



# CITY OF CUPERTINO

## AGENDA

### CITY COUNCIL

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

**Tuesday, October 19, 2021**

**6:45 PM**

**Televised Regular Meeting**

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

**In accordance with Government Code 54953(e), 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 4:30 p.m. on Tuesday, October 19 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\\_iar41whmRiSKk3VbXr3Jew](https://cityofcupertino.zoom.us/webinar/register/WN_iar41whmRiSKk3VbXr3Jew)

**Phone**

Dial: 669-900-6833 and enter Webinar ID: 972 8696 2082 (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: 972 8696 2082

SIP: 97286962082@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.
-

**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.**

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL**

## **CEREMONIAL MATTERS AND PRESENTATIONS**

1. Subject: Proclamation recognizing October 19 as Boris Stanley Day in Cupertino  
Recommended Action: Present proclamation recognizing October 19 as Boris Stanley Day in Cupertino  
[A - Proclamation](#)
2. Subject: Presentation of 2021 Helen Putnam Award for Excellence by the League of California Cities  
Recommended Action: Receive 2021 Helen Putnam Award for Excellence Program's Ruth Vreeland Award for Excellence in Engaging Youth in City Government for "Pizza and Politics" program

## **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 6-14)

*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 October 5 City Council minutes

Recommended Action: Approve the October 5 City Council minutes

[A - Draft Minutes](#)

7. Subject: Approve the October 10 City Council minutes

Recommended Action: Approve the October 10 City Council minutes

[A - Draft Minutes](#)

8. Subject: Annual report of commission and committee members' terms expiring in January, 2022, and application submittal deadline and candidate interview dates in January, 2022

Recommended Action: Receive report on commission and committee members' terms expiring January, 30, 2022, and set an application submittal deadline of Friday, January 7, 2022 and candidate interview dates of Monday and Tuesday, January 24 and 25, 2022

[Staff Report](#)

[A - Local Appointments List and Notice of Vacancies](#)

[B - Resolution Governing Recruitment](#)

9. Subject: Consider cancellation of the January 4, 2022 City Council meeting

Recommended Action: Cancel the January 4, 2022 City Council meeting

[Staff Report](#)

10. Subject: Consider Accepting Accounts Payable for pay period ending September 6, 2021

Recommended Action: Adopt Resolution No. 21-093 accepting Accounts Payable for pay period ending September 6, 2021

[A - Draft Resolution](#)

[B - AP Report](#)



11. Subject: Consider Accepting Accounts Payable for pay period ending September 13, 2021  
Recommended Action: Adopt Resolution No. 21-094 accepting Accounts Payable for pay period ending September 13, 2021  
[A - Draft Resolution](#)  
[B - AP Report](#)
12. Subject: Consider Accepting Accounts Payable for pay period ending September 20, 2021  
Recommended Action: Adopt Resolution No. 21-095 accepting Accounts Payable for pay period ending September 20, 2021  
[A - Draft Resolution](#)  
[B - AP Report](#)
13. Subject: Consider Accepting Accounts Payable for pay period ending September 27, 2021  
Recommended Action: Adopt Resolution No. 21-096 accepting Accounts Payable for pay period ending September 27, 2021  
[A - Draft Resolution](#)  
[B - AP Report](#)
14. Subject: Consider a donation from an anonymous donor for a plaque commemorating the Rolling Hills 4-H Club's founding in Cupertino.  
Recommended Action: Authorize the following regarding a plaque commemorating the Rolling Hills 4-H Club's founding in Cupertino:  
1) Acceptance of the plaque donation;  
2) Wording of the plaque; and  
3) Installation at the McClellan Ranch property leased to the Rolling Hills 4-H Club.  
[Staff Report](#)  
[A - Resolution 17-102 and Attached Donation Policy](#)  
[B - Completed Standard Donation Form](#)

## SECOND READING OF ORDINANCES

15. Subject: Consider the second reading of Ordinance No. 21-2230 amending 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: Conduct second reading and enact Ordinance No. 21-2230: "An Ordinance of the City Council of the City of 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).

[A - Draft Ordinance](#)

16. Subject: Consider the second 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."

Recommended Action: Conduct Second Reading and Enact 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).

