guided tours
- More diversity in the program, including art that is functional, interactive and temporary
- Greater reflection and engagement of Sunnyvale's cultural diversity in the artworks
- Inclusion of the broader community in art-making and program implementation





### Suggested Locations for Public Art

The primary desired locations for public art is where people gather, including existing and newly created spaces. In the community meetings, many participants asserted they want to see the art in their own neighborhoods and would like to see rotating and temporary installations. The most important locations cited in the survey are: public spaces and pedestrian areas (87%) and parks and open spaces (71%). Specific locations include: downtown areas, Plaza del Sol, libraries, parks, train stations and bus stops, neighborhood and Sunnyvale gateways, and the planned civic center.

### Community Input on Sunnyvale's Character

When asked, "What defines Sunnyvale and distinguishes it from other places?", residents' responses generally fell into two categories:

First, they express a high level of satisfaction with Sunnyvale's quality of life, described as having a small-town character and general ease of lifestyle. Specific assets cited included: City parks, Murphy Avenue, library, Heritage Orchard and Baylands Park. Residents appreciate the pleasant community experience, friendly atmosphere and safe environment. Sunnyvale ranked as the #1 midsized Safest City in America by SmartAsset.com five years in a row (2015-2019). Sunnyvale is justifiably proud

of its beautiful parks and popular library. The City's land (7%) is devoted to parks and open space, and it provides extensive recreation and personal growth offerings for all ages. The Sunnyvale Public Library is one of the busiest in California, offering a gathering place in the community.

• The second general category of comments describe the drawbacks of living in a suburban, Silicon Valley environment. Residents regard Sunnyvale as having little to distinguish it from nearby communities. They note the lack of central gathering places, the pass-through nature of the traffic and streets, which are often commercial strips and the lackluster character of the built environment (with a notable exception of the large concentration of Eichler homes). They comment that Sunnyvale does not have abundant local arts and cultural events or a strong music scene, despite the presence of several well-loved events, such as the Sunnyvale Farmer's Market and Sunnyvale Downtown Music Series

Urban design in Sunnyvale and the region is a major influence on the experience of daily living in the community. Sunnyvale tends to blend into neighboring communities, lacking clear gateways and visual boundaries between cities, and sharing similarities with other nearby suburban and tech-oriented communities. People commented further that Sunnyvale lacks urban destinations or focal points. Despite the appeal of Murphy Avenue, downtown still lacks a strong identity,

although mixed-use development is nearing completion downtown and will likely change this perception. Sunnyvale's new civic center will provide another welcome destination and focal point.

Currently, dispersed land use and the need to drive to most activities defines much of Sunnyvale. This helps explain the importance of parks, because they are well-designed and abundant and in part because they provide informal connecting places for neighborhoods.

Sunnyvale is associated with generations of industry and technology. It has been influenced by a succession of major businesses that have employed residents and defined the community as a center of innovation. However, in recent decades, Sunnyvale and surrounding communities have merged into Silicon Valley blurring the borders of the City. Additionally, the City has a large commuter population and a large daily influx of workers, many of whom view Sunnyvale as just a workplace; not a destination for culture or living.

Residents also acknowledge that the price of real estate has become a defining feature in Sunnyvale. The presence of many commuters suggests the market has priced out many people who might otherwise choose to live in Sunnyvale and single-family home prices have skyrocketed from a median of \$751,000 in 2012 to \$1.6 million in 2019.

Residents also see many positive and distinguishing features within their community, including: a sense of pride and appreciation of the City's history and development, cultural diversity and inclusion among residents, abundant parks, and continued growth and prosperity.

Sunnyvale continues to grow rapidly resulting in a nearly built-out city. With less than 1% of Sunnyvale's properties vacant development is focused less on new development and more on redevelopment, which is evident in the new downtown area, planned Sunnyvale Civic Center, Sunnyvale Branch Library, and continued improvements to existing business parks.

Demographic Characteristics	Sunnyvale	California
2019 population	155,567	39,250,017
Growth in total population since 2010	9.40%	5.40%
Median Household Income (2018 dollars)	\$131,791	\$71,228
College educated	62.60%	33.30%
Foreign born	48.20%	26.90%
Asian alone	45.90%	15.30%
White alone	42.10%	72.10%
White alone, Not Hispanic or Latino	31.20%	36.80%
Hispanic or Latino	17.30%	39.30%
Black or African American	1.70%	6.50%
Language other than English spoken at home	55.10%	43.90%
Median age	35.4	36
Persons in poverty	5.80%	12.8%



### Opportunity Through Sunnyvale's Character

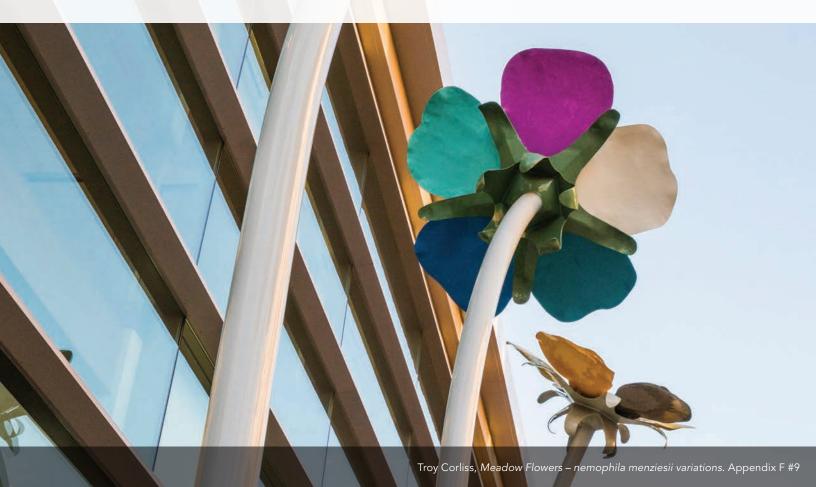
Sunnyvale has distinct opportunities based on its character of place. Its many positive attributes continue to provide a desirable quality of life and cultural experiences. Residents, workers and businesses endorse the City's public art programs and support the role of art in shaping their community. This provides Sunnyvale with an opportunity to provide cultural experiences closer to home and better integrated into the activities of daily life and work.

Based on community and internal/external stakeholder feedback, there are many opportunities for the plan to meet the vision of the community, including:

- Creating vibrancy in the downtown area and the neighborhoods
- Establishing identity and community pride through art elements such as iconic gateways and public art identifiers for neighborhoods
- Developing temporary and interactive art projects to activate existing public spaces
- Connecting places and creating gathering places with art
- Engaging school-age children with the existing public art collection and new collaborative opportunities
- Artistic excellence maintained for community to enjoy



# GUIDING VISION, PRINCIPLES AND OBJECTIVES



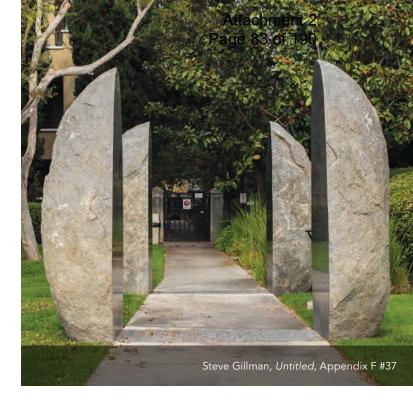
#### INTRODUCTION

The purpose of the Master Plan for Public Art is to assist the City in developing public art programs that are visible and representative of community values.

The City's General Plan outlines goals that are meant to enhance the City aesthetically. It includes the following statement supporting these objectives: "...acquire public artworks that contribute to the public identity of outdoor spaces and provide pleasure and enrichment for Sunnyvale residents." The General Plan envisions "opportunities to participate in county and/or regional projects to incorporate art" and "opportunities for art components in park development and/or redevelopment projects, such as at Baylands Park."

The existing public art programs have produced an excellent collection of works; however, the works installed under the Art in Private Development program are largely unknown to residents and visitors of Sunnyvale because of their locations in predominantly industrial areas. The community engagement results suggest public art programs can be better integrated into the everyday lives of the community.

As demonstrated in the survey results, residents want to see functional art throughout Sunnyvale (75 percent), more whimsical small-scale art (60 percent), art integrated into the natural environment (56 percent), art integrated into public buildings and facilities (55 percent), and art that welcomes people to Sunnyvale and to neighborhoods (50 percent). These types of public art are not being effectively created under the current public art plan which largely focuses on stand-alone public art within private developments.



This plan provides a foundation for shifting the boundaries of current policies to address community vision and aspirations. Interviews and focus groups revealed both overlapping and differing perspectives, although several recurring priorities arose clarifying clear guiding principles and objectives for this Master Plan.

#### **VISION**

Drawing on the community engagement, workshops with the task force, and dialogue with City leadership and stakeholders, the Cultural Planning Group summarized the City's public art vision as:

Sunnyvale: Where all residents experience public art as part of their daily lives, celebrating the City's history, people and culture through connected neighborhoods and interesting and accessible gathering places.

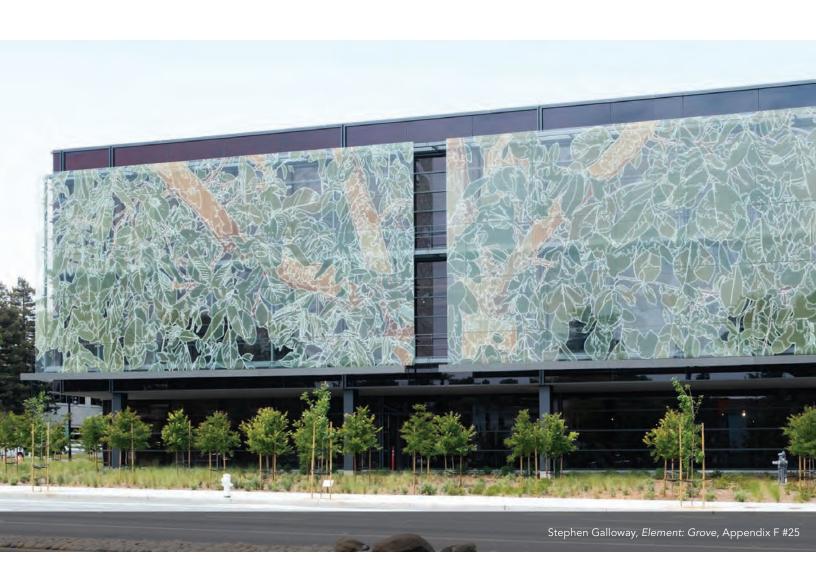
<sup>4</sup> City of Sunnyvale General Plan, https://sunnyvale.ca.gov/government/codes/plan.htm

#### **PRINCIPLES**

The guiding principles are:

- Increase the visibility of public art throughout Sunnyvale
- Establish identity and community pride through art elements
- Beautify and activate existing public spaces and create new gathering places in areas such as: downtown, civic center, libraries, parks and neighborhoods
- Honor the unique history and diversity of Sunnyvale

- Engage school-age children with the existing public art collection and provide new collaborative opportunities
- Encourage private sector support of public art to contribute to the economic and social success of new development
- Develop partnerships with businesses, cultural organizations, education professionals and other City Departments
- Value and promote the current collection of public art through programming and education





The following objectives were presented and reflect the feedback received from the Arts Commission, Moffett Park Business Group, Parks and Recreation Commission, MPPA Taskforce and Business Owners/Developers (see Appendix C).

#### **MASTER PLAN OBJECTIVES**

The following summary of objectives is intended to assist the City, City Council, Arts Commission and staff to better fulfill community expectations and more effectively implement the City's policies. Details are provided for each objective in the subsequent section.

- 1. Broaden the scope of the public art programs
- 2. Enhance the management of the public art programs
- 3. Encourage the involvement of the Arts Commission and community in the public art process
- 4. Develop web-based and self-guided tour programs for the public and private art in Sunnyvale
- 5. Incorporate a systematic approach to conservation and maintenance of the City's public art collection
- Update Sunnyvale codes, policies and procedures to align with the Master Plan for Public Art



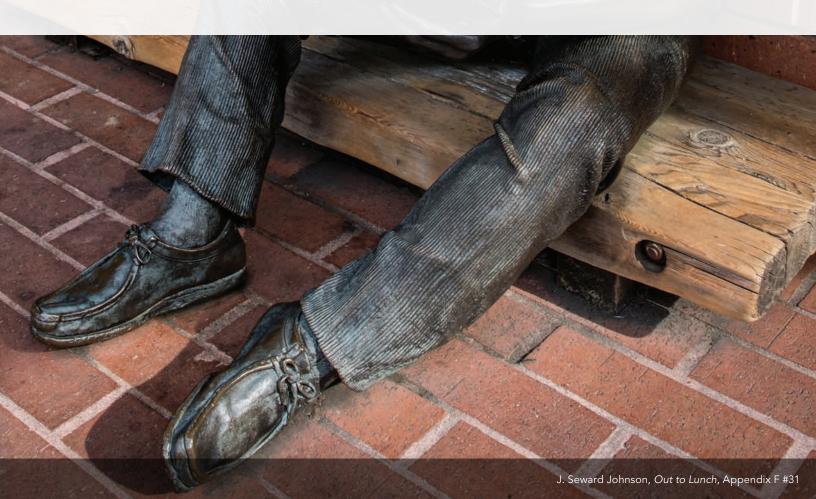
#### CITY COUNCIL STUDY SESSION

Following a City Council Study Session on Aug. 25, 2020, Council provided general direction to staff on the Master Plan draft (Include Council study session feedback here in final draft).

This space is intentionally left blank, pending the results of the Council Study Session.



## **OBJECTIVES**



### OBJECTIVE 1: Broaden the scope of the public art programs.

The Public Art Fund has a balance of nearly \$500,000 to commission new projects or enhance upcoming capital improvement projects. Staff will identify public art projects that maximize the City's return on investment while minimizing on-going maintenance and unfunded liabilities. Some of the projects can be taken directly from the Master Plan, and some projects will be recommended based on general feedback identified through community dialogue. Projects would follow the same review and approval as public capital projects, which is the Art Commission's review and recommendation to Council for final approval.

## 1.A. Pursue alternatives to traditional public art projects and community activities.

Throughout the public outreach and community survey process, residents noted their interest in utilizing public art to address community vision, priorities, character and overall appeal of Sunnyvale. Responses showed that branching out from the traditional sculpture projects and exploring alternative public art projects to better address community interests was desired.

Alternative projects add to the fine grain of the cityscape and create moments of unplanned discovery and spontaneous entertainment on the streets. These moments help to keep the City's public art collection current and relevant. Over time, this approach will encourage more pedestrian activity, with the added benefit of providing cost-efficient, impactful works of art. Alternatives to traditional public art can include gateway art, utility box art, culturally diverse art, temporary projects or a sculpture park.

### Use public art to demark the major City gateways.

Residents noted that the geographic boundaries separating Sunnyvale from its neighboring cities are blurred and vague. More than 50% of survey respondents want to see art that welcomes people, distinguishes Sunnyvale from its neighbors and creates notable character. The City's General

Plan recognizes this problem and recommends that the City "develop a comprehensive gateway improvement program to select major gateways for improvements such as artwork."

- Estimated Initial Cost: El Camino Project Gateway (Project #900469)
- Current Project Estimate: \$1,040,000

   (a portion of these project funds may be used for public art)
- Funding Option(s): Capital Improvement Projects, Public Art Fund, General Fund

### Use public art to better reflect the cultural diversity of Sunnyvale.

Residents (44%) want to see public art reflect the history of Sunnyvale and the identity of their community, which is rooted in agriculture, technology, innovation and cultural diversity. Survey results indicate that participants identified Sunnyvale as a diverse, innovative city considered to be a great place to live and work, with significant pride in being part of Silicon Valley.

Public art can reflect this diversity and give expression to the many cultures and places of origin represented by our community members and visitors. The recent public outreach showed a strong interest in utilizing public art as way to reflect and celebrate the community's diversity and unity, as well as the community's vision of inclusion. Reflecting our cultural diversity and inclusiveness would be incorporated into future projects, when possible, regardless of the individual project implementation schedule/strategy.

Estimated Initial Cost: \$0
Estimated Annual Cost: \$0
Funding Option(s): n/a

### Develop a sculpture park.

While Sunnyvale boasts an outstanding park system of the 23 parks, only 21% host public artworks. Survey respondents indicated they want to see more art in public spaces (87%), and in parks and open spaces (71%). A sculpture park would create an attraction or destination that would be a place of pride for residents and visitors alike and



should be considered as a part of future facility and park renovations. Creating a temporary (either rotating or one-time) or permanent sculpture park will achieve this objective.

• Estimated Initial Cost: \$1,000,000

• Estimated Annual Cost: \$50,000-\$100,000

 Funding Option(s): Park Dedication Fund, Capital Improvement Projects, Public Art Fund, General Fund

### Develop temporary art projects.

Creating a program of temporary public art achieves many goals. It introduces the community to the expanded public art plan and new forms of art, provides geographic diversity for the program and showcases the diversity of Sunnyvale utilizing cost efficient projects, which will require little to no maintenance on a long-term basis. In the resident survey, there is a strong preference for functional public art (75%) - benches, bike racks, utility boxes, etc. There is also a strong interest in small-scale, whimsical art (60%). These approaches, along with temporary public art, add to the fine grain of the cityscape and create moments of discovery while keeping the City's public art collection current and relative. Over time, this approach will encourage more community dialogue and

pedestrian activity, providing a noticeable impact with a modest cost.

- Estimated Initial Cost: n/a
- Estimated Annual Cost: \$20,000-\$75,000, depending upon projects selected
- Funding Option(s): Public Art Fund, General Fund

### 1.B. Create exhibit/gallery spaces in the City.

The City does not currently maintain an active exhibit/gallery space. The Creative Arts Center (CAC) Gallery was closed in 2005 due to budget constraints. Reactivating the CAC Gallery presents an opportunity to achieve this objective. Alternative exhibit spaces can also be activated to host temporary or rotating artwork (Community Center, Senior Center, City Hall, Library). These spaces can provide residents with access to local and regional artists, as well as the City's public art programs and permanent collection.

Estimated Initial Cost: \$10,000
Estimated Annual Cost: \$50,000
Funding Option(s): General Fund

## 1.C. Partner with internal and external stakeholders to support and promote public art.

Building stronger partnerships and synergies between the City, school districts, neighborhood associations and local businesses in support of the arts result in projects that are embraced and cared for by the public. Collaborating with other City Departments as well as community organizations, businesses and citizen groups on public art educational initiatives will leverage financial and staff resources to deliver greater quality, value and a broader range of public art experiences than would otherwise be possible. Building support and momentum for a high quality public art program is dependent on engaging community members and all partners in the value of public art.

### Develop public art projects in public spaces with local school districts.

The public art program represents a significant opportunity to integrate public art created by local school children into public facilities, such as murals, tiled fence panels or sculpture. This helps to improve arts literacy and educate students about the role of community placemaking and art in public spaces. Collaboration with school districts to develop projects will reinforce the City's existing relationship with the schools and provide exposure for young people with art, history and traditions within their community.

Estimated Initial Cost: \$0

• Estimated Annual Cost: \$20,000-\$75,000

• Funding Option(s): Public Art Fund,

General Fund

### Explore ongoing public art workshops and lectures for residents.

As the level of activity in the public art program expands, a series of lectures, workshops and artist presentations could enhance the community's

understanding and appreciation of public art. Availability of these programs could extend to children in local schools, increasing the outreach possibilities. Developing workshops, lectures and artist presentations can be incorporated into current art programming offered by the City.

• Estimated Initial Cost: \$0

Estimated Annual Cost: \$20,000Funding Option(s): General Fund

## 1.D. Create a directory/registry of local, regional and national artists for public art projects.

Creating and maintaining an electronic directory/ registry will enable staff to streamline Calls for Artists for public art projects. It can also be utilized by private developers as they integrate public art into their projects. Gallery artists, lecturers and workshop instructors can also be included and aid staff when developing art programs and gallery exhibits.

Estimated Initial Cost: \$3,000Estimated Annual Cost: \$0

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Funding Option(s): General Fund

## 1.E. Provide appropriate recognition to private developers who selectively choose the in-lieu fee option.

When private developers elect to utilize the in-lieu fee option, their contributions are placed in the Public Art Fund and used by the City for public art installations throughout Sunnyvale. These contributions can be acknowledged through the public art website, physical and online collateral materials and via a plaque at the site of the installation.

Estimated Initial Cost: \$0Estimated Annual Cost: \$0

• Funding Option(s): n/a

### **OBJECTIVE 2: Enhance the management of the public art programs.**

#### 2.A Public Art Fund Initiation

Based on community and internal/external stakeholder feedback, the vision for the plan can be realized through functional art, whimsical small-scale art, art integrated into the natural environment, art integrated into public buildings and facilities and art that welcomes people to Sunnyvale and its neighborhoods. Some functional and whimsical art may include benches, bike racks, utility boxes and temporary or rotating art pieces/exhibits.

The current policies do not exclude temporary, interactive or functional art; however, the policies can be amended or updated to encourage inclusion of these alternatives. This type of art will add to the cityscape and create moments of discovery and serendipity on the streets, as well as keep the City's public art collection current and relative. Over time, this approach will encourage more pedestrian and community connectivity with the advantage of providing a noticeable impact with the possibility for a sustainable initial and annual budget allocation.

Public Art Fund initiation will include the Arts Commission, City Council and community outreach to realize the goals and vision of the Master Plan for Public Art while identifying and prioritizing public art projects. As part of the Public Art Fund initiation, staff will also identify public art projects that maximize the City's return on investment, while minimizing on-going maintenance and unfunded liabilities. Staff will present options based on community input to the Arts Commission for their recommendation to City Council.

It is important to note that the Public Art Fund, including in-lieu developer fees, has specific restrictions. Public Art Funds and In-lieu contributions can only be used for acquisition, installation and maintenance of art. Additionally, in-lieu developer fees are unpredictable in nature and can only be considered as one-time revenues and should not be allocated for delivering ongoing city services. Supplementing the current public art program budget with increased General Fund contributions may be required to accomplish

several goals outlined in the Plan, including, but not limited to: staffing and administration of public art programs; gallery and exhibit operations; website and publicity development; and workshops, curriculum and tour development.

• Estimated Initial Cost: Currently Unfunded

• Estimated Annual Cost: \$0

• Potential Funding Source(s): General Fund

## 2.B. Allocate additional staff and resources to public art management.

The current budget allocation for public art program coordination is less than half of a position (approximately 700 hours). As previously noted, City-managed public art processes are more complex and time-consuming. Implementation of this Plan will expand the programs, requiring increased time to maintain support. Over time, it may be necessary to incorporate additional staff resources. For this reason, evaluation of staffing needs should take place on an annual basis. Long-term, redistributing some of the Arts Coordinator responsibilities and supplementing projects with internship opportunities and/or additional part-time hours may be required to ensure programs are adequately supported.

• Estimated Initial Cost: \$0

Estimated Annual Cost: \$30,000Funding Option(s): General Fund

### 2.C. Conduct a regular review of the Master Plan for Public Art.

The Master Plan for Public Art provides an overarching, strategic framework for the City to broaden program scope and shift the boundaries of current policies to address the community's vision and aspirations of public art. The objectives will continue to be the foundation for an intentional approach towards celebrating Sunnyvale's history, people and culture through public art.



Implementation will depend on trends and community interest, while leveraging available resources, identifying future funding opportunities and investigating vision gaps. As part of this objective, an update on Plan implementation strategies will be reported to the Arts Commission annually. In addition, with uncertainty in our political climate, inevitable changes in the City as

an organization, our evolving culture and future public art trends, staff will conduct a formal review of the Master Plan for Public Art once every 10 years.

Estimated Initial Cost: \$0
Estimated Annual Cost: \$0
Funding Option(s): n/a

### OBJECTIVE 3: Encourage involvement of the Arts Commission and community in the public art process.

Artworks commissioned in the future should involve participation from the community, businesses, business associations, various boards and commissions and City departments to adequately represent community vision and priorities. One goal of this Plan is to ensure the greatest level of transparency, communication and involvement in the public art process. Assigning a non-voting arts commissioner as a liaison to artist selection panels is one strategy to achieve these goals. The

commissioner will act as an informational resource to the selection panel while providing a bridge between the Arts Commission and the community, reporting the rationale for the selection panel's recommendation as it is presented to the Arts Commission.

Estimated Initial Cost: \$0
Estimated Annual Cost: \$0
Funding Option(s): n/a



### OBJECTIVE 4: Develop web-based and self-guided tour programs for the public and private art in Sunnyvale.

Throughout the public outreach process it was evident that the community values public art. However, they are generally unaware of the existing collection in Sunnyvale, since most of the public art works have been installed on private industrial properties in the City.

Additionally, community members encountering a work of public art may want additional information

about the art and the artist. A website, mobile application and/or brochure would provide the public with useful tools to enhance the public art experience and increase awareness and appreciation of public art programs.

Estimated Initial Cost: \$10,000
Estimated Annual Cost: \$0
Funding Option(s): General Fund

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### OBJECTIVE 5: Incorporate a systematic approach to conservation and maintenance of the City's public art collection.

### 5.A. Require artists commissioned under the Public Art Program to document accessioned artwork.

Although staff currently requests copies of drawings, maintenance requirements and other documents as needed, the addition of more detailed documentation on how the artwork was built, materials used, shipping arrangements, etc. should be mandatory. Without proper documentation, important details on how the piece was constructed will be lost over time and hamper repair efforts, creating additional costs. Sufficient documentation is warrented, as artists experiment with non-traditional materials and construction methods.

In addition to requiring the artist to provide details on the fabrication and maintenance of the public artwork, the City should carefully document the art on the site where it is located. The documentation can also be used for insurance purposes, should the need arise.

Estimated Initial Cost: \$0
Estimated Annual Cost: \$0
Funding Option(s): n/a

## 5.B. Engage the original artist when accessioned artwork requires restoration.

Following best practices in the field of public art, the City currently engages the original artist when restoration work is required. If an artwork requires repairs, the artist is asked to submit an estimate for repairs in alignment with purchasing policies. If the artist is not interested in doing the repairs, an art conservator will be brought in to complete the repairs.

Estimated Initial Cost: \$0
Estimated Annual Cost: \$0
Funding Option(s): n/a



## 5.C. Conduct a curatorial and maintenance study of the entire collection.

The City should hire a professional curator to conduct the study; noting the condition of each artwork, maintenance and conservation needs, and document any changes in the surrounding site that may affect the artwork. Once a baseline has been established through the curatorial process, a condition report will be completed during the

annual cleaning and maintenance of each piece. Once the baseline curatorial and condition report has been established, the City should conduct a thorough and detailed review of the entire collection approximately every five years thereafter, including estimated costs of repair and conservation. Annually, funds for ongoing maintenance of public art are included in the budget process.

Estimated Initial Cost: \$65,000Estimated Annual Cost: \$0

• Funding Option(s): General Fund

### OBJECTIVE 6: Update Sunnyvale codes, policies and procedures to align with the Master Plan for Public Art.

The current policies encourage stand-alone public art within private developments, most of which are located on properties exclusively in commercial/industrial areas of North Sunnyvale. However, as previously mentioned, residents expressed their desire to see more public art integrated into the everyday lives of the community, creating vibrancy in the downtown area and neighborhoods. To fully fulfill these aspirations and the plan objectives, current funding levels will need to be increased, either through additional funding from the General Fund, through an incentive to utilize the in-lieu fee option for private development or a combination of both.



Currently, the Art in Private Development (AIPD) program designates 1% of development project funds to support artwork in the community. Private developers can choose to incorporate art into their projects (1%) or contribute an in-lieu fee (1.1%) to the Public Art Fund (1% to the Public Art Fund, .1% toward future maintenance of Cityowned public art). Most developers choose the 1% on-site option, selecting the in-lieu fee option only when the development site is inadequate for art. During 2013-2019, 26 projects were required to provide public art and only eight of the 26 elected to contribute to the Public Art Fund (\$290,139) through the in-lieu option. This total, combined with three in-lieu fees collected between 2000-2012, has resulted in a Public Art Fund of nearly \$500,000. These funds are earmarked for Cityowned public art projects which could fund one to three permanent public art pieces.

#### **RECOMMENDATIONS**

In preparing recommendations, the Cultural Planning Group (CPG) discussed situations that wouldmake the Public Artin-lieu fee more appealing as an option with: business and development stakeholders, residents, Arts Commission, Parks and Recreation Commission, Community Task Force and City Council. The recurring theme received during the outreach process, in addition to local and national trends in the field of public art, supported a recommendation to increase the percent for art allocation for both public and private development projects. However, this

option was not supported by Council during the June 2019 Study Session.

Additionally, staff conducted an independent benchmarking project, looking at both national and neighboring cities within Santa Clara County (Appendix A), which indicated there is no definitive regional trend or support of the consultant's recommendationsto increase private development fees. Although fees consistently ranged at or above 1%.

In addition to benchmarking, staff looked at a six-year history (2013-2019) of Sunnyvale Art in Private Development projects to identify and understand whether there were any spending or allocation trends (Appendix B). Of the 18 projects opting to place art on-site:

- Average spending percentage was 2.11% per project
- Median spending percentage was 1.66% per project
- 10 projects voluntarily spent above 1.5%, highest spending 6.26%

Developers shared their willingness to support Sunnyvale's public art programs. In general, representatives stated that the percent for art requirement for each project should be considered individually on a case-by-case basis, factors including: overall size of the project, appropriate scale of the project, potential art placement and internal corporate priorities for public art inclusion.

In order to create more incentive for the in-lieu fee option to be utilized, Sunnyvale Municipal Code (19.52 Art in Private Development) should be amended to either:

- A) Increase the art requirement percentage to 1.5 percent public art allocation, while maintaining the current in-lieu fee option of 1.1%; or
- B) Maintain the current art requirement percentage of 1%, while lowering the in-lieu fee option from 1.1% to 0.75%.

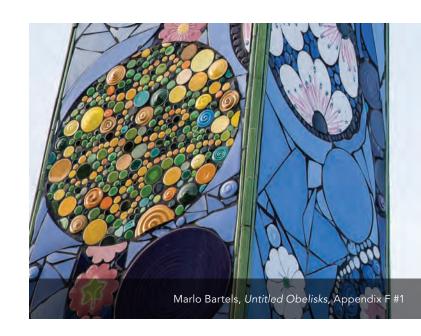
Amending the municipal code to increase the public art allocation for private development, while creating an incentive to opt for the in-lieu fee, will align Sunnyvale with current Art in Private

Development spending trends and potentially encourage additional contributions to the Public Art Fund. Increasing the public art allocation for private development requires updating the current policies and municipal code, as well as providing ample (6 to 12 months) notice to current and future developers.

#### **ACTIVATING THE PUBLIC ART FUND**

Public Art Fund initiation will include the Arts Commission, City Council, and community outreach to realize the goals and vision of the Master Plan for Public Art while identifying and prioritizing public art projects. As part of the Public Art Fund initiation, staff will identify public art projects maximizing the City's return on investment, while minimizing on-going maintenance and unfunded liabilities. Staff will present options based on community input to the Arts Commission for their recommendation to City Council.

It is important to note that the Public Art Fund, including in-lieu developer fees, has specific restrictions. Public Art Funds and In-lieu contributions can only be used for acquisition, installation and maintenance of art. Additionally, in-lieu developer fees are unpredictable in nature and can only be considered as one-time revenues and should not be allocated for



delivering ongoing city services. Supplementing the current public art program budget with increased General Fund contributions may be required to accomplish several goals outlined in the Plan, including, but not limited to: staffing and administration of public art programs; gallery and exhibit operations; website and publicity development; and workshops, curriculum and tour development.

### PROGRAM IMPLEMENTATION AND FUNDING OPTIONS

The plan objectives provide options for improving public art programs, updating current policies, enhancing the management of public art programs, addressing public art collection maintenance and conservation, improving the marketing and visibility of programs and, potentially, increasing funding.

Overall program implementation will vary based on: approved funding levels, organizational capacity, project scope, art trends and community



interest. The options outlined below are designed to help City Council evaluate the Master Plan for Public Art Implementation Strategy Options (see Appendix G); while considering citywide goals and objectives, estimated initial and annual costs, and community vision.

Option 1. Maintaining current AIPD In-lieu Fees and General Fund contributions:

- Broaden the Scope of Public Art Programs (directory of artists, art to better reflect cultural diversity, developer donation recognition)
- Enhance Management of Public Art Program (conduct regular review of master plan, professional development)
- Encourage Arts Commissioner Involvement
- Develop web-based and self-guided tour programs for the public and private art collections.
- Systems Approach to Conservation/ Maintenance (collection restoration, required artwork documentation)
- Update Codes, Policies and Procedures, including activating the Public Art Fund
- Estimated initial costs of Plan implementation
   = \$13,000
- Estimated additional annual costs = \$8,500
- Public Art Fund Balance: approximately \$500,000

Option 2. Public Art Expansion through increased AIPD In-lieu Fee incentives:

- All of Option 1
- Create incentive amending Sunnyvale Municipal Code 19.52 Art in Private Development to either:
- A) Increase the art requirement percentage to 1.5% public art allocation, while maintaining the current in-lieu fee option of 1.1%; or
- B) Maintain the current art requirement percentage of 1%, while lowering the in-lieu fee option from 1.1% to 0.75%.
- Broaden the Scope of Public Art Programs (develop sculpture park, temporary art projects, school-based public art projects)

- Estimated initial costs = \$1,013,000,
- Estimated annual costs = \$98,500-\$258,500

The following Options are not currently available due to the elimination of Service Level Set-Aside caused by COVID-19 budget impacts.

Option 3. Public Art Expansion through increased General Fund contribution:

- All of Option 1
- Broaden the Scope of Public Art Programs (create exhibit/gallery space, workshops/ lectures)
- Enhance Management of Public Art Program (allocate additional staff resources)
- Systems Approach to Conservation/ Maintenance (conduct curatorial and maintenance study, increase annual conservation/maintenance allocation)
- Estimated initial costs = \$93,000
- Estimated annual costs = \$133,500



Option 4. Public Art Expansion through increased AIPD In-lieu Fees and increased General Fund contribution:

- Options 1-3 combined
- Estimated initial costs = \$1,093,000
- Estimated annual costs = \$223,500-\$383,500

Note: Complete implementation strategy and funding options are outlined in Appendix G.

#### AN EVOLVING PLAN

The Master Plan for Public Art provides an overarching, strategic framework for the City to broaden program scope and shift the boundaries of current policies to address the community's vision and aspirations of public art. The objectives will continue to be the foundation for an intentional approach celebrating Sunnyvale's history, people and culture through public art.

Although impacted by budget constraints due to COVID-19, the implementation of this plan will occur in phases. The first phase, within the next three to five years, is geared toward completing several projects utilizing the Public Art Fund, such as a utility box art program, development of a website and possible policy updates. Subsequent phases will be five years and beyond, concentrating on the community's long-term vision for the public art program and will continue to engage the community in creating public art celebrating Sunnyvale.

#### THANKS AND ACKNOWLEDGEMENT

City of Sunnyvale staff would like to thank the following people for their engagement in and support of development of this Master Plan for Public Art:

City Council Arts Commission City Manager Task Force Members

Others: Sunnyvale Master Plan for Public Art was written and developed by Cherise Brandell, Damon Sparacino, Trenton Hill and Kristin Dance, in partnership with the Cultural Planning Group. Designed by Studio Em.



