



City of Sunnyvale

Meeting Minutes City Council

Tuesday, September 13, 2016

5:00 PM

Council Chambers and West Conference
Room, City Hall, 456 W. Olive Ave.,
Sunnyvale, CA 94086

**Special Meeting-Closed Session-5 PM | Special Meeting-Study Session-6 PM | Regular
Meeting-7 PM**

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

1 Call to Order in the West Conference Room

Vice Mayor Larsson called the meeting to order at 5 p.m.

Vice Mayor Larsson announced the items for Closed Session and invited any members of the public to provide public comments before convening to Closed Session.

2 Roll Call

Present: 6 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Meyering
Councilmember Martin-Milius
Councilmember Davis

3 Public Comment

None.

4 Convene to Closed Session

[16-0863](#)

Closed Session held pursuant to California Government Code
Section 54957.6: CONFERENCE WITH LABOR
NEGOTIATORS

Agency designated representatives: Teri Silva, Director of
Human Resources; Deanna J. Santana, City Manager
Employee organization: Sunnyvale Employees Association
(SEA)

Employee organization: Unrepresented Employees

No: 1 - Councilmember Meyering

- 1.J** [16-0861](#) Adopt Ordinance No. 3093-16 to Add new Sections 12.24.115 (Water Theft Prohibited) and 12.24.285 (Construction Hydrant Meters) to Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code

Adopt Ordinance No. 3093-16.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [16-0271](#) Proposed Project: APPEAL by a member of the public of a decision by the Planning Commission to conditionally allow a: SPECIAL DEVELOPMENT PERMIT to allow an approximately 11,600 square foot new commercial building (grocery store) on an existing commercial site. The project replaces a portion (approx. 7,599 s.f.) of the Orchard Supply Hardware building and storage area.
File #: 2015-7399
Location: 777 Sunnyvale-Saratoga Road (APN: 201-36-002)
Zoning: C-2/ECR
Appellant / Applicant / Owner: Michael Howland (appellant) / Ware Malcomb (applicant) / Mardit Properties, LP (owner)
Environmental Review: Mitigated Negative Declaration

Councilmember Klein stated that because he has already ruled on this matter as a Planning Commissioner, he will recuse himself from hearing the appeal and left the room.

Planning Officer Andrew Miner provided the staff report and stated supplemental materials including revised CEQA findings have been provided. Director of Public Works Manuel Pineda and Director of Community Development Trudi Ryan provided additional information.

Mark Wolfe on behalf of Appellant Michael Howland recommended consideration of the precedence of the business model in Sunnyvale and the region and requested a more thorough CEQA review with respect to traffic impacts, trip generation, pollution and noise.

Applicant Drew Johnson, Oppidan, spoke regarding the merits of the project outside of the CEQA issues: storm water treatment, shading, increased landscaping, green building practices, varied architecture, better pedestrian connections to the public sidewalk, improvement of public infrastructure such as

site lighting, fire hydrants, and replacing curb approaches. Johnson requested consideration of Condition of Approval Number 5, the one-way traffic loop to the shopping center. Michael Mowry, Kimley-Horn and Associates, Roger Bernstein, Oppidan, and Anthony Cataldo, Ware Malcomb Architects provided additional information.

Public Hearing opened at 8:25 p.m.

No speakers.

Public Hearing closed at 8:25 p.m.

Appellant Mark Wolfe expressed concerns regarding the operations of the project and the lack of identification of the end user.

Cecily Barclay, Perkins Cole, Attorney for Applicant, spoke regarding the Mitigation Negative Declaration use of ITE rates, the grocery use of the project, air quality analysis and additional information regarding the CEQA analysis.

MOTION: Councilmember Davis moved and Vice Mayor Larsson seconded the motion to approve Alternatives 1 and 2: 1) Make the Findings Required by CEQA and for the Special Development Permit in Attachment 3 to the report, and 2) Deny the appeal, affirm the decision of the Planning Commission in part to approve the Special Development Permit subject to the conditions of approval in Attachment 4 to the report and modify in part by adopting the revised Mitigated Negative Declaration in Attachment 7 to the report.

FRIENDLY AMENDMENT: Mayor Hendricks offered a friendly amendment to make PS-3 Revised Circulation Plan Alternative B, where it is both ways. Councilmember Davis and Vice Mayor Larsson accepted the friendly amendment.

The motion carried by the following vote:

Yes: 5 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Davis

No: 1 - Councilmember Meyering

Recused: 1 - Councilmember Klein

Following action on Item 2, Councilmember Klein returned to the room and took his