



# AGENDA OF THE CUPERTINO CITY COUNCIL

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**Tuesday, October 5, 2021**

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

## **CITY COUNCIL**

DARCY PAUL, MAYOR

LIANG CHAO, VICE MAYOR

KITTY MOORE, COUNCILMEMBER

HUNG WEI, COUNCILMEMBER

JON ROBERT WILLEY, COUNCILMEMBER

**TELECONFERENCE MEETING WITHOUT A PHYSICAL LOCATION**

For more information:  
(408) 777-3200 | [www.cupertino.org](http://www.cupertino.org)

### CONDUCT OF BUSINESS

The Mayor is the presiding officer of the City Council. Any member of the public may speak on any item on the agenda for up to three minutes. All statements and questions must be addressed to the Mayor.

City Council hearings serve as a venue for the discussion of sometimes divergent points of view. Please respect the opinions of others and refrain from cheering or clapping. That may delay the meeting or intimidate other persons wishing to express alternate views. Actions that disrupt the meeting will result in a warning, followed by removal if disruption continues.

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. Identifying yourself is voluntary and not required to attend the meeting or provide comments.

### PUBLIC HEARINGS

The City Council is required by law to hold public hearings on certain matters prior to making its decision. Notice to interested parties is given by legal advertisement in the local newspaper of general circulation at least 10 calendar days preceding the hearing date. Applications requiring public hearings include change of zoning, variances, use permits, and tentative maps.

### COUNCIL MEETINGS

The City Council regularly meets the first and third Tuesdays of each month. These meetings are held at 6:45 p.m. Closed sessions, when needed, are normally held at 6:00 p.m. Closed sessions cover items such as personnel, litigation, or the sale, purchase, or lease of property. The law requires certain actions taken in closed session to be reported in open session.

Urgent business, holidays, or election days may trigger special or adjourned meetings. These meetings will be noticed beforehand.

### AGENDAS, MINUTES, AND PACKETS

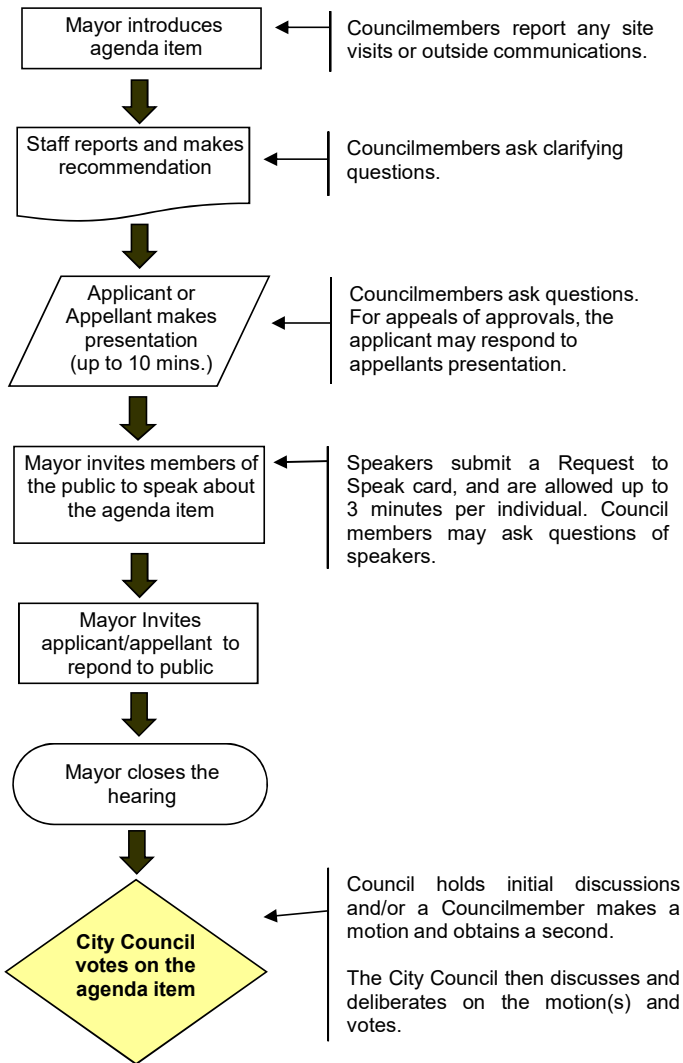
#### AVAILABLE ON THE WEB

Agendas, minutes, and packets for current and prior City Council and Planning Commission meetings are available at [www.cupertino.org](http://www.cupertino.org), or you can purchase the items on CD.

