

Youtube and Zoom Transcription - 02/03/2026

[https://youtube.com/playlist?list=PLTliH-kfVKoaFbF\\_1rqa0t03TPGD8vFM8&si=zPlVRJJDLneXqj9b](https://youtube.com/playlist?list=PLTliH-kfVKoaFbF_1rqa0t03TPGD8vFM8&si=zPlVRJJDLneXqj9b)

WEBVTT

1

00:00:24.990 --> 00:00:25.780  
Community Hall: Super helpful.

2

00:00:32.810 --> 00:00:33.520  
Community Hall: God.

3

00:00:40.960 --> 00:00:46.660  
Community Hall: the... Yes, exactly.

4

00:01:19.880 --> 00:01:21.600  
Community Hall: Amber.

5

00:01:24.220 --> 00:01:26.359  
Community Hall: Mayor? Mayor?

6

00:01:43.170 --> 00:01:51.619  
Community Hall: Good evening. It is 647. I call this February 3rd, 2026 regular meeting of the Cupertino City Council to order.

7

00:01:52.730 --> 00:01:55.910  
Community Hall: If you are able to, please rise for the Pledge of Allegiance.

8

00:01:59.010 --> 00:02:11.470  
Community Hall: I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

9

00:02:12.460 --> 00:02:13.170  
Community Hall: Nope.

10

00:02:13.350 --> 00:02:16.610  
Community Hall: Right, thank you. Madam City Clerk, will you please call the roll?

11

00:02:17.190 --> 00:02:20.539  
Community Hall: Councilmember Fruen? Here. Councilmember Mohan?

00:02:20.690 --> 00:02:25.660

Community Hall: Here. Councilmember Wong? Here. Vice Mayor Chao? Here. Mayor Moore?

13

00:02:25.790 --> 00:02:29.709

Community Hall: Present. Madam City Attorney, are there any closed session reports?

14

00:02:31.890 --> 00:02:51.419

Community Hall: Good evening, Council. Mayor. We did not have a closed session this evening, so nothing to report. Thank you. All right, thank you. Quick note, our next City Council meeting is moved due to holidays to Thursday. Yes, that's Thursday, February 19th, 2026, so please mark your calendars. Next, we move on to Item 1, Ceremonial items.

15

00:02:51.760 --> 00:03:01.429

Community Hall: This is a recognition of the STEM winners from the City of Cupertino who participated in the Santa Clara County 2025 Synopsys Championship Science Fair.

16

00:03:01.430 --> 00:03:16.560

Community Hall: This is an opportunity to congratulate our STEM winners from the Science Fair. You can read about the projects they received their awards for on the Synopsys website, but be warned that these are really technically advanced, with titles like...

17

00:03:16.650 --> 00:03:33.090

Community Hall: Neuropod, an Arduino-based mastoid EEG device integrating reinforcement learning for tracking neurodegenerative diseases, as an example. So, we are very proud of our students, and we would like to

18

00:03:33.360 --> 00:03:40.360

Community Hall: bring Forrest Williams, board member from the Santa Clara Valley Science and Engineer Fair Association.

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00:03:40.360 --> 00:03:54.090

Community Hall: up to speak for about 3 minutes, and then we'll bring up the, the STEM winners for a photo. Additional members that we have in attendance are Veena Jain, Board President, Sandra Netich.

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00:03:54.090 --> 00:04:03.039

Community Hall: board member, and Catherine Jarvis, the Public Relations Committee Volunteer. And welcome, Forrest. Well, thank you. Thank you so much.

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00:04:03.480 --> 00:04:16.920

Community Hall: On behalf of the Santa Clara Valley Science and Engineering Fair Association, I want to thank the Mayor and the Council Members for recognizing our students. They've put a lot of work in all the projects.

22

00:04:17.120 --> 00:04:21.440

Community Hall: And it's astounding that Many projects.

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00:04:21.680 --> 00:04:25.360

Community Hall: without the recognition of the City Council.

24

00:04:26.190 --> 00:04:29.750

Community Hall: They just go in a place that, oh, I did this project.

25

00:04:30.250 --> 00:04:31.969

Community Hall: But they are our future.

26

00:04:32.500 --> 00:04:38.800

Community Hall: They are... Working on projects that defies the imagination at this time.

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00:04:39.520 --> 00:04:42.600

Community Hall: We talk about... AI.

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00:04:44.060 --> 00:04:45.740

Community Hall: It's just the beginning.

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00:04:47.060 --> 00:04:51.850

Community Hall: They are using AI in the projects that they're doing today.

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00:04:52.580 --> 00:04:56.040

Community Hall: So, it is important that we encourage them.

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00:04:56.660 --> 00:05:01.519

Community Hall: Oftentimes, We hear of bad things in the community.

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00:05:02.520 --> 00:05:11.690

Community Hall: And... Everyone reacts. A lot of, activity around those that are... not

achieving.

33

00:05:12.300 --> 00:05:19.989

Community Hall: But the individuals that are achieving, are doing good things in the community, you very seldom hear about them.

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00:05:20.880 --> 00:05:25.529

Community Hall: And your recognition of their STEM achievement is significant.

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00:05:25.720 --> 00:05:26.959

Community Hall: for the future.

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00:05:27.750 --> 00:05:29.669

Community Hall: You will realize

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00:05:30.710 --> 00:05:41.849

Community Hall: as you age, I'm not saying your age, I'm saying as you look to the future, and look at the opportunities that

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00:05:42.300 --> 00:05:45.629

Community Hall: They will provide for the next generation.

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00:05:46.270 --> 00:05:56.300

Community Hall: you will realize that your recognition is significant in their future. So let's continue to support our children. Thank you.

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00:05:57.590 --> 00:05:59.070

Community Hall: Thank you so much.

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00:06:03.310 --> 00:06:09.430

Community Hall: So, at this time, we would like the STEM Award winners and their

42

00:06:09.690 --> 00:06:15.910

Community Hall: advocates, their staff members who helped them to all come up. We're going to take a group photo.

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00:06:16.230 --> 00:06:19.390

Community Hall: with the council, So, come on up!

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00:06:25.360 --> 00:06:28.060

Community Hall: No. What do I do? You think you just...

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00:06:28.060 --> 00:06:34.390

Community Hall: And this is Forrest. Okay, and I can hold one for Forrest. This is Forrest.

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00:06:34.390 --> 00:06:49.349

Community Hall: Okay, okay. So they're not going to hold a certificate that'll take too long to get out. Yes, we don't do that. So we're just going to hold... we can... Okay, and then I can...

47

00:06:50.090 --> 00:06:57.689

Community Hall: Okay, so you want to help go pass that out? Yeah.

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00:07:13.240 --> 00:07:14.390

Community Hall: Got it.

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00:07:15.500 --> 00:07:22.720

Community Hall: So... Excuse me, I'm sorry.

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00:07:51.780 --> 00:07:53.030

Community Hall: Miracle Road.

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00:08:02.490 --> 00:08:03.560

Community Hall: You know, revenue.

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00:08:06.000 --> 00:08:07.100

Community Hall: Goodbye.

53

00:08:11.210 --> 00:08:12.940

Community Hall: I'm gonna come forward? Okay.

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00:08:17.090 --> 00:08:18.290

Community Hall: figure out what this is.

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00:08:20.160 --> 00:08:21.080

Community Hall: Thank you.

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00:08:22.540 --> 00:08:25.050

Community Hall: Good luck.

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00:08:35.580 --> 00:08:37.220

Community Hall: Ready?

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00:09:10.070 --> 00:09:12.050

Community Hall: Congratulations!

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00:09:14.130 --> 00:09:16.020

Community Hall: Of course, if you guys can...

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00:09:21.500 --> 00:09:36.869

Community Hall: I don't know. Thanks, Forrest. Thanks, thanks so much. Good job.

61

00:09:37.380 --> 00:09:49.309

Community Hall: Okay. Okay, the STEM awardees, please meet in the foyer in order to receive your certificates. Thank you very much.

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00:10:02.260 --> 00:10:05.480

Community Hall: Let's give him a moment to move... okay.

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00:10:07.130 --> 00:10:12.280

Community Hall: Madam City Clerk, do we have any postponements and orders of the day?

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00:10:12.390 --> 00:10:17.090

Community Hall: No postponements, Mayor. Okay, so we'll give a brief pause.

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00:10:18.510 --> 00:10:20.609

Community Hall: To our award winners.

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00:10:33.710 --> 00:10:44.250

Community Hall: Okay, while we have a moment, if you do have a sign, please remember to keep it low so the people behind you are... don't have their view blocked. That's much appreciated.

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00:10:44.750 --> 00:10:56.169

Community Hall: And also, I know a number of you have already been here, you know, our applause rules, basically, that we want to make sure that everybody feels welcome to speak, so...

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00:10:56.810 --> 00:10:59.049

Community Hall: Please refrain from applause.

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00:11:01.190 --> 00:11:02.790

Community Hall: They're doing the hands?

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00:11:03.060 --> 00:11:19.849

Community Hall: Okay, so next we move on to oral communications, and I do want to mention that according to our Council Procedures Manual, non-agenda matters, including Council and staff reports, may be addressed by the public during oral communications. Madam City Clerk?

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00:11:20.270 --> 00:11:23.860

Community Hall: Will you open up oral communications and provide the instructions?

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00:11:23.960 --> 00:11:25.070

Community Hall: Certainly.

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00:11:25.160 --> 00:11:33.450

Community Hall: This portion of the meeting is reserved for persons wishing to address the Council on any matter within the jurisdiction of the Council and not on the agenda for discussion.

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00:11:33.460 --> 00:11:45.679

Community Hall: Rural communication shall be limited to 30 minutes. Additional speakers wishing to comment on non-agenda items may be given time to speak at the end of the agenda after the City Manager's report. Individual speakers are limited...

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00:11:45.680 --> 00:11:54.940

Community Hall: to 3 minutes. As necessary, the chair may further limit the time allowed to individual speakers, or reschedule remaining comments to the end of the meeting on a first-come...

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00:11:54.940 --> 00:12:07.979

Community Hall: first-come basis, with priority given to students. In most cases, state law will prohibit the Council from discussing or making any decisions, or

decisions with respect to a matter not listed on the agenda.

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00:12:07.980 --> 00:12:26.010

Community Hall: A council member may, however, briefly respond to statements made or questions posed by speakers. A council member may also ask questions for clarification, provide a reference for factual information, request staff to report back concerning a matter, or request that an item be added to a future City Council agenda in response to public comment.

78

00:12:27.830 --> 00:12:31.519

Community Hall: Madam City Clerk, how many speaker cards do we have at this time?

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00:12:36.580 --> 00:12:39.949

Community Hall: And recall that this is for non-agendized items.

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00:12:40.160 --> 00:12:42.690

Community Hall: If you're here to speak on something...

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00:12:43.660 --> 00:12:47.219

Community Hall: On the agenda, you'll need to speak during that item.

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00:12:56.480 --> 00:13:07.979

Community Hall: Mayor, at this time, I am seeing two blue speaker cards for oral communications in Community Hall, and at this time, I am not seeing any raised hands remotely.

83

00:13:08.190 --> 00:13:15.989

Community Hall: Okay. So the first speaker we have for oral communications is Rhoda Frye, followed by Connie Cunningham.

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00:13:16.210 --> 00:13:17.420

Community Hall: Welcome, Rhoda!

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00:13:20.870 --> 00:13:36.240

Community Hall: Hi, good evening, Councilmembers. I attended a county planning commission last week, and so I wanted to give you an update as to the things I learned. One of the things that I talked about, and then it's all about the quarries.

86

00:13:37.570 --> 00:13:54.789

Community Hall: As you may know, we've had, I would say it's a public nuisance of traffic, emanating from the aggregate operations at Lehigh. There's also aggregate operations at Stevens Creek Quarry. Stevens Creek Quarry has assigned truck... truck traffic hours.

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00:13:54.820 --> 00:13:59.280

Community Hall: But Lehigh does not. It's also... now it's known as Heidelberg Cement.

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00:13:59.280 --> 00:14:18.379

Community Hall: And it is a public nuisance, and I believe that they are not vested. The county disagrees with me. I sent the city attorney, and I think you guys, information on why I believe that, but I really think that we need to step up our game, because the county is not going to be there to watch out for us.

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00:14:18.480 --> 00:14:26.199

Community Hall: pretty much the reaction was, and there were two speakers, regarding this, was, so sad, too bad. Okay?

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00:14:26.400 --> 00:14:40.679

Community Hall: So that's my ask tonight on that. Otherwise, I have information for you. You know, the... with the reclamation plan for Lehigh, we're still tracking at probably 600 trucks a day for 30-some-odd years. It's not really...

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00:14:40.760 --> 00:14:49.410

Community Hall: particularly practical. I think it was, like, what was it, 30, 40 million tons of... truck stuff.

92

00:14:49.480 --> 00:15:08.050

Community Hall: But we also have a similar, concern regarding, Stevens Creek Quarry. Stevens Creek Quarry, they are looking at also trucking and materials. I had in my paperwork that I sent you in the, in the, yeah, there it is. Between 11.7 and 20.5 cubic.

93

00:15:08.510 --> 00:15:19.419

Community Hall: million yards of, fill, and so that's in addition to the 30s, 30 or 40-some-odd from Lehigh. So we're looking at a lot of, nuisance.

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00:15:19.420 --> 00:15:37.869

Community Hall: But the thing that I found that was most alarming, and I have a little picture here, I don't know how well you can see it, Stevens Creek Quarry is surrounded on, pretty much all sides, except for the road, by Heidelberg property.

And, what Stevens Creek Quarry intends to do is to.

95

00:15:37.910 --> 00:15:43.349

Community Hall: Move into somewhat of the... Two parcels on the right and two parcels on the left.

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00:15:43.920 --> 00:15:47.389

Community Hall: Two of those parcels happen to be in jurisdictional Cupertino.

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00:15:47.700 --> 00:15:49.410

Community Hall: And

98

00:15:49.850 --> 00:16:02.040

Community Hall: at the meeting, they said, well, those... Cupertino doesn't allow mining, so those... that property would need to be annexed from Cupertino into the county, LAFCO would be involved, and...

99

00:16:02.710 --> 00:16:08.809

Community Hall: this is the first I've heard of it. The other piece, just so you know, there already is a piece of

100

00:16:09.320 --> 00:16:17.729

Community Hall: land that is owned by Stevens Creek Quarry, that is within the... that is in jurisdictional Cupertino, and it is under county

101

00:16:17.830 --> 00:16:24.840

Community Hall: county peer review under State Mining and Reclamation Act, so we're not part of that. Thanks. Thank you, Rhoda.

102

00:16:25.450 --> 00:16:28.460

Community Hall: Next up, we have Connie Cunningham. Welcome, Connie.

103

00:16:36.210 --> 00:16:54.659

Community Hall: And just as a reminder to the members of the public wishing to speak under oral communications, tonight, please raise your hand virtually within the next five and a half minutes. Okay, welcome, Connie. Thank you. Honorable Mayor, Vice Mayor, Council Members, City Manager.

104

00:16:54.810 --> 00:17:03.370

Community Hall: And all here in the audience, in the room, and on Zoom. My name is

Connie Cunningham, Chair of the Housing Commission, speaking for myself only.

105

00:17:03.510 --> 00:17:09.380

Community Hall: It is really wonderful to have this time at Council meetings to express information that is important for residents.

106

00:17:09.710 --> 00:17:17.269

Community Hall: The Mercury News Today had an article today about a protest in San Jose, Monday, yesterday. Under the topic.

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00:17:17.420 --> 00:17:26.560

Community Hall: Super Bowl, week. It was about a protest rally against ICE immigration raids. The juxtaposition is jarring.

108

00:17:30.680 --> 00:17:34.039

Community Hall: Okay. Can you put that up on the screen?

109

00:17:34.590 --> 00:17:41.940

Community Hall: Excuse me, I have attended and been heartened by rallies and protests against ICE

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00:17:42.350 --> 00:17:58.420

Community Hall: and expressing support to protect immigrants. But I have been afraid recently that California is going to become a target for ICE raids, because overall, we are a blue state. And there is the Super Bowl attracting people from all over the country.

111

00:17:58.670 --> 00:18:02.349

Community Hall: Immigrant workers and sports fans can be...

112

00:18:02.460 --> 00:18:09.589

Community Hall: excuse me, targeted. Fortunately, I heard about the Santa Clara County Rapid Response Network.

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00:18:10.440 --> 00:18:21.169

Community Hall: RRN training last month at our Cupertino Library. It helped a lot to have the knowledge and techniques to use in this scary situation.

114

00:18:21.460 --> 00:18:24.160

Community Hall: That is my reason to be here tonight.

115

00:18:24.720 --> 00:18:38.070

Community Hall: This phone number is the one you call in Santa Clara County to alert the Rapid Response Network of something that needs their attention. 408-290-1144.

116

00:18:38.240 --> 00:18:47.300

Community Hall: Rapid Response Network offers legal defense, observation of ICE operations, and accompaniment to ICE appointments.

117

00:18:47.580 --> 00:18:59.819

Community Hall: Again, that's 408-290-1144. You can put the number in your phone. I also have a few of the yellow cards that are handed out that you could carry with you if you prefer.

118

00:19:00.230 --> 00:19:05.830

Community Hall: The Rapid Response Network, Rebecca Amer... Armendariz said.

119

00:19:05.940 --> 00:19:23.070

Community Hall: Our community is ready. Every day, we have dozens of new allies and community members signing to speak up, to bear witness, and to protect their community from attacks. From ICE, from DHS, we're ready, and we're out there.

120

00:19:23.710 --> 00:19:36.659

Community Hall: Thank you for this time to alert people if they didn't already know about this problem in our city, because we are so very close to Santa Clara. Of course, we're in Santa Clara County, but close to the Super Bowl.

121

00:19:36.770 --> 00:19:37.860

Community Hall: Thank you.

122

00:19:38.130 --> 00:19:39.390

Community Hall: Thank you, Connie.

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00:19:40.580 --> 00:19:50.470

Community Hall: Mayor, we'll move to, the virtual attendees wishing to speak under oral communications. Right now, we have two hands raised. We have Peggy Griffin, followed by San Rao.

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00:19:50.870 --> 00:19:59.759

Community Hall: If anyone else would like to speak under this item, please raise your hand, or submit a Blue Speaker card in the next two and a half minutes. Welcome, Peggy.

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00:20:04.950 --> 00:20:07.919

Community Hall: Thank you. I apologize, Peggy, I kept muting you. Welcome, Peggy.

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00:20:07.970 --> 00:20:09.190

Peggy Griffin: Can you hear me?

127

00:20:10.100 --> 00:20:16.189

Peggy Griffin: Good evening, Mayor Moore, Vice Mayor Chao, Council Members, and staff.

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00:20:16.190 --> 00:20:18.999

Community Hall: Peggy is unmuted, but we cannot hear her.

129

00:20:21.160 --> 00:20:21.680

Community Hall: Oh.

130

00:20:22.150 --> 00:20:23.219

Peggy Griffin: Can you hear me?

131

00:20:23.220 --> 00:20:25.400

Community Hall: We can hear you now. Okay. Welcome.

132

00:20:25.480 --> 00:20:41.260

Peggy Griffin: Welcome, thank you. Good evening, Mayor Moore, Vice Mayor Chow, Council Members, and staff. I want to thank Rhoda Fry for continually monitoring the quarry situation on the west side of town.

133

00:20:41.890 --> 00:20:51.459

Peggy Griffin: my husband and I recently went hiking at Stevens Creek County Park, and this was like a weekend, and before we got from

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00:20:52.480 --> 00:20:59.000

Peggy Griffin: the intersection of Stevens Creek and Foothill to the park, we encountered 6 trucks.

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00:20:59.440 --> 00:21:08.220

Peggy Griffin: that's not a long distance. I don't know that if it's even a mile from that intersection to the entrance to the park.

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00:21:08.360 --> 00:21:16.930

Peggy Griffin: So, I can't imagine what the residents along that path are encountering, but It worries me that

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00:21:17.100 --> 00:21:26.309

Peggy Griffin: They want to change the boundary of Cupertino, the jurisdictional Cupertino. Just because you move the boundary doesn't mean that the impact

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00:21:26.690 --> 00:21:28.539

Peggy Griffin: is less significant.

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00:21:28.910 --> 00:21:31.480

Peggy Griffin: So... I hope...

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00:21:31.660 --> 00:21:39.240

Peggy Griffin: That you listen to her and do anything you can to mitigate the situation. Thank you.

141

00:21:41.080 --> 00:21:42.089

Community Hall: Thank you, Peggy.

142

00:21:43.020 --> 00:21:45.739

Community Hall: Next, we have San Rao. Welcome, San.

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00:21:49.840 --> 00:22:05.700

San Rao: Good evening, Mayor Barr, Vice Mayor Chao, and Councilmembers. Along with Rodo Frye, I spoke at the County Planning Commission meeting on the topic of the quarries. I am directly impacted, along with my neighbors that live adjacent and near to the quarry.

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00:22:05.920 --> 00:22:10.650

San Rao: And we face not only the truck traffic, but also the...

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00:22:10.930 --> 00:22:23.169

San Rao: unearthly hours at which the truck traffic is being run on Stevens Creek and Fortel, particularly towards Lehigh. I raised the topic with the County

Planning Commission around the

146

00:22:23.190 --> 00:22:42.650

San Rao: hours of operation, Stevens Creek Quarry runs, I believe, a conditional use permit that requires the trucks to operate after 6 or 6.30 a.m, and on weekdays only, there is no such conditions of operations for the Lehigh Quarry. I'm requesting City Council members to work with the

147

00:22:42.870 --> 00:23:01.519

San Rao: with the county to be able to put in place restrictions that limit the hours when trucks are operated. We'd like to not have trucks running at 3 a.m. and 4am in the morning. The trucks are also speeding increasingly on Foothill. It's a 30-mile-per-hour road on Foothill as it heads south of Stevens Creek.

148

00:23:01.560 --> 00:23:16.830

San Rao: And, it's not... it's not uncommon to find them driving 40, 45, and... and even to have them sort of tailgate you if you go any slower. So, I urge council members to not just fulfill their duties within the city, but to engage actively with the county

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00:23:16.860 --> 00:23:27.280

San Rao: And apply restrictions on the quarry's hours of operations for trucks, but also to not allow for any reverse annexation of city parcels

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00:23:27.330 --> 00:23:29.270

San Rao: Back into the county.

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00:23:29.310 --> 00:23:46.470

San Rao: We require that land to be protected. We have insurance problems for residents that are unable to get insurance in those areas. We cannot have the county taking on land and then going after projects in that space. It is just not feasible, nor is it feasible to expand

152

00:23:46.470 --> 00:23:53.590

San Rao: quarry or mining operations any further, so thank you for your attention, to the quarry issues and the county issues. Thank you.

153

00:23:56.010 --> 00:23:57.059

Community Hall: Thank you, Sam.

154

00:23:57.150 --> 00:24:11.799

Community Hall: That concludes our request to speak, virtually. We did have one speaker card that was submitted after the 9-minute cutoff. Okay, all right. Thank you, Madam City Clerk. I do have a quick question for our City Manager. Perhaps you have

155

00:24:11.800 --> 00:24:15.480

Community Hall: A strategy idea for what we can,

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00:24:15.480 --> 00:24:38.859

Community Hall: potentially do with regards to the quarry and the attempt to have a quarry expansion, and whether or not, or how we could strategize approaching the county with regards to their belief that they have a vested right, at Lehigh, and, and don't have any hours of, of operation, like the Stevens Creek Quarry for their truck traffic.

157

00:24:38.890 --> 00:24:46.719

Community Hall: Do you have, perhaps, some suggestion whether we have an informational memo or agendize it for a study session?

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00:24:47.050 --> 00:25:01.329

Community Hall: Yeah, I believe we can start with an info memo. I did receive the information from the member of the public raising these concerns, so I'm looking at that with staff. And, you know, we can certainly start with an informational memo.

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00:25:01.330 --> 00:25:15.559

Community Hall: And if there's an interest in having a study session to further discuss that, you and I can place that on an agenda at a future meeting as well. Okay, and for info memos, it's... I still need a seconder on that, is that correct, Madam City Attorney?

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00:25:18.960 --> 00:25:26.749

Community Hall: If it's going to take a certain amount of hours to investigate, then I think you do. If it's less than that, then I think it can easily be requested.

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00:25:27.810 --> 00:25:37.080

Community Hall: Well, not knowing that, could I... may I have another council member? Second. Yeah. Thank you. Okay. Also, I'd like to request that

162

00:25:37.140 --> 00:25:55.420

Community Hall: The city sent a letter to the county objecting to the changing of the property. I wonder, do they need our approval to change our border? And if they

can change that property line, why don't we just request to annex the query?

163

00:25:55.420 --> 00:26:00.320

Community Hall: So it's impacting us, it should be under our control, totally.

164

00:26:01.010 --> 00:26:02.769

Community Hall: We should definitely look into that.

165

00:26:03.130 --> 00:26:06.909

Community Hall: I would like to add, we should probably do something with LAFCO, too, as well.

166

00:26:09.790 --> 00:26:19.030

Community Hall: Okay, so staff has some pretty clear direction there. So, Madam City Clerk, next we move on to consent. Have there been any items pulled from consent?

167

00:26:21.310 --> 00:26:32.020

Community Hall: Mayor, we do have two requests from the public to speak. To speak on consent? Okay. But nothing... no Councilmembers have pulled anything. Okay, and would Council wish to pull any items at this time?

168

00:26:32.990 --> 00:26:38.529

Community Hall: Okay, hearing none, Madam City Clerk, let's take the public comments now for the consent calendar.

169

00:26:39.160 --> 00:26:48.149

Community Hall: Okay, so, I have two, requests to speak under the consent calendar for Rhoda Fry for two different items. I...

170

00:26:49.460 --> 00:26:50.830

Community Hall: Believe she would...

171

00:26:56.180 --> 00:26:58.600

Community Hall: So I take it this is Mary Avenue?

172

00:26:58.810 --> 00:27:12.150

Community Hall: This is under the consent calendar. You have speaker cards for item number 2 and item number 3 under the consent calendar. I'm sorry. Okay. I got my numbers mixed up. Okay, I think... thank you, Rhoda.

173

00:27:14.960 --> 00:27:27.379

Community Hall: So there's no further comment cards? No further requests to speak, no more blue speaker cards, and I do not see any hands raised virtually to speak on the consent calendar. Motion to approve consent.

174

00:27:29.170 --> 00:27:33.810

Community Hall: Okay, so I have a motion from, Councilmember Wong to move consent. Do I have a second?

175

00:27:34.680 --> 00:27:42.819

Community Hall: I'll second it. Okay, thank you. Councilmember Mohan seconds. Do we have any comments on the consent calendar at this time?

176

00:27:44.060 --> 00:27:47.069

Community Hall: Hearing none, Madam City Clerk, will you please conduct a vote?

177

00:28:01.740 --> 00:28:03.570

Community Hall: The motion carries unanimously.

178

00:28:03.710 --> 00:28:04.650

Community Hall: Great.

179

00:28:07.130 --> 00:28:26.500

Community Hall: Thank you. Okay, so now we move on to public hearings. The item is Item 8, the Mary Avenue Villas, a proposed 40-unit affordable housing project on public property with 19 units dedicated to the intellectually developmentally disabled, and 21 units reserved for extremely low.

180

00:28:26.630 --> 00:28:43.700

Community Hall: very low and low-income residents of the community. We'll hear a staff report, take council questions, open the public hearing for comments. If we do have an applicant, presentation, they would be able to provide that after the staff report.

181

00:28:43.770 --> 00:28:54.350

Community Hall: We'll take further Council questions, close the public hearing, and then consider actions on the project approval, CEQA exemption, surplus land declaration and the disposition and development agreement.

182

00:28:54.520 --> 00:29:02.950

Community Hall: Madam City Manager, do we have... Well, first, have there been any ex parte communications by the Councilmember since last time we met on this item?

183

00:29:08.250 --> 00:29:12.770

Community Hall: Councilmember Food? Yes, I've spoken with Kathy Robinson of Charities Housing.

184

00:29:13.360 --> 00:29:18.320

Community Hall: All right, thank you. So we will next have staff presentations.

185

00:29:18.580 --> 00:29:22.050

Community Hall: Madam City Manager, will you please introduce the staff?

186

00:29:22.660 --> 00:29:30.229

Community Hall: Thank you, Mayor, and thank you for the introduction of the item. As you mentioned, so this item is for the Mary Avenue development, for your consideration.

187

00:29:30.230 --> 00:29:42.730

Community Hall: Of the development approval and the approval of the DDA, and staff from Community Development Department, John Marteer, Senior Planner, and the legal team are here to present this item. The developer is also present.

188

00:29:42.730 --> 00:29:46.090

Community Hall: And I will turn it over to Floyd to introduce the legal team.

189

00:29:46.790 --> 00:29:52.079

Community Hall: Good evening. I am happy to say that we have,

190

00:29:52.080 --> 00:30:16.209

Community Hall: two attorneys with Alshnar and Winder. We have Michelle Hernandez, she's Deputy City Attorney for the City, and she has been deeply involved in preparing this item for Council and the City to hear. And then we have Anne Lanfar, a senior partner with the firm who has focused her whole career on real estate law. And she's here to answer any specific, detailed questions that we have about the,

191

00:30:16.530 --> 00:30:37.979

Community Hall: development agreement, the disposition and development agreement. And before I hand it over, I just want to mention that, we have made a couple of changes. One change we'll be asking on the recommended action section that the

Council approve the Disposition and Development Agreement with the change to a 99-year term.

192

00:30:37.980 --> 00:30:42.200

Community Hall: And that would apply to the term for the affordability covenants.

193

00:30:42.200 --> 00:31:00.059

Community Hall: And it would also, apply to the time when the city would, their right to reacquire, would commence, which would be 99 years from the beginning of the project. And the other change they were, that I'd like to note is on one of the deck, although all the documents

194

00:31:00.060 --> 00:31:09.070

Community Hall: describe the IDD units, in terms of 19 units that will be restricted for IDD individuals.

195

00:31:09.070 --> 00:31:28.040

Community Hall: In our declaration, we included a typo which said 18, and that we'll be asking to be changed to 19 when it comes time for the City Council to vote on the item. And I will also mention that we were looking at a declaration on the exemption from the Surplus Land Act.

196

00:31:28.040 --> 00:31:35.309

Community Hall: And, that item, the City Attorney will be requesting to be postponed until a date in the future.

197

00:31:35.390 --> 00:31:40.160

Community Hall: Thank you very much, and with that, I hand it over to Our presenters.

198

00:31:43.870 --> 00:32:00.880

Community Hall: Thank you. Good evening, Mayor, Vice Mayor, Council Members, and Cupertino community at large. I'm John Marteer, I'm Senior Planner with the City of Cupertino's Plan, Plan Division within the Community Development Department, and I will be one of two presenters, for staff on this project.

199

00:32:00.880 --> 00:32:17.560

Community Hall: The subject has been, read by the mayor already and described, in further detail by the city attorney, as well as the city manager, so I will move on from this slide, and just give you a very brief background onto the project.

200

00:32:18.130 --> 00:32:27.989

Community Hall: So again, as we had described in prior council meetings, whether in study session or not, this project,

201

00:32:28.240 --> 00:32:40.270

Community Hall: was originally thought of during the fiscal year of 2021... 2020 and 2021, and the City Work Program to prioritize engaging with film and fabric organizations, develop the

202

00:32:40.270 --> 00:32:50.719

Community Hall: ELI, housing for the IDD population, and moving on to the following, Council Work program, this was narrowed down to city-owned property.

203

00:32:50.800 --> 00:32:52.510

Community Hall: In the very end right away.

204

00:32:53.640 --> 00:33:10.009

Community Hall: After an RFP was, was sent out, in 2022, the one respondent was Charity's Housing. So since 2022, the City has been, working with Charities Housing to develop this site in accordance with the City Work Program item.

205

00:33:10.380 --> 00:33:21.180

Community Hall: In July 2024, this site was added to the housing element as site.. HE Site Number 10, and the general plan was amended, to..

206

00:33:21.350 --> 00:33:29.269

Community Hall: Move this from a transportation, a land density to a high, very high density, specifically with this site, to 50 to 65 dwelling units per acre.

207

00:33:30.530 --> 00:33:42.909

Community Hall: Charities Housing, submitted, its development application, ASA 2025006, for the 100% Affordable Residential Housing project on April 3rd, 2025.

208

00:33:44.040 --> 00:33:45.260

Community Hall: So, a little bit about the..

209

00:33:45.480 --> 00:33:57.180

Community Hall: Project description, 40-unit, 100% affordable special needs housing project, with 19 units specifically, restricted towards the, to the IDV population.

210

00:33:58.170 --> 00:34:02.760

Community Hall: At least, again, at least 45%, in this case 19.

211

00:34:03.210 --> 00:34:06.849

Community Hall: Affordability will range between 30% and 60% in AMI.

212

00:34:07.360 --> 00:34:12.420

Community Hall: The project is two separate buildings, two-story...

213

00:34:12.530 --> 00:34:18.190

Community Hall: Each are gonna be two stories, with, 22 parking stalls on-site in between each building.

214

00:34:18.900 --> 00:34:21.569

Community Hall: With a net lot area of .76 acres.

215

00:34:22.010 --> 00:34:27.600

Community Hall: The... Parcel itself is...

216

00:34:27.739 --> 00:34:45.979

Community Hall: very narrow, it's about 36 feet wide, on average, and about approximately a little over 800 square feet long... I'm sorry, 800 feet long. This is the existing, area of which the site will be developed. You see this is taken looking south, from the edge of the Mary Avenue Dock Park.

217

00:34:49.650 --> 00:35:09.400

Community Hall: And this is a civil drawing of the area. You can see because of the length of the parcel, it had to be broken in two. The top half... the top is, the northern half, the bottom is the southern half. You can see the dotted, the dotted lines are essentially the area which will be,

218

00:35:09.680 --> 00:35:18.050

Community Hall: affected by the project in terms of, roadway reconfiguration. The darker area above the parking.

219

00:35:18.430 --> 00:35:22.660

Community Hall: is where Approximately where the, the...

220

00:35:24.160 --> 00:35:36.170

Community Hall: do sidewalk will be, as well as bike lanes and whatnot. The red

areas is the parcel line, so this is where the buildings will go. This is the city-owned parcel, and that is, proposed for the development.

221

00:35:39.610 --> 00:35:47.439

Community Hall: So, overall, the right-of-way modifications will necessitate a net loss of approximately 89 parking spaces.

