

**NOTICE AND AGENDA**

**SUNNYVALE CITY COUNCIL  
and JOINT CITY COUNCIL / PLANNING COMMISSION  
TUESDAY, MARCH 19, 2013  
COUNCIL CHAMBERS and WEST CONFERENCE ROOM  
CITY HALL - 456 W. OLIVE AVE.  
SUNNYVALE, CALIFORNIA**

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

City Council Closed Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Closed Session – *The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*
  - a. Closed Session pursuant to Government Code Section 54957.6 – Conference with Labor Negotiators  
Agency Designated Representatives: Art Hartinger, Meyers Nave; Teri Silva, Director of Human Resources; Gary Luebbers, City Manager  
Employee Organization: Sunnyvale Employees Association
4. Adjourn Special Meeting

**6 P.M. SPECIAL MEETING - JOINT STUDY SESSION WITH PLANNING COMMISSION**

Joint City Council Study Session with Planning Commission

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Study Session
  - a. Armory Site Affordable Housing Project  
Staff Contact: Hanson Hom, (408) 730-7450
4. 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 in the Council Chambers

**SALUTE TO THE FLAG**

**ROLL CALL**

**PUBLIC ANNOUNCEMENTS**

*Each speaker is limited to three minutes for announcements of community events, programs, or recognition.*

**CONSENT CALENDAR**

- 1.A. Approval of Council Meeting Minutes of February 26, 2013
- 1.B. Approval of Council Meeting Minutes of March 5, 2013
- 1.C. Approval of Information/Action Items – Council Directions to Staff

**Fiscal Items**

- 1.D. RTC 13-063 List of Claims and Bills Approved for Payment by the City Manager – List Nos. 649 & 650

Staff Recommendation: Approve the lists of bills.  
Staff Contact: Pete Gonda, (408) 730-7418

- 1.E. RTC 13-061 Resolution Approving Amended and Restated Local Goals and Policies for Community Facilities Districts in the City of Sunnyvale

Staff Recommendation: Alternative 1: Approve the Resolution to Amend and Restate Local Goals and Policies for Community Facilities Districts.  
Staff Contact: Brice McQueen, (408) 730-7284

- 1.F. RTC 13-070 Initiation of Proceedings to Establish City of Sunnyvale Community Facilities District No. 3 (Estates at Sunnyvale)

Staff Recommendation: Alternative 1: Initiate formation of City of Sunnyvale Community Facilities District No. 3 (Estates at Sunnyvale) by approving the Resolution of Intention to Establish a Community Facilities District.  
Staff Contact: Brice McQueen, (408) 730-7284

**Contracts**

- 1.G. RTC 13-064 Award of Contract for Annual Financial Auditing Services (F13-35)

Staff Recommendation: Alternative 1: Award a contract, in substantially the same form as the draft Audit Services Agreement attached to the report, not to exceed \$509,960, to Macias Gini & O'Connell LLP and delegate authority to the City Manager to extend the contract for two (2) additional one-year periods, provided pricing and service remain acceptable to the City.  
Staff Contact: Pete Gonda, (408) 730-7418

## **PUBLIC COMMENTS**

*This category 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 three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.*

## **PUBLIC HEARINGS/GENERAL BUSINESS**

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **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. RTC 13-062 Discussion and Possible Action Regarding Budget Modification No. 36 to Appropriate \$2 Million of Santa Clara Valley Transportation Authority (VTA) Local Programs Reserve Grant Funds for a Mathilda Avenue/Route 237/Route 101 Transportation Improvement Project

Staff Recommendation: Alternative 1: Approve Budget Modification No. 36 to appropriate VTA Local Programs Reserve Funds in the amount of \$2 million and the balance of the required local match in the amount of \$1.5 million to project 826890 - Mathilda/237/101 Interchange Improvements.

Staff Contact: Jack Witthaus, (408) 730-7330

3. RTC 13-066 2012-7990 Discussion and Possible Action on: General Plan and Downtown Specific Plan (DSP) Amendments for property along the north side of Evelyn Avenue from Mathilda Avenue to just east of Marshall Avenue; and, introducing ordinances for related zoning code amendments and related property rezoning:
- Repeal the Southern Pacific Corridor Site Specific Plan Areas 3, 4, and 5;
  - Expand the DSP boundaries to include up to nine parcels and establish new DSP Blocks;
  - Amend General Plan land use designations from Commercial General Business and Commercial Central Business to a variety of DSP and General Plan land uses including Transit Center, Mixed Use, and Residential Medium Density up to Residential Very High Density Residential (up to 65 dwelling units per acre);
  - Establish land use, density and development standards for properties annexed into the DSP, including Transit Center, Mixed Use and Residential;
  - Establish streetscape standards for Evelyn Avenue; and,
  - Rezone properties in accordance with Downtown Specific Plan or General Plan designation.