Appendix C.	Art in Private Development Allocations
	Public Outreach Attendees
Appendix E.	Art in Public Places Permanent Collection
Appendix F.	Art in Private Development Collection
Appendix G.	Implementation Strategy Options
	Sunnyvale MPPA Community Engagement Summary

### Appendix A. Public Art Funding Chart

Program	Population	Public Art Percent	Details for Public Art Projects (Municipal)	Private Devel- opment	Details for Private Development Projects		
PROGRAMS FOR CITIES IN SANTA CLARA COUNTY							
Cupertino, CA City of Cupertino Fine Arts Commission	1% for first \$100 million and \$.09% thereafter	Yes	1% for first \$100 million and .09% thereafter OR 1.25% In-lieu fee.				
Los Altos, CA City of Los Altos	30,561	Yes	2% on-site	Yes	1% on site OR 1% in-lieu fee		
Mountain View, CA City of Mountain View	80,447	Yes	1% > \$1 million	No	No		
Palo Alto, CA City of Palo Alto	66,649	Yes	1% of eligible capital improvement OR 1% in-lieu	Yes	1% on site OR 1% in-lieu fee		
San Jose, CA City of San Jose Office of Cultural Affairs	1,030,119	Yes	1% of eligible capital improvement	Yes	N/A		
Santa Clara, CA City of Santa Clara	116,468	No	N/A	No	N/A		
Sunnyvale, CA City of Sunnyvale Arts Commission	153,389	Yes	1% of eligible capital improvement OR 1.1% in-lieu fee	Yes	1% on site OR 1.1% in-lieu fee		
	PROGRAM	S FOR OTHE	R CITIES IN CALIFORNIA				
Berkeley, CA City of Berkeley Civic Arts Program	122,000	Yes	1% of all capital improvement projects (artwork) AND .5% of all capital improvement projects (administration)	Yes	1.75% on-site OR .8% in-lieu fee OR < 1.75% on-site AND 80% of the difference in-lieu fee		
Dublin, CA City of Dublin	62,341	Yes	.5% of all	Yes	.5% of all non-residential and residential > 20 units OR .5% in-lieu		
Emeryville, CA City of Emeryville	10,269	Yes	1.5% of eligible capital improvement OR 1.5% in-lieu fee	Yes	1% - Non-residential projects >\$300,000 AND 5% - residential projects over 20 units OR 1.5% Inlieu fee fee		
Glendale, CA City of Glendale Arts and Culture Commission	191,719	No	N/A	Yes	(non-residential > \$500,000) 2% on site OR 1% in-lieu fee		
Oakland, CA City of Oakland	425,195	Yes	1.5% of total capital improvement	Yes	.5% minimum on residential developments of twenty (20) or more units		
Pleasanton, CA City of Pleasanton	83,007	Yes	Annual General Fund allocation of \$50,000 AND 1% of municipal projects >\$500,000	Yes	1% on-site		

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Program	Population	Public Art Percent	Details for Public Art Projects (Municipal)	Private Devel- opment	Details for Private Development Projects
Redwood City, CA City of Redwood City	84,950	Yes	1% of capitol projects	Yes	1% on-site OR 1% in-lieu fee
Richmond, CA City of Richmond Arts and Culture Division	107,597	Yes	1% of redevelopment projects (artwork) AND .5% of redevelopment projects (administration)	Yes	1% of redevelopment projects (artwork) AND .5% of redevelopment projects (administration)
Sacramento, CA Sacramento Metro Arts Commission	513,624	Yes	2% of eligible capital improvement projects	Yes	2% required from private developers working w/City Redevelopment Agency
San Francisco, CA City and County of San Francisco Arts Commission (SFAC)	870,887	Yes	2% of all capital improvement projects	Yes	1% on site OR 1% in-lieu fee
Santa Rosa, CA City of Santa Rosa	175,269	Yes	1% of all development projects	Yes	1% of commercial projects >\$500,000 OR 1% in-lieu fee
San Diego, CA City of San Diego Commission for Arts & Culture	1,423,851	Yes	2% of all capital improvement projects	Yes	1% on-site (artwork or cultural facility) OR .5% in-lieu (Projects > \$5,000,000 only)
Ventura, CA City of Ventura Office of Cultural Affairs	111,128	Yes	2% of eligible capital improvement	No	N/A

## Appendix B. Art in Private Development Allocations (2013-2019)

			CURRENT		
	Address	Developer/Project Name	1% Onsite Requirement	Actual	Actual%
2013	600 W. California Street	Sunnyvale Business Park	\$76,950	\$92,679	1.20%
	1020 Kifer Road	Intuitive Surgical	\$132,904	\$319,904	2.41%
	580 N. Mary Avenue	Peery-Arrillaga	\$111,685	\$154,321	1.38%
	307-309 Pastoria	Peery-Arrillaga	\$64,543	\$86,044	1.33%
	384 Santa Trinita	Oakmead Tower	\$78,460	\$85,141	1.09%
	301 W. Washington Avenue	BRE Properties/Solstice Apartments	\$26,000	\$103,500	3.98%
2014	1275-1395 Crossman Avenue	Net App	\$188,259	\$592,849	3.15%
	660 W. El Camino Real	T2 Development/Marriott Courtyard	\$69,490	\$120,000	1.73%
	1152 Bordeaux Drive	Jay Paul Co./Moffett Place	\$1,113,823	\$3,081,960	2.77%
2015	479 Pastoria Avenue	Peery-Arrillaga/Mercedes Benz	\$64,968	\$96,592	1.49%
2016	1221 Crossman Avenue	Jay Paul Co./Moffett Gateway	\$656,039	\$1,046,472	1.60%
2017	555 N. Mathilda Avenue	Kilroy Realty	\$512,619	\$924,281	1.80%
2018	1110 Lockheed Martin Way	Jay Paul Co./Moffett Towers II, Phase 1	\$838,490	\$1,791,103	2.14%
	280 N. Wolfe Road	Jay Paul Co./Wolfe @ Central	\$963,604	\$1,160,573	1.20%
	221 N. Mathilda Avenue	Spear Street/23andMe	\$130,011	\$813,500	6.26%
2010	7/7 M at 11 to A	OTO D. L. WIEL C. L. L.	<b>\$457.505</b>	\$1/F OF1	4.059/
2019	767 Mathilda Ave.	OTO Development/Hilton Garden Inn	\$157,585	\$165,951	1.05%
	1110 Lockheed Martin Way	Jay Paul Co./Moffett Towers II, Phase 2	\$1,191,735	\$2,787,184	2.34%
	725 S. Fair Oaks Avenue	T2 Development/AC by Marriott	\$105,364	\$105,500	1.00%
			\$6,482,529	\$13,527,554	
	2013	3-19 AVERAGE PER PROJECT			2.11%
	201	3-19 MEDIAN PROJECT SIZE			1.66%

### Appendix C. Stakeholder Meetings Attendees

Outreach Venue	Date	Location	Attendees
Sunnyvale Arts Commission Presentation	2/25/19	Community Center, Neighborhood Room	Commissioner Susannah Vaughan, Chair Commissioner Jeremie Gluckman Commissioner Julie Rogers Commissioner Sue Serrone
Moffett Park Business Owners Presentation	3/11/19	Lockheed Martin	Moffett Park Business Group
Parks & Recreation Commission Presentation	3/13/19	City Council Chambers	Commissioner Ralph Kenton, Chair Commissioner Daniel McCune, Vice Chair Commissioner Henry Alexander III Commissioner Prakash Giri
MPPA Taskforce Presentation	3/26/19	Sunnyvale Senior Center	Reid Myers, Neighborhood Association Ben Picard, Sunnyvale School District Susannah Vaughan, Arts Commission
Buiness Owners/ Developers Presentation	3/29/19	City Hall, West Conference Room	Mike Clark, Irvine Company Carlene Matchniff, Irvine Company Eric Foraker, PSAI Realty Partners John DiNapoli, DiNapoli Companies Peter Larko, DiNapoli Companies Josh Rupert, Hunter Storm Properties Derek Suarez, Dove Hill Captial Kevin Tazala, Starwood Capital Group Jose Bustamante, Irvine Company Casey Kraning, Jay Paul Company Kerry Haywood, Moffet Park Business Group Connie Verceles, Sunnyvale Economic Development

### Appendix D. Public Outreach Attendees

Kavita Ahuja Doris Han Isabel Moh

Jenny Angerman Nili Helman-Caspi Suzanne Moshier

Namrata Arora Becky Horton Suneeta Nagaraja

Arunkarthikeyan Balakrishnan Tien Hsu Tiffany Namwong

Alma Covarrubias Wanlin Huang Aliza Panitz

Jeri Crystal Sunil Jayaprakash Charleene Puder

Marni DeWitt Ralph Kenton Jieting Qiu

Andrew DeWitt Neha Khare Hyeonju Riew

Ritika Diddi Shiva Kumar Viviana Salinas

Travis Duncan Winnie Lam Miguel Sanchez

Margie Frank Abhiruchi Larrjewar Vanessa Schott

Jennifer Garnett Bob Lawson Mike Serrone

Jeremie Gluckman Leslie Lawton Sue Serrone

Aaruna Godthi Emily Li Richard Williamson

Anubha Gupta Cindy Liu Jennifer Wilson

Tanya Hadirca Mary Mathew Yu Zheng

### Appendix E. Art in Public Places Permanent Collection

	Artist	Title	Year	Location	Photo Credit
1	Judy Ackeret	Only Flowers Bloom	1985	CC/Senior Center - Cypress Room	
2	Lydia Sanchez & Diana Argabrite	Untitled	2016	Fair Oaks Park - Park Building Façade	Fotos by Flee
3	Arteclettica	Under the Sea	2014	Seven Seas Park	Fotos by Flee
4	John Battenberg	Murphy Street Scene	1988	CC/Orchard Heritage Park	
5	Sandra Beard	Untitled #2	1985	CC/Senior Center - Manager's Office	
6	Sandra Beard	Untitled #3	1985	CC/Theater Lobby	
7	Douglas Chun	Valley Vineyard II	1989	CC/Theater Lobby	
8	Douglas Chun	Approaching Storm	1989	CC/Theater Lobby	
9	Lee Truax Dalton	Portrait of Antone Vargas	1991	CH/Council Chambers Lobby	
10	Elizabeth Devereaux	Allegorical Landscape	1991	Library	Fotos by Flee
11	Carol Donegan	Ghost of Silicon Valley	1980	CC/Senior Center - Maple Room	
12	Joe Draegert	August	1985	CH/Council Chambers	
13	Joe Draegert	Still Life with Artichoke Blossom	1989	CH/Mayor's Office	
14	Nancy Weeks Dudchenko	It's a Symphony	1991	CH/One Stop Permit Center	
15	Dan Dykes	Matrix	1984	CC/CAC Lobby	Kristin Dance
16	Sharon Evans	Charles Spalding	1991	CC/CAC Art Storage	
17	Gene Flores	El Paso de los Suenos	1985	CH/Lawn, Corner ECR & Mathilda Ave	
18	Alice Freund	Walter Everett Crossman	1991	CH/Council Chambers Lobby	
19	D. Gabarais	Seagulls	1976	CC/Senior Center Lobby	
20	Bob Gerbracht	Portrait of John Hendy	1991	CC/Art Storage	
21	Matt Glavin	Genesis #802	1987	CH/Council Chambers	
22	Peter Hazel	Influence (and) Arrival	2015	Murphy Park Building	Fotos by Flee
23	Gerald Heffernon	Fruit Gigantica	2004	Downtown Plaza/Evelyn & Francis	
24	Martin Hernandez	Growth in the Valley	1997	Columbia Neighborhood Center Lobby	
25	Jane Hofstetter	Romeo and Juliet	1980	CC/Art Storage	
26	Martha Hubert	Night Passage: 2	1988	CH/Council Chambers	
27	Gordon Huether	Tree of Life	2003	CC/Senior Center Main Entrance	
28	Gordon Huether	Forest	2003	CC/Senior Center Lobby	
29	Bill Iaculla	Cathedral Windows	1987	CH/Hallway	
30	Melissa Jennifer	Pole People	2006	Columbia Neighborhood Center	Fotos by Flee
31	J. Seward Johnson	Out to Lunch	1985	Library	Fotos by Flee
32	Judy Miller Johnson	Angel's Trumpets	1985	CC/Senior Center Hallway	

CC = Community Center CH = City Hall CAC = Creative Arts Center

	Artist	Title	Year	Location	Photo Credit
33	Ellen Kiefer	Purification	1983	CC/Senior Center Willow Room	
34	Carlos Laorca	Layer Painting #1	1988	CC/CAC Meeting Room	
35	Lebadang	Nature's Prey	1988	CC/Senior Center Maple Room	
36	Sarah Linder	Portrait of Martin & Mary Murphy	1991	CC/Art Storage	
37	Jean Pierre Larochette & Yael Luri	Unfolding Knowledge	1991	Library	
38	Sandra MacDiarmid	Waijimi Market, Japan	1985	CC/Art Storage	
39	Therese May	Sunnyvale Community Quilt	2004	CC/Senior Center Hallway	
40	Sal Pecoraro	A Tempo Omaggio	1989	CC/Upper Pond	
41	Carol Pfoutz	Community Center Oak	1981	CH/Council Chambers	
42	Virginia Pochman	Lily Pond	1987	Library	Fotos by Flee
43	Frank Rosen	Metamophosis of an Uncommercial Salesman	1983	CH/Council Chambers	
44	David Saccheri	Charles Stowell	1991	CC/Art Storage	
45	Roberto Salas	Lakewood Community Mural	1991	Lakewood Park Playground	Fotos by Flee
46	Lydia Sanchez	Sunnyvale Community Mural	2010	Fair Oaks Park - NE Field	
47	Susan Schary	Portait of Ida Trubschenck	1991	CH/Council Chambers Lobby	
48	Joan Schulze	Bridge to Bridge	1985	CC/Senior Center Waiting Area	
49	Joan Schulze	Flight	1985	CC/Senior Center Waiting Area	
50	Joan Schulze	Sunstorm	1985	CC/Senior Center Waiting Area	
51	Robert Semans	Portait of Alillion Wilhelmy	1991	CH/Council Chambers Lobby	
52	Robert Semans	Edwina Benner	1991	CH/Council Chambers Lobby	
53	Kathleen Sharp	Portal Study	1989	CC/Art Storage	
54	Jeff Bordona & Danny Sheu	Untitled	1998	Washington Park/Restroom Exterior	
55	Jeff Bordona & Danny Sheu	Untitled	1991	Lakewood Park Building	
56	Dan Snyder	(Island Fantasy) Untitled	1997	Washington Park Playground	
57	Mark Templeton	Untitled	1989	CH/Lobby	
58	Mark Templeton	Untitled	1989	CH/Lobby	
59	Marilyn Thompson	Portrait of Carl & Hannah Olson	1991	CH/Council Chambers Lobby	
60	Earlyn Tomasini	Mass Transit	1996	Public Safety Main Entrance	
61	Flo Oy Wong	1933: Gee Lai Wah. Made in usa: Angel Island Shh	2008	CC/Senior Center Sequuia Room	
62	Naomi Zapanta	Roots	1979	CH/Council Chambers	

CC = Community Center CH = City Hall CAC = Creative Arts Center

# Appendix F. Art in Private Development Collection

	Artist	Title	Year	Location	Photo Credit
1	Marlo Bartels	Untitled Obelisks	2001	140 E. El Camino Real/Cherry Orchard	Fotos by Flee
2	Diana Pumpelly Bates	Aglaia	2000	1184 & 1194 Mathilda Ave/Juniper Networks	
3	Susan Pascal Beran	Music of the Spheres: Simple Harmonies	1999	1255 Orleans Drive/Homestead Village	
4	Roger Berry	Compass	2013	384 Santa Trinita Road/Oakmead Tower	Alfred Leung
5	Michael Brown	Ball Tower	2002	100-190 Mathilda Place	Alfred Leung
6	Ben Bullock	Untitled	2000	1060 Stewart Drive/Public Storage	
7	John Clement	Wiggle Room	2008	1376 & 1380 Bordeaux Drive/Bordeaux Center	
8	John Clement	C'mon	2008	1376 & 1380 Bordeaux Drive/Bordeaux Center	
9	Troy Corliss	Meadow Flowers – nemophila menziesii variations	2009	298 W. McKinley Ave/Target	Alfred Leung
10	Lewis deSoto	Sunnyvale Mandala	2012	1271 Lawrence Station Road	
11	Richard Deutsch	Etude	1999	Stewart Drive at De Guigne/Oakmead West Office Park	
12	Albert Dicruttalo	Looper	2016	433 Mathilda Ave.	
13	Guy Dill	Watermark	2005	803 11th Ave/Moffett Park	
14	Guy Dill	Key Angel	2005	804 11th Ave/Moffett Park	
15	Guy Dill	Heydan	2008	111 Java Drive/Java Metro Center	
16	Laddie John Dill	Technically West	2013	580 Mary Ave/LinkedIn	
17	Laddie John Dill	Blue Cobalt Flow	2013	600 California Ave./Sunnyvale Business Park	
18	Scott Donahue	The Way it Was	2006	398 El Camino Real at Mathilda Ave/Cherry Glen Plaza	
19	Dan Dykes	Untitled	2000	1400 Kifer Road	
20	Robert Ellison	Name that Food Group	2010	112 E. El Camino Real at Sunnyvale- Saratoga Road	Fotos by Flee
21	Robert Ellison	Source	2010	150 E. El Camino Real/Safeway	
22	Carole Feuerman	Double Diver	2014	1275-1395 Crossman Ave., Building 9/ NetApp	Fotos by Flee
23	David Franklin	Untitled	2019	725 Fair Oaks Ave./AC Hotel by Marriott	Jeremey Green
24	Denis Gallagher	Untitled	2002	1220 Mathilda Ave./Juniper Networks	
25	Stephen Galloway	Element: Grove	2019	221 N. Mathilda Ave./23andMe	Stephen Galloway

	Artist	Title	Year	Location	Photo Credit
26	Cliff Garten	Auras	2017	1152 Bordeaux Drive/Moffett Place	Jeremy Green
27	Cliff Garten	Ebb	2015	1221 Crossman Ave./Moffett Gateway	Jeremy Green
28	Cliff Garten	Flow	2015	1221 Crossman Ave./Moffett Gateway	Jeremy Green
29	Cliff Garten	Illuvium	2019	1152 Bordeaux Drive/Moffett Place	Jeremy Green
30	Cliff Garten	Untitled	2009	1100-1140 Enterprise Way/Moffett Towers I	
31	Cliff Garten	Untitled	2014	660 W. El Camino Real/Courtyard by Marriott	
32	Cliff Garten	Suturis	2019	1111 Lockheed Martin Way/ Moffett Towers II	Jeremy Green
33	Cliff Garten	Untitled	2017	222 N. Wolfe Road/Apple	
34	Navid Ghedami	Living	2001	1039 E. El Camino Real/Belmont Assisted Living	
35	Matt Gil	Rookie	2008	525 Almanor Drive	
36	Matt Gil	Untitled	2002	1350 Mathilda Ave.	
37	Steve Gillman	Untitled	1997	1257 Lakeside Drive/Avalon Silicon Valley	Fotos by Flee
38	Steve Gillman	Untitled	1997	1257 Lakeside Drive/Avalon Silicon Valley	
39	Brian Goggin	The Labyrinth	2003	701 First Ave.	
40	Brad Goldberg	Untitled	2001	475 Java Drive/Net App	Fotos by Flee
41	Albert Guibara	Reaching for the Stars	2000	950-1000 Maude Ave./LinkedIn	
42	J.S. Hargraves	Untitled	2000	871 W. El Camino Real/Grand Hotel	
43	Archie Held	Sunnyvale	2002	100-190 Mathilda Place	
44	Archie Held	Dance	2001	1188 Arques Ave.	
45	Brad Howe	Dos Orbitos (Two Orbits)	2004	898 W. El Camino Real/Toyota of Sunnyvale	
46	Brad Howe	Locomotive	2008	780-820 E. El Camino Real/Walgreens	
47	Brad Howe	Soft Cycle	2005	760 E. El Camino Real	
48	Brad Howe	Toggle	2005	760 E. El Camino Real	
49	Brad Howe	Tumble	2008	770 E. El Camino Real/PetSmart	
50	Brad Howe	Brio	2019	767 N. Mathilda Ave./Hilton Garden Hotel	
51	Gordon Huether	Super Duper	2008	875 Arques Ave./Super Storage	
52	Johanna Jordan	Untitled	1992	North Mary Ave. at Corte Madera	

	Artist	Title	Year	Location	Photo Credit
53	Ned Kahn	Wind Cube	2001	701 First Ave. at Mathilda Ave.	
54	John King	The History of the Tool	2006	811 Arques Ave./Lowe's	
55	Larry Kirkland	Garden Gifts	2011	301-401 Old San Francisco Road/Palo Alto Medical Foundation	Fotos by Flee
56	John Krawczyk	Child's Play	2016	555 Mathilda Ave.	Fotos by Flee
57	Rob Lorenson	Simple Form	2000	1263 E. Arques Ave.	
58	Sharon Louden	Reflecting Tips	2001	701 First Ave. at Mathilda Ave	
59	Kenneth Matsumoto	Untitled	2000	400 Caribbean Drive	
60	Kenneth Matsumoto	Canyon	1995	599 Mathilda Ave.	
61	R.W. McBride	Wings of Faith	2001	165 Gibralter Court	
62	David Middlebrook	Brain	1999	940 Hamlin Court	
63	David Middlebrook	Untitled	1998	556 E. El Camino Real/In-n-Out Burger	
64	James Mitchell	Vociferous	1990	950 De Guigne Drive	
65	Nancy Mooslin	Streams of Time	2003	100 Mathilda Place	
66	Bruce Niemi	Emergence IV	2001	1030 Maude Ave./Synopsis	
67	Kathleen Noonan	Untitled	1999	748 Mathilda Ave./Larkspur Hotel	
68	Tom Ostenberg	Above Conflict	2000	1260 Crossman Ave.	
69	Troy Pillow	Alignment	2013	1020 Kifer Road/Intuitive Surgical	Alfred Leung
70	Troy Pillow	Connection	2010	1250 Kifer Road/Intuitive Surgical	
71	Troy Pillow	Elevate	2010	1250 Kifer Road/Intuitive Surgical	
72	Troy Pillow	Flow	2011	615 Tasman Drive/Via	
73	Eric Powell	Tools of Technology	2013	301 W. Washington Ave./Solstice Apartments	Fotos by Flee
74	Welton Rotz	Light Gate	2005	1290 Kifer Road/Kifer Commerce Park	
75	Tony Sheets	Untitled	1992	106 Lawrence Station Road/All Aboard Mini Storage	
76	Dan Snyder	Untitled	1992	781 E. El Camino Real/Hacienda Shopping Center	
77	Christoph Spath	Red Disc	2002	825 Stewart Drive	
78	Dan Winterich	Receiver	2011	975 Benecia Ave.	
79	Dan Winterich	Cresecent	2013	307 Pastoria Ave./Mercedes Benz	
80	Dan Winterich	Standpoint	2015	479 Pastoria Ave.	Fotos by Flee

# Appendix G. Implementation Strategy Options

Implementation Strategies	Objectives	Program Deliverables	Estimated Initial Cost	Estimated Annual Cost	Funding Source(s)	Public Art Fund Eligible
OPTION 1	Maintaining current AIPD in-lieu fees and General Fund contribution					
	Broaden the Scope of the Public Art Program	Create a Directory of Local/Regional/ National Artists	\$3,000	\$0 (gallery/ add. staff)	GF	No
	Broaden the Scope of the Public Art Program	Develop Art to Better Reflect Cultural Diversity	\$0	\$0	GF, PAF	Yes
	Broaden the Scope of the Public Art Program	Provide Recognition to Develolpers for Contributions	\$0	\$0	PAF	Yes
	Enhance Management of the Public Art Program	Conduct Regular Review of Master Plan for Public Art	\$0	\$0	GF	
	Enhance Management of the Public Art Program	Provide Professional Development for Staff	\$0	\$3,500	GF	No
	Encourage Arts Commission Involvement		\$0	\$0	GF	No
	Increase Visibililty of Public and Private Art	Develop Website and Self-Guided Tour Program	\$10,000	\$5,000	GF	No
	Increase Visibililty of Public and Private Art	Require AIPP Artists to Provide Community Workshops	\$0	\$0	PAF, GF	Depends
	Systems Approach to Conservation/ Maintenance of Public Art	Engage Original Artists in Art Collection Restoration	\$0	\$0 (annual cons/maint)		
	Systems Approach to Conservation/ Maintenance of Public Art	Original Artists Required to Document Artwork	\$0	\$0		
	Update Codes, Policies, Procedures		\$0	\$0	GF	No
OPTION 1 TOTAL			\$13,000	\$8,500		
OPTION 2 (PLUS OPTION 1)	Public Art Expansion through increased AIPD in-lieu fee incentives					
	Broaden the Scope of the Public Art Program	Develop a Scupture Park	\$1,000,000	\$50,000- \$100,000	PDF, CIP, PAF, GF	Yes
	Broaden the Scope of the Public Art Program	Temporary Art Projects		\$20,000- \$75,000	PAF, GF	Yes
	Broaden the Scope of the Public Art Program	Develop Public Art Based Projects with School District(s)	\$0	\$20,000- \$75,000	GF, PAF, PDF	Yes
OPTION 2 TOTAL			\$1,000,000	\$90,000- \$250,000		
OPTION 1 TOTAL			\$13,000	\$8,500		

GF = General Fund CIP = Capital Improvement Projects PDF = Park Dedication Fund PAF = Public Art Fund

Objectives	Program Deliverables	Estimated Initial Cost	Estimated Annual Cost	Funding Source(s)	Public Art Fund Eligible
Public Art Expansion through increased General Fund contribution					
Broaden the Scope of the Public Art Program	Create Exhibit and Gallery Spaces	\$15,000	\$50,000	GF	No
Broaden the Scope of the Public Art Program	Explore Ongoing Public Art Workshops and Lectures	\$0	\$20,000	GF	No
Enhance Management of the Public Art Program	Allocate Additional Staff Resources	\$0	\$30,000	GF	No
Systems Approach to Conservation/ Maintenance of Public Art	Conduct a Curatorial and Maintenance Study	\$65,000	\$0	GF	No
Systems Approach to Conservation/ Maintenance of Public Art	Annual Conservation and Maintenance Allocation	\$0	\$25,000	GF	No
		\$80,000	\$125,000		
		\$13,000	\$8,500		
Public Art Expansion through increased AIPD in-lieu fees and increased General Fund contribution					
		OPTION 1 (0	CURRENT)		
		\$13,000	\$8,500		
		OPTION 4 (INCLUDES	ALL)		
		\$1,093,000	\$223,500- \$383,500		
	Public Art Expansion through increased General Fund contribution  Broaden the Scope of the Public Art Program  Broaden the Scope of the Public Art Program  Enhance Management of the Public Art Program  Systems Approach to Conservation/ Maintenance of Public Art  Systems Approach to Conservation/ Maintenance of Public Art  Public Art Expansion through increased AIPD in-lieu fees and	Public Art Expansion through increased General Fund contribution  Broaden the Scope of the Public Art Program  Broaden the Scope of the Public Art Program  Explore Ongoing Public Art Workshops and Lectures  Enhance Management of the Public Art Program  Systems Approach to Conservation/ Maintenance of Public Art  Systems Approach to Conservation/ Maintenance of Public Art  Public Art Expansion through increased AIPD in-lieu fees and	Public Art Expansion through increased General Fund contribution  Broaden the Scope of the Public Art Program  Allocate Additional Staff Resources  Allocate Additional Staff Resources  Sources  Annual Conservation and Maintenance of Public Art  Maintenance of Public Art  Systems Approach to Conservation/ Maintenance of Public Art  Sources  Sou	Program Deliverables  Program Deliverables  Estimated Initial Cost  Annual Cost  Public Art Expansion through increased General Fund contribution  Broaden the Scope of the Public Art Program  Broaden the Scope of the Public Art Program  Explore Ongoing Public Art Workshops and Lectures  \$0 \$20,000  \$12,000  \$20,000	Program Deliverables   Program Deliverables   Estimated Initial Cost   Cost   Source(s)

GF = General Fund CIP = Capital Improvement Projects PDF = Park Dedication Fund PAF = Public Art Fund

# Appendix H. Sunnyvale MPPA Community Engagement Summary

### Introduction

## The Community Engagement Process

The Sunnyvale Master Plan for Public Art engagement spanned from August 2017 through September 2017. The process provided multiple entry points for all residents, communities, and sectors of Sunnyvale to participate through community-based conversations, meetings, and interviews facilitated by the consultants, and a community survey. The triangulation methodology to the community engagement process ensured genuine and deliberate engagement with a broad cross section of Sunnyvale's community members and stakeholders. The goals were to:

- Bring together multiple points of view to inform the planning process
- Create legitimacy and a sense of shared responsibility for the Master Plan for Public Art plan
- Cultivate new partners/allies and collaborations
- Stimulate broad awareness and momentum for the plan

#### **Project Timeline**

- June/July 2017: Project Initiation
- August/September 2017: Community meetings, discussion groups, individual interviews, and open community survey
- September/October 2017: Research analysis, summary and preliminary strategy development
- October/November 2017: Draft plan development, review and revisions
- December/January 2017: Final plan development and approval

#### Community and Civic Engagement

The project team and staff conducted:

- 20 individual interviews
- 10 discussion groups
- 3 community meetings
- Arts Commission and City Council presentations
- Task force meetings and presentations
- Core Team meetings

#### Survey Methodology

As a complement to the other forms of community engagement, the Sunnyvale Community Survey provided an opportunity for residents to lend their voice to the planning process. The survey sought residents' opinions, attitudes and preferences about public art in the Sunnyvale community.

The online survey was open to residents of the City of Sunnyvale from July 29, 2017 through September 18, 2017. A total of 787 respondents completed the surveys. Data is weighted to census demographics where appropriate. Significant differences are noted in the survey summary.

# Engagement Results Summary What we heard.

#### Sunnyvale the Place

When asked, what defines Sunnyvale as a place, most residents and workers agree that Sunnyvale is defined by its agricultural roots, its parks and open spaces, and it diverse individuals and communities. The city is also defined by the growing economic divide, technology and innovation, and its identify as part of Silicon Valley. The city is regarded primarily as a destination city due to large number of workers who travel to the city daily, but do not live or socialize in the city. The Sense of Place Statement, included as part of the plan, gives a more detailed statement about Sunnyvale.

Many see an abundance of opportunity with the development of the Master Plan for Public Art, including:

- Creating vibrancy in the downtown area and the neighborhoods
- Establishing identity and community pride with iconic gateways, and public art identifiers for neighborhoods.
- Developing temporary and interactive art programs for space activation
- Connecting places with art and creating gathering places
- Engaging the business community in a meaningful way and educating the community about the contributions of the business community
- Engaging school age children with the existing public art collection and new participatory opportunities

#### **Public Art Program**

The current City Public Art Program has very limited visibility, although an extraordinary collection. There is a desire by the public for the program to beautify and provide more public arts programming and access; and there is a desire of the business community to have more flexibility in the process.

Overall, the **<u>current</u>** state of the public art program is defined by:

- Lack of awareness or knowledge of the public art program.
- Limited visibility of public art since most art has been commissioned from private development.

- Lack of reflection of the history and the ethnic diversity of the city.
- Lack of awareness or understanding of the in-lieu fee option.
- Based on permanent pieces of art only.

Overall, the **desired** state of the public art program is:

- More visibility of current collection; online gallery, self-guided tours, expansion of types of art, more art in truly public places.
- More diversity in the program including art that is flexible, functional, interactive, and temporary.
- Access to public artists by the business community.
- More flexibility for private development ordinance and in lieu fees.
- Greater and ongoing engagement with community in terms of artmaking and implementation

#### **Locations for Public Art**

The primary desired locations for public art are public spaces where people currently gather and in places to attract more people and create new gathering places. Many want to see the art in their own neighborhoods and communities and away from public building and more as part of the community. Pedestrian areas, parks and open spaces are also priorities. Specific locations include:

- Downtown
- Murphy Avenue
- Plaza del Sol.
- Library
- Parks
- Schools (may be rotating art)
- Famer's Market
- Heritage Museum
- Street-level art

- Train stations
- Bus stops
- Cherry Orchard
- All neighborhood gateways
- Sunnyvale gateways
- As connections for places
- New Civic Center
- Street Intersections
- Wayfinding and signage

#### **Community Vision**

There are many visions for the arts in Sunnyvale. Almost all the participants in this process agree they want Sunnyvale to become more of a connected community through art, experience art as part of their daily lives, and have more interesting gathering places and events.

"I would like to see public art that feels like it is part of a place and enhances the sense of what that place represents. If a park is historical, then art should accentuate the sense of time. If a plaza is for community gatherings, the art should help people make connections to the place and each other."

~Survey respondent

"Walking around our neighborhood, we see an increasingly culturally diverse population. We wish there were events and an emphasis on our common experiences to help bring us together"

~Survey respondent

"Sunnyvale needs more areas where people want to congregate and part of that is creating more public art, combined with parks, natural spaces, and nearby cafes/eateries--places like that would generate a lot of buzz for the city. More art and writing classes for adults (at night for working adults) would be good"

~Survey respondent

# Sunnyvale Community Survey Results Summary

#### Sunnyvale Defined.



#### Where people take visitors.

Most respondents take visitors to Murphy Avenue. Baylands Park was mentioned numerous times as a visitor hotspot, along with other parks and open spaces. There is opportunity for the Heritage Museum to be more visible to the community, as the least number of people take visitors to the museum. Many also stated they take visitors out of town as there is no place in Sunnyvale they identify as an interesting destination.

Ranking: When you have visitors, where do you take them in Sunnyvale?

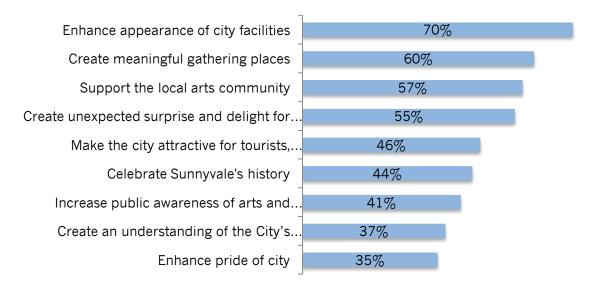
- #1 Murphy Avenue
- #2 Parks and Open Spaces, Bike Trails
- #3 Farmers Market
- #4 Heritage Museum

Additional places cited: Charles Street Garden, Community and Master Gardner Center, library, Theatre at Community Center, Moffet Field, Tech business parks, El Paso de Los Suenos.