222

00:35:48.050 --> 00:36:02.560

Community Hall: The parking space on the west side of the Mayor Avenue in parallel. However, parking on the east side of Mayor Avenue, directly across from the project, will be removed. The vehicle travel lanes will go from approximately 11.5 feet to 11 feet in width.

223

00:36:02.720 --> 00:36:11.339

Community Hall: The bicycle lanes, will be maintained, as well as, there'll be an addition of the sidewalk on the west side of Marriott. Currently, there is none.

224

00:36:13.580 --> 00:36:28.510

Community Hall: This is basically a section of the... of the development, with the reconfiguration of Mary Avenue. This is all of the, again, attached to the staff report as part of the project plans. You can see the traveling width of 11 feet.

225

00:36:28.510 --> 00:36:41.949

Community Hall: As well as the 8-foot parking lane for parallel parking from the project, as well as the bike lane sidewalk on the... on the east side of Mary Avenue, with the new, sidewalk, four and a half foot in width.

226

00:36:41.990 --> 00:36:46.790

Community Hall: On the west side, as well as that hatched area, would be approximately where the building would be.

227

00:36:48.460 --> 00:36:51.989

Community Hall: In terms of the architecture and design, this is a...

228

00:36:52.190 --> 00:37:05.900

Community Hall: a schematic of what the, what I believe will be the southern building, Building 1 on the project side. We do have the applicant who will be making a presentation as well, and they'll go

229

00:37:05.900 --> 00:37:23.180

Community Hall: They'll delve deeper into the architecture and programming and site

design, probably better than I can in terms of materials used, as well as functionality, of the site and the, type of units that we'll be including, for the population that we move... that could... that we'll be moving in.

230

00:37:23.760 --> 00:37:32.099

Community Hall: In terms of general plan compliance, again, as mentioned earlier, this is a housing element site, and is a priority housing element site.

231

00:37:32.100 --> 00:37:44.830

Community Hall: There's multiple, as mentioned in the staff report. I won't go through each one, but there are multiple housing element policies and strategies that encourage housing for low-income special needs communities. These are listed here on the slide, as well as in the staff report.

232

00:37:47.220 --> 00:37:56.400

Community Hall: the... Charities Housing is asking for, density bonus waivers and concessions.

233

00:37:56.510 --> 00:38:12.239

Community Hall: The first is, well, not necessarily a waiver, but it is, density bonus, statutory parking reduction. Because it's a, considered a, special needs or, housing development, they are only required to have .3

234

00:38:12.240 --> 00:38:19.179

Community Hall: Parking spaces per unit, meaning that the parking spaces that would require would be 12. They are providing 22 on-site.

235

00:38:19.660 --> 00:38:26.950

Community Hall: The waivers are reduction of front, side, and rear setbacks, as well as a private outdoor space.

236

00:38:27.550 --> 00:38:39.620

Community Hall: they're also including... they're asking for waivers for the amount of vehicles that are allowed to be parked in the front and side setback, if you're curious. That's... the, municipal can only allow 6. However, in this case,

237

00:38:39.790 --> 00:38:45.099

Community Hall: pretty much all the on-site parking would be within some type of front or side setback.

238

00:38:45.550 --> 00:39:01.489

Community Hall: And also, the type of bicycle parking, not necessarily the amount, but the type of bicycle parking that they are required to put on site. In this case, instead of having a Class 1 bicycle parking, which, if you don't know what Class 1 is, it's essentially secured by parking that would

239

00:39:01.530 --> 00:39:07.630

Community Hall: have to be put inside of the building. And they're proposing Class 2, which is essentially,

240

00:39:08.240 --> 00:39:09.270

Community Hall: Bike wrecks.

241

00:39:10.710 --> 00:39:28.690

Community Hall: Two concessions. The first is for an alternate... alternative to the municipal code's electrical vehicle charging requirement. Instead of the, they were asking to be more consistent with, green building standards rather than the municipal code. However, the...

242

00:39:29.010 --> 00:39:40.700

Community Hall: The museum code does allow a statutory, not statutory, but an ounce, or a request for a waiver, per code, if the, if... for affordable housing developments, if the

243

00:39:40.920 --> 00:39:43.699

Community Hall: If the ordinance requirements

244

00:39:43.750 --> 00:39:54.079

Community Hall: increase the cost of development by \$4 a space, that they can request that reduction for the municipal code. However, in this case, they continue to ask for a concession with this requirement.

245

00:39:54.090 --> 00:40:06.520

Community Hall: And the second concession is to... is the removal of the private artwork on site, or in Luffy, which, at the time of the request, would have been, an extra \$200,000 to the... to the development.

246

00:40:09.010 --> 00:40:10.960

Community Hall: And this, so I'll turn it over to Michelle.

247

00:40:13.270 --> 00:40:32.120

Community Hall: Good evening, Honorable Mayor and City Council members and public

at large. I will be walking through some of the procedural aspects of the project. So, we'll start with the vacation process. So, a non-summary vacation of the public right-of-way is required prior to transfer of title.

248

00:40:32.120 --> 00:40:39.940

Community Hall: Just as a reminder, title is actually transferred much later in this process, not at this point when we're approving the yay.

249

00:40:40.120 --> 00:40:48.279

Community Hall: The Planning Commission reviews conformity with the General Plan and must provide a finding within 40 days of submission.

250

00:40:48.280 --> 00:41:01.129

Community Hall: Submission is anticipated at this time to be February 10th, 2026. Council hearing after a 15-day notice of period can occur, and right now that's slated for March 3rd, 2026.

251

00:41:01.140 --> 00:41:06.760

Community Hall: If Council adopts the resolution, it will be recorded, and that will complete the vacation process.

252

00:41:09.620 --> 00:41:31.020

Community Hall: Next, we have the Surplus Land Act compliance. So, property must be declared surplus or exempt surplus. In this case, the project was designed from its infancy to meet certain exemptions under the Surplus Land Act. The project has been structured to meet the exemption criteria under Government Code 54221,

253

00:41:31.020 --> 00:41:45.880

Community Hall: F1F, and there are certain requirements that are listed there. That is the general summary. It's for a housing development which restricts 100% of the residential units to households of low or moderate income.

254

00:41:47.920 --> 00:42:00.479

Community Hall: Once the, if the Council finds to approve exemption of the Surplus Land Act, notice must be provided to HCD within 30 days before disposition of the property.

255

00:42:03.460 --> 00:42:15.979

Community Hall: We will briefly review the city financing for this project. So, the city will provide the following financial assistance. The city's providing the property for a total of \$1.

256

00:42:16.980 --> 00:42:23.720

Community Hall: They are providing a loan under the Below Market Rate Fund in the amount of \$3 million.

257

00:42:24.570 --> 00:42:36.100

Community Hall: A grant will be provided under the CDBG fund, which will total \$174,567.37.

258

00:42:37.350 --> 00:42:49.640

Community Hall: A loan will be provided from city funds that are administered by the county through the PLHA program, and that will be in the amount of \$908,683.

259

00:42:49.750 --> 00:42:55.860

Community Hall: Finally, the City is also waiving park development fees in the amount of \$2,160,000.

260

00:42:57.780 --> 00:43:07.510

Community Hall: The project will be subject to a regulatory agreement, which, as the City Attorney noted at the beginning of the presentation, will be a 99-year term.

261

00:43:07.710 --> 00:43:18.640

Community Hall: The eligibility of tenants will be limited to low, very low, or extremely low-income households, and 19 units will be limited to IDD households.

262

00:43:19.000 --> 00:43:29.840

Community Hall: Priority tenants, will... priority will be given to tenants who qualify through the city's BMR program and meet the criteria already set forth through the BMR program.

263

00:43:31.110 --> 00:43:55.709

Community Hall: The developer is required to provide ongoing evidence of compliance on an annual basis, and tenants receive notice of the upcoming expiration once the upcoming 99-year term is coming to an end, at least 3 years in advance, and will be provided additional notices for certain time periods between those 3 years and the termination of the regulatory agreement.

264

00:43:58.650 --> 00:44:09.139

Community Hall: The City has retained an option to reacquire the property at the conclusion of the regulatory agreement. The City will have the option, but not the obligation, to reacquire the property.

265

00:44:09.240 --> 00:44:27.410

Community Hall: The reacquisition price will be equivalent to fair market value of the improvements at the time of reacquisition, and will specifically exclude the value of the property itself, and the value of any funds that are outstanding under any of the financing being provided by the city.

266

00:44:30.720 --> 00:44:39.819

Community Hall: And... sorry about that. Upon notice from developer, the city will, receive 12 months to exercise that option.

267

00:44:44.320 --> 00:44:57.610

Community Hall: Sure, now I have to read in the record of the Environmental Review for this. So, California Government Code 655A3.2I in City Code Section 1912030, the proposed entitlement is not considered projects subject to CEQA.

268

00:44:57.750 --> 00:45:08.940

Community Hall: Development meets all statutory requirements for this exemption, specifically regarding its location on housing on the site. It is programmed as 100% affordable status, and it's with a density of over 20 dwelling units per acre.

269

00:45:09.520 --> 00:45:18.989

Community Hall: However, the proposed EA is not a development project. However, it would facilitate the construction and operation of a future 100% affordable housing development, future development.

270

00:45:18.990 --> 00:45:26.969

Community Hall: in Cupertino that is exempt from CEQA. The proposed DDA project qualifies for exemption under State CEQA guidelines section 15,

271

00:45:26.970 --> 00:45:43.360

Community Hall: 332, Class 32 infill project, development projects, and as a result, would not have a significant effect on the environment. The notice of exemption was included in your staff report, and we have two representatives from Placeworks. If you have any questions about the CEQA process and that notice of exemption, I will defer to them.

272

00:45:43.540 --> 00:46:00.389

Community Hall: So the recommended actions are to find the project, in this case DDA, exempt from the California Environmental Quality Act, CEQA, adopt resolution to approving the architectural site approval, adopt a resolution to declaring the property exempt surplus land pursuant to the Surplus Land Act.

273

00:46:00.400 --> 00:46:04.830

Community Hall: Adopt resolution approving the disposition and development agreement.

274

00:46:06.050 --> 00:46:07.880

Community Hall: And that concludes my presentation.

275

00:46:11.440 --> 00:46:20.930

Community Hall: Okay, thank you, and you did mention, John, so thank you so much for the report. You did mention there is a presentation from the applicant?

276

00:46:21.050 --> 00:46:32.970

Community Hall: That is correct. Okay, so that would happen at this time. Madam City Clerk, do we allocate 8 or 10 minutes for the applicant? 8 minutes. 8 minutes. Right.

277

00:46:38.590 --> 00:46:40.120

Community Hall: Alright, welcome.

278

00:46:40.550 --> 00:46:41.929

Community Hall: You have 8 minutes.

279

00:46:44.950 --> 00:46:48.220

Community Hall: Today, Clerk, do you... I will be running the slides, so just...

280

00:46:52.410 --> 00:46:54.130

Community Hall: Nevermind.

281

00:46:54.820 --> 00:46:57.270

Community Hall: I appreciate you both.

282

00:47:06.840 --> 00:47:07.980

Community Hall: Good evening, everybody.

283

00:47:08.200 --> 00:47:10.410

Community Hall: Vice Mayor?

284

00:47:10.560 --> 00:47:26.209

Community Hall: My name is Kathy Robinson. Oh, excuse me. I am the Deputy Director at Charities Housing Development Corporation. I've been here before, you many times, and I'm really pleased to be back, and

285

00:47:26.260 --> 00:47:36.589

Community Hall: finally reached this, plateau of having the opportunity to have our development, Mary Avenue Villas, approved by the City Council.

286

00:47:36.650 --> 00:47:53.700

Community Hall: I'm here just to give a brief overview of Charities Housing, and then I will turn it over to the project manager, Andy Leaf, and we have our design team here, and our attorney here, just in case there's questions or other follow-up, that you need.

287

00:47:54.190 --> 00:48:05.419

Community Hall: Briefly, Charities Housing is a non-profit housing development corporation. We, exclusively, exclusively develop in Santa Clara County.

288

00:48:05.440 --> 00:48:22.670

Community Hall: We develop, own, and manage all of our properties, because we think that is an important continuum of responsibility from beginning to end. We've been in business about going on 40 years, have,

289

00:48:24.030 --> 00:48:43.979

Community Hall: several hundred... several thousand units in communities throughout Santa Clara County, from Mountain View, Palo Alto, down to South San Jose, and have, more developments under construction currently, and a couple new ones, upcoming to start construction this year.

290

00:48:45.630 --> 00:49:05.019

Community Hall: probably you know us best because we are the developers from... for the veranda, a senior... affordable senior housing development that was completed a few years ago in Cupertino. There... you can see the... on the slide, it's located on Stevens Creek, across from City Center.

291

00:49:05.040 --> 00:49:07.330

Community Hall: And, has been...

292

00:49:07.590 --> 00:49:19.780

Community Hall: very successful and well received by the community, so we really appreciate your supporting us on that, and our ability to continue to contribute

through Mary Avenue.

293

00:49:20.180 --> 00:49:21.070

Community Hall: Thank you.

294

00:49:22.170 --> 00:49:29.710

Community Hall: Good evening, Council, Mayor, General Public. I will be talking about some specifics on... about the site.

295

00:49:30.060 --> 00:49:34.970

Community Hall: a little more flavor to it, maybe, than what Mr. Martyr provided.

296

00:49:35.890 --> 00:49:48.989

Community Hall: So, what we have here is an aerial view of the project. We have two buildings, as was mentioned, 22 parking spaces in between. I think we actually went over this pretty well, Mr. Martyr.

297

00:49:49.140 --> 00:49:54.369

Community Hall: The project information, two... two-story buildings, as has been said.

298

00:49:54.560 --> 00:49:59.170

Community Hall: We have 39 affordable apartments plus 1 resident manager's unit.

299

00:49:59.440 --> 00:50:07.000

Community Hall: The breakdown is 3 studios, 22 one-bedrooms, 14 2-bedrooms, plus the manager unit.

300

00:50:07.120 --> 00:50:12.660

Community Hall: The income limits are 20% to 60% AMI.

301

00:50:12.880 --> 00:50:17.880

Community Hall: Those lower units are for the 19 units.

302

00:50:18.000 --> 00:50:21.819

Community Hall: For the intellectual and developmental disability population.

303

00:50:24.150 --> 00:50:43.569

Community Hall: The floor plans, well, this didn't come out quite as large as I

would have liked. I wanted to point out that there is a community room on the first floor of one of the buildings. The room has a meeting room for service providers to meet with clients. We have a kitchen and a refrigerator in there.

304

00:50:43.790 --> 00:50:47.889

Community Hall: There are laundry rooms in both buildings.

305

00:50:48.070 --> 00:50:53.149

Community Hall: There's a indoor interior mail room for secure mail delivery.

306

00:50:53.780 --> 00:50:56.199

Community Hall: And each building has an elevator.

307

00:50:56.720 --> 00:50:58.969

Community Hall: And all of the units are accessible.

308

00:50:59.310 --> 00:51:01.790

Community Hall: Adaptable... or accessible, excuse me.

309

00:51:03.280 --> 00:51:05.379

Community Hall: That's just the other building.

310

00:51:06.360 --> 00:51:16.510

Community Hall: And I'm going to briefly bring up our architect, Laura Roberts, from Co-Architecture, to speak a little bit about building materials and landscaping.

311

00:51:18.450 --> 00:51:35.740

Community Hall: Thank you, Andy. Good evening, everybody. So, we brought here today a model that we have developed for studying the elevation of this building, and, we have chosen two, traditional materials. One is stucco, the other one is wood siding.

312

00:51:35.750 --> 00:51:42.999

Community Hall: And, we, we have mainly emphasized in the corners of the buildings, as you can see in the elevation.

313

00:51:43.170 --> 00:52:02.359

Community Hall: So these will be the corners. We're using wood siding, and in between, we're using stucco, so that we create articulation in the facade to

perceive a more individualized unit perception of each unit, so the building doesn't perceive as a very long, massive building.

314

00:52:02.490 --> 00:52:18.250

Community Hall: We're also using the wood siding in the center of the building, where the main entry with the elevator in the back is, so that, also this kind of egress and egress or entries of the building are emphasized with this different use of the material.

315

00:52:18.660 --> 00:52:23.100

Community Hall: there, in the... in the slides, you can also see that's the...

316

00:52:23.350 --> 00:52:27.580

Community Hall: That would be the other side of the building that I don't have here in the model.

317

00:52:27.830 --> 00:52:41.310

Community Hall: We're also using these, steel, steel, a very, elegant long columns to support a system of trellis, to shade.

318

00:52:41.490 --> 00:52:46.470

Community Hall: The windows, and create some sort of privacy, and, that effect of

319

00:52:46.770 --> 00:52:54.789

Community Hall: Setback and privacy from the main street, as this is such a narrow site.

320

00:52:55.120 --> 00:53:10.209

Community Hall: The next slide, please. And, the landscape also that we have selected is mainly, trees that are in line with what the city, arborist, recommends. We have, Ginkos bilboa around the

321

00:53:10.430 --> 00:53:15.439

Community Hall: and Mary Avenue. We also have the marina strawberry trees,

322

00:53:16.410 --> 00:53:24.560

Community Hall: in the... in the site, and also we're using the, Saratoga Baylor to screen the sound wall behind the parking lot.

323

00:53:25.090 --> 00:53:30.939

Community Hall: that's pretty much what I have. We also have brought a materials board, if you guys want to look at that, I can pass that along.

324

00:53:31.940 --> 00:53:32.750

Community Hall: Thank you.

325

00:53:33.620 --> 00:53:44.939

Community Hall: Thank you, Laura. Moving right along, we have heard... we had 3 community meetings, we've had study sessions here, and we have heard community concerns.

326

00:53:45.090 --> 00:53:52.160

Community Hall: We believe we have responded as best we can with the development to meet these concerns.

327

00:53:52.280 --> 00:54:03.340

Community Hall: We do have protected bike lanes on both sides of Mary Avenue. We can add additional protection on the east side, which already exists with some bollards, but that can be beefed up.

328

00:54:03.690 --> 00:54:11.250

Community Hall: The project will complete sidewalk on the west side of Mary Avenue, completing from Stevens Creek to the 280 pedestrian overpass.

329

00:54:11.850 --> 00:54:19.890

Community Hall: The number of units on the site, as was mentioned, we're at the lowest end of the density allowed, and

330

00:54:20.090 --> 00:54:31.880

Community Hall: We have heard about... a concern about delivery vans. We have two of the loading... two spaces are dedicated for loading spaces, during the day. At night, they can be repurposed for resident parking.

331

00:54:33.280 --> 00:54:47.040

Community Hall: Environmental concerns, there... we have done completed soil studies, submitted that to the county. That will, of course, be a requirement of the project to, handle that before, construction or during construction.

332

00:54:47.330 --> 00:54:51.009

Community Hall: The project will remove a small amount of lead-contaminated soil.

333

00:54:51.940 --> 00:55:03.490

Community Hall: The indoor air quality is ensured with construction methods and HVAC filtration, and noise will be addressed with the windows being rated.

334

00:55:06.190 --> 00:55:13.170

Community Hall: And we may have run out of time to talk about services, but we have a lot of great services through Housing Choices Coalition.

335

00:55:15.790 --> 00:55:16.750

Community Hall: Thank you.

336

00:55:19.550 --> 00:55:42.109

Community Hall: Thank you. Now we will have Council clarifying questions. We'll start with 5 minutes in the order of Councilmember Wong, Councilmember Mohan, Councilmember Fruen, Vice Mayor, and then myself, until our questions are completed, and that will then be followed by public comment. So, Councilmember Wong, do you have any clarifying questions at this time? I do, to the City Attorney, please.

337

00:55:42.110 --> 00:55:48.469

Community Hall: Yes. So, definition of a non-summary general vacation of the right-of-way is a formal multi...

338

00:55:48.470 --> 00:55:55.470

Community Hall: Month administrative process used to permanently abandon public streets, alleys, or easements that are no longer necessary.

339

00:55:55.480 --> 00:55:59.830

Community Hall: Unlike summary procedures, this requires public hearing notices and City Council approval.

340

00:55:59.870 --> 00:56:07.609

Community Hall: Ensures that the area is not needed for future public use, such as transportation, and does not impair access to private property.

341

00:56:07.870 --> 00:56:10.940

Community Hall: Do we believe that we've met these requirements?

342

00:56:16.590 --> 00:56:21.210

Community Hall: We do, Councilman, yes. So, each of those, there's no exceptions or

anything in that process?

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00:56:22.100 --> 00:56:26.440

Community Hall: I think the statute is clear, and,

344

00:56:26.550 --> 00:56:34.070

Community Hall: we have, you know, jumped through the necessary hoops, and we have plans to. We'll be bringing the...

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00:56:36.100 --> 00:56:52.429

Community Hall: We'll be bringing the initial review to ensure consistency with the general plan to the Planning Commission, and then once Planning Commission has weighed in on its consistency, then we will be bringing it to the City Council to make the determination.

346

00:56:52.850 --> 00:56:56.219

Community Hall: Okay, and then when will we have a date and time to vacate the public?

347

00:56:56.560 --> 00:56:58.229

Community Hall: Create the parcel from the road?

348

00:56:59.320 --> 00:57:09.120

Community Hall: Well, the actual vacation will take place when the transaction closes, and so at the closing, when, title to the property

349

00:57:09.160 --> 00:57:14.099

Community Hall: Transfers and, financial obligations are incurred.

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00:57:14.110 --> 00:57:33.670

Community Hall: That's the time when we will record the vacation, and that's when the land at that time will actually be vacated. The right-of-way will actually be vacated. And then on the issue of repurchase of fair market value to the improvements, will we deduct the inflation-adjusted assistance provided, not the loans, which comes out to \$2,334,000.

351

00:57:33.670 --> 00:57:46.229

Community Hall: 566 and 37? At the time, of... it's my understanding, and I ask that, Attorney Lantfar, correct me if I'm incorrect, but, it's my understanding that

352

00:57:46.240 --> 00:57:57.420

Community Hall: At the 99-year mark, we have the right to repurchase the property for the fair market value of the building.

353

00:57:58.270 --> 00:58:04.630

Community Hall: And not subtracted of the assistance that was provided, and the art and lieu fees that were, waived?

354

00:58:04.930 --> 00:58:07.559

Community Hall: Correct. We add that to that if we want to?

355

00:58:07.900 --> 00:58:14.869

Community Hall: I am... I don't believe that we can, but I will ask Attorney Ladfar to answer that question.

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00:58:15.470 --> 00:58:18.539

Community Hall: Okay, and then the question to the applicant.

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00:58:20.560 --> 00:58:34.530

Community Hall: If they want to come up, it's great that you took in community feedback from the bikers, but not from the drivers who are worried about their parking spaces. Why did you not address that issue? And the main issue here is traffic flow for autos, not bikes.

358

00:58:35.880 --> 00:58:48.150

Community Hall: the development requires that amount of right-of-way, so that necessitated the removal of the diagonal spaces on the west side of Mary Avenue, so we have provided

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00:58:48.210 --> 00:58:56.310

Community Hall: 30 to 33 spaces on the... on the west side, depending on the final Public Works configuration.

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00:58:56.760 --> 00:59:05.630

Community Hall: And we have the two 11-foot drive lanes. Well, you asked about parking. I'm worried about the parking, as many of the residents here are.

361

00:59:05.790 --> 00:59:06.590

Community Hall: Right.

362

00:59:06.910 --> 00:59:10.649

Community Hall: So, that's... Wait, did you take into their account, or you just can't do that?

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00:59:11.210 --> 00:59:17.589

Community Hall: In order to achieve the project and build it that necessitated those loss of those spaces.

364

00:59:17.850 --> 00:59:20.030

Community Hall: Okay, thank you, appreciate that.

365

00:59:20.200 --> 00:59:36.220

Community Hall: And a question to our planning department. If a Cupertino resident wanted to have this many exemptions and waivers that staff has granted, what would they need to do from setbacks and all that fun stuff? And what would we normally allow our developers to do to reduce our...

366

00:59:36.270 --> 00:59:40.550

Community Hall: art and loopholes as well. How would they be able to get those same level of exemptions?

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00:59:41.250 --> 00:59:44.880

Community Hall: Provide a development that has net 5 units.

368

00:59:46.530 --> 01:00:00.570

Community Hall: I mean, that's... That's it. That's all they need to do to be able to do that. To qualify as a density bonus project, yes. So it's all about the density bonus projects, which... That's correct. Which are... Statutory. Which are statutory, coming from the state, correct? That's correct. Okay.

369

01:00:01.090 --> 01:00:01.960

Community Hall: Thank you.

370

01:00:04.690 --> 01:00:07.690

Community Hall: Thank you. Next, Councilmember Mohan?

371

01:00:08.170 --> 01:00:09.729

Community Hall: Yeah, thank you, Mayor.

372

01:00:10.130 --> 01:00:13.080

Community Hall: A question for, our city attorney.

373

01:00:13.530 --> 01:00:20.720

Community Hall: So today we are not... we will not be discussing the right-of-way, vacuum vacation.

374

01:00:22.140 --> 01:00:27.080

Community Hall: Correct. And we, so what is the process? After today.

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01:00:27.280 --> 01:00:31.229

Community Hall: It goes to the Planning Commission on the, February 10th.

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01:00:31.530 --> 01:00:35.129

Community Hall: Then comes back to us for... for what?

377

01:00:35.230 --> 01:00:49.899

Community Hall: Well, the vacation requires that, the Planning Commission weigh in on the consistency with the general plan, and once the Planning Commission has said, yes, it's consistent, then it comes to the City Council to make

378

01:00:49.900 --> 01:00:56.809

Community Hall: The final determination about, how the city should move forward and whether the right-of-way should be vacated.

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01:00:56.810 --> 01:01:05.639

Community Hall: And there's another, item that follows the same, path, and that is,

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01:01:06.900 --> 01:01:14.319

Community Hall: Now I'm drawing a blank on what that is. There's a second, michelle, help me with that.

381

01:01:15.520 --> 01:01:32.949

Community Hall: Sorry. Oh, I'm sorry, I recall now. It's the disposition of the land itself also has to be, looked at by the Planning Commission and determined that the disposition of the land complies with the general plan, and, and then that, too, comes back to the City Council for

382

01:01:32.950 --> 01:01:36.090

Community Hall: final vote on that. And both of those items will come back.

383

01:01:36.720 --> 01:01:42.769

Community Hall: Okay, and that is separate from the disposition and development agreement that we will be voting on today? Correct.

384

01:01:43.520 --> 01:01:52.529

Community Hall: and the disposition and development agreement that we will, vote on today, it is conditional, right? It is not the final word on,

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01:01:52.640 --> 01:02:04.860

Community Hall: disposing the property. That is exactly right. That's a key point in the, disposition and development agreement, I'm going to call this DDA, is that it is contingent upon

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01:02:04.860 --> 01:02:14.329

Community Hall: The Planning Commission finding that those two items are consistent with the general plan, and it is then consistent with the Council

387

01:02:14.330 --> 01:02:31.919

Community Hall: voting in favor of those two items. And it's also contingent on, a number of other things. It's basically a roadmap for all the parties to follow, as they move towards the time when everything is in place to close the deal.

388

01:02:32.370 --> 01:02:45.739

Community Hall: without the DDA, parties are sort of working on things independently, and it's not clear that everybody's in agreement that we should, be, expending resources organizing the deal.

389

01:02:45.740 --> 01:03:01.339

Community Hall: So you sign the DTA, everybody understands what the roadmap is, then you go down the road, and these items we're talking about are part of going down the road until everything is complete and ready, and then you close the deal, and everything is recorded.

390

01:03:01.340 --> 01:03:08.160

Community Hall: And it's a done deal. And then the developer moves into the, planning and construction process.

391

01:03:08.550 --> 01:03:30.939

Community Hall: And, respectfully, just to add, in Section 404 of the DDA, there's a subsection 1 and Subsection 2, which describe in detail the contingencies upon which, closing depends. So it lists for the developer and for the city what needs

to be met in order to be able to close the project and actually dispose of the property.

392

01:03:31.670 --> 01:03:32.559

Community Hall: Thank you.

393

01:03:33.220 --> 01:03:41.399

Community Hall: Okay, that does explain it, and I just wanted to make sure that we, as well as the public, don't believe that the...

394

01:03:41.630 --> 01:03:45.900

Community Hall: Approving the DDA today is the final word on it.

395

01:03:47.160 --> 01:03:48.860

Community Hall: Okay, thank you, thank you.

396

01:03:49.410 --> 01:03:50.370

Community Hall: Thank you, Mayor.

397

01:03:50.530 --> 01:03:52.889

Community Hall: Thank you. Councilmember Fruen?

398

01:03:53.790 --> 01:04:02.280

Community Hall: So I'll direct my first question to the city attorney. There's a letter in the record from an attorney with Strategy Law.

399

01:04:02.500 --> 01:04:06.930

Community Hall: It's rather lengthy. Have you reviewed it?

400

01:04:07.560 --> 01:04:08.940

Community Hall: I have. Okay.

401

01:04:09.200 --> 01:04:18.940

Community Hall: Do you and your colleagues in the city attorney's Office feel that our course of action remains on firm legal ground despite the claims in that letter? I do. Okay.

402

01:04:19.730 --> 01:04:21.510

Community Hall: to CDD.

403

01:04:22.990 --> 01:04:25.940

Community Hall: Mary Avenue right now is a two-way street.

404

01:04:26.360 --> 01:04:28.600

Community Hall: One lane either direction.

405

01:04:29.230 --> 01:04:35.060

Community Hall: Once this project were built, It would remain a two-way street, correct?

406

01:04:35.810 --> 01:04:41.260

Community Hall: That's correct. Okay, so the lanes themselves, despite their narrowing, remain intact.

407

01:04:43.300 --> 01:04:49.579

Community Hall: Correct, okay. And then on the western side of Mary, at present, there is no sidewalk.

408

01:04:51.180 --> 01:04:57.129

Community Hall: Okay, alright. So, we will be seeing additional improvements that do not currently exist at this site.

409

01:04:57.840 --> 01:05:13.629

Community Hall: Correct. Okay, alright. If I could also ask the City Attorney to walk us, perhaps, through the repurchase option in a little bit more detail, I think everyone would appreciate that. I think it's at Section 806 of the DDA.

410

01:05:15.670 --> 01:05:23.130

Community Hall: That's right, so I can provide an answer to that. Essentially, when the regulatory agreement terminates.

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01:05:23.350 --> 01:05:31.279

Community Hall: The developer will provide notice to the city that they... that the city has an option to reacquire the property.

412

01:05:31.530 --> 01:05:44.570

Community Hall: As written, if the developer takes, let's say, 4 months after termination of the regulatory agreement, that time tolls, so the city will continue to have a 12-month option once it does receive notice.

413

01:05:44.990 --> 01:06:03.319

Community Hall: And, should the city choose, it doesn't have the obligation to reacquire the property, but should it choose to, then the reacquisition price would be the fair market value of improvements made to the property, less the value attributable to the land, which would be determined by an MAI appraisal.

414

01:06:03.630 --> 01:06:19.959

Community Hall: And once the reacquisition price has been agreed to between the parties, then that price would also be... from that price would also be subtracted any outstanding amounts under the loans that are being provided by the city, and the amount of the grant that's being provided by the city.

415

01:06:20.760 --> 01:06:35.709

Community Hall: And, essentially, if the city chooses not to reacquire the property, depending on what the council chooses to do at that time, they can renegotiate the regulatory agreement as well, and extend as needed, and...

416

01:06:35.950 --> 01:06:50.659

Community Hall: That would be a discussion, on other options. Got it. But suffice it to say, there's a lot of process that has to occur there, including notice to the city before the property could be validly sold. Correct. Okay, alright, so it's not like...

417

01:06:51.230 --> 01:07:04.560

Community Hall: Charities, after a near century of owning it and using it, can just haul off, and once the deed restriction expires, sell it at a profit without involving us. Correct. Okay, alright.

418

01:07:05.340 --> 01:07:08.050

Community Hall: I will reserve the rest of my time. Thank you.

419

01:07:08.980 --> 01:07:10.599

Community Hall: Thank you, Vice Mayor?

420

01:07:11.500 --> 01:07:26.759

Community Hall: Okay, thank you. I want to first start with some history of the project. So, the parcel was created back in 2020, right?

421

01:07:27.360 --> 01:07:41.850

Community Hall: where there was no land that... so the City Council back in 2020

created the parcel. I heard that the public has been advocating that for at least 10 years before that.

422

01:07:43.040 --> 01:07:45.969

Community Hall: correction, I think it's 2023.

423

01:07:46.220 --> 01:08:01.709

Community Hall: the parcel was created. It was recorded with the council. And... but it was put on the pro... I think a step through a process that was put on the work program of the City Council... That's correct. Back in 2020. That's correct. So, just for the record.

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01:08:02.000 --> 01:08:04.669

Community Hall: on... I think this was started back

425

01:08:04.970 --> 01:08:15.590

Community Hall: first mentioned by the former mayor, Stephen Scharf, in his State of the City Address in 2019, that this is a project he would like.

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01:08:15.890 --> 01:08:19.089

Community Hall: to see happen. And in 2020,

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01:08:19.410 --> 01:08:27.290

Community Hall: the... on the City Council was Darcy Paul, and Stephen Schroff, John Whaley, myself, and

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01:08:27.430 --> 01:08:32.620

Community Hall: I think Rod thinks, and then we put it on the work program so we can

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01:08:32.620 --> 01:08:50.520

Community Hall: start to really look into how this might be possible. It's been quite a few years, so I'm really happy to see that it's happening now, but I want to be sure that we don't forget who got us started.

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01:08:50.550 --> 01:08:53.100

Community Hall: And even though I do still have

431

01:08:53.569 --> 01:09:08.329

Community Hall: But as a City Council member, I do want to be sure that we follow

all the legal process and address the concerns by the residents, like we do for all development projects.

432

01:09:09.990 --> 01:09:22.509

Community Hall: So, first of all, I think we have been talking about no net loss by development project. So, for this project, is there any net loss of units from the housing element allocation?

433

01:09:23.990 --> 01:09:42.619

Community Hall: No, Vice Mayor. So we are... we would have no loss, which is good. And for the BMR loan of \$3 million and PLHA loan of \$0.9 million, what's the term of the... it says the loan on the slide. I thought it's just a donation.

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01:09:45.010 --> 01:09:49.990

Community Hall: Because if they were alone, I would like to ask, what's the term and what's the interest?

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01:09:51.990 --> 01:09:52.850

Community Hall: Bye.

436

01:09:53.040 --> 01:09:59.470

Community Hall: And you're referring to the CDBG? The CDBG, I thought it's a... just a funding.