Staff Recommendation: Alternative 1: Adopt the Mitigated Negative Declaration and amend the General Plan and Downtown Specific Plan, amend the zoning code and rezone properties with the following actions:

A) Adopt a Resolution to Repeal the Southern Pacific Corridor Site Specific Plan Areas 3, 4, and 5.

- B) Adopt a Resolution to amend the General Plan and Downtown Specific Plan to:
- Expand the DSP boundaries to include eight additional parcels and change the General Plan land use designations from Commercial General Business and Commercial Central Business to a variety of DSP land uses including Transit Center, Mixed Use, and Residential up to 48 dwelling units per acre;
  - Change the General Plan land use designation of 470 Marshall from Commercial General Business to Medium Density Residential;
  - Establish new DSP Blocks 21, 22 and 23 with requirements specifying land use, density and development standards; and,
  - Establish streetscape standards for Evelyn Avenue between Sunnyvale Avenue and Marshall Avenue.
- C) Adopt a Resolution to amend the General Plan for 470 Marshall Avenue from Commercial General Business to Residential Medium Density.
- D) Introduce an ordinance to amend Title 19 of the Sunnyvale Municipal Code to establish new zoning districts for the Downtown Specific Plan (DSP) and include related development standards consistent with amendments to the Downtown Specific Plan.
- E) Introduce an ordinance to rezone eight properties on the north side of Evelyn in accordance with Downtown Specific Plan designations.
- F) Introduce an ordinance to rezone 470 Marshall from Commercial Service (C-4) to Medium Density Residential/Planning Development (R-3/PD).
- G) Authorize staff to revise the DSP document maps and text administratively to reflect the amendments.

Staff Contact: Ryan Kuchenig, (408) 730-7431

**\*City Clerk reads the ordinance titles\***

4. RTC 13-068 2012-7462 - Prometheus Real Estate Group / Evelyn Ave. Associates LLC Discussion and Possible Action on Application(s) for Special Development Permit for a 2.31 acre site located at 457-475 E. Evelyn Avenue in a Commercial Service/Planned Development (C-4/PD) proposed DSP-23 Zoning District (APNs: 209-04-053 & 054): Special Development Permit to allow the development of 158 apartments; Vesting Tentative Map to create one lot pursuant to a lot line adjustment.

Staff Recommendation: Alternative 1: Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with conditions including a reduction to the total number of apartment units from 158 to 156.

Staff Contact: Ryan Kuchenig, (408) 730-7431

5. RTC 13-067 2012-7460 - Prometheus Real Estate Group / Des Nolan Discussion and Possible Action on Application(s) for Special Development Permit for a .98 acre site project located at 388 - 394 E. Evelyn Avenue and 151-153 S. Bayview Avenue in an DSP-4 (Downtown Specific Plan - Block 4) Zoning District (APNs: 209-05-019, 020, 021 & 022): Special Development Permit to allow the development of 67 apartments; Vesting Tentative Map to create one lot pursuant to a lot line adjustment.

Staff Recommendation: Alternative 1: Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with conditions.

Staff Contact: Ryan Kuchenig, (408) 730-7431

6. RTC 13-069 Discussion and Possible Action Regarding the Draft Request for Proposals for the Sale of the Raynor Activity Center

Staff Recommendation: Alternative 1: Approve the draft Request for Proposals for the Sale of the Raynor Activity as submitted.

Staff Contact: Kent Steffens, (408) 730-7441

7. RTC 13-060 Discussion and Possible Action to Approve the City's Code of Ethics and Conduct for Elected and Appointed Officials

Staff Recommendation: Alternative 1: Review and approve the 2013 Code of Ethics and Conduct for Elected and Appointed Officials as presented.

Staff Contact: Yvette Blackford , (408) 730-7475

### **COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

#### **NON-AGENDA ITEMS & COMMENTS**

- Council
- City Manager

#### **INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Sustainability Commission Meeting of February 19, 2013
- Draft Minutes of the Board of Library Trustees Meeting of March 4, 2013

#### **ADJOURNMENT**

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**Notice to the Public:**

The agenda reports to council (RTC's) may be viewed on the City's Web site at [sunnyvale.ca.gov](http://sunnyvale.ca.gov) after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays 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, Sunnyvale, California 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 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.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.106 ADA Title II).

**Planning a presentation for a City Council meeting?**

To assist you in utilizing the technology available in the Council Chambers, the publication "*How to Make Your Council Chamber Presentation More Effective*" may be helpful. The document is available on the City Web site at [sunnyvale.ca.gov](http://sunnyvale.ca.gov).

**Planning to present 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 city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.

**Upcoming Meetings**

Visit [CouncilMeetings.inSunnyvale.com](http://CouncilMeetings.inSunnyvale.com) for upcoming Council meeting information.

Visit [BoardsandCommissions.inSunnyvale.com](http://BoardsandCommissions.inSunnyvale.com) for upcoming board and commission meeting information.

For a complete schedule of KSUN-15 Council meeting broadcasts, visit [KSUN.insunnyvale.com](http://KSUN.insunnyvale.com).