



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, February 1, 2022

SPECIAL MEETING

At 5:30 p.m., Mayor Darcy Paul called the Special City Council Meeting to order. This was a teleconference meeting with no physical location.

ROLL CALL

Present: Mayor Darcy Paul, Vice Mayor Liang Chao, and Councilmembers Kitty Moore, Hung Wei, and Jon Robert Willey. Absent: None. All Councilmembers teleconferenced for the meeting.

STUDY SESSION

1. Subject: Study session to discuss the awarded PDA Planning Grant funds from the Association of Bay Area Governments/Metropolitan Transportation Commission (ABAG/MTC) for the Heart of the City Specific Plan Update in conjunction with the Housing Element Update
Recommended Action: That the City Council receive the report and provide input on the next steps

Written Communications for this item included a commission presentation and emails to Council.

Associate Planner Erika Poveda gave a presentation.

Mayor Paul opened the public comment period and the following people spoke.

Jennifer Griffin opposed accepting funds from MTC or ABAG with conditions attached and supported two separate consultants handling process.

Peggy Griffin opposed extending the contract and accepting funds with conditions attached, and was concerned about outreach, the data presented, and the stakeholders.

Lisa Warren was concerned about extending the contract, linking the two projects, and the outreach process.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Moore moved and Chao seconded to refer this item to the Planning Commission and to decouple the Heart of the City Specific Plan Update from the Housing Element Update to look at it as a separate process. Staff will return to City Council with Planning Commission's recommendation and feedback, including their comments about the current Housing Element Update process, decoupling the Heart of the City Update from the Housing Element Update, and the Heart of the City Update consultant selection process. The motion carried unanimously.

ADJOURNMENT

At 6:35 p.m., Mayor Paul adjourned the Special City Council Meeting.

REGULAR MEETING

At 6:45 p.m. Mayor Darcy Paul called the Regular City Council Meeting to order. This was a teleconference meeting with no physical location.

ROLL CALL

Present: Mayor Darcy Paul, Vice Mayor Liang Chao, and Councilmembers Kitty Moore, Hung Wei, and Jon Robert Willey. Absent: None. All Councilmembers teleconferenced for the meeting.

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Re-Issued Proclamation honoring Paul Haayer for his military service
Recommended Action: Present Re-Issued Proclamation honoring Paul Haayer for his military service

Paul Haayer received the proclamation.

Mayor Paul presented the Re-Issued Proclamation honoring Paul Haayer for his military service.

2. Subject: Recognition of Fine Arts Commission Artists Award winners
Recommended Action: Present awards to Fine Arts Commission Artist Award winners

Written Communications for this item included a commission presentation.

Fine Arts Commission Chair Sudha Kasamsetty gave a presentation.

Award winners Kalpana Adesara and Sanvika Mishra received their awards.

Mayor Paul presented the awards to Fine Arts Commission Artist Award winners.

POSTPONEMENTS AND ORDERS OF THE DAY - None

ORAL COMMUNICATIONS

Peggy Griffin wished Council a Happy Chinese New Year.

REPORTS BY COUNCIL AND STAFF (10 minutes)

3. Subject: Brief reports on councilmember activities and brief announcements
Recommended Action: Receive brief reports on councilmember activities and brief announcements

Council received brief reports on councilmember activities and brief announcements.

4. Subject: Report on Committee assignments
Recommended Action: Report on Committee assignments

Councilmembers highlighted the activities of their various committees.

5. Subject: City Manager update
Recommended Action: Receive City Manager update on emergency response efforts and other City business

Council received the City Manager update on emergency response efforts.

CONSENT CALENDAR (Items 6-10)

Paul moved and Willey seconded to approve the items on the Consent Calendar except for Item Nos. 8 and 9 which were pulled for discussion. Ayes: Paul, Chao, Moore, Wei, and Willey.

Noes: None. Abstain: None. Absent: None.

6. Subject: Approve the January 13 City Council minutes
Recommended Action: Approve the January 13 City Council minutes
7. Subject: Approve the January 18 City Council minutes
Recommended Action: Approve the January 18 City Council minutes
8. Subject: Consider Accounts Payable for the period ending December 20, 2021
Recommended Action: Adopt Resolution No. 22-015 accepting Accounts Payable for the period ending December 20, 2021

Deputy City Manager Katy Nomura reviewed the staff report.

Councilmembers asked questions and made comments.

Council unanimously consented to table this item to a future meeting pending staff provisions of answers to Councilmember questions.

9. Subject: Consider Accounts Payable for the period ending January 3, 2022
Recommended Action: Adopt Resolution No. 22-016 accepting Accounts Payable for the period ending January 3, 2022

Public Works Director Jimmy Tan reviewed the staff report.

Councilmembers asked questions and made comments.

Mayor Paul opened the public comment period and the following people spoke.

Jean Bedord was concerned about a payment for legal services to Aleshire & Wynder, LLP.