[A - Draft Ordinance](#)

## PUBLIC HEARINGS

17. Subject: Consider adopting amendments to the Cupertino General Plan to add clarity to existing language in Chapter 3 (Land Use) in Figure LU-2, Policy LU-1.1 and Goal LU-13, and to add emphasis to existing language in Chapter 6 (Environmental Resources and Sustainability) (Strategy ES-6.1.1), and Cupertino Municipal Code Title 17, Environmental Regulations, to add a new Chapter, Chapter 17.04, to adopt standard environmental protection requirements for construction, development and other similar or related activities. (Application No(s): GPA-2021-001, MCA-2021-004; Applicant(s): City of Cupertino; Location: citywide)

Recommended Action: That the City Council adopt the:

1. Resolution No. 21-097 (Attachment A) adopting the Addendum (Addendum No. 5 to the 2014 General Plan EIR) addressing the environmental effects of the proposed changes and the proposed amendments to the Cupertino General Plan (Attachment 2); and
2. Introduce and conduct the first reading of Ordinance No. 21-2232 (Attachment B), "An Ordinance of the City Council of the City of Cupertino adding Chapter 17.04 (Standard Environmental Protection Requirements) to the Cupertino Municipal Code."

[Staff Report](#)

[A - Draft Resolution](#)

[B - Draft Ordinance](#)

[C - Objective standards disposition](#)

[D - Fifth Addendum](#)

## ORDINANCES AND ACTION ITEMS - None

## 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.*



# CITY OF CUPERTINO

## Agenda Item

---

**21-9968**

**Agenda Date:**  
**10/19/2021 Agenda #: 1.**

---

Subject: Proclamation recognizing October 19 as Boris Stanley Day in Cupertino

Present proclamation recognizing October 19 as Boris Stanley Day in Cupertino



# *Proclamation*

**WHEREAS,** The City of Cupertino officially became Santa Clara County's 13th city after voters approved the incorporation in 1955;

**WHEREAS,** One of the individuals who played a key role in the City's incorporation was Boris Stanley, an attorney in the area that became the City of Cupertino;

**WHEREAS,** In 1953, Stanley opened a private legal practice at the corner of Stevens Creek Boulevard and what is now De Anza Boulevard, providing legal counsel to many of Cupertino's families and the area's emerging business community;

**WHEREAS,** Boris Stanley, now 95 years old, implemented the formal beginning of the City of Cupertino by preparing and filing the incorporation papers for our City and more recently, Stanley has donated historical records related to the early days of the City;

**WHEREAS,** Boris Stanley donated his original documentation and other materials concerning the City's incorporation, as well as establishment of the Chamber of Commerce, which he also helped to form, to the Cupertino Historical Society; and

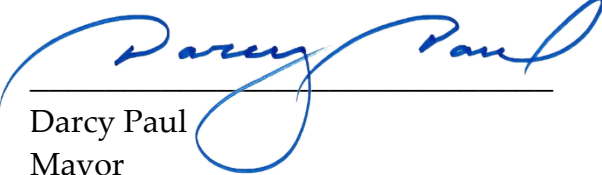
**WHEREAS,** Boris Stanley is well-deserving of official recognition for his essential role in the City of Cupertino's formal beginnings and in helping to preserve and provide records of that time for future benefit.

**THEREFORE,** I, Mayor Darcy Paul, and the Cupertino City Council do hereby Proclaim October 19, 2021 as

## *Boris Stanley Day*

in the City of Cupertino, and we thank him for his essential contributions during that period of time to the formal beginnings of our fair City.

**IN WITNESS THEREOF,** I have hereunto set my hand and caused the seal of the City of Cupertino to be affixed this Tuesday, October 19, 2021.

