



City of Sunnyvale

Meeting Minutes City Council

Tuesday, May 12, 2015

4:30 PM

Council Chambers, City Hall, 456 W. Olive
Ave., Sunnyvale, CA 94086

**Special Meeting: Joint Study Session with Planning Commission-4:30 PM | Study
Session-5:30 PM | Regular Meeting-7 PM**

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Griffith called the meeting to order in Council Chambers.

SALUTE TO THE FLAG

Mayor Griffith led the salute to the flag.

ROLL CALL

Present: 7 - Mayor Jim Griffith
Vice Mayor Tara Martin-Milius
Councilmember David Whittum
Councilmember Pat Meyering
Councilmember Jim Davis
Councilmember Glenn Hendricks
Councilmember Gustav Larsson

PUBLIC ANNOUNCEMENTS

Michael Goldman announced a signature event of the Sunnyvale Public Lands for Public Use initiative and presented a PowerPoint presentation.

Richard Kolber announced an upcoming Energize Sunnyvale event.

Vice Mayor Martin-Milius announced upcoming public input meetings regarding the Stevens Creek Trail.

Mayor Griffith announced the upcoming Hands on the Arts event.

CONSENT CALENDAR

Councilmember Meyering requested to pull Items 1.A and 1.B.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to approve Consent Calendar Item 1.C. The motion carried by the following vote:

Yes: 7 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Whittum
Councilmember Meyering
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

No: 0

1.A [15-0484](#) Approve City Council Meeting Minutes of May 5, 2015

Public Hearing opened at 11:50 p.m.

No speakers.

Public Hearing closed at 11:50 p.m.

MOTION: Councilmember Davis moved and Councilmember Larsson seconded the motion to approve the City Council Meeting Minutes of May 5, 2015 as amended. The motion carried by the following vote:

Yes: 6 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Whittum
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

No: 1 - Councilmember Meyering

1.B [15-0487](#) Approve the List(s) of Claims and Bills Approved for Payment
by the City Manager

Public Hearing opened at 11:51 p.m.

No speakers.

Public Hearing closed at 11:51 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to approve the list(s) of claims and bills. The motion carried by the following vote:

Yes: 6 - Mayor Griffith
 Vice Mayor Martin-Milius
 Councilmember Whittum
 Councilmember Davis
 Councilmember Hendricks
 Councilmember Larsson

No: 1 - Councilmember Meyering

1.C [15-0456](#) Approve Revised 2015 Sewer System Management Plan
(SSMP)

Approve the revised 2015 Sewer System Management Plan in its entirety to meet State Board requirements.

PUBLIC COMMENTS

Michael Goldman spoke regarding Library space needs and provided a PowerPoint presentation.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2 [15-0379](#) File #: 2014-7624
Location: 1026 Lois Avenue (APN: 198-34-011)
Zoning: R-0
Proposed Project:
Appeal by a neighbor of a Planning Commission Decision approving a DESIGN REVIEW to allow construction of a new two-story home with a total floor area of 2,993 square feet (2,566 square feet living area and a 427-square foot garage) resulting in 49.8 percent floor area ratio (FAR).
Applicant / Owner: BO Design (applicant) / Haiyan Gong (owner)
Environmental Review: A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Planning Officer Trudi Ryan presented the staff report.

Public Hearing opened at 7:37 p.m.

Jeanne Waldman, Appellant, spoke in support of a clear guideline for FAR of 45%, and expressed concerns regarding privacy and the single story overlay.

Frank Haiyan Gong, Applicant, provided information regarding the project and a PowerPoint presentation. Hamed Balazadeh, Founder and Lead Architect, BoDesign, provided additional information.

Tricia Lin spoke in support of the proposed project.

Rav Shen spoke in support of the proposed project.

Cai Ping Tang expressed concerns regarding privacy from the house next door to her, but spoke in support of the project.

Iztok Marjanovic spoke in opposition to the project, citing privacy concerns and inconsistency with the character of the neighborhood. Marjanovic also spoke in favor of clarifying the process relating to FAR guidelines.

Ms. Chin expressed privacy concerns regarding the height, kitchen and backyard windows, and the size of the house not fitting in with the traditional look and feel of the neighborhood.