### CITY COUNCIL DECISION IS FINAL

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 [www.http://www.cupertino.org/index.aspx?page=125](http://www.cupertino.org/index.aspx?page=125) for a reconsideration petition form.

### FLOWCHART FOR HEARING ITEMS:





# CITY OF CUPERTINO

## AGENDA

### CITY COUNCIL

**This will be a teleconference meeting without a physical location.**

**Tuesday, October 5, 2021**

**5:30 PM**

**Televised Special Meeting Study (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](http://www.Cupertino.org/youtube) and [www.Cupertino.org/webcast](http://www.Cupertino.org/webcast)**

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

- 1) E-mail comments by 4:00 p.m. on Tuesday, October 5 to the Council at [citycouncil@cupertino.org](mailto: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](mailto: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](mailto: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\\_iugJh62UQhqOK\\_oqML4Mtw](https://cityofcupertino.zoom.us/webinar/register/WN_iugJh62UQhqOK_oqML4Mtw)

#### Phone

Dial: 669-900-6833 and enter Webinar ID: 949 4234 4385 (Type \*9 to raise hand to speak, \*6 to unmute yourself). 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: 949 4234 4385

SIP: 94942344385@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,” or, if you are calling in, press \*9. 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.
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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, October 05, 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 - 5:30 PM

#### STUDY SESSION

1. Subject: Update on Housing Element Process and Housing Survey  
Recommended Action: That the City Council receive the report and provide input to staff on public engagement and next steps for the Housing Element update.  
[Staff Report](#)  
[A - 2021 Housing Survey Data](#)

#### ADJOURNMENT

#### REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

#### ROLL CALL

#### CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Proclamation recognizing Cupertino High School's 50th annual Tournament of Bands (TOB)  
Recommended Action: Present proclamation recognizing Cupertino High School's 50th annual Tournament of Bands (TOB)  
[A - Proclamation](#)

2. Subject: Proclamation recognizing October as Domestic Violence Awareness Month  
Recommended Action: Present proclamation recognizing October as Domestic Violence Awareness Month  
[A - Proclamation](#)

## POSTPONEMENTS AND ORDERS OF THE DAY

### 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. A councilmember may, however, briefly respond to statements made or questions posed by speakers. A councilmember may also ask a question 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.*

### REPORTS BY COUNCIL AND STAFF (10 minutes)

3. Subject: Brief reports on councilmember activities and brief announcements  
Recommended Action: Receive brief reports on councilmember activities and brief announcements
4. Subject: Report on Committee assignments  
Recommended Action: Report on Committee assignments
5. Subject: City Manager update  
Recommended Action: Receive City Manager updates on emergency response efforts and other City business

### CONSENT CALENDAR (Items 6-8)

*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 September 21 City Council minutes  
Recommended Action: Approve the September 21 City Council minutes  
[A - Draft Minutes](#)
7. Subject: Approve the September 28 City Council minutes

Recommended Action: Approve the September 28 City Council minutes

[A - Draft Minutes](#)

8. Subject: Consider adopting a resolution authorizing remote teleconference meetings of the legislative bodies of the City of Cupertino for the period October 5, 2021 through November 4, 2021 pursuant to Brown Act provisions

Recommended Action: Adopt Resolution No. 21-090 authorizing remote teleconference meetings of the legislative bodies of the City of Cupertino for the period October 5, 2021 through November 4, 2021 pursuant to Brown Act provisions

[Staff Report](#)

[A - Draft Resolution](#)

## SECOND READING OF ORDINANCES - None

## PUBLIC HEARINGS

9. Subject: Consider an appeal of the Planning Commission's decision to uphold the Director of Community Development's approval of a Two-Story Permit to allow a new 2,992 square-foot two-story home with a 746 square-foot attached accessory dwelling unit and a Minor Residential Permit to allow a new 115 square-foot second-story balcony. (Application Nos.: R-2020-035, RM-2020-023; Applicant: Smart Lily, LLC.; Property Owners: Tariqul Khan and Chaman Hafiz; Appellants: Jitesh Vadhia and Chih-Lung Lin; Location: 1506 Primrose Way; APN # 366-15-018)

Recommended Action: That the City Council conduct a public hearing and adopt Resolution No. 21-091 for Application R-2020-035 (Attachment A) and Resolution No. 21-092 for Application RM-2020-023 (Attachment B) denying the appeal and upholding the Planning Commission's decision to uphold the Director's approval of the applications.

