



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

This will be a teleconference meeting without a physical location.

Tuesday, February 16, 2021

5:30 PM

Televised Special Meeting Study Session (5:30) and Regular City Council Meeting (6:45)

TELECONFERENCE / PUBLIC PARTICIPATION INFORMATION TO HELP STOP THE SPREAD OF COVID-19

In accordance with Governor Newsom's Executive Order No-29-20, this will be a teleconference meeting without a physical location to help stop the spread of COVID-19.

Members of the public wishing to observe the meeting may do so in one of the following ways:

- 1) Tune to Comcast Channel 26 and AT&T U-Verse Channel 99 on your TV.**
- 2) The meeting will also be streamed live on and online at www.Cupertino.org/youtube and www.Cupertino.org/webcast**

Members of the public wishing comment on an item on the agenda may do so in the following ways:

- 1) E-mail comments by 4:30 p.m. on Tuesday, February 16 to the Council at citycouncil@cupertino.org. These e-mail comments will also be forwarded to Councilmembers by the City Clerk's office before the meeting and posted to the City's website after the meeting.**
- 2) E-mail comments during the times for public comment during the meeting to the City Clerk at cityclerk@cupertino.org. The City Clerk will read the emails into the record, and display any attachments on the screen, for up to 3 minutes (subject to the Mayor's discretion to shorten time for public comments). Members of the public that wish to share a document must email cityclerk@cupertino.org prior to speaking.**

3) Teleconferencing Instructions

Members of the public may provide oral public comments during the teleconference meeting as follows:

Oral public comments will be accepted during the teleconference meeting. Comments may be made during “oral communications” for matters not on the agenda, and during the public comment period for each agenda item.

To address the City Council, click on the link below to register in advance and access the meeting:

Online

Register in advance for this webinar:

https://cityofcupertino.zoom.us/webinar/register/WN_0yIgaibLRx-sQ9gtnATM0w

Phone

Dial: 669-900-6833 and enter Webinar ID: 952 2014 8783 (Type *9 to raise hand to speak). Unregistered participants will be called on by the last four digits of their phone number.

Or an H.323/SIP room system:

H.323:

162.255.37.11 (US West)

Meeting ID: 952 2014 8783

SIP: 95220148783@zoomcrc.com

After registering, you will receive a confirmation email containing information about joining the webinar.

Please read the following instructions carefully:

1. You can directly download the teleconference software or connect to the meeting in your internet browser. If you are using your browser, make sure you are using a current and up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers, including Internet Explorer.
2. You will be asked to enter an email address and a name, followed by an email with instructions on how to connect to the meeting. Your email address will not be disclosed to the public. If you wish to make an oral public comment but do not wish to provide your name, you may enter “Cupertino Resident” or similar designation.
3. When the Mayor calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
4. When called, please limit your remarks to the time allotted and the specific agenda topic.

In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to

attend this teleconference City Council meeting who is visually or hearing impaired or has any disability that needs special assistance should call the City Clerk's Office at 408-777-3223, at least 48 hours in advance of the Council meeting to arrange for assistance. In addition, upon request, in advance, by a person with a disability, City Council meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format.

NOTICE AND CALL FOR A SPECIAL MEETING OF THE CUPERTINO CITY COUNCIL

NOTICE IS HEREBY GIVEN that a special meeting of the Cupertino City Council is hereby called for Tuesday, February 16, 2021, commencing at 5:30 p.m. In accordance with Governor Newsom's Executive Order No-29-20, this will be a teleconference meeting without a physical location. Said special meeting shall be for the purpose of conducting business on the subject matters listed below under the heading, "Special Meeting."

SPECIAL MEETING

ROLL CALL

STUDY SESSION

1. Subject: Study Session to compare standards for mixed-use developments and high density residential guidelines with other cities.
Recommended Action: Receive presentation and provide any input to Staff
[Staff Report](#)
[A - Setbacks & Heights](#)
[B - Ground Level Design](#)
[C - FAR & Residential Density](#)
[D - Open Space](#)
[E - Parking](#)

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Certificates of Appreciation to the Cupertino Citizen Corps for their response and support of the COVID-19 Test Sites
Recommended Action: Present Certificates of Appreciation to the Cupertino Citizen Corps for their response and support of the COVID-19 Test Sites
[A - Certificates of Recognition](#)

POSTPONEMENTS**ORAL COMMUNICATIONS**

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. The total time for Oral Communications will ordinarily be limited to one hour. Individual speakers are limited to three (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 first heard basis, with priority given to students. In most cases, State law will prohibit the Council from discussing or making any decisions with respect to a matter not listed on the agenda.