Lorraine Nishikawa spoke in support of protecting the neighborhood and requested

denial of the application.

Robert Nuttall spoke in support of maintaining the character of the neighborhood and retaining the mature trees.

Annie Shian spoke in opposition to the proposed plan citing the FAR, oversized structure and neighborhood compatibility, and requested adherence with the City's guidelines.

Mary Perkins spoke in opposition to the project and requested rejection of the proposal.

Aava Mokhber spoke in opposition to the proposed project, citing the floor height, the overall height, the FAR of 45% of the property, proposed placement of two air conditioning units outside her bedroom windows, and requested denial of the project.

James Smith expressed concerns regarding the precedent being set by a person building this type of house in the neighborhood.

Sheila Smith spoke in opposition to the proposed project.

Ganesan Venkataraman spoke in opposition to the proposed design, citing the oversized structure and removal of the mature trees, FAR, and privacy.

Mark Pool spoke in opposition to the proposed design and recommended adherence to standards to respect the special qualities of the Cherry Chase neighborhood.

Becky Jevons spoke in support of the appeal, citing concerns about privacy and quality of life.

David Klebanov spoke in support of maintaining the character of the neighborhood and requested rejecting the project.

Frank Haiyan Gong, Applicant, provided additional information regarding the reduction of the second floor FAR to make it look smaller, and responded to questions.

Jean Waldman, Appellant, provided closing remarks relating to the view of the neighbors, the FAR, and requested emphasis on respect of the neighbors.

Public Hearing closed at 9:38 p.m.

MOTION: Councilmember Whittum moved and Councilmember Meyering seconded the motion to grant the appeal. The motion failed by the following vote:

Yes: 3 - Councilmember Whittum
Councilmember Meyering
Councilmember Davis

No: 4 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Hendricks
Councilmember Larsson

MOTION: Councilmember Hendricks moved and Councilmember Whittum seconded the motion to refer the item back to the Planning Commission with a list of issues to look at and address: clarity around PS2, the kitchen window on the first floor and how that relates to site lines and whether or not lattice or a fence might be appropriate, location of the air conditioners, looking at 9 foot height of the first floor and 8 foot for the second floor, and what can be done to reduce the second floor roof that is above the stairwell.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to remove the item shown on A-3.

Councilmember Hendricks declined to accept the friendly amendment.

AMENDMENT: Councilmember Meyering moved to amend the motion to include criteria that any revised project not exceed 45% FAR.

The motion to amend died due to lack of a second.

The main motion carried by the following vote:

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

No: 2 - Councilmember Meyering
Councilmember Davis

Council recessed at 10:19 p.m.

Council reconvened at 10:31 p.m. with all Councilmembers present.

- 3 [15-0458](#) Adopt a Resolution to be in Effect through June 30, 2016 Declaring a Continued Water Emergency, Increasing Stage 1 Water Reduction Target from 15 Percent to 30 Percent, Re-Implementing Stage 1 Water Restrictions, Adding Additional Water Use Restrictions Including Enforcement Actions as Recommended by the State Water Board, and Approving Budget Modification No. 45 adding \$230,000 for Water Conservation and Enforcement Efforts, and Amending the Master Fee Schedule to Add Administrative Fines; Find the Action Exempt from CEQA pursuant to Guideline 15378(b) (2)

Director of Environmental Services Department John Stufflebean presented the staff report. Community Development Director Hanson Hom, Assistant Director of Finance Tim Kirby and City Manager Deanna Santana provided additional information.

Public Hearing opened at 11:24 p.m.

Deven Kelling spoke in support of advocating for labeling water usage on common services.

Public Hearing closed at 11:26 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Davis seconded the motion to approve Alternatives 1 and 2: 1) Adopt a Resolution presented as Attachment 1 to the report, to be in effect through June 30, 2016, continuing the implementing of Stage 1 Water Use Prohibitions as outlined in the City of Sunnyvale Water Shortage Contingency Plan and declaring a water shortage of 30% city wide and limiting use of potable water for landscape and turf irrigation to two scheduled days per week, prohibiting landscape watering within two days of rain, and requiring hotels to offer patrons the option of not laundering linens on a daily basis, and imposing a \$250 citation for a third violation and \$500 citation thereafter for violating these prohibitions, and amend the Master Fee Schedule to add administrative fines, and 2) Approve Budget Modification 45 providing \$230,000 for water conservation enhancements and water waste enforcement; and Drain the Community Center pond, change the 15 minutes per station to 10 minutes per station, and within the City Manager's purview and understanding of the operational implications, set a target on bills as to what it would take to hit the 30% goal and on a weekly or bi-weekly basis publish how the city is doing on a macro level in terms of its overall water usage.