Mayor Paul closed the public comment period.

Moore moved and Paul seconded to adopt Resolution No. 22-016 accepting Accounts Payable for the period ending January 3, 2022. The motion carried unanimously.

10. Subject: Administrative Record for a development proposal to demolish an existing commercial building and construct a new nine (9) unit single-family home development including one (1) home containing an Accessory Dwelling Unit (ADU). (Application No(s): EA-2020-001, Z-2020-001, DP-2020-001, TM-2020-001, ASA-2020-003, and U-2020-

001; Applicant(s): Alan Enterprise LLC; Location: 22690 Stevens Creek Boulevard; APN#s 341-14-066, 342-14-104 & 105)

Recommended Action: Adopt Resolution No. 22-022 to correct the administrative record for the Bateh Brothers development project

SECOND READING OF ORDINANCES

11. Subject: Consider second reading and enactment of an Ordinance approving the Rezoning of two parcels from Planned Development with General Commercial Uses (P(CG)) to Planned Development with General Commercial and Residential Uses (P(CG, Res))" to allow the Canyon Crossing development (Application No(s):EA-2018-06, Z-2018-02; Applicant(s): Dan Shaw (SCR Enterprises); Location 10625 South Foothill Boulevard; APN#s 342-16-087, -088)

Recommended Action: Conduct the second reading and enact Ordinance No. 22-2236: "An Ordinance of the City Council of the City of Cupertino approving the Rezoning of two parcels from Planned Development with General Commercial Uses (P(CG)) to Planned Development with General Commercial and Residential Uses (P(CG, Res))"

Mayor Paul opened the public comment period and, seeing no one, closed the public comment period.

City Clerk Kirsten Squarcia read the title of Ordinance No. 22-2236: "An Ordinance of the City Council of the City of Cupertino approving the Rezoning of two parcels from Planned Development with General Commercial Uses (P(CG)) to Planned Development with General Commercial and Residential Uses (P(CG, Res))" (Z-2018-02).

Chao moved and Willey seconded to read Ordinance No. 22-2236 by title only, and that the City Clerk's reading constitutes the second reading thereof. Ayes: Moore, Wei, Willey, Chao, and Paul. Noes: None. Abstain: None. Absent: None.

Chao moved and Willey seconded to enact Ordinance No. 22-2236. Ayes: Moore, Wei, Willey, Chao, and Paul. Noes: None. Abstain: None. Absent: None.

12. Subject: Consider second reading and enactment of an Ordinance approving the Rezoning of three parcels from Planned Development Zoning with General Commercial uses (P(CG)) to Planned Development Zoning with General Commercial and Residential uses (P(CG, Res))" to allow development of the Bateh Brothers site (Application No(s): EA-2020-001, Z-2020-001; Applicant(s): Alan Enterprise LLC; Location: 22690 Stevens Creek Boulevard; APN#s 341-14-066, 342-14-104 & 105)
- Recommended Action: Conduct the second reading and enact Ordinance No. 22-2237: "An Ordinance of the City Council of the City of Cupertino approving the Rezoning of

three parcels from Planned Development Zoning with General Commercial uses (P(CG)) to Planned Development Zoning with General Commercial and Residential uses (P(CG, Res))”

Mayor Paul opened the public comment period and, seeing no one, closed the public comment period.

City Clerk Kirsten Squarcia read the title of Ordinance No. 22-2237: “An Ordinance of the City Council of the City of Cupertino approving the Rezoning of three parcels from Planned Development Zoning with General Commercial uses (P(CG)) to Planned Development Zoning with General Commercial and Residential uses (P(CG, Res))”

Wei moved and Willey seconded to read Ordinance No. 22-2237 by title only, and that the City Clerk’s reading constitutes the second reading thereof; and to enact Ordinance No. 22-2237. Ayes: Moore, Wei, Willey, Chao, and Paul. Noes: None. Abstain: None. Absent: None.

PUBLIC HEARINGS

13. Subject: Consider an amendment to the Fiscal Year (FY) 2021-22 Fee Schedule C - Planning Fees to add a Miscellaneous Ministerial Permit fee pursuant to Urgency Ordinance No. 21-2235 regarding the ministerial processing of up to two unit projects pursuant to Senate Bill 9
- Recommended Action: Adopt Resolution No. 22-023, amending the Adopted FY 2021-22 Fee Schedule C - Planning Fees to add a Miscellaneous Ministerial Permit fee pursuant to Urgency Ordinance No. 21-2235 regarding the ministerial processing of up to two unit projects pursuant to Senate Bill 9

Written Communications for this item included a staff presentation.

Housing Manager Piu Ghosh gave a presentation.

Mayor Paul opened the public hearing and the following people spoke.

Jennifer Griffin was concerned about loss of local control and supported the proposed fees.

Peggy Griffin supported the proposed fees.

Mayor Paul closed the public hearing.

Councilmembers asked questions and made comments.