REPORTS BY COUNCIL AND STAFF (10 minutes)

2. Subject: City Manager update on emergency response efforts
Recommended Action: Receive City Manager update on emergency response efforts
3. Subject: Report on Committee assignments
Recommended Action: Report on Committee assignments
4. Subject: Cupertino Union School District (CUSD) collaboration discussion update
Recommended Action: Receive Cupertino Union School District (CUSD) collaboration discussion update
5. Subject: FY 2020-21 Interim Budget and Key Projects Update
Recommended Action: Accept City Manager's Interim Budget and Key Projects Report
[A - FY 2020-21 Interim Budget and Key Projects Update](#)

CONSENT CALENDAR

Unless there are separate discussions and/or actions requested by council, staff or a member of the public, it is requested that items under the Consent Calendar be acted on simultaneously.

6. Subject: Approve the January 25 City Council minutes
Recommended Action: Approve the January 25 City Council minutes
[A - Draft Minutes](#)
7. Subject: Approve the January 26 City Council minutes
Recommended Action: Approve the January 26 City Council minutes
[A - Draft Minutes](#)
8. Subject: Approve the February 2 City Council minutes

Recommended Action: Approve the February 2 City Council minutes

[A - Draft Minutes](#)

9. Subject: Accept Accounts Payable for the period ending December 07, 2020
Recommended Action: Adopt Resolution No. 21-012 accepting Accounts Payable for the period ending December 07, 2020
[A - Draft Resolution](#)
[B - AP Report](#)
10. Subject: Accept Accounts Payable for the period ending December 14, 2020
Recommended Action: Adopt Resolution No. 21-013 accepting Accounts Payable for the period ending December 14, 2020
[A - Draft Resolution](#)
[B - AP Report](#)
11. Subject: Accept Accounts Payable for the period ending December 23, 2020
Recommended Action: Adopt Resolution No. 21-014 accepting Accounts Payable for the period ending December 23, 2020
[A - Draft Resolution](#)
[B - AP Report](#)
12. Subject: Treasurer's Investment Report for period ending December 31, 2020
Recommended Action: Accept staff report and provide recommendations.
[Staff Report](#)
[A - Treasurer's Report 12-31-2020](#)
[B - Wells Fargo Custodial Statement 12-31-2020](#)
[C - Wells Fargo Operating Statement 12-31-2020](#)
[D - Wells Fargo Workers Compensation Statement 12-31-2020](#)
[E - LAIF Statement 12-31-2020](#)
13. Subject: Planning Commission's recommendation to select R 'Ray' Wang as the Environmental Review Committee representative
Recommended Action: Accept the Planning Commission's recommendation to the Environmental Review Committee
[Staff Report](#)

SECOND READING OF ORDINANCES

14. Subject: Consider and act on Ordinance No. 21-2220 adopting Municipal Code Amendments to update existing Mobile Vending regulations, including conforming edits to Titles 5 and 13 in the Municipal Code, for new regulations of Sidewalk Vending in compliance with SB 946. Application No(s): MCA-2020-004; Applicant(s): City of Cupertino; Location: citywide.

Recommended Action: Conduct the second reading and enact Ordinance No. 21-2220: “An Ordinance of the City Council of the City of Cupertino amending Chapter 5.04, Business Licenses Generally, Chapter 5.20, Solicitors, Chapter 5.48, Mobile Vendors, and Chapter 13.04, Parks” to:

- A. Find that the proposed actions are exempt from CEQA;
- B. Adopt regulations to allow sidewalk vending in compliance with SB 946; and
- C. Find that the restrictions and requirements contained in the regulations are directly related to objective health, safety, and/or public welfare concerns

[Staff Report](#)

[A - Draft Ordinance No. 21-2200](#)

15. Subject: Consider and act on Ordinance No. 21-2222: “An Ordinance of the City Council of the City of Cupertino Adding Chapter 2.100 (“Regulation of Lobbying Activities”) to Title 2 (“Administration and Personnel”) of the Cupertino Municipal Code”

Recommended Action: Conduct the second reading and enact Ordinance No. 21-2222: “An Ordinance of the City Council of the City of Cupertino Adding Chapter 2.100 (“Regulation of Lobbying Activities”) to Title 2 (“Administration and Personnel”) of the Cupertino Municipal Code,” which includes a finding that adoption of the ordinance is exempt from the California Environmental Quality Act.