City Manager Deanna Santana stated she would report back via the City Manager's Bi-weekly Report or via an informational item regarding the operational issues.

FRIENDLY AMENDMENT: Councilmember Martin-Milius offered a friendly amendment to remove the part of the motion regarding changing the 15 minute requirement to 10 minutes.

Councilmember Hendricks accepted the friendly amendment to take the 10 minute piece out of the motion and handle it separately.

The motion carried by the following vote:

Yes: 7 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Whittum
Councilmember Meyering
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

No: 0

MOTION: Mayor Griffith moved and Councilmember Whittum seconded the motion to direct staff to draft an ordinance requiring either private or public individual metering on all new construction of multi-unit complexes.

Mayor Griffith clarified that the motion allows discretion to the City Attorney to come back with an Information Only report.

The motion carried by the following vote:

Yes: 6 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Whittum
Councilmember Meyering
Councilmember Davis
Councilmember Larsson

No: 1 - Councilmember Hendricks

MOTION: Councilmember Whittum moved and Councilmember Larsson seconded to continue the meeting past 11:30 p.m. to complete the agenda. The motion carried by the following vote:

Yes: 6 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Whittum
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

No: 1 - Councilmember Meyering

4 [15-0343](#) Approve Changes to the Council Policy on Council Travel and Conferences

Assistant City Manager Robert Walker presented the staff report.

Public Hearing opened at 11:47 p.m.

No speakers.

Public Hearing closed at 11:47 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1: Approve changes to the Council Policy on Travel and Conferences as presented in Attachment 1 to the report.

AMENDMENT: Councilmember Meyering moved to amend the motion to include that authorization will be made by the City Manager and not the Mayor to avoid politicization of the approval process.

The motion to amend died due to lack of a second.

AMENDMENT: Councilmember Meyering moved to amend the motion to state that no Councilmember will be reimbursed for travel during the last 6 months of their term, whether it's the first or second term.

The motion to amend died due to lack of a second.

The main motion carried by the following vote:

Yes: 6 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Whittum
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

No: 1 - Councilmember Meyering

- 5 [15-0363](#) Ratification of Councilmember Larsson as Alternate to Councilmember Hendricks on the Airport and Land Use Commission

Public Hearing opened at 11:49 p.m.

No speakers.

Public Hearing closed at 11:49 p.m.

MOTION: Councilmember Whittum moved and Councilmember Davis seconded the motion to ratify Councilmember Gustav Larsson's appointment as Alternate to Councilmember Hendricks on the Airport and Land Use Commission.

The motion carried by the following vote:

Yes: 6 - Mayor Griffith
 Vice Mayor Martin-Milius
 Councilmember Whittum
 Councilmember Davis
 Councilmember Hendricks
 Councilmember Larsson

No: 1 - Councilmember Meyering

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Whittum reported his attendance at a VTA Board meeting in which the FY 2016/17 Transit Service Plan was approved.

NON-AGENDA ITEMS & COMMENTS

-Council

Mayor Griffith requested Council questions regarding the agenda be submitted by Sunday night in consideration of staff workload.

Councilmember Meyering reported on the online survey regarding the Civic Center and requested a box be added to the survey that says do no further building, renovate the current buildings.

City Manager Santana stated she would look into the issue and get back to Council.

Councilmember Meyering stated the letters protesting utility rates cannot be submitted electronically and inquired as to why.

Assistant Director of Finance Kirby provided a response and stated he would get back to Council.

Councilmember Whittum reported a letter was received from City of Cupertino Vice Mayor Chang urging Council to consider the State Route 85 Express Lanes expansion project.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

[15-0485](#) Tentative Council Meeting Agenda Calendar

[15-0377](#) Information/Action Items

ADJOURNMENT

Mayor Griffith adjourned the meeting at 11:58 p.m.