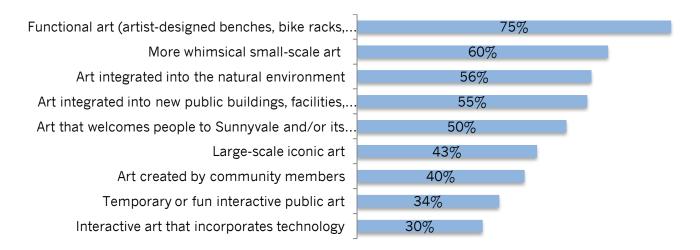
#### **Public Art in Sunnyvale**

Overall, respondents want to see more art in Sunnyvale. Although the overall top impact is enhancing city facilities, this varies by age. Any younger respondents want to see art create meaningful gathering places and create surprise more than just enhancing the city buildings. Also, younger respondents want to see more interactive art and art created by community members.

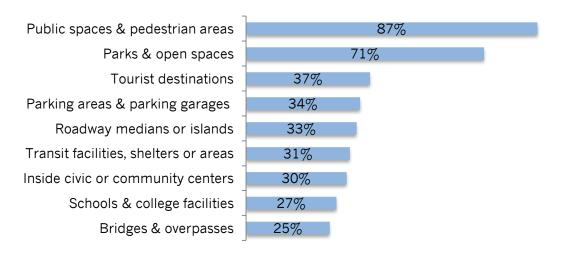
Thinking about the impact public art can have in the City of Sunnyvale, which are the most important?



What type of public art do you want to see in Sunnyvale?



Where are the most important locations for public art (temporary, interactive, or permanent) in Sunnyvale?

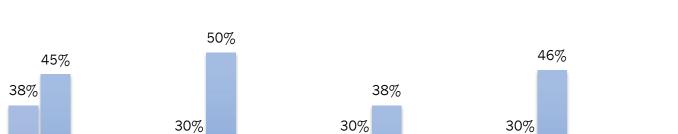


Additional locations: Downtown; El Camino Real; Churches and mosques; Sunnyvale commercial and business districts; Art galleries within the Civic Center; Rotating shows throughout city; anywhere people congregate.

14%

Designated exhibit spaces

5% 5%



19%

Interactive public art

8%

6%

Unlikely = Extremely unlikely

How likely are you to visit any of the following, if happening in Sunnyvale?

12%

Murals/visual street art

Likely

5% 5%

As shown above, there is significant interest in all the options with unique outdoor events such as creative lighting displays, landscape/architectural installations being the most popular (83%). Murals and visual street are a close second (80%).

Neutral

#### Other arts and cultural experiences

10%

Unique outdoor art/art

events

4%

Extremely likely

3%

When asked about what other arts and cultural experiences residents want to see in Sunnyvale the following were dominant within the suggestions:

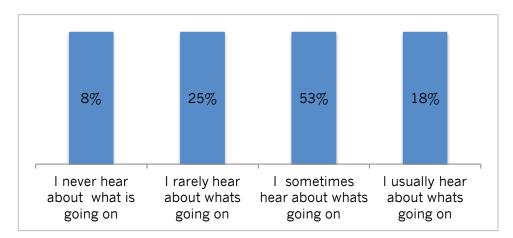
- More artistic opportunities for children and young adults including performing arts (theatre) and outdoor experiences (art in the park).
- More festivals celebrating the diversity of the area (Diwali, Chinese New Year, Cinco de Mayo, Eid-ul-Fitr, and more.
- Signature festival or event that is unique to Sunnyvale and puts "Sunnyvale on the map".

- Art celebrating the history and the diversity of Sunnyvale and its residents.
- More outdoor festivals, events, performances, and art throughout Sunnyvale.

#### **Communications**

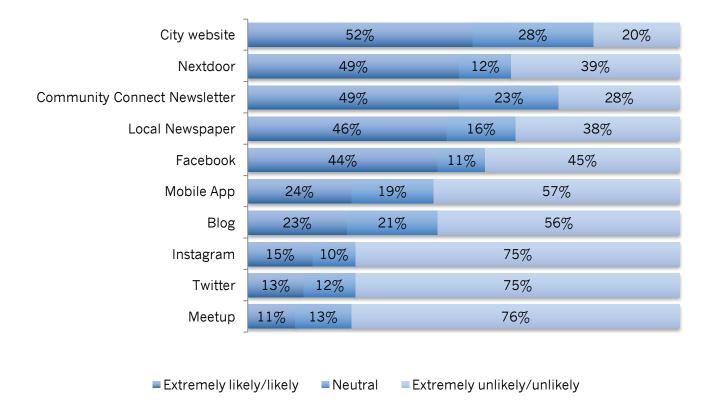
Eighteen percent of respondents usually hear whats going on although the majority do not feel well informed about what is going on in Sunnyvale. Younger respondents (under 44 years of age) are less likely to hear what is happening than older respondents.

How well-informed do you feel you are about arts and cultural happenings in Sunnyvale?



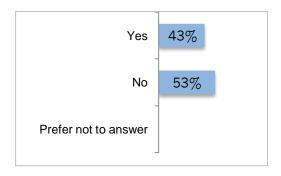
Overall, the City website, Nextdoor site, and newsletters are the most preferred communication channels. Although, there are significant differences for age. Younger respondents (under 44 years of age) are much more likely to use Facebook and a Mobile app, and older respondents are more likely to use the City website and newsletters. One channel that is embraced by all is the Nextdoor site. The results demonstrate the necessity of having a multi-channel communications strategy.

How likely are you to use the following to find out what is happening in Sunnyvale?

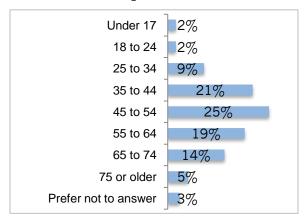


## Respondent Demographic Profile

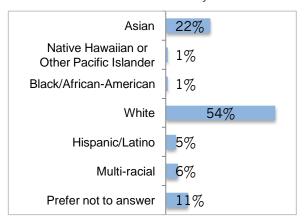
#### Children under 18 in household?



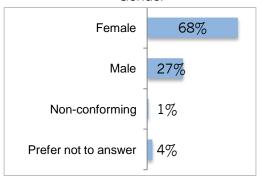
#### Age



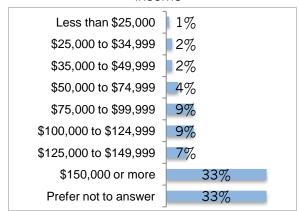
#### Race/Ethnicity



#### Gender



#### Income



### APPENDIX

## Verbatim Survey Comments

The following are the verbatim comments from the community survey. The number and thoughtfulness of responses show respondents pride in their city and a desire to see more art throughout their community.

Uniqueness of Sunnyvale

#### What makes Sunnyvale unique?

city with a diverse population

Love the quiet, clean, and diverse nature of Sunnyvale. We would love to see even greater diversity.

The transformation from a small orchard town to a hub of technological innovation while also maintaining a small-town attitude and ideals, with great proximity to great schools like Stanford and San Jose State, and international cities like San Francisco,

- diversity in people, culture and business. safe, friendly and convenience
- some diversity of people and culture integration and omnipresence of technology the history, influence, relationship and vibe of the greater Bay Area
- -Accessibility to everything, i.e. schools, work, diverse selections of restaurants / grocery, public offices -community services: recreation activities, farmers market, financial planning in the library, legal services what I don't appreciate though is the ridiculous prices of housing (but this makes Sunnyvale unique too) -
- -Farmers Market on Murphy St. -Diversity -Cal train running through it -- is a great family town amidst the hustle and bustle of Silicon Valley.

(until a few years ago, it used to be...) a quiet city in the middle of Silicon Valley that still retained part of its agricultural past (cherry and apricot orchards, corn fields?) even as it hosted large tech company buildings.

- 1. Cleanliness of public park/lake. 2. Art depicting history or somethings which can create curiosity in people 3. Various community programs
- 1. Diverse ethnicity of population 2. Climate 3. Technology
- 1. Lot of open spaces and parks 2. Artistically planned a designed downtown
- 4 main characteristics 1. Aptly named almost always sunny! 2. Iconic fruit orchards 3. Cultural diversity 4. Good run city budget

A bridge between the orchards of the past and the tech industry of the future.

A community during technology

A cultural diversity that balances the intensity of tech with family life

A diverse multicultural hotspot of economy bundled in a sleepy suburban wrapper of bland residential areas and strip malls where everything seems to close at 9pm.

A diverse, community centric city, that embraces the different demographic groups which call it home - from opening young, hip, restaurants and attractions downtown, to the various parks around the city, technology firms, good Schools, engaged FD and PD, etc. A great place to live and raise a family in the heart of the Silicon Valley

a melting pot of lots of different neighborhoods & culture, small town feel with big city ties a safe place that values community

A safe place to live and friendly businesses. Becoming less so with fewer places to shop.

A sense of community. I love the downtown music events, farmer's market, and other gathering places and activities (library etc.). We have pride in our town and a strong sense of being one community.

A small well balanced city that feels like a small town while hosting major companies. We are not pretentious. We have lots of parks and a wonderful name. Good police and fire services.

#### A statue

A suburban feel with modern conveniences and global/diverse population in a tech-forward environment!

a true community feeling from the farmer's market, the Wednesday music nights, to all the free programs offered for children. The library is our favorite go to Sunnyvale spot!

A well run and not over populated home in the center of Silicon Valley with a good balance of Industry and housing.

A well run safe city, with many nice parks.

A wonderfully diverse population, a broad history that includes people with forward looking ideas, a lovely climate that encourages being outdoors.

Accessibility of resources within walking. Diverse community. Friendly people.

Accessible, safe and well-maintained

Agricultural heritage, and current state as technology hub. Represent the changes in the community ... people, places, and things. Solidify an identity, brand and core for Sunnyvale that represents this,

Agricultural history and pride Computer age innovations Public Safety fire, police, EMT all in one Multi-cultural appreciation

Agricultural history and technological contributions

Agricultural history still visible in a fun mix of tech and private residences.

All commercial, religious, educational places and events exists in Sunnyvale. So many recreational parks available for fun.

All the different cultures and economic backgrounds coming together.

Although it's good to have this; I don't see it as adding any value to the public in any way.

Apple

#### **Apricots**

Arboreal (tree-lined streets and cute downtown); all age friendly/ multi-cultural; small town feel with higher performing schools in certain neighborhoods, with a mix of big businesses; patient drivers (it's rare to hear a horn honked in Sunnyvale) A small big city

Art! But we are the center of Silicon Valley and need to bring some culture to our town. Fun and interactive art with fountains or other interaction brings people together. Our background in farming, military and technology is fertile ground for many pieces of art. We don't have a mission but are on the El Camino so there is some history there that could be the center of art.

As the name is Sunnyvale something like Sun Art will make unique

Assimilation at its best. Big enough to serve its residents, small enough to hear its residents. Progress. Good and overcrowded. Cutting edge and educated. Fortunate.

balance of new technology and living environment

Beautiful homes, nice sidewalks, incredible greenery.

Beautiful vegetation in Washington Park. Historic Murphy Street Library hours longer than Mountain Views Sunday's Farmer's Market

Beautiful weather, friendly people, Silicon Valley, historical fruit orchards.

Beautiful, unique and bountiful well-kept parks with public art displayed in many of the parks.

Being part of Silicon Valley, it's where the worker bees live, cultural diversity from nearly every country in the world.

Being the hub of Silicon Valley.

Best commute to the largest number of tech companies.

Best location; good diversity of people

Best parks in the Bay Area Strong sense of Community

Big city with a small city feel. Safety. The past fruit industry

Bologna. It is bologna rich.

Bright, natural

can't think of much, really. I would like to see more of a downtown - that would make it more unique

Canopy of trees, the Apricot Orchard, the growing number of young families and the growing number of diverse cultures

center of everything

Center of Silicon Valley, Murphy St

Center of the Tech Universe, but can seem barren beyond as a place to work, and live, in that order. Local government, both elected and appointed, favor South side vs North. 'Tale of Two Cities'.

central location in Silicon Valley. easy access to parks.

Central location to lots of things, tech area but still community feel

centrally located and pretty, cheap housing good schools

Cherry Orchards

cherry orchards, in central location, upcoming downtown

City characteristic, population, location and safety.

City Park and Recreation areas are much better and well maintained than other cities. Public Safety Department, they do good job to keep away all criminal activities. People feel more safe. Murphy Avenue and whole down area looks interesting and give old city down town architecture and look and people

city seems to plan well for the future - limits the last-minute knee jerk reactions great people - love our neighborhood! fiscally responsible government

Classical dull suburb.

Clean streets with luscious green trees. Friendly people, safe neighborhood. Up to date buildings, business complexes etc.

Clean streets, lots of landscaping - (need more on Matilda between Maude and San Also) Responsive public safety Good library, well used Clean parks

clean, congested, ethnically diverse

Clean, well-run city that is centrally located in the Bay Area and it is only 9 miles from Stanford, where I work.

combination of tech, arts and community

Combines agricultural history with technology while keeping a small-town feel, though the latter is becoming less apparent.

Commitment to the community and considering input from citizens on most public issues. Initiatives to involve the community. Trying to improve the city on many levels to make living here most enjoyable.

Community Center programs with opportunities for all ages + local theater at a reasonable price. Low crime rate. Multicultural and ethnic diversity.

Community feel, friendly people,

community of people Location

Community oriented

community support

Compared to other cities in the country, it's the high number of sunny days and the bay breezes all year long.

Convenient commute

Convenient shopping. Trees. Parks with unique designs. Safe.

Convenient. Relax. Sunny

cozy and convenient

Cultural diversity: large Indian, Chinese, and Latin communities. We need to celebrate/honor that more.

Culture and diversity

Diverse city. Melting Pot of various cultures.

Diverse community Nature of industry Desirable location

diverse culture

Diverse culture of people living in Sunnyvale.

diverse neighborhood

diverse population proximity to SF, SJ, mountains and beach technology

Diverse population, different cultures felt (as food, activities, etc.). Good run city, clean, lots of parks.

Diverse population, friendly people

Diverse, dynamic, international people Historic downtown and Cal train station Connection to the Bay Great parks and trails

Diverse, family friendly safe city.

diverse community easy access to mom & pop shops good mix of residential & commercial areas BUT getting too congested and noisy with traffic & overly crowded/over-built housing complex

diversity

Diversity

Diversity - with people and places. I like the mixture of historical sites and contemporary spaces.

Diversity (in so many different forms!). Technology. And the beautiful weather, of course.

Diversity (racial, cultural, socioeconomic, religious, ...)

Diversity and presence of highly educated residents. Place to work, live, and play.

Diversity due to the industry we have. Affluent.

Diversity in all ways- ethnic, economic, skill level of population. Small town feel. Amazing food. Parks, outdoor focus. Family focused. Cares about the community i.e. Sunnyvale community services etc.

Diversity in foods & culture. High quality civic services Technology hub

Diversity is one of the big strengths we have in Sunnyvale. Large well maintained parks and sports centers.

Diversity of its residents and number of immigrants.

Diversity of people, languages, and cultures.

Diversity of the population and being a high-tech mecca

Diversity--we've had neighbors for Poland, England, the Netherlands, Taiwan...Our kids have friends from all walks of life, and who speak Hebrew, Spanish, Korean, Russian, Italian, Japanese,

Diversity, Attitude, Location, Weather

Diversity, convenience, pleasant

Diversity, ethnic foods, warm and welcoming people, support local

Diversity, Great Parks, Fantastic Library.

Diversity, growth,

Diversity, Inclusion, History, Unique

Diversity, safety, acceptance of everyone, parks and rec, beauty, high tech

Diversity, tech people leaving in area, History conservation.

Diversity, technology, innovation, centrality to Silicon Valley

Diversity; highly educated citizens; weather; convenient size (easy to walk to retail stores, restaurants)

Diversity. Good city govt.

Diversity. Great Location in Bay Area that is situated in the middle of economic powerhouses. Has

access to the bay. North of 101 area is not utilized well right now.

Diversity. Down to earth.

Diversity. You can find a little of everything.

Down to earth. Kind, clean, polite.

dynamic, multicultural populations with and great communities

easy to commute to all major tech companies

easy to get around, everything available close by

Efficient, well-run city

Emerging International community blended with Americana/agriculture. Safety. Trees. Old and new

Epicenter of diverse cultures and a safe family orientated community.

Essence of the city

Esta area es bien tranquila

Ethnic diversity and high tech industries.

Everything's close by in terms of shopping, food, house depot, hospitals, etc.

Safe place to live (used to be a LOT safer), good sense of community and history, and good focus on environmental initiatives (could do more on this one).

Family and friends gathering at parks, and places no matter the catalyst to our success! Ah to tech!

Family city

Family friendly, 'relatively' affordable.

Family friendly, diverse, relatively safe and clean

family values; respect for others; practical, down-to-earth lifestyle; creative use of resources

Family-friendly, lots of parks

Farmers market, library activities, proximity to everything (shopping, food, living)

feels like home

First and foremost, it's pretty much the center of the Tech Universe. Secondly, we are the epitome of multi-culture society, to which other cities can only aspire.

First and most importantly, Sunnyvale is not snob, I always feel like I am welcome, heartily welcome.

First place where I bought a house; found it easy & convenient that areas were segregated -commercial, low income, expensive, highways, major roadways.

Fiscal responsibility, public safety, and inclusive tolerance are the Hallmarks of Sunnyvale. The merging of police/fire depts. is a HUGE improvement over other local municipalities.

Fiscally responsible and the heart of Silicon Valley

For now, I don't feel there is any unique in Sunnyvale. I would like to see Sunnyvale have more of a community base area where people can come and enjoy hanging out. A public area that would be inviting for people to come and hang out like in Europe. A place where people can just come and perform, with kids running around and parents feel safe with trees.

For us Sunnyvale is a just right kind of place. It is central, located near everything we want to go to, has an excellent public safety organization, and has an excellent and responsive government that is not exciting like San Jose or Santa Clara.

Friendly and open

friendly place

Friendly, good schools, diverse

From its Cherry Orchard origin to becoming a base for so many Important current companies.

From my perspective, Sunnyvale seems to embrace our diversity and accept our neighbors. My quite little street represents a lot of cultures of good humans.

Fruit trees, former canneries, hard working families, safe area

Full Circle Farm, CJ Olson orchards and heritage house- so please keep the art related to the

original orchard theme - to keep the memory of cannery alive

Generally, a well-managed, family oriented city. Good schools, senior services, accessible to large city activities.

Geographically central but not overly priced from a city perspective(yet)

Get homely feeling. Less freeways passing through the city.

Gives me a safe and secure feeling.

Good balance of business vs. residential. Feels safe.

Good blend of old and new in neighborhoods, public spaces. Good amenities (like the SMART station and outdoor spaces like Baylands)

Good city planning, safe-feeling, a modern, clean city.

Good planning, good run, parks in every neighborhood

Great community resources, amazing community garden, fantastic library, wonderful parks and rec

Great for families; history of fruit orchards and canning; The Libby Can!

Great for kids, parks, and close to San Jose.

Great intimacy within a larger teeming area... diversity of people and common focus on community's

Great location in Silicon Valley. Close to everything in the Bay Area.

Great location, smart people.

Great location, with a fun downtown.

Great parks and a wonderful community center with good quality classes offered.

Great place to live! Safe, great parks, diverse neighborhood, good schools.

Great public parks, great library, close to work

Great schools

Great schools, wonderful parks and library, great neighbors, safe place to live, excellent community resources, senior center activities, & good governance,

Great variety of retail shops and restaurants.

Great weather all year. but too jammed packed with overcrowding people / traffic now.

Growing community in North Sunnyvale that is re-invigorating the city with new residents.

Hard working city, good governance, lots of growth, good city services

Has a unique form of government planning? Highly educated population. Integrated fire/police system. Open city government. Good schools

Having places for families and others to gather. Ability to enjoy the outdoors.

Heart of Silicon Valley

Heart of Silicon Valley!

Heritage orchard, sense of community, wonderful public safety department, access to shopping, freeways, Cal train, farmers market and much more

Heritage district

Heritage museum, lace museum, community center's lagoon, apricot orchard

Hi degree of public safety and engagement. Excellent schools. Responsive government.

High tech industry, welcoming immigrants

High- tech mecca, great schools, many trees!

highly multicultural composed of working families, a home to many family's lovely parks and more arts-forward than other places a growing place, changing for the better

Historic Murphy Street; the small size and variety of offerings.

Historic role in the cultural development of California from the indigenous people to current innovators; small town ambiance.

History past of agriculture and trying to keep this heritage plus the original immigrants and their stories

History, Safety, and weather.

Honestly, I think of the word 'nice'. Just the name is nice. I guess the tech industry is what makes Sunnyvale unique.

I am not sure. I would like to maintain some of the few historical components, as there are not many of them. It would be nice to blend the old and the new; especially, the impact of technology. Unfortunately, the people don't seem to be as friendly or social like other areas in the Bay Area. I don't think that our city is very diverse, more homogeneous diversity. Sorry, I moved here a few years ago and am still trying to adjust to the difference.

I am still new here but lot of green spaces and trees and gardens on the streets are nice.

I believe it is a city that is diverse and enriched by many cultures. Yet there is a sense of belonging that quite evident. I am pleased with the fact that the crime rate is considerably low and that there is as you visit various areas there is pride in the care of property. When frequenting various businesses, it is refreshing to see so many long-term merchants. Except for a few homeless people that remind us all the need for a solution to the epidemic that has been an extreme issue for all communities across the United States, the city is maintained well i.e. clean and pleasant.

I can walk to banks, markets, drug stores, postal services.

I cannot find anything that make Sunnyvale unique. I'll say that the downtown area (Murphy sty) is nice, but then, most of the cities here have their own downtown areas.

I don't find Sunnyvale unique at all. I feel sad when I look around and see all the 'could be better'. It's boring, homogenous, techie, bland. More public art is a great idea.

I don't know that I think that it's a city with particularly defining characteristics, but the things I most appreciate are our sweet little downtown and the farmers market. I would be thrilled if we could do more to give it a strong identity.

I don't know what makes it unique from all other places, but the less common stuff about it that I like include the atmosphere at murphy street and things like the music during the summer there.

I don't know. I would say it is a very diverse city, as to both ethnicity and economic status.

I don't think Sunnyvale is that unique

I don't think Sunnyvale is unique from a look or feel. The planning commission and city council care only about developers. They have no concern for the residents of the city and continue to approve developments that are negatively impact the lives of residents, especially home owners. Most of the art that developers are required to include are just to check a box on the permit. The 'art' near my home is not attractive or unique. The planning commission accepted the Best Buy logo as 'art'. It was ridiculous. There isn't much integrity in the process.

I don't think that Sunnyvale is terribly unique. It's a great place to live, and I like the diversity, but really, it doesn't feel that different than the surrounding cities.

I enjoy the many parks and their quirky decorations, especially the water towers. I also enjoy the numerous downtown events, such as the farmers market, beer and wine walks, and outdoor music.

I find it very lively due to presence of lots of places with great food, lots of amazing parks and many other things to do.

I grew up here and have seen so many changes. Access to parks and library is important.

I grew up here in Sunnyvale. One of my fondest memories is helping my mom paint a mural at Ponderosa School. One intangible part of what makes the city unique is that it has remained somewhat working class. Sunnyvale is welcoming to families of all socio-economic backgrounds. I love the diversity of cultures that come together in Sunnyvale. In terms of the tangible characteristics, there several architectural features, churches, Richler single family homes amidst beautiful tech parks and city parks offer ample public space for relaxation. The city is most convenient if you have a car yet each neighborhood has its own vibe. Most of the development near the Sunnyvale Cal train station did not exist when I was a child. The city is changing fast. I'd love to contribute to bringing life to targeted neighborhoods by stimulating micro-economies with creative economy planning and programming focused on small and medium enterprises.

I grew up here. It's right in the heart of everything, right in the center of Silicon Valley. A short drive away from the beach, a short drive away from the city.

I grew up in Sunnyvale and graduated with the first Sunnyvale High School Class 1958. Many changes have evolved over these years and I must say the growth of our City has taken many twists and turns. The completion of the Sunnyvale Town Center will be the best art completion project Sunnyvale has accomplished. The Goodwill building art is beautiful! Art pieces and buildings are most attractive and gives our City a warm welcoming atmosphere.

I have been part of the Sunnyvale community for 2+ years as Flywheel brought me to the area. The community we have cultivated at the studio is super special and I would love to have the expand into the areas of the city. I feel like now it feels like a commuter town but the people make it special so hopefully with the redevelopment of downtown it will help make it even more special.

I have here over 29 yrs. I like the restaurants, shops, supermarket so diversity and the people.

I have worked in the Sunnyvale School District for 25 years and recently retired. I have a high regard for the schools, teachers, parents and students of Sunnyvale. I also have taken my grandson to classes at the Community Center and taken students to the plays at the Theater.

I like its history as an agricultural place

I like Sunnyvale downtown as it is having good dining options on one side and shopping on other side like target, mays Also it is unique because of affordable housing compared to neighboring areas.

I like the central location of the city and the availability of activities and services as well as the weather and proximity to nature

I like the convenience of downtown, it has places to meet friends, restaurants, shop for clothes and practical things. It has a good sense of community.

I like the live music venues and street fairs

I like the racial diversity compared to Palo Alto. I also like the public events put on by the city (e.g. summer concert series on Murphy). It's a nice balance between living in a city and in a suburb.

I like the stained glass in the library and the sculpture of outside the library. I also like the town appeal to the city...residential areas with 1-2 story commercial areas. The Smart Station reflects the community commitment to the environment. The changes to Mary Ave and Fremont Ave show a commitment to supporting safe bicycle use.

I live here:) I don't think it's all that distinct, which is unfortunate.

I live here. It's the heart of Silicon Valley.

I love all the parks and places to meet as a community.

I love living in my small neighborhood of Orchard Gardens. It is small enough that you get to know many of your neighbors. The only drawback is the huge buildings on the other side of 237 which gives us a closed in feeling that we never had before and if those building keep their bright lights on it is worse for us and the Sunnyvale Refuge where I go out birding a lot.

I love photos of old Sunnyvale. Photos of the valley all white with flowering fruit trees.

I love Sunnyvale but have not thought of comparing it with other cities.

I love the history of Sunnyvale: the fruit trees, historic downtown, the wonderful neighborhoods and parks.

I love the library, the community center, the historical society museum is fast changing with Apple, LinkedIn, etc.

I love the old Redwood trees green spaces that Sunnyvale used to have. It would be nice with the demand for urban development the city does plan more green spaces and maintains its characteristic old charm. The Sunnyvale arts center historic downtown and library are great places to spend time with friends and family. Single story old buildings surrounded by trees is what I remember Sunnyvale for as recent as 2008

I love the Parks which have been rated as one of the tops for the city of Sunnyvale. An active Community and Senior Center.

I love the Sunnyvale community. I moved to Sunnyvale from a rural town in the South and was nervous about moving to a city. However, Sunnyvale does not feel big and intimidating. In fact, the social events (music downtown, farmer's markets, etc.) make me feel like I'm back in a close-knit

small-town community!

I moved to MT View recently and do not know Sunnyvale that well, but it is a mixture of all above.

I think my neighbors are very kind, friendly, and caring that I didn't see other cities I lived.

I think Sunnyvale is good at balancing quality of life with needs for growth

I think Sunnyvale is unique because of its lively downtown scene (music, art wine festival, etc.) and that bike trails and parks are abundant.

I think Sunnyvale's history makes it unique. Sadly, it's lost its uniqueness and now is just another concrete jungle.

I think the morphing from a farming/orchard community to one of high tech is fascinating.

I think there is not anything unique about Sunnyvale.

I wish the city had character- a core place to gather. The closest I can think of is the Remington park w/ Sr. center!

I wish this were not unique, but I feel completely safe whenever I go for a walk in my neighborhood, no matter what time of day.

Ideal location between South Bay and Peninsula, generally great weather, and diverse population.

Improving downtown area - safe neighborhood

In the heart of speedy Silicon Valley yet feels slow likes small town.

In the past, there was a 20-year budget which controlled spending. I don't know that the city continues this practice.

Innovation peaceful neighborhoods diversity of friendly people

International melting pot of welcoming, intelligent, and kind people.

International, welcoming community.

Involvement, Education, Affluence, Diversity, Acceptance of divergent ideas.

Is a friendly city, have a diversity of cultures is a safe city?

lsn't

It costs so much money to live someplace that has such a strong suburbia vibe.

It feels like a smallish town, cozy, comfortable, and not crazy expensive like Palo Alto, or crowded like San Jose.

It has a small city feel, with the convenience of being in the middle of the Bay Area.

It has a small town feel and is walkable in many areas.

It has a small-town feel, in a very fast-paced region. I love the diversity and the sense of community in each neighborhood.

It has a small-town feel of community, despite being in the middle of Silicon Valley.

It has a strong diverse population. The city feels safe and secure and well balanced.

It has more trees than the others around here

It has the convenience of a small suburban city. Don't have to travel far for grocery, bank, church, shopping.

It has trees, some open space, and is willing to consider art-

It is a big city with a small city feel and sense of community. Our DPS are trained in both Police & Fire. We have some fantastic community programs-classes, CERT, SARS. There are civic minded citizens who care about the city and keeping and improving our quality of life.

It is a city of engineers

it is a city that cares about all its citizens

It is a diverse and hard-working community full of strong families. It represents the best of American values.

It is a safe family city and center point between the city and san Jose

It is a safe, family oriented city. Good schools and neighborhoods where people reach out and get to know each other

It is good sized, but safe and prosperous. It is incredibly diverse and well-educated, but... it somehow also manages to be amazingly bland, with little history or culture. That blandness is what sets Sunnyvale apart from other cities of this size I've lived in previously. I'm grateful for our home here and the safe environment, but it would be so nice if we could also have some character here, too.

It is kid friendly, lot of wonderful parks, nice downtown and close to mountain view downtown. Love the community center and the hands on the arts festival

it is so conveniently situated in the heart of Silicon Valley

It is the center of Silicon Valley.

It is unique and quiet.

It is well laid out as far as access.

It is where I live and I like my neighborhood and neighbors. On question 3, it seems I can choose only one option. I sometimes take visitors to Dish-Dash on Murphy St.

It still has a small city feel to it but some of that may change with the proposed higher density.

It still has a small-town feeling, despite being a 150,000-population city. I love the schools, parks and community.

It used to be unique historic location with the landmarks like Libby can water tower, more friendly town and country mall. Now all the high rises and block upon blocks of town homes and people and traffic ruin the city friendly feel

It was once a great suburban community. Now, with a council that has never met a developer they didn't love, high density housing and development is ruining the community. When surveyed several years ago, we (a large majority) asked for walk-able downtown streets. We got building to the sidewalk with minimal setbacks, no public space in new development and a wind tunnel on Mathilda.

It was once a quiet, rural place with an excellent agricultural community, that is now becoming increasingly crowded with buildings and tech businesses. It does have a great library.

It was, until recently, a town for enterprising working folk, that was affordable.

It's a city that has transformed from an agricultural past to a technological future.

It's a clean, safe and pleasant city with a lot of nice people.

It's a mix between flashy Mountain View and suburban San Jose.

It's a multi-cultural melting pot!

It's a multicultural small City that has wonderfully short commute times to major employers (i.e., Google). Murphy street has all day alfresco dining on a year-round twinkle lit tree-lined street. Sunnyvale has an inviting large and well-appointed library. The city offers the \$10 annual festival Hands on the arts, as well as live jazz bands on Saturdays and music in the summer on Wednesdays.

It's a pretty big city considering we live in suburbia but still has small town feel in certain aspects. I like that we are trying hard to be a greener city with walkable streets, bike lanes, etc. I think the public art displays add a nice splash of color and character in what would otherwise be just another city in the South Bay.

it's a pretty nice place, has good memes

it's a relatively safe place, family friendly

It's a safe city and a diverse city with people from many different cultures.

It's a small town that became very popular with many people coming giving it a big city feel.

It's agricultural past

It's agricultural past and quiet way of life

It's an underdeveloped technology hub

It's an unusual meld of culture and technology.

It's central location and proximity to many things to do.

It's clean, safe, great businesses, nice people. Professionally managed. Then again...the density, traffic and traffic lights are a problem.

It's downtown has a quaint feeling to it. It's the hub between south bay and peninsula.

It's history (agriculture, Moffett, Blue Cube, Lockheed) is interesting and unique). It has a great diversity in its population.

It's history dating back to one of California's earliest pioneers that successfully crossed the Sierra's by wagon in 1844, Martin Murphy Jr.

It's home for the past 30+ years, very convenient, close to big cities yet retain the suburb feeling. Very peaceful to be living in SUNNYVALE.

It's home, I was born here.80 years ago.

It's in the center of Silicon Valley.

It's in the heart of the Bay Area, but seems more like a town than a busy city.

It's location in the center of Silicon Valley.

It's my home. It is safe. It is the pulse of the future. It's socially, culturally, ethnically diverse. It is comfy.

It's not as crazily remodeled as Cupertino and has a nice rustic, but also modern feel to it when going to Murphy Avenue. It's not as expensive to live in as compared to Cupertino or perhaps Mountain View, but feels almost just as nice.

It's not only friendly and cozy place but lovely place, like around the area of sunny vale police

It's not unique anymore, it's become overcrowded like a lot of other cities, all the orchards are gone and the wonderful smell of blossoms has vanished.

It's not unique - blends in with the other cities around it.

It's park system, and sense of safety.

It's part of Silicon Valley. Wish it did more for the arts, not just public art. Should perhaps help Triton in promoting their events. It's a great museum and near Sunnyvale. Also, they need more teachers there. The Heritage Museum is a nice location. More events should be held there so they get more traffic and can be open more often. Perhaps an art fair?

It's quiet.

It's very community oriented and family oriented.

Its 'small town' feel in the middle of a metropolitan area. Its contributions to making Silicon Valley a place that contributes to the future of our state and country.

It's a small town which feels safe and comfortable in the heart of the Silicon Valley.

its community, diversity, friendly environment, and facilities (i.e. restaurants, movie theaters, etc.).

Its diverse population, its agricultural past, and its one downtown block, Murphy Street

Its history as orchard land

its history, both in terms of agriculture and technology

Its old-city feeling.

It's safe and clean

Large city with a relatively small community feel

Large population, very small 'city core' (Murphy Avenue area).

Large, diverse, disconnected. Sunnyvale has a large, diverse population that does not seem to mix, either because of age, time constraints, or lack of places to meet.

Less and less makes Sunnyvale unique. Traffic gridlock prevents me from taking visitors to see anything apart from the Baylands (Mt. View, when parking available and not rented out for a company event) plus the Sunnyvale Library, which compares FAVORABLY with many public libraries in other parts of the US.

Less crowded, variety of cultures and food options, safe for families and children, and community events.

Library is well used with quiet areas and busy, noisy areas love the statue of the reader. Low height buildings...not pleased with some crowded, no-set-back reaps Green spaces and parks.

Library, parks, safety

Like green city with lots of Park and diversity of people live here.

live music throughout the summer, drawing a diverse crowd. public safety. happiest mid-sized city.

lively downtown farmers market

Local history--the city's roots as an agricultural center, and later as home to Richler tracts

location

location central to Silicon Valley

Location in heart of Silicon Valley

Location in Silicon Valley, diverse population.

Location in the bay area, access to great food and entertainment, SAFE.

Location relative to places of work. Nice neighborhood parks close to homes. Good schools. Librarians that are very helpful and kind. Year around farmer's market. Nice cozy downtown.

location, business.