437

01:10:00.040 --> 01:10:08.410

Community Hall: donation from the CT is not a loan. That's right. The CDBG is a grant that will be subject to a grant. Because the slide says it's a loan.

438

01:10:08.710 --> 01:10:17.120

Community Hall: So that got me confused. I see. That might have been an error on the slide. And then the PLHA is also a grant funding.

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01:10:17.710 --> 01:10:25.829

Community Hall: No, so the PLHA is a loan, it's a loan from city funds that will be administered by the county.

440

01:10:26.800 --> 01:10:31.079

Community Hall: And then there is a BMR loan that will be provided.

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01:10:31.340 --> 01:10:52.169

Community Hall: Oh, the BMR, that's a BMR loan. Correct. Okay, so that's a loan. Correct. But the CT... how much... so the CDBG money is a grant. That's also \$3 million, right? No. The CDBG amount is approximately... sorry, let me just pull that up.

442

01:10:59.560 --> 01:11:09.950

Community Hall: The CDBG grant will be at \$174,567.37, and that will be a grant, and it will be subject to a grant agreement.

443

01:11:12.750 --> 01:11:22.379

Community Hall: Oh, so the PMR is... is a \$3 million, it's a loan? Correct. And PLHA is a loan of \$0.9 million.

444

01:11:22.760 --> 01:11:25.340

Community Hall: that the CT loan spreads through the county.

445

01:11:25.720 --> 01:11:26.610

Community Hall: Correct.

446

01:11:26.770 --> 01:11:32.840

Community Hall: So, what's the term of the loan that they need to pay back, and what's the interest?

447

01:11:33.230 --> 01:11:38.950

Community Hall: For the PLHA loan? Both EMR and the PLHA.

448

01:11:39.230 --> 01:11:43.590

Community Hall: So, both loans will be subject to an interest rate of 3%.

449

01:11:45.330 --> 01:11:47.859

Community Hall: And the term of the loan is...

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01:11:50.660 --> 01:11:56.889

Community Hall: 30 years? 10 years? I believe. I'm not sure of the term of loan.

451

01:12:00.240 --> 01:12:07.640

Community Hall: Michelle? I think we have city staff from our, housing, group who can answer those questions.

452

01:12:12.030 --> 01:12:16.119

Community Hall: I'm not sure I can answer all those questions, but for the term loans, 30 years.

453

01:12:16.250 --> 01:12:17.820

Community Hall: 30 years.

454

01:12:18.090 --> 01:12:18.930

Community Hall: Okay.

455

01:12:20.570 --> 01:12:27.460

Community Hall: So that's lower than, I think, market rate, right?

456

01:12:27.790 --> 01:12:37.870

Community Hall: the market rate is about 6... more than 6% now, okay? And then, so, at the time of requisition.

457

01:12:40.590 --> 01:12:57.689

Community Hall: that's when the loan will still be on... 99 years, the loan will be paid back, so the only grant from the city is \$134K, so you are saying they will assess the market value of the improvements, not including the land, just the building, and then the

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01:12:57.890 --> 01:13:05.199

Community Hall: grant amount of \$134K will be subtracted from that, assessment.

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01:13:05.370 --> 01:13:25.369

Community Hall: In case the city wants to request it. Correct. So the price will be determined, with the evaluation of the cost of the improvements, and will subtract the value of the land. Once that price is determined, then from that will be subtracted the amount of the grant.

460

01:13:25.450 --> 01:13:44.630

Community Hall: Okay, great, thank you. So, on your slides, you said there will be a total of 3 studios, 22 one-bedroom, 24 2 bedrooms, and a 1-manager unit. So, how many of... for the IDD units, how many will be studio 1-bedroom, 2 bedroom?

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01:13:47.220 --> 01:13:50.899

Community Hall: I didn't find the information in the staff report, I think.

462

01:13:51.250 --> 01:13:56.390

Community Hall: So, thank you, the... Charities housing for that information.

463

01:13:57.100 --> 01:14:11.899

Community Hall: Sure, it was in the DDA, the draft DDA has a breakdown, which, so maybe Charities Housing can answer that right away? Sure, I guess, well, either one. Go ahead, 3 studios, 14, 1... 3 studios.

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01:14:12.210 --> 01:14:17.970

Community Hall: The 14 one-bedrooms and 2 of the 2 bedrooms will be for the IDD tenants.

465

01:14:21.160 --> 01:14:28.380

Community Hall: And, the manager's unit would be 2 bedroom? The manager's unit is a 3-bedroom unit.

466

01:14:28.850 --> 01:14:33.009

Community Hall: Oh, okay, so that will be 3 bedrooms. Wait, how many 2 bedrooms?

467

01:14:33.250 --> 01:14:35.769

Community Hall: For the IDD population? 2.

468

01:14:36.180 --> 01:14:38.539

Community Hall: Only two two bedrooms. Correct.

469

01:14:40.460 --> 01:14:50.759

Community Hall: This was based on feedback from Housing Choices and IDD advocates of what would best serve the IDD residents. Okay, thank you. Okay.

470

01:14:50.850 --> 01:15:02.670

Community Hall: And it was mentioned last time there is currently fiber optic line underneath the public right-of-way, and then we were told by the staff last time the

471

01:15:03.170 --> 01:15:10.949

Community Hall: That easement will be... need to be relocated, and the developer will

472

01:15:11.310 --> 01:15:17.810

Community Hall: incur the cost of relocating that. So is that included in the agreement?

473

01:15:22.930 --> 01:15:32.690

Community Hall: fiber optic cabling is not mentioned in the DDA at this point, but, should that be included, so we have clarity on that?

474

01:16:02.160 --> 01:16:13.230

Community Hall: Hello, Council. Chad Mosley, Director of Public Works. The relocation of the fiber line does not need to be in the DDA. It'll be part of the development requirements, part of building

475

01:16:13.420 --> 01:16:20.279

Community Hall: Any of those improvements requires a certain amount of modification to existing facilities. The fiber would be part of that.

476

01:16:24.160 --> 01:16:25.080

Community Hall: Boy.

477

01:16:26.200 --> 01:16:33.060

Community Hall: Why... I don't understand how can that be? But the easement needs to be revised, so...

478

01:16:33.450 --> 01:16:49.190

Community Hall: When will the revised easement... Yeah, there is no easement now, and that fiber line, if it falls within the property, which still needs to be verified, it would be shifted outside of the property so that it falls within the right-of-way, the new right-of-way.

479

01:16:49.650 --> 01:17:04.639

Community Hall: So, how can we have clarity that who will be paying for that relocation? It's a development requirement. It is something that staff would be following, because we verify that all public improvements are done per the city's standards, and this would be our standard.

480

01:17:04.750 --> 01:17:10.550

Community Hall: Okay, so the existing city standards would ensure that? That is correct. Okay, great to know.

481

01:17:10.840 --> 01:17:18.980

Community Hall: And so, I think it's a big... It's gone seven and a half minutes at this time. Okay. Well, okay, so I'm gonna,

482

01:17:18.990 --> 01:17:32.860

Community Hall: Take chair privilege. With regards to all the, utilities, if you had a water line that's, within that, property, the developer is going to be responsible for moving that as well.

483

01:17:32.990 --> 01:17:51.840

Community Hall: Correct? Okay, thank you. And the environmental cleanup, we already discussed this, because there is some, lead there. We saw the Mary Avenue dog park. There are some contaminants, that will be cleaned up by the developer, and we have the environmental

484

01:17:51.840 --> 01:17:56.079

Community Hall: Section of our municipal code, which handles,

485

01:17:56.080 --> 01:17:59.090

Community Hall: handles that part of it.

486

01:18:00.660 --> 01:18:11.200

Community Hall: So I'm going to go around for a second round of any clarifying questions, if there are any, and then we'll be going to public comment. So I'll begin again, Councilmember Wong?

487

01:18:11.600 --> 01:18:22.779

Community Hall: Yeah, I got a few other questions. When you sign DDAs, and you typically want to make sure that you address issues around bankruptcy and foreclosure procedures, what procedures do we have in there right now?

488

01:18:25.460 --> 01:18:35.939

Community Hall: With respect to bankruptcy and foreclosures, we do have a right to reacquire during the construction, should anything of that nature occur.

489

01:18:35.940 --> 01:18:53.840

Community Hall: However, this is a project that is planning to, submit an application for tax credits, so it's important to... to recognize as well that because if it is awarded tax credits, there will be several layers of potential,

490

01:18:53.910 --> 01:19:08.239

Community Hall: parties that can get involved to assist in such a situation. So, can we ask for the C loans, via BMR funds to be drawn in stages, and for specific milestone and milestone payments?

491

01:19:08.240 --> 01:19:18.919

Community Hall: So that in case something does happen, we can have a clawback of those funds, that might be missed, including accrued interest and fees, at least build that into the agreement. Is that an option we can look at?

492

01:19:18.970 --> 01:19:41.090

Community Hall: That's... that is an option we can look at. Those documents related to the financial assistance the city is providing will actually be finalized at closing, rather than the DDA. Why not in the DDA? Because there are a lot of various factors between now and the closing that might affect it, including the tax credits, and to what degree they receive tax credits.

493

01:19:41.090 --> 01:19:46.450

Community Hall: So, that typically financing all closes at the same time to ensure that

494

01:19:46.450 --> 01:20:00.519

Community Hall: the property transfers, and that's the only way to also secure them properly, because you can't record a deed of trust until the property is transferred to the developer. Understood. But what protections does the city have in between, if we allow for that?

495

01:20:01.480 --> 01:20:05.469

Community Hall: Well, the city's not providing the funds until...

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01:20:05.560 --> 01:20:09.710

Community Hall: that later time, generally, so there...

497

01:20:09.710 --> 01:20:31.679

Community Hall: there's not a risk necessarily from a financial standpoint in terms of losing the funds that are being provided as a loan. Those funds will be paid out and subject to the documents that are assisting to protect those at the closing time. Can we also make sure that the loans are not assumable as well, so that we don't create a moral hazard, given that a 3% interest rate is quite attractive?

498

01:20:32.800 --> 01:20:46.749

Community Hall: that is something I believe could be discussed, but essentially, whether or not they're assumable will really be tied to whether the property is still owned by that owner. So, that is... there are...

499

01:20:46.770 --> 01:21:08.350

Community Hall: provisions in the DDA that do protect against that, in terms of being able to, let's say, sell the property to another developer in between, or something like that. So this financing is tied to this DDA based on the language in it, and if the interest in the DDA was transferred, that's how it might be transferred. So otherwise.

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01:21:08.350 --> 01:21:16.779

Community Hall: Yes, we can include language to the effect of anybody that is the owner of the property is bound by this loan and needs to pay it back.

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01:21:16.780 --> 01:21:24.070

Community Hall: But that's something that would be pretty standard in those types of documents. Okay, and then a question to our, staff.

502

01:21:24.210 --> 01:21:43.290

Community Hall: So why didn't we look at getting rid of the bike lanes and putting parking lot... parking spaces there instead? Why are we keeping the bike lanes? So if the residents are worried about not having 89 parking spots, yet we keep the bike lanes, but not the parking spots, wouldn't that be a nice compromise for the folks in the neighborhood?

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01:21:43.340 --> 01:21:45.200

Community Hall: How come that has not been considered?

504

01:21:46.770 --> 01:21:59.769

Community Hall: I'll start... I'll start answering your question, then I'll defer to Public Works, the site design for Mary Avenue. You know, I think Mary Avenue is an important connector between the Mary Avenue Bridge and Stevens Creek Boulevard, in terms of

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01:21:59.770 --> 01:22:07.530

Community Hall: bike traffic, and that's a bike thoroughfare, and that's my understanding, and I'll let Chad, our director, continue.

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01:22:11.790 --> 01:22:18.839

Community Hall: No? There we go. John pretty much nailed it. We have the Mary Avenue Bridge, which the city, expended considerable

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01:22:18.900 --> 01:22:31.850

Community Hall: sum of money about 16 years ago to construct that was a pedestrian and bicycle connection between North and South, and Mary Avenue is the natural extension of that, so ensuring that bike lanes are there to get people to and from

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01:22:32.100 --> 01:22:46.829

Community Hall: Stevens Creek Boulevard, De Anza College, that is highly important. So as a city, we're saying the bike lanes are much more important than the 600 residents' ability to move in and out and park on autos. Is that what we're saying? What I'm saying is.

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01:22:46.830 --> 01:22:55.229

Community Hall: Mary Avenue has been designated a bike route, and we're ensuring the bike routes remain. Is there anything we can do to change that as a compromise, if we need to get to that point?

510

01:22:55.430 --> 01:23:13.150

Community Hall: At this point in time, if we find that there's major parking issues, that's something we could look at in the future, but at this point in time, we're not foreseeing that issue. So the city is saying we're not foreseeing there's going to be a parking issue in that area, because we removed 89 parking spots and kept the bike lanes. That's what you're saying?

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01:23:13.180 --> 01:23:25.920

Community Hall: We are not gonna... I mean, we don't foresee there being a parking issue, and in fact, if you look at the parking study that was done by Krupka, which was the, third-party consultant that was hired by, I believe it was the neighborhood.

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01:23:25.920 --> 01:23:34.419

Community Hall: Even in his study, he indicates that with some of the major festivals, that they're utilizing 96% of those parking stalls.

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01:23:34.520 --> 01:23:48.069

Community Hall: they would be using 96% of the parking stalls that would be available after the project, so even with their report, it's indicating there's enough parking for festivals. Okay, thank you. I yield the rest of my time, or I have no time to yield.

514

01:23:48.700 --> 01:23:51.210

Community Hall: Right. Councilmember Mohan?

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01:23:52.070 --> 01:24:08.999

Community Hall: I'd like to hold my comments till after public comments. Okay. Councilmember Fruan? Just a quick follow-up on the, you know, parade of horrible scenario of a bankruptcy. There would be a deed restriction recorded against the

land, that would run with the land, yes?

516

01:24:10.560 --> 01:24:16.080

Community Hall: Correct. So, in the grant deed itself, there will be language, and then also...

517

01:24:16.190 --> 01:24:24.299

Community Hall: In the regulatory agreement, there's language related to... to these kinds of items, so... Okay, sorry, thank you.

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01:24:25.850 --> 01:24:27.000

Community Hall: Vice Mayor?

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01:24:28.330 --> 01:24:29.789

Community Hall: Thank you.

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01:24:29.940 --> 01:24:32.469

Community Hall: So regard...

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01:24:32.470 --> 01:24:51.569

Community Hall: I think we had a study session in early December, and because there was a lot of community who wrote in regarding how come the city didn't vacate the land, how come we didn't do the public land exemption before we approved the project.

522

01:24:51.590 --> 01:24:58.930

Community Hall: And in the study session, my understanding from the attorney and the staff at the time was, we will...

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01:24:59.230 --> 01:25:12.850

Community Hall: At the same time, when we approve the DDA disposal agreement, we will be doing vacation, and then doing the exempt surplus land at the same meeting.

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01:25:13.200 --> 01:25:14.590

Community Hall: Not after.

525

01:25:14.920 --> 01:25:26.000

Community Hall: But now, I am told vacation will be done later, and then earlier, I think Floyd, city attorney, mentioned the

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01:25:26.160 --> 01:25:30.310

Community Hall: The exempt surplus land will be postponed also.

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01:25:30.960 --> 01:25:39.090

Community Hall: So how come? It's... I think then we are breaking that promise we told the community this will all be done at the same time.

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01:25:39.580 --> 01:25:45.580

Community Hall: Let me answer that. As I recall, we had said that, the..

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01:25:45.850 --> 01:25:54.500

Community Hall: vacation, would go to the Planning Commission and come back to the Council at a later date. I don't recall,

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01:25:54.710 --> 01:25:57.480

Community Hall: Suggesting that that would all happen in one meeting.

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01:25:57.740 --> 01:26:13.909

Community Hall: With respect to the, Zemp Surplus Land Act, item, we did expect to have that heard today. In fact, we have, a resolution in the packet that we were considering, moving on, but

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01:26:13.910 --> 01:26:22.679

Community Hall: After that time, we came to realize that it would make sense for us to, make the findings more robust.

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01:26:22.870 --> 01:26:37.939

Community Hall: And so we have a new draft, but it's not finalized, and so we prefer to put that off and bring that back when we bring back the vacation. So it's not going to require an extra meeting, but we're just taking more time with it.

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01:26:38.910 --> 01:26:47.409

Community Hall: So the way... the exempt for surplus then still need to come back to the Council for approval? Correct.

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01:26:47.640 --> 01:26:51.169

Community Hall: But it will be after the disposition agreement.

536

01:26:51.880 --> 01:27:10.169

Community Hall: That's not what we told the public, would be the process. That's what I was told would be the process. So why couldn't... why didn't we just postpone this whole item until we have everything, including the vacation? I think the vacation was postponed from the Planning Commission.

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01:27:10.170 --> 01:27:16.309

Community Hall: also because of insufficient information. There was no map of exactly which...

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01:27:16.310 --> 01:27:26.809

Community Hall: what's the portion that would become vacated as public right-of-way? There was only a mention of the parcel number, which is the entire parcel, not the

539

01:27:26.840 --> 01:27:38.890

Community Hall: the dimension of the property right away to be vacated. There was no mention of the current use of the land, and why vacation would be consistent with the general plan.

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01:27:38.890 --> 01:27:58.820

Community Hall: And plus, I was very confused, because that staff report, there will be 8... says there will be 18 IDD units. I was like, how come one less now, and now it's back to 19? So we have insufficient information last week when it was on the planning. It was postponed.

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01:27:59.360 --> 01:28:02.850

Community Hall: How come we didn't just postpone this, so just do everything?

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01:28:03.010 --> 01:28:04.070

Community Hall: Clingly.

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01:28:04.910 --> 01:28:08.259

Community Hall: Now you are asking us to do things out of order.

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01:28:08.420 --> 01:28:11.179

Community Hall: And again, because of insufficienting.

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01:28:11.410 --> 01:28:12.690

Community Hall: information.

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01:28:14.640 --> 01:28:16.150  
Community Hall: Is that legally?

547  
01:28:16.500 --> 01:28:17.510  
Community Hall: Aww.

548  
01:28:18.140 --> 01:28:25.060  
Community Hall: Maybe it's permissible, but it's not very clean, right? It's certainly legally permissible, and

549  
01:28:25.060 --> 01:28:40.739  
Community Hall: And I... I do hear what you're saying, but I... I will suggest that it's a very complicated deal, and we turned to the drafting of all the documents, only about...

550  
01:28:40.880 --> 01:28:50.670  
Community Hall: 4 weeks ago, after we got through other meetings that needed to be held before we moved into that phase, and, staff worked

551  
01:28:50.670 --> 01:29:03.949  
Community Hall: very diligently, as did, the city attorney's office, to, pull all of the documents together, which we have now. And, the one document that

552  
01:29:04.310 --> 01:29:19.439  
Community Hall: we feel we need more work on is the one that we're asking to put off. That's okay, but I would like to thank the staff that... for making a very quick negotiation, and thank the developer to extend the...

553  
01:29:19.740 --> 01:29:32.589  
Community Hall: the years from 55 years to 99 years, even though that's just an idea that I brought up Monday morning. So you were able to turn that around within almost

554  
01:29:32.590 --> 01:29:44.819  
Community Hall: 24 hours, to change the agreement to allow that. Thank you for that, because at that time, I was concerned if someone with IDD moves in at the year 20,

555  
01:29:44.920 --> 01:29:57.579  
Community Hall: by... after 20... 55 years, when they are 75, they might be kicked out of the unit. So 99 years feels more, better than

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01:29:57.580 --> 01:30:05.019

Community Hall: at least someone who got the unit will be there until... for their lifetime. So, thank you for that fast turnaround.

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01:30:05.290 --> 01:30:23.040

Community Hall: Thank you. And I will say that, I do believe from the beginning of the project, the parties had considered a 99-year term. we, city, as City Attorney, joined the city, you know, well into this process, and so,

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01:30:23.040 --> 01:30:27.320

Community Hall: I think that we were identifying a 55-year mark.

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01:30:27.320 --> 01:30:43.730

Community Hall: really not fully appreciating that, the project had anticipated a 99-year period for many years, and so we quickly, pivoted on that point and were able to do so with the developer, so we were pleased with that. Thank you. Yeah, thank you.

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01:30:44.820 --> 01:30:45.900

Community Hall: And...

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01:30:46.220 --> 01:30:54.499

Community Hall: So, with the parking, I still have concern. Oh, one thing, I think I... I think with the parking,

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01:30:55.190 --> 01:31:00.970

Community Hall: I have asked about what's the parking situation is at every start this session.

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01:31:01.170 --> 01:31:10.520

Community Hall: But then, with every agenda packet for Mary Avenue project, there has never, ever been one attachment.

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01:31:10.640 --> 01:31:14.360

Community Hall: Clearly spell out what will be the...

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01:31:14.360 --> 01:31:32.569

Community Hall: change in parking lots, and then the road configuration. It's always... I have to ask for that in supplemental, or it might be part of the staff

representation, but till now, even now, there is... it's never been clearly in the published agenda package.

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01:31:32.570 --> 01:31:37.489

Community Hall: And the traffic analysis was only attached, in the supplemental.

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01:31:37.530 --> 01:31:40.050

Community Hall: So... I feel like...

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01:31:40.550 --> 01:31:50.299

Community Hall: Through this process, we... so many developers have been able to make an adjustment to address parking con... parking concerns, but this project

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01:31:50.320 --> 01:32:04.030

Community Hall: to my disappointment, till today, nothing has been changed to address the parking concern. So I want... I have quite one question of two staff. I... I don't remember which report I read earlier... earlier,

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01:32:04.030 --> 01:32:10.810

Community Hall: when the project was on the Council agenda, very early, when we were initially talking about the project.

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01:32:10.810 --> 01:32:15.760

Community Hall: I think there was an intent to acquire, some of the

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01:32:15.820 --> 01:32:34.499

Community Hall: property from Caltran that's currently part of Route 85. Because I looked at the... thank you for the very clear chart in the staff presentation for the road configuration. It seems we just need 8 feet to be able to provide

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01:32:34.560 --> 01:32:41.320

Community Hall: One step, parking on is... Eastside. So...

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01:32:41.910 --> 01:32:51.609

Community Hall: So it seems earlier we had tried to acquire some land from the Routes 85, so how... why was that dropped?

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01:32:52.310 --> 01:32:56.600

Community Hall: Maybe that will help us provide some more property spaces.

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01:33:01.470 --> 01:33:09.809

Community Hall: I'm trying to think of the best... best way to answer that. You know, I think just working with Caltrans would be difficult at this point, in terms of, having them

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01:33:10.200 --> 01:33:20.260

Community Hall: move a building onto their property, or even close to that property, I think, logistically. Not at this point. I think it was dropped early on, so...

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01:33:20.630 --> 01:33:24.620

Community Hall: Was there... Ever a conversation about that?

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01:33:26.300 --> 01:33:36.560

Community Hall: to possibly have a portion of. I kind of remember in one of the staff reports that was mentioned as something to pursue.

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01:33:37.870 --> 01:33:43.269

Community Hall: I don't remember. I don't recall pursuing the Caltrans for that. Okay.

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01:33:44.320 --> 01:33:59.740

Community Hall: Yeah, despite all the traffic study, I think with best festivals, we now still rely on the De Anza College for... to provide parking, and they are going to start charging for parking, starting sometime this year.

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01:33:59.880 --> 01:34:13.119

Community Hall: And we don't know, even if they might promise, they might provide free for this year, or next year, and they might start charging when they need something. So then...

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01:34:13.280 --> 01:34:32.789

Community Hall: the parking will be used, not sufficient on Mary Avenue. Thank you, Vice Mayor. We're still on clarifying questions, so if you have a clarifying question, please ask. Okay. Okay. Madam City Clerk, how many, speaker cards do we have at this time? We have 22.

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01:34:32.790 --> 01:34:47.880

Community Hall: Blue speaker cards, which includes a few groups in person and community hall. At this time, I am seeing 6 hands raised, approximately 94 minutes, Mayor. Okay, so we have already heard this item several times now.

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01:34:48.080 --> 01:35:11.600

Community Hall: And I found that the 90 seconds and the 5 minutes, 1 minute a person, for a group, that that worked pretty efficiently. So we are going to move to public comments. We will have 90 seconds per individual. If you're a group up to 5, you will each receive 1 minute, so up to 5 minutes for a group of 5.

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01:35:11.890 --> 01:35:23.009

Community Hall: All right, Madam City Clerk, will you please open the public comments? Yes, as a reminder, members of the public wishing to speak regarding this item shall submit a request to speak or raise their hand virtually.

587

01:35:23.010 --> 01:35:36.149

Community Hall: within the first 9 minutes of the start of public comment, or before public comment period is closed, whichever comes first. I am going to call the two groups up first. The first group I have is Maddie

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01:35:36.150 --> 01:35:41.990

Community Hall: Forte and Barry and Eric's Rummonds? Rummonds? Ramonds. Ramanz, thank you.

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01:35:42.070 --> 01:35:48.160

Community Hall: So 3 people in the group, so you'll have 3 minutes. Thank you.

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01:35:48.410 --> 01:35:54.009

Community Hall: I need the handheld microphone, though. Thank you so much. Right, and as a friendly reminder,

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01:35:54.330 --> 01:36:03.410

Community Hall: would prefer that you do not applaud after comments so that everyone feels welcome within the room to speak. Thank you.

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01:36:05.230 --> 01:36:19.790

Community Hall: Hello, my name is Maddie Forte, and I'm an Independent Living Skills Case Manager. Tonight, I am back with my two clients, Ann Barry and Eric's Ramonds. We're gonna start with Eric's. So, Eric's, how do you think the council members should vote on Mary Avenue?

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01:36:21.860 --> 01:36:25.809

Community Hall: How do you think the council members should vote on Mary Avenue?

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01:36:31.540 --> 01:36:33.529

Community Hall: Do you want me to go to Anne first?

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01:36:34.030 --> 01:36:51.069

Community Hall: Alright, we're gonna actually start with Anne. So, Anne is another client of mine. She is a Mountain View High School graduate, class of 2007, and lives at the 1585 Studios independently. Anne, why do you think it's important that the Council votes yes on Mary F? Yeah.

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01:36:52.390 --> 01:36:59.890

Community Hall: We need more housing for people with disabilities. Why is it important to you, to be able to stay in our area?

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01:37:00.190 --> 01:37:12.059

Community Hall: to be reclined and being, you know, people's... people's... people's parents or families. Perfect. So, Erics, why is it important to you that the Council, votes in favor of Mary Avenue?

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01:37:15.780 --> 01:37:17.070

Community Hall: Okay, tell me.

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01:37:17.890 --> 01:37:28.349

Community Hall: Sorry, it's a little late, and for our folks with IDD, it can... the more tired you get, the, like, likelihood you are to, kind of.

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01:37:28.520 --> 01:37:36.220

Community Hall: forget what's going on. So, we talked about it earlier, you wanted to share our community with, disabled people, right?

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01:37:36.490 --> 01:37:37.400

Community Hall: Yes.

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01:37:37.560 --> 01:37:41.360

Community Hall: And, why is it important to you to stay in the area?

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01:37:44.710 --> 01:37:47.609

Community Hall: For our community. Yeah, didn't you grow up here?

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01:37:47.730 --> 01:37:52.599

Community Hall: Yes. Isn't your family from here? Yes. Isn't this the only home you've ever known?

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01:37:53.230 --> 01:37:54.279

Community Hall: Like what?

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01:37:54.510 --> 01:37:59.330

Community Hall: You've never lived anywhere else, right? No. And you went to high school in Cupertino?

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01:37:59.640 --> 01:38:02.869

Community Hall: Class of 901. Thank you so much, Erics.

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01:38:03.200 --> 01:38:06.449

Community Hall: And, Anne, do you remember what year you graduated from high school?

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01:38:06.830 --> 01:38:09.440

Community Hall: What year did you graduate from high school?

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01:38:09.580 --> 01:38:25.539

Community Hall: 207. 207, and you live in the community that you graduated from? Mountain View High School. Yeah, and you live in Mountain View, right? Yes. So it's important to you to stay here? Yes. Alright, so as you can see, my clients and I are really passionate about this project. This is our second time here.

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01:38:25.540 --> 01:38:34.159

Community Hall: And I've seen firsthand how important it is for these folks to have the ability to live independently. They actually get

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01:38:34.160 --> 01:38:49.369

Community Hall: the most opportunity to flourish when they have their own space. And if you ask me, this vulnerable population, one of the most vulnerable populations in your community, is more important than 89 parking spaces. Thank you, everyone. I'll yield the rest of my time.

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01:38:49.900 --> 01:38:51.020

Community Hall: Thank you.

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01:38:52.150 --> 01:39:01.220

Community Hall: The next group we have, is Lena, Roberta... Debbie?

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01:39:01.790 --> 01:39:02.950

Community Hall: Aditya?

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01:39:05.500 --> 01:39:06.619

Community Hall: And Michael?

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01:39:07.160 --> 01:39:08.949

Community Hall: You guys will have 5 minutes.

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01:39:10.970 --> 01:39:11.880

Community Hall: Welcome.

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01:39:12.030 --> 01:39:31.639

Community Hall: Thank you. Good evening, Mayor Moore and Council Members. My name is Lena, and I live in the Garden Gate neighborhood. I'm speaking tonight because approving this project without environmental review would violate the California Environmental Quality Act, CEQA. What you describe tonight does not cure it. You're trying to sidestep it by avoiding the term project.

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01:39:32.000 --> 01:39:48.730

Community Hall: CEQA exists for a simple reason, because a city... before a city makes a decision that changes the physical environment, it has to actually study the impacts. Exemptions are supposed to be narrow, and the city, not the public, has the burden of proving that an exemption really applies.

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01:39:49.260 --> 01:39:56.500

Community Hall: Here, the city claims this project is exempt as routine infill housing, but this claim ignores what is actually in the record.

622

01:39:56.550 --> 01:40:09.549

Community Hall: This project would permanently eliminate at least 89 parking spaces, possibly more if you read your hexagon study more carefully. You guys need to create extra space for ingress and egress, so it's more than 89 spots getting lost.

623

01:40:09.900 --> 01:40:25.689

Community Hall: Okay, this city's exemption analysis assumes parking demand that explicitly ignores peak conditions. You guys only studied one Saturday between 12 o'clock to 1 o'clock in April on a non-festival day. That's unacceptable. We have a

lot of traffic on the weekends.

624

01:40:26.530 --> 01:40:32.239

Community Hall: Okay, I'm going to cede my... the rest of my time to my colleagues here. Roberta, thank you.

625

01:40:33.100 --> 01:40:35.929

Community Hall: Good evening, Mayor and Council Members.

626

01:40:36.130 --> 01:40:41.749

Community Hall: I want to address the City's attempt to declare this land exempt surplus land.

627

01:40:42.170 --> 01:40:47.310

Community Hall: The Surplus Land Act exists to protect public property.

628

01:40:47.490 --> 01:40:57.979

Community Hall: Before a city can dispose of land, it must first make a good faith determination that the land is not necessary for present or future public use.

629

01:40:58.080 --> 01:41:00.489

Community Hall: Here, the city has not done that.

630

01:41:00.750 --> 01:41:09.579

Community Hall: The land at issue is currently functioning as a public right-of-way and public parking resource. People use it every day.

631

01:41:09.850 --> 01:41:21.320

Community Hall: Especially during Memorial Park events, yet the city's resolution simply cites statutory language without explaining how land that is actively serving the public

632

01:41:21.460 --> 01:41:23.879

Community Hall: Suddenly becomes unnecessary.

633

01:41:24.440 --> 01:41:28.970

Community Hall: That's not a real analysis, it's a conclusion without evidence.

634

01:41:29.240 --> 01:41:40.559

Community Hall: Even more concerning, the city appears to be doing this backward, first deciding to develop the land, and then declaring it surplus because the project requires it.

635

01:41:40.930 --> 01:41:45.639

Community Hall: The Surplus Land Act does not allow that kind of bootstrapping.

636

01:41:45.920 --> 01:41:50.100

Community Hall: Public land cannot be declared surface... surplus.

637

01:41:50.220 --> 01:41:54.009

Community Hall: Just because a private development would like to use it.

638

01:41:54.490 --> 01:42:01.479

Community Hall: Compliance with the Surplus Law Act is a condition precedent to lawful conveyance.

639

01:42:01.780 --> 01:42:10.450

Community Hall: Because the city has not made the required findings supported by evidence, the proposed disposition of this land is invalid.

640

01:42:10.680 --> 01:42:12.720

Community Hall: The city needs to pause.

641

01:42:12.880 --> 01:42:20.079

Community Hall: Follow the statute and make a genuine determination about public need before moving forward.

642

01:42:20.410 --> 01:42:21.430

Community Hall: Thank you.

643

01:42:22.390 --> 01:42:23.510

Community Hall: Thank you.

644

01:42:24.240 --> 01:42:25.020

Community Hall: Sorry.

645

01:42:25.920 --> 01:42:28.319

Community Hall: It's clearly not a very good evening.

646

01:42:28.520 --> 01:42:30.570

Community Hall: Due process is being stream-rolled.

647

01:42:30.700 --> 01:42:33.039

Community Hall: Some of the council members pointed it out.

648

01:42:33.140 --> 01:42:42.260

Community Hall: It seems like the staff, the city... the staff is not working for the city. The city is working for the staff. Wrong. It's completely wrong.

649

01:42:43.390 --> 01:42:57.709

Community Hall: we have almost a \$3 million mistake where people don't even know if it's a loan, or if it's a, you know, the interest rate is below market. Who are we? Are we city taxpayers subsidizing developers here? What are we trying to do here? Are we a bank?

650

01:42:57.810 --> 01:43:16.910

Community Hall: Is the city of Cupertino a bank that finances developers? I don't think so. I'm a taxpayer. I don't like it. I've been here for 25 years. This is not what cities do. This is clearly not what cities do. I'm extremely disappointed in the way this project is being pushed forward, in spite of heavy resident opposition.

651

01:43:17.350 --> 01:43:32.720

Community Hall: If the interests of the city, the residents are immaterial here, the laws seem to be immaterial, the exemptions seem to be flowing through the roof, you know, for... imagine a residential project being pushed through with these kind of exemptions, you know. Come on, give me a break.

652

01:43:32.730 --> 01:43:51.249

Community Hall: You know, this... why is the city being... taking our tax dollars, okay? Why are we hiding behind density bonus law? The city, the council, must answer as to why we are using this law as an excuse to disregard real impacts to open space, to safety. My daughter was here.