[Staff Report](#)

[A - Draft Ordinance Regulating Lobbying Activity](#)

[B – Draft Ordinance Regulating Lobbying Activity - Redline](#)

PUBLIC HEARINGS

16. Subject: Consider and act on the proposed modification to an existing Use Permit (U-2004-01) to amend the conditions of approval to allow 100% non-retail commercial uses where only 50% are allowed. Application No(s): M-2020-02; Applicant(s): Catherine Chen; Location: 20130 Stevens Creek Blvd. APN#: 369-56-001

Recommended Action: That, consistent with the Planning Commission recommendation, the City Council adopt Resolution No. 21-015 approving a Use Permit Modification to an existing Use Permit (project M-2020-002)

[Staff Report](#)

[A - Draft Resolution recommending approval of the Use Permit Modification \(M-2020-002\)](#)

[B - City Council Action Letter for U-2004-01, dated March 3, 2005.](#)

[C - City Council Action Letter for M-2009-07, dated October 12, 2009.](#)

[D - Planning Commission Resolution No. 6916](#)

[E - Letter by Richard Abdallah, Esq. of Abdallah Law Offices dated October 20, 2020](#)

[F - Letter by Sean O'Carroll, Senior Managing Director, Newmark Knight Frank, dated November 2, 2020](#)

[G - Floor and Site Plan](#)

[H - Public Comments](#)

17. Subject: Consideration of a Municipal Code Amendment as part of the transition from Level of Service (LOS) to Vehicle Miles Traveled (VMT), for a determining transportation impacts under the California Environmental Quality Act (CEQA) as required by Senate Bill (SB) 743.

Recommended Action: That the City Council conduct the first reading of Ordinance No. 21-2223 "An Ordinance of the City Council of the City of Cupertino Adding Title 17 and Chapter 17.08 to the Cupertino Municipal Code, Replacing Level of Service (LOS) with Vehicle Miles Traveled (VMT) For Use in Transportation Analysis Pursuant to the California Environmental Quality Act (CEQA)" (Attachment A), as recommended by the Planning Commission on January 26, 2021 to:

1. Find the proposed actions exempt from CEQA;
2. Add to the Cupertino Municipal Code Title 17 (Environmental Regulations) and Chapter 17.08 (Vehicle Miles Traveled Standards), which establishes screening criteria, a 14.4% VMT reduction threshold, and screening criteria for local-serving retail, 100% affordable housing projects, and projects located within one-quarter mile of a High-Quality Transit Corridor, for purposes of CEQA analysis.

[Staff Report](#)

[A - Draft Ordinance](#)

[B - White Paper - Implementation Decisions for Cupertino](#)

[C - Summary of Neighboring Community Decisions](#)

18. Subject: Consider Resolution No. 21-016 approving correction to Building Fee Schedule D - Standard Commercial Foundation with Podium

Recommended Action: Adopt Resolution No. 21-016 approving correction to Building Fee Schedule D - Standard Commercial Foundation with Podium

[Staff Report](#)

[A - Draft Resolution](#)

[B - Matrix Consulting Group Fee Study March 2016](#)

[C - FY2020-21 Fee Schedule D - Building Fees \(redline\)](#)

[D - FY2020-21 Fee Schedule D - Building Fees \(clean\)](#)

[E - CC Resolution No. 16-031 Rescinding Previous Fee Resolutions and Adopting User Fees](#)

[F - Matrix Consulting Group Memo 1-14-2021](#)

ORDINANCES AND ACTION ITEMS

ORAL COMMUNICATIONS - CONTINUED (As necessary)

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

ADJOURNMENT

The City of Cupertino has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a final decision of the City Council must be brought within 90 days after a decision is announced unless a shorter time is required by State or Federal law.

Prior to seeking judicial review of any adjudicatory (quasi-judicial) decision, interested persons must file a petition for reconsideration within ten calendar days of the date the City Clerk mails notice of the City's decision. Reconsideration petitions must comply with the requirements of Cupertino Municipal Code §2.08.096. Contact the City Clerk's office for more information or go to <http://www.cupertino.org/cityclerk> for a reconsideration petition form.

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Any writings or documents provided to a majority of the Cupertino City Council after publication of the packet will be made available for public inspection in the City Clerk's Office located at City Hall, 10300 Torre Avenue, during normal business hours and in Council packet archives linked from the agenda/minutes page on the Cupertino web site.

IMPORTANT NOTICE: Please be advised that pursuant to Cupertino Municipal Code 2.08.100 written communications sent to the Cupertino City Council, Commissioners or City staff concerning a matter on the agenda are included as supplemental material to the agenda item. These written communications are accessible to the public through the City's website and kept in packet archives. You are hereby admonished not to include any personal or private information in written communications to the City that you do not wish to make public; doing so shall constitute a waiver of any privacy rights you may have on the information provided to the City.