Location, climate, city management, quality of life.

Location, climate, ease of access.

location, orchard in the middle of a city, diversity

location, parks, downtown

Location.

Location. In the middle of jobs to the north and south.

Location. Diverse history. Diverse population.

location. orchard history.

Lockheed Space history, Atari, orchard history, Sunnyvale 20-year budgeting, Richler's, maintained and available sidewalks, the best city parks, excellent public safety, extremely well educated, individual people can make a great difference in this town

Lots of different cultures mixing in one place. I visited the Murphy street farmers market one Saturday with a friend from Columbus Ohio and he was amazed by the diversity.

lots of green - trees and parks but we have too much traffic - people in a rush without time to stop and admire art

Lots of parks, neighborhoods, great schools. Getting way too overcrowded and expensive of late.

Lots of parks.

Lots of trees and parks, still feels like a community, although high rises and traffic are detracting from that feeling...

low crime rate

maintaining a treed environment and parts (greenspaces)

Many different cultures in a small city.

Many Richler house.

Many friendly local 'mom and pop' businesses. The good part of small town atmosphere in a large metropolitan area.

Many houses are decorated in different ways

Mellow community surrounded by busy cities.

mid-city small town feel no nonsense tradition/heritage

middle of Silicon Valley. close to freeways. close to shopping. safe. not too much traffic. great schools

Mix of cultures ages and economic status. Very relaxed - not much pressure: you can be who you want to be, have your yard look like you want and you don't have to compete with your neighbors!

Awesome parks. Friendly atmosphere

Mix of old town and modern

Model suburban city. Efficient services, forward thinking, managed well.

Modern, multi cultured

More high tech developments

More jobs than housing, which makes the city economically secure.

Most diverse city I've ever lived in and I love the remaining orchards!

Mostly safe and well kept

Multi ethnicity of population Public services-- recycling program, parks, community center classes, public safety

multi-racial and multi-ethnic, walkable downtown, access to the bay, history of orchards, history of industry (e.g. Northrop Grumman), farmer's market

multicultural

Multicultural, ambitious, green

Multicultural, family friendly

Multicultural. Cherry tree history.

Multiset, many cultures, responsive city gout, good climate

Murphy Ave, diversity, people, restaurants

Murphy Ave / downtown

Murphy Avenue

Murphy Avenue, with its summer concerts

Murphy Street - nice weather

Murphy street and dog friendly. Too MANY new apartments :( also a willingness to have and maintain green spaces.

Murphy Street district, beautiful parks, lovely single family homes, independent shops and businesses, murals and art installations, friendly and diverse people.

Murphy street, captain station, plaza, cu Olson's, recreation center with pond, library statue, parks

My family came to Sunnyvale when I was 3 1/2 years old to establish a mom & pop paint and wallpaper store. They were both very involved in the community with my dad serving as city councilman and mayor in the 70s. As I have watched Sunnyvale grow over the past 63 years, I believe that Sunnyvale is unique in its ability to be the center of Silicon Valley, home to the aerospace industry and the high-tech boom, while never forgetting it's agricultural roots, and its small town friendly feel. We are a people who treasure our Mediterranean climate, our orchard, our Framer's Market, and our parks, and we love spending time outdoors with family, friends, and neighbors. We value a strong sense of a diverse community and welcome people of all races and creeds. Our strong gun control laws are a testimony to citizens who want to live in a respectful and safe environment.

Neighborhood feeling Silicon Valley Sunny weather

New (high tech, families) and old (history, orchards, long term residents). Nice parks, potential for nice downtown.

Nice clean safe parks.

Nice community. Proximity to my workplace.

Nice downtown area, very safe (I feel safe running even if it's dark), great collection of things to do.

Nice Parks, Library, Community Services

Nice parks, small but vibrant downtown

nice people and beautiful place

Nice wide parks, grown mature trees. Has sidewalk for walking, which is great.

Nice, safe small town, great parks, great library

Not a flashy city like Cupertino or Palo Alto. Sunnyvale is smaller and quieter.

not much

Not much at all. The downtown is embarrassing. Eve city council member, mayor all officials need to take of their blunders and visit Los Gatos, Redwood City, Los Altos and get rid of the crabby, dirty Murphy street, was there recently and the stores and restaurants need to be hosed down painted. I do not think the business owners know what a power washer is. Where is the movies, nice ice cream stores, nice store for women to shop, great bakery homemade decent clean store fronts? All there is dumpy bass, crappy food, I would never take my friends and out of town friends to Sunnyvale downtown. Just large buildings for business not warm not pleasant at all. Shame on Sunnyvale residents for accepting this mess Art will not make it better it needs to look like other nice cities 10 to 20 minutes away. Get rid of the grabby owners in the downtown area and have a nice place for our children to go to no old book stores and crabby hippy old clothes shops and the Goodwill store is a prime shop for a nice clothes store or furniture store. Again, if you want families to enjoy you cannot have so many lousy restaurants not children friendly.

Not much. It's a nice diverse suburb. Not unique.

Not so snooty! Down to earth people.

Not sure anything does.

Not sure if there's a uniqueness about Sunnyvale except good weather and tech companies. I heard it used to be fruit trees, and gardens, maybe time to bring some aspects of nature.

Not whole a lot

nothing

Nothina

nothing anymore.

Nothing unique. Shame on city managers

Nothing sets Sunnyvale apart anymore. It is a mass of construction, heavy traffic, few places for appreciating the beauty and art of nature.

Nothing springs to mind. Sunnyvale is widely considered to be bland, not distinct.

Nothing stands out in my mind. Sunnyvale needs more culture/art. The only thing I can think of is its rich agricultural history.

**NOVA ProWatch** 

number of parks Public Safety system

Of course, people that make Sunnyvale so unique - multicultural, open minded, friendly.

One of the safest 25 cities in the USA.

One thing I have like about living in Sunnyvale is that it's not a crowded as another city nearby. I can usually find parking near downtown. Also, we are conveniently located near major freeways. Of course, the people are nice too =).

orchard + high tech

Orchard heritage

orchard history, heart of Silicon Valley, technology

Orchard, high tech history.

orchards

orchards turned tech

Orchards, canneries, Yahoo!

Our diversity and sense of community gives us all the benefits of a small town and a big city. Like some of our neighboring towns, we are also landlocked and must be very conscientious about how we grown because there is no room for urban sprawl and we want to maintain our character.

Our Heritage Park with our apricots and cherries. Our diversity.

Our historic downtown alley is one of the unique area in Sunnyvale as well as the Del monte house by Mathilda.

Our public safety officers instead of police and firefighters. The mix between old buildings and new downtown ones.

Outstanding (small) downtown, and in the center of all the tech world.

parks government and maintenance each outstanding

Parks, middle class kid's friendly safe neighborhood, for small children

Parks, when well maintained.

Patches of remaining farms, two creeks, hawks in the redwoods, wild parrots, people making their houses unique, the huge cherry trees and walnut trees left in backyards from when there were orchards

peaceful

People

People are friendly.

People care deeply about the quality of environment that they live in and are actively involved in shaping the quality of the community

people close knit community

perfect weather, great schools, still down-to-earth, diverse

Playgrounds in the parks. We have the best parks with the best playgrounds in Santa Clara County, Families from all of Santa Clara county come to our parks.

Pleasant, quiet, community focused, heart of Silicon Valley

population, family oriented atmosphere, warm weather

Practical: efficiently run, but not famous as Palo Alto for Stanford, or San Jose for size. It's a suburb good for raising a family. It's safe. It has not only residential but also clean industrial.

Progressive but peaceful and not crowded.

Progressive, safe, clean

Proximity to jobs, mixed culture, upgrading infrastructure

Proximity to Moffett. Community events. Connection to tech industries. Agricultural past.

Proximity to public parks, libraries, restaurants. Central location, less commute

Public Safety Services

public service

Quality of life. Low crime rates.

Quiet city with majority of single family homes. The heart and start of Silicon Valley.

Quiet, peaceful, law abiding.

Quite suburban. Diversity.

Relatively good public transit by Bay Area standards, but doesn't feel like a big city. Stalled construction downtown makes it feel weirdly frozen yet on the cusp of going up.

reputation of having a well-run government

Requiring the City Council to plan twenty years. Having all our police double as firefighters.

Residents are friendly, care for each other, listen to each other. City employees (police, fire, safety, admin staff) are thoughtful, friendly, caring. The city is clean, safe, and well maintained. This is a place we are proud and pleased to call 'home, workplace, professional base, and learning environment'.

Residents of the city care about what's happening in their neighborhood.

Rich history, diverse welcoming community

Right now, there is a negative uniqueness to Sunnyvale in the form of rampant development with little preservation of open space and livable spaces.

Right size, safe, clean

Sadly, how little there is that keeps me in the city. Whenever I need something, shopping, restaurant (e.g. good breakfast), medical apt/resources, etc. I'm hoping the master plan can address this.

Safe + some of the schools are good + retail + great for families

safe and convenient, great school and in the heart of Silicon Valley

Safe and enjoyable

Safe and relaxed city to call home. Currently more culturally and economically diverse than Palo Alto and Mountain View, although that may be changing.

Safe area compare to other cities

Safe city

Safe place to live. Good run.

safe residential neighborhoods, convenient location in Bay Area, sidewalks, sense of community

Safe to walk the streets. Bicycle friendly. Clean parks. Good roads. Good health care.

Safe, affluent, things to do, diverse, good schools. Not many cities have ALL those qualities.

Safe, clean and quiet

Safety

secure financially compared to most other cities, we have good budget plans for next 20 years, so we can focus on other things. We have lots of potential to be a green leader.

seems a friendly neighborhood sort of place

Senior Center, Classes offered thru Sunnyvale,

Sense of community

Short ways to official places, shops, restaurants. Walking distance

Silicon Valley

Silicon Valley Orchard Heritage 2nd largest city in Santa Clara County Parks in every neighborhood Sunnyvale Baylands Park

Silicon Valley businesses with a relatively small-town feel

singular in its singularity

Slightly different character than adjoining towns.

Small city. Very safe

small diverse community

small down feel with big city convenience

Small events highlighting local businesses, people, etc.

small town feel in the middle of Silicon Valley

Small town feel to big city surroundings. Don't lose this!

small town feel with big-town amenities, cultural diversity, great public spaces/classes/etc.

Small town feel with conveniences of bigger town.

Small town feel, good food and neighbors but diversity

small town feeling, diverse and love the farmers market

Small town where neighbors know each other, home

Small, clean, convenient location.

Small, cozy, peaceful

Small, scrollable downtown with one of a kind shops and restaurants. Some place you can gather and relax.

Smallish town feel (for instance Murphy St) but near some giant cities.

South Murphy Ave, city parks, tree-lined streets

spirit of innovation and daring: from the Murphy's to today's entrepreneurs, there has been a lot of pioneering effort over the years.

Strong community

Strong community and schools, warm, down-to-earth, diverse. Great parks!

Strong peaceful communities in a bustling Silicon Valley environment.

Sunny, diverse, evolving, innovative, and heart of Silicon Valley

Sunny, friendly, good transportation...fruit trees/orchards, trails and diversity of people

Sunnyvale allows more over-building than any other city without enough citizen participation, Sunnyvale allows more planes than any other town. Sorry, I don't think Sunnyvale is unique anymore. :-(. The orchards are gone, the traffic is impossible, high-density housing is here, there is nothing unique about Sunnyvale except that the fire & police are the same guys/gals, which is cool. Murphy aver looks like mountain view's Castro street, that's not unique. Very sad to only have that to say it's unique.

Sunnyvale Creative Arts Center is an excellent building for artists and is accessible; run well; coordination of events accommodating.

Sunnyvale feels like a small town even though it is quite densely populated. I love the green spaces mixed with tech centers, and our commitment to innovate and grow our city in ways that allow community to flourish - we have many things to enjoy and do!

Sunnyvale has a diverse educated population that gels as a community. Beautiful parks, great library and cultural and art events. Great public services

Sunnyvale has a diverse mixture of cultures and peoples. There are many immigrants from different parts of the world. Just driving down El Camino, I can see shops and restaurants from India, Pakistan, Taiwanese and Chinese shops and cuisines. At the grocery store, I hear many different languages spoken.

Sunnyvale has a great diversity of culture and age groups.

Sunnyvale has a great downtown, which is not common for South Bay cities. It is well situated near major highways, and public transport. Particularly unique is that the Sunnyvale Wine Stroll includes multiple local magicians!!!

Sunnyvale has a historic root in both canning and aviation (Libby, Moffett field, and others) and to me represents hard working America. This set up against the back drop the glitzy Silicon Valley over the past few decades. We should remember these roots.

Sunnyvale has a large migrant population, particularly servicing Silicon Valley's high tech industry. So, the community is educated and diverse. Its history as a food producing area is evident with so many different fruit trees in our front and back yards - local communities form as neighbors share their homegrown produce.

Sunnyvale has a lot of nice parks. Also, have a beautiful community center and senior center. I love the fact that we still have orchards. They are small ones, but I hope they don't disappear. Also, love the Charles St. community garden and classes offered there.

Sunnyvale has a small-town feel, but is culturally diverse and has a wide variety of recreation and entertainment opportunities.

Sunnyvale has a unique history with Olson's cherries, the orchards and canning business. When I think of Sunnyvale, I think of fruit and the Murphy's. I grew up here, so I have seen Sunnyvale change from a quiet suburban town to busy and diverse, and become a major player in the entity that is Silicon Valley. I think our history and evolution makes us unique.

Sunnyvale has a varied history with agribusiness, tech and location near the bay.

Sunnyvale has a visible linear history from the time of the Valley of Hearts Delight through the population of this area with reduced agriculture and increased technology to the increasingly urban today - the history and continuity make it unique.

Sunnyvale has always been a big little city known for its innovation. Despite all the growth it still maintains its open and welcoming feel. It's a true melting pot of culture and diversity.

Sunnyvale has been a family-friendly city, with lots of public parks, playing fields, activities, cultural entertainment access, public art, etc. The two unique negatives are more recent: still no feasible downtown area and way too many high-rise, high-density housing buildings going up.

Sunnyvale has been a safe, well maintained, reasonably clean city in all the years we've lived here. It has a functional government and is bike friendly. Until you live in communities that do NOT have these things, you don't appreciate how important they are.

Sunnyvale has everything: safe neighborhoods, it is walker friendly, it is close to two major air ports,

Cal Train is here and it is sunny 300 plus days a year.

Sunnyvale has lost its uniqueness. Driving down the el Camino it is hard to tell what city you are in.

Sunnyvale has more trees than cities like Santa Clara, making it more pleasant and less like a concrete jungle.

Sunnyvale has the best year around weather in the country, well planned infrastructure, good public communication, excellent services for seniors, and friendly people.

Sunnyvale has the smaller town feel in the middle of this huge urban sprawl we live in.

Sunnyvale is a combination of the silicon-valley tech with largely residential development. These tech companies are interested in good upkeep of their respective properties. By working with them, Sunnyvale can make sure that the two large sectors (residential, tech) integrate into a meaningful whole.

Sunnyvale is a cottage town surrounded by the chaos of Silicon Valley. It offers its residents the perks of a hometown community and cultivates the melting-pot concept. Unlike the surrounding cities Sunnyvale isn't all concrete but embraces the higher quality of life provided by parks and green areas.

Sunnyvale is a mix of the old and the new; its heritage in agriculture (orchards), and its sense of the future.

Sunnyvale is a place where you find everything you need to make your daily life easier.

Sunnyvale is a remarkably diverse place. It is 2 or 3 separate cities in one separated by socio-economic division from north to south. It is large enough to feel somewhat like a city, but still small enough to have a sense of community. This is changing as the construction of business/residential development is increasing rapidly.

Sunnyvale is a safe, friendly, inclusive city with an emphasis on science, technology and the arts, located in the heart of Silicon Valley.

Sunnyvale is a very family oriented city. We have such rich history here beginning with the Murphy family. Cherry/apricot orchards, Libby's.

Sunnyvale is forward thinking, ambitious, and compassionate. This is shown in its embrace of urbanization, that values dense and diverse neighborhoods.

Sunnyvale is great because of the diversity in culture and the shops and down town

Sunnyvale is in the heart of the Silicon Valley activity convenient to the downtown area, restaurants and grocery stores. Additionally, is has a wonderful private arts program.

Sunnyvale is less concentrated that most other South Bay cities and thus, it feels somewhat less cohesive. Consequently, the arts would be an ideal way to create such cohesiveness that's otherwise lacking.

Sunnyvale is near two of the largest cities in California, yet it has a small-town feel. It still has threads of its past (orchards, historical places), along with the high-tech businesses.

Sunnyvale is neighboring with Google in Mountain View, Apple in Cupertino, Cisco in San Jose. But we have many small-middle size companies, startup. People are young and innovative.

Sunnyvale is not unique and is part of a bigger city. It is a nice, safe place to live and I am happy here (15 years)

Sunnyvale is not unique. Sunnyvale could look and be unique if the city put more effort and money to more projects such as using technology to help beautify, encourage participation of all ages and maintain the city along with inviting the community to participate. Sunnyvale is in the heart of Silicon Valley. Just art work is not a unique idea. Commissioning art only serve a very small percentage who will know or appreciate it for years to come. Sunnyvale is large. Try thinking of how to make the entire city of Sunnyvale UNIQUE!

Sunnyvale is safe and diverse. We have such variety of people and there is such little crime compared with neighboring cities.

Sunnyvale is the heart of Silicon Valley, and reflects (or strives to reflect) the diversity, both racial and socioeconomic, that this brings.

Sunnyvale is the heart of the Valley, both as in 'Valley of the Heart's Delight' and as the Heart of Silicon Valley. To me this means the most beautiful environment coupled with the most beautiful mix of people and ideas. It is the center that grounds the sprouting of all things wondrous!

Sunnyvale is unique because it is becoming the new Silicon Valley High Tech Center, it is no longer Cupertino

Sunnyvale is unique because it's a close knit smaller sized community in between and in the center of the Silicon Valley. It's almost like it is its own little place.

Sunnyvale is unique for its small downtown.

Sunnyvale is unique in its urban and laid back lifestyle. The people are always helpful and it has some of the best restaurants and parks.

Sunnyvale is unique within Silicon Valley because of its cultural diversity. So many people from all over the world have come here to live and work. But despite being in the center of a tech hub, I feel that Sunnyvale has a proud sense of its city's History. The Sunnyvale Heritage Park Museum highlights the unique History of Sunnyvale and the founders of this area. I do not get that feeling about other cities within Silicon Valley.

Sunnyvale library

Sunnyvale library and its scalper of reading man

Sunnyvale still feels like a small community. I love the trees, parks and proximity to the foothills. Murphy avenue area is also unique in our city.

Sunnyvale still has a rich heritage, once being a vibrant agricultural center of the Bay Area. The break-neck speed of current development threatens this heritage.

Sunnyvale, with generous mix of older apartment buildings as well as single-family housing, offers greater opportunity for ethnic/racial and socio-economic diversity than some of the near-by cities such as Palo Alto and Mountain View.

Sunnyvale's history is unique and intriguing. The orchards and canning facilities, railroad stop, Westinghouse and Northrop Grumman. Current unique point of interest is the excessive cost of living due to its location in Silicon Valley.

Sunnyvale's many parks and green areas. Wonderful recreation center! Wonderful farmer's market.

Sunnyvale is lovely, it is not that big but we got everything. People here are very friendly.

Tech. Idleness.

technology, agriculture, innovation

Technology, it is my home, high level of education and diversity. Great Indian food.

That it went from primarily orchards when my mother-in-law was growing up here to a major tech community by the time my husband & I moved here last year.

The fact that there are a variety of neighborhoods that make up the city, including downtown and the historic area. Gives it a small-town feel, rather than the city it is rapidly becoming.

the agricultural history - orchards

The availability of seeing the old in the orchards and old homes, and our beautiful parks ....

the city of destiny ...

The City of Sunnyvale doesn't offer many unique sites for residents and visitors alike.

The City services provided to the community. In comparison to other Cities, Sunnyvale takes care of their residents.

The city went from orchards to tech in the span of half a century and provides an impressive array of resources for a diverse community of its size.

The city's proximity to the tech industry and its location on the Peninsula that gives the city comfortable weather throughout the year.

The community from the residents, community services and the board volunteers that serve by providing their time and outside experience and knowledge.

The condition and lack of forethought given to the planting and care of city trees, as well as the preservation of natural open spaces.

The cute small town history of the Murphy family tied into a childhood full of cherry trees

The diversity and how people easily accept you for who you are

The diversity of people here and the mature trees in some of the residential areas.

The diversity of people, businesses, and eating establishments.

The diversity of the people, the willingness for neighbors to come together.

The diversity of the population is reflected in the business and public spaces.

The downtown has been well preserved since its original time as an agricultural hub. There are still some traces of orchards. I love that the downtown is still mostly only one main street. It's a relaxed feeling. I love the weekly farmers market.

The downtown, farmers market, quaint feel to the downtown area.... bumping into people that you know from the coffee shop at the park / preschool / farmers market and vice versa!

The entrepreneurial spirit, optimism, common sense

The extensive park system

The fact there is VERY little of interest in Sunnyvale. It is boring.

The family

The few pieces of art around the city that aren't a monument to greed are the mosaic obelisks, the orchard history related bronze reliefs...both on corners at Matilda and El Camino, and the popular book reader statue in front of the library. The city would improve their image, especially among longtime residents if they add more worthwhile and aesthetically pleasing art pieces. We could use a little more heart and a lot less 'progress for progress's sake'.

the general disregard of residents' opinions.

The great growing community we have and the diversity of people.

The green spaces, well-kept single family homes, lack of apartments and taller buildings

The high population of people from India living in one concentrated area the city of Sunnyvale.

The historic downtown

The historic Murphy Street as a gathering place.

The history of orchards and now the vibrancy of technology

The history of the city

The information sessions at the library.

The long-standing orchard that still produces fruit today, and some of the old art pieces, murals, and fountains, all make Sunnyvale unique.

the management, the weather and the citizens interest and the schools and the arts and history

The multiple parks

The orchard heritage like mellows nursery, which was just razed to the ground, and the orchard tower.

The orchards, that are nearly gone now. Sunnyvale was great because we were mostly residential. Now we have mega corporations blocking our streets with traffic and high density housing overwhelming our schools.

The original orchards and farming community.

The people

The people care about the community, it's people, and safety.

The people, the small local shops, and the socioeconomic diversity and culture.

the people! a mix of cultures, economic status, household composition.

The people. Sunnyvale needs something to separate it!

The people. There may be interesting places but without people there is no soul.

The place is very nice

the quaint old houses and downtown area, and I love the library. I am not too happy with all the development downtown and elsewhere.

The sky-high rental prices for user! The stratospheric home prices for user!

The status in front of Sunnyvale library is my best choice. Good design of the community center with the water fountain and the green fields.

The Sunnyvale parks are wonderful. The downtown is charming with nice restaurants.

The trees on the streets.

The way they have divided the elementary schools into different programs

There are always many events and activities.

There are lots of engineers. Everywhere you go, people are technical and they like science and math.

There are many excellent local parks.

There are so many sustainable initiatives in place (i.e. bike lanes, citywide composting, renewable energy, etc.).

This was once a unique beautiful city that the newbies have no clue as to the orchards, the canneries, the planes from Moffett, downtown (the way it used to be, not the way it is now) etc. Sunnyvale is now drab. The only thing I find unique is people from different countries speaking in their native languages, but that is not unique. There is nothing that pulls us together anymore.

Thoughtful people. Highly-educated. People work hard to be good neighbors and support the institutions like the library, the schools, plans for development.

Tie to the orchards/fruit

too crowded no open space

#### TREE COVER, EDUCATED GOOD PEOPLE

Trees, nice parks, library, nice peace officers, diversity, a downtown and many shopping and restaurant choices. I love it here. Sold my house and moved from San Jose to a condo.

Trees, walkability, services, retail

Unfortunately, not much beyond Murphy St.

Unfortunately, unfinished downtown center...

Unique attitude towards building our economy.

Unique range of areas from bay to El Camino, with a unique downtown and transportation corridors.

Unpretentious center of Silicon Valley, helpful neighbors

Unsure; it's much like our surrounding cities (Cupertino, Santa Clara, Los Altos, et al) except a larger population.

Used to be strong sense of community. Great parks and recreation. Not so much anymore.

Used to be that it was a small-town atmosphere in middle of a megalopolis. But now, it's just another overbuilt city like all the others.

used to think it was beautiful because of the orchards and sunshine, but only the sunshine remains now

Varied history (gag, software, hardware, military, etc.) and people.

Variety of food options El Camino Real Indian Community etc.

Very close to lots of places. However, taller buildings are ruining the friendly effect of the city that it once had.

very diverse population, agriculture to tech culture, lovely climate, small town feel

Very diverse with a mix of longtime residents and many transplants from elsewhere, very welcoming of people from other places and backgrounds, balances the crossroads of being a tech center at the heart of the Silicon Valley with a real sense of community. People are friendly here!

Very energetic, public parks, diversity.

Very well run city, forward infrastructure planning, always striving for excellence, deliberately inclusive and diverse, sound current financial structure, sound forward financial planning, very pleasant community, very pleasant city public facilities, dedication to compassion and helping the less fortunate, extremely safe place to live, always working hard at civic leadership, dedication to the

environment.

vibrant, diverse, welcoming

Was known for its orchards. Is now known for: It's parks: The parks are family-, kid-, adult-friendly. There are areas for the kids to play. There are greenbelts between the parks. Many use the greenbelts to run, take strolls, and walk the dog. Some even cycle on the greenbelts.

Transportation: There are bridge overpasses for cyclists and pedestrians. Cal train goes through Sunnyvale. Buses also go through Sunnyvale. High-tech: Lockheed Missiles and Space, Yahoo, Juniper Networks, and Advanced Micro Devices are headquartered in Sunnyvale. Google, Amazon, Microsoft, ... have offices in Sunnyvale. Weather: Sunny all year around.

We are a community facing immense increases in population with reduction in garbage services, reduction in many roads being changed from 2 to 1 lane in each direction...So we are a city in transition, without a major downtown shopping center.

We are in the center of everything from tech to wine to invention.

We have a lot of great parks and growing and vibrant downtown.

We have a lovely museum. Murphy Street is unlike other main streets. I don't know many people in Sunnyvale, except for my Belleville neighborhood, which is friendly. We moved to Sunnyvale in 1974 and thought the city was lovely with its own mall. That mall was unique at the time and small enough to shop in yet had many good stores, many independent. The Town and Country used to help make Sunnyvale unique and I loved shopping there. Now Sunnyvale is full of tall high-tech occupied buildings and high density housing, soon to be many more. I have in the past taken many adult end classes though our rec department which offers a great variety. I think our public safety is certainly among the best. I like the idea of coffee with a cop though I have not attended. The Very Most Unique thing is that lovely statue of the boy on the bench reading the book outside our library.

We have lived in Sunnyvale since 2004. We love it. It has lots of parks or proximity to parks. Each part a little unique. The art is very nice.

We have the amenities of a larger city, but still have a 'small town' feel.

We have the last orchard in Sunnyvale which the Olsen family donated to us. Which hopefully will remain untouched by the City Council which is trying to move a house onto the property. Leave our orchard alone.

We have, in the past, been successful at maintaining a 'small town' feeling and atmosphere even though we are in the heart of Silicon Valley and the tech industry.

We live very close to Sunnyvale and visit it often. We visit Downtown Sunnyvale on Murphy Ave very frequently especially Farmers Market on Sates.

We've retained a small-town environment even with the massive growth of big businesses moving in. Love Murphy street, Farmer's market, art & wine festival, etc.

Weather, history, people, community involvement

weather, infra-structure taken care of, schools, parks, biking accessibility

Weather, quality of roads, safety

Well balanced demographic and democratic diversity.

Well balanced parks/residential vs commercial

Well it used to be the orchards, but those are all gone. Now it's simply its location at the center of the Silicon Valley. That said, the city planners are doing their best to destroy any downtown or historic heritage. Move Target to the 237/101 junction and build the theaters next to it. Add light rail into downtown and build up the restaurant selection

Well run municipal government.

Well, I grew-up in Sunnyvale, and its changed a lot - I use to like the community atmosphere that was present in the downtown area, which has now changed to big companies.

Well, I've lived in Sunnyvale for 9 years and I find that there is a cultural freedom aspect that is quite unique. Many diverse cultures have a degree of respect that I've found while living in Ohio.

What makes Sunnyvale unique is the diversity of ages, ethnicities and religions represented in the city. It is the people that make it unique.

What makes us unique is the wonderful location and weather and the technological history of our area. The current working orchards keeps alive the agricultural history. The area is rich with the diversity of people and culture.

Whatever it had is being diminished as direction of city hall shifts from neighborhoods to industry While it's impossible not to first think of our wonderful climate, I strongly believe it is the long-term planning by the city to build and maintain a plan for growth, housing, utilities, businesses, civil and environmental protections and renewal which maximize 'quality of life' for its citizens and which makes the City of Sunnyvale unique among its neighbors.

While we are 'the heart of Silicon Valley,' we have a responsibility to be the heart of local artists and artisans. Place works of outdoor art in public places, including but not limited to interactive art, is a wonderful way to recognize and support The Arts in our community. Pieces that bring our diverse community together are especially important as the composition of our city has been changing radically-- a change that some long-time residents are finding difficult to embrace. Obtaining funding from the owners of office- and manufacturing-, if any, zoned properties that are being rebuilt or renovated is a great idea. It's a way they can support the community in which they're choosing to be.

Wide streets, perfect weather, proximity to tech work, good parks for the kids, lack of good cultural life (concerts)

with roots in agriculture still even to this day, I love that my kids can see a working community farm in Sunnyvale that's just a hop, skip and a jump away from the biggest technology businesses on the planet.

worst traffic signals in Bay Area

Young, diverse, educated, and growing. A melting pot of ideas and cultural influences.

Other Arts and Cultural Experiences

# Are there other arts or cultural experiences you want to happen in Sunnyvale?

More live theater and concerts including children's theater. I think the closing of CTC children's theater is a significant cultural loss for the city of Sunnyvale. I think there should be more arts and education collaborations with the city collaborating with the schools to bring more arts experiences to children.

Parades, events that celebrate cultural celebrations like Kwanzaa, Irish Scottish Highland games, Asian heritage events, also events that could happen in autumn and winter and spring and not just only music festivals in July and August, also lectures from speakers of various arts categories painters, photographers, sculptures, etc.

- Open art: Let the community come together & create temporary art at public places
- 1. (monthly) readings by writers and poets 2. city-wide celebration (performing arts) of special holidays for our major cultural groups: Diwali, Chinese New Year, Cinco de Mayo, Eid-ul-Fitr, etc.

A fine arts museum/and or arts area. Like the Triton in Santa Clara. Some statues outside, a beautiful garden, perhaps with samples of past orchard trees, and a building to hold art displays. The building would have a lot of large /windows so the outside gardens may be a part of the building. Different types of art would be on display. Paintings, prints, photos, classic art and tech art. Plus, it would house a place where all ages may take art classes or hear lectures and presentations.

A winter festival like the summer bands playing in Murphy street. But probably in different locations around Sunnyvale.

affordable musical adult performances

Annual art experiences that become unique to Sunnyvale - think 'Crucible' in Oakland or Berkeley 'Kite' event or San Francisco 'Decompression' or 'Great Glass Pumpkin Patch' in Palo Alto.

Architectural art. Something UI unique people travel to see. E.g. the bean

Are there ways to engage the large enterprise businesses to contribute time/resources/space for public events?

Art and craft sales are a wonderful way to show off community talent and gather people together. Sunnyvale has some extremely talented amateur artists.

Art and wine festival?

Art at our schools which is created by the students- murals etc.

art by/for marginalized artists - disabled, ethnic minorities, LGBTQ

art experiences that combines outdoor activities into them. e.g. running trails, biking trails, walking routes. I would prefer functional art in the streets that would encourage people to walk/bike more and experience the art as they do so.

Art Festival on Murphy Street, A monthly city magazine that highlights upcoming events, what is happening in the community and how the community is coming together on specific projects. Like Redwood City's magazine, 'Climate Magazine'.

Art festival sponsored by the city

Art festivals with Asian elements.

Art festivals!

Art history, art appreciation and art teaching for everybody: youth, working adults and older adults. Our city is behind the neighboring cities for this. As a Sunnyvale resident, I must go to private classes or outside the city for this type of events. Sunnyvale is not perceived as a glamorous city with lots of cultural events compared to a lot of other cities nearby. As the heart of Silicon Valley, we should do better: art festival? film festival?

art in the park exhibits

Art in the park for kids

Art inserted in concrete at highly certificated public areas.

Art is great if it's not abstract.

Art is important part of community and throughout the city. Art should get some attention and should be attractive to children to seniors.

art meetups

Art should be tasteful and not overwhelming to the eye.

Art that encompasses visuals and sound. Art that makes people stop using their technology for a

moment. I love art that you can experience, like the labyrinth in Plaza Del Sol.

art that engages the mind and feels like 'Sunnyvale'; beauty

art that teach kids and adults about American history.

Art wherever people are walking. It's great because it slows them down to take in the art, discuss it etc. This would include shopping centers, trails, street sidewalks, outside of big buildings.

Arts events that serve as a gateway for participants to engage with a culture they may not be familiar with, experience local products or learn about a time in history are of value. I'm also an advocate for events that embed metrics to demonstrate their economic benefit. Additionally, an event that is international in scope can achieve diplomatic and cultural exchange outcomes. This opens opportunities for funding.

As our residents continue to expand the cultural diversity of their histories, it would be great to have an emphasis on our community history and common experience, building a shared community experience.

Now, I don't know of any art that celebrates the diversity of Sunnyvale. The public art we have is not very interesting nor would I be likely to share it with friends and visitors with pride.

Beautiful gardens

Beautiful murals that you can take photos at. Example, there's one in LA(?) where someone has painted wings and lots of people like to take photos there. I think it would be cute if as you walk down the streets, there were murals to look at.

Better city support for local artists.

Better venues for the performing arts.

Biennial expositions gathering works by multiple local (or not) artists, symphonic concerts in parks, choral music in public places

Bluegrass festival and more local artist's shows

book and poetry readings by authors, poets and other artists Taking activities outdoor - outdoor painting classes, park yoga, outdoor cooking classes, wine tastings during nature

Borders (bookstore that closed) used to display, in its cafe, local artists' paintings which are for sale. Art exhibits in galleries and public library are fine, but I prefer natural places to remain natural and not be intruded by man-made art.

celebrate unique holidays / events around the world. can be small scale like special exhibit / activity hosted at the library or city hall

Chalk art festival.

Change that piece of sculpture on the corner of El Camino and Matilda, says nothing about what Sunnyvale was years ago.

Child friendly exhibits and interactions. My kids love the clock town in Plaza del Sol.

Children's and veteran's art plus animal assisted art for the disabled

Children's Halloween parade, food festivals, food truck gatherings,

Children's indoor art activities

Children's theater, music, dance. Community Concerts.

City could organize 'flash mob' type art installations, calling on residents to come and participate in, say, drawing with sidewalk chalk in the square with the Labyrinth. Organized by text message?