653

01:43:51.610 --> 01:44:06.240

Community Hall: standing behind for 3 hours at the last city council meeting. What has happened? Mayor Cha was the mayor, I think, at that time, and she's questioning the attorney, and she's just, like, shrugging it off and saying.

654

01:44:06.240 --> 01:44:16.080

Community Hall: Oh, you know, we're gonna do something. You know, I was there. My daughter stood here, and we are taking our own very children and are ignoring their rights completely.

655

01:44:17.620 --> 01:44:21.179

Community Hall: Thank you, that is your time. And thank you when something good happens out of this.

656

01:44:22.760 --> 01:44:31.779

Community Hall: Thank you. Next up, I'm gonna ask, due to the number of, requests to speak tonight, if you guys can line up in, an order, to...

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01:44:31.800 --> 01:44:43.930

Community Hall: get this going. Next up we have George Zhu, followed by Paul Krupka, followed by Hadiya Fain, followed by Michael Chu. Welcome, George.

658

01:44:44.270 --> 01:44:46.029

Community Hall: You'll have 90 seconds.

659

01:44:46.370 --> 01:45:02.480

Community Hall: Hello, members of City Council, good evening, ladies and gentlemen. I'm here to express my serious concerns of this, the danger and the safety threat that this product is bringing to the cyclists and the pedestrians of Mary Avenue. As you may know.

660

01:45:02.870 --> 01:45:10.999

Community Hall: Can I have the projector? As you may know, this, project is, located on,

661

01:45:11.240 --> 01:45:26.350

Community Hall: bike lane that is connecting the Mary Avenue Bridge to... all the way to the Bienza College. But even though the projects have claimed to solve this problem, it actually has not. What we have seen here is that we have

662

01:45:26.350 --> 01:45:38.790

Community Hall: 50% narrower bike lanes, at the, at the intersection, and it's actually creating a very dangerous traffic merge point of all the cyclists, pedestrians, and cars all into the same

663

01:45:38.800 --> 01:45:45.110

Community Hall: Same place. Furthermore, it increases the chance of congestion collision because it opens up

664

01:45:45.260 --> 01:45:51.540

Community Hall: cars and, entry points to an already very congested, congested

665

01:45:51.680 --> 01:46:07.110

Community Hall: intersection. And, what we have seen from the past is that this area, or this exact location of the proposal, is, is located on the City of Carpino Collegiate heatmap as a place that

666

01:46:07.360 --> 01:46:24.969

Community Hall: has multiple occurrences of traffic accidents in the past. So, this, this... I'd also like adding a sidewalk to this, project not actually improvement, so we cannot... Thank you, George. That is your time. Of the pedestrians, and... Thank you, George.

667

01:46:25.090 --> 01:46:26.560

Community Hall: Welcome, Paul.

668

01:46:28.080 --> 01:46:30.880

Community Hall: Good evening, Mayor... Mayor Moore, and...

669

01:46:31.030 --> 01:46:35.319

Community Hall: Council members, I'm Paul Krupko, owner of Krupko Consulting.

670

01:46:35.680 --> 01:46:44.779

Community Hall: I appreciate the opportunity to highlight my comments on the transportation study for the Mary Avenue Villas project that are contained in my letter that I submitted to you.

671

01:46:45.260 --> 01:46:49.660

Community Hall: The parking evaluation does not address the parking conditions on Mary Avenue

672

01:46:49.760 --> 01:46:59.779

Community Hall: During a major festival at Memorial Park, when the street is effectively inundated with festival parking. In fact, I know of no formal study of this critical issue.

673

01:47:00.100 --> 01:47:06.610

Community Hall: This is insufficient, given that 6 major festivals and numerous other events are held at Memorial Park each year.

674

01:47:06.850 --> 01:47:10.290

Community Hall: And affected residents have voiced significant concerns

675

01:47:10.500 --> 01:47:14.540

Community Hall: To city staff and officials about the project's impact in this light.

676

01:47:14.770 --> 01:47:27.820

Community Hall: Additional study is required to provide findings that inform the reader, city staff, other review agencies, and decision makers about the project's impact on parking and potential improvements to address it.

677

01:47:28.210 --> 01:47:34.289

Community Hall: A major festival at Memorial Park has a dramatic impact on parking conditions.

678

01:47:34.740 --> 01:47:42.939

Community Hall: on Mary Avenue without the project. The project impact reduction in parking supply creates an unsustainable deficiency

679

01:47:43.290 --> 01:47:54.020

Community Hall: that affects residents and visitors alike. Further study and development of alternative improvements are necessary to enable a fully formed decision on the project.

680

01:47:54.400 --> 01:48:01.089

Community Hall: In conclusion, the project creates an unsustainable deficiency that requires further study.

681

01:48:01.480 --> 01:48:04.149

Community Hall: And I would like to thank you for your time.

682

01:48:04.990 --> 01:48:06.210

Community Hall: Thank you, Paul.

683

01:48:07.280 --> 01:48:16.349

Community Hall: Next up, we have Hadiyah Bain, followed by Michael Chu, followed by Jennifer Lucas, followed by Lisa Zuko. Welcome, Hadiya.

684

01:48:17.160 --> 01:48:23.130

Community Hall: Thank you. Hadiya Fain, Vice President of Marketing and Development for Life Services Alternatives.

685

01:48:23.250 --> 01:48:31.369

Community Hall: I'm just gonna talk to you tonight, because I think there's a lot of, feelings in this room, and I... I want to make sure that I'm clear.

686

01:48:32.070 --> 01:48:33.360

Community Hall: Cupertino.

687

01:48:33.900 --> 01:48:36.830

Community Hall: Originally founded on Ohlone land.

688

01:48:37.270 --> 01:48:40.030

Community Hall: annexed from San Jose.

689

01:48:40.310 --> 01:48:55.290

Community Hall: Because of fear of taxation. And here we are today, Cupertino. And all of you stand as individuals and representatives of maybe... maybe a group of people that wouldn't have let you in their... their home all those years back, way when.

690

01:48:55.400 --> 01:49:08.159

Community Hall: I'm really proud of where we come. I'm really proud of where Mary Ave has gotten us, and I want to thank you for allowing this project to go through. But before I finish out my statement.

691

01:49:08.160 --> 01:49:18.189

Community Hall: I just want to say to the rest of those who are in the room, the message that you're sending to the world tonight, the message that you're sending to the world moving forward, is that

692

01:49:18.390 --> 01:49:26.270

Community Hall: There's more space, in Cupertino for AI than there is for IDD.

693

01:49:26.470 --> 01:49:29.790

Community Hall: There is a huge closed loop..

694

01:49:29.960 --> 01:49:33.930

Community Hall: In the center of your city that says, you're not welcome.

695

01:49:34.110 --> 01:49:35.959

Community Hall: And I think it's time..

696

01:49:36.150 --> 01:49:48.939

Community Hall: to push for a change. I want to thank you. Thank you for allowing Mary Avenue to go forward. Thank you for the work that's already being done, and I want this circus, this one-ring circus to stop. Thank you.

697

01:49:49.350 --> 01:49:50.709

Community Hall: Thank you, Hadiya.

698

01:49:51.210 --> 01:49:59.750

Community Hall: Next up, we have Michael Chu. Welcome, Michael. Good evening, council members. I'm a Cuppetuna resident who lives near the Mary Avenue project.

699

01:49:59.880 --> 01:50:06.019

Community Hall: I came here tonight not to repeat everything we've already said about safety and traffic, but to talk about trusts.

700

01:50:06.340 --> 01:50:07.630

Community Hall: and representation.

701

01:50:08.200 --> 01:50:14.059

Community Hall: Over the past few months, many of us have written in, signed petitions, come to meetings, and stood at this podium.

702

01:50:14.190 --> 01:50:25.539

Community Hall: We've taken time away from our families and our work to share real concerns from people who actually live in this neighborhood. Yet, from where we sit, it feels like our input has little to no impact on your decision or your direction.

703

01:50:25.640 --> 01:50:27.879

Community Hall: That is deeply disappointing.

704

01:50:28.230 --> 01:50:32.240

Community Hall: You're supposed to look out for the interests of existing residents.

705

01:50:32.570 --> 01:50:39.779

Community Hall: When we keep showing up and nothing seems to change, it sends a message that our voices do not really matter, that the agenda was set

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01:50:39.910 --> 01:50:42.410

Community Hall: Long before we walked in the door.

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01:50:43.380 --> 01:50:46.330

Community Hall: I struggled whether to even come up here and speak tonight.

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01:50:46.600 --> 01:50:47.950

Community Hall: But I decided...

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01:50:48.060 --> 01:51:03.229

Community Hall: to come up anyways, because I want you to look at the people you're affecting and understand how this process feels from our side. We're not outsiders dropping in for a single issue. We're your neighbors. We raise kids here, bike on the streets, living with daily impacts of every decision that you make.

710

01:51:03.390 --> 01:51:07.330

Community Hall: But it feels like you're telling us that our lived experience doesn't count.

711

01:51:07.640 --> 01:51:08.800

Community Hall: I hope I'm wrong.

712

01:51:09.170 --> 01:51:10.750

Community Hall: I hope you'll prove me wrong.

713

01:51:11.360 --> 01:51:16.020

Community Hall: Your actions will show us whether our voices as existing residents truly matter.

714

01:51:16.300 --> 01:51:19.140

Community Hall: Or it's just a box check exercise.

715

01:51:19.350 --> 01:51:20.369

Community Hall: I'll leave it at that.

716

01:51:20.700 --> 01:51:21.450

Community Hall: We'll see.

717

01:51:21.740 --> 01:51:23.340

Community Hall: Thank you, Michael.

718

01:51:24.830 --> 01:51:30.250

Community Hall: Next up, we have Jennifer Lucas, followed by Lisa Zugel, followed by Stephen Kwan.

719

01:51:30.660 --> 01:51:43.439

Community Hall: Welcome, Jennifer. Thank you. Good evening, Mayor, Vice Mayor, and City Council members. My name is Jennifer Lucas. I'm the Manager of the Central Coast Office of the California State Council on Developmental Disabilities.

720

01:51:43.560 --> 01:52:00.299

Community Hall: We are an independent state agency. We're charged with advocating for systems that promote self-direction, inclusion, and independence for people with intellectual and developmental disabilities. And affordable housing is critical foundation of that work.

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01:52:00.300 --> 01:52:11.589

Community Hall: A couple of weeks ago, we heard a strong and unified message from the disability community asking that the Mary Avenue Villas project be allowed to move forward.

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01:52:11.630 --> 01:52:24.580

Community Hall: and to become a reality. We heard from people with intellectual and developmental disabilities who shared how much they want and value what many of us take for granted. A house of our own, a place of our own near our families.

723

01:52:24.740 --> 01:52:41.920

Community Hall: In California, we have the Lanerman Act, a unique civil rights law. No other state has anything like that. It was created that... it created the regional center system. It guarantees services and supports to people with developmental disabilities, so they can be part of their communities. And regional centers.

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01:52:41.970 --> 01:53:01.279

Community Hall: who... which are created by the Lanerman Act, don't pay for housing, unfortunately. They pay for the services and supports that help people live and thrive in the communities. And that's where projects like Mary Avenue Villas comes in. Mary Avenue would provide the housing and the opportunity, and the Regional Center would provide those services to people.

725

01:53:01.540 --> 01:53:14.149

Community Hall: I urge you to move this project forward, and show that Cupertino is a place where everyone belongs. Thank you. Thank you, Jennifer. Next up, we have Lisa, followed by Stephen Kwan, followed by David Hollister. Welcome, Lisa.

726

01:53:14.410 --> 01:53:32.140

Community Hall: Thank you. Thank you, City Council, for your tremendous leadership to take this project to this place. And I want to thank all the community who is here today, no matter the point of view that you bring. We are all here tonight because we care about community.

727

01:53:33.260 --> 01:53:43.219

Community Hall: And what is community? To me, there are really two elements to the heart of community. One is leadership. Leadership like you all show.

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01:53:43.430 --> 01:53:45.409

Community Hall: And the other is home.

729

01:53:46.330 --> 01:53:59.719

Community Hall: So what is leadership here when we look at leadership in Cupertino? We know that two of your top priorities here, our top priorities in this Valley, are innovation and inclusion.

730

01:53:59.990 --> 01:54:06.989

Community Hall: And that is something that we can truly make real through this project, through the Mary Villas project.

731

01:54:07.630 --> 01:54:10.290

Community Hall: And then, when we think about home.

732

01:54:10.380 --> 01:54:28.289

Community Hall: home is really not just about the brick and mortar, and that's what we're arguing about tonight, is the brick and mortar, but it goes even beyond that, as you've heard from some of the individuals here with IDD, and those who care

enough to support them, just like you care enough to put this on the agenda and support them.

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01:54:28.380 --> 01:54:34.970

Community Hall: Home is about belonging, it's about agency, it's about being able to contribute in your community.

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01:54:35.070 --> 01:54:52.730

Community Hall: I know this because my son is living on his own with support, and he has turned around his life because of that. You can open doors for so many others by saying yes. So, yes to Mary Villa's, and keep the heartbeating here in Cupertino. Thank you, Lisa.

735

01:54:52.730 --> 01:54:58.070

Community Hall: Next up, we have Steven Kwan, followed by David Hollister, followed by Corey Wolbach.

736

01:54:58.070 --> 01:55:12.859

Community Hall: Welcome, Steven. Thank you, Madam Mayor, Madam Vice Mayor, City Council members. I think this is really about hope. As the Landerman Act was mentioned earlier, there are 250 people in Cupertino that are adults that need to be

737

01:55:13.260 --> 01:55:18.619

Community Hall: have the option of living on their own. And so, with that.

738

01:55:19.100 --> 01:55:28.129

Community Hall: there are gonna be at least 30 more this year, because that's how many will graduate, at least in the Moda Vista class, because they had to turn away kids from the

739

01:55:28.300 --> 01:55:35.190

Community Hall: DESP program and put them over in Lynnbrook, because that's what happened to my friend. My son graduated from

740

01:55:35.930 --> 01:55:41.560

Community Hall: Mona Vista, and I hope he gets to stay in the community. Thank you.

741

01:55:42.840 --> 01:55:44.540

Community Hall: Thank you, Steven.

742

01:55:44.890 --> 01:55:47.179

Community Hall: Next up, we have David Hollister.

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01:55:47.510 --> 01:55:51.590

Community Hall: Followed by Corey Wolbeck, followed by Connie Cunningham. Welcome, David.

744

01:55:51.770 --> 01:56:05.330

Community Hall: Thank you. Hello, my name's David Hollister. I'm a homeowner at Casa De Anza, and I oppose this project. We have a lot of parking spaces, including 28

745

01:56:05.830 --> 01:56:11.090

Community Hall: space... Detached parking for overflow, guests.

746

01:56:11.500 --> 01:56:16.990

Community Hall: Guests that are, Parties that are... we often have at the pool house.

747

01:56:17.460 --> 01:56:22.110

Community Hall: We do occasionally now get people from events.

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01:56:22.550 --> 01:56:26.150

Community Hall: Who aren't guests, or aren't residents, O's...

749

01:56:26.320 --> 01:56:29.199

Community Hall: Come into our parking lot and park there.

750

01:56:29.380 --> 01:56:35.779

Community Hall: We're gonna lose 89 spaces right next door to... Casa Deanza.

751

01:56:35.890 --> 01:56:39.959

Community Hall: It's hard for me to believe that the problem isn't gonna get worse.

752

01:56:40.190 --> 01:56:45.680

Community Hall: We have, in the last 10 years, talked about ways to try and isolate that parking.

753

01:56:45.880 --> 01:56:54.889

Community Hall: Lot, so these outsiders won't park there, but we decided it wouldn't be worth it, and it'd be too, police-state-like.

754

01:56:55.160 --> 01:57:02.610

Community Hall: I'm also opposed... Because of... not that I'm a bike rider, but I do support

755

01:57:03.620 --> 01:57:07.690

Community Hall: bike paths, bike trails. Five years ago, they made a nice improvement.

756

01:57:08.030 --> 01:57:16.100

Community Hall: on Mary Avenue, increases safety for bicyclists and joggers tremendously. Now you're gonna go backwards.

757

01:57:17.550 --> 01:57:20.639

Community Hall: backwards, you're gonna lose 89 space, and the

758

01:57:20.760 --> 01:57:24.510

Community Hall: parking... I mean, excuse me, the bike lanes are gonna be worse.

759

01:57:25.210 --> 01:57:33.380

Community Hall: Opposed to it. Thank you, David. Next up, we have Corey Wolbeck, followed by Connie Cunningham, followed by Gene Schwab. Welcome, David.

760

01:57:36.250 --> 01:57:47.289

Community Hall: Good evening, honorable mayor and Council Members and City Staff. My name is Corey Wolbach from SV at Home. SV at Home is a non-profit. We work across Santa Clara County to advance affordable housing.

761

01:57:47.750 --> 01:57:49.939

Community Hall: We strongly support.

762

01:57:50.170 --> 01:57:59.690

Community Hall: Mary Avenue villas. This is a thoughtful and deeply needed affordable housing development that reflects years of careful planning

763

01:57:59.820 --> 01:58:02.700

Community Hall: Public engagement and collaboration.

764

01:58:02.820 --> 01:58:06.940

Community Hall: This project serves residents who face To be clear.

765

01:58:07.130 --> 01:58:10.549

Community Hall: Extremely limited housing options.

766

01:58:11.080 --> 01:58:14.339

Community Hall: And this is a perfect location.

767

01:58:14.600 --> 01:58:16.240

Community Hall: It's on city-owned land.

768

01:58:16.530 --> 01:58:26.380

Community Hall: Near transit and services, and is already explicitly identified as a priority site for affordable housing.

769

01:58:26.510 --> 01:58:29.609

Community Hall: in Cupertino's housing element.

770

01:58:30.680 --> 01:58:42.740

Community Hall: On behalf of SV at Home, we respectfully urge you to approve the Mary Avenue Villas project tonight, and allow it to move forward without further delay.

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01:58:43.050 --> 01:58:44.290

Community Hall: Further delay.

772

01:58:44.440 --> 01:58:49.859

Community Hall: cannot improve this project anymore. It could only serve To obstruct the project.

773

01:58:50.810 --> 01:58:54.589

Community Hall: Thank you for your time, and your consideration, and your public service.

774

01:58:56.140 --> 01:58:57.550

Community Hall: Thank you, Corey.

775

01:58:57.940 --> 01:59:01.829

Community Hall: Next up, we have Connie Cunningham, followed by Jean Schwab. Welcome, Connie.

776

01:59:02.980 --> 01:59:03.990

Community Hall: Thank you.

777

01:59:05.750 --> 01:59:11.480

Community Hall: Can you open the, for this, there. There you go.

778

01:59:12.170 --> 01:59:13.309

Community Hall: Thank you.

779

01:59:13.490 --> 01:59:27.220

Community Hall: Good evening, Honorable Mayor, Vice Mayor, Council Members. I'm Connie Cunningham, Chair of the Housing Commission. Speaking for myself only, I'm also a 38-year resident. I support the Mary Avenue Villas Project.

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01:59:27.380 --> 01:59:32.250

Community Hall: Former Mayor Scharf made this a council priority in 2019.

781

01:59:32.520 --> 01:59:35.049

Community Hall: Thank you. Thank you.

782

01:59:35.220 --> 01:59:40.830

Community Hall: To councils that have moved this project forward through many approval steps since then.

783

01:59:40.950 --> 01:59:47.850

Community Hall: Including the housing element, which was approved by California's state, HCD, in September 2024.

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01:59:48.200 --> 01:59:55.170

Community Hall: Six months later, The Housing Commission recommended over \$3 million in funds for this project.

785

01:59:55.380 --> 01:59:58.140

Community Hall: Thank you to the City Council that added

786

01:59:58.320 --> 02:00:01.799

Community Hall: A million dollars more in funds to that recommendation.

787

02:00:02.240 --> 02:00:03.970

Community Hall: Thank you again.

788

02:00:04.630 --> 02:00:09.769

Community Hall: Thank you again for moving the project forward on December 12th, 2025.

789

02:00:10.310 --> 02:00:23.230

Community Hall: I have spoken at several City Council meetings to support this well-planned and much-needed project, including January 21st, 2026, which was really recent.

790

02:00:23.660 --> 02:00:31.000

Community Hall: I urge you to vote yes on the recommended actions of Agenda Item 8 for the Mary Avenue Villas project.

791

02:00:31.740 --> 02:00:34.390

Community Hall: And thank you so much for this time to speak.

792

02:00:36.590 --> 02:00:37.920

Community Hall: Thank you, Connie.

793

02:00:38.400 --> 02:00:45.000

Community Hall: Next up, we have Jean Schwab, followed by Emily, followed by... Aditya Agarwal?

794

02:00:45.340 --> 02:00:48.590

Community Hall: Followed by Richard Lowenthal. Welcome, Jean.

795

02:00:49.250 --> 02:00:50.049

Community Hall: Thank you.

796

02:00:54.350 --> 02:00:57.470

Community Hall: Can you hear me? Yeah, thank you.

797

02:00:59.720 --> 02:01:06.999

Community Hall: I had a lot more that I wanted to say today, but without the limited time, I will...

798

02:01:07.420 --> 02:01:09.310

Community Hall: Tell you just a little bit.

799

02:01:09.460 --> 02:01:16.749

Community Hall: All of us, I'm a long-time resident of Casa De Anza, and live right on Mary Avenue.

800

02:01:17.250 --> 02:01:20.610

Community Hall: For many years,

801

02:01:21.030 --> 02:01:32.479

Community Hall: the property, this tiny bit of property, has been under the microscope of, the Rotary Club.

802

02:01:32.970 --> 02:01:52.779

Community Hall: From the beginning, the project was promoted by Rotary of Cupertino. Three of five council members, or two, I'm not quite sure how many, are active members of the Rotary Club, which shows a definite bias for this project.

803

02:01:52.990 --> 02:02:09.610

Community Hall: Mary Avenue's tiny strip of land has long been a target of the Rotary Club's desire to build on it. There have been previous projects. In the past, Mary Avenue had a third traffic lane, and 5 years ago.

804

02:02:09.740 --> 02:02:29.570

Community Hall: Mary Avenue was torn apart. The city took away the third lane and realigned the street to provide safe bike lanes buffered by parking spaces. Residents were not consulted, but there was no pushback because it was a good plan and a good use for Mary Avenue.

805

02:02:29.640 --> 02:02:33.720

Community Hall: The villas... Thank you, Jean. That is your time.

806

02:02:34.480 --> 02:02:40.590

Community Hall: Next up, we have Emily, followed by Aditya Agrawal, followed by Richard Lowenthal. Welcome, Emily.

807

02:02:41.190 --> 02:02:43.200

Community Hall: Good evening, council members.

808

02:02:43.570 --> 02:02:45.950

Community Hall: And the Mayor and vice mayor.

809

02:02:46.390 --> 02:02:57.410

Community Hall: Public land is one of the most valuable assets a city holds. When you give away right-of-way, you are giving away something that belongs to every resident, not just today, but for generations.

810

02:02:57.790 --> 02:03:05.119

Community Hall: If the city wants to transfer public land, it must demonstrate a clear, measurable public benefit. That analysis has not been presented.

811

02:03:05.260 --> 02:03:16.840

Community Hall: Instead, we see a proposal that removes public parking, reduces circulation, and hands over land to a private developer without showing why this is necessary, or how the public benefits.

812

02:03:17.270 --> 02:03:28.750

Community Hall: It is also important to remember that a public street is not an ordinary city-owned street. Under California law, a public right-of-way is held in trust for Cupertino residents and dedicated to public use.

813

02:03:28.750 --> 02:03:41.979

Community Hall: Because it exists for the public, the city does not have the discretion to simply give it away to a private housing developer unless it first makes formal findings that a street is no longer needed for public use, and those findings have not been made.

814

02:03:42.290 --> 02:03:50.530

Community Hall: Stewardship means protecting public assets, not disposing of them without full justification. The public interest must come first. Thank you.

815

02:03:51.880 --> 02:03:56.400

Community Hall: Thank you, Emily. Next up, we have Adita Agawal.

816

02:03:57.050 --> 02:03:57.930

Community Hall: It's there.

817

02:03:59.100 --> 02:04:00.140

Community Hall: Adita?

818

02:04:00.740 --> 02:04:01.680

Community Hall: Welcome.

819

02:04:03.390 --> 02:04:10.189

Community Hall: Hi, this is Natraj, I'm proxying for Aditya. Okay. Yeah, honorable council members, and...

820

02:04:10.490 --> 02:04:16.979

Community Hall: Thank you for the opportunity. The question I have is, have you looked at other options?

821

02:04:17.380 --> 02:04:29.699

Community Hall: For example, Westport and then the Walco, there are new developments coming in. I mean, the city could help broker a deal for the wonderful folks here to actually get some housing.

822

02:04:29.760 --> 02:04:45.399

Community Hall: I mean, have you exhausted that possibility, or just given up, right? And you want to start something new. So you want to exhaust all possibilities, and then move forward with other solutions. That's my request. Thank you.

823

02:04:47.010 --> 02:04:55.119

Community Hall: Thank you. Next up, we have Richard Lowenthal, followed by Rhoda Frye, followed by Anita Luzbrink. Welcome, Richard.

824

02:04:55.270 --> 02:04:59.599

Community Hall: Thank you very much, Madam Mayor and the Councilmember. Thanks for having me tonight.

825

02:04:59.740 --> 02:05:03.449

Community Hall: I'm a 43-year resident of Cupertinos.

826

02:05:03.560 --> 02:05:12.179

Community Hall: It was quite a long time. So... so I've run several of the festivals at... at, Memorial Park, and I've... so I've used

827

02:05:12.310 --> 02:05:18.139

Community Hall: That parking space, it is not nearly as valuable as housing for people.

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02:05:18.490 --> 02:05:27.449

Community Hall: Occasional use of those parking spaces. It's very occasional. It's a few days a year. It's nothing like providing homes for people.

829

02:05:28.150 --> 02:05:34.520

Community Hall: people that... can walk to Memorial Park, can walk to the Senior Center, can walk to De Anza College.

830

02:05:34.730 --> 02:05:38.089

Community Hall: and can have a place to live. There's just no comparison.

831

02:05:38.580 --> 02:05:55.350

Community Hall: As far as safety is concerned, getting that road narrower will make it safer. I was involved in building the Marriott Avenue pedestrian Bridge. That was to make a safe way to get people up to De Anza College, because most of the people coming from De Anza College were coming

832

02:05:55.590 --> 02:06:07.410

Community Hall: from that side, from Sunnyvale and outside the city, and so we wanted a safe place. But that road is too fast to be safe. So I'm welcoming sidewalks, that'll help.

833

02:06:07.600 --> 02:06:11.889

Community Hall: I'm welcoming it be a bit narrower. I think that'll help with safety.

834

02:06:12.170 --> 02:06:21.010

Community Hall: And above all, providing good housing for people is just more important than the occasional inconvenience of a few parking spaces. Thanks very much.

835

02:06:21.990 --> 02:06:38.700

Community Hall: Thank you, Richard. Next up, we have Rhoda Fry, followed by Anita Luzbrink, followed by Patricia Han. Welcome, Rhoda. Hi, good evening. My main comments really have to do with, protecting Cupertino, our mothership, right? I was really alarmed when I looked at the

836

02:06:38.770 --> 02:06:53.609

Community Hall: agenda that you're voting on a project that could be sold to a for-profit in 55 years. Like, who knew after all of these hearings? And it's inconsistent with General Plan 99. I understand that's been changed, that's great, but that's not what's back there.

837

02:06:53.630 --> 02:07:01.150

Community Hall: I did not... I didn't learn to change until I came here tonight. So this whole project has been really very...

838

02:07:01.480 --> 02:07:21.969

Community Hall: I think this has been a study on how to manage a project better in the future. You know, Cupertino can't make more land, so what will we do? Well, I guess now it's 99 years, so I'm not going to worry about too much about that, but I really appreciate Councilmember Wong's ideas about, you know, making sure that we get compensation

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02:07:21.970 --> 02:07:28.530

Community Hall: If things go belly up, I think we should get a bonus on interest paid, you know, get the land back,

840

02:07:28.530 --> 02:07:35.580

Community Hall: And, the other... I do have some concerns about parking. These are probably more general concerns and specific to this project.

841

02:07:35.580 --> 02:08:00.170

Community Hall: Look, we know that, De Anza College is looking toward monetizing left and right. You look at the farmer's market, they were charging zero. Now they're charging the operator a thousand bucks a week. So, parking is an issue. They do lease out land to other... it's not just festivals, other things, and that's going to put pressure on the neighborhood. We're going to have to keep an eye on that. Let's become friends with De Anza. Thank you.

842

02:08:02.020 --> 02:08:05.060

Community Hall: Thank you, Rhoda. Next up, we have Anita.

843

02:08:05.260 --> 02:08:06.430

Community Hall: Welcome, Anita.

844

02:08:10.170 --> 02:08:23.849

Community Hall: Hi, my name is Anita Lucebrink, and, when, good evening. When I,

looked up, the question, is, there a... there a housing problem in Silicon Valley?

845

02:08:23.850 --> 02:08:31.449

Community Hall: AI, which is the first thing that answers on Google, said, affordable housing is a severe, long-term.

846

02:08:32.040 --> 02:08:39.350

Community Hall: crisis in the area. 96% of residents, cite housing costs as a top concern.

847

02:08:39.460 --> 02:08:42.529

Community Hall: It is the least affordable region in the world.

848

02:08:42.620 --> 02:09:02.450

Community Hall: Increasing numbers of homeless and many people are leaving the area have been the result of this. We need to look out, not only... not... we need to look to not only the families of people with disabilities that cannot advocate for themselves, but to our community to support these people.

849

02:09:02.580 --> 02:09:17.399

Community Hall: Specifically for those with IDD, consistency and familiarity are crucial. People can be brilliant in one area and still not grasp basic tools for functioning, which we call ADLs, or activities of daily living.

850

02:09:17.440 --> 02:09:26.040

Community Hall: and working with others. Their support system is usually very much smaller than the normal, and can be just family and the regional center.

851

02:09:26.290 --> 02:09:41.769

Community Hall: Addressing the objections to the loss of parking spaces, the city does not see a problem with loss of parking spaces in general, and most developments have at least one parking space per unit, and the area...

852

02:09:42.580 --> 02:09:47.959

Community Hall: And this is an anomaly, and I appreciate your consideration. Thank you, Anita.

853

02:09:48.320 --> 02:09:51.279

Community Hall: Next up, we have Patricia Hahn. Welcome, Patricia.

854

02:09:52.330 --> 02:10:10.579

Community Hall: Hi, yes, hello, council members. This is my first meeting here, and, my friend actually told me about this, Mary project that's going on. So, I was born and raised in Cupertino, and

855

02:10:10.780 --> 02:10:30.479

Community Hall: there's a, you know, Cupertino flight out of here. I do have an autistic cousin, so I do know it is important for, you know, IDD residents to have affordable housing. However, in this area, I don't know if that's possible, because there's so many

856

02:10:32.300 --> 02:10:37.720

Community Hall: wealthy people. And then, the second thing is, so...

857

02:10:38.000 --> 02:10:44.519

Community Hall: There's a... I'm also kind of, a part of... can you see this?

858

02:10:45.270 --> 02:11:02.889

Community Hall: Friends of Children with Special Needs, and then it's a non-profit organization, and then they also have supported living services and, how do I say, and independent living services. So, are these housing...

859

02:11:03.760 --> 02:11:07.430

Community Hall: houses on Mary Avenue, 18 of them.

860

02:11:07.560 --> 02:11:13.129

Community Hall: Are they going to be assisted living, or are they going to be independent or supported living?

861

02:11:13.300 --> 02:11:25.819

Community Hall: Additionally, if public money is being used, then all public concerns should be fully addressed. Why can't there be a parking garage built to address these issues? But...

862

02:11:25.960 --> 02:11:38.960

Community Hall: Just saying, I'm a... yes, I'm an insurance agent, and... Thank you, Patricia. Yes, parking, or the number one thing is, yes, people...

863

02:11:39.870 --> 02:11:41.819

Community Hall: Thank you, Patricia. That is your time.

864

02:11:42.480 --> 02:11:47.430

Community Hall: Next up, we have... Denise?

865

02:11:48.360 --> 02:11:54.180

Community Hall: Followed by Luis Sedari, followed by, Gia... Gia Pham.

866

02:11:54.560 --> 02:11:56.010

Community Hall: Welcome, Denise.

867

02:11:57.010 --> 02:12:06.320

Community Hall: Hi there, good evening, I'm Denise Haaregi, and I wanted to touch base a little bit on the services. I know, during the presentation, we weren't able to get to that.

868

02:12:06.390 --> 02:12:20.849

Community Hall: So the people that would be residing at Murray Villas, or Murray Avenue Villas, would be getting support services from Housing Choices, which is coming from San Andreas Regional Center. And in addition to these services.

869

02:12:20.900 --> 02:12:32.970

Community Hall: Well, there would be supported living services, which provides 24-hour care. Independent Living Services, which provides a couple of hours of support during the week to help clients live independently.

870

02:12:32.970 --> 02:12:45.310

Community Hall: So, the goal of this project is for clients to live independently, with proper support. And the support, again, would vary by the individual moving into the home, because of the different services that they would need.

871

02:12:45.360 --> 02:12:48.119

Community Hall: So I wanted to just touch on that, because...

872

02:12:48.120 --> 02:13:07.040

Community Hall: it would be unique for every resident, and it was independent to Housing Choices. However, in addition to those services, Housing Choices would be on-site to help facilitate if there's any challenges on-site, such as getting a reasonable accommodation, from property management. Maybe they are having

873

02:13:07.040 --> 02:13:22.119

Community Hall: conflict with roommates, or not roommates, but maybe the neighbor.

Maybe they need help reading, a notice that's posted on their door. Housing Choices would be on-site about 20 to 25 hours a week to be able to facilitate that and help

874

02:13:22.200 --> 02:13:25.360

Community Hall: Work with other supportive services.

875

02:13:25.450 --> 02:13:26.350

Community Hall: Thank you.

876

02:13:26.920 --> 02:13:32.800

Community Hall: Thank you, Janiece. Next, we have Luis Sadotti, followed by Gia Pham, followed by Orr Mahoney.

877

02:13:33.330 --> 02:13:34.629

Community Hall: Welcome, Louise.

878

02:13:39.440 --> 02:13:42.109

Community Hall: Thank you for the opportunity to speak tonight.