Moore moved and Chao seconded to adopt Resolution No. 22-023, amending the Adopted FY 2021-22 Fee Schedule C - Planning Fees to add a Miscellaneous Ministerial Permit fee pursuant to Urgency Ordinance No. 21-2235 regarding the ministerial processing of up to two unit projects pursuant to Senate Bill 9. The motion carried unanimously.

14. Subject: Consider an extension of an Interim Ordinance to implement new state legislation (Senate Bill 9), that provides for ministerial approval of up to two units and/or a lot split in a residential single-family zone (Application No.: MCA-2021-005; Applicant: City of Cupertino; Location: Citywide in all residential single family zones) Recommended Action: Conduct a public hearing pursuant to Government Code section 65858(a), and following that hearing:
1. Find that the proposed action is exempt from CEQA; and
 2. Conduct the one and only reading of Ordinance No. 22-2238: "An Interim Ordinance of the City Council of the City of Cupertino Extending Interim Ordinance Number 22-2235 Adding or Amending Cupertino Municipal Code Sections 18.20.170, 19.08.030, 19.12.030, 19.12.110, 19.28.040, 19.28.050, 19.28.110, 19.28.150, 19.28.170, 19.40.050, 19.40.060, 19.40.090, and 19.112.060 to Adopt Standards for Ministerial Approval of Duplexes and Lot Splits in Single-Family Residence Districts," extending the effective date of the previously adopted interim Ordinance No. 22-2235 for a period of 10 months and 15 days.

Written Communications for this item included a staff presentation and an email to Council.

Housing Manager Piu Ghosh gave a presentation.

Mayor Paul opened the public hearing and the following people spoke.

Jennifer Griffin supported extending the Interim Ordinance.

Peggy Griffin supported extending the Interim Ordinance.

Lisa Warren supported extending the Interim Ordinance.

Mayor Paul closed the public hearing.

Councilmembers asked questions and made comments.

City Clerk Kirsten Squarcia read the title of Ordinance No. 22-2238: "An Interim Ordinance of the City Council of the City of Cupertino Extending Interim Ordinance Number 21-2235 Adding or Amending Cupertino Municipal Code Sections 18.20.170, 19.08.030, 19.12.030, 19.12.110, 19.28.040, 19.28.050, 19.28.110, 19.28.150, 19.28.170, 19.40.050, 19.40.060, 19.40.090, and 19.112.060 to Adopt Standards for Ministerial Approval of Duplexes and Lot Splits in Single-Family Residence Districts,"

Willey moved and Wei seconded to:

1. Find that the proposed action is exempt from CEQA; and
2. Read Ordinance No. 22-2238 by title only, and that the City Clerk's reading constitutes the one and only reading thereof; and to enact Ordinance No. 22-2238.

Ayes: Moore, Wei, Willey, Chao, and Paul. Noes: None. Abstain: None. Absent: None.

Council recessed from 8:17 p.m. to 8:23 p.m.

ORDINANCES AND ACTION ITEMS

15. Subject: Consideration of Notice of Intent to Vacate a Public Pedestrian Walkway Easement through Tract 9405 (Campo De Lozano.)
Recommended Action: 1) Consider adopting Resolution No. 22-024 (Attachment A) to notice the public of the intent to vacate a public pedestrian walkway easement through Tract 9405, and to set a public hearing on March 1, 2022 at 6:45p.m.
2) Consider the option of reducing City of Cupertino collected fees, established by the adopted fee schedule, for the action

Written Communications for this item included a staff presentation.

Assistant Director of Public Works/City Engineer Chad Mosley gave a presentation.

Mayor Paul opened the public comment period and the following people spoke.

Lisa Warren supported the proposed vacancy.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Paul moved and Moore seconded to:

- 1) Adopt Resolution No. 22-024 to notice the public of the intent to vacate a public pedestrian walkway easement through Tract 9405, and to set a public hearing on March 1, 2022 at 6:45p.m.

2) Waive the City of Cupertino collected fees, established by the adopted fee schedule, for the action

The motion carried unanimously.

16. Subject: Consider adopting the proposed 2022 Legislative Platform
Recommended Action: Adopt the proposed 2022 Legislative Platform

Written Communications for this item included a staff presentation.

Casey Elliott, Vice President of Townsend Public Affairs, gave a presentation.

Mayor Paul opened the public comment period and the following people spoke.

Peggy Griffin supported state funding for redevelopment or affordable housing for local communities.

Jennifer Griffin supported informing the public about the realignment of senate and assembly districts.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Moore moved and Chao seconded to adopt the proposed 2022 Legislative Platform. The motion carried unanimously.

ORAL COMMUNICATIONS - CONTINUED (As necessary) – None

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Councilmembers made brief comments and provided follow-up for staff from items heard during earlier discussions.

ADJOURNMENT

At 8:59 p.m., Mayor Paul adjourned the Regular City Council Meeting.

Kirsten Squarcia City Clerk