Community / local art. How about murals by community members, guided by Bay Area artists?

community art projects to gather different cultures and backgrounds

Concerts in the parks - live music

Concerts, ethnicity / heritage celebration

Crafts fairs, performances

Create a theatre (plays) worthy of attracting theatre guiros, main attractions. Like the Carriage House in Saratoga or Lucie Stern in Palo Alto or Bus Barn in Los Altos. Not big theatres but attracts fantastic acts.

creative space for local artists and artisans where they can display and sell their art

cross-cultural, indigenous art show and encouragement

Cultural & Musical Concerts like Philippine Madrigal Singers from Philippines.

Cultural dance or performances like hula, Bollywood, Filipino dance performance

Cultural diversity as seen in folklore dance, food booths etc.

Cultural events to help me/us know our neighbors.

Cultural experiences that travel to the different schools rather than school having to arrange to go to. It would reach more kids (and adults) as well as populations who might not otherwise see these events.

Cultural festivals would be nice

Dance performances and classes in the plaza outside of Phil. An annual parade down Murphy St and environs would be awesome!

Designate places for artists to display art in public places. Unused store fronts, city offices

Different cultures expressing where they come from since we come from diverse community.

Display of international art reflective of the community. For example, Indian art or Mexican sculpture.

Displays of student's artwork from elementary school through college.

Do not spend city money on public art. Do not subsidize 'artists'. Sunnyvale is an engineering town, not an artist colony.

don't know

Easy to participate art fairs for photography, painting, writing, video, etc.

Educational - Physics, maybe like something at The Exploratorium - or Musical. Temporary installations - say a week or two, to encourage viewers to go see it.

Encourage making existing and new utilitarian features more visually interesting by painting, etc. for example painting of utility boxes, improving look of bus stops, installing visually interesting seating and paving, murals, etc.

Ethnic art and festivals

Ethnic, cultural diversity events - Diwali, Holi, Ganesh Tzav

Facilitate cross cultural meetups

Festival teaching children about agricultural history of Sunnyvale

Festivals and events celebrating our cultural diversity!

Festivals celebrating the diversity of Sunnyvale's population. Free public art education by local artists

For myself, I am looking for a watercolor class on Illustration. There can be celebrations of different cultures at the Community Center on a more regular basis. This would be an excellent experience

for students and all for leaning, acceptance and understanding.

Fountains, Gazebos (It's sunny here after all), and of course lights (hopefully solar powered). they need to be big so that each place can accommodate ~ 200 people at any given time.

Free an easily accessible

free concerts in parks or other open spaces - like concerts presented in Stern Grove in S.F. - by local performers

Free or low-cost programs for young people & students to take classes or participate in some way with local artists, including public art created by students working with a master artist.

Functional art to incorporate education of what/how the element is to be used. e.g. artful bike racks w/ bike safety/education; art along the multi-use pathways that can enlighten users how to be safe (bikes riding at safe speeds; pedestrian safety; and overall courtesy)

Fund the children's theater!!

Gallery and expositions, more live music and dance and sculptures

Gardens as art. Herb gardens...flower gardens...Palm gardens...succulent gardens...artful landscape design!

Great music events

Great street food trucks with affordable ethnic food.

Hands on arts and crafts Different areas of the city not just ONE location

Have some art that is kid friendly, that children can climb on, sit on. The reading man statue by the library is a great example of this.

historical art is absolutely fascinating to me. Anything that helps commemorate the city's rich history, local inventions, famous companies/products/people. Plaques showing a location that is famous (like the HP garage) or has significance (home of famous person). I also appreciate technical art. Not interactive/short-lived/glitch computer-based 'art'. Rather technical art like the ball maze at the tech museum in San Jose. Or a wall of silicon wafers. Or pieces of some famous historical item or device. Commemorative plaques go a long way to show pride and history for our great city:)

Historical bike tour; bike the city event. A community fair where all the different civic groups can have booths displaying all they must offer, including the police, library, etc., and private companies/groups can fund the event by paying for booths. There can be food trucks and raffles.

Historical monuments and statues. Sunnyvale Pride.

History of Sunnyvale done with artwork the wonderful mural at Bishop Elementary (Sunnyvale Ave/Maude on outside auditorium wall) Showing the history of Sunnyvale in a mural will be covered up in the remodel: (What a huge loss to Sunnyvale.

How about a yearly holiday light installation that would be a walking kind of display (i.e. http://www.georgetowndc.com/events/signature-event/georgetown-glow) or other things similar where people have the option of making it into a walk to learn about the city... Another item that would be great is something interactive for children, seniors, or those with disability.

How about some things that are more natural-less of the large metal sculptures or modern graffitistyle drawings, and instead things like- a bonsai garden, botanical / floral gardens, classical/realistic paintings or sculptures, historical photos or paintings displays.

https://petalumaartscenter.org/

I am very glad the city is exploring the use of public art and more art in the community.

I desperately hope for living and studio space for artists! Many more venues to display art! Dance. Street music. Impromptu performance arts, singers, acrobats. Light shows of all kinds!!! Fountains with art and comfortable seating. Sidewalk art (on or in the sidewalk) street art (creatively painted crossings, interesting textures, paths) in the street.

I enjoy art emplacements, and art on places like overpasses and another public infrastructure.

I enjoy water fountains it is nice art and can be an integral part of any setting. The sound of water and having birds and other creatures.

I enjoyed that city fair for the State of the City address and the location. That would be a great place to have an arts fair.

I like art where you see it during your daily activities. Murals, mosaics, and so on the street, in shopping, parking, and transit areas. An unexpected happy surprise the first time you see it.

I like gardens. Can we have a path thru the orchard at the Sunnyvale Community Center so we could enjoy it, instead of being told 'stay out'? No, Sunnyvale does not need unique art pieces. This sounds like a waste of money.

I like nature. Less concrete

I like the public arts program I see in New York near the 5th Ave entrance to Central Park. Every few months or longer an artist is selected to show their work in that location. I visit that site every time I am in New York to see the current piece. The Metropolitan Museum has a similar program in their roof top garden. I like the idea of a special site, easily accessible to all, where pieces can rotate through.

I love the downtown Los altos 'downtown on the green' they do in the summertime.

I love the festivals and events that 'close down' downtown. The annual art and wine festival and weekly bands in the summer are a great example! We could expand the farmers market to include more art.

I love the Indian cultural however it is also important to incorporate other cultures who feel totally isolated in Sunnyvale. For example, Irish, Italian, German or other European cultures.

I love the large-scale art that is fun like the giant flower near Target or fountains at the city center. I was disappointed the fountain on Murphy street was removed. Something interactive using sun light or water is great!

I recently joined Nextdoor so I hear more about events in Sunnyvale. For some reason, I no longer get the local Sunnyvale newspaper. So, if you had a summer concert series, I didn't hear about it. If you didn't have one, then it would be nice to have a concert series during the nice weather. It would also be nice to have an opportunity to see some old movies in a park setting.

I think any type of interactive outdoor art that is fun for children ages 2-12 to explore & experiment with would be a very valuable addition to our city. Also, some type of green belt with walking or biking paths with intermittent works of art would be awesome.

I think art should be so accessible that it's a part of everyday life and you don't have to go looking for it.

I think it's great to support local artists. I also think it is great to support schools. I encourage the city to consider public participation in the arts through school projects that change with the population of youth artists (e.g. change the murals at the middle schools every three years). Honestly, I don't like the murals at Sunnyvale Middle School. I wish they were more like Crittenden Middle School which had an entire wall painted with a space theme.

I think murals that will drive social media posts from bloggers, and instagram will do wonders for the city! I know that in LA the pink wall in front of Paul Smith gets a lot of people to the area and the businesses around it benefit a lot.

I think seeing murals more places would be great and that it would be cool to have a sort of theme - something that ties different displays together.

I think the Plaza del Sol should be used more; everything's on Murphy Ave. (I understand, the business owners want the traffic) --but we have this beautiful plaza that's infrequently used. I'd like to see more events happening there. I'm for more art, more music, more live theater. We can't get enough!

I want to feel more connected with the City. There is so much planned for the civic center area. I feel my neighborhood (Lakewood Village/North Sunnyvale) is extremely neglected in terms of access to the civic center and down town events due to geographic location. I feel like my neighborhood is cut off from the rest of town.

I wish more artists and creatives lived here, but I know that's beyond the scope of this survey. We'd have quirky restaurants, pop-up galleries and shops. City stuff.

I would like art that is also eco-friendly or educational. For example, an art exhibit that makes use of a renewable energy.

I would like public music in the parks or at the unused green areas of schools or at the community center. Performances, or piano installations where anyone could play any time. Maybe other instruments available to use at parks. Perhaps they could be rented out for a time (20 -min increments) to individuals or groups of SV residents who want to jam or just perform. This would work well at the Civic Center and be something no other city has. The citizens playing music could be the public art. Or regularly have choirs or performers in the parks. Or have art materials for anyone who wants to draw or paint at our parks. Or have the sculpture include an interactive game like ring toss or beanbag throw or hop scotch or something very low-tech.

I would like Sunnyvale to have a Museum of Art. Dedicated to showing Bay Area Artists.

I would like to have some exercising equipment at some parks

I would like to see a bike and pedestrian overpass, over Mathilda, with a 'Welcome to Sunnyvale' message written as you get off 101, going south, towards the heart of Sunnyvale. Just as one can see, leaving Sunnyvale going to Santa Clara, on El Camino Real. It should be located between Shawnee and San Also, and before Maude.

I would like to see a giant painting on the wall

I would like to see a sculpture garden like what exists at Stanford U. This is a delightful place to visit. This could be incorporated in our plans for the civic center, or how about the space at Town Center where the redwood trees remain?

I would like to see an exhibit that celebrates the rich history of Sunnyvale and its orchards

I would like to see less junky art in front of businesses. It seems like some businesses have installed cheap looking installations to satisfy a requirement for public art. These are not uplifting...they are a downer!

I would like to see the resident create the art to show what they think of Sunnyvale

I would love to see a centrally located bandstand in downtown Sunnyvale, where the community could gather for an outdoor concert series, which would include jazz, classical, contemporary, etc. music. Our weather is beautiful from early spring until late fall. We need to take advantage of downtown or one of our parks to have these types of community gathers.

I would love to see more art in green spaces, where children can interact with art in a safe space, climb on sculptures, engage with pieces away from roads and commercial businesses.

I would love to see the art box project come to Sunnyvale... If you are unfamiliar, this is where local artists are commissioned to paint over public utility boxes. Beautifying everyday things around the city would make people smile.

I'd like to see the whole Sunnyvale City Council impeached. Think of it as performance art.

I'd love the opportunity to attend outdoor acoustic musical performances, a la Austin and the surrounding areas. It's amazing to stumble upon lovely music. I'd also like murals and whimsical art scattered throughout the city, and maybe one big amazing piece that's centrally located.

I'd rather see potholes fixed, and an effort to better synchronize traffic signals, especially Mathilda, Wolfe/Fair Oaks and around LinkedIn.

If the arts are to be only temporary, they should be there long enough for the population who cannot be in crowds to have time / chance to participate too

If the City could find a conductor, we could have a community band, as do Cupertino, Los Altos, Saratoga. Great fun for the volunteer participants, and for the public – at parks or indoor venues in iffy weather.

In your Facebook news posts, highlight a work of art on a regular basis, maybe once a month, or on 'art Fridays' or something like that, to bring awareness to your efforts and other parts of town I may not have taken the time to visit.

Informal unscheduled interactive street theatre; flash mob performances More music of all kinds

Integrate Sunnyvale history as well as diversity into art experience somehow.

Interactive art

Interactive Art - egg. in Montreal during the Jazz festival, they would put up art related to music that kids/adults could interact with

Interactive art experiences that bring people together in a public space

Interactive water features for parents and kids to gather and play in.

International day festivals that celebrate our rich diversity

International day food vendors.

International food fest. There are so many communities that live here, we could have some sort of festival in murphy where there are stalls from all ethnicities. Food is a cultural experience and it fills one's belly.

Invite local musicians to perform at parks.

It is important that the down town area have some art that shows the history of Sunnyvale. I would like to see murals on some of the walls and some sculptures of showing the history. I like the stuff at Murphy Park and would like all parks to have some of the same depending on where the park is located change the topic. I would love to see the trails on the Sunnyvale Baylands park marked with mental birds with the trail's name and distance. Right now, most of them have little no markings and no maps. It needs to be dressed up and more publicity.

It would be cool to have a regular arts fair during the summer that is held on Murphy or the civic center.

It would be wonderful to have free music concerts and how about a street fair, not the same as an art and wine festival, just something that would suit families with merchandise and food available?

It'd be nice to have events where Sunnyvale residents can be part of the art making process (e.g.

creating murals).

Jazz....have enjoyed concerts at the community center.... email calendar of events very helpful

Juggling art

Kids activities

Kite festival International Cultural Festivals Tech events like drone racing, robot competitions

Knowing your neighbors better with some community activities. We also have a great farm area, where we could have family activates easily set up.

Large murals on blank building walls

Large scale chess boards ala au tana Row Painting of utility boxes by local artists

Like to see a diversity of ethnic cultural music, plays, dancing, and food experiences throughout SV.

Live entertainments

Live music and plays

Live outdoor dance performances during the day on weekends and holidays

Local artists in a permanent gallery in the community center or coffee shops where one can purchase their art. Or once a year open house at the community center.

Local concerts and other performing arts

Look to installations like those in Chicago in and around the Art Institute of Chicago; park nearby has interactive art structures that attract tourists as well as residents.

Los Altos has lovely teak furniture scattered around downtown for people to hang out - turning downtown into a semi private space. It would be lovely to see this in Sunnyvale - not just downtown though, but in the neighborhoods, or as part of the shopping centers

Love the idea of suns (or something) decorated by artists throughout the city. They do hearts in sf, pigs in Cincinnati, cows, horses etc. in other places they are awesome.

Love the metal sculpture at the library It's stationary but interactive

Love the music on Murphy in the summer.

Love the Wednesday music on Murphy's during the summer - would like something in the spring and fall too

Low-impact Broadway style dance classes for adults (evening) and older adults (daytime).

Making it a historical, green, tech city of world, where people can see everything and people something not everywhere. You can have programs having regularly for which people come and wait.

Modern sculptures (Alexander Calder)

more activities and experiences for those on the autism spectrum

More affordable performances - dance, theater, etc.

More art and music...less technology and growth

more art classes in local community centers mobile art class truck? visiting artists to local elementary, middle, high schools more connections to local artists

More art classes through the Sunnyvale community center(s).

more art related events, include art in farmer's markets

More concerts.... maybe at community center. Outdoor gallery or art show at the community center a couple times a year.

#### More displays of amateur artists

More emphasis on projects which bring people out of their homes to walk/bike/shop/eat and explore their neighborhoods. Large urban multi-use planning projects which incorporate landscape and destination (think of the renewal of the Embarcadero waterfront area of San Francisco, or the Riverwalk promenade in San Antonio as examples of big and small projects which have been so successful in this regard). What are the city's current plan for the renewal of the library/town hall property? The 'downtown' area of our city, the El Camino corridor? I think of this especially as the older single-story housing model on which the original city design was based is now giving way to higher-density multi-story living units. In my opinion if we want the sylvan environment of our city to continue it is terribly important to plan/build the integration of art, landscape, people passages and play into the master plan. City art is not about simply plunking a sculpture down on a corner lot or painting a mural on the side of a building. We need to think bigger. Thank you.

More events to help bring business to downtown merchants, near Cal Train.

More festivals encouraging people to mix and get away from their computers

More free concerts.

More international food and art festivals around Murphy Ave.

More marker explaining Sunnyvale history

More music experiences, jazz and classical.

More music, please.

More musical events (including classical music)

More performances by local magicians! Sunnyvale is uniquely fortunate in being the center of one of the US's leading magic communities. The city should exploit this more. Particularly by hosting some evening or weekend public stage performances.

More places for artists to show and sell their work that are free. More awareness and promotion of local art clubs and individual artists...an art city would be jewel.

More public input into art selection. I love what they did at Murphy Park and invited community members to help paint some of the pieces.

More public murals that reflect the city's history and its growth into a new city - modern and current!

More shows! Theatre, Dance - from all over the world, music

More support of the men and women in the Sunnyvale DPS.

More support of the performing arts--specifically Sunnyvale Community Players.

More tile mosaic and large sculptures and bright colors!

Movie nights, e.g. classics movies or movies for younger audiences.

multi-cultural activates that represent the cultural diversity of city residents

Multi-cultural dance/music day or at least a parade to celebrate the cultural diversity of our city.

Multi-cultural festival

Multi-genre arts festival: music, visual art, theater, poetry/spoken word, video, kids' activities

Multicultural dancing and music performance. Dance classes for the community of all ages.

multicultural: Chinese/Taiwanese

murals or sculpture that allow people to interact with or be next to and take a nice picture of friends with the art

Music and drama and dance

Music concerts

Music Concerts, culture dances, art lecture

music festival

Music festival, architecture festival, and woodwork festival

music in the park / travel photo exhibits

Music in the park, puppet theatre, environmental art etc.

Music programs including music from other cultures.

Music venues Humor

Music, street fairs,

Music, theater, children's events, maker fairs, etc. I like it all, but I am currently most excited by interactive educational art, like the children's museum in Santa Barbara, or one of our nearby museums/Exploratorium-style centers. The Color Factory installation in SF or interactive digital art (Pace Gallery in Palo Alto had a great show) are truly amazing. I'd also LOVE to see something like the Solstice Parade in Santa Barbara that pulls in Community members and visitors alike.

Music; art geared to children and youth

Musical events: Street Artists, Concerts - Pop and Classical, Chamber Groups

My favorite art in Sunnyvale is the reading boy at the library. It is just cool, but also surprising and very accessible. More like that!

Once the new theater is built at the old Town Center, a local film festival might be a good way to help showcase the new downtown (if the theater is open to the idea). Also, although Evenings of Cultural Arts is great, the city still needs more access/exposure to performing arts--maybe draw more visiting artists to the community center theater? Or try to attract another resident theater company?

One of the questions implied an outdoor movie event. That would be great! I want see murals and such as I go about my day in Sunnyvale.

Open air plays in summertime. Keep the live music downtown.

open concerts/theaters

open streets events, pop up community art events, day of drawing, tech/art fairs, maker DIY steam events for all ages

Open studios would be cool, like a neighborhood walks to visit local artists in their home studios (like Santa Cruz)

Opportunities for children to perform.

Opportunities for local artists to display and showcase their tablets

Our homeless to have more or different opportunities to be off the streets, out of the parks, and getting back on their feet. Why spend money on art that won't make a change when the money can go to something that will? Or how about speed up the downtown center restructuring so we can stop spending money in other local cities that have more. Of what people are looking for.

Outdoor concerts in parks. More shaded benches for disabled residents to sit and relax in parks and public places.

outdoor films screening outdoor theater indoors/outdoors dance shows the return of California Theater Center

Outdoor installations seemingly would reach the most residents, which I think is important.

Outdoor movies

outdoor music events

Outdoor music events! Outdoor theatre (like Shakespeare in the Park) Community based art projects - where residents can contribute through workshops.

Outdoor music in the summer

Outdoor music series, including music of many cultures (Indian, Mexican, Chinese, etc.)

Outdoor music. For example, in Mexico at cafes you often hear roving musicians playing marimbas.

outdoor: family movie nights or plays, sculpture garden (also suitable for children to climb, play on).

Paint on the electric box on stress like another city does like Santa Clara and Campbell

Painted electric breaker boxes, like they have in Santa Clara (city), QR codes for public artwork giving name/history/more info, more beautiful buildings (so the city doesn't look like everywhere else), more/bigger murals

Parades

participatory dance/ music spaces

Performing arts and cuisines celebrating cultural diversity (egg international festival)

perhaps outdoor shows or holiday celebration events

Permanent art by children in public neighborhood spaces and as part of civic spaces

Persian Art

Plays in the park, plays and concerts in the park and Full Circle Farm,

Please consider having artwork that is aesthetically pleasing. Imagine it being a place where families would want to have their family portraits taken. The triangular flower mosaic is not appealing at all. My favorite artwork is that of the sitting man reading a book in front of the library. Kids love going up to him.

Please do NOT add man-made items to natural open spaces..... they intrude on the feeling of being out in nature.

Please embrace the Maker movement - any tactile art to inspire children to be Makers as well as preserving the history of Sunnyvale which used to be in cannery business, with orchards where children can roam around freely. Please provide the low-tech activities for child in this ultra-high tech environment. More Full Circle Farm, more garden, more orchards, more nature inspired art to keep the cyber world and to keep us connected to the real world.

Please re-open the Art gallery at the Community Center

Pop up Art works, provision of artists' studios/ galleries that offer workshops/ performance art, working with private developers to make art and creativity an integral and meaningful part of city life rather than just an add on at the end of a project

Pop up Festivals along Murphy Street (live bands, quartet/orchestra concert, art/wine, chili cook off, chocolate fest, jazz fest, movie screenings, food trucks, etc.

Professional musicians need opportunities to perform more at the community center. It is very expensive for local artists to use the spaces.

Promote local artist Very interested in well done mural art

public arts exhibition/fair/sales

Public cultural events or displays (such as banners on light poles) that highlight our diversity in such as Cinco de Mayo, Diwali, Tet, St. Pats Day, MLK, Chinese New Year, Veterans Day, etc.

Public music events are fun. We also enjoy Redwood City's Summer Movie in the Square Events (https://goo.gl/5GYibd).

Public performances of music

Quilt exhibits at the Community Center

Random, small-scale acoustic music in places like Plaza del Sol (which is currently a ridiculously wasted space), parks (e.g., Murphy park 'amphitheater' area), soon-to-be Redwood Grove area in the soon-to-be-built town center development, etc.

Real art, as judged by qualified artists, not made-for-civic-use, mass-produced art.

Recognize outstanding women in Sunnyvale

Replace the mural that is being removed from Bishop School. I'd love to see an updated, maybe more 'professional' version of that mural on the new campus. Facing the neighborhood, as the traditional mural has.

Rotating sculptures.

Science centers

sculpture garden

Shakespeare in the park (used to have one near Rayner park) or other theater pieces in parks; small music fests / art fests in parks; kids' tech-related competition and/or music recitals in public areas; chess boards in parks (w/ monthly instructions?)

Showcases of local dance groups.

sidewalk chalk art photography in the street video/music art that becomes interactive w/passerby by the local artists-- very important to support the local artists-- please. Thank you.

Small local artists based art museum with all kinds of art; limit the number of traditional 2D paintings (because we are a city that leads.)

Small scale public art, with a few awesome larger pieces, as well as lots of murals in a variety of locations and of a variety of types is what makes a community unique and special. I think about Fremont in Seattle as an example. Everyone knows Fremont for the Lenin Statue, the Troll, and the many smaller pieces of public and private art all around the area.

Some annual or semi-annual cultural program which reflect city diversity and create feeling of social gathering.

Some things which will develop interest about arts in kids

Something that connects people to nature and leaves technology out.

something that kids can enjoy and interact with

Something that promotes the intersection of art and technology to inspire people to pursue new ventures. Art and science are not opposites - they need to be in symbiosis to make this planet better

Special effects festivals, light shows

Statues of historical figures and events. Restoration of historical sites.

Street art on the whole Murphy street Art on the walls of Murphy street to make the looks of the restaurants & shops nicer! It doesn't look inviting and clean. trees are really nice.,

strong integrated public art at new City Hall complex/area city guidelines on urban aesthetics (appearance of street signs, sidewalks, street lighting, commercial fronts, city info pawed & signs South Bay Arts Festival, not the popular/ street/festival type, instead getting together top artists and new promising stars

Stuff that's younger kid friendly would be better for my young family but that's just an opinion

Summer - movies in the park, Shakespeare outdoor theater

summer outdoor theatre

Sunnyvale has lot of diversity so let's create cultural experiences of people celebrating their ethnic festivals like Diwali, Eid, Hanukah etc. This will be an eye opener of what people do during these festivals and we can celebrate together.

Sunnyvale needs an art museum where the primary criterion for the collection is quality, not local artists or incorporation of technology. Collections like that are built by donations, bequests, and grants. It takes time but is worth it.

Sunnyvale's new buildings are nothing special. Downtown needs more than 1 block. Unify our identity then add the art. Downtown needs a focus, gathering spot to draw visitors. A lovely parklike walk from Murphy St. to El Camino would go far to help our city.... Perhaps with art installations. Check out what Brisbane, Australia has done.

Support for local artists for exhibitions, affordable community art classes and free public museums displaying famous and local artists. Cantor Arts museum is a great example of such work surrounded my trees and open spaces in an educational institution

Tech, scientific or futuristic related art.

temporary exhibits like the ice cream museum. (ex. cute attractions that provide lots of photo ops)

The above will be sufficient

The city should recognize the Sunnyvale Art Club and what it does.

The ex-full circle farm has an enormous potential to become a regional center for agro tech. Also, the sports facilities and fields (such as Soccer Sunnyvale Alliance) can be beautifully designed. Those facilities host games with players from all over the Bay Area and the local community)

The experience of less construction, more orchards, a sense of wholesomeness for present and past residents. WE need to stop the incessant building /

The giant red ribbon placed on Mathilda is an example of industrial art that will not age well. It looks incomplete. Just metal junk that has no texture or anything interesting about it for us to be inspired. There is no symbolism, or something curious about it that makes you want to examine it further. It needs soul.

The musical swing chimes in San Jose were great. A set up at the entrance to Baylands or using the now defunct water area of Las Palmas (or other interactive installation) would be great.

The one I visit most often is the mechanical clock in the plaza downtown.

The only arts space in Sunnyvale is the theater at the Community Center. This commercial kind of art your questionnaire concerns is not for the most part art.

theater and outdoor music concerts

theater performances

There are many local artistes in SV. Celebrate them! They must go elsewhere to be recognized...like Palo Alto. SV PUSHED them out years ago! Bring them back.

There's nothing more I want to write.

#### This project is a total waste of money

To see the city council to permanently support one parade, or one art event, or one music event for many years. Events take time to grow and become part of Sunnyvale, we don't need a pet parade followed by a cultural fair, followed by another one-off vanity event. Find something multi-year that many councils can support in funding and STICK WITH IT. People will find it, if we are consistent -- BTW, Caltrans has funding for the arts. AKA: lighting on Bay bridge. Can SV support an El Camino Trl linear art installation and work with Caltrans and an artist? Just a thought...

traveling art exhibits in places like sr. center, community center, library

un Lugar para dib jar lo que quires y que la Demas genet lo pedal veer

Unique lighting of the art for dramatic night displays. How about a policy for removing public art after a time (though not for political fads)? I think the rusted sculptures by city hall have out-lived their appeal.

use to introduce and explain educational and cultural displays, such as the apricot orchard next to the museum.

Useful art pieces will be nice.

We cannot celebrate art in our fair city very easily when our toad ways and streets are trashed. Pride in SV must also be evident in the way we care for ourselves. With the current overgrown, out of control weeds, and incept public streets our new art will be wasted. We should start by showing pride in our environment and cleaning up the trash and overgrown weeds that are everywhere we drive in SV. Then add the art and keep both beautiful.

We have different ethnic groups that could bring more of their art in the form of Festivals or events.

We have very auto-oriented streets, I would like to see art and design used to create a more walkable city

We need to have arts/cultural experiences in different parts of the city.

Weekend early outdoor concerts or things like Shakespeare in the Park in the summer

While I do like the idea of art pieces in the city, I think the more rewarding way for a city to support the arts is through the places where people gather. Whether it means gathering at the theater to see a play, a place to watch others dance, a gallery to see an exhibit, or simply a space within a school or library where people can come to appreciate someone's artistic works, the art should have its own designated spaces. This draws people in and allows them to experience it with others in a more meaningful way.

Why doesn't Sunnyvale create round-a-bouts at intersections and place public art in the center? Bend, Oregon has 30 such round-a-bouts with sculpture pieces. The C of C provides a map and if one goes to each round-a-bout and answers the question about the sculpture, one gets a prize at the end.

Would be good if have art competition twice a year in a park or public places. Good art should be part of Public Display

Would like to see more outdoor music and dance sponsored by the city. New art should have more movement (kinetic) and be more sensory (light and sound)

would love if Murphy Ave was closed to traffic and used as a place for public art, benches and a meeting place.

Would love to see more diversified festivals/activities to incorporate different cultures and faith. This will help public awareness and enhance respect each other as a community.

## Attachment 2 Page 164 of 190

Wow it would be nice to have a fine art supply store.

Yes, make area of train stop more fun (colored roofs, fun benches, more life in the extended Murphy area

Yes, more art and cultural fairs would be great! We have Hands on the Arts and Art and Wine, but there is so much more to art and culture to explore! These events are similar each year; we need something new.

YES! I see very little of the performing arts on your agenda! Performing arts is flexible and can be displayed in many types of locations, can bring people to engage in cultural, political, social, and entertainment events that teach, challenge, and open minds and hearts.

Additional Input

## Are there any additional thoughts you want to share with us?

Also, celebrate arts and artists of various age ranges from youth teenagers 20s 30s 40s 50s 60s 70s 80s 90s and., except and include all people of all nationalities and make accommodations for all to appreciate, contribute and enjoy art.

Plaques in different parts of the city explaining history or point of interest; incorporating art into functional items for instance water fountains or benches for seating designed with an eye to aesthetics rather than just utility; an emphasis on sustainable materials in the expression of art; bus stops that incorporate art by the children of the closest public school (this might even lead to some healthy competition between schools for the best bus stop art!)

. Sunnyvale is such a nice place with nice and not-snobbish people. I would love to see it a bit more 'updated' on Murphy and next to Macy's. the buildings look a bit neglected but the city could be so cozy and friendly.

A community news mailing (like the continuing education) would be helpful to know what's going on in the city.

A favorite place to take my art students is Clarion Alley in San Francisco. It would be amazing if we could find a large space to feature revolving public murals like they do in the alley.

A more colorful Sunnyvale would be appreciated. Murals. Street art. A more vibrant downtown.

A new public library would be wonderful!

About this survey. It froze on question 8. When it came back only questions 9-end were available I could not go back to make sure other answers were there, so therefore first part might be missing. I think you need to consider public art to include all the arts such as I described in a previous question.

Although water is a protected resource, use of water (hopefully recycled) in public spaces and interactive art is always fun and soothing. Please consider.

Architecture and urban design are works of art. We should demand that new developments create great places for the community. Approving a bad building design and plopping a piece of art in front of it wastes everyone's time.

Art connects us, softens the edges of hard days, sparks ideas and impulses. I'm glad you're encouraging more of it and reaching out to the community for ideas.

Art in Sunnyvale should be uniquely Sunnyvale. We have enough abstract swirls.

Art is important. A map or descriptive brochure would be helpful.

Art is my life! Very excited we're getting new art, hope we'll choose some good stuff for once. Thank you for organizing

Art must be understandable to viewers if we spend public money on it. The stupid broken concrete placed in the city center pond is a nothing. I thought it came from Steven's creek until I saw the same broken bridge supports still there. Such a waste.

Art should be around gathering locations and be useful or interactive.

Art should be classy not cheap. I prefer traditional art (side of Goodwill is nice). The Spoon and Fork art at Sunnyvale Saratoga and El Camino is ugly and cheap.

Art should please the eye and not have to try and figure out what is means.

Art that is integrated into our construction adds value to construction. Other cities have done a better job of allowing object art that is plopped down in front of a building than Sunnyvale (SV) historically. Art is everywhere in Santé Fe & Albuquerque, but there is a strong art identity in that

state, though very low income. Unique architecture can be art; landscaping can be art... it's not just a split giant rock or a corporate logo palm tree. Sunnyvale can do much better.

As a local artist, I've often wondered how art was picked for our community. Because honestly, I don't like a lot of what I see. I think we can do better.

As a local artist, very pleased to hear Sunnyvale considering how arts improves and enriches the life of its citizens.

As so much new development occurs, more cities are requiring art to be incorporated into projects. Often very little real thought goes into it with the result that we get a new building with an out-of-context object in front of a building. How about integrating the architecture with the presentation of art: artstreets.net is an example?

Awesome community that needs graphic direction. New logo is a step better. Design Contests are inclusive & are often more creative. Landscaping is a lovely art form that gives much bang for your buck!!!

Best is the sculpture in front of the library. I seldom pass it on a weekend when there is not someone sitting next to the 'reader.' Let's have more that are equally loved!

Better safety and civics

Consider the library as heart of the city. Consider town center as a failure.

Couldn't the money be better spent on teen activities, seniors, i.e. the residents.

Create an arts commission that makes decisions on art installations, not just rubber stamping what the city has approved of.

Cultural events and installations add so much value to our sense of community! An example of the value that art installations bring to Sunnyvale: all the art destinations were included in Pokémon Go and made us a (brief) boom town for visitors. :) This translated into big business for downtown shops and restaurants, as well as a source of pride for residents. Seemingly frivolous but core to who we want to be as a community!

current public art, especially in industrial parts is of insufficient quality in Sunnyvale. Need more public art everywhere, with much increased discerning taste, also need to include urbanists and architects, and major art figures from university and art world, please stay away from local stuff.

Don't overthink or overdo on public art. While it may be pleasing to some, it should not be prioritized over doing more basic things for the public like keeping roads in order, fighting crime, addressing homelessness, etc.

Don't spend too much money - thinking a cost saving method

Don't use city art funds for isolated pieces without any people around, like those seen along ECR or some of the shopping center remodels, like Homestead & Sunnyvale-Saratoga.

Enjoy the artfully designed and unique utility boxes that other cities have every few blocks, some cities even have public garbage cans designed. Would enjoy seeing that in Sunnyvale.

Everyone loves the lunchtime reader on the bench in front of the Library--more smallish art pieces that relate to the location would be a great addition to the City.

Excited to hear about this program

Find better means of reaching out to less represented residents for their input on new art installations.

Free or relatively cheap art programs (Like FUN ON THE RUN but with ART!) should be instituted as after school programs at all the elementary schools as those are the programs usually ignored the most in the regular DAY at school

### Glad to get involved

Great idea for you to think about how to make Sunnyvale a more attractive place via Art. In some respects, the city has a utilitarian architecture, and Public Art can help enhance the look/feel of the city.

Great idea to do cool and amazing things with art. We should also stuff with wellness like community yoga and Tai Chi

Green belts and bike only lanes would be practical and great venues for public art. Help decongest streets and beautify our city!

Have lived in Sunnyvale over 50 years and taught in its schools as a sub for the last 14 years, with all the building development I am concerned that Sunnyvale's agricultural history may be lost to young generations who may not understand that food does not originate in the supermarket

Have one or two major events that all Sunnyvale residents are aware of and interested in attending like the summer jazz in downtown.

hope to see more art in the future (:

How does categorizing me by a race help you be more inclusive? If you're afraid of bias, don't you want to NOT look at this stuff? Are our opinions not equal? If your reading my opinions and including them your including me.

I accident tapped extremely unlikely to attend the art events in the survey, what I meant to write extremely likely to attend them. If you can please adjust my survey. I couldn't make it go back to fix it

I am an artist, and art educator living in Sunnyvale. I would like to know more about how I can contribute to the community.