879

02:13:44.040 --> 02:13:48.210

Community Hall: I wanted to say,

880

02:13:48.830 --> 02:13:54.080

Community Hall: Thank you to the City Council and staff for working proactively

881

02:13:54.250 --> 02:14:01.789

Community Hall: to meet the housing element requirements by H2D, which requires below market housing.

882

02:14:01.800 --> 02:14:17.659

Community Hall: Which this project would help meet. Removing this Mary Avenue project would put Cupertino in jeopardy of more builders' remedies coming and really changing our community with no input from the city council or city.

883

02:14:18.210 --> 02:14:21.759

Community Hall: There have been over 100 speakers representing

884

02:14:21.800 --> 02:14:31.130

Community Hall: the greater community that came in the previous City Council

meeting that spoke in support of the Housing for IDD community at Mary Avenue.

885

02:14:31.130 --> 02:14:43.619

Community Hall: The Mary Avenue project has been reviewed and discussed over 15 to 20 years. The project discussions over these years have included input and analysis of the traffic, including cars, pedestrians, and bikes.

886

02:14:43.780 --> 02:14:47.830

Community Hall: Parking, architecture, funding, etc, etc.

887

02:14:47.920 --> 02:15:00.449

Community Hall: Some speakers tonight are now calling for continuous further study. It's a way to stop the development forever. There is no other land in Cupertino that would be affordable for this project.

888

02:15:00.530 --> 02:15:15.649

Community Hall: Please include the IDD children growing and grown into adults that need housing in the community they grew in with their parents. We need to provide an inclusive, nurturing environment and community for them in Cupertino. Thank you, Louise. Thank you. Thank you.

889

02:15:15.840 --> 02:15:19.730

Community Hall: Next, we have Gia Baum, followed by Oren Mahoney. Welcome, Gia.

890

02:15:19.860 --> 02:15:20.940

Community Hall: See if they can.

891

02:15:23.170 --> 02:15:24.530

Community Hall: I have a video.

892

02:15:26.500 --> 02:15:30.860

Community Hall: Let me try to pull that up. Thank you for the reminder. It's not like a...

893

02:15:32.640 --> 02:15:39.449

Community Hall: You have it? Oh, okay, if you would... if that works for you, Warren, because you'll be next.

894

02:16:10.190 --> 02:16:16.459

Community Hall: You put it in there? Did I put it there? Check the US... check the...

No, it's not. I put it on.

895

02:16:20.180 --> 02:16:22.629

Community Hall: I might need a fire brick or something.

896

02:16:24.420 --> 02:16:30.379

Community Hall: Why don't you do it? Go do it. I can try. Let's see here. I forget where I put it.

897

02:16:30.520 --> 02:16:36.740

Community Hall: I've been here, so... You could go. Oh. Okay, I...

898

02:16:40.360 --> 02:16:52.880

Community Hall: No, I don't remember. Sorry. So, video, I do see that I'm sharing it.

899

02:16:53.790 --> 02:16:55.259

Community Hall: Yeah, if you can play it.

900

02:16:57.270 --> 02:16:59.270

Community Hall: Is this...

901

02:16:59.500 --> 02:17:07.199

Community Hall: It's not broadcast. Is my video being... is it... is it showing? No? Yes, it's showing, you just play it. Okay, got it. We got it.

902

02:17:09.860 --> 02:17:10.709

Community Hall: Right.

903

02:17:10.840 --> 02:17:17.250

Community Hall: Good evening, Mayor and City Council, GFM, Communications Coordinator at Housing Choices. Cupertino.

904

02:17:17.250 --> 02:17:41.130

Community Hall: War derives from Latin and Italian caupertino, meaning little covered shelter. It's quite a sight now that Cupertino has grown into a vibrant city, with great schools, boba shops, and some of the best people. Like at the last city council meeting, this room was filled with inclusive housing advocates urging approval of Mary Avenue Villas. Among them were friends I met through my work at Housing Choices, disability self-advocates, Cupertino residents.

905

02:17:41.129 --> 02:17:54.890

Community Hall: Regional Center clients, Cupertino parent advocates, and community members who deeply care about this project, because it would mean safe and stable housing instead of institutions and homelessness. This is a community-wide supported project, including

906

02:17:55.240 --> 02:17:59.519

Community Hall: Ability Path, Aging Well Task Force, Charity Housing, College of Adapted Arts.

907

02:17:59.670 --> 02:18:08.740

Community Hall: County Board of Supervisors, Cupertino Community Cyclists, Cupertino Rotary, former Cupertino Mayors, Fremont Union High School District, Life Services Alternatives, Blinks Program.

908

02:18:08.740 --> 02:18:20.040

Community Hall: Parents Helping Parents, San Andreas Regional Center, Self Advocates, Silicon Valley at Home, Silicon Independent Living Center, Silicon Valley United for the Common Good, State Council on Developmental Disabilities, and West Valley Community Services.

909

02:18:20.250 --> 02:18:38.139

Community Hall: Thank you to City Council and staff who have helped bring Mary Avenue this far, and prioritizing Mary Avenue in the housing element. We hope you will not deny the people in this room tonight, and those who have stood here on January 21st, their right to a safe and affordable place to live.

910

02:18:38.299 --> 02:18:48.179

Community Hall: Cupertino. Little Covered Shelter. Mary Avenue may be little, but it carries mighty value, providing not just shelter, but services, community, and inclusion. Thank you, Gia.

911

02:18:54.730 --> 02:19:05.640

Community Hall: Next, we have Oren Mahoney. Oren, are you speaking for a group? Yes, it's for a group. Okay, would the group be able to...

912

02:19:06.450 --> 02:19:11.309

Community Hall: Okay, so, with 3 people in the group, you'll have 3 minutes this evening? Perfect.

913

02:19:18.680 --> 02:19:27.369

Community Hall: Okay, so there's been a lot of talk about how long this project's been here. Vice Mayor Chao called it. It happened in 2019... whoops.

914

02:19:28.299 --> 02:19:29.689

Community Hall: Wrong slide...

915

02:19:39.620 --> 02:19:44.570

Community Hall: It happened in 2019 when the mayor at the time, at a State of the City

916

02:19:44.860 --> 02:19:48.970

Community Hall: Challenge the people in the audience to do something for this

917

02:19:49.460 --> 02:19:51.769

Community Hall: Why? I still don't have the right thing.

918

02:19:55.380 --> 02:19:56.250

Community Hall: Yes.

919

02:19:56.580 --> 02:20:01.700

Community Hall: challenged us to... so what I've got on here is not showing up there, sorry.

920

02:20:03.510 --> 02:20:04.759

Community Hall: That's the problem.

921

02:20:10.670 --> 02:20:14.089

Community Hall: There's a slide before that that's up... that's on my screen here.

922

02:20:16.210 --> 02:20:21.930

Community Hall: So you're sharing on your computer, Oren? Yeah. Okay. Plugged in.

923

02:20:23.760 --> 02:20:24.430

Community Hall: Hmm.

924

02:20:25.110 --> 02:20:25.940

Community Hall: Right?

925

02:20:30.380 --> 02:20:33.090

Community Hall: So, when I say from the beginning, yeah.

926

02:20:33.190 --> 02:20:35.299

Community Hall: You playing it? Let's do that.

927

02:20:35.730 --> 02:20:38.229

Community Hall: Oh, I should play it, yeah.

928

02:20:40.050 --> 02:20:41.300

Community Hall: Scio.

929

02:20:48.470 --> 02:20:49.240

Community Hall: Bye.

930

02:20:49.410 --> 02:20:54.419

Community Hall: It's not even... Are these the same slides that you have, John, from Oren?

931

02:20:54.840 --> 02:20:55.969

Community Hall: We don't have them?

932

02:20:56.800 --> 02:21:04.159

Community Hall: Maybe they can email it to... I'm gonna try to pull them up right now.

933

02:21:04.290 --> 02:21:19.039

Community Hall: Why don't you have somebody else next? Email. Can you email it to the city clerk? Well, I really want to go... Warren, are these the ones that you sent earlier today, or yesterday? Okay, I'm gonna try to share that. My city clerk can play for you.

934

02:21:19.170 --> 02:21:22.199

Community Hall: Sorry about that. This all was working earlier.

935

02:21:26.800 --> 02:21:30.080

Community Hall: Okay.

936

02:21:32.330 --> 02:21:33.520

Community Hall: There we go.

937

02:21:39.640 --> 02:21:44.439

Community Hall: Okay. Through the Mayor, how many more speakers do we have? This is our last.

938

02:21:44.680 --> 02:21:54.689

Community Hall: Thank you, sorry about that. Okay, so this did start in 2019, when Stephen Sharp, the mayor of the city, at the, State of the City

939

02:21:54.830 --> 02:21:57.840

Community Hall: Show this slide and challenge the audience.

940

02:21:57.990 --> 02:22:06.870

Community Hall: to deal with this problem, to come up with an answer for the problem of housing for adults with developmental disabilities. And..

941

02:22:07.110 --> 02:22:19.990

Community Hall: After that, Cupertino Rotary put together a coalition with Housing Choices and Charities Housing to come up with a plan to do that. So it started in 2019, you've heard the other dates. Next.

942

02:22:23.150 --> 02:22:25.320

Community Hall: And now you saw today's plan.

943

02:22:25.420 --> 02:22:35.560

Community Hall: Throughout all, we had support from the city, we had great support from the city staff, we had support from virtually every council member as we went through every step of the way up until tonight.

944

02:22:36.160 --> 02:22:37.220

Community Hall: Next.

945

02:22:39.810 --> 02:22:42.589

Community Hall: We did hear about community issues.

946

02:22:42.790 --> 02:22:53.380

Community Hall: And we presented individually and at different meetings and on the website. We have responded to every single community issue.

947

02:22:53.600 --> 02:22:57.449

Community Hall: Whether it be parking at De Anza, whether it be all the other things.

948

02:22:57.640 --> 02:23:01.540

Community Hall: And where are we now? We're here. Next slide.

949

02:23:07.940 --> 02:23:09.389

Community Hall: This is where we are.

950

02:23:09.640 --> 02:23:14.320

Community Hall: On one side, we have IDD housing that's needed, you know, all that.

951

02:23:14.780 --> 02:23:22.329

Community Hall: It's a critical housing element site. It's the only one that's the extremely low income. It'll be the first one that you can approve.

952

02:23:22.430 --> 02:23:34.790

Community Hall: That actually meets every letter of the housing element. So something's gonna get built here anyway, even if our project is. There will be safer traffic spaces, there's an added sidewalk, site remediation, all the things you're talking about.

953

02:23:35.430 --> 02:23:41.410

Community Hall: What's the trade-off? 89 unused parking spaces. Next slide.

954

02:23:44.830 --> 02:23:52.070

Community Hall: unused by the Traffic and Parking Study. Those little yellow dots on there, when they did the study, are the only

955

02:23:52.180 --> 02:23:55.299

Community Hall: parking spaces that were used. Next slide.

956

02:23:58.050 --> 02:24:07.119

Community Hall: Unused by Google Earth Pro street views. This is right down Mary Avenue when Google Earth did their thing. Next slide.

957

02:24:13.360 --> 02:24:16.860

Community Hall: Start the video. Should start automatically.

958

02:24:17.220 --> 02:24:27.589

Community Hall: Anyway, I think you guys have all seen there's time-lapse videos that were done during the week and on the weekend that shows that the parking spaces are not used.

959

02:24:27.830 --> 02:24:31.359

Community Hall: So, I thank you all for your past support on this project.

960

02:24:31.630 --> 02:24:34.669

Community Hall: Any item that was brought up.

961

02:24:34.870 --> 02:24:41.310

Community Hall: like I said, parking at De Anza, we have the president of De Anza agreeing that I can get the chancellor if we need.

962

02:24:41.720 --> 02:24:50.639

Community Hall: If we have to do something about festival parking, you can do something about festival parking besides this project. Please, I thank you for your continued support. Thank you.

963

02:24:52.270 --> 02:24:53.610

Community Hall: Thank you, Warren.

964

02:24:54.840 --> 02:25:05.439

Community Hall: So, Mayor and Council, we will now move to, request to speak virtually. I'm seeing 7 hands raised. The first request to speak is Walter Lee.

965

02:25:06.830 --> 02:25:08.280

Community Hall: Welcome, Walter.

966

02:25:10.460 --> 02:25:14.389

Walter Li: Yes, I'm ceding my time to Joshua.

967

02:25:14.570 --> 02:25:15.919

Walter Li: The attorney?

968

02:25:16.990 --> 02:25:29.529

Community Hall: Yes, thank you, Walter. I believe your group is yourself, Trevor, and Joshua, so we will move to the next person in line, and Joshua will speak on his turn on behalf of your group. Thank you.

969

02:25:29.690 --> 02:25:30.490

Walter Li: Thank you.

970

02:25:32.820 --> 02:25:37.579

Community Hall: Next, we have... Tre- Trevor Long?

971

02:25:37.720 --> 02:25:41.310

Community Hall: Well, I'm sorry, Rachel Rose? Welcome, Rachel.

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02:25:49.340 --> 02:25:52.559

Rachel Rose: Hi, I would also like to cede my time to Joshua.

973

02:25:56.030 --> 02:25:59.430

Rachel Rose: Hi, I would also... I would also like to cede my time to Joshua.

974

02:26:00.240 --> 02:26:07.120

Community Hall: Thank you, Rachel. Okay, so we will go straight to Joshua. Joshua, you have 4 people in your group. You will have 4 minutes to speak.

975

02:26:08.860 --> 02:26:10.050

Community Hall: And...

976

02:26:14.940 --> 02:26:15.450

Joshua Safran: Thank you.

977

02:26:15.450 --> 02:26:17.770

Community Hall: Welcome, Joshua. Welcome, Joshua.

978

02:26:17.990 --> 02:26:18.610

Joshua Safran: Thank you.

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02:26:18.910 --> 02:26:29.400

Joshua Safran: Good evening, Mayor and Council Members. My name is Joshua Safran from Strategy Law, LLP. I'm the attorney representing the Garden Gate Coalition for Mary Avenue Safety.

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02:26:29.430 --> 02:26:39.569

Joshua Safran: Coalition of neighboring residents and community members who will be adversely affected by the Mary Avenue Villas project, but who care deeply about the broader community and the city's future.

981

02:26:39.850 --> 02:26:54.519

Joshua Safran: To be clear, our arguments are not arguments against housing in general, or against housing for people with disabilities in particular. This is an argument for following the law before the city commits itself to an irreversible course of action.

982

02:26:54.700 --> 02:27:00.000

Joshua Safran: I know that move fast and break things has become Silicon Valley's unofficial motto.

983

02:27:00.120 --> 02:27:05.859

Joshua Safran: And that may or may not be a good way to run a business, but it is certainly no way to run a government.

984

02:27:06.160 --> 02:27:21.389

Joshua Safran: Tonight, instead of employing sober and thoughtful diligence and deliberation, it appears to me that the city is haphazardly rushing forward, after only a month of frenzied staff work, to approve a project that depends on a series of major governmental decisions.

985

02:27:22.130 --> 02:27:36.520

Joshua Safran: Each of those actions is discretionary, each of them carries independent legal requirements, including findings and evidence, that is, specific findings and specific evidence, and each of them is defective as proposed.

986

02:27:36.780 --> 02:27:52.639

Joshua Safran: We submitted a substantial letter about each one of these defects, which was actually referenced from the dais earlier, so I'm thankful that you received it. We talked at great length in the letter about the flaws in the notice of exemption under CEQA. I did want to hit on

987

02:27:52.640 --> 02:27:57.649

Joshua Safran: two other issues quickly. The first is the street vacation issue.

988

02:27:57.650 --> 02:28:07.940

Joshua Safran: Under California law, the city may vacate a right-of-way, but only if it finds, based on evidence, that the street is unnecessary for present or future public use.

989

02:28:07.950 --> 02:28:16.900

Joshua Safran: And that finding simply can't be made here. Mary Avenue is actively used today for parking, circulation, and buffering between neighborhoods, a park, and a freeway.

990

02:28:16.980 --> 02:28:36.080

Joshua Safran: And the record clearly demonstrates that. The City has not explained how eliminating those public functions is lawful, nor how pushing the impacts into nearby neighborhoods serves the public interest. Even more fundamentally, the Planning Commission was never asked to determine whether this vacation conforms to the general plan as required by state law.

991

02:28:36.400 --> 02:28:41.449

Joshua Safran: Tonight, we heard what was missing from the staff report, that the city will put the horse

992

02:28:41.770 --> 02:28:54.719

Joshua Safran: after the cart, and make these findings at some uncertain future date, once the project has already been approved. This is totally backward. That procedural failure alone is enough to invalidate the action.

993

02:28:54.830 --> 02:28:57.620

Joshua Safran: Similarly, under the Surplus Land Act.

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02:28:57.770 --> 02:29:05.799

Joshua Safran: The city simply cannot declare land exempt surplus because a private developer wants to develop it, even for a great purpose.

995

02:29:05.800 --> 02:29:21.020

Joshua Safran: The law requires a good faith determination that the land is not needed for public use, and land currently functioning as a public street and as public parking does not magically become unnecessary simply because a developer needs it for their project.

996

02:29:21.210 --> 02:29:33.629

Joshua Safran: The City's resolution recites the statute, but performs no analysis. That is simply not compliance with the law. We again now heard tonight that the findings in the proposed resolution are conceded to be too weak.

997

02:29:33.740 --> 02:29:42.769

Joshua Safran: And will similarly be kicked down the road so that additional after-the-fact findings can be souped up to match the project that was already approved.

998

02:29:44.040 --> 02:30:02.149

Joshua Safran: All of that is to say, all of these contribute to the City's failure to make the necessary findings to support the exemption under CEQA, and so the ask tonight is not dramatic, it's not to deny this project or anything like that. It's simply, let's take the direction from Vice Mayor Chao and Councilmember Wang, who nailed this issue.

999

02:30:02.380 --> 02:30:21.990

Joshua Safran: Slow down, continue the matter, set aside the notice of exemption, do the work, perform the required analysis, make the findings that the law demands for each of these decisions, and only then decide whether and how this project should move forward. Moving fast here will not create housing, it will create lawsuits.

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02:30:21.990 --> 02:30:23.710

Community Hall: Thank you, Joshua, that is your time.

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02:30:26.790 --> 02:30:35.920

Community Hall: Next, we have Trevor Lang, but I believe, Trevor, you were part of that group that just spoke. If so, please lower your hand, and we will move on to

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02:30:36.040 --> 02:30:39.110

Community Hall: Sean Fong next. Welcome, Sean.

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02:30:53.920 --> 02:30:55.480

Community Hall: Sorry, Sean.

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02:30:56.970 --> 02:30:57.720

Community Hall: We're trying to add.

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02:30:57.720 --> 02:30:58.520

Shaun Fong: Can you hear me?

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02:30:58.520 --> 02:30:59.600

Community Hall: There you go.

1007

02:30:59.810 --> 02:31:23.370

Shaun Fong: Okay, my name is Sean. Good evening, Mayor and Councilmember. I live on Mary Avenue. We at the neighbor are directly impacted by the project. I think for those who don't really live on Mary and speak on our behalf, we don't appreciate that. And why do they think that 89 parking spaces are not used, or certain... if you take the segment of the date, yeah, they're not used, but we are the neighbor. If we don't care about this parking.

1008

02:31:23.370 --> 02:31:25.460

Shaun Fong: Why I even bother to be here?

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02:31:26.190 --> 02:31:37.800

Shaun Fong: I'm here to talk about the proposed vacation of the Mary Avenue public right away. Under California law, a city cannot vacay a street unless it makes clear finding that the street is no longer needed for peasants for future use.

1010

02:31:37.830 --> 02:31:54.080

Shaun Fong: That standard is strict. It exists on public access and public safety. These findings cannot be made here. Mary Avenue is actively used today. It provides public parking, circulation near a freeway on ramp, and a buffer between residential neighborhoods.

1011

02:31:54.080 --> 02:32:14.750

Shaun Fong: Memorial Park Regional Traffic. None of that has gone away. In fact, the city's own records show these public uses are ongoing significance, but instead of analyzing whether the street is actually necessary and necessary, the city seems to assume that because this project needs the land so they could ban all the rules, the public should give up, the residents should compromise.

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02:32:14.750 --> 02:32:16.890

Shaun Fong: This is not the legal standard.

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02:32:16.890 --> 02:32:34.159

Shaun Fong: That's another problem. State law requires the Planning Commission, not just the staff or the City Council above the law, to first determine whether a street vacation conforms to the general plan. That step never happened. There's no Planning Commission finding in the record addressing the right-of-way vacations.

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02:32:34.750 --> 02:32:39.540

Community Hall: Thank you, Sean. That is your time. Next, we have Peggy Griffin.

Welcome, Peggy.

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02:32:44.920 --> 02:32:47.900

Peggy Griffin: Thank you. Could you put up my slide, please, Lauren?

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02:32:48.610 --> 02:32:49.779

Community Hall: Yes, let me...

1017

02:32:49.880 --> 02:32:51.570

Peggy Griffin: Get on that.

1018

02:33:02.660 --> 02:33:03.610

Community Hall: Oops.

1019

02:33:13.480 --> 02:33:15.820

Community Hall: Okay, should be sharing now.

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02:33:16.830 --> 02:33:19.980

Peggy Griffin: Okay, thank you. Thank you, Lauren, for your help.

1021

02:33:20.280 --> 02:33:20.730

Community Hall: Of course.

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02:33:20.730 --> 02:33:27.370

Peggy Griffin: Based on the staff presentation, the city is providing \$9.5 million in gifts

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02:33:27.590 --> 02:33:33.620

Peggy Griffin: And \$3.9 million in loans. That's a total of \$13.4 million total.

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02:33:34.210 --> 02:33:38.240

Peggy Griffin: Not to mention the loss of parking and...

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02:33:38.470 --> 02:33:42.850

Peggy Griffin: It sounds like possible, not following the procedures.

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02:33:43.050 --> 02:33:47.510

Peggy Griffin: If this project passes, the city?

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02:33:48.160 --> 02:33:58.470

Peggy Griffin: Needs to preserve and protect this enormous investment by, one, placing a deed restriction on the parcel that runs with the land forever.

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02:33:58.650 --> 02:34:02.740

Peggy Griffin: To require that if it's sold to anyone but the city.

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02:34:03.100 --> 02:34:10.640

Peggy Griffin: that the land must only be used for low, very low, extremely low, and IDD units.

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02:34:10.950 --> 02:34:14.209

Peggy Griffin: This is all... this... this would not happen.

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02:34:14.760 --> 02:34:17.250

Peggy Griffin: If it wasn't for this kind of restriction.

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02:34:17.410 --> 02:34:28.089

Peggy Griffin: Also, as Councilman Wong suggested, require the repurchase price to be reduced by the parkland fee waiver plus inflation.

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02:34:29.570 --> 02:34:30.520

Peggy Griffin: Thank you.

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02:34:32.610 --> 02:34:33.680

Community Hall: Thank you, Peggy.

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02:34:40.250 --> 02:34:44.600

Community Hall: Next, we have Eleni Mathiakis. Welcome, Eleni.

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02:34:52.620 --> 02:34:53.260

Community Hall: Okay.

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02:34:53.260 --> 02:34:54.010

Eleni Mattheakis: Yay.

1038

02:34:55.530 --> 02:34:56.769

Community Hall: We, we can hear you.

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02:34:56.770 --> 02:35:10.640

Eleni Mattheakis: Hi, I'm Elaine, I grew up in Cupertino my whole life. I think you should vote yes on Mary Avenue, because people with disabilities should not be...

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02:35:10.890 --> 02:35:19.700

Eleni Mattheakis: having to move away from the Bay Area. I wanted to stay there, but I have moved to Monterey now, because, like, the Bay Area is...

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02:35:19.910 --> 02:35:23.990

Eleni Mattheakis: just as expensive as Monterey is, but, like.

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02:35:24.150 --> 02:35:28.129

Eleni Mattheakis: I would vote yes on Mary Avenue. Thank you!

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02:35:31.800 --> 02:35:36.700

Community Hall: Thank you, and Lenny. Mayor, that concludes our request to speak on this item.

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02:35:37.220 --> 02:35:39.930

Community Hall: Thank you very much. I want to thank

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02:35:40.010 --> 02:35:58.959

Community Hall: To everyone, thanks to everyone in the... in the audience here for a pretty exemplary civility expressing opposing views. We are going to take a 5-minute break, before we continue. So we've been... Council's been going for, 3 hours and 20 minutes so far, so...

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02:35:58.960 --> 02:36:02.619

Community Hall: We'll come back at 9.27.

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02:36:02.750 --> 02:36:04.799

Community Hall: 928. Thank you.

1048

02:36:06.880 --> 02:36:08.220

Community Hall: Thank you, Mayor.

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02:44:09.400 --> 02:44:19.299

Community Hall: Right, thank you. At this time, we have completed the public comment. Prior to formally closing the public hearing, are there any further Council clarifying questions?

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02:44:28.440 --> 02:44:31.909

Community Hall: Are you raising your hand? Oh, yeah. Okay. Vice Mayor?

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02:44:32.520 --> 02:44:34.160

Community Hall: Okay.

1052

02:44:37.450 --> 02:44:54.500

Community Hall: So I guess I'll make... Oh, pardon, pardon. This is for clarifying questions, and then I'm going to be closing the public hearing, and then you, make my comments later, right? Right, if you... So, question, specifically for questions. Yes.

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02:44:54.930 --> 02:44:56.370

Community Hall: I...

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02:44:57.050 --> 02:45:08.339

Community Hall: I think there was a question of this, are these going to be an independent or assisted living? So these units are going to be... 19 of the units will be independent IDD.

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02:45:08.690 --> 02:45:23.700

Community Hall: And so they will, like many of them said, services would be provided to help them to live independently, dentally, and they actually do that. I visited a Sunnyvale site that was operated by Housing Choices, so...

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02:45:23.700 --> 02:45:29.249

Community Hall: It was really good services that they provide. And there was a question about

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02:45:29.290 --> 02:45:43.519

Community Hall: whether the city explored other locations, such as Westport and Valco. I think those are not city-owned land, and we do have, below-market rate senior housing at Westport, and with Valco.

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02:45:43.580 --> 02:46:00.979

Community Hall: even though initially they were going to provide 50% of below market rate, I think it was down to 30%, and the newest version likely will be only

10% of below-market rate, and then the city cannot ask them to support any IDD units.

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02:46:01.050 --> 02:46:20.930

Community Hall: And I think the most important question I have is regarding the criteria for applicants, which I, in fact, asked in the supplemental, but I want to clarify. I think a lot of public comments from the last meeting and this meeting emphasize we want people who grew up in Cupertino

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02:46:20.930 --> 02:46:23.610

Community Hall: to get these units. But...

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02:46:23.750 --> 02:46:38.870

Community Hall: the curve, but I learned from the supplemental that we cannot set an additional requirement for these units to prioritize long-time residents of Cupertino. I was told by the staff

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02:46:38.870 --> 02:46:44.719

Community Hall: I saw... I'm answering my own question, because it was already answered by staff, that

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02:46:46.410 --> 02:46:55.449

Community Hall: the current city, they have to follow the current city BMR prioritization requirement, where we do have

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02:46:55.450 --> 02:47:08.909

Community Hall: point for residents, but it's a same point for anyone who lived in Cupertino maybe 6 months, 1 year, or 20 years. It's the same point. So I wish that's something we can change.

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02:47:08.960 --> 02:47:12.510

Community Hall: And... So that we can use

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02:47:12.790 --> 02:47:18.670

Community Hall: prioritization system that favored long-time residents for Cupertino.

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02:47:19.160 --> 02:47:27.140

Community Hall: on... And then, I think they were a question about... CEQA exemption.

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02:47:28.310 --> 02:47:36.139

Community Hall: That some of the residents think the reasons for CEQA exemption is

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02:47:36.280 --> 02:47:41.799

Community Hall: Not sufficient, so could the staff maybe clarify that?

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02:47:43.890 --> 02:47:52.990

Community Hall: Sure. So, we do have PlaceWorks on call if needed, but I can start with the, response to that. So there's... there's two parts to this,

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02:47:53.170 --> 02:47:55.420

Community Hall: environmental review, the... the...

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02:47:55.840 --> 02:48:05.329

Community Hall: the architectural site approval, is not subject to CEQA because of, it's, it's a housing element site. It's providing a certain

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02:48:05.540 --> 02:48:13.080

Community Hall: A certain number of units under 50, as well as the affordability levels are above 20%.

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02:48:13.370 --> 02:48:22.280

Community Hall: However, for the, for the... Excuse me, it's not subject to CEQA, or it's exempt from CEQA. It's not subject to CEQA.

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02:48:22.490 --> 02:48:28.249

Community Hall: Subject. So not subject to CEQA at all? Okay, that's correct.

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02:48:28.520 --> 02:48:38.530

Community Hall: Okay. Yeah. Sorry. Sites that are at least 20 units per acre in density.

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02:48:38.680 --> 02:48:57.680

Community Hall: and provide at least 20% low income, not just moderate housing. This is 100% very low, and the density's 50 units per acre. They are exempt from CEQA, and essentially, CEQA doesn't apply because it is not a discretionary approval. It's not... it's exempt from CEQA and not... not subject to CEQA.

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02:48:58.180 --> 02:48:58.990

Community Hall: Both.

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02:48:59.280 --> 02:49:03.259

Community Hall: The ASA would be both. The DDA would not.

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02:49:03.310 --> 02:49:09.440

Community Hall: The categorical exemption, the Class 32, applies to the DDA. The... the...

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02:49:09.440 --> 02:49:23.810

Community Hall: Architecture and site approval. So that means even if the land is polluted, even if it's not inhabitable, it's exempt from CEQA, we can build whatever condition it's in? It is not a discretionary project, the permit.

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02:49:23.920 --> 02:49:31.820

Community Hall: So that is correct. The permit itself is not a discretionary project. That's the state law. That would allow us to...

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02:49:31.840 --> 02:49:50.440

Community Hall: exempt CEQA even on a heavily polluted land to build housing? Yeah, fortunately, this is not heavily polluted land, but it's not the discretionary act. CEQA only applies to discretionary acts, and that permit is not discretionary because of the attributes of the project. Okay.

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02:49:50.960 --> 02:49:58.490

Community Hall: And, then I think there was, some question about the parking analysis that

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02:49:58.680 --> 02:50:02.640

Community Hall: The city only studied,

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02:50:02.910 --> 02:50:08.700

Community Hall: Traffic analysis only started on one Saturday, is that true?

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02:50:09.750 --> 02:50:10.860

Community Hall: If you know that.

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02:50:11.260 --> 02:50:28.300

Community Hall: The parking was studied just of, with, I think, during a 3-day period, but the, the traffic analysis, is based upon, the type of project that it is, and so they, what they, what they estimated was that the daily trip increase

would be 164 trips a day.

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02:50:28.740 --> 02:50:32.849

Community Hall: And, with even a further limited number of peak times.

1090

02:50:33.870 --> 02:50:43.220

Community Hall: So have we looked into the impact for senior center parking, which has a large, event room?

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02:50:45.030 --> 02:50:47.819

Community Hall: I... it wouldn't be part of this review.

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02:50:48.420 --> 02:50:53.920

Community Hall: That wasn't, the parking impact from Senior Center was not included.

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02:50:54.270 --> 02:51:12.429

Community Hall: No, it was not included in this chart. Okay, so someone mentioned that more likely more than 89 spots might be lost due to ingrows, egress, egress, and I wasn't very sure on that. I think it's one of the residents.

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02:51:12.890 --> 02:51:21.010

Community Hall: So, just wanted to confirm, would that be true? Sure, so, the staff report did identify that the,

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02:51:21.120 --> 02:51:31.980

Community Hall: The traffic, impact analysis, did mention that there's some... could be some site visibility issues with, depending if the driveways are one-way or two-way.

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02:51:32.490 --> 02:51:37.149

Community Hall: So this project has been conditioned to, be further reviewed.

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02:51:37.470 --> 02:51:54.489

Community Hall: By Public Works staff to see if there's ways to identify, certain ingress, egress, directions to limit the reduction of, of off-site parking as part of the project. So we might lose more parking space, more than 89?

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02:51:54.610 --> 02:51:56.810

Community Hall: Correct. Between 3 to 6.

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02:51:56.940 --> 02:51:59.390

Community Hall: Okay, thank you, good to know.

1100

02:51:59.590 --> 02:52:05.099

Community Hall: And, Peggy asked if there could be deed restriction that the land be

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02:52:05.190 --> 02:52:20.489

Community Hall: restricted to low or extreme low in units, in case it's ever resold. Would there be any type of deed restriction on this land, which is actually a gift from the city?

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02:52:23.080 --> 02:52:40.199

Community Hall: It's an affordability covenant that would be put onto title that's recorded, just like the grant deed, and it's tied to the property. That would impose these restrictions, and the grant deed itself also refers to it. For 99 years, right? For 99 years, correct. Yeah, great. So...

1103

02:52:40.370 --> 02:52:54.660

Community Hall: So when there was a mention of if, when we re-acquire the land, we would deduct grant, grant that the city provided. Could we also deduct the parkland fee waiver that we have

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02:52:54.900 --> 02:52:57.510

Community Hall: Given to the project.

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02:52:59.650 --> 02:53:06.449

Community Hall: Currently, the parkland fee waiver is not included in the deductions. And by the way, could include that?

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02:53:07.140 --> 02:53:21.699

Community Hall: That's something that would need to be discussed with the developer. The idea has been introduced, so perhaps the developer is at a place where they might be able to discuss their position in more detail. It was introduced, but it was...

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02:53:22.220 --> 02:53:25.510

Community Hall: But the current deal does not include that. Correct.

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02:53:26.110 --> 02:53:27.590

Community Hall: Hmm. Okay.

1109

02:53:27.680 --> 02:53:46.139

Community Hall: And now, another question is, so we are... the city actually is gifting a land that's evaluated at \$7.2 million? Is there any restriction for the city to just gift a land for \$1? Do we need to make any...

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02:53:46.140 --> 02:53:49.479

Community Hall: Decoration for a gift of public fund.

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02:53:51.260 --> 02:54:06.720

Community Hall: There is no restriction because of the current structure of the project, so it qualifies for, a certain statute that essentially allows for below-market,

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02:54:07.030 --> 02:54:12.000

Community Hall: price of property in this context for affordable housing.

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02:54:15.690 --> 02:54:22.979

Community Hall: So, if it's affordable housing, we can give... it's not affordable housing, we cannot give the land.

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02:54:25.100 --> 02:54:31.040

Community Hall: Correct. Different restrictions would apply if the project was not for affordable housing. Thank you.