[Staff Report](#)

[A - Draft Resolution for R-2020-035](#)

[B - Draft Resolution for RM-2020-023](#)

[C - Single-Family Residential \(R-1\) Ordinance](#)

[D - Planning Commission Resolution No. 6925 \(R-2020-035\)](#)

[E - Planning Commission Resolution No. 6926 \(RM-2020-023\)](#)

[F - Approved Plan Set](#)

[G - Chih-Lung Lin Appellant Letter and Supplemental Documents](#)

[H - Jitesh Vadhia Appellant Letter and Supplemental Documents](#)

[I - Neighborhood Distribution of Two-Story Residences](#)

10. Subject: Consider amendments to Cupertino Municipal Code Sections 19.56.030 (Table 19.56.030), 19.56.030F, 19.56.040, and Table 19.56.040A and the addition of Section 19.56.080 (Density Bonus Ordinance) to allow density bonuses and other incentives as provided by state law and a new Section 19.56.080 providing that the Density Bonus Ordinance will be interpreted consistent with state density bonus law. (Application No: MCA-2021-003; Applicant: City of Cupertino; Location: Citywide.)
- Recommended Action: That the City Council conduct the public hearing and conduct the first reading of Ordinance No. 21-2230: “An ordinance of the City Council of the City Cupertino amending Cupertino municipal code sections 19.56.030a (table 19.56.030), 19.56.030f, table 19.56.040a and adding section 19.56.080 (density bonus ordinance) to allow density bonuses and other incentives as provided by state law” (Attachment A) to:
1. Find the actions exempt from CEQA; and
  2. Adopt amendments to Cupertino Municipal Code Sections 19.56.030 (Table 19.56.030) 19.56.030F, and Table 19.56.040A to allow for density bonuses and other incentives as provided by state law; and to add a new Section 19.56.080 providing that the Density Bonus Ordinance will be interpreted consistent with state density bonus law.
- [Staff Report](#)  
[A - Draft Ordinance](#)  
[B - HCD TA letter to City](#)  
[C - Incentives for Affordable Housing](#)

## ORDINANCES AND ACTION ITEMS

11. Subject: Consider Conducting a First Reading of an Ordinance Related to Municipal Code Amendments to Mandate Organic Waste Disposal Reduction and Edible Food Recovery, as Required by Senate Bill (SB) 1383 and its Implementing Regulations.
- Recommended Action: Conduct the First Reading of Ordinance No. 21-2231: “An Ordinance of the City Council of the City of Cupertino Amending City Code to Repeal Section 6.24.037, Adopt a New Section 6.24.037, Adopt a New Section 6.24.038, and Amend Sections 6.24.010, 6.24.020, 6.24.060, 6.24.240, and 9.16.030, to Mandate Organic Waste Disposal Reduction” (Attachment A), which Includes a Finding that Adoption of the Ordinance is Exempt from the California Environmental Quality Act.
- [Staff Report](#)  
[A - Draft Ordinance](#)

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.*

*In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend this teleconference 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 meeting to arrange for assistance. In addition, upon request, in advance, by a person with a disability, meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format.*

*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, Cupertino, California 95014, 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 section 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. Do not include any personal or private information in written communications to the City that you do not wish to make public, as written communications are considered public records and will be made publicly available on the City website.*

## **THE CITY COUNCIL AND STAFF**

### **CITY COUNCIL**

Cupertino is a General Law city organized under and subject to statutes of the State of California. It is governed by the five-member City Council with the Mayor as the presiding officer. City Council members are elected at-large to four-year, overlapping terms. Each November a mayor and a vice-mayor are selected by the City Council for a one-year term.

The City Council receives advice and assistance from eleven advisory bodies, which are appointed by the Council. These are the Audit Committee, Bicycle Pedestrian Commission, Fine Arts Commission, Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, Public Safety Commission, Sustainability Commission, Teen Commission, and Technology, Information, and Communications Commission.

Council members also serve on a variety of regional bodies, including:

- Association of Bay Area Governments
- League of California Cities
- Santa Clara County (SCC) Cities Association
- SCC Emergency Preparedness Council
- SCC Library District
- SCC Emergency Preparedness Commission
- Santa Clara Valley Water Commission and Water District
- SCC Transportation Authority
- West Valley Mayors and Managers

### **STAFF**

The City Manager and the City Attorney are appointed by the Council. The City Manager is responsible for interpreting and carrying out Council policies and direction, and as the chief administrative officer, the City Manager coordinates the many activities of the city and appoints the professional and technical staff. The City Attorney is the advisor to the City Council as a whole.