I am excited and happy to hear about how the arts projects shape up... would be nice if city keeps posted about the progress with the art activities and projects

I am glad you are thinking about this. It is exciting.

I am not an art person, am as aesthetic as a cow!! Wonder if the money be better spent on other areas such as helping the homeless, recycling, salaries for firemen/policemen, etc.

I appreciate your interest in our opinions. I work, shop AND live in Sunnyvale, own a business here and use the services, rec areas, and streets here. My sales, property, and business taxes go here. The reputation of this city is very important to me.

I believe the city is losing its unique character of being small city, as is gradually becoming more commercialized and too many large apartment buildings, those adding a lot of traffic.

I commend you for making public art a priority for the city-along with open natural spaces -the Arts and Culture are the most important attractive features in a city.

I dislike the art on the corner of Matilda and El Camino!

I do not like the artwork at 505/555 Matilda. Too large. Does not go with the surroundings.

I don't know if the Community Connect newsletter in the last question pertains to our neighborhood newsletter. This is where I get most of my information: Lakewood Village Neighborhood Association Newsletter

I don't think about art in Sunnyvale, but I enjoy are when I take the time to notice it

I don't visit art; art is part of the environment or destination being visited.

I encourage you to review the art, music and cultural programs of cities like Palo Alto or Redwood City as a possible goal.

I enjoy the Library art show in June.

I find out about events happening in Cupertino at the Cupertino Community Center. The Sunnyvale Community Center could do the same thing. BTW, the Cupertino Community Center's fitness classes are cheaper than those held at the Sunnyvale Community Center, even though I'm not a resident of Cupertino.

I guess I am not too keen on the idea of seeing art pieces in too many places. What appears to be art to some may be ugly to others. More trees and native gardens will be better appreciated.

I have a background in arts advocacy with experience working at Americans for the Arts in Washington, DC and would love to further support in your efforts to enhance the cultural life in Sunnyvale.

I have lived here all my life and if I were younger I'd move; the change has not been for the better.

I have seen spectacular but small water features - some towns have them all over the place, makes for a memorable town to visit

I hope all art will be family friendly and appropriate.

I hope Sunnyvale will be a leader and inclusive of all types of art. The world has many oil paintings and most people think of an oil painting when they think of art. Or they think of theatre or a dance performance. Let's inform citizens and visitors about all types of art. Woodworking. Small scale metal art. Fabric art. All the things that are often deemed a 'craft' are art which is more accessible to people. More people can relate to 'craft' art (see the American Craft Council website to see the variety) and are more likely to try it themselves. To make the city an artistic city, we must require more of the large buildings that are being constructed. The hotels and apartment building need to be more architecturally interesting before the city itself can be deemed beautiful. We are being overtaken by big boxes with a few extra corners to keep them from being large cubes. (The one exception is at the corner of Argues and Wolfe.) We need more artistic design requirements placed on the builders. Their profit can sustain the extra cost. They will still be driven to take advantage of the building opportunities in Sunnyvale. The replacement for the Town Center Mall should be artistic.

I hope the city has funds to go ahead and repair Astoria Ave. specifically from where it runs next to the new Montessori school near the library to the corner of Astoria and the Stanford School by Washington Park. I appreciate the new multi-purpose checkout, stations at the library and would love to see the library expanded.

I like a lot of the already existing art in Sunnyvale, mainly sculptures. Some, however, are not easy to find or even see

I like art that you can appreciate without having to read a plaque with a complex explanation of what it's meant to be - art that looks like what it is! For instance- a statue of a man eating a hamburger and relaxing with a book at the library; a Libby's fruit can water tower marking the skyline where a fruit company once stood; neatly trimmed fruit trees at orchard heritage park. These things are real art to me, not giant metal triangles or murals that look like a five-year-old scribbled something. Thanks

I like living in Sunnyvale. Have enjoyed the Senior Center for its programs and its contemporary art and architectural appeal.

I like the art we already have and want more of everything. We can walk or bike to all our daily school/work/shopping and we would love to pass art on our way. (Maude, Mathilda, Sunnyvale Ave). Go, public art!

I like the recreational summer swimming activity in Washington park and enrolled my kid also. It's a nice summer activity which he enjoyed thoroughly. Swimming instructors are very good.

I love finding murals when I travel, whether in Brussels, Albuquerque, Portland or the Mission District in the city. I would love to see murals in public places, accessible to all residents/visitors, not just those attending a local school.

I love living in Sunnyvale. However, I was very impressed by the Mountain View library today;

I love Sunnyvale and the library. You bring so much to the community. Please continue to highlight both the history and advancements of the city.

I love Sunnyvale. Thanks to the city officers for making us feel safe! Love how Downtown is progressing!

I love the flowers at Target and the art pieces at the Trader Joe's shopping center.

I love the hands-on art that Sunnyvale organizes.

I love the name 'Sunnyvale' as it recalls a simpler and less complicated place. I hope the illusion of our name can permeate our city art and parks and events. We don't have to compete with other cities around us. Just make it a good place to live and tease a family. Thanks!

I love the sculpture in the Cherry Orchard shopping center. Makes me smile every time I see it.

I love the tile bench and art in front of Trader Joe's. If a few benches around down town and parks were tiled it would be beautiful.

I often don't distinguish between arts and events in Sunnyvale and those in surrounding towns.

I prefer representational art to the abstract. The kid eating a sandwich and reading outside the library is great. The fruit can water tower is great. The red ribbon next to LinkedIn is boring.

I prefer small and/or temporary art installations by local artists, for pedestrian areas.

I like Sunnyvale - great place to raise kids.

I like the city is considering/recognized art is in everyday life style

I like the gymnasts on Crossman and Caribbean and the young man reading outside the library

I like the statue outside the Sunnyvale library. It attracts lots of kids. I liked the yarn bombing of the bench there a year or so ago. I hate non-representational art like the things along El Camino.

I love it when a city takes pride in making public space look nice. My hometown in Southern California recently started doing this and it makes a world of a difference.

I see Sunnyvale as a place people live and work. Nothing of interest to an out-of-towner other than the novelty of the Libby's can water tower and Hanger One.... which is in Mt View, I suppose.

I strongly favor an increased focus on the arts in Sunnyvale.

I think better city planning and finding ways to efficiently manage traffic would have a more positive impact for me personally than adding more art. I live and work in Sunnyvale and traffic is getting increasingly worse. It has taken me as much as 45 minutes to get home from work.

I think it is great that Sunnyvale is increasing its arts programs and I think a high priority on support of local artists.

I think much of the art is horrible!! The art by Panera, the 'art' on the corner of El Camino and Mathilda, in front of PetSmart!!! Who makes these decisions? Whoever does needs to visit Yountville.

I think planning for more public art and having a survey is great!

I think Public Arts is a great idea and a great way to celebrate all of us! Keep pursuing the plan!

I think responsible growth is still our biggest priority, however, public art is very important to me. I think sustainability, diversity, accessibility, and inclusive access is essential too. I would love to see more art (especially functional, interactive art) in playgrounds, parks, libraries, etc., that can be enjoyed by all.

I think Sunnyvale should ensure that the buildings that are going to be along el Camino look pleasing to the eye. How boring to see building after building that are tall without any visual interest. Is there a way to incorporate 'art' or visual appeal into the 'façade' of the buildings??

I think that art makes life so much better!

I think the park/concert area across from the train station is the most underutilized and use space in Sunnyvale. I find it a very nice space, but don't know what the original intent was. I could be used for the band concerts, the farmer's market when it was in the train station, a special event area at the SV art and wine.

I want to make sure the art work at Lakewood Park is preserved. It has a NASA/Space theme and I think that is special. The murals at the tennis courts are very lovely and unique.

I was disgusted with the result of the green city logo. What a waste of time and money. Don't try to make art an advertisement for the city. I'd rather see something beautiful. Or clever. Reflecting Sunnyvale history is OK, but don't try to be all things to all people.

I would like there to be art that I can show to visitors when I am looking for something to do with them that doesn't involve a lot of hassle. Something free and available all the time (so outside and not staffed) and easy to get to.

I would like to hear or read more news about these activities. I am a retired architect and may like to see some progress in this area.

I would like to see art from lots of different cultures that represent the population of Sunnyvale. I think that many people should have input vs. a few who are selected who may be biased in their choice to an artist or concept.

I would like to see public art that feels like it is part of a place and enhances the sense of what that place represents. If a park is historical, then art should accentuate the sense of time. If a plaza is for community gatherings, the art should help people make connections to the place and each other. Good examples: Murphy Ave entry archways, statue of child reading a book in the library plaza. Bad examples: Plaza del Sol fruit sculptures, earthquake statue (good art piece, but why is it there?). The scope and scale of art should be proportional to how it is viewed. Pedestrian spaces should have art that is accessible and can be smaller. Art that is viewed from roadways needs to be larger to be appreciated and have any impact at all. Technology integrated into art is ok, but it should not be gimmicky. Technology for its own sake should be avoided.

I would love to create art for the city

I would love to see local students, art groups, etc. paint the electrical utility boxes throughout the city as many other communities have done. I believe these little treasures of art uplift the spirits of citizens & reminds us of the beauty & energizing ability of art in our lives.

I would love to see our public areas transformed into immersive socially engaged environments. Help the artists you choose to realize visionary artwork that is meaningful to the Sunnyvale audience, Art and creativity is so needed as we are overshadowed in this tech heavy environment, let's bring the two together and let them shine!

I would prefer to see fewer pieces of art but what you have be of better quality in public places. Some of the art pieces placed with new builds are pointless and an eye sore to be frank.

I would rather civic dollars be spent elsewhere or not at all. Most modern public art is hideous.

I would rather that the City of Sunnyvale improve Road traffic infrastructure with my tax dollars. Potholes and crumbling streets are more of a concern to me. Also, considering climate change, we need more trees and natural spaces and less development.

I would welcome public art, both visual and performance, in Sunnyvale. I would even help coordinate

it if you paid me! I've created costumes and danced in SF Carnival for 20 years, but would like to parade closer to home. Maybe for Sunnyvale's birthday, or a solstice, or a harvest occasion?

I'd like to avoid installations that are dangerous for kids to play on, and that reinforce divisions (such as info - why do Cupertino and Glendale consider this), and abstract art, 'art for arts' sake' the snobby stuff you see in Palo Alto or New York.

I'd like to see more historical monuments or memorials, such as for WWI (100th anniversary of Armistice Day.) Celebrate the transition of Sunnyvale during WWI from farms to canning fruit.

I'm glad you are planning to increase art in Sunnyvale

I'm so glad to see The Arts getting attention in Sunnyvale. I hope more types of art-- performing, visual, literary-- will become part of the pride of living in Sunnyvale.

I'm surprised that you don't mention email as a means of us finding out what Sunnyvale events are upcoming.

I'm would love something that isn't necessarily large, colorful, and oversized!

I've always enjoyed the variety of art throughout Sunnyvale. I think promoting the Art Walk to residents would be nice. Many longtime residents don't even know where the artworks are located.

If any permanent exhibits are chosen for the city, I hope they will be uplifting, and hope-inspiring. While I believe in the importance of expressing even dark emotions or experiences with art, it also brings a heaviness to a city's 'face' when the visual impact is less than encouraging. Thank you!

If there were a day or parade celebrating cultural diversity, I'd like to be involved -time permitting. I think that's the only thing that sets us apart from all the surrounding towns around us.

improve wait times at traffic signals

In Santa Cruz county, local artists have beautifully painted the grey utility boxes found at street intersections. Everything are different and the artwork represents the beauty and diversity of the county. I would like to see such art work beautifying Sunnyvale's streets.

Interactive art by local artists that is publicly accessible always sounds like a fun and great idea that goes along with Sunnyvale being the Heart of Silicon Valley

Is there a list of the existing art in the city? I happened to have lunch off Evelyn and came across the ball drop. Never knew it was there. Stood there watching it for a while. It's not in an area that I frequent. I'm glad I 'stumbled' upon it. Also, I don't think the city should foot more than half the bill; new construction in the city could provide something either on their property, or elsewhere in the city. Maybe also include school art on a rotating basis. (I understand the New Seasons store incorporated art from the Reach Potential kids of Gateway Community Center)

It is important for art to be cost-aware. The chief function of government is to represent the taxpayer, not to dream up projects and expenditures. Art IS an important public project, but not at any cost!

It makes a difference to me when I see pieces that are obviously publicly funded versus integrated into a building or area done by a private party. There are probably many pieces of art throughout the city that I never paid attention to because I assumed that they were done by some commercial entity. That's why I think it's important to put the art in places that have less commercial interest, because in these 'unwanted' spaces, the art exists for its own sake. In more commercial areas, it exists to decorate, which brings down the value of the art. The one exception is functional art like bike racks.

It seems insane to me that places like Plaza del Sol were created with apparently no thought to how people gather. It was completely devoid of humans for years, until the new apartments or condos or

whatever they are were built next to it. Even so, one trip to any Latin American town - even the smallest town - illustrates that an inviting central plaza WITH SHADE (usually beautiful giant trees) draws people into a community space every day.

It seems that over the last 25 years the city has placed very little emphasis on culture and aesthetics, starting with the development of a mall that looked more like a cement fortress than an invitation to consumers. And over the years this has been repeated many times, the latest is with the resurrection of the cement parking fortress and the ungainly Target. If you're truly interested in developing a destination for commerce, art, & residence, you need to stop building boxes and consider a tighter integration of sustainability and aesthetics'.

It would be to rebuild Sunnyvale image as it is becoming lose with all the building of new office space and mass communications condos

It'd be cool to have art that represents people of many cultures and identities.

It's good to involve the community about the Public Art plan through the online survey

I've lived here all my life and I wish you would stop thinking about money and more about quality of life.

Keep adding to the variety of art classes available to the community center.

Keep it simple, cheerful, clean and understandable to kids.

Keep open spaces and parks open. Too many buildings, offices, apartments, and too many stories. Block out sky and sunlight. Art should inspire, challenge, calm.

Keep the cost low.

kids-friendly art or performance activities will be great in creating a thriving community

Leave our last remaining orchard alone. Put that house somewhere else.

Less hotels, more restaurants and places for people to gather as a community.

Let's be innovative. Let's be dramatic. Don't let's have a committee select art.

Let's keep Sunnyvale safe and not overcrowd our city with so many tall buildings, as it takes away from the historical aspect. Help preserve the history of what made Sunnyvale...Sunnyvale!

Like the banners on El Camino and Wolfe that advertise events. More of these around the city would work well for me. Not going to actively seek information. It needs to come my way.

like to see a chalk art day every year

Look at participation projects to have kids/adults attempt hands on mural creation or subcomponents of a larger project. Look at allowing company site artwork to be donated to city and artwork to be replaced. Look at enlivening more utilitarian locations (benches, bike racks, fire hydrants, street utility equipment).

Looking forward to the new park in Sunnyvale at Fair Oaks! I enjoy going to the library for Storytime and I would love to see some public art on Sunnyvale by Murphy Park.

Love the arts but typically go to other towns to experience them.

Love the giant metal flowers by Target!

Love to live in Sunnyvale, but we need a space for shopping, dinner, o just for walk. Please finish the downtown.

Make sure it's art

Maybe a developer in Peery Park can fund a new mural at Bishop School as a community amenity.

Maybe have art installation that involves the local schools? (Somehow incorporating motion, sound, etc. other senses, solar panels, wind turbines??)

Median strips sound like a dangerously distracting place to put public art; for public safety, that

sounds like a better place for greenery that soothes the eye.

more art exhibitions for Sunnyvale residents

More art. Lots of variety. Make a statement (not plop art). Be open to, and support, new ideas. Seek out local street art talent.

More bicyclist awareness needed, especially around schools. Maybe an art project related to safety around walking/biking to school.

More trees please

moving water is very attractive

Much of the public art in Sunnyvale is garish or whimsical. I prefer art which incorporates natural forms and colors or is well integrated into the buildings it enhances.

Much prefer traditional art (egg sculpture in front of library) to abstract art (red ribbon in front of LinkedIn bldg. - how much did that cost?)

Municipal art should be varied and diverse. And very, very frequent. Even in the street medians--

My 9-year-old would like to see more art, especially fun paintings, painting utility boxes and murals and interactive art

My favorite art in Sunnyvale are the bronze statues at the library - I love them. I can't think of other art in SV

My hometown of Rockford, IL had/has a temporary lighting display at the Nicholas Conservatory and Gardens that is very cool. Something like that would be very attractive, if Sunnyvale has an appropriate location for it.

My son's school's art teacher was looking for places to exhibit the student's artwork and was having difficulty finding places. It would be great to have a place for that. The piece she was looking to display was a huge piece that a lot of students participated in creating and was well-received by our school community.

Need more attractive programs at library. Check out and learn from what's offered at Northside!

Need more program in Sunnyvale library like summer reading May be there can be more adult

Needs to attract a more diverse crowd. The music nights are all older

No need to be avant-garde or make political statements. Beautify and make interesting.

Nothing more as of now but thing should get more such information and survey to voice out our opinion.

Now that I have stopped the Mercury News I am unaware of any new happenings in Sunnyvale. Would be nice to know where the Sunnyvale Sun is available.

Offer choices to the people who pay taxes regarding art selections via newspaper, local channel to, and city office voting kiosks.

one of the thousands temporary mother of the Silicon Valley (married with and engineer)

Open more places for art developments

phone app would be good

classes for arts

please do not take political positions, it's getting old all around the state

Please don't throw away money on mass-produced 'public art' or on transitory events. Concerts in the theater, fine. Ethnic arts program in the theater would be fine. Classes in ethnic arts would also be good. There is no continuity in SV between concept and other facets of city planning.

Please have a group of people with varied backgrounds and art styles review the art. Let's not end up with another 'peeled apple skin' (e.g. LinkedIn building on Mathilda). Ugo. I guess those were

Apple's dollars to spend (hopefully not my tax dollars), but still.

Please keep public are expenditures as low as possible. The money would be better spent on DPS or transportation improvements. Perhaps public art could be funded with voluntary donations instead of compulsory taxes?

Please try to paint/cover electrical boxes w/ art from local artists displaying local history.

Please no art in parking garages. These are destined to become obsolete. And art in garages would further subsidize and encourage driving. Art in pedestrian areas, places where people gather Please art that emphasizes nature--our dependence on it, that we are one with it, the need to protect and nurture it

Please no art that makes loud noises.

Please remember how important beauty is. It is important to have things around us that are aesthetically pleasing. Ugly art and architecture breathes negativity and sadness. Thank you.

Please spend city budget wisely and carefully.

Please stay away from floral art. The flowers near target are not pleasant

Please stop building high density housing and leave us our parks and green spaces. I thought I'd retire here but with Kohl's turned into a five-story building, Stratford taking over Rayner Park, Full Circle Farm being forced to leave... my entire neighbor is planning a five-year exit plan.

Please, no more of the stupid red ribbon artwork in front of buildings (Mathilda Ave.). What a waste of money.

Please make Sunnyvale a chic and fun place for young family

Public art budgets are so low in Sunnyvale that they force the city almost exclusively to commission low-cost fabricated art.

Public art doesn't have to be pricey. Many small but very talented artists are willing to contribute to public art for very small stipends just to increase the artistic vibe of a community and showcase their art in a bigger way. Pricey art is usually boring art, too commercial and a put off. While large scale art pieces are awesome, they should be community sources and even collective sourced. Things that are truly the spirit of the neighborhood and not just some ugly modern monstrosity of boredom or technology.

Public art in Sunnyvale seems to be tied to redevelopment. The redevelopment of Sunnyvale has drastically changed the character of the City and many people are not on board with the new character that is being developed. Getting away from major pieces that seem like an add on to 'beautify' a Box where people work would be a better use of public art.

Public art should be displayed throughout the city, not just on the grounds of new office developments.

Public art should elicit a positive emotional statement that draws the viewer in i.e. joy, surprise, humor, beauty, curiosity, or how about 'a vale of sun'. It is also nice to have public art in outdoor areas where people gather together i.e. city plazas, main street, parks, city facilities.

Public outreach for local artists and local artist contests are good, but you need to make sure to advertise them well. I appreciate how you're reaching out to residents with this survey.

Public parks, not public art!!!

Public utility boxes etc. that are decorated make me smile. :) Art that means something to a place is more interesting to me (e.g. Trader Joes mural of historic Sunnyvale). I don't particularly like the giant red sculptures on corporate campuses, but I like the doors at Yahoo. I like art that is functional (like bike racks shaped like bikes, or painted like a snake). And art that people can interact with

makes things fun.

Redwood City had marvelous programs this summer, featuring the Courthouse.

Regarding an earlier question - I learned about this survey through a flyer at the library. I generally don't read the newspaper, but my mom reads it and tells me of the local activities and events. I wish I could have attended the meetings earlier this week.

Restaurants seem to keep people coming to downtown. Love that downtown Walnut creek has benches and piped music and trees that are super pleasant to hang out at along the shops

Sculptures should be proportional to the space. The art by the pet store and 4 Seasons Market are woefully inadequate for the space and almost look out of place.

Seeing sculptures while walking or shopping on a commercial street makes the experience more memorable and enjoyable.

Skip the BIG, statement, corporate, art. Much rather see small, unexpected displays in unusual places.

Small and unexpected art is great.

spend wisely on something that is brilliant, attractive, unique and long lasting

stop wasting taxpayer money

Street flags like on El Camino in Redwood City create awareness of events (we used to live in San Carlos and moved To Sunnyvale, because our grandchildren live here.

Sunnyvale needs more areas where people want to congregate and part of that is creating more public art, combined with parks, natural spaces, and nearby cafes/eateries--places like that would generate a lot of buzz for the city. More art and writing classes for adults (at night for working adults) would be good.

Sunnyvale feels like a generic suburb. More public art could help establish its identity.

Sunnyvale has no identity. Public Art could be a way for Sunnyvale to be recognized and increase the pride in Sunnyvale.

Sunnyvale has the potential to be the next Silicon Valley hub. Please make that happen and reduce the extreme commutes for its citizens and Santa Clara county residents by making it attractive to investors and companies. Nowadays, office spaces are being demolished to construct houses and companies are moving further north or to the east. Let's stop this. Create good jobs for its residents else the city will be lost. Maybe you can provide incentives to companies who employ residents.

Sunnyvale is a beautiful place. Please keep it that way.

Sunnyvale is an incredible city. I am very proud to live here and be part of this community. As the population seems to boom here and new buildings spring up everywhere, I hope that Sunnyvale will keep true to its history and uniqueness. I greatly hope that our town will not be swallowed by development and the coldness of modern urban sprawl. I hope the city will limit development and that Sunnyvale will maintain its old-town feel preserving the old neighborhoods that have so much character and meaning. I hope that Sunnyvale will continue to be a place where all races, genders and religions can live happily together, celebrating and respecting one another. Thank you for making this survey

Sunnyvale is BORING as far as art. If there is any art, it's always around the library or elsewhere. SV has fantastic artists!!! You should celebrate them. It is difficult to be inspired in Silicon Valley and the tech world.

Sunnyvale is the largest city in this area after San Jose, and yet it acts like a slumber little town. I would like to see more of cultural activity, including, arts, lectures, music etc. I would like

organizations like California Theater Center, come back to life, I would like to have a more vibrant downtown area, like Castro street in Mountain View.

Sunnyvale is where our home is since three generations. We are raising our child for 9 years ago. The city is perfect for adults and young hi tech professionals - we have enough bars, stores and restaurants. However, we feel the need of more open space for children, especially near downtown. We are still sad about the closure of Border bookstore, where children use to read books and enjoy the iconic CJ Olson building. We are sad of the failure of Full Circle Farm as a nonprofit organization to manage the open space and low tech activities in this ultra-city. My child is missing the connection Sunnyvale as it used to be - when children roam around and played hide and seek through the orchards. The Sunnyvale library is a joke, children space is too cramped and it has no open space for children to unwind (we are learning from Mountain View, Cupertino, Palo Alto, Los Altos library). Our children are conditioned to have their nose on the iPad and that is sad situation. We grew up feeling the happiness as coming home dirty from real dirt - not from apps called 'dirt'. and we wish our children will have similar experience growing up in Sunnyvale today.

Sunnyvale need to bring rent control act. I know this request has no direct connection with 'art'. I am worried if rent will go up after all these city makeover project. Hope city will act seriously on it.

Sunnyvale needs major renovations. City planning has been poor.

Sunnyvale needs to find ways to foster the local art (and craft) community. Living here is extremely expensive and artists need help to make money else they are getting pushed out and Sunnyvale will have a tech 'monoculture'

Sunnyvale, like most of the surrounding towns, is very bland and not visually interesting. It's being taken over by the same type of architecture. Public art is one way to combat that. The two-piece sculpture at Mathilda and El Camino is just awful. It was brightened up years ago when some prankster put a huge band aid across the gap. Of course, the city took that down within the day. But that kind of unexpected and interesting thing is what Sunnyvale needs. Please no more statement pieces that an artist thinks is 'meaningful'.

Super excited to see City of Sunnyvale invest more into the Arts. Sincerely, very excited. I will share this survey w/my network.

Surveys without space for comments (even 'N/A' are frustrating. For instance, what IS 'Community Connect Newsletter'? (And when I did see something in the Merc, I wondered how much this survey and all is costing. Reasonable, I hope.)

Thank you for asking us for input!!! It's one of the ways that Sunnyvale is special.

Thank you for asking! I have noticed that our public art tends to have a similar flavor: brightly-painted metal, abstract. I love when our public art reflects something about the area around it, like the mosaics outside of Trader Joe's or the reading man in front of the library. I would love to see more mediums.

Thank you for incorporating art into our city.

Thank you for making Sunnyvale a better place.

Thank you for making the gesture of asking the residents for our input.

Thank you for the opportunity to complete this survey. FYI, I found the link to your online survey in the last paragraph of a news article on the second page of second section of the Tues Sept 5 edition of the Mercury News.

Thank you for this outreach. I read the Activity Guide to learn about the arts and Sunnyvale

Thank you for your interest in the arts!

Thank you!

Thank you.

Thanks

Thanks for asking. Looking forward to the remodel.

Thanks for considering this.

Thanks for polling the community. The arts are crucial.

Thanks for sending out this survey

Thanks so much!

The agonizingly slow development of the town center has hurt Sunnyvale but provides a great opportunity to enhance the arts by incorporating them into the plan.

The banner at El Camino Real & Wolfe is not sufficient advertising for community events. I always see the banner after the event has passed. Facebook (events) would be so much better, and if that's already in place, promotion is pitiful.

The best piece of art the city ever placed was the reader with his book at the library. Children are immediately attracted to him.

The hoardings are a good way to spread the word after all we drive around in the city. Sunnyvale is a large city (IMHO). So, may be each neighborhood needs to have a downtown like setting where people can spend their weekends frolicking, eating, resting, and creating memories.

The library statue of man reading is best art we have. It draws every child to sit on it. Waves on LinkedIn/Apple buildings is pure nonsense and waste of money. Murphy Ave is dirty and no place to go. Art should be recognizable.

The mosaic obelisks at Trader Joe's are beautiful and delightful. Love the scale and the design.

The new downtown develop looks like a great opportunity for good things to happen. Can't wait to see it all completely out.

The occasional abstract squiggle or collection of interlocking rings is okay, but they're kind of generic and forgettable. Try to do at least some memorable stuff, like the giant thumb at La Defense in Paris or that weird doll girl on California Ave in Palo Alto.

The proposed city council chambers/library is an important example of Sunnyvale's artistic sensibilities so I think the new complex should be made in the shape of a giant cunt because after all the city council members are cunts.

The public art in front of office buildings seems like a waste. You never see anyone stopping and looking at them.

The single greatest asset the city has in the arts is Sunnyvale Community Players, who has been single-handedly keeping the performing arts alive in Sunnyvale for almost 50 years. Despite extraordinary limitations imposed by the city, SCP has been enhancing the culture of Sunnyvale for residents of all ages since 1969. After a near half-century of service to the community, SCP deserves a better deal and the ability to achieve its fullest potential by being allowed to install a show and keep it installed for the duration of a run, which is what every other theater company does. Instead of running the theater like a business, it needs to be the city service it was intended to be. This means the theater should serve the purpose of enhancing the culture of Sunnyvale. SCP is uniquely and now exclusively the only group left that can do this. They need your support in taking their productions to the highest level possible and this means fully installed productions that stay installed. Doing this will bring acclaim and recognition to Sunnyvale and will allow Sunnyvale to stand heads and shoulders above all others.

The SV Sun needs to be delivered to all homes and then have a cultural section. Rarely does the SV Sun delivery person leave a paper if there is a car in the driveway.

The technology industry is an important part of where we live. But it is essential that the arts, culture and creativity have a strong presence in our community as well to provide balance and inspiration.

There are a lot of new residents and young families in North Sunnyvale, getting downtown can be a burden at time and it would be great to see more facilities/installations across the city!

There are multiple small museums that should all be consolidated. The Historical Society agreed to join such a consortium, but quit as soon as they saw the opportunity for someone else to build them a building. The Hendy Iron Man Museum, the Lace Museum, the Moffett Field Museum all are very hard to visit and need a real home. Santa Clara has the Triton Museum; Sunnyvale should be embarrassed that we don't have anything like that.

There are no MOVIE HOUSES in Sunnyvale making this Art a total absence in Sunnyvale, CA. What Gives?

There are so many families in Sunnyvale that it is very isolating for single people. If the city could do some type of community building networking events with the big companies moving into the area like Linking, Google, Apple etc. so that people can meet and talk with each other. This is a very lonely place to live if you are not Indian (said very respectfully, I love the culture) and not in a family situation.

There is a lack of fine arts in Sunnyvale. We have a historical museum and do not need another venue to delve into the past unless it includes other cultures, such as earlier settlers such as native Americans, the very early pioneers to the valley.

There is better use of the city funding than on art! Fix the problems, stop building so much, create more dog friendly areas (gastro turf dog parks that can be used instead of the mud swamps the current parks frequently are). Santa Clara square has made significant progress in a short time whereas Sunnyvale downtown has just barely started fixing the condos. There are not enough updates on that status of downtown.

There is very little traditional art in the city.... Most people appreciate sculpture, mosaic, paintings that are more indicate than big slabs of rock or bended metal all 1 color

These are some projects and artists that I like: New York High Line, Patrick Dougherty, Ned Kahn This is a terrific initiative! Very important to the quality of life and community spirit that positively

This is a terrific initiative! Very important to the quality of life and community spirit that positive impacts everyone!

This is worth spending time and money on to get it right.

This master plan for public art sounds like a waste. Would prefer taking care of or improving the parks we already have, or adding new parks with green space if there's money around to do something fun.

Thoughts about art: Ethnic and religious Diversity with Tolerance Drive safe and rights of pedestrians Every Adult is responsible for every community child Help keep the city clean,

To quote Fred Babb - Inner vision is the physician. Art is the prescription. Art heals.

Trees in public spaces are a nice idea too. Over time, redevelopment of Sunnyvale has removed many large and beautiful trees. Plant more trees in Sunnyvale.

Unless there are excess income to the city, art should not be funded by public money. I prefer the money to go to school to reduce the number of students or help low income people in the city.

Use all manner of word of mouth as well as media to get the word out that there are possibilities brewing for more art in Sunnyvale. I think that you should have a SIGN UP for artists and friends of art and culture to connect with each other to further brainstorm and support the City's efforts. Help people get involved.

Used to live in Sunnyvale. My town...

Very happy to hear there is thought going into this.

Walking around our neighborhood, we see an increasingly culturally diverse population. We wish there were events and an emphasis on our common experiences to help bring us together.

Water features are nice. Art in places that doesn't have traffic noise, so you can be around it and talk.

We are building too many apartment homes - these ugly up the area as we don't have the road infrastructure in place to host the amount of traffic this now invites.

We have a lot of ugly infrastructure that could do with better landscaping, design and sensitive artwork.

We love the man in front of the library because the kids can interact with it. And I remember interacting with that sculpture when I was a kid!

We need an adequate transit system!!! I forgot to mention one of my favorite places, the senior center for exercise and book club!

We need art that reflects our diversity. We need to renovate our city offices and bring them up to date. We need more than one quaint street where there's some liveliness.

We would rather see budget increased in support of and for the work environment for the fine men and women in the Sunnyvale DPS that make the city safe and secure for ALL of us. Just because they are out of sight, out of mind, does not mean that they should be low on the budgeting allocation priority.

We're glad we're in Sunnyvale!

What happened to the whimsical metal sculpture that stood on the old AMD property on De Guigne Drive for many years? It disappeared when The Vale began construction. I hope it has not been melted down as scrap!

When I travel I often visit the cities are museum or public arts program. I don't want my city to have an arts program that is 'cheap looking' with pieces that look like decorations. I would like a well thought out program of art in public places.

Why didn't you put the gender responses in alphabetical order? Why does Male come first, before Female (out of alphabetical order)? It's 2017 and that is unnecessary. And there aren't numerically more males than females to a large degree, so this shows a preference for males.

Will you be making your findings available to us?

With all of office building development around here, please don't lose sight of the kids that are growing up in Sunnyvale. Art in Sunnyvale should be beautiful and lasting, not office-park industrial.

Would like to see mini parklets with a small play area (swings, slides, sandpit), benches under shade trees, water fountain, and art from local artists, scattered throughout the city.

Yes, I like more traditional but also appreciate the new. I would prefer traditional but would also appreciate a balance of old and new. We need to be proud and understand our local history. Most newcomers appear to know more about the technology and the nouveau. Thank you.

Yes. I am also like to know about the Master Plan of Down town Sunnyvale, the building is in the heart of Sunnyvale, but it looks the area is NOT interactive with Sunnyvale.



ORDINANCE NO.
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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND CHAPTER 19.52 (ART IN PRIVATE DEVELOPMENT) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE RELATING TO PUBLIC ART REQUIREMENTS FOR DEVELOPMENT

WHEREAS, the City of Sunnyvale completed a master plan for public art (the "Public Art Master Plan). The Public Art Master Plan found that many private development projects spend more than one percent of the value of the project on public art, and consequently recommended, among other provisions, amending Chapter 19.52 of the Sunnyvale Municipal Code Chapter related to the City's public art requirements for private development to increase the percentage for art from 1% of the project value to 1.5% of the project value; and

WHEREAS, the Public Arts Commission held a hearing on September \_\_\_\_, 2020, and recommended that the City Council approve the proposed amendments to the City's Art in Private Development requirements; and

WHEREAS, the Planning Commission held a hearing on \_\_\_\_\_, 2020, and recommended that the City Council approve the proposed amendments to the City's Art in Private Development requirements; and

WHEREAS, the City of Sunnyvale therefore desires to amend certain sections of Chapter 19.52 of the Sunnyvale Municipal Code to implement the Public Art Master Plan recommendation and make minor clarifying changes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

<u>SECTION 1</u>. Chapter 19.52 AMENDED. Chapter 19.52 (Art in Private Development) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.52.010. Findings and purpose.** [Text Unchanged]

**19.52.020. Applicability.** [Text Unchanged]

#### **19.52.030.** Art requirement.

- (a) Provision of Art. Projects shall provide publicly visible art on-site that is equal in value to one-percent one- and one-half percent (1.5%) of the project construction valuation.
  - (b) [Text Unchanged]
  - (c) [Text Unchanged]
  - (d) Art Valuation Remainders. In some instances the cost of artwork may not

equate precisely to one percent one- and one-half percent (1.5%) of the construction valuation. If the developer does not spend the entire one percent one- and one-half percent (1.5%) on public art, then the remaining amount shall be contributed to the public arts fund.