1115

02:54:39.320 --> 02:54:42.169

Community Hall: Next, we have Councilmember Wong.

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02:54:42.460 --> 02:54:44.190

Community Hall: Then, Councilmember Fruen.

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02:54:45.310 --> 02:54:47.589

Community Hall: I have two quick questions. One is,

1118

02:54:47.960 --> 02:54:57.819

Community Hall: The DDA, is that the tighter of the agreements, the one that's more enforceable, and is that where we should put most of our restrictions in, or is there another legal instrument we should be using? That's to our lawyers?

1119

02:54:57.930 --> 02:55:04.489

Community Hall: And the second question, there's a gentleman here that did do a traffic study, and I wanted to get his opinion while he's still in the audience, so let's go ahead with the...

1120

02:55:04.710 --> 02:55:05.980

Community Hall: Legal assessment.

1121

02:55:06.490 --> 02:55:08.299

Community Hall: What can we put in the DDA?

1122

02:55:09.150 --> 02:55:29.080

Community Hall: So, I guess it depends on what you mean by tighter. There... the DDA is currently supposed to, essentially describe the terms required for the city to dispose of the property at the closing. It also describes in detail the project itself as it's envisioned right now.

1123

02:55:29.090 --> 02:55:34.139

Community Hall: That being said, in terms of what will ensure that this project remains

1124

02:55:34.140 --> 02:55:56.140

Community Hall: affordable, and over the lifetime of the 99 years, then we're really discussing more the grant deed and the regulatory agreement. But both of those documents will be finalized at closing and executed and recorded at closing. I think I want a DDA that protects our residents and our taxpayers. That's really what I'm leaning towards. So the one that is more enforceable or more contractually obligated.

1125

02:55:56.140 --> 02:56:14.559

Community Hall: If we have to put restrictions as how repayment terms are set, what do we do for bankruptcies and foreclosures? That should go in the DDA, correct? That is all in the DDA, yes. Okay, I want to make sure. And there's a gentleman there that did the traffic study. I was wondering if I could bring him up to say, what did you find in there that was the flaws that the city did not find?

1126

02:56:18.020 --> 02:56:20.119

Community Hall: Paul Krupke, Kropka Consulting.

1127

02:56:20.220 --> 02:56:22.749

Community Hall: To clarify, I...

1128

02:56:22.820 --> 02:56:29.129

Community Hall: I did a... what I call a peer review of the transportation study done for the city.

1129

02:56:29.180 --> 02:56:47.300

Community Hall: For this project. Similar to an ASHTO methodology? And so... so you're at... clarifying your question, your question is asking me about what I looked at in terms of parking? Yes, in your... in your... in your opinion, what did you see? Oh, okay, then. What... what I found was that...

1130

02:56:48.100 --> 02:56:54.160

Community Hall: I truly believe that the project is introducing, an impact

1131

02:56:54.500 --> 02:57:01.099

Community Hall: which is what I consider a, unsustainable deficiency by...

1132

02:57:02.080 --> 02:57:13.250

Community Hall: Reducing the amount of parking, and not having studied The parking during... festival events.

1133

02:57:13.800 --> 02:57:16.400

Community Hall: It, it, it is a... the...

1134

02:57:16.920 --> 02:57:31.349

Community Hall: I did observations, I looked at photographic evidence, and I estimated just a very straightforward estimate of what the actual demand during major festivals at Memorial Park is.

1135

02:57:31.460 --> 02:57:38.440

Community Hall: And I found that as, Mr. Mosley indicated that

1136

02:57:39.880 --> 02:57:51.909

Community Hall: 96% of the remaining parking spaces on Mary Avenue would be used during the peak time... were used during the peak times I was looking at in this photographic evidence.

1137

02:57:52.060 --> 02:58:06.089

Community Hall: And I think that that's the unsustainable thing. And the issue is...

issue is that nobody has studied it. Nobody has studied Memorial Park events, as far as I know, and that's what has to happen. That's the deficiency.

1138

02:58:06.090 --> 02:58:14.949

Community Hall: And to... and the prog... and to state clearly, the project has an impact, and it's a substantial impact.

1139

02:58:15.230 --> 02:58:25.709

Community Hall: And, you know, to say that, there's enough parking is... is... is... Is okay, but that... that...

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02:58:26.030 --> 02:58:29.890

Community Hall: That evaluation that I did was really just an estimate.

1141

02:58:30.050 --> 02:58:36.840

Community Hall: Of a point in time during festivals, and it didn't have anything to do with, the actual

1142

02:58:37.260 --> 02:58:48.290

Community Hall: Understood. Number, frequency, and size of festivals. So, in your best estimate, we need to do a parking study that's befit of what is at peak and what is during festivals in order for this to say.

1143

02:58:48.590 --> 02:58:53.749

Community Hall: to meet the requirements of a surplus land act, correct? Well, to really... to really...

1144

02:58:54.370 --> 02:59:00.770

Community Hall: put a pin in it, yes. That's what I believe is the issue. It needs to be studied.

1145

02:59:01.050 --> 02:59:10.649

Community Hall: And it needs to be brought forward as a, as a response to a significant impact. Appreciate your time, thank you. You're welcome.

1146

02:59:12.410 --> 02:59:14.020

Community Hall: Councilmember Fruen?

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02:59:18.110 --> 02:59:21.909

Community Hall: If I could get Director Mosley up for at least a couple questions.

1148

02:59:33.140 --> 02:59:36.149

Community Hall: There were some additional assertions just made about

1149

02:59:36.330 --> 02:59:50.389

Community Hall: what the nature of the parking is or isn't going to be there, and I was hoping that maybe you could take us through Mr. Krupka's assertions and how you feel about them. Yeah, I can give you my input on that.

1150

02:59:50.390 --> 02:59:59.340

Community Hall: Mr. Krupka's report did show some observations that were taken during various festivals throughout the last year.

1151

02:59:59.460 --> 03:00:05.869

Community Hall: In the worst case, there was, I think 140 spaces being used for a festival.

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03:00:06.040 --> 03:00:11.659

Community Hall: After this project, there would be 146 spaces available, so...

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03:00:11.790 --> 03:00:18.679

Community Hall: As was stated, about 96% of those spots would be used, but it's still within, you know.

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03:00:18.810 --> 03:00:20.800

Community Hall: The 100% limit.

1155

03:00:20.960 --> 03:00:26.630

Community Hall: And that would be for only 6 to 7 days a year for varying...

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03:00:26.870 --> 03:00:29.900

Community Hall: focused uses for the other...

1157

03:00:30.080 --> 03:00:41.519

Community Hall: 359 days of the year. There were photos that I think were shown by Oren Mahoney that showed that the road's pretty much not being utilized to maximum capacity.

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03:00:42.220 --> 03:00:46.720

Community Hall: So, just for the sake of underscoring it, in the..

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03:00:47.160 --> 03:00:59.760

Community Hall: report that Mr. Krupka presented, there is a line in a table that says, Festival with project, parking supply 146, vehicles parked 140.

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03:01:00.070 --> 03:01:11.399

Community Hall: Correct, yes. Yeah, okay. And that's not all 146. Correct. Does that presume the additional loss of the extra 6 potential spaces?

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03:01:11.560 --> 03:01:17.619

Community Hall: Yes, it does. Okay, so this is assuming an additional loss of parking spaces that could be..

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03:01:18.360 --> 03:01:25.050

Community Hall: an even greater difference there. Correct. I think the report showed a total of 95 parking spaces being lost. Okay.

1163

03:01:25.280 --> 03:01:40.310

Community Hall: Switching gears, then, to another suggestion that had previously been made, which was about the bike lanes on Mary Avenue. My understanding is that those bike lanes are designated by ordinance, is that correct?

1164

03:01:40.460 --> 03:01:58.680

Community Hall: That is correct. They're designated by ordinance, as bike lanes are also shown in the general plan, as well as in the bike plan. Okay, so presumably we would need to amend the general plan, or change the ordinances, and I should say both, in order to be able to remove bike lanes as part of this project.

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03:01:58.680 --> 03:02:03.060

Community Hall: I would recommend that, yes. Okay, yeah, so it's not something that's before us today.

1166

03:02:03.280 --> 03:02:04.970

Community Hall: No. Thank you.

1167

03:02:09.300 --> 03:02:15.699

Community Hall: I, I do have a question. I know, I realize the architectural site,

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03:02:16.350 --> 03:02:26.309

Community Hall: the ASA does not, need to go through CEQA, but, just kind of a... just a general CEQA question,

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03:02:26.980 --> 03:02:32.670

Community Hall: because of this discussion about festivals, the impact is not...

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03:02:32.780 --> 03:02:43.300

Community Hall: the project on the environment. It seems almost like that is the environment's impact onto... the project.

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03:02:44.010 --> 03:02:47.490

Community Hall: kind of like noise around Lehigh.

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03:02:47.660 --> 03:03:01.800

Community Hall: And if a project were to be built there, it's not the project itself that's causing the impact, it's the truck traffic that is... that's causing the noise impact. So it's not the project's impact.

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03:03:03.490 --> 03:03:10.290

Community Hall: Yes, that's one way of looking at it, yeah. So, typically, CEQA looks at the project's impact on the surrounding area.

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03:03:11.150 --> 03:03:28.759

Community Hall: Okay, and so... and these, these festivals are actually discretionary, decisions by the... by the city to allow them, and we tend to waive fees for them, and that is something that, could be

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03:03:28.860 --> 03:03:30.260

Community Hall: taken away.

1176

03:03:30.590 --> 03:03:37.170

Community Hall: Or reduce the area that's allowed to be used. Is that correct?

1177

03:03:37.630 --> 03:03:50.770

Community Hall: I believe so, correct. Okay. And, Dan's, provides parking. I know I've... I've lived here 30 years. Sometimes you have to pay for the parking across the street, but they're...

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03:03:50.770 --> 03:03:59.519

Community Hall: They have a massive parking... parking lot that is, due to the online

enrollment, it tends to be, pretty empty nowadays.

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03:03:59.680 --> 03:04:06.819

Community Hall: Mayor, I just, wanted to clarify on your question about the... the festival. So, the city's...

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03:04:06.940 --> 03:04:22.059

Community Hall: practices that we will communicate to the organizations and the festival organizers that they, you know, they reach out to Dianza for that parking, if needed. Okay, thank you. Councilmember Mohan, and then Councilmember Fruen.

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03:04:22.380 --> 03:04:30.829

Community Hall: Councilmember... I mean, Vice... Vice Mayor, you do still have your hand raised. Is that for more clarifying questions?

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03:04:31.100 --> 03:04:39.649

Community Hall: More clarifying questions? Oh, yes. Okay, so... so we'll go Councilmember Mohan, Councilmember Fuin, then Vice Mayor. So,

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03:04:39.660 --> 03:04:56.990

Community Hall: So, quick follow-up to what you just said, City Manager. The last time this discussion was held about festival parking, weren't you going to put up some signs, along, by the entrance of Memorial Park saying that there are other alternatives, or...

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03:04:57.570 --> 03:05:04.270

Community Hall: Or maybe have some people directing them to, sort of, behind... Memorial Park.

1185

03:05:04.650 --> 03:05:08.009

Community Hall: Wasn't there some talk about,

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03:05:08.330 --> 03:05:12.100

Community Hall: Coming up with other options besides Mary Avenue for Festival Park.

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03:05:12.920 --> 03:05:16.599

Community Hall: Besides De Anza College. I...

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03:05:17.010 --> 03:05:29.840

Community Hall: I'll have to check in with the park staff, but yeah, usually we are

working closely with the organizers to make sure that, you know, that the organizers know that there are other options for parking.

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03:05:30.040 --> 03:05:34.050

Community Hall: I'm not... I don't... I have to check in about the signs.

1190

03:05:35.120 --> 03:05:43.669

Community Hall: Okay, all right. On another topic, Mayor, a question for, the City Attorney.

1191

03:05:43.770 --> 03:06:00.250

Community Hall: There were some comments about maybe why couldn't, we... why are we rushing some of these, actions today, and why don't we just come back with everything, with all the different, aspects of, of,

1192

03:06:00.490 --> 03:06:03.419

Community Hall: Of this, project.

1193

03:06:04.030 --> 03:06:16.249

Community Hall: my understanding about the DDA is there's some urgency to it, because this is what triggers the request for tax credits that

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03:06:16.680 --> 03:06:22.869

Community Hall: the consortium has to go through. Isn't that the reason why we have it today, as opposed to

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03:06:23.000 --> 03:06:37.290

Community Hall: On another day? It is the reason that we've been working so diligently to move this forward. The tax credit application is, I think, late March, and the... and the tax credits are key

1196

03:06:37.290 --> 03:06:44.550

Community Hall: to, moving the project forward. And having the... unless, we have a DDA signed.

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03:06:44.550 --> 03:07:00.669

Community Hall: the applicant won't have, you know, enough investment in the property to achieve an award of tax credits. And so, this item is essential in that process, which is why we have it here today.

1198

03:07:01.850 --> 03:07:08.839

Community Hall: Okay, so if we approve this today, that's the trigger for the application process for the tax credits?

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03:07:08.930 --> 03:07:24.489

Community Hall: It just allows, then, the applicant to continue to prepare their application for the tax credits, and then ultimately for the application to rest upon the DDA so that they could, actually be awarded the tax credits.

1200

03:07:24.630 --> 03:07:29.909

Community Hall: And this is regardless of all the changes we will make, or the restrictions that we talked about.

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03:07:30.040 --> 03:07:32.879

Community Hall: That we will add to the DDA.

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03:07:33.130 --> 03:07:45.170

Community Hall: At the... in the final stage. Correct. The DDA is contingent on those things happening. Our expectation is that the tax credit allocation entity will,

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03:07:45.170 --> 03:07:59.350

Community Hall: move forward with allocating the tax credits, even with those contingencies, although it would also be good if we were able to sort of tie up those contingencies as well over the next, you know, let's say 4 weeks.

1204

03:08:00.400 --> 03:08:01.650

Community Hall: And that's the plan.

1205

03:08:01.980 --> 03:08:02.680

Community Hall: Okay.

1206

03:08:03.320 --> 03:08:05.809

Community Hall: Thank you. Councilmember Fruen?

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03:08:07.330 --> 03:08:09.569

Community Hall: If I could maybe have Mr. Connolly.

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03:08:21.660 --> 03:08:25.079

Community Hall: There was some discussion back and forth about

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03:08:25.690 --> 03:08:37.470

Community Hall: you know, a hypothetical under CEQA, and for CEQA-exempt projects, or projects to which CEQA does not attach because they're ministerial, as to whether or not you'd be able to

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03:08:37.550 --> 03:08:45.749

Community Hall: have a project on such a site, and I just wanted to make sure that there was... that you were adequately distinguishing between issuing a

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03:08:45.950 --> 03:08:47.399

Community Hall: an entitlement.

1212

03:08:47.510 --> 03:08:54.909

Community Hall: Versus what someone can ultimately build, because the ultimate building will be conditioned in all sorts of ways, yes?

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03:08:55.020 --> 03:09:01.249

Community Hall: Oh, of course, it would all run with the permit. I don't know how many total conditions, but it would be subject to,

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03:09:01.690 --> 03:09:12.549

Community Hall: And certainly Chapter 17 of the Municipal Code, which covers a lot of the items that would typically be found in CEQA. Those are going to be standard conditions of the project.

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03:09:12.790 --> 03:09:22.120

Community Hall: And I think to some of the other questions related to, you know, lead, for instance, things like this, and I think the mayor touched on that, that

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03:09:22.780 --> 03:09:36.209

Community Hall: many of the things people see as environmental issues, they in fact exist, but they're not caused by the project. Yeah. The project's not putting lead in the soil. The project is not creating a parking issue, which parking is not a CEQA issue at all anyway.

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03:09:36.610 --> 03:09:43.499

Community Hall: But festivals in Memorial Park are already happening, that's an existing condition, that's not triggered by this project.

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03:09:44.330 --> 03:09:46.700

Community Hall: Alright, thank you. Much appreciated.

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03:09:47.420 --> 03:10:04.879

Community Hall: Thank you. I just want to mention, refresh people's memories about the, development of the Apple Park campus, that there was a very large street vacation that happened, for that project, which removed the through-traffic

1220

03:10:04.880 --> 03:10:23.070

Community Hall: in that location. So we do have a precedent. The city vacated the public street to allow Apple to incorporate that land into its secure, unified, 50-acre, site. It's actually larger, so it's like a... they have, like, 176 acres there. Okay, and Vice Mayor Chao?

1221

03:10:23.170 --> 03:10:24.700

Community Hall: Oh, thank you.

1222

03:10:25.020 --> 03:10:35.160

Community Hall: So... I think we... we have a new, revised, Memorial Park Master Plan.

1223

03:10:35.770 --> 03:10:44.620

Community Hall: a concept that the Council has already approved, which would intensify the use of Memorial Park.

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03:10:45.220 --> 03:10:50.599

Community Hall: Such as adding 8 pickleball fields.

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03:10:51.160 --> 03:11:00.510

Community Hall: So, what's the demand, increase in demand on parking for the intensified, Memorial Park Plan.

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03:11:00.810 --> 03:11:14.390

Community Hall: Because that will create more demand for parking, especially for pickleball. Even with the current four pickleball courts, I think we already have a large demand on parking.

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03:11:15.300 --> 03:11:18.430

Community Hall: So, do we have any data on that?

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03:11:19.180 --> 03:11:28.839

Community Hall: Vice Mayor, if I may, I don't believe we have that data available

today, but there is... Because if we are declaring the land.

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03:11:29.330 --> 03:11:37.230

Community Hall: On part of the public street, especially the parking as exempt And...

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03:11:38.180 --> 03:11:42.980

Community Hall: Big land, we need to be sure. We actually don't need it with all

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03:11:43.270 --> 03:11:46.439

Community Hall: Even though it's a city plan for Memorial Park.

1232

03:11:46.820 --> 03:12:03.519

Community Hall: Just briefly about the Memorial Park Plan, there is adequate parking for day-to-day use of Memorial Park. That is envisioned in the current plan. There are... there is some additional parking, I think, that was, being included down on Anton Way.

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03:12:03.780 --> 03:12:11.800

Community Hall: But generally, day-to-day use for parking at Memorial Park, even with intensification with that specific plan, is adequate.

1234

03:12:12.050 --> 03:12:22.030

Community Hall: But the pickleball tend to not only have players, they have a lot of people waiting to play, so usually there is a lot more demand on parking.

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03:12:22.810 --> 03:12:29.490

Community Hall: And we currently have, I think, 8 pickleball courts at the, existing.

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03:12:29.490 --> 03:12:45.529

Community Hall: And the... the proposed would have... would just be 8 pickleball courts in a different location, if I recall, but there should be adequate parking. So how much would be the demand on parking from 8 pickleball courts? I don't know the numbers, I just know that that was looked at with the Memorial Park-specific plan.

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03:12:45.530 --> 03:12:52.060

Community Hall: There was concern about parking. Then for the... when you evaluate the parking for festivals.

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03:12:52.340 --> 03:12:57.579

Community Hall: Which specific festival was included in that 3-day study?

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03:12:58.440 --> 03:13:15.570

Community Hall: I know Diwali was one of them. Which is a very tiny one. I think it's only occupied one... the field that's at Quinlan. The largest one is Cherry Blossom. I believe the largest is Cherry Blossom, and...

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03:13:16.070 --> 03:13:28.690

Community Hall: The other two, festivals are Diwali and the Fall Festival, if I recall, are, like, the large ones. I mean, Diwali was one of the festivals that was reviewed. I don't know that, the Cherry Blossomed.

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03:13:28.730 --> 03:13:36.159

Community Hall: So what... do we have any idea how many total parking space would be necessary for

1242

03:13:36.570 --> 03:13:45.300

Community Hall: these, like, cherry blossom. I don't know for Cherry Blossom, but again, based on the observations for Diwali, it was 140.

1243

03:13:45.880 --> 03:13:55.110

Community Hall: Pardon, Vice Mayor? Pardon? Pardon me, Vice Mayor. Through the City Attorney, are these questions germane to this particular project?

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03:13:55.300 --> 03:14:13.630

Community Hall: I must say, they do appear to be, sort of beyond the scope of what we're, discussing tonight. Thank you. Vice Mayor, can you try to focus in on this particular project? I'm trying to decide whether the public land should be exempt, should be vacated. The public,

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03:14:14.170 --> 03:14:24.499

Community Hall: land parcel should be vacated? Do we have existing public use? Do we have parking demand that actually need those?

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03:14:24.560 --> 03:14:47.609

Community Hall: the land, which is on the agenda. Try to focus in on this particular project, and those changes that will happen to Memorial Park, whether it's exempt from CEQA or not, it will have studies in the future, should some development happen. Thank you, through the chair. Thank you.

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03:14:47.670 --> 03:14:53.750

Community Hall: So, please continue. Okay, thank you. So, I mean...

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03:14:53.920 --> 03:15:12.100

Community Hall: Excuse me, Chad. So, I know that you, you understand the current, slot spots on Mary Avenue, is used for that, but that's when we have reuse of these on the parking. And, but Deanza has been building

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03:15:12.830 --> 03:15:14.970

Community Hall: Quite aggressively on there.

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03:15:15.190 --> 03:15:20.359

Community Hall: It's campus, so we don't know when they are going to replace the parking lot.

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03:15:20.480 --> 03:15:22.079

Community Hall: By some other building.

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03:15:22.480 --> 03:15:25.880

Community Hall: We don't know how long that parking lot would even exist.

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03:15:26.000 --> 03:15:33.589

Community Hall: So... so therefore, I would like to know what's the total parking demand for one of these festivals in the event

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03:15:33.790 --> 03:15:35.810

Community Hall: In the next 99 years.

1255

03:15:36.770 --> 03:15:56.329

Community Hall: that the... that garage, some people have wanted that to be a transit center, and the others have tried to develop many buildings, so if that parking lot is not there, what's the total demand on festival? So we know whether we really need this land that we are going to vacate.

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03:15:56.410 --> 03:15:57.480

Community Hall: At all.

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03:15:57.660 --> 03:16:02.889

Community Hall: as a CT. I'm not sure I can answer that question,

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03:16:03.510 --> 03:16:13.349

Community Hall: You know, we have not done, a full total demand. I will state that other festivals I've been to, in my local neighborhoods.

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03:16:13.570 --> 03:16:20.420

Community Hall: you realize you biked to a festival, or walk to a festival, because there's never any parking. In this case.

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03:16:20.760 --> 03:16:34.699

Community Hall: the festivals that have been studied to date, there's adequate parking, even after the project. I can't tell you... But if we don't have the access to the Diana parking lot, there is not sufficient parking.

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03:16:34.850 --> 03:16:37.210

Community Hall: Period. For the festivals.

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03:16:38.570 --> 03:16:40.389

Community Hall: I don't know those numbers.

1263

03:16:40.570 --> 03:16:53.639

Community Hall: Vice Mayor, through the Mayor? Yes. So Vice Mayor, I think if we... if the city chooses to do any sort of maximizing the public parking discussion.

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03:16:53.780 --> 03:16:57.129

Community Hall: We could look at it as a future project.

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03:16:57.210 --> 03:17:05.779

Community Hall: You know, under... the attorney can correct me, but under AB 2097, there's actually no requirement for parking.

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03:17:05.820 --> 03:17:21.809

Community Hall: But if we are vacating public right-of-way, which is currently used for parking, so we need sufficient justification that we are not going to need that for

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03:17:21.860 --> 03:17:38.009

Community Hall: the city use. We cannot, for example, the mayor suggests maybe we should do less festivals, reduce the size of festivals because of lack of parking. That would be a very undesirable consequence of the vacation of this land.

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03:17:38.010 --> 03:17:47.239

Community Hall: We could also consider signage around that area to encourage people to park elsewhere, so we can look at other solutions if that's of interest.

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03:17:47.430 --> 03:18:07.069

Community Hall: But that does not show a sufficient reason to vacate the public land, because that does... I don't see a strong proof. Okay, thank you, Vice Mayor. You've moved on from clarifying questions. Are there any further clarifying questions from the other members of the Council?

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03:18:08.230 --> 03:18:22.459

Community Hall: Seeing none, we are closing the public hearing, and would any Councilmember like to entertain a motion, perhaps, to move the recommended action with some modifications? Councilmember Mohan?

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03:18:23.980 --> 03:18:31.080

Community Hall: Oh, yes, Mayor. I... I move that we approve the recommended actions, in... in the...

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03:18:31.390 --> 03:18:42.010

Community Hall: as, as, displayed by, this new memo that, City Attorney has given us, and it updates,

1273

03:18:42.210 --> 03:18:48.090

Community Hall: The recommended actions based on... on the... some of the things that had to be corrected.

1274

03:18:48.200 --> 03:19:00.550

Community Hall: and based on some of the discussions we've had today. So, if it's okay with you, I'll read out all the recommended actions. May I ask... I'm sorry, Councilmember Mohan, I have been informed that

1275

03:19:01.030 --> 03:19:12.619

Community Hall: the revised recommended action needs further revisions. I apologize for that. Can I just describe them to you? Sure. Number one is the draft DDA.

1276

03:19:13.060 --> 03:19:25.129

Community Hall: That needs... the resolution on that item only needs to be updated to, indicate... Help me out, Michelle.

1277

03:19:25.520 --> 03:19:37.950

Community Hall: It needs to be updated to indicate that the term has been moved from 55 years to 99 years, which was something that was agreed upon very recently. Okay, so that was that one.

1278

03:19:37.950 --> 03:19:45.840

Community Hall: So instead of the update to 19 units, the mistake in that resolution was that it needs to be updated to 99 years.

1279

03:19:46.640 --> 03:19:54.650

Community Hall: And then... Number 3, pardon? City attorney, doesn't item 5 take care of that?

1280

03:19:56.120 --> 03:20:09.310

Community Hall: Correct. It does. Okay. The... so item 1 indicates that the resolution for the DDA needs to be revised with respect to the number of units. That comment should move down to number 3. It's...

1281

03:20:09.310 --> 03:20:22.490

Community Hall: the resolution approving the ASA, that refers to 18 units, and it should instead say 19. Mayor, could we ask this to be projected for the public?

1282

03:20:22.490 --> 03:20:23.580

Community Hall: Let's shoot.

1283

03:20:23.580 --> 03:20:30.680

Community Hall: We have. Are you able to share screen, and then you can make the edits real-time?

1284

03:20:31.180 --> 03:20:41.130

Community Hall: For the motion. Difficulty is our computers were down. Oh, are we not? Okay.

1285

03:20:41.260 --> 03:20:47.549

Community Hall: They're still not up? Okay.

1286

03:20:50.600 --> 03:20:51.690

Community Hall: Congrat it.

1287

03:20:52.080 --> 03:20:57.890

Community Hall: Yeah, that way I'm making the change.

1288

03:20:58.820 --> 03:20:59.770

Community Hall: Okay.

1289

03:21:01.350 --> 03:21:03.930

Community Hall: With this... Michelle?

1290

03:21:04.260 --> 03:21:13.439

Community Hall: Do you want to write the changes? And I do have a question for you on the actual resolution approving the DDA?

1291

03:21:13.920 --> 03:21:18.999

Community Hall: We know the DDA needs to be updated to 99 years. On the actual

1292

03:21:19.360 --> 03:21:24.670

Community Hall: resolution? Do we also need to update the resolution itself to 90? Yes.

1293

03:21:25.820 --> 03:21:28.390

Community Hall: Correct. Okay. I don't have a motion.

1294

03:21:29.820 --> 03:21:32.020

Community Hall: Not yet.

1295

03:22:52.100 --> 03:22:53.620

Community Hall: Very good, thank you.

1296

03:22:57.440 --> 03:23:03.170

Community Hall: Okay, so have the edits been completed, then? Okay, Councilmember Mohan?

1297

03:23:03.600 --> 03:23:08.129

Community Hall: Could we have the projection, turned back on?

1298

03:23:10.220 --> 03:23:15.400

Community Hall: Okay, so Councilmember Mohan, you'll be reading this into the record for the motion?

1299

03:23:15.570 --> 03:23:19.630

Community Hall: Okay, so the recommended actions are as follows.

1300

03:23:19.980 --> 03:23:26.390

Community Hall: One, we find the project exempt from the California Environmental Quality Act, CEQA.

1301

03:23:26.780 --> 03:23:34.089

Community Hall: 2. Adopt resolution number 26-016, approving architectural and site approval permit.

1302

03:23:34.360 --> 03:23:47.220

Community Hall: ASA 22025-006, Attachment A, and this includes an update to reflect 19 units, as opposed to 18 for the IDD population.

1303

03:23:47.880 --> 03:23:49.589

Community Hall: Item number 3.

1304

03:23:49.700 --> 03:23:59.790

Community Hall: Postpone adoption of resolution number 26-017, declaring the property exempt surplus land pursuant to the Surplus Land Act.

1305

03:23:59.980 --> 03:24:01.610

Community Hall: Which is an attachment B.

1306

03:24:02.750 --> 03:24:12.740

Community Hall: And number four, adopt resolution number 26-018, approving the Disposition and Development Agreement, DDA, which is Attachment C.

1307

03:24:12.790 --> 03:24:20.180

Community Hall: Subject to, one, increasing the term of affordability restrictions from 55 years to 99 years.

1308

03:24:20.230 --> 03:24:38.710

Community Hall: And two, revising the date upon which the City may exercise its right to reacquire the property from 55 years from the date the DDA closes to 99 years, and directs staff to revise the DDA and all ancillary documents to reflect these changes.

1309

03:24:38.820 --> 03:24:41.370

Community Hall: And circulate for execution.

1310

03:24:43.340 --> 03:24:44.849

Community Hall: Do we have a second?

1311

03:24:47.300 --> 03:24:51.700

Community Hall: Second. Okay, so we have a second from Councilmember Fruen.

1312

03:24:52.490 --> 03:24:59.900

Community Hall: Do we have, comments from the members of the City Council? And please keep them brief. We are a bit over time already.

1313

03:25:02.660 --> 03:25:04.940

Community Hall: Councilmember Wong?

1314

03:25:05.430 --> 03:25:07.310

Community Hall: Yeah, I'll be as brief as I can.

1315

03:25:07.480 --> 03:25:19.669

Community Hall: Look, we're working against our residents and doing it with \$9 million of taxpayer dollars. We need to remember we represent our taxpayers, the people who have lived here today. Once we give away the land, it's gone for a long time. It's 99 years.

1316

03:25:19.760 --> 03:25:32.500

Community Hall: In good consciousness... consciousness, we need to do more due diligence. This is a rushed job. We're cutting corners, we're making exceptions that we wouldn't make for any other group, so that this group can prepare for tax credits. It's cart before the horse.

1317

03:25:32.530 --> 03:25:48.680

Community Hall: We have a large perception by the public that we're not following the appropriate processes, completing the appropriate studies. We've not done the right studies, especially when we're trying to account for Westport numbers, a new park, lack of reliability on De Anza. This is 99 years from now. Our job is to make sure we're stewards for 99 years.

1318

03:25:48.720 --> 03:26:03.040

Community Hall: And can you really turn a right-of-way into a parcel? I'm not sure about that. We were not following the Surplus Land Act procedures. We may be violating those processes in so many ways, and we continue to rush this project and

change things on the fly.

1319

03:26:03.040 --> 03:26:09.689

Community Hall: This is not how it's supposed to work. We're doing it because they have a deadline. But we also should remember, we have residents to represent.

1320

03:26:09.690 --> 03:26:13.940

Community Hall: We have taxpayers that are involved in this, and this is really sad.

1321

03:26:13.940 --> 03:26:32.119

Community Hall: We don't have a tight DDA for foreclosure, bankruptcy, and credit for the investment dollars and inflation. So looking on this list, I want to see at least a tight DDA that actually accounts for those things in a friendly amendment. And the other piece I really want to see is the fact that we should do the appropriate studies and follow the right process. We may be in violation of the Surplus Land Act.

1322

03:26:32.120 --> 03:26:39.879

Community Hall: And I know all the lawyers here are saying no, but I'm hearing from other lawyers that this is the case, that we have not followed the right process. So, I'll leave it at that.

1323

03:26:41.280 --> 03:26:44.029

Community Hall: Thank you. Now, Vice Mayor Chao?

1324

03:26:45.150 --> 03:26:57.320

Community Hall: Yeah, there's no doubt IDD housing is critically needed in our area, especially when they have to compete for funding with the growing homeless population.

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03:26:57.620 --> 03:27:14.629

Community Hall: a higher percentage of which get housing because they were... they are addicted to drugs. And IDD is a population that must be prioritized in all BMR housing queues and all BMR housing funding.

1326

03:27:14.630 --> 03:27:22.870

Community Hall: This is a population that has no other option but rely on public assistance. We must support them, and especially

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03:27:22.890 --> 03:27:38.700

Community Hall: CUSD is known for their autism program and spatial needs program. Many kids do... many parents' families move to the area for the very nice program, and then we do want to keep their kids in the area.

1328

03:27:38.870 --> 03:27:48.569

Community Hall: And I visited the Bay Area Housing Corporation's, senior, IDD housing that they operate back in 2019.

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03:27:48.570 --> 03:27:59.620

Community Hall: For example, there are 4 duplexes right in Cupertino on Foothill. The address is 110506.

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03:27:59.660 --> 03:28:10.740

Community Hall: 10506, because someone asked me and didn't believe me. So that houses 12 developmentally disabled individuals with 4 caretaker families.

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03:28:10.740 --> 03:28:26.689

Community Hall: And they... that's a nice operation. I've visited their single-family homes. They are not located in Cupertino. I have dreamed to have that kind of housing in Cupertino, where a single-family home is turned into independent living for IDD.

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03:28:26.690 --> 03:28:38.039

Community Hall: So I have dreamed of having this project realized since 2019, because I've seen how great, independent living would be, or even

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03:28:38.200 --> 03:28:45.150

Community Hall: mildly assist to the independent living would be great for the population. No doubt.

1334

03:28:45.540 --> 03:29:03.440

Community Hall: is needed. However, as City Council member, I also have an obligation to ensure we follow the law, and we address all the concerns of our residents. And today, even from our city attorney has admitted the

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03:29:03.850 --> 03:29:07.180

Community Hall: Current version of the public land exempt?

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03:29:07.740 --> 03:29:09.700

Community Hall: on that resolution.

1337

03:29:09.810 --> 03:29:16.150

Community Hall: is insufficient, and they have to come back with another version. And as we have pointed out.