## **TYPES OF COUNCIL ACTIONS**

### **ORDINANCES**

Ordinances are the means by which the City enacts its local laws. Unless an urgent situation exists, ordinances will first be presented at a Council meeting as a "first reading." At a subsequent Council meeting, there will be a "second reading and adoption." Ordinances go into effect after a waiting period of thirty days, in most cases, during which time the summary of the ordinance is published in a local newspaper approved for this purpose.

### **RESOLUTIONS**

Resolutions and minute orders are the means by which the City Council formally adopts policies or approves specific actions. These go into effect when adopted.

### **APPEALS**

Any interested person, including a Council member, may appeal a Planning Commission or Director of Community Development decision to the City Council. An appeal must be submitted in writing to the City Clerk within 14 calendar days of the mailing of the notice of the decision.

### **RECONSIDERATION**

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 [www.http://www.cupertino.org/index.aspx?page=125](http://www.cupertino.org/index.aspx?page=125) for a reconsideration petition form.

## COMMUNICATING WITH COUNCIL

|                      |                           |                |
|----------------------|---------------------------|----------------|
| All Council members: | citycouncil@cupertino.org |                |
| Darcy Paul           | DPaul@cupertino.org       | (408) 777-3195 |
| Liang Chao           | LiangChao@cupertino.org   | (408) 777-3192 |
| Kitty Moore          | Kmoore@cupertino.org      | (408) 777-1398 |
| Hung Wei             | HWei@cupertino.org        | (408) 777-3139 |
| Jon Robert Willey    | JWilley@cupertino.org     | (408) 777-3193 |
| Executive Assistant  | manager@cupertino.org     | (408) 777-3212 |
| City Hall            | www.cupertino.org         | (408) 777-CITY |

Please note: the City Council discourages submission of written materials on the day of the meeting as this does not provide enough time to give the materials fair evaluation. If you must provide written materials on the day of the meeting, as least one copy must be given to the City Clerk for the permanent record, and ten copies are preferred.

## NEWS AND NOTICES FROM CITY HALL

### EMAIL

Sign up for e-notification of agendas, elections, and other news on the city website at [www.cupertino.org/notify](http://www.cupertino.org/notify)

### TELEVISION

The City Channel broadcasts City Council and Planning Commission meetings, as well as agenda previews, public service announcements, and other programs of community interest, on Channel 26 in Cupertino. The meetings are shown at these times:

|                   |           |                   |            |
|-------------------|-----------|-------------------|------------|
| Tuesday (live)    | 6:45 p.m. | Friday (replay)   | 10:00 a.m. |
| Thursday (replay) | 7:00 p.m. | Saturday (replay) | 9:00 a.m.  |

### INTERNET

City Council and Planning Commission videos are available on demand at [www.cupertino.org](http://www.cupertino.org). Select "I Want To, View City Council meetings".

News and community information can also be found at:

<https://www.facebook.com/cityofcupertino/>

<https://twitter.com/CityofCupertino>

<https://www.instagram.com/cityofcupertino>

### AUDIO

Tune into Radio Cupertino, 1670 AM, for meeting announcements, public service messages, and emergency announcements.

## USEFUL TELEPHONE NUMBERS

|                                 |  |                |
|---------------------------------|--|----------------|
| City of Cupertino (City Hall)   | General Information and Comments       | (408) 777-CITY |
| Fire (Emergency)                | Santa Clara County Fire Dept. dispatch | 911            |
| Fire (Non-Emergency)            | Santa Clara County Fire Dept.          | (408) 378-4010 |
| Garbage                         | Recology South Bay                     | (408) 725-4020 |
| Gas & Electricity               | Pacific Gas & Electric (PG&E)          | 1-800-743-5000 |
| Recreation & Community Services | Quinlan Community Center               | (408) 777-3120 |
| Police (Emergency)              | Santa Clara County Sheriff dispatch    | 911            |
| Police (Non-Emergency)          | Santa Clara County Sheriff             | (408) 868-6600 |
| Public Health                   | Santa Clara County Public Health       | (408) 732-3720 |
| Sanitary Sewers                 | Cupertino Sanitary District            | (408) 253-7071 |
| Water                           | San Jose Water                         | (408) 279-7900 |
|                                 | California Water                       | (650) 917-0152 |