(e) [Text Unchanged]

19.52.040. Standards for art. [Text Unchanged]

**19.52.050. Art permit.** [Text Unchanged]

**19.52.060. Master art permit.** [Text Unchanged]

#### 19.52.070. Installation and maintenance requirements.

- (a) [Text Unchanged]
- (b) [Text Unchanged]
- (c) [Text Unchanged]
- (d) Plaque Required. Each piece of art shall provide an appropriate identification plaque or monument measuring at least eight inches by eight inches. The plaque shall be made of cast metal and be placed near the art piece. Information is limited to must include the date, title and artist. The requirement of this section may be waived if determined in a particular circumstance to be inconsistent with the intent of this chapter.
  - (e) [Text Unchanged]
  - (f) [Text Unchanged]

#### **19.52.080.** Establishment of the arts funds. [Text Unchanged]

<u>SECTION 2</u>. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 3. 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.

<u>SECTION 4.</u> EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. 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 Ci	ty Council held on	, and adopted as
an ordinance of the City of Sunnyvale at a n, by the following vote:	regular meeting of the C	ty Council held on
AYES:		
NOES:		
ABSTAIN:		
ABSENT:		
RECUSAL:		
ATTEST:	APPROVED:	
City Clerk	Mayor	
Date of Attestation:		
(SEAL)		
APPROVED AS TO FORM:		
City Attorney	-	

### **Policy 6.4.4** Art in Public Places

#### **POLICY PURPOSE**

The purpose of this policy is to ensure uniform guidelines and procedures for the inclusion of publicly accessible art on public properties, and to establish uniformity between the requirement for art in municipal construction projects with the requirement for art in private development projects. Additionally, this policy will also provide uniform procedures and guidelines for the permanent removal or deaccession of a city-owned public art piece.

#### **POLICY STATEMENT**

In 2002, the City Council reviewed the status, intent and effectiveness of public art policy in Sunnyvale and approved a policy to require art in public construction projects under certain circumstances.

In 2012, the Council again reviewed the effectiveness of existing public art policy and voted to amend the current policies to include a deaccessioning policy for the City's Permanent Art Collection, as well as to further define project eligibility for subsidies from the Ctiy's Public Art Fund.

#### **DEFINITIONS**

- 1. Art: The conscious use of skill and creative imagination in the production of aesthetic objects.
- 2. Public Art: Artwork that is publicly accessible and that allows an unobstructed view of the artwork. The artwork can be located on either public properties or private properties.
- 3. Public Areas: Any public gathering place including, but not limited to; public plazas, the library, parks and park buildings, police and fire stations, community, neighborhood and senior centers, public transportation centers, and civic centers.
- 4. Publicly Funded Projects: All construction funded by public or taxpayer funds.
- 5. Public Art Fund: A fund established to create community art projects or to purchase artwork for installation on the interior or exterior of public buildings, or other such public property, such as parks, the grounds of public facilities, or community gateways. The Public Art Fund is administered by the Department of Library and Community Services and receives funding through in-lieu fees for art. Public Art Funds may be used to support eligible projects:
  - A. Create community art projects for installation on public property.
  - B. Install public art on public property such as parks or the grounds of public facilities such as the Community Center and Civic Center.
  - C. Install public art in the interior of public buildings that are deemed to be areas of concentrated public activity such as the lobbies and public areas of the Library, City Hall buildings and Community Center buildings.

- D. Install public art at City gateways and focal points or other high profile locations identified in the Master Plan for Public Art.
- E. Install temporary or rotating art exhibits on public property.
- F. Subsidize public art projects required through municipal construction projects and located on public property.
- 6. Project Valuation: The City's building permit valuation formula as set forth in Title 16 of the Municipal Code will be used as the basis for calculating the required expenditure for public art. The formula is based on the building standards published by the International Conference of Building Officials. In the case of park and open space projects, the one percent (1%) requirement will be calculated based on the total project budget, excluding administrative costs.
- 7. Required Expenditure Valuation: When determining whether or not the 1% required expenditure has been met, the following costs can be included:
  - A. The purchase price of the artwork
  - B. Art consultant fees
  - C. Travel costs for the artist
  - D. Transportation of the artwork to the site
  - E. Installation of the artwork
  - F. Site preparation costs directly associated with installation of the artwork
  - G. Landscaping that is integral to the artwork
  - H. Pedestals or display costs
  - I. Lighting for the artwork and utility fees associated with installation and/or operation of the artwork
  - J. Identification plaque

#### Ineligible costs include:

- A. Land acquisition
- B. Site preparation
- C. Architect fees
- D. Fees associated with dedication ceremonies, publicity, or educational components
- E. Maintenance fees and repairs
- 8. Public Art Collection: The collection of artwork either donated to the City, or purchased through public funds, which is owned and maintained, in trust for the public, by the City of Sunnyvale.
- 9. Deaccession: The process to permanently remove an artwork from the City's Public Art Collection.
- 10. Disposal: Any method used to transfer ownership of the deaccessioned piece to another entity, either through sale, donation, trade or destruction.

- 11. Conservation: The broad concept of care necessary to maintain an artwork in good condition.
- 12. Preservation: Actions taken to prevent deterioration of damage in artworks.
- 13. Restoration: The treatment of deteriorated or damaged artwork to approximate as nearly as possible its original (or artist-intended) form, design, color and function.

#### **ART IN MUNICIPAL CONSTRUCTION PROJECTS**

Eligible municipal construction projects are required to integrate public art. The artwork shall be located in publicly visible areas either inside a public building or on public property. The artwork shall be valued at an amount equal to 1% of the project valuation within a variance of ten percent.

#### PROJECT ELIGIBILITY

#### Eligible Projects:

- A. All aboveground publicly funded buildings or public open space projects within City jurisdiction with a construction valuation of \$1,000,000 or more. This includes the development or renovation of all public facilities, as well as; parks, street medians, City gateways, public plazas and any other locations identified in the Master Plan for Public Art developed in accordance with Council direction.
- B. All construction or renovation projects of \$100,000 or more in facilities such as:
  - Sunnyvale Community Center
  - Sunnyvale Civic Center complex including Library and Public Safety Building
  - Fire Stations
  - Columbia Neighborhood Center
  - Neighborhood Park Buildings
  - Water Pollution Control Plant and SMART Station
  - Focal points and gateways into the community
  - Any future City buildings that are comparable in nature

Exempt Projects: All underground projects, utility (including water) projects, streets and sidewalks, trees and landscaping, utility relocation, seismic upgrades, mechanical and electrical work, traffic improvements (such as traffic lights, crosswalks and traffic calming measures), and construction due to fire or other natural calamities.

#### **ASSIGNMENT OF RESPONSIBILITIES**

The Director of Public Works and the Director of Library and Community Services, or their designees shall be responsible for identifying municipal construction and renovation projects that meet the conditions of this policy and will be required to provide public art.

The Director of Library and Community Services, or his/her designee shall be responsible for initiating public art projects that are not required through municipal construction, but that have been designated as eligible for funding from the Public Art Fund, in accordance with the City's approved Master Plan for Art.

#### 1. Review Process for Art in Public Places:

- A. Project review Committee: This committee will coordinate the public art component of an eligible municipal construction project, and shall consist of staff from the Departments of Public Works, Library and Community Services, and Community Development, as appropriate.
- B. Location and Artwork Review: Possible locations for the artwork and the type of artwork to be considered for the project shall be identified with input from the Project Review Committee, the Sunnyvale Arts Commission, pertinent city staff, interested citizens and project architects. Based upon this information, proposals will be solicited from qualified artists.
- C. Short List of Artists: The Project Review Committee will be responsible for reviewing all art proposals and/or qualifications of artist applications. A short list of 2-5 artists and/or proposals will be established by the Committee. The short list shall have a minimum of two artists and/or proposals for consideration.

#### 2. Approval Process:

- A. Report to Council (RTC): A draft RTC outlining the project and the short list of artists will be forwarded to the Arts Commission for review and recommendation prior to going to City Council for action.
- B. Council Approval: Following Council approval of a specific art proposal, the Director of Library and Community Services, or the Director's designee(s), shall be responsible for coordinating the integration of the public artwork into the municipal construction project.

#### 3. In-Lieu Fee Alternative:

- A. The in-lieu fee alternative available to private developers applies to public construction projects at the discretion of the Director of Public Works.
- B. If the in-lieu option is exercised, the funds will be placed in the Public Art Fund for acquisition and installation of art on public property or in public buildings at a later date.

#### PERMANENT ART COLLECTION

Artwork approved for purchase or commission by the City Council shall become part of the City's Permanent Art Collection. All artwork in the collection will be documented in the City's Public Art Inventory and identified with a metal plaque. Oversight and maintenance of the Public Art Collection is the responsibility of the Department of Library and Community Services.

#### **DE-ACCESSIONING PLAN**

Artworks in the City's Public Art Collection are meant to remain on public display. However, circumstances may deem it necessary to permanently remove works of art from the City's Public Art Collection.

#### 1. Eligible Circumstances for De-accessioning:

- A. <u>Security:</u> The security or continued good condition of an artwork cannot be reasonably guaranteed in its current location. Arts staff will attempt to relocate any artwork deemed at risk for security purposes; but in the event a suitable, secure location cannot be found, the item may be de-accessioned from the collection.
- B. <u>Public Safety:</u> The artwork is a danger to the general public because it is naturally deteriorating, or it has been altered through vandalism, unforeseen man-made circumstances or a natural disaster.
- C. Inauthentic: The artwork is discovered to be inauthentic or fraudulent.
- D. <u>Stolen Art:</u> The artwork is discovered to be stolen, and therefore, is returned to its legal owner.
- E. <u>Theft:</u> The artwork is illegally removed from its place of public display and cannot be located.
- F. <u>Damage Beyond Repair:</u> The artwork has been severely damaged and deemed "beyond repair" by a professional art conservationist, or the artist, and it cannot be restored to the artist's original intended condition for a price less than is considered prohibitive.
- G. <u>Change in the Public Art Collection's Mission:</u> The artwork no longer meets the mission of the Public Art Collection due to a formal change in the Collection's Mission Statement.
- H. Loss of Site (Site Alteration or Sale of Site): The artwork can no longer reside in its original location because the original location is altered due to construction, a change of site usage, or sale of the site. Arts staff will attempt to relocate the artwork to a suitable site; however, lack of a suitable site, either now or in the foreseeable future, or if there is not suitable storage until a site in the foreseeable future is available, could merit deaccessioning.

For site-specific artwork, or permanently-affixed artwork, deaccessioning may be warranted without any attempt to relocate the artwork. It is deemed that the artwork cannot be moved without causing irreparable damage or the cost of relocating the artwork is considered prohibitive.

- I. <u>Temporary Acquisition</u>: The artwork is intended to be a temporary display and the City's obligation to display the artwork is complete.
- J. <u>Excessive Representation</u>: The artwork is deemed as duplicative or excessive in representation of work of that type or of that artist.
- K. <u>Aesthetic Value:</u> The artwork has not withstood the test of time and has been professionally determined to lack aesthetic value to justify its continued upkeep and/or storage.
- L. <u>Content:</u> Once the Artwork has been accessioned into the City's Public Art Collection, it may <u>not</u> be de-accessioned solely on the basis of content or personal preference of any staff member, commission or board member, or member of the public.

#### 2. Assignment of De-accessioning Responsibilities:

- A. No city department shall remove any work of art from the site for which it was selected, nor remove it from display, without prior consent of the Director of Library and Community Services, or the Director's designees(s).
- B. The Director of Library and Community Services, or the Director's designee(s), is responsible for determining whether or not the artwork meets any of the above criteria for removal or de-accessioning.
- C. The Director of Library and Community Services, or the Director's designee(s), shall be responsible for oversight of the de-accessioning process.
- D. The Director of Library and Community Services, or the Director's designee(s), shall make every effort to contact the artist of the artwork recommended for de-accession, or the artist's heirs, using current contact information. The artist, or the artist's heirs, shall be given the opportunity to purchase the artwork, or its parts, before the disposal or destruction of the artwork.
- E. The Director of Library and Community Services, or the Director's designee(s), shall determine the purchase price of a de-accessioned artwork, based on current market value.
- F. In the event that the de-accessioned artwork is sold, the Department of Library and Community Services will deposit the proceeds of such sale into the Public
  - Art Fund of the City.
- G. In the event that the de-accessioned artwork is sold or donated, the removal of the artwork from city property shall be the responsibility of the purchaser or recipient of the donation and shall be of no cost to the City.
- H. De-accessioning and disposal of an artwork must be conducted publicly and formally with adequate documentation. It must also comply with all applicable local, state and federal laws.
- I. No current, or former, member of the Art Commission, City Council or City staff member shall be allowed to bid and/or purchase a de-accessioned artwork.
- J. A permanent record of the artwork's inclusion in the City's Public Art Collection, and reasons for its removal, shall be maintained in a Public Art Collection database by the Department of Library and Community Services.

#### 3. Process for De-accessioning Artwork:

- A. If an artwork is subject to any of the above conditions and deemed eligible for de-accessioning, the Arts staff will prepare a report for review and evaluation by the City's Arts Commission, which will prepare a formal recommendation to the City Council for action on the de-accession.
- B. The Staff Report shall include:
  - a) Reasons for the suggested de-accession
  - b) Original accession method(s) and cost of artwork
  - c) Estimated current market value of the artwork
  - d) Proposed de-accession method(s) and cost for each proposed method, including the sale price if applicable
  - e) When appropriate, photo documentation of the site conditions and/or current condition of the artwork in question
  - f) Official Police Report (if applicable)

(Adopted: RTC 02-136 (5/7/2002); Updated for accuracy (10/28/09); Amended: RTC 12-187 (8/14/2012); Clerical update (9/30/14); Clerical update (12/3/14))

Lead Department: Department of Library and Community Services



### City of Sunnyvale

### Agenda Item

**20-0844** Agenda Date: 9/28/2020

#### REPORT TO ARTS COMMISSION and PLANNING COMMISSION

#### **SUBJECT**

Arts Commission Recommendation that the City Council (1) Approve the Master Plan for Public Art; and (2) Introduce an Ordinance Amending 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.

Planning Commission Recommendation that the City Council Introduce an Ordinance Amending 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.

#### **REPORT IN BRIEF**

In April 2017, the Cultural Planning Group was hired to lead a community engagement process and develop a set of recommendations based on public input to update the City's Master Plan for Public Art that was originally developed in 1982. This report presents the community engagement findings and provides the recommendations built upon those findings that form the core of Sunnyvale's new Master Plan for Public Art (Attachment 3 - Final Draft Master Plan for Public Art). These findings and four funding options were presented to Council in a Study Session on August 25, 2020. Based on general feedback, Council supported implementation of Option 2A, which increases the value of required artwork in the Art in Private Development program from 1.0 percent to 1.5 percent of project construction valuation and maintains the in-lieu option at 1.1 percent to incentivize Public Art Fund contributions.

The Arts Commission is being asked to review and recommend approval of the Master Plan for Public Art, and the proposed amendments to Chapter 19.52 of the Sunnyvale Municipal Code, which will implement Option 2A of the Plan.

Because implementing Option 2A requires an amendment to the Zoning Code, the Planning Commission must review and provide a recommendation to the Council on the proposed changes to Sunnyvale Municipal Code Chapter 19.52.

Along with approval of the Master Plan, staff will also be bringing to Council an initial activation plan for the Public Art Fund during the FY 2020/21 Project Budget Cycle. The first project, for which \$50,000 will be requested when this report goes to Council, is Utility Box Art, which was one of the most requested programs by the community and Arts Commission. Projects will follow the same review and approval process as public art capital projects; Arts Commission's review and recommendation to Council for final approval.

#### **BACKGROUND**

Following a 1982 Charter review process, the City of Sunnyvale established an Arts Committee and

the original Public Art Master Plan. In 2002, two accounts were established to capture and account for art in-lieu fees from private development projects to be used for the purchase and maintenance of artwork and to support art projects for public facilities and open spaces. For the purposes of discussion, this report refers to these accounts together as the "Public Art Fund."

Currently, the Public Art Fund has approximately \$500,000 from donations, in-lieu fees, and earned interest. A 2012 study issue of the Art in Private Development in-lieu fee program recommended that a Master Plan for Public Art be developed (Attachment 2 - RTC No. 12-187: Art in Private Development In-lieu Fee Program Study). The goal of the plan was to broaden the scope of public art programs, address community vision for public art and provide guidance for allocating existing and future Public Art funds. The Department of Library and Recreation Services (LRS) was tasked with completing the planning process and developing a Master Plan for Public Art. Due to staff turnover in key positions the project was deferred until 2017.

In April 2017, the Cultural Planning Group was hired to lead a community engagement process and develop a set of recommendations based on public input during the community engagement process. These recommendations were intended to help staff create a final City of Sunnyvale Master Plan for Public Art.

This report presents the community engagement findings and provides the recommendations built upon those findings that form the core of Sunnyvale's Master Plan for Public Art (Attachment 3 - Final Draft Master Plan for Public Art). These findings and recommendations were originally presented to Council in a Study Session on June 18, 2019. Based on general feedback at that session, staff refined the Plan and included final recommendations for public art objectives and strategies as well as options for funding implementation, including: (1) maintaining the current public art requirements for developers, (2) modifying the percentages required for art by developers, and (3) utilizing the City Council's service level set-aside to provide additional resources to implement Plan strategies.

At a second Council Study Session on August 25, 2020, a majority of Council supported implementation of Option 2A, which increases the value of required artwork in the Art in Private Development program from 1.0 percent to 1.5 percent of project construction valuation and maintains the in-lieu option at 1.1 percent to incentivize Public Art Fund contributions.

The Arts Commission is being asked to review and recommend approval of the Master Plan for Public Art, and the proposed amendments to Chapter 19.52 of the Sunnyvale Municipal Code, which will implement Option 2A of the Plan by increasing the percent for art requirements in private development from 1% to 1.5%

Because implementing Option 2A requires an amendment to the Zoning Code, the Planning Commission must review and provide a recommendation to the Council on the proposed changes to Sunnyvale Municipal Code Chapter 19.52.

City Council is scheduled to consider this item on October 27, 2020.

#### **EXISTING POLICY**

Council Policy 6.04.01 Arts - Goals and Policies (Policy A.1, A.2, B.3, E.1.) Council Policy 6.04.02 Art Loans and Gifts

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**

The proposed approval of the Public Art Master Plan is not, by itself, a "project" pursuant to CEQA Guidelines 15378 since it dies not result in a physical change in the environment. Rather, the Master Plan identifies a series of policy recommendations and implementation strategies, which include, in part, recommendations/strategies for public artwork and related physical improvements. However, future physical improvements identified in the Master Plan will require further discretionary decisions by the City prior to implementation which would be subject to project-level environmental review, as necessary and subject to funding, timelines, and details which are not yet known. Further, many of the recommendations for physical improvements included in the Plan can be categorized as minor alterations of existing facilities, new small structures, minor alterations to land, and/or accessory structures. Such improvements will be analyzed on a case-by-case basis, but will likely be categorically exempt from CEQA pursuant to State CEQA Guidelines Sections 15301 (Class 1 - Existing Facilities), 15303 (Class 3- New Construction or Conversion of Small Structures), 15304 (Class 4- Minor Alterations to Land), and/or 15311 (Class 11 - Accessory Structures).

Adoption of the Ordinance amending Sunnyvale Municipal Code Chapter 19.52 to increase the percent-for-art requirement is exempt from the requirements of the California Environmental Quality Act (CEQA), California Code of Regulations, Section 15061(b)(3), in that it is not a Project which has the potential for causing a significant effect on the environment.

#### **DISCUSSION**

For decades, Sunnyvale has supported the arts and the benefits art provides to the community. In the early 1970's, when the community expressed interest in arts programming as part of the Sunnyvale Community Center development, two buildings were dedicated to the arts: the Sunnyvale Theatre and the Creative Arts Center. In addition to these facilities, the City dedicates 4.5 full-time staff to delivering arts programs and services at an annual total cost of \$1.3 million, which includes: dance, theater, visual and digital art, pottery, music and special events. These programs are funded by the General Fund.

Sunnyvale's Public Art program plays a vital role in the design and visual landscape of the community. Sunnyvale's current public art program includes two components: Art in Public Places and Art in Private Development. The Art in Public Places program includes 62 sculptures, murals, tapestries, stained glass and paintings funded through capital project allocations, donations and general funds.

The Art in Private Development program currently requires dedication of one percent of the construction valuation of non-residential development projects to public art in order to enhance the city's visual and aesthetic quality and to mitigate any undesired and potentially deleterious sense of uniformity and loss of human scale and orientation. Commercial developers can choose to incorporate art into their projects or contribute an in-lieu fee of 1.1 percent to the Public Art Fund. The Art in Private Development program has led to the creation of 83 artworks owned and maintained by private parties with the in-lieu fee option generating approximately \$500,000 to the Public Art Fund.

# 1. Overview of Master Plan for Public Art (Arts Commission Recommendation and Planning Commission Information)

The Master Plan for Public Art is a cohesive strategy reflecting the values and vision of the community, designed to improve the effectiveness of these public art programs. As Sunnyvale's demographics and arts landscape continue to evolve, a public art master plan will guide use of public dollars and create a unique City identity supporting economic, educational and quality of life initiatives. The Master Plan for Public Art is a comprehensive planning document providing a framework with specific goals and resource allocation procedures to guide short and long-term decision-making for public art.

#### **Community Engagement**

To understand the interests and priorities of the community, the Master Plan for Public Art process began with extensive community outreach and engagement. The process was designed to: bring together multiple viewpoints; create legitimacy and a sense of shared responsibility for the Master Plan; cultivate new partners and collaborations; and stimulate broad awareness of, and momentum for, implementation of the Plan.

Community members, business representatives and key City staff were asked to share their sense of Sunnyvale's culture, what makes Sunnyvale unique, and what they considered to be Sunnyvale's favorite gathering places and public art pieces. Through focus groups, stakeholder meetings and surveys, participants were asked to provide feedback regarding the Master Plan for Public Art, including public art programs, art projects and preferred locations.

- Stakeholder Meetings 20 individual interviews with key stakeholders were conducted, including: City of Sunnyvale City Manager, Department Directors and Economic Development Manager; Sunnyvale Neighborhood Association President; Sunnyvale Downtown Association Executive Director; Chamber of Commerce President; Heritage Park Museum Director; Sunnyvale School District Superintendent; Moffett Park Business Group President; and local private development representatives.
- Community discussion groups included a focus group for local artists, three general community meetings and ten focus groups.
- Pop-up meetings included one "pop-up" style meeting at the 2017 State of the City event, two at the library plaza and three at the Sunnyvale Senior Center.
- Community survey Online and hardcopy surveys were posted on the City website and Facebook and emailed to 54,366 eNewsletter subscribers. Almost 800 responses were received.
- Arts Commission and City Council Presentations Presentations were made at the August 15, 2017 joint study session with the City Council and Arts Commission.
- Taskforce A nine-member committee was convened to advocate for community participation in the engagement and planning process, promote public art and its value in the community, think critically about the City's cultural life and convey opinions and feedback from their networks to staff.

#### **Key Findings**

Overall, development of a Master Plan for Public Art was well received by residents, stakeholders

and business owners. Stakeholders felt the Plan should address:

Lack of education about existing and future artworks: survey respondents were not aware of
public art programs, including the Art in Private Development Program where art locations are
predominately in industrial areas unknown to residents.

- Type of Art: The community engagement results indicated the community prefers functional art (75 percent), whimsical small-scale art (60 percent); art integrated into the natural environment (56 percent); art integrated into public buildings/facilities (55 percent); and art that welcomes people to Sunnyvale (50 percent).
- Locations for Public Art: Participants want to see art in their own neighborhood and would like
  to see rotating and temporary installations. The most important locations were public spaces
  and pedestrian areas (87 percent) and parks and open spaces (71 percent). Specific locations
  include downtown, Plaza del Sol, libraries and parks, train stations and bus stops,
  neighborhood and city gateways, and the new civic center.

#### **Vision Statement**

A key element developed to respond to the community engagement findings was a vision statement describing what the Master Plan for Public Art would achieve for Sunnyvale:

"We imagine a city where art enriches the daily experience of public spaces, providing accessible opportunities for reflection, serendipity and joyful interaction in an urban environment.

We imagine a public arts program celebrating the diversity of our neighborhoods and paying homage to Sunnyvale's rich cultural history.

We imagine a public art collection of the highest quality, encompassing a broad range of artistic styles and media-one that creates a sense of place that is uniquely Sunnyvale."

#### **Implementation Options**

Overall program implementation is based on approved funding levels, organizational capacity, project scope and community interest. Four implementation options were developed to prioritize the Master Plan for Public Art objectives and program deliverables while considering estimated initial and annual costs. Consideration of Implementation Options 3 and 4 have been placed on hold as they are not currently financially viable in light of the COVID-19 pandemic and its impact on revenues to the City's General Fund. They remain in the Master Plan for Public Art and may be considered if they become realistic opportunities to expand the scope of public art activities in Sunnyvale.

Master Plan for Public Art Objectives:

- 1. Broaden the scope of public art programs.
- 2. Enhance management of public art programs.
- 3. Encourage involvement of the Arts Commission and community in the public art process.
- 4. Develop web-based and self-guided tour programs for the public and private art in Sunnyvale.
- 5. Incorporate a systematic approach to conservation and maintenance of the City's public art collection.
- 6. Update Sunnyvale codes, policies and procedures to align with the Master Plan for Public Art.

Implementation strategies for the six objectives include community gateways, a sculpture park, reactivation of gallery spaces, ongoing art workshops and lectures, a website and self-guided tour dedicated to Sunnyvale's public art, and more.

Master Plan for Public Art Implementation Options

Option 1. Maintain current Art in Private Development in-lieu fees and General Fund contribution:

- Continues current activity level
- Creates a process to allocate the Public Art Fund balance

Option 2. Expand Public Art through increased Art in Private Development in-lieu fee incentives:

- Provides for additional activities by increasing the incentive for developers to select the in-lieu fee option for Art in Private Development by either:
  - A. Increasing the art requirement percentage to 1.5 percent while maintaining the current in-lieu fee of 1.1 percent, OR
  - B. Maintaining the current art requirement percentage of 1 percent while lowering the in-lieu fee option to 0.75 percent

Both Options 2A and 2B would increase the dollars available for public art, but the funding would remain unpredictable, resulting in projects being completed as funding becomes available. Additionally, due to legal restrictions on the use of the Public Art Fund, only projects resulting in physical art are eligible.

The following options were included in the Public Art Master Plan but would require additional funding from the City's General Fund. The adopted 2019/20 budget included a General Fund Service Level Set-aside which would allow service enhancements as program needs arose and were approved by City Council. Future funding for the Lakewood Branch Library and Learning Center is an example of funding that has already been allocated from the Service Level Set-aside. Additional funding for arts programming could have also been considered. However, after the COVID-19 Pandemic hit, revenue reductions resulted in elimination of the uncommitted Service Level Set-aside from the 2020/21 budget and beyond. As a result, funding for consideration of Options 3 and 4 is not available at this time.

Option 3. Expand Public Art through increased General Fund contribution

- All of Option 1
- Broaden scope, enhance and implement systematic approach of public art programs,

Option 4. Expand Public Art through increased Art in Private Development in-lieu fees AND increased General Fund contribution

Options 1 through 3

# 2. Amendment to Sunnyvale Municipal Code Chapter 19.52 to Increase the Percent-for-Art Requirement (Arts and Planning Commission Recommendations)

If the Master Plan and Implementation Option 2A are approved, Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development), must be amended to implement the increase from 1% to 1.5% for

art in private development projects (Attachment 4 - Redline Ordinance: Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development).

Staff is not currently recommending modification to Council Policy 6.04.04 Art in Public Places (Attachment 5), which requires dedication of 1% of construction funds for municipal construction projects for art. Council can reconsider this Policy at any time.

Staff also suggests a clarification to the provisions related to the plaque requirement. Sunnyvale Municipal Code Section 19.52.070 (d) currently states that "Information [on a plaque] is limited to the date, title and artist." In practice, this is the minimum amount of information staff and the Arts Commission typically recommend for a plaque; short descriptions of the work or artist statements are often included and desirable to inform the public. Therefore, staff recommends a minor amendment to clarify that plaque information include at least the date, title, and artist, rather than limit plaque information to those items.

# 3. <u>Next Steps for Public Art Fund Activation (Information-Only for Arts and Planning Commissions)</u>

Along with approval of the Master Plan, staff will also be bringing to Council an initial activation plan for the Public Art Fund during the FY 2020/21 Project Budget Cycle. Staff will identify public art projects that maximize the City's return on investment while minimizing on-going maintenance and unfunded liabilities. Some of the projects can be taken directly from the Master Plan, and some projects will be recommended based on general feedback identified through community dialogue and Arts Commission meetings. The first project for which \$50,000 will be requested when this report goes to Council is Utility Box Art, which was one of the most requested programs by the community and Arts Commission.

Projects will follow the same review and approval process as public art capital projects; Arts Commission's review and recommendation to Council for final approval.

#### FISCAL IMPACT

Revenues generated related to funding Public Art, including in-lieu developer fees, are unpredictable and have specific restrictions. Development supported Art in Private Development is subject to changes in the economy, not knowing if a developer will choose the in-lieu option, and/or the amount those projects would contribute to the Public Art Fund. Additionally, projects and programs that do not meet the threshold requirement for Public Art (either temporary or permanent) are not required to pay in-lieu fees. In-lieu developer fees are one-time revenues and, in many cases, cannot be allocated for delivering ongoing services such as: staffing and administration of public art programs, gallery and exhibit operations, public art website and publicity development, workshops, curriculum and tour development. Currently the Public Art Fund has a balance of approximately \$500,000.

Costs for implementation of the Master Plan for Public Art are detailed in the Plan document. Option 1 includes estimated initial costs of \$13,000 and estimated annual costs of \$8,500. Option 2A or 2B would affect fees generated from Private Development into the Public Art Fund, but not affect the General Fund.

Staff time allocated to the Art in Private Development program will not be affected, as permit fees associated with these projects have already been established and are adjusted on an annual basis

and include support for staff time required to implement that program.

#### **PUBLIC CONTACT**

Public contact was made through posting of the Art Commission and Planning Commission agendas on the City's official-notice bulletin board, on the City's website and the availability of the agenda and report in the Office of the City Clerk.

#### **ALTERNATIVES**

Arts Commission Recommendation to City Council:

- 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 Master Plan.
- 2. Allocate \$50,000 from the Public Art Fund to implement a Utility Box Art project.
- 3. Do not recommend approval of the Public Art Master Plan or introduction of an ordinance amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to implement Option 2A of the Master Plan.

Planning Commission Recommendation to City 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 Master Plan
- 2. Do not recommend introduction of an ordinance amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to implement Option 2A of the Public Art Master Plan.

#### RECOMMENDATION

Arts Commission Recommendation: Alternatives 1 and 2, 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 Allocate \$50,000 from the Public Art Fund to implement a Utility Box Art project.

Planning Commission Recommendation: Alternative 1, 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.

Prepared by: Kristin Dance, Recreation Services Coordinator II

Prepared by: Trenton Hill, Recreation Services Manager

Reviewed 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. Reserved for Report to Council
- 2. RTC No. 12-187: Art in Private Development (AIPD) In-Lieu Fee Program Study
- 3. Final Draft Master Plan for Public Art

4. Draft Ordinance Amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development)

5. Council Policy 6.4.4 Art in Public Places

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public. Being none, moved to next item.

#### **ORAL COMMUNICATIONS**

None.

#### **CONSENT CALENDAR**

Commissioner Vaughan moved and Commissioner Gluckman seconded the motion to approve the Arts Commission Minutes of July 15, 2020 as submitted. The motion carried by the following vote:

Yes: 4 - Commissioner Vaughan

Chair Eskridge

Commissioner Gluckman

Commissioner Veith

**No**: 0

Absent: 1 - Vice Chair Serrone

1 20-0683 Approve the Arts Commission Meeting Minutes of July 15, 2020

Approve the Arts Commission Minutes of July 15, 2020 as submitted.

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

2 20-0318

Arts Commission Recommendation that the City Council (1) Approve the Master Plan for Public Art; and (2) Introduce an Ordinance Amending 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.

Planning Commission Recommendation that the City Council Introduce an Ordinance Amending 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.

Superintendent of Community Services, Damon Sparacino presented on the Master Plan for Public Art. Highlights included: Options for implementation, Sunnyvale arts and culture, Art in Private Development, Art in Public Places, Public Art Fund, Master Plan process, implementation options, August 2020 Council Study Session feedback and next steps.

Commissioners inquired and Superintendent Sparacino or City staff responded:

- Why was a recommendation not made to increase the in-lieu fee? Very few

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companies currently select this option and we were looking to create an incentive for companies to select it.

- Will we have another opportunity to review the Master Plan for Public Art in more detail. Now is the time to give feedback. The information was included in the commission packet. Additional opportunities to provide public comment will be available when this is heard at the Planning Commission and Council. However, you will be providing feedback as a resident not as an Arts Commissioner. The Arts Commission will receive an annual update on the plan and, will recommend for Council's final approval, projects in the future under the Master Plan for Public Art. The Master Plan for Public Art will also be reviewed every 10 years.
- If approved who will be painting the utility boxes and will the Arts Commission have a say? Yes, the Commission will be involved in the process. The process will be similar to how the art was chosen for Fair Oaks Park, where the Commission will rank and rate and then go to Council for final approval.
- Have you considered involving Neighborhood Associations and schools in coming up with designs? We are still working out the details and would like High Schools to possibly do this as a group project. We will encourage artists countywide to apply and we will have a community based component.

Chair Eskridge asked if there were any additional questions or comments. Being none, Chair Eskridge asked for a motion.

Commissioner Vaughan moved to approve Alternatives 1 and 2, 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 Allocate \$50,000 from the Public Art Fund to implement a Utility Box Art project.

Commissioner Gluckman seconded the motion.

The motion carried by the following vote:

Yes: 4 - Commissioner Vaughan
Chair Eskridge
Commissioner Gluckman
Commissioner Veith

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**No**: 0

Absent: 1 - Vice Chair Serrone

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

20-0558 Arts Commission Proposed Study Issues, Calendar Year: 2021

Chair Eskridge asked if there were any study issues that the Commission would like to agendize for the next meeting.

Commissioner Veith inquired on items that she sent in. Staff noted, no items were received.

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

#### -Commissioner Comments

None.

#### -Staff Comments

Community Services Manager, Trenton Hill informed the Commission that staff had temporarily installed murals downtown and that an Art Night was being held every Tuesday evening on Murphy Avenue.

Mr. Hill also noted that Arts and Humanities Month was in October and that there would be a proclamation and Special Order of the Day at Council on Tuesday, September 29.

Commissioner inquired and City staff responded:

- What time are the Art Nights? We start around 5:30 p.m. and it goes to about 7 p.m., the start time may change since it is getting darker earlier.