1338

03:29:16.160 --> 03:29:33.149

Community Hall: We don't have sufficient reason to claim today the land that we are vacating or exempting today is not going to be needed for the city for public use. When we did that, created the parcel in 2019,

1339

03:29:33.150 --> 03:29:36.840

Community Hall: The situation was different, because we had

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03:29:37.340 --> 03:29:46.159

Community Hall: expected two levels of public parking, parking... underground parking in Westport. It's when the state did not

1341

03:29:46.260 --> 03:30:03.580

Community Hall: forced the city to accept no parking on projects, and now the situation is different, so I really, really want this project to come true, but I just want... I think we need to hold the city not only to the higher standard.

1342

03:30:03.580 --> 03:30:08.860

Community Hall: We need to hold the city to a minimum standard, and I don't think

1343

03:30:09.410 --> 03:30:25.959

Community Hall: we are in a position today to approve the DDA, because we did not have sufficient... we did not have the competency check from the Planning Commission for vacation and for exemption. So I'm, proposing

1344

03:30:25.960 --> 03:30:33.510

Community Hall: a substitute motion to postpone this so that we have a clean process, that we...

1345

03:30:33.690 --> 03:30:37.769

Community Hall: approve the DDA when we have a claim.

1346

03:30:38.160 --> 03:30:42.650

Community Hall: Resolution for vacation, and for exempt public land.

1347

03:30:43.720 --> 03:30:44.740

Community Hall: Thank you.

1348

03:30:45.250 --> 03:30:59.800

Community Hall: So, the motion is to postpone this until, the Planning Commission has done what they need to do, and then we have a claim reason that's legally supported by

1349

03:31:00.080 --> 03:31:00.760

Community Hall: Hmm.

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03:31:01.000 --> 03:31:04.589

Community Hall: For our reasons, for vacation and the exemption.

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03:31:07.110 --> 03:31:26.640

Community Hall: So, I do want to provide some corrections to some impressions individuals might have of the funding for this particular project. The \$3 million in BMR funds, that's... those are developer impact fees. The developers paid those to the... to the city.

1352

03:31:26.640 --> 03:31:46.410

Community Hall: The CDBG grant funding, that's federal funds. If staff needs to correct me on any of these items, please do. And the PLHA loan is... is from the county, so none of these, none of these funds are... are coming out of our general fund. Is that correct?

1353

03:31:47.350 --> 03:31:49.490

Community Hall: That's correct. Okay, thank you.

1354

03:31:49.930 --> 03:31:59.159

Community Hall: Okay, so we have a substitute motion. Second. And seconded by, Councilmember Wong.

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03:31:59.780 --> 03:32:04.350

Community Hall: do we have any discussion from the rest of the council members? Otherwise, we'll,

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03:32:05.020 --> 03:32:07.690

Community Hall: Madam City Clerk, will you please conduct the vote?

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03:32:13.320 --> 03:32:22.299

Community Hall: So, just to be clear, Mohan moved in for and seconded, and then we... so we're going to substitute motion with Councilmember Wong,

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03:32:23.090 --> 03:32:25.690

Community Hall: Seconded, but Vice Mayor, motioned.

1359

03:32:26.220 --> 03:32:29.109

Community Hall: Correct, to post... it was a motion to postpone.

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03:32:32.920 --> 03:32:35.089

Community Hall: Okay, please start with voting.

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03:32:38.750 --> 03:32:46.239

Community Hall: on... Yeah, just... could you read my motion that you have jotted down?

1362

03:32:49.130 --> 03:33:06.130

Community Hall: I have that you moved to postpone consideration of this matter until the Planning Commission has completed its review and taken all required actions so that the record reflects a clear, legally supported basis for any decision regarding vacation and exemption of public land. Yeah, thank you. Does that summarize it? Yeah.

1363

03:33:13.610 --> 03:33:17.110

Community Hall: The motion fails with...

1364

03:33:17.830 --> 03:33:25.860

Community Hall: Councilmember Wong and Vice Mayor voting yes. Okay, then I'm moved that, so we're gonna vote on the main motion now.

1365

03:33:26.410 --> 03:33:32.090

Community Hall: Okay. I would like to say something, since we haven't had the opportunity to speak.

1366

03:33:38.190 --> 03:33:39.770

Community Hall: Give me a moment here.

1367

03:34:07.850 --> 03:34:32.780

Community Hall: While you're getting ready for that, there was a mention about heat map and collisions. Cupertino has a collision dashboard, and I've looked at each

one of the collisions there. Looks like some people are hitting parked cars, and the accidents had to do... were vehicular, so that... I appreciate staff has all this information available, and it's important to look into

1368

03:34:32.780 --> 03:34:47.319

Community Hall: into the details when, this has happened before, when people have presented arguments and pulled the map, you have to actually go and dig in to see what those, what those collisions, what those accidents actually were, and it's, very helpful.

1369

03:34:48.900 --> 03:34:54.529

Community Hall: Thank you for that, Madam Mayor, you actually took one of the comments I was going to make.

1370

03:34:55.580 --> 03:35:02.160

Community Hall: So I will... I will go back to something that's actually, bothering me a great deal about part of this discourse.

1371

03:35:02.500 --> 03:35:09.430

Community Hall: Over several months, there have been a number of people who've come and made comments about this project.

1372

03:35:10.140 --> 03:35:12.980

Community Hall: The process that's been used...

1373

03:35:13.270 --> 03:35:19.159

Community Hall: what presumed impacts there might be, and in many of those comments, I've heard

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03:35:19.290 --> 03:35:28.750

Community Hall: Some things that deeply disturb me about the nature of who will be living there, whether people are worthy to live in Cupertino.

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03:35:29.380 --> 03:35:32.230

Community Hall: Everybody's worthy to live in Cupertino.

1376

03:35:33.370 --> 03:35:35.030

Community Hall: I grew up in this city.

1377

03:35:36.430 --> 03:35:39.399

Community Hall: In this community, went to these schools.

1378

03:35:41.980 --> 03:35:45.670

Community Hall: This story is basically not possible any longer because we've made it

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03:35:46.350 --> 03:35:50.020

Community Hall: Incredibly difficult to buy or rent in this town.

1380

03:35:51.400 --> 03:35:55.679

Community Hall: And I think everyone needs to contemplate that for a moment. We are here...

1381

03:35:57.020 --> 03:36:00.160

Community Hall: Having to approve affordable housing of this type.

1382

03:36:00.630 --> 03:36:07.149

Community Hall: Because we didn't for many, many, many years. As an entire valley, as the Bay Area, as a whole.

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03:36:08.810 --> 03:36:11.129

Community Hall: We simply didn't plan for the future.

1384

03:36:12.190 --> 03:36:20.249

Community Hall: Part of what we are supposed to do as a council is to plan for the future, to help make sure that Cupertino remains a place

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03:36:20.630 --> 03:36:22.969

Community Hall: Where everyone can have a future.

1386

03:36:23.200 --> 03:36:24.860

Community Hall: That we don't just become...

1387

03:36:26.570 --> 03:36:31.940

Community Hall: A retirement community, where all of our stores close and all of our schools have to shut down.

1388

03:36:32.990 --> 03:36:36.419

Community Hall: So, projects like this are really important.

1389

03:36:38.010 --> 03:36:43.509

Community Hall: And so I was at least heartened to hear a lot of the advocacy today shift from

1390

03:36:45.330 --> 03:36:48.159

Community Hall: The sort of commentary about who gets to live here.

1391

03:36:48.460 --> 03:36:50.910

Community Hall: 2... legal issues.

1392

03:36:51.430 --> 03:36:56.139

Community Hall: But I want to address a little bit of that as well, because...

1393

03:36:57.920 --> 03:37:05.689

Community Hall: I got to read through the advocacy letter that was sent by... Mr. Safran?

1394

03:37:06.440 --> 03:37:07.550

Community Hall: Yesterday.

1395

03:37:08.910 --> 03:37:14.749

Community Hall: And I was extremely surprised to see a number of legal assertions sitting inside it.

1396

03:37:15.210 --> 03:37:18.120

Community Hall: And I'll just take you through one that, in particular.

1397

03:37:18.880 --> 03:37:32.939

Community Hall: causes me to question the entirety of what was in that letter. It reads, toward the end of the letter, the density bonus law requires specific findings demonstrating that each waiver or concession is necessary to make the subject project economically feasible.

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03:37:32.960 --> 03:37:42.949

Community Hall: And that it does not result in a specific adverse impact upon public health or safety. The city has not made those findings in any meaningful way. That is not the law.

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03:37:44.350 --> 03:38:02.300

Community Hall: Per Bankers Hill, 150. The City of San Diego, 74, CalAP 5th at 75, and Schreiber versus the City of Los Angeles, 69 CalAP 5th, starting at 549. The City is not required to make such findings.

1400

03:38:02.590 --> 03:38:16.290

Community Hall: Schreiber is explicit at page 560. The city, quote, was not required to make an affirmative finding that the incentives would result in cost reductions or decide evidence to establish a fact presumed to be true, end quote.

1401

03:38:17.060 --> 03:38:35.069

Community Hall: What happens instead under the DBL is that the burden of evidence shifts. It is the city, if it wants to deny a waiver or a concession, that must make findings based on the required quantum of evidence in the record. That is not what is happening here.

1402

03:38:35.170 --> 03:38:37.400

Community Hall: And when I see obvious...

1403

03:38:37.990 --> 03:38:45.719

Community Hall: readily verifiable legal errors like this, it makes me question the validity of the whole entire advocacy letter.

1404

03:38:46.980 --> 03:38:50.490

Community Hall: Every analysis point and contention that's made inside of it.

1405

03:38:51.940 --> 03:38:53.250

Community Hall: And frankly.

1406

03:38:54.150 --> 03:39:13.760

Community Hall: when attorneys bring pleadings in court, you have a duty to the court of candor. You are not allowed to simply misstate the law like this. So I really have to question the ethics underpinning this sort of advocacy. It's one thing to zealously advocate for a client.

1407

03:39:13.900 --> 03:39:23.580

Community Hall: And it is quite another to wholesale ignore controlling contrary authority. So, I really have no reason to believe any of the assertions.

1408

03:39:24.390 --> 03:39:29.499

Community Hall: that were made in this letter, or any of the legal claims that have

come before us, so I... I...

1409

03:39:29.610 --> 03:39:41.130

Community Hall: appreciate that, Madam City Attorney, you've been under a lot of strain today with a whole lot of questions, and all of the diligence that your firm has put into trying to ensure that we're doing the right thing, and that we're doing it the right way.

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03:39:43.050 --> 03:39:47.650

Community Hall: With that, this really honestly ought to be.

1411

03:39:47.850 --> 03:39:53.059

Community Hall: a... a simple project to approve. It's modest.

1412

03:39:54.380 --> 03:39:56.370

Community Hall: It's replacing parking.

1413

03:39:56.640 --> 03:40:03.149

Community Hall: Housing for cars. Unsheltered housing for cars. For sheltered housing for people.

1414

03:40:04.970 --> 03:40:11.230

Community Hall: And so I would simply ask for the folks who have opposed this project so far

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03:40:11.580 --> 03:40:16.439

Community Hall: Once it's there, once it's built, it will be populated with people who will be part of this community.

1416

03:40:17.280 --> 03:40:22.709

Community Hall: go and meet them. You might be finding that you've made your new best friend.

1417

03:40:23.310 --> 03:40:24.110

Community Hall: Thank you.

1418

03:40:25.420 --> 03:40:26.240

Community Hall: Great.

1419

03:40:26.290 --> 03:40:39.950

Community Hall: Thank you, Councilmember Fruen. This, project, let me be really brief here. I do have a question for our City Attorney about the 1030 time, so I probably will be asking to suspend the rules, because I do want to get to the next item.

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03:40:39.950 --> 03:40:46.960

Community Hall: And I think that this... this has gone on very, very long, a lot longer than we expected. We should do that now, and we should vote on that?

1421

03:40:46.960 --> 03:40:49.879

Community Hall: Okay, so, I move that we...

1422

03:40:50.270 --> 03:40:56.819

Community Hall: Extend the time to hear the next item. Extend the time to hear the...

1423

03:40:56.880 --> 03:41:07.019

Community Hall: Next item, which is item 9, and I believe we'll need to suspend the rules since it will begin after 10 30.

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03:41:07.020 --> 03:41:23.000

Community Hall: Correct, and if you want to hear anything else on the agenda, you should say that now, but if that's the last item that you'll... yes, that's the last item, so I would like a second, and then we will take a vote right before 1030. Second. Okay, thank you, Councilmember Fruen.

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03:41:23.050 --> 03:41:26.170

Community Hall: Madam City Clerk, may we...

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03:41:26.220 --> 03:41:44.609

Community Hall: Will you please conduct the vote? Mayor, can I make a comment? Because I'm going to abstain, I would like to state the reason. You're going to abstain from this vote to hear item 9? No, no, no. Oh, not the item. This is the vote to extend. Okay.

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03:41:45.960 --> 03:41:47.370

Community Hall: Okay, please vote.

1428

03:41:51.950 --> 03:41:54.389

Community Hall: Motion carries with Councilmember Wong voting no.

1429

03:41:54.620 --> 03:41:55.590

Community Hall: Okay?

1430

03:41:56.260 --> 03:42:05.940

Community Hall: So, we'll continue with, our comments on this item, and then we'll hopefully, have... they'll be very brief, and then we'll go to a vote.

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03:42:07.700 --> 03:42:09.569

Community Hall: Any... no further comments?

1432

03:42:10.260 --> 03:42:12.020

Community Hall: You.

1433

03:42:12.160 --> 03:42:30.870

Community Hall: So first, can I propose a friendly amendment that we, in addition to this, that we bring back for, to try to revise our BMR menu, so that we prioritize long-time Cupertino residents over short-term residents.

1434

03:42:31.500 --> 03:42:38.290

Community Hall: 2... Pardon, through the city attorney, that seems like a separate work program item.

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03:42:39.850 --> 03:42:44.270

Community Hall: That's not really associated with this. Can I include that in the motion?

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03:42:44.430 --> 03:43:03.689

Community Hall: That does seem to be a separate work program item, the BMR manual. Okay, that's fine. But doesn't it tie back to the DDA? Through the chair. So the BMR manual is cited in the Cupertino Municipal Code, and it's then, adopted by resolution.

1437

03:43:03.690 --> 03:43:13.469

Community Hall: I think we're getting far afield of this particular item when you're trying to dig in and change the BMR manual. I do think there are

1438

03:43:13.640 --> 03:43:27.910

Community Hall: because of the 99 years in the housing element, I think it does need to be looked at. That's a separate item, that's a future agenda item. I don't believe it fits with this one. Can I just state my reason to abstain? Yes, please.

Okay.

1439

03:43:27.910 --> 03:43:35.780

Community Hall: So, I really, really want to vote yes on the project, because I've been expecting this since 2019.

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03:43:35.780 --> 03:43:40.120

Community Hall: And I really think this is critically needed. But...

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03:43:41.540 --> 03:43:51.709

Community Hall: As the attorney has even pointed out, we don't have the legal, sufficient legal reasons today

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03:43:51.870 --> 03:44:03.739

Community Hall: to exempt this land from... to claim this as surplus public land. And, we have future uses. I do...

1443

03:44:03.970 --> 03:44:10.770

Community Hall: I have not seen any adjustment to help us provide more parking ever since

1444

03:44:10.830 --> 03:44:18.940

Community Hall: on the start of the year, and other developers have done that, so I do at least want to be sure we are following

1445

03:44:18.960 --> 03:44:38.699

Community Hall: all the clean rules, so I am abstaining because I want to vote yes. I don't want to vote no, but I don't think I can vote yes on the condition that we have today. Okay, thank you, Vice Mayor. I do see a final hand raised, Councilmember Wong, and then... I'll keep it short. Vote? I'll keep it short.

1446

03:44:38.930 --> 03:44:44.969

Community Hall: So, Mayor, you believe in process, you believe in doing things the right way, you believe in planning.

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03:44:45.000 --> 03:45:00.729

Community Hall: This is a 99-year project, so do you... if you feel that we have done the proper due diligence for a 99-year project to properly put a DDA, then I may vote with you, but at this moment, I don't see that in any instance here, which is why I'm gonna vote no.

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03:45:00.790 --> 03:45:11.980

Community Hall: Okay, thank you for that comment, and I did consult with our city attorney today, and we discussed this entire project.

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03:45:12.050 --> 03:45:16.859

Community Hall: And so I am voting in support of it, and I trust our city attorney.

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03:45:17.850 --> 03:45:21.610

Community Hall: Madam City Clerk, will you please conduct a vote?

1451

03:45:38.770 --> 03:45:43.830

Community Hall: The motion carries with Councilmember Wong voting no, and Vice Mayor abstaining.

1452

03:45:44.760 --> 03:45:56.189

Community Hall: All right, thank you very much, everyone. We are moving on to item 9, the transition of the Business License Administration to HDL Companies.

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03:45:56.410 --> 03:46:13.240

Community Hall: and consideration of a business license amnesty program. We'll receive a staff report on the transition, and then provide direction on whether to offer an amnesty program, and if so, which of the proposed options to use.

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03:46:14.040 --> 03:46:20.640

Community Hall: Madam City Manager, do we have a staff report?

1455

03:46:20.900 --> 03:46:34.750

Community Hall: Thank you, Mayor, and as, Jonathan is setting up, I'll just provide a short introduction. So this item is, it provides a report on the transition of the business license administration to HDL companies.

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03:46:34.750 --> 03:46:47.030

Community Hall: We're also seeking Council direction to adopt a business license amnesty program tonight. So the model that we're presenting today is an opportunity that we've identified to not only reduce

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03:46:47.110 --> 03:46:57.569

Community Hall: the city's cost, but also to generate revenue, ongoing revenues. So the... an amnesty program can help bring unlicensed businesses into the system.

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03:46:57.570 --> 03:47:03.979

Community Hall: And the programs aim to improve accuracy of our business database and improve communication with the business community.

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03:47:03.980 --> 03:47:22.130

Community Hall: And I, you know, I really appreciate the planning efforts around our first Restaurant Week that happened last year. Staff, including council members, helped with the outreach and, you know, collectively, we realized that some of our businesses weren't able to participate in those programs, because they were not

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03:47:22.130 --> 03:47:34.210

Community Hall: adequately, or appropriately licensed. So this effort began right after that in earnest, and, we want to provide the valuable visibility and resources to all our businesses.

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03:47:34.220 --> 03:47:45.050

Community Hall: So with this program, we're reinforcing our commitment to, as a city, to a business-friendly environment. Like I said, it's gonna generate ongoing revenues for the city, which is important.

1462

03:47:45.050 --> 03:47:57.320

Community Hall: And with that, I will now turn it over to Jonathan Orozco, our Acting Admin Services Director. Our Economic Development Manager and Consultant from HDL are also available for any questions after the presentation.

1463

03:47:57.730 --> 03:47:59.279

Community Hall: Yeah, thank you.

1464

03:47:59.600 --> 03:48:02.869

Community Hall: Good evening, Honorable Mayor Moore and City Council members.

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03:48:03.030 --> 03:48:16.789

Community Hall: Tonight, staff is presenting an update to the City's transition to HDL to Business License Administration, and seeking Council's direction on whether to implement a business license amnesty program

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03:48:16.910 --> 03:48:23.249

Community Hall: as part of its new compliance framework. This transition has made possible by staffing

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03:48:23.450 --> 03:48:28.750

Community Hall: Vacancies, and has already resulted in improved operational efficiencies.

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03:48:29.130 --> 03:48:33.759

Community Hall: Enhanced customer service, and access to more robust compliance tools.

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03:48:34.110 --> 03:48:46.819

Community Hall: HCL estimates that there are approximately 800 business licenses that are out of compliance in Cupertino, which, if brought into compliance, would generate an estimated \$580,000 in annual revenue.

1470

03:48:47.390 --> 03:48:54.439

Community Hall: To support this transition and encourage volunteer participation, staff recommends a phased 60-day

1471

03:48:55.210 --> 03:49:06.909

Community Hall: Amnesty program. This program offers a 100% penalty and interest forgiveness in the first 30 days, followed by 50% in the second 30 days.

1472

03:49:07.400 --> 03:49:18.389

Community Hall: And then resume into full enforcement of compliance and discovery. Two alternate models were also included in the packet for consideration.

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03:49:18.670 --> 03:49:25.330

Community Hall: Under the current municipal code, Penalties are assessed at 20% of business license per month.

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03:49:26.370 --> 03:49:29.040

Community Hall: Up to 100% of that tax.

1475

03:49:29.340 --> 03:49:33.300

Community Hall: Plus a 1% monthly interest on the principal of that tax.

1476

03:49:33.720 --> 03:49:38.070

Community Hall: All three proposed amnesty models will limit tax recovery.

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03:49:38.480 --> 03:49:43.689

Community Hall: To the prior 3 years, and waive penalties and interest during the amnesty period.

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03:49:44.440 --> 03:49:51.179

Community Hall: The amnesty would apply to all existing businesses that are in... that are out of compliance, whether they

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03:49:51.430 --> 03:49:55.730

Community Hall: Never applied, or are currently out of compliance and failed to renew.

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03:49:56.150 --> 03:50:08.240

Community Hall: In addition, while not explicitly included in the report, staff request Council to consider granting temporary authority for the City Manager to waive penalties and interest on a case-by-case basis.

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03:50:08.750 --> 03:50:14.219

Community Hall: This will add flexibility while, while we support... excuse me...

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03:50:14.550 --> 03:50:22.260

Community Hall: This added flexibility will support a smoother rollout of the program while staff works on a formal municipal code update later this year.

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03:50:22.990 --> 03:50:36.210

Community Hall: Following Council's direction, staff will expand outreach efforts, update FAQs, and provide clear communication to help businesses understand their obligations and take advantage of the amnesty opportunity.

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03:50:36.770 --> 03:50:46.859

Community Hall: Staff, along with Ian Davis from HDL, are available to answer any questions you may have, and welcome your input whether to proceed with one of the proposed amnesty models.

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03:50:49.210 --> 03:50:56.580

Community Hall: Thank you, Acting Administrative Services Director Roscoe. Are there any clarifying questions from the City Council at this time?

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03:51:00.780 --> 03:51:08.500

Community Hall: Okay, everybody. So, Council... Councilmember Wong.

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03:51:12.400 --> 03:51:17.019

Community Hall: I think the only question is, why can't we do this ourselves, and why do we have to contract it out to HDL?

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03:51:18.880 --> 03:51:20.280

Community Hall: Kins.

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03:51:21.220 --> 03:51:25.290

Community Hall: Previously, the city administered business license in-house.

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03:51:25.400 --> 03:51:39.330

Community Hall: the cost was approximately, close to \$300,000. The program that, HDL is offering, would be much less. So, with that, they may bring economies of scale.

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03:51:39.400 --> 03:51:49.139

Community Hall: to the city, that would, grant, the, the, the, the efficiencies the city just does not have the ability to, to perform.

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03:51:49.140 --> 03:52:03.569

Community Hall: In addition to that, we don't... the city doesn't have the resources for the compliance and discovery aspect. And this is actually one of the main reasons we... we pursued HDL, because the city was somewhere between 60% to 77... 60% to 70% compliant.

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03:52:03.570 --> 03:52:06.779

Community Hall: As... which would be,

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03:52:06.780 --> 03:52:24.430

Community Hall: common for other cities that don't have that compliance in discovery, division within its business license. So with HDL1, we see that, those economies, as well as, the, the increase in revenue from their discovery and

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03:52:24.430 --> 03:52:27.530

Community Hall: And, compliance division.

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03:52:27.920 --> 03:52:28.700

Community Hall: Thank you.

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03:52:30.600 --> 03:52:35.540

Community Hall: I do want to add that we will have over 4,000 businesses, once...

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03:52:35.820 --> 03:52:39.360

Community Hall: we decide on how to handle this. Councilmember Fruen.

1499

03:52:42.410 --> 03:52:58.380

Community Hall: So the way that the recommendation is worded, it makes them appear as though each of these options is mutually exclusive, one with the other, but it looks like two, read the way that it is, could probably be incorporated, at least into the third one. Is that...

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03:52:58.810 --> 03:52:59.660

Community Hall: True?

1501

03:53:01.210 --> 03:53:11.060

Community Hall: I'm sorry, can you... So the second one would be to provide ongoing amnesty upon discovery for newly identified unlicensed businesses, and that feels like it would...

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03:53:11.720 --> 03:53:17.179

Community Hall: Work fine with the option in 3, or the option in 1?

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03:53:17.940 --> 03:53:32.959

Community Hall: the city has the option to essentially marry both of them. So, currently, we can have the amnesty program for 30 or the 60 days, as proposed on options 1 and 2, and then thereafter provide that amnesty

1504

03:53:32.960 --> 03:53:51.450

Community Hall: window once HDL, identifies any non-compliant business. Okay, so it's really options 1 and 3 that are mutually exclusive. Correct. Okay, alright. And then in addition to that, there was some request for additional authority to the city manager to be able to make certain

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03:53:51.530 --> 03:53:57.579

Community Hall: penalty determinations on a case-by-case basis, but I don't see that

1506

03:53:57.840 --> 03:54:04.649

Community Hall: captured in the recommended action, so what would you need from us? Do we have to make a motion that specifically includes that?

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03:54:04.820 --> 03:54:06.290

Community Hall: That is correct. Okay.

1508

03:54:08.740 --> 03:54:10.380

Community Hall: Councilmember Mohan?

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03:54:12.650 --> 03:54:20.249

Community Hall: I have worked in other organizations where HDL has administered the business license program.

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03:54:20.370 --> 03:54:26.219

Community Hall: And they are the experts. I was just surprised that we hadn't done this earlier.

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03:54:26.360 --> 03:54:35.279

Community Hall: But... but it's not just a matter of capturing the businesses and the amount of fee and so on. There's, there's a enforcement,

1512

03:54:36.110 --> 03:54:44.089

Community Hall: aspect to it, which I don't know how you've been able to do it all these years. So, I am completely,

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03:54:44.690 --> 03:54:49.000

Community Hall: in approval of, going with HDL to...

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03:54:49.120 --> 03:54:52.990

Community Hall: To have this program outsourced.

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03:54:53.120 --> 03:54:59.060

Community Hall: But you... you said something, Jonathan, that you would also, as staff, you'd be...

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03:54:59.200 --> 03:55:11.689

Community Hall: doing some outreach among businesses, and so I just want to make sure that the responsibilities are... are clear and sort of separate. If you're going to be doing it, then is HDL going to be doing it, or...

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03:55:11.820 --> 03:55:29.409

Community Hall: Do you have staff working now on business licenses, or will you

eliminate that function as part of city operations? A couple questions. So, the first is, the heavy lifting will be performed by the city's economic development and communications.

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03:55:29.580 --> 03:55:45.689

Community Hall: divisions, who will be, reaching out to the business community, very... through various, channels. And then in terms of staffing, due to the vacancies that we finance had a little over a year ago.

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03:55:45.690 --> 03:56:00.109

Community Hall: what we did was repurpose one of the vacancies to assist with CIP-related functions. And so, we did not lose a position, we essentially repurposed it, and so we

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03:56:00.130 --> 03:56:05.180

Community Hall: We're now working closely with CIP to kind of help with the reporting requirements.

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03:56:05.550 --> 03:56:12.150

Community Hall: And if I may add to that, through the mayor, so we're hoping the outreach is more coordinated.

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03:56:12.150 --> 03:56:27.140

Community Hall: With HDL support, we're talking with CDD staff, so when someone's, you know, a business is getting their permits, that it gets identified if they don't have a business license. And then when our... with our economic development manager, I think it's going to be more robust and coordinated.

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03:56:27.270 --> 03:56:35.460

Community Hall: with the support of HDL. It results in cost savings for the city, as we mentioned, and hopefully we can bring in more revenue that way.

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03:56:36.170 --> 03:56:51.379

Community Hall: Is he the only person, working with, working on this? Or do you have other staff members besides Daniel? Yes, we have other members of the city manager's team that help with outreach, but primarily is the economic development.

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03:56:52.290 --> 03:56:53.129

Community Hall: Thank you.

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03:56:55.040 --> 03:56:56.070

Community Hall: Vice Mayor?

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03:56:59.650 --> 03:57:12.239

Community Hall: So, I believe we need to thank Councilmember Wang for finding out this issue, because I remember I first received a list of businesses registered from him.

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03:57:12.240 --> 03:57:23.700

Community Hall: And then he pointed out some of them are not registered in Copartino. So then we started to, try to clean up. So, thank you for that.

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03:57:23.810 --> 03:57:27.900

Community Hall: And, I have a question about, yeah, between 2 and 3.

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03:57:28.560 --> 03:57:40.670

Community Hall: in terms of business discovery, so to propose this reoccurring discovery, and what is the other thing? If we don't do reoccurring, what does that mean?

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03:57:40.900 --> 03:58:00.530

Community Hall: So what the option 2 would... The option... if we just go strictly with option 3, without reoccurring discovery, what does that mean? Sorry. So that would mean after the amnesty period ends, which is this total of 60 days.

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03:58:01.030 --> 03:58:09.820

Community Hall: HDL's discovery, efforts will continue after that, so let's say we discover another 100 businesses, making up numbers here.

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03:58:10.060 --> 03:58:22.390

Community Hall: Those businesses, whether they've heard from the city or knew about the requirement that they need to get a business license, would not have that flexibility of coming into compliance.

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03:58:22.390 --> 03:58:30.140

Community Hall: Without any forgiveness of penalties. HDL will do the discovering periodically. Correct.

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03:58:30.140 --> 03:58:37.659

Community Hall: And, option 3 is, The new ones, maybe they just registered yesterday.

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03:58:37.810 --> 03:58:44.639

Community Hall: And then HDL discovered today, and then they won't have 30 days.

1537

03:58:44.770 --> 03:58:49.789

Community Hall: And they won't... they will just get a notice from the city, hey, you...

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03:58:49.920 --> 03:58:53.319

Community Hall: You for... you didn't register, you are fined.

1539

03:58:53.450 --> 03:59:01.200

Community Hall: Something like that. Yeah, so if... if option 2 is not incorporated in the final recommendation or final direction that Council provides, then...

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03:59:01.310 --> 03:59:07.240

Community Hall: In the future, after any amnesty program is over, those businesses will

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03:59:07.520 --> 03:59:11.950

Community Hall: Have to just come into compliance and will not have that courtesy window.

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03:59:12.040 --> 03:59:15.919

Community Hall: But how would they be notified they need to register?

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03:59:15.930 --> 03:59:33.729

Community Hall: would they get no notification? They are supposed to just know? No, they're not... well, they're supposed to not just automatically know, so we're looking into ways through the outreach, through improving our websites, through working with CDD staff, so there's a lot of different

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03:59:33.940 --> 03:59:38.589

Community Hall: There's a kind of a multi-pronged approach we're taking, so we'll make sure businesses are aware.

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03:59:39.420 --> 03:59:46.400

Community Hall: But most people are not. Any outreach by the CT, we will miss people.

1546

03:59:46.470 --> 04:00:00.899

Community Hall: So those people are not going to know that they need to register, and HDL, once they discover, they will not get 30 days. I mean, they won't even get a notice from the city, except

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04:00:01.080 --> 04:00:02.830

Community Hall: a late notice.

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04:00:03.550 --> 04:00:09.590

Community Hall: Yes, that's... that's the question, is if they're getting a late notice at that point.

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04:00:09.890 --> 04:00:11.799

Community Hall: Are we giving them that...

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04:00:11.810 --> 04:00:26.119

Community Hall: Courtesy window to come into compliance. Yeah, thank you. I do think that 30-day window makes sense, yeah. So, the option 2 is more geared towards, licenses that have never

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04:00:26.120 --> 04:00:37.790

Community Hall: For applicants, or sort of businesses that have never submitted an application. So as, HDL is cross-referencing their, their data, our existing

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04:00:37.850 --> 04:00:51.300

Community Hall: database to other databases and identifying those licenses. Yeah, I understand that. So they would grant those licenses a brief window, whether it's 30 days, 60 days, whatever Council chooses to adopt.

1553

04:00:51.300 --> 04:01:06.700

Community Hall: The HDL would work with them and give them that official notice. You have 30 days to come into compliance, otherwise you're going to be assessed... Yeah, I understand that. ...just for previous taxes, but also penalties. That's okay, so what would be the notification method?

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04:01:06.700 --> 04:01:09.659

Community Hall: Through email, letter...

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04:01:09.660 --> 04:01:27.240

Community Hall: They have options, so one through email or through an actual letter. So, similar to their, the renewal process, they'll reach out via email

multiple times, if they have one on file, and then, lastly, a letter before their license expires.

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04:01:27.450 --> 04:01:34.089

Community Hall: So, lastly, it's through letter, because we have heard from businesses is,

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04:01:34.120 --> 04:01:53.840

Community Hall: a lot of these emails get ignored, and they don't know if they are really from the city, and so they trust a letter, especially on text, things. So, it seems if we are sending a formal notice that you have 30 days to comply, it should start with a written

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04:01:54.160 --> 04:02:05.349

Community Hall: notice that's an official letter, and the email is kind of a courtesy reminder. Unless they specifically opted out of

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04:02:05.940 --> 04:02:06.910

Community Hall: Right.

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04:02:07.500 --> 04:02:08.690

Community Hall: letters.

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04:02:08.820 --> 04:02:26.320

Community Hall: So they... currently, as far as the renewal process... They have no way to opt out, because they haven't registered. Maybe I can look to Ian, if you're available, to see what the discovery and compliance looks like after an amnesty program, as far as communicating with those newly discovered lights and cut distances.

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04:02:26.810 --> 04:02:28.860

Ian Davis: Of course, yeah, and can you guys hear me?

1563

04:02:29.360 --> 04:02:30.450

Community Hall: Yes. Yes.

1564

04:02:30.450 --> 04:02:36.959

Ian Davis: Thank you, Mayor and City Council. I just wanted to, just quickly jump in and, yeah, answer that question.

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04:02:37.440 --> 04:02:49.109

Ian Davis: normally, the way our discovery process works from a, just communications perspective is that we're actually trying multiple different mediums in order to contact the taxpayers. So it's, never just, like, a one-stop

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04:02:49.110 --> 04:03:03.560

Ian Davis: kind of process. It's... we send out a notification via postmail, we follow up via email, and then we even place phone calls to those businesses once they don't respond. That all happens, like, in a... in tandem, so in this, like, 30-day period, a business would receive

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04:03:03.590 --> 04:03:23.070

Ian Davis: a letter, and then an email, and then a phone call. Obviously, this is bearing the fact that we have that data. Sometimes, you know, depending on the business, that data's not readily available, so not every business may get that exact experience, but at the bare minimum, they'll receive a letter via postmail, and then at the maximum, they'll receive all three of those different types of communications.

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04:03:23.070 --> 04:03:25.420

Ian Davis: Because our main goal is just to make sure, as...

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04:03:25.620 --> 04:03:39.089

Ian Davis: by the nature of HDL being located not in Cupertino and being located in Fresno, as an example, there is a natural instinct to not trust some of the communications, so we try to basically make it as just...

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04:03:39.090 --> 04:03:47.300

Ian Davis: plain and simple as possible, that HDL is there, we're to be trusted, we're linked to the city's website directly, that basically there's just more.

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04:03:47.300 --> 04:03:54.339

Ian Davis: Transparency, and that the notices are very transparent about what we are, who we are, and how we can communicate with the taxpayers.

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04:03:54.560 --> 04:03:55.160

Ian Davis: Thank you.

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04:03:55.160 --> 04:03:59.630

Community Hall: Okay, great, thank you. So, how much is the current,

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04:03:59.720 --> 04:04:15.479

Community Hall: contract with HCDL to implement the existing program with just a portal for registration? And how much will be the additional cost if we include discovery and follow-up?

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04:04:15.740 --> 04:04:21.439

Community Hall: to implement the program. So currently, if I remember correctly, it's \$16 per license.

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04:04:22.790 --> 04:04:39.499

Community Hall: Those outreach efforts. Should, in the, the, part of discovery and compliance aspect, if they, they do identify a business that's out of compliance and are able to recover the cost for this license, or for past taxes and penalties.

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04:04:39.500 --> 04:04:45.960

Community Hall: they would receive 40% of that initial, collections. Ongoing revenue

1578

04:04:46.020 --> 04:04:49.370

Community Hall: For that business is 100% to the city.

1579

04:04:49.570 --> 04:04:50.430

Community Hall: No problem.

1580

04:04:52.820 --> 04:04:59.630

Community Hall: Wait, \$16 is... For the... for anyone who registered?

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04:05:00.210 --> 04:05:02.960

Community Hall: Or \$600 is only for the...

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04:05:03.080 --> 04:05:05.689

Community Hall: The new ones they have discovered.

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04:05:06.150 --> 04:05:10.390

Community Hall: That's for all, compliance, or all renewals.

1584

04:05:10.490 --> 04:05:19.900

Community Hall: Or renew. So, if a new business that's just registering today, for example, gets online, HDL gets \$16.

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04:05:20.070 --> 04:05:23.030

Community Hall: For ad registration.

1586

04:05:24.560 --> 04:05:27.969

Community Hall: Okay. Thank you. Thank you. Councilmember Wong?

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04:05:29.810 --> 04:05:37.490

Community Hall: Yeah, I have a quick question. So, on the ones that are for our, for the... for option number two, right, is that for...

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04:05:38.040 --> 04:05:41.599

Community Hall: Does that also include businesses that just discovered that they needed to do that?

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04:05:42.690 --> 04:05:47.820

Community Hall: Like, if someone voluntarily complies and just says, oh, wait, I saw a sign that says, hey, I need to go do that.

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04:05:47.960 --> 04:06:06.760

Community Hall: Because if we do the outreach right, does HDL get the money for doing the compliance, or do we get it for our outreach? Like, who gets attribution? So, the initial outreach, would be because the city's initiating that, that outreach, that would be 100% to the city, and the Cupertino would receive, both the

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04:06:06.760 --> 04:06:13.310

Community Hall: The current license backdata tax, as well as any back taxes.

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04:06:13.700 --> 04:06:23.230

Community Hall: Okay, and so the ongoing amnesty for discovered businesses, there's the HDL component, and there's our own component for our own outreach, right? We do separate that.

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04:06:23.230 --> 04:06:41.260

Community Hall: So the... for the second option, that would be their efforts for reaching out to the... the out-of-compliant businesses, and they would receive 40%. So, on a 2x2 grid, HDL discovered city-initiated, right, on one side, versus, you know.

1594

04:06:41.660 --> 04:06:45.769

Community Hall: businesses in compliance versus newly discovered businesses, how

does that look?

1595

04:06:46.720 --> 04:06:52.780

Community Hall: So, if we're... Sorry about the 2x2. Yeah, sorry about the 2x2, do the visual, do the box.

1596

04:06:54.990 --> 04:07:02.830

Community Hall: So the use case I'm looking at is really city-initiated, right, and new business. How does that... which... do we have different options for all these?

1597

04:07:05.440 --> 04:07:24.900

Community Hall: I think if I... if I may, I think it would be up to Councils to provide that direction. If you want to have this blanket ongoing amnesty upon discovery, whether it's through City Outreach or HDL, I think that can be part of that recommendation. No, I just want to make sure that if we... if we discover it, we don't have to pay the administration fee on the first stop. That's all. That's what I really wanted to make sure. And the second thing.

1598

04:07:24.900 --> 04:07:26.180

Community Hall: Given that...

1599

04:07:26.460 --> 04:07:42.289

Community Hall: I would guess that we have a very entrepreneurial audience in our neighborhoods. We have people that are doing consulting, we have people that are painting, we have people doing Etsy, we have all these things that are happening in the neighborhood, people have their own daycare, tutoring, like, there's a lot of businesses being run out of the city.

1600

04:07:42.600 --> 04:07:46.780

Community Hall: I would bet you 99% of these people didn't even know that they need a business license.

1601

04:07:46.950 --> 04:07:59.960

Community Hall: Right? And that's why I'm not even sure a 90-day period is enough, or how we actually do the outreach, but, I mean, anyone figuring out suddenly they might owe, I don't know, \$1,000, \$500, whatever the \$181 fee is, right? They're gonna be in shock.

1602

04:08:00.030 --> 04:08:23.510

Community Hall: And so, I think that that's really the main thing. We do need to collect revenue. I'm not against that. I just think that 99% of the people that have these businesses, like, even kids that have startups that are generating

ticket swaps and arbitrage on sneakers, like, they don't even know they gotta pay this tax. So whatever we do, I want to make sure we're gentle with it, but also in a way that is conducive, because they know what the business fee's getting us, which are some of the programs that,

1603

04:08:23.510 --> 04:08:24.980

Community Hall: you know, Daniel's working on.

1604

04:08:26.420 --> 04:08:27.270

Community Hall: That's all.

1605

04:08:31.090 --> 04:08:36.469

Community Hall: Madam City Attorney, it looks like we're gonna go past 11.

1606

04:08:36.720 --> 04:08:43.219

Community Hall: So, do we need to have a motion to extend past 11 in order to complete this item? We do, yes. Okay,

1607

04:08:43.320 --> 04:08:45.639

Community Hall: I'm making that motion? Do I have a second?

1608

04:08:46.700 --> 04:08:53.419

Community Hall: Second. Thank you. Madam City Clerk, will you please, conduct the vote?

1609

04:09:01.980 --> 04:09:04.520

Community Hall: Motion carries with Councilmember Wong voting no.

1610

04:09:07.570 --> 04:09:09.659

Community Hall: Thank you, Councilmember Wong.

1611

04:09:09.780 --> 04:09:22.919

Community Hall: So, okay, I'm not seeing any more questions, clarifying questions from the City Council. We're going to go to members of the... do you have another question? Oh, yeah, I have more questions.

1612

04:09:23.030 --> 04:09:33.839

Community Hall: So, it's unclear, the staff report didn't say what exactly a business needs to pay annually. Are we... I think it's \$75?

1613

04:09:33.860 --> 04:09:47.319

Community Hall: But there's some something about square footage in the municipal code, and there's something about a micro business making under \$1,000 or under \$5,000. Could you clarify?

1614

04:09:47.740 --> 04:09:59.129

Community Hall: And then, if we are going back only 3 years, which is good, but then we are also charging interest and some penalty, I would like to know dollar amount.

1615

04:09:59.340 --> 04:10:07.759

Community Hall: what's the max a business would be expected to pay 3 years plus penalty, what that look like? So I have some...

1616

04:10:07.800 --> 04:10:23.899

Community Hall: idea. It doesn't have to be exactly accurate, just ballpark. Let me start off with, as far as that thousand or a small business. If a business generates less than \$1,000 in gross receipts, they are exempt from

1617

04:10:23.910 --> 04:10:39.040

Community Hall: having to apply, receive a business license. If they generate between \$1,000 to \$5,000, they qualify for a small business license, which I believe right now it's right around \$94.

1618

04:10:39.080 --> 04:10:41.630

Community Hall: Anything after that would be the full rate.

1619

04:10:41.710 --> 04:11:00.310

Community Hall: The general business... What's the full rate? And the general, business, cost is \$185, and so of which \$4 relates to SB1186, which is a, state, cost, and so that goes directly to the state.

1620

04:11:03.220 --> 04:11:10.870

Community Hall: Okay, any further questions? No, 3-year estimate with penalty. Let's assume, there's a...

1621

04:11:10.910 --> 04:11:24.360

Community Hall: a \$1,000 license, because of the square footage and whatnot. If it's one year, that license, and this is assuming penalties and interest, so the penalties will be up to one

1622

04:11:24.360 --> 04:11:31.939

Community Hall: 100%, so it'd be an additional \$1,000, and interest on that, \$1,000 would be \$120.

1623

04:11:31.960 --> 04:11:34.729

Community Hall: 1% per month for each month.

1624

04:11:34.980 --> 04:11:51.619

Community Hall: Now, if it's a 2-year delinquent on that same \$1,000, so you have 2 years of taxes, each at \$1,000, you would see \$2,000 in principal, 2,000 penalties, and \$360 in interest. Now, you've got to consider that the first year

1625

04:11:51.620 --> 04:12:04.889

Community Hall: And interest will continue from year one to year two, so you see a third \$120. And let's take it a third year. You see principal at \$3,000, penalties at \$3,000, and interest at \$720,000.

1626

04:12:06.230 --> 04:12:18.160

Community Hall: But this is all hypothetical, right? So, yeah, hypothetically, if a business is supposed to pay \$1,000 a year, the 3-year penalty would be how much? \$3,000.

1627

04:12:18.290 --> 04:12:23.110

Community Hall: Because the penalties are up to 100%. So, \$3,000 would be in...

1628

04:12:23.650 --> 04:12:27.290

Community Hall: 3,000 plus 3,000 penalty. I know.

1629

04:12:27.650 --> 04:12:47.509

Community Hall: The only bit that would be forgiven is the penalty of the \$3,000. The city would still pursue to collect the \$3,000 in tax. Yeah, but if they are not... they didn't get the amnesty, so they would pay \$3,000 for the business license, plus \$3,000 penalty. Correct. If they are 3 years, at the max, yeah.

1630

04:12:48.200 --> 04:12:58.190

Community Hall: Okay, and then if it's over 2 years, what would be the total? Principal would be \$2,000, penalty would be \$2,000, interest would be \$360,000.

1631

04:13:00.500 --> 04:13:03.770

Community Hall: So, the penalty plus interest is how much?

1632

04:13:04.570 --> 04:13:08.000

Community Hall: 2,360. 2000...

1633

04:13:09.080 --> 04:13:17.429

Community Hall: And if I may, it's been, the city's practice, interest has been a touchy subject, but once we,

1634

04:13:17.450 --> 04:13:35.070

Community Hall: we, approve an amnesty program should the council move this direction, or once we go into a full, discovery process, interest will be, included as part of the penalties and interest calculation that HDL will be collecting on behalf of the city.

1635

04:13:35.800 --> 04:13:48.529

Community Hall: So, for the businesses that's making under \$1,000, they are exempt, but if we send any notice, turns out they are exempt, we still...

1636

04:13:50.450 --> 04:13:57.830

Community Hall: Wait, if they register, the city has to pay \$16 for someone who doesn't pay anything.

1637

04:13:58.130 --> 04:14:05.739

Community Hall: So we would be negative \$16 for a micro-business that make under \$1,000.

1638

04:14:05.920 --> 04:14:07.519

Community Hall: Is that correct?

1639

04:14:09.080 --> 04:14:18.680

Community Hall: I'm sorry, can you rephrase that? Yeah, I think you mentioned for businesses with less than 1,000 gross receipts, they are exempt.

1640

04:14:19.560 --> 04:14:22.380

Community Hall: So they don't pay... they pay \$0.

1641

04:14:23.510 --> 04:14:29.080

Community Hall: See, they shouldn't even register to begin with, right? So if they register.

1642

04:14:29.350 --> 04:14:48.490

Community Hall: the city will pay \$16 for their registration when they pay zero. In that hypothetical, yes. Which I think my son just did. Okay. And but then when HDL makes this discovery, they don't know how much those people make.

1643

04:14:48.620 --> 04:14:56.679

Community Hall: So if HDL discover 100 businesses, that's actually micro, they will send on this notification to them.

1644

04:14:56.680 --> 04:15:06.210

Community Hall: And then they will try and register, and then we will pay \$16 for them and find out, oh, they don't need to register.

1645

04:15:06.210 --> 04:15:17.829

Community Hall: Ian, what is the likelihood that we would actually send a notice to a small business that makes less than \$1,000? So, do we know that? Can we... oh, okay, Ian.

1646

04:15:19.290 --> 04:15:27.929

Ian Davis: Yeah, quickly, I can just kind of answer both from a likelihood perspective, which is, it's pretty low. I mean, our main focus is going to be businesses who are more public.

1647

04:15:28.100 --> 04:15:30.279

Ian Davis: So, as an example,

1648

04:15:30.540 --> 04:15:46.640

Ian Davis: businesses who obviously have more of a, like, let's say, online presence, or a more dominated, outwardly, like, customer-seeking presence, as an example, are the things that are easier to find. And then, obviously, via the way that our contract is set up, where,

1649

04:15:47.040 --> 04:15:55.130

Ian Davis: We have the desire to have contingency fees, and obviously we're there to try to find as much revenue for the city, to try to basically

1650

04:15:55.590 --> 04:16:00.369

Ian Davis: find the biggest accounts, right? They were trying to fill the biggest gap for your revenue, the goals in your.

1651

04:16:00.370 --> 04:16:07.019

Community Hall: So, you have... do you have data on the gross receipts of those businesses? Tax records.

1652

04:16:07.020 --> 04:16:14.159

Ian Davis: So, in some cases, we do. So, for an example, we have sales tax records, right? So, that would be an example where we would have a portion of someone's group.

1653

04:16:14.160 --> 04:16:19.950

Community Hall: So you can screen all those micro, small... Garage startups.

1654

04:16:19.950 --> 04:16:31.480

Ian Davis: Correct. If... if... I mean, that's not the only type of business that would fall into the micro-business category, but yeah, we would be able to screen a large portion of them that are doing these, like, I think Etsy was brought up earlier, yeah.

1655

04:16:31.480 --> 04:16:32.910

Community Hall: That's good to know. Yeah.

1656

04:16:35.550 --> 04:16:53.179

Community Hall: Through the Mayor? May I propose something to be put on the screen, Lauren, just to simplify the discussion and move it along? Well, we were doing the clarifying questions. Can we come back after we've gotten comments from the public? Okay, thank you. Madam City Clerk, do we have any members of the public who would like to speak?

1657

04:16:53.850 --> 04:17:00.729

Community Hall: We have one request to speak in person, and at this time, I am seeing two hands raised virtually.

1658

04:17:01.520 --> 04:17:13.959

Community Hall: Okay, thank you. Okay, just a reminder to the members of the public wishing to speak regarding an item shall submit a request to speak or raise virtually within 9 minutes of the start of public comment, or before public comment period is closed, whichever comes first.

1659

04:17:14.480 --> 04:17:16.350

Community Hall: At this time, we will welcome Rhoda.

1660

04:17:16.900 --> 04:17:21.220

Community Hall: To the podium. I would have loved to see... hear me all? Y'all hear me?

1661

04:17:21.440 --> 04:17:37.999

Community Hall: Yes. But anyway, I would... there... I would have, I would have loved to see, Councilmember Wong's, clarification. I do have a slide up here, that I'd like to show you, so it was kind of like, hey guys, what's a business? So...

1662

04:17:38.490 --> 04:17:49.830

Community Hall: Anyway, a little bit tongue-in-cheek late at night, but luckily I was able to have a discussion with Mr. Orozco, outside. Very helpful. I would have liked to see

1663

04:17:49.830 --> 04:18:03.719

Community Hall: this agenda item a little better fleshed out, and I appreciate the fact that there's been some more information put on the website about what is a business, what's owed. I think it could be a little bit more in your face.

1664

04:18:04.030 --> 04:18:14.819

Community Hall: But, you know, what we want to do is we want to... let's be clear, this is a tax. This is not a license, it's a tax, okay? And so,

1665

04:18:14.840 --> 04:18:31.589

Community Hall: I... I... we really want to encourage businesses, and I would like to prefer to see that, even after discovery, that they're just... that we... you know, that we'd be lied on the penalties. We want people to... we want to bring people to compliance. We don't want to...

1666

04:18:31.830 --> 04:18:42.860

Community Hall: penalize people for being in business, or not understanding the roles. And, I'm not... I don't... we don't want to be too punitive. I didn't have time to...

1667

04:18:43.520 --> 04:19:02.759

Community Hall: to go through and look at a whole bunch of cities and see what they do. I think that would be helpful in really understanding the landscape in... in the Santa Clara Valley for understanding how we... how they do penalties. And I... I have a... I'm involved with a small business that has

1668

04:19:02.910 --> 04:19:13.420

Community Hall: business licenses in multiple cities. It's... it's a real pain to

manage, and then to get... to get fined just for trying to do your job is... is a pain. And...

1669

04:19:13.810 --> 04:19:31.279

Community Hall: you know, for instance, I know, like, Mr. Fruan, you had, you've done stuff with trademark stuff, so you did a trademark stuff for the YIMBY organization, so... but that YIMBY is probably outside of Cupertino, but you were doing it in your office.

1670

04:19:31.740 --> 04:19:44.910

Community Hall: in your home office, maybe? Did you need a license, or did you need a license when you did the trademark for the Cupertino Chamber of Commerce? Because that was for something that happened in Cupertino.

1671

04:19:45.170 --> 04:19:46.940

Community Hall: So, you know, there's a lot of...

1672

04:19:47.130 --> 04:19:51.820

Community Hall: Gray areas, or maybe you did it for free, so maybe you didn't, you know, you didn't...

1673

04:19:51.950 --> 04:19:55.540

Community Hall: collect that much money, I don't know. But anyway,

1674

04:19:56.370 --> 04:19:58.540

Community Hall: I think... I think this could be a little bit...

1675

04:19:58.660 --> 04:20:10.240

Community Hall: sussed out a little more, and I'm sure that Mr. Wrong really, really was able to... would have been able to crystallize the issues here, because he's really good at getting to the heart of the matter, so...

1676

04:20:10.430 --> 04:20:14.749

Community Hall: Let's encourage businesses and not punish them. Thank you.

1677

04:20:16.770 --> 04:20:20.829

Community Hall: Thank you, Rhoda. Next, we'll move to the virtual request to speak.

1678

04:20:21.290 --> 04:20:25.170

Community Hall: We have San Rao, followed by Peggy Griffin. Welcome, San.

1679

04:20:30.270 --> 04:20:35.449

San Rao: Good evening, Mayor, Vice Mayor, and Council Members. I'm speaking on behalf of myself only as a resident.

1680

04:20:35.720 --> 04:20:39.570

San Rao: I am strongly opposed to this change that you're proposing.

1681

04:20:39.940 --> 04:20:43.949

San Rao: And I ask that you reject this at 11pm tonight.

1682

04:20:44.340 --> 04:20:53.570

San Rao: This is... really should be called a tax increase at 11pm, and nobody was paying attention, written up as a vendor approval.

1683

04:20:53.870 --> 04:20:57.559

San Rao: When it is really a tax increase, Under the covers.

1684

04:20:58.480 --> 04:21:00.159

San Rao: You have no...

1685

04:21:00.830 --> 04:21:08.780

San Rao: Code enforcement today that is proactive, it is complaint-based. Repeatedly, I have heard from the Vice Mayor that code enforcement is complaint-based.

1686

04:21:08.960 --> 04:21:14.009

San Rao: We spend 6 months on an RV ordinance, and code enforcement does not go out and enforce that.

1687

04:21:14.500 --> 04:21:26.160

San Rao: when you have homeless, there's no enforcement. However, when there's street sweeping and you're 5 seconds late, people get tickets. So there's a sustained pattern here where residents, law-abiding, tax-paying residents.

1688

04:21:26.330 --> 04:21:34.590

San Rao: that are simply living their lives, get harassed so that you can extract more money from them. And this one extends that practice.

1689

04:21:35.100 --> 04:21:44.509

San Rao: At 11pm tonight, when no one's paying attention, having gone home after just being stupefied over the prior decisions that you guys voted on, we're now seeing

1690

04:21:44.690 --> 04:21:46.120

San Rao: this proposal.

1691

04:21:46.490 --> 04:21:51.540

San Rao: That is really a way to extract revenue from.

1692

04:21:51.540 --> 04:21:54.420

Community Hall: People just trying to afford to live here.

1693

04:21:55.170 --> 04:21:57.039

San Rao: And, and what this is...

1694

04:21:57.170 --> 04:22:16.860

San Rao: is basically outsourcing to a vendor whose address is in Fresno, and who, by the way, is already operational. If you go to the city's website, it says we have already outsourced it. So the first question you should be asking is, why is this now in front of Council if it is already approved and operationalized, as the city's website says? The second question is, why is this vendor in Fresno?

1695

04:22:17.260 --> 04:22:23.859

San Rao: Are we putting the hands of our residents and somebody sitting in Fresno who's going to use this to boost their revenues?

1696

04:22:24.050 --> 04:22:25.820

San Rao: And had our assistance.

1697

04:22:26.340 --> 04:22:35.770

San Rao: The third thing you need to really look into is what is the definition of a business? Is a school PTA, we are full of schools in Cupertino, is a school PTA a business?

1698

04:22:36.090 --> 04:22:38.109

San Rao: Is a volunteer org a business?

1699

04:22:38.220 --> 04:22:40.930

San Rao: Is a cultural community a business?

1700

04:22:41.250 --> 04:22:43.040

San Rao: Is a church a business?

1701

04:22:43.540 --> 04:22:47.499

San Rao: Could a remote worker be a business? And the staff report says they could.

1702

04:22:48.020 --> 04:22:51.250

San Rao: But they say it's impractical. Who is to say it's impractical?

1703

04:22:51.410 --> 04:22:58.649

San Rao: Tomorrow, you could have a council who decides to harass their political opponents by having this vendor go after them.

1704

04:22:59.880 --> 04:23:08.049

San Rao: How would you trace it? There's no way to trace it. We have an overly broad code that allows for the vendor to do as they please.

1705

04:23:08.540 --> 04:23:13.380

San Rao: And this is allowing them a free ring to boost their revenues.

1706

04:23:13.590 --> 04:23:30.419

San Rao: And give the city a back-channel tax increase when you know fully well that you are not going to have the support from restaurants, and instead of calling it a tax increase on the agenda transparently and doing it as the first item when everybody's paying attention, here you are at 11pm.

1707

04:23:31.030 --> 04:23:32.759

San Rao: Really pushing a tax link.

1708

04:23:34.890 --> 04:23:36.050

Community Hall: Thank you, Sam.

1709

04:23:36.260 --> 04:23:37.999

Community Hall: Next, we have Peggy.

1710

04:23:39.900 --> 04:23:44.829

Community Hall: Well, welcome, Peggy, and I'm gonna pull up your slides that you

sent me.

1711

04:23:44.830 --> 04:23:45.919

Peggy Griffin: Thank you, Lauren.

1712

04:23:52.420 --> 04:24:01.540

Peggy Griffin: Good evening, council members and staff. I'm gonna go quickly through these slides, because I have more to say. One is,

1713

04:24:01.810 --> 04:24:16.290

Peggy Griffin: I noticed from... from what, Mr. Oroso said is apparently the license... business license fee is not \$31.24. I looked at the fee schedule, and apparently it changes, so...

1714

04:24:16.420 --> 04:24:21.089

Peggy Griffin: Nothing was said in the staff report about what... how much money we're talking about.

1715

04:24:21.230 --> 04:24:24.539

Peggy Griffin: Nothing was said about penalties and amounts.

1716

04:24:26.060 --> 04:24:38.919

Peggy Griffin: The definition of a business uses the word business to define it. So I think you really need to flesh out what a business is, and who's... who's involved. Next slide, please.

1717

04:24:44.450 --> 04:24:46.520

Peggy Griffin: Next page, please.

1718

04:24:48.300 --> 04:25:01.739

Peggy Griffin: Nonprofits, please exempt the nonprofits, the churches, the school booster clubs, the AYSO, the sports clubs, the symphonic... Cupertino Symphonic Band, all these groups

1719

04:25:01.870 --> 04:25:05.129

Peggy Griffin: Have no clue that they're considered a business.

1720

04:25:05.350 --> 04:25:09.209

Peggy Griffin: And I don't think... I think this is outside the scope

1721

04:25:09.310 --> 04:25:15.060

Peggy Griffin: of what you're looking at, and shouldn't be called. You shouldn't even deal with it. Next slide, please.

1722

04:25:16.260 --> 04:25:20.940

Peggy Griffin: A business license amnesty program. When I first read it.

1723

04:25:21.140 --> 04:25:23.760

Peggy Griffin: It reminded me of the weed abatement.

1724

04:25:23.920 --> 04:25:33.909

Peggy Griffin: program, and how people are... notified and penalized without having an opportunity to clear themselves first.

1725

04:25:34.010 --> 04:25:44.350

Peggy Griffin: Option two, I think that people, if they're going to be identified as a business, that they should be discovered, they should be notified so they know

1726

04:25:44.620 --> 04:25:50.190

Peggy Griffin: And then they should have time to apply. And I don't think you should have a penalty.

1727

04:25:50.560 --> 04:25:52.709

Peggy Griffin: Do you want it, like Rhoda said?

1728

04:25:52.830 --> 04:26:01.550

Peggy Griffin: you want people to... you want businesses, and you want to encourage businesses in Cupertino, not keep them from coming to Cupertino.

1729

04:26:01.750 --> 04:26:07.269

Peggy Griffin: And as San Rao said,

1730

04:26:07.620 --> 04:26:16.639

Peggy Griffin: This is late. The staff report, I would have liked to have seen a chart. I didn't realize that the penalties could be thousands of dollars.

1731

04:26:17.050 --> 04:26:18.729

Peggy Griffin: This is serious.

1732

04:26:18.970 --> 04:26:26.360

Peggy Griffin: And people need to know about it, and you need to have more Outreach.

1733

04:26:26.600 --> 04:26:28.829

Peggy Griffin: To get input from these people.

1734

04:26:29.260 --> 04:26:30.870

Peggy Griffin: Thank you.

1735

04:26:33.180 --> 04:26:34.209

Community Hall: Thank you, Peggy.

1736

04:26:35.030 --> 04:26:52.699

Community Hall: Mayor, that concludes the request to speak on this item. Okay, thank you. And I do hope that the members of the Council and the public have, read the Municipal Code regarding the business licenses. This is not a new tax. What it is is a... an existing,

1737

04:26:52.910 --> 04:27:12.060

Community Hall: existing revenue generation with fees that act as a local tax to fund general city services and infrastructure, and the license helped the city monitor businesses to ensure that they meet safety zoning and health regulations. The... I'm going to move the recommended action just to

1738

04:27:12.280 --> 04:27:26.979

Community Hall: this item to move along. The recommended action is to adopt a phase 60-day business license amnesty program, that's the staff recommendation, consisting of 100% penalty forgiveness during the first 30 days, and...

1739

04:29:44.640 --> 04:29:50.110

Community Hall: Sure, because when Jonathan, said that he's...

1740

04:29:50.130 --> 04:30:01.120

Community Hall: He says we will authorize city manager to make individual changes. Some people might get a waiver, some people don't. I'm not comfortable with that, unless I know more.

1741

04:30:01.120 --> 04:30:15.489

Community Hall: what that means. I believe what we're doing is authorizing the city

manager to be able to do this, because our municipal code does not allow her, as the collector, to... As the collector? Not making this...

1742

04:30:15.490 --> 04:30:30.730

Community Hall: Different decision for different business. Correct. And there, you know, and if there's any outstanding appeals, then... then Council can give me the authority to move those as well, as needed. Okay. Okay. Councilmember Wang, please share your

1743

04:30:30.840 --> 04:30:35.730

Community Hall: information. Yeah, can you put up the slide, Lauren, that's on this overhead, if that's possible?

1744

04:30:36.250 --> 04:30:38.839

Community Hall: Or should I use the 01 out there? I can use the one out there, too.

1745

04:30:39.320 --> 04:30:42.839

Community Hall: This one. Or just give it to her. Or I can just give it to you.

1746

04:30:43.510 --> 04:30:44.770

Community Hall: Alright, I'm gonna do it.

1747

04:30:49.520 --> 04:30:52.900

Community Hall: Just this? Yeah, just a... that's a simple...

1748

04:30:55.920 --> 04:30:58.209

Community Hall: Oh, I could have put up there.

1749

04:31:00.120 --> 04:31:10.600

Community Hall: No, I just want to make sure we're clarified. There's 2x2 grid, which Jonathan already drew, but this is the same 2x2 grid. There's existing out-of-compliance, and there's new.

1750

04:31:10.640 --> 04:31:28.349

Community Hall: Right? I just want to make sure that we're saying that, you know, existing out-of-compliance is number three, whether Cupertino initiated or HDL-initiated, and new is amnesty for Cupertino-initiated and also HDL. I just want to make sure that that's kind of what we're saying. So, it's easier with a grid, that's all. And that's number two. And that's number two.

1751

04:31:29.990 --> 04:31:31.439  
Community Hall: Does that seem right?

1752  
04:31:31.540 --> 04:31:32.480  
Community Hall: Okay.

1753  
04:31:33.740 --> 04:31:53.740  
Community Hall: Yeah, yeah. Okay, and we're all in agreement, and I think that's... the city manager is now authorized to go collect. I just want to make sure we're all clear. Okay. And, we'll also be providing those FAQs, more of the FAQ information, and that will help so that we don't have

1754  
04:31:53.740 --> 04:32:15.700  
Community Hall: children with a lemonade stand thinking they need to file for a business license. We have neighbors who are doing crypto mining operations, so I think the kids are a little bit more sophisticated than lemonade. Less than \$1,000 there. Fair. Less than a thousand traceable on Bitcoin. Okay. Okay, it's getting late, Vice Mayor? Okay.

1755  
04:32:15.700 --> 04:32:22.590  
Community Hall: So, regarding nonprofit, I think there was still confusion. The staff report does mention Today's...

1756  
04:32:22.890 --> 04:32:33.169  
Community Hall: Action does not apply to any nonprofit, and the Munich Code already exempt nonprofits from business tax. And...

1757  
04:32:33.310 --> 04:32:40.629  
Community Hall: Oh, but then we do want to explore in the future, there is a way for nonprofits to register, so we...

1758  
04:32:40.630 --> 04:32:53.699  
Community Hall: know who they are, we can reach out to them when necessary, but I... with the \$16 a license, I don't want them to go through the HDL portal. I wish there is a way that they can just

1759  
04:32:54.350 --> 04:33:05.290  
Community Hall: file a Google form, so we collect information. They can check the boxes to say, self-determine that they're exempt. So unless someone complain about

1760  
04:33:05.460 --> 04:33:23.690

Community Hall: a specific organization, maybe we just want that database. So I hope that's something we could explore in the future. And the same for microbusiness. I... we don't want to text them, but I think it's good to have that information, so we know they are doing that business.

1761

04:33:23.689 --> 04:33:38.859

Community Hall: We can reach out to them with any city information. They can help connect with each other by registering, so that there will be a directory of all these awesome, amazing businesses that people create, even

1762

04:33:38.869 --> 04:33:56.979

Community Hall: Even when they are just a new startup. And, yeah, I think it's clear. We are... I think another thing that wasn't really mentioned is we are not adding new taxes. However, with the existing tax, the businesses, some businesses, even well-known businesses.

1763

04:33:57.529 --> 04:34:15.800

Community Hall: do not register, or have lapsed in their registration, but some people are following the rule of registering every year. It's not fair for the rule follower to keep playing every year, and then some of those either forgot or choose not to

1764

04:34:15.970 --> 04:34:26.219

Community Hall: register every year, so this is a process to make sure everyone is treated fairly based on existing city code. So, yeah.

1765

04:34:29.630 --> 04:34:39.350

Community Hall: Through the Mayor. Last comment, Councilmember Froom? Just wanted to underscore for everyone that the thing that's in front of us today is the amnesty program and not the

1766

04:34:39.529 --> 04:34:49.480

Community Hall: substance of the ordinance itself, but it, I think what you're hearing from a lot of people is... maybe this is something we really need to spend some time with.

1767

04:34:49.480 --> 04:35:05.870

Community Hall: So I'm grateful that staff are planning on bringing us something back. Just to reiterate it for the public, much of this ordinance dates to 1992, and I think that business realities are quite different right now, so it's important that we modernize it.

1768

04:35:06.750 --> 04:35:19.800

Community Hall: Thank you, to all council members for your feedback, and to members of the public, we've heard some really good questions and feedback coming out of this discussion, and we will be taking those back and building our FAQs, and certainly

1769

04:35:19.939 --> 04:35:23.860

Community Hall: as we clean up the Municode, we'll bring it back to Council.

1770

04:35:24.140 --> 04:35:28.339

Community Hall: Okay, Madam City Clerk, will you please conduct a vote?

1771

04:35:31.040 --> 04:35:35.499

Community Hall: Do... I apologize, do we have a second on the motion? I... Vice Mayor? Okay.

1772

04:35:36.160 --> 04:35:37.210

Community Hall: Sure, second.

1773

04:35:38.140 --> 04:35:42.900

Community Hall: I have more moved in, Chao seconded? Yes.

1774

04:35:43.330 --> 04:35:44.849

Community Hall: Okay, please vote.

1775

04:35:45.050 --> 04:35:45.849

Community Hall: Looks late.

1776

04:35:50.759 --> 04:35:52.780

Community Hall: The motion carries unanimously.

1777

04:35:53.630 --> 04:36:06.849

Community Hall: Wonderful. Okay, thank you everyone for a very productive evening. Our next City Council meeting, I will mention this again, it is on Thursday, that is Thursday.

1778

04:36:06.849 --> 04:36:25.589

Community Hall: February 19th, 2026, the City facilities will be closed on Monday, February 16th, and Tuesday, February 17th, in observance of President's Day and Lunar New Year. And with that, this meeting is adjourned.

1779

04:36:28.130 --> 04:36:34.230

Community Hall: Yeah.

1780

04:36:34.650 --> 04:36:41.119

Community Hall: There has to be a few of those, yeah.