#### **ADJOURNMENT**

Chair Eskridge adjourned the meeting at 7:58 p.m.

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#### **4.** 20-0844

Arts Commission Recommendation that the City Council (1) Approve the Master Plan for Public Art; and (2) Introduce an Ordinance Amending 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.

Planning Commission Recommendation that the City Council Introduce an Ordinance Amending 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.

Damon Sparacino, Superintendent of Community Services, presented the staff report with a slide presentation.

Commissioner Olevson asked why staff recommends increasing the requirement by half a percentage point considering there has been a rise in developer costs. Superintendent Sparacino answered that the ordinance aligns with the spending trends on art in private development between 2013 and 2019 and that the cost and scale of art and developments have contributed to the increase in spending. He stated that the increase would also incentivize developers to choose the in-lieu fee option which could help finance the Public Art Fund. Commissioner Olevson asked staff to confirm if during 2013 to 2019 most developers that required public art spent less than 1.5 percent on it. Kristin Dance, Community Services Coordinator, and Superintendent Sparacino clarified that 18 of the 26 projects requiring public art opted to place it on-site and 10 of the 18 projects spent above 1.5 percent. Trenton Hill, Community Services Manager, added that 8 of the 26 projects that did not place art on-site chose the 1.1 percent in-lieu option and paid into the Public Art Fund.

Chair Howard asked if staff considered an in-lieu fee of one percent and an on-site requirement of 1.1 percent or slightly higher to incentivize developers to contribute to the Public Art Fund. Superintendent Sparacino stated that both the Arts Commission and the City Council chose Option 2A in the Master Plan for Public Art which would increase the on-site art requirement percentage to 1.5 percent while maintaining the current in-lieu fee option of 1.1 percent, instead of Option 2B. Chair Howard confirmed with Community Services Coordinator Dance that non-residential projects over two acres are subject to art requirements and that a smaller percentage would be required of mixed-use residential and retail projects.

Vice Chair Simons asked if staff discussed modifying the two acre threshold considering that there is less land available and development is denser.

Superintendent Sparacino responded that staff and the consultant did not discuss or make any recommendations on the two acre threshold and added that staff will review the Master Plan for Public Art annually and consider changes to it every ten years. Vice Chair Simons shared two images of building murals as examples of unconventional ways to provide art in private development. He emphasized that architecture and landscaping can be focal points themselves and that there are different forms of art to explore which is important considering that there are not may projects that require art and choose the on-site public art option. Community Services Coordinator Dance stated that every project is different and she and her team constantly work with developers for unique art but acknowledged that there are limitations. She added that the smaller in-lieu fee percentage compared to the art requirement percentage would enable the City to provide art to the community in a different way than what could be done in private development. Superintendent Sparacino further remarked that developers that wanted to provide art on-site could pay into the Public Art Fund whatever portion of the 1.5 percent they could not meet. Assistant Director Andrew Miner shared the idea that the trigger for the art in private development requirement for denser projects could be reduced to one acre if the in-lieu fee is paid.

Chair Howard asked if art in private development is required for mixed-use developments where housing is above retail. Community Services Coordinator Dance stated that the ordinance would only apply to the retail portion and excludes housing developments or the portion of housing in a mixed-use development, unless the City Council directs otherwise.

Chair Howard opened the Public Hearing.

There were no public speakers for this agenda item.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Olevson moved and Commissioner Rheaume seconded the motion for Alternative 1 - Recommend to 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 Master Plan.

Commissioner Olevson stated that the ordinance accurately captures the Arts Commission's recommendation making it easy for him to support staff's

recommendation.

Chair Howard stated that he will support the motion, that he initially had concerns about the percentage increases, and that he appreciates Commissioner Olevson's efforts to fully understand the objective.

Vice Chair Simons stated that he will support the motion and that the two acre threshold should be explored sooner to incorporate denser projects that are being developer on smaller pieces of land. He added that he is fine with the percentage increases. He commented on his concern that during an Arts Commission meeting staff needed to discuss his ability to comment as a member of the public and that the Arts Commission is able to effectively run its meetings as he experienced more staff than Commissioners present at an Arts Commission meeting.

The motion carried by the following vote:

Yes: 5 - Chair Howard

Vice Chair Simons
Commissioner Howe
Commissioner Olevson
Commissioner Rheaume

**No**: 0

**Absent:** 2 - Commissioner Harrison

Commissioner Weiss

Superintendent Sparacino stated that this recommendation will be forwarded to the City Council for consideration at the Tuesday, October 27, 2020 meeting.

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

Chair Howard stated that he submitted a potential study issue for staff to review.

#### **NON-AGENDA ITEMS AND COMMENTS**

#### -Commissioner Comments

Vice Chair Simons asked how he can discuss forming a potential study issue with other Commissioners. Assistant Director Andrew Miner stated that staff can agendize the topic for a future meeting. Senior Assistant City Attorney Rebecca Moon stated that Vice Chair Simons can discuss the topic with other Commissioners

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if it is not a serial meeting and no more than three Commissioners participate in the discussion.

#### -Staff Comments

Assistant Director Andrew Miner stated that on September 15, 2020 the City Council denied the General Plan Amendment Initiation for 1313 S. Wolfe Road that the Commission recommended denial of on August 10, 2020, with the applicant able to re-apply in two years. On September 15, 2020 the City Council also adopted a resolution extending temporary outdoor business activities to more uses. He further remarked that City Council will hold a Study Session on September 29, 2020 that will outline the path forward for the Moffett Park Specific Plan Update.

#### **ADJOURNMENT**

Chair Howard adjourned the meeting at 9:43 PM.

City of Sunnyvale



# City of Sunnyvale

## Agenda Item

**20-0319** Agenda Date: 10/27/2020

Tentative Council Meeting Agenda Calendar



# City of Sunnyvale Tentative Council Meeting Agenda Calendar

#### Tuesday, November 10, 2020 - City Council

Study Session

**20-0052** 5:15 P.M. SPECIAL COUNCIL MEETING (Study Session)

Cleanwater Center Architectural Concept

**20-0851** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)

Review of Solid Waste Franchise Collection Proposal

Special Order of the Day

20-0840 SPECIAL ORDER OF THE DAY - Picture Book Month

**Public Hearings/General Business** 

**20-0049** Proposed Project: General Plan Amendment Initiation request to consider

amending the General Plan designation from Commercial to Low Density

Residential for the northwest portion of the site. Location: 1689 S. Wolfe Road (APN: 309-51-028)

File #: 2020-7436

Zoning: C-1 (Neighborhood Business)/PD (Planned Development)

General Plan: Commercial

Applicant / Owner: PSR Development Inc. (applicant and owner) Environmental Review: The project is exempt from the California

Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section

15378(a).

Project Planner: Kelly Cha, (408) 730-7408, kcha@sunnyvale.ca.gov

**20-0874** Consider A 3-Month Pilot Program to Stream Council Meetings Through

Facebook Live

20-0842 Adopt a Resolution Amending Late Payment Penalties for Neighborhood

Preservation and Fire Prevention Administrative Citations in the Fee

Schedule and Provide an Overview of Neighborhood Preservation Process

Improvements

Monday, November 16, 2020 - City Council

Study Session

20-0011 5 P.M. SPECIAL COUNCIL MEETING (Study Session)

**Board and Commission Interviews** 

#### Tuesday, November 17, 2020 - City Council

#### **Closed Session**

20-0668 4:30 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; Kent Steffens, City Manager; Charles Sakai, Labor Attorney

Employee Organization: Public Safety Officers Association (PSOA)

#### **Study Session**

20-0425 5:30 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

#### **Public Hearings/General Business**

**20-0777** Proposed Project: Redevelop the site with 391,131 square feet of office and

R&D buildings and five level parking structure. (2-five story buildings) 100%

FAR. Net new area-252,968 square feet.

Location: 888 Ross Drive (APNs: 110-07-035, 036)

File #: 2018-7860

Zoning: Innovation Edge

General Plan: Peery Park Specific Plan

Applicant / Owner: Perry Hariri /STP Property LLC

Environmental Review: The project is exempt from CEQA review per CEQA Guidelines Section15168 (c)(2) and (4) Public Resources Code Section 21094 (c). The project is within the scope of the Peery Park Specific Plan Program EIR as no new environmental impacts are anticipated and no new

mitigations are required.

Project Planner: Margaret Netto, (408) 730-7628, mnetto@sunnyvale.ca.gov

**20-0013** Appoint Applicants to Boards and Commissions (As Needed)

#### Monday, November 30, 2020 - City Council

#### Study Session

**20-0420** 4 P.M. SPECIAL COUNCIL MEETING (Study Session)

Moffett Park Specific Plan: Sea Level Rise and Ecology Workshop and Study

Session

#### Tuesday, December 1, 2020 - City Council

#### **Closed Session**

**20-0729** 5:00 P.M. SPECIAL COUNCIL MEETING (Closed Session)

Closed Session Held Pursuant to California Government Code Section

54957:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager and City Attorney

**20-0669** 6:00 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; Kent Steffens, City Manager; Charles Sakai, Labor Attorney

Employee Organization: Public Safety Officers Association (PSOA)

#### Special Order of the Day

20-0015 SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and

Commission Members (As Needed)

20-0264 SPECIAL ORDER OF THE DAY - Department of Public Safety Special

Awards

#### **Public Hearings/General Business**

**20-0864** Adopt a Resolution Amending the City's Salary Resolution and the Schedule

of Pay to (1) Change Four Classification Titles in the Department of Library and Recreation Services; (2) Implement Changes to the Casual/Temporary

Classifications; and (3) Implement Minor Administrative Changes.

**20-0841** Ordinance and Procedural Changes to Chapter 19.54. Wireless

Telecommunication Facilities and Find that the Action is Exempt from CEQA

Pursuant to CEQA Guideline Section 15061(b) (3), and 15378(b).

**20-0850** Biennial Review of Priority Needs for Human Services

#### Tuesday, December 8, 2020 - City Council

#### **Closed Session**

**20-0696** 4:45 P.M. SPECIAL COUNCIL MEETING (Closed Session)

Closed Session Held Pursuant to California Government Code Section

54957:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

**20-0697** 5:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)

Closed Session Held Pursuant to California Government Code Section

54957:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager

**Study Session** 

**20-0022** 6:15 P.M. SPECIAL COUNCIL MEETING (Study Session)

Discussion of Upcoming Selection of Vice Mayor for 2021

**20-0023** Discussion of 2021 Council Intergovernmental Assignments

**Public Hearings/General Business** 

**20-0760** Receive and File the FY 2019/20 Budgetary Year-End Financial Report,

Comprehensive Annual Financial Report (CAFR), the Sunnyvale Financing Authority Financial Report, Agreed Upon Procedure Reports, the Report to the City Council Issued by the Independent Auditors, and Approve Budget

Modification No. XX

**20-0898** Housing Strategy: Approve Workplan and Consultant Contract for Mobile

Home Park Memorandum of Understanding (MOU), and Approve Budget

Modification No. XX in the amount of \$XX,XXX

Thursday, December 10, 2020 - City Council

Study Session

**20-0902** 4 P.M. SPECIAL COUNCIL MEETING (Study Session)

Moffett Park Specific Plan: Transportation and Infrastructure Workshop and

Study Session

Tuesday, January 5, 2021 - City Council

Special Order of the Day

21-0005 SPECIAL ORDER OF THE DAY - Recognition of Elected, Re-elected and

**Outgoing Councilmembers** 

21-0006 SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for

Council-Elect

**Public Hearings/General Business** 

**21-0004** Certification of November 3, 2020 Election Results

**21-0007** Selection of Vice Mayor for a One-Year Term Effective January 5, 2021

**21-0008** Appoint Councilmembers to Intergovernmental Assignments; Ratify

Appointments of Councilmembers made by Outside Agencies; Take Action

to Modify, Create, or Terminate Council Subcommittees

**21-0009** Determine the 2021 Seating Arrangements for City Council

Tuesday, January 12, 2021 - City Council

Study Session

21-0023 6 P.M. SPECIAL COUNCIL MEETING (Study Session)

Pricing and Fee Policy for Recreation Services

Special Order of the Day

21-0010 SPECIAL ORDER OF THE DAY - Recognition of Outgoing Mayor and Vice

Mayor

21-0011 SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Mayor and

Vice Mayor

**Public Hearings/General Business** 

21-0025 Approve the Proposed 2021 Priority Advocacy Issues and review Long-term

Legislative Advocacy Positions (LAPs)

21-0026 Annual Public Hearing-Discussion of Potential Council Study Issues and

Budget Issues for Calendar Year 2021

21-0052 Review the Second Quarter Budget Update

Tuesday, January 26, 2021 - City Council

Study Session

**21-0012** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)

Sunnyvale Redistricting Process

**Public Hearings/General Business** 

21-0050 Adopt Updated Lawrence Station Area Plan and Related Actions

Thursday, January 28, 2021 - City Council

Study Session

**21-0018** 8:30 A.M. SPECIAL COUNCIL MEETING

Strategic Planning Workshop

Monday, February 1, 2021 - City Council

**Study Session** 

21-0016 4 P.M. SPECIAL COUNCIL MEETING (Study Session)

Moffett Park Specific Plan: Market Condition, Land Use, Housing and Open

Space Workshop and Study Session

Tuesday, February 2, 2021 - City Council

Study Session

**21-0001** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)

Board and Commission Interviews (as needed)

**Public Hearings/General Business** 

21-0019 Agenda Items Pending - to be scheduled

Tuesday, February 23, 2021 - City Council

Study Session

21-0024 6 P.M. SPECIAL COUNCIL MEETING (Study Session)

Cultural Inclusion Study and Plan

**Public Hearings/General Business** 

**21-0002** Appoint Applicants to Boards and Commissions (As Needed)

21-0003 Discussion and Introduction of an Ordinance Amending Sunnyvale Municipal

Code Section 2.28.030 to Reduce the Number of Signatures Required for the City to Partially or Fully Cover Publication Costs of City Council Candidate

Statements for Municipal Elections

Thursday, February 25, 2021 - City Council

Study Session

21-0021 8:30 A.M. SPECIAL COUNCIL MEETING

Study/Budget Issues Workshop

**Date to be Determined - City Council** 

Study Session

20-0693 6 P.M. SPECIAL COUNCIL MEETING (Study Session)

Cleanwater Program Update

**Public Hearings/General Business** 

21-0030 El Camino Real Specific Plan

**20-0660** Moffett Park Specific Plan: Selection of a Preferred Land Use for Study



# City of Sunnyvale

## Agenda Item

**20-0782** Agenda Date: 10/27/2020

**Board/Commission Meeting Minutes** 



### City of Sunnyvale

# **Meeting Minutes - Final Planning Commission**

Monday, September 28, 2020

6:00 PM

Telepresence Meeting: City Web Stream | Comcast Channel 15

Special Meeting - Study Session - 6:00 PM | Public Hearing - 7:30 PM

#### **TELECONFERENCE NOTICE**

#### 6:00 PM STUDY SESSION

Call to Order

**Roll Call** 

**Study Session** 

#### **A.** 20-0856

#### **Proposed Project:**

#### SPECIAL DEVELOPMENT PERMIT AND TENTATIVE MAP:

for a 142-foot tall twelve-story mixed-use building with approximately 30,000 square feet retail/restaurant space and 481 dwelling units, two levels of underground parking and site improvements including Redwood Square.

Location: 200 South Taaffe Street (APN: 209-35-023)

File #: 2020-7262 Zoning: DSP-18

Applicant / Owner: STC Venture LLC (applicant/owner)

**Environmental Review:** The proposed project is exempt pursuant to CEQA Guidelines Section 15183-Project Consistent with a Community Plan and was previously evaluated in the Downtown Specific Plan EIR (SCH # 2018052020) which was Certified by the City Council on August

11, 2020.

Project Planner: Shaunn Mendrin, (408) 730-7431,

smendrin@sunnyvale.ca.gov

#### **Adjourn Study Session**

#### 7:30 PM PLANNING COMMISSION MEETING

#### **CALL TO ORDER**

Chair Howard called the meeting to order at 7:49 PM.

#### **ROLL CALL**

Present: 5 - Chair Daniel Howard

Vice Chair David Simons Commissioner John Howe Commissioner Ken Olevson Commissioner Ken Rheaume

**Absent:** 2 - Commissioner Sue Harrison

**Commissioner Carol Weiss** 

Commissioner Weiss and Commissioner Harrison's absences are excused.

#### **ORAL COMMUNICATIONS**

#### **CONSENT CALENDAR**

MOTION: Commissioner Howe moved and Commissioner Rheaume seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

Yes: 4 - Chair Howard

Vice Chair Simons
Commissioner Howe
Commissioner Olevson

**No**: 0

Absent: 2 - Commissioner Harrison

Commissioner Weiss

Abstained: 1 - Commissioner Rheaume

1. 20-0858 Approve Planning Commission Meeting Minutes of September 14, 2020

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

2. 20-0857 Proposed Project: Appeal of a decision by the Director of Community

Development denying a Tree Removal Permit for one Redwood Tree

located in the rear yard of Unit 41 in a Mobile Home Park.

Location: 1050 Borregas Avenue (APN:110-13-062)

File #: 2020-7376 Zoning: RMH

Applicant / Owner: Ryan Jasinksy (applicant) / Staedler Lands LLC

Etal (owner)

**Environmental Review:** A Class 4 Categorical Exemption relieves this project from California Quality Act provisions and City Guidelines. **Project Planner:** Betty Avila, (408) 730-7419, bavila@sunnyvale.ca.gov

Assistant Planner Betty Avila presented the staff report with a slide presentation.

Ryan Jasinsky, appellant and Director of Property Management for Brandenburg, Staedler & Moore, presented information about the appeal.

Commissioner Rheaume asked Mr. Jasinsky what prompted the Tree Removal Permit application. Mr. Jasinsky stated that there is a water leak that needs to be more fully explored and answered for Commissioner Rheaume that the property was built in 1973.

Chair Howard asked Mr. Jasinsky if PG&E examined the gas line and provided information on the feasibility of relocating it. Mr. Jasinsky stated that PG&E would not get involved because as a mobile home community, they are responsible for all utilities.

Vice Chair Simons confirmed with Mr. Jasinsky that the water and gas lines are 18 inches away from the tree trunk. Vice Chair Simons stated that tree roots will grow towards sewer and water line leaks. He recommended that if the Commission denies the appeal, to install long, continuous sections of lines to reduce leaks at pipe joints, pulling a new line through if possible, and avoid cutting the Redwood tree roots on one side. Blaine Boccignone, appellant's arborist with Arborwell, stated his concern that the outer part of the trunk is 18 inches from the gas and water lines and the root plate is directly above them, adding that Redwood roots can grow three to six feet deep and the tree can pose the risk of wrapping around the gas line and crushing it. Mr. Boccignone further remarked that digging out the gas line and dealing with a potential leak with the Redwood in place would be difficult and may result in the tree's necessary removal. Vice Chair Simons stated that most utility lines are re-pulled and not dug out and that tree roots do not grow towards gas lines.

Chair Howard asked the appellant team the age of the Redwood tree with the assumption that it existed before the mobile home community was built. Mr. Jasinsky stated that the community was built in 1973 and Mr. Boccignone stated that it is possible that the tree is the same age as the community.

Commissioner Rheaume asked Joseph Gonsalves, Public Works Supervisor and

City Arborist, the age of the Redwood tree and if it is a threat to the gas line. Supervisor Gonsalves responded that the tree is approximately 75 to 80 years old and does not pose a risk to the gas line because Redwood trees have thin root systems in an urban forest environment, tree roots avoid gas lines but grow towards water leaks, and gas and water lines are typically placed in different trenches. Commissioner Rheaume asked Supervisor Gonsalves to comment on staff's statement that the tree is an asset to the community. Supervisor Gonsalves answered that it is a big, beautiful tree and Redwood trees are symbolic of Sunnyvale. Supervisor Gonsalves responded to Commissioner Rheaume that it would be approximately 60 to 70 percent warmer in the area if the tree were to be removed and that the tree is valued at approximately \$50,000 to \$70,000 according to the International Society of Arboriculture standards. Commissioner Rheaume asked about the penalty for removing the tree without a permit. Assistant Director Andrew Miner stated that the zoning code specifies a penalty of between \$10,000 and \$50,000.

Mr. Jasinsky added that the community's gas and water lines are buried in the same trench and restated their concern for the tree's roots reaching the gas line.

Chair Howard opened the Public Hearing.

Doris Maez, Sunnyvale resident, expressed concern for the age of the water line pipes and stated that the appellant would continue to experience issues if the tree were replaced.

Mr. Boccignone provided additional information about the appeal.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Rheaume moved and Commissioner Olevson seconded the motion for Alternative 1 - Deny the appeal and uphold the decision of the Director of Community Development to deny the Tree Removal Permit.

Commissioner Rheaume stated that he cannot make the findings and that an 80-year-old tree is irreplaceable. He appreciated the appellant's presentation but cited Supervisor Gonsalves's position that the tree roots are not threatening the gas line, adding that it is more likely that the water line needs replacement due to its age. He urged the Commissioners to support the motion.

Commissioner Olevson stated that he cannot make the findings. He commented that although he can appreciate the appellant's expected costs to repair or replace the water line, utility line maintenance is a responsibility of housing property managers and he cannot support removing the tree because the alternative of maintenance would be costly.

Chair Howard stated that he will support the motion and cannot make the findings.

The motion carried by the following vote:

Yes: 5 - Chair Howard

Vice Chair Simons Commissioner Howe Commissioner Olevson Commissioner Rheaume

**No**: 0

**Absent:** 2 - Commissioner Harrison

Commissioner Weiss

Principal Planner Noren Caliva-Lepe stated that this decision is final.

3. 20-0854 Proposed Project: Appeal of a decision by the Director of Community

Development

denying a Tree Removal Permit for two Redwood trees located in the

front yard of single-family home.

Location: 1590 Lewiston Drive (APN:323-23-027)

File #: 2020-7438

Zoning: R-1

Applicant / Owner: Joseph B. Didone (applicant) / Verna Didone

Trustee (owner)

**Environmental Review:** A Class 4 Categorical Exemption relieves this project from California Quality Act provisions and City Guidelines.

Project Planner: Betty Avila, (408) 730-7419, bavila@sunnyvale.ca.gov

Assistant Planner Betty Avila presented the staff report with a slide presentation.

Commissioner Rheaume asked Public Works Supervisor and City Arborist Joseph Gonsalves the age and value of the two trees and how much warmer it would be in the area if they were removed. Supervisor Gonsalves stated that they are approximately 60 to 75 years old, are valued at approximately \$20,000 to \$60,000

depending on their integrity, and if removed could result in an increase in heat in the area by up to 80 percent considering the shade they currently provide. He added that the two trees are healthy and tree number three is leaning because of root decay and a root cap that is unhealthy.

Chair Howard opened the Public Hearing.

Joseph Didone, appellant, presented information about the appeal.

Vice Chair Simons stated that he lives in the same neighborhood as Mr. Didone with the same landscaping layout and types of trees on approximately the same size property and recommended trimming the trees up more. He commented that their neighborhood's original sewer lines were made of tar paper which will require replacement, recommended continuous sewer pipes, advised not to kill the roots while the trees are healthy, and emphasized that root intrusion only takes place when there is an underground water leak. Vice Chair Simons offered to help Mr. Didone with any of the issues he is experiencing.

Commissioner Olevson asked Mr. Didone if he considered trimming the lower branches of trees one and two to provide more light to plant below them. Mr. Didone responded that it is possible but that he is also struggling with balls of roots that are protruding from the ground. He further remarked that he is concerned about the time and maintenance required to remove the Redwood branches that fall onto his roof.

Chair Howard opened the Public Hearing.

Ann Finnie, Mr. Didone's neighbor, stated her opinion that all three trees should be removed because removing tree three will damage the root system and structural integrity of the other two trees.

Mr. Didone provided additional information about the appeal.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Rheaume moved and Commissioner Olevson seconded the motion for Alternative 1 - Deny the appeal and uphold the decision of the Director of Community Development to deny the Tree Removal Permit for trees #1 and #2.

Commissioner Rheaume stated that he cannot make the findings, does not believe that Redwood trees easily fall over, and struggles with the idea of removing beautiful, old trees. He added that the trees are assets to the neighborhood and should not be blamed for necessary maintenance, further remarking that Mr. Didone can create a nice landscape with ferns instead of grass below the trees. He urged the Commissioners to support the motion.

Commissioner Olevson stated that he cannot make the findings to support granting the removal of trees numbers one and two. He stated that removing them would be premature as Mr. Didone can act upon Supervisor Gonsalves's suggestion to trim the trees to provide more light which could allow plantings below the tree and possibly solve part of the issue.

Vice Chair Simons restated his offer to help the appellant and recommended that Mr. Didone remove the pami pebble on his property, regularly maintain his concrete, and choose from many different landscaping options available aside from Kentucky bluegrass. He added his support for the motion.

Chair Howard stated that he will support the motion and that he is sympathetic to Mr. Didone because he has a tree in his front yard that destroyed his sewer line and has Redwood trees in his backyard. He stated that he cannot make the findings and that the removal is not warranted because of maintenance issues but hoped that the discussion provides Mr. Didone some guidance for improving the issues related to his Redwood trees.

The motion carried by the following vote:

Yes: 5 - Chair Howard

Vice Chair Simons
Commissioner Howe
Commissioner Olevson
Commissioner Rheaume

**No**: 0

**Absent:** 2 - Commissioner Harrison

Commissioner Weiss

Principal Planner Noren Caliva-Lepe stated that this decision is final.

Planning Commission	Meeting Minutes - Final	September 28, 2020
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#### **4.** 20-0844

Arts Commission Recommendation that the City Council (1) Approve the Master Plan for Public Art; and (2) Introduce an Ordinance Amending 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.

Planning Commission Recommendation that the City Council Introduce an Ordinance Amending 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.

Damon Sparacino, Superintendent of Community Services, presented the staff report with a slide presentation.

Commissioner Olevson asked why staff recommends increasing the requirement by half a percentage point considering there has been a rise in developer costs. Superintendent Sparacino answered that the ordinance aligns with the spending trends on art in private development between 2013 and 2019 and that the cost and scale of art and developments have contributed to the increase in spending. He stated that the increase would also incentivize developers to choose the in-lieu fee option which could help finance the Public Art Fund. Commissioner Olevson asked staff to confirm if during 2013 to 2019 most developers that required public art spent less than 1.5 percent on it. Kristin Dance, Community Services Coordinator, and Superintendent Sparacino clarified that 18 of the 26 projects requiring public art opted to place it on-site and 10 of the 18 projects spent above 1.5 percent. Trenton Hill, Community Services Manager, added that 8 of the 26 projects that did not place art on-site chose the 1.1 percent in-lieu option and paid into the Public Art Fund.

Chair Howard asked if staff considered an in-lieu fee of one percent and an on-site requirement of 1.1 percent or slightly higher to incentivize developers to contribute to the Public Art Fund. Superintendent Sparacino stated that both the Arts Commission and the City Council chose Option 2A in the Master Plan for Public Art which would increase the on-site art requirement percentage to 1.5 percent while maintaining the current in-lieu fee option of 1.1 percent, instead of Option 2B. Chair Howard confirmed with Community Services Coordinator Dance that non-residential projects over two acres are subject to art requirements and that a smaller percentage would be required of mixed-use residential and retail projects.

Vice Chair Simons asked if staff discussed modifying the two acre threshold considering that there is less land available and development is denser.

Superintendent Sparacino responded that staff and the consultant did not discuss or make any recommendations on the two acre threshold and added that staff will review the Master Plan for Public Art annually and consider changes to it every ten years. Vice Chair Simons shared two images of building murals as examples of unconventional ways to provide art in private development. He emphasized that architecture and landscaping can be focal points themselves and that there are different forms of art to explore which is important considering that there are not may projects that require art and choose the on-site public art option. Community Services Coordinator Dance stated that every project is different and she and her team constantly work with developers for unique art but acknowledged that there are limitations. She added that the smaller in-lieu fee percentage compared to the art requirement percentage would enable the City to provide art to the community in a different way than what could be done in private development. Superintendent Sparacino further remarked that developers that wanted to provide art on-site could pay into the Public Art Fund whatever portion of the 1.5 percent they could not meet. Assistant Director Andrew Miner shared the idea that the trigger for the art in private development requirement for denser projects could be reduced to one acre if the in-lieu fee is paid.

Chair Howard asked if art in private development is required for mixed-use developments where housing is above retail. Community Services Coordinator Dance stated that the ordinance would only apply to the retail portion and excludes housing developments or the portion of housing in a mixed-use development, unless the City Council directs otherwise.

Chair Howard opened the Public Hearing.

There were no public speakers for this agenda item.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Olevson moved and Commissioner Rheaume seconded the motion for Alternative 1 - Recommend to 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 Master Plan.

Commissioner Olevson stated that the ordinance accurately captures the Arts Commission's recommendation making it easy for him to support staff's

recommendation.

Chair Howard stated that he will support the motion, that he initially had concerns about the percentage increases, and that he appreciates Commissioner Olevson's efforts to fully understand the objective.

Vice Chair Simons stated that he will support the motion and that the two acre threshold should be explored sooner to incorporate denser projects that are being developer on smaller pieces of land. He added that he is fine with the percentage increases. He commented on his concern that during an Arts Commission meeting staff needed to discuss his ability to comment as a member of the public and that the Arts Commission is able to effectively run its meetings as he experienced more staff than Commissioners present at an Arts Commission meeting.

The motion carried by the following vote:

Yes: 5 - Chair Howard

Vice Chair Simons
Commissioner Howe
Commissioner Olevson
Commissioner Rheaume

**No**: 0

**Absent:** 2 - Commissioner Harrison

**Commissioner Weiss** 

Superintendent Sparacino stated that this recommendation will be forwarded to the City Council for consideration at the Tuesday, October 27, 2020 meeting.

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

Chair Howard stated that he submitted a potential study issue for staff to review.

#### **NON-AGENDA ITEMS AND COMMENTS**

#### -Commissioner Comments

Vice Chair Simons asked how he can discuss forming a potential study issue with other Commissioners. Assistant Director Andrew Miner stated that staff can agendize the topic for a future meeting. Senior Assistant City Attorney Rebecca Moon stated that Vice Chair Simons can discuss the topic with other Commissioners

if it is not a serial meeting and no more than three Commissioners participate in the discussion.

#### -Staff Comments

Assistant Director Andrew Miner stated that on September 15, 2020 the City Council denied the General Plan Amendment Initiation for 1313 S. Wolfe Road that the Commission recommended denial of on August 10, 2020, with the applicant able to re-apply in two years. On September 15, 2020 the City Council also adopted a resolution extending temporary outdoor business activities to more uses. He further remarked that City Council will hold a Study Session on September 29, 2020 that will outline the path forward for the Moffett Park Specific Plan Update.

#### **ADJOURNMENT**

Chair Howard adjourned the meeting at 9:43 PM.



### City of Sunnyvale

# Meeting Minutes - Draft Community Event and Neighborhood Grant Distribution Subcommittee

Thursday, October 1, 2020

4:00 PM

**Telepresence Meeting: City Web Stream** 

#### **TELECONFERENCE NOTICE**

#### **CALL TO ORDER**

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

Chair Fong called the meeting to order at 4:08 p.m.

#### **ROLL CALL**

Present: 3 - Member Mason Fong Member Larry Klein Member Russ Melton

#### **PRESENTATION**

20-0867 PRESENTATION - Outreach Plan

Superintendent of Community Services, Damon Sparacino, combined presentations (20-0867: Outreach Plan and 20-0868: Mid-Year and Five-Year Total). The presentation outlined the past 5 years of community and neighborhood events and discussed funding for FY 2020/21. Superintendent Sparacino noted that the funding dollars for the music and tree events were transposed. The presentation also discussed options for: 25% funding for virtual events, application carryover for events similar in scope next year, and resubmitting applications for new events in the 2021 calendar year.

Chair Fong opened public comment.

City resident, Valarie Suares, updated the subcommittee. If they were to do an event in 2020, materials for the event would need to be purchased within the next several weeks - well ahead of the December application approval timeline.

Staff will work with neighborhood/community groups directly that have already

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submitted applications.

Chair Fong closed public comment.

Members asked and Superintendent Sparacino responded:

Can staff provide the amount of approved funding in budget available for 2021 at the next meeting in December? Yes, we will provide that information at the December 20, 2020 meeting.

20-0868 PRESENTATION - Mid-Year and Five-Year Totals

Information provided in 20-0867 presentation.

#### **CONSENT CALENDAR**

Member Melton moved and Member Klein seconded, approval of the consent calendar as presented.

The motion carried with the following vote:

**Yes:** 3 - Member Fong

Member Klein

Member Melton

**No**: 0

1 20-0869

Approve the Community Event and Neighborhood Grant
Distribution Subcommittee Meeting Minutes of July 15, 2020

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

2 <u>20-0870</u> Review and Approve the Community Events and

Neighborhood Grant Program Application Materials for FY 2020/21 and Authorize Staff to Initiate the Application Process

Member Melton moved and Member Klein seconded, the motion to approve the Community Events and Neighborhood Grants Program application materials for FY 2020/21; authorize staff to initiate the application process (including language about virtual events); approve special process for events that were expected to take place July 1 through December 31, 2020; and approve regular process for new applications for events expected to take place January 1 through December 31, 2021.

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The motion carried with the following vote:

Yes: 3 - Member Fong

Member Klein

Member Melton

**No**: 0

#### **ADJOURNMENT**

Chair Fong adjourned the meeting at 5:10 p.m.



## City of Sunnyvale

## Agenda Item

**20-0803** Agenda Date: 10/27/2020

Information/Action Items

## Information/Action Items - Council Directions to Staff

Date Requested	Directive/Action Required	Dept	Due Date	Completed
3/31/20	Provide updates on staffing as the City Manager makes modifications on staffing or recruitment efforts in the next few months based on the state of the economy	OCM	Oct 2020	
7/28/20	Conduct a review and analysis of the Neighborhood Preservation Program, to include the fee schedule	DPS	Nov 2020	
8/25/20	Prepare RTC for consideration by Council to approve a 3-month pilot program to stream Council meetings through Facebook Live	OCM	Nov 2020	
10/13/20	Report on the status of the CityGate Study to include recommendations that have been implemented with date, as well as those that have not been implemented and why.	DPS	Oct 2020	10/19/20
10/13/20	Confirm we do not use facial recognition software in operations and if we were to use facial recognition, we would create a policy like we did with drones.	DPS	Oct 2020	10/21/20
10/13/20	Provide a couple of paragraphs to Council on thoughts on DPS partnering with mental health.	DPS	Nov 2020	
10/13/20	Report on the last 12 months in Sunnyvale to include every time we've deployed our bearcat and provide the circumstances that led DPS to deploy the bearcat.	DPS	Oct 2020	10/21/20

## New Study/Budget Issues Sponsored by Council

Date Requested	Study/Budget Issue Topic	Requested By	Dept	Approved by City Manager
8/25/20	Regulating Drones Over Residential Properties	<b>Hendricks</b> , Melton, Klein	DPS	
9/15/20	Understanding and Improving Community Engagement and Communication Between the Public and Council	<b>Hendricks</b> , Melton, Klein, Smith, Fong	OCM	