  
Darcy Paul  
Mayor



# CITY OF CUPERTINO

## Agenda Item

---

**21-9969**

**Agenda Date:**  
**10/19/2021 Agenda #: 2.**

---

Subject: Presentation of 2021 Helen Putnam Award for Excellence by the League of California Cities

Receive 2021 Helen Putnam Award for Excellence Program's Ruth Vreeland Award for Excellence in Engaging Youth in City Government for "Pizza and Politics" program



# CITY OF CUPERTINO

## Agenda Item

---

**21-9116**

**Agenda Date:**  
**10/19/2021 Agenda #: 3.**

---

Subject: Brief reports on councilmember activities and brief announcements

Receive brief reports on councilmember activities and brief announcements



# CITY OF CUPERTINO

## Agenda Item

---

**21-9195**

**Agenda Date:**  
**10/19/2021 Agenda #: 4.**

---

Subject: Report on Committee assignments

Report on Committee assignments





# CITY OF CUPERTINO

## Agenda Item

---

**21-9183**

**Agenda Date:**  
**10/19/2021 Agenda #: 5.**

---

Subject: City Manager update

Receive City Manager updates on emergency response efforts and other City business



# CITY OF CUPERTINO

## Agenda Item

---

**21-9207**

**Agenda Date:**  
**10/19/2021 Agenda #: 6.**

---

Subject: Approve the October 5 City Council minutes

Approve the October 5 City Council minutes



**DRAFT MINUTES**  
**CUPERTINO CITY COUNCIL**  
Tuesday, October 5, 2021

**SPECIAL MEETING**

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

**ROLL CALL**

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

**STUDY SESSION**

1. Subject: 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.

Written Communications for this item included staff and consultant presentations and emails to Council.

Planning Manager Piu Gosh introduced the item.

Associate Planner Erika Poveda and Consultant Ande Flower of EMC Planning Group gave presentations.

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

Jennifer Griffin opposed the increased RHNA numbers and was concerned about new housing laws SB 9 and SB 10 impacting the Housing Element.

Kalisha Webster supported accessible affordable housing for people with developmental disabilities in Cupertino.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Council received the report and provided input to staff on public engagement and next steps for the Housing Element update.

## ADJOURNMENT

At 6:40 p.m., Mayor Paul adjourned the Special City Council meeting.

## REGULAR MEETING

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

## ROLL CALL

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

## CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: 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)

Planning Commission Vice Chair Steven Scharf received the proclamation.

Mayor Paul presented the proclamation recognizing Cupertino High School's 50th annual Tournament of Bands (TOB).

2. Subject: Proclamation recognizing October as Domestic Violence Awareness Month  
Recommended Action: Present proclamation recognizing October as Domestic Violence Awareness Month

NextDoor Solutions Executive Director Esther Peralez-Dieckmann and WomenSV Advocate Masha Starostina received the proclamation.

Mayor Paul presented proclamation recognizing October as Domestic Violence Awareness Month.

## POSTPONEMENTS AND ORDERS OF THE DAY

### ORAL COMMUNICATIONS

Jennifer Griffin was concerned about alt-left groups in the Democratic Party, loss of local control, and supported the option to change party affiliation.

Call-In User\_1 talked about an unpermitted structure in her backyard permit and court proceedings on the matter and supported different outside counsel.

### 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

Written communications for this item included Mayor Paul's letter requesting Governor's signature for AB 367 (Garcia) and Cupertino Mayor's Corner report October 5, 2021, and a student committee presentation advocating for AB 367.

Council received brief reports on councilmember activities and brief announcements.

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

Councilmembers highlighted the activities of their various committees.

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

Interim City Manager Greg Larson reported on COVID-19 state and county case rates, testing locations, vaccination booster shots, and face covering requirements; and upcoming City events.

Council received the City Manager updates on emergency response efforts and other City business.

## CONSENT CALENDAR (Items 6-8)

Moore moved and Wei seconded to approve the items on the Consent Calendar as presented.  
Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: None.

6. Subject: Approve the September 21 City Council minutes  
Recommended Action: Approve the September 21 City Council minutes
7. Subject: Approve the September 28 City Council minutes  
Recommended Action: Approve the September 28 City Council 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

## 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.

Written Communications for this item included a staff presentation and property owner presentation.

Planning Manager Piu Gosh introduced the item.

Associate Planner Erika Poveda gave a presentation.

Councilmembers asked questions and made comments.

Chih-Lung Lin (appellant) expressed privacy concerns and supported modifications.

Jitesh Vadhia (appellant) expressed privacy concerns and supported modifications.

Chaman Hafiz (property owner) gave a presentation addressing neighbor concerns.

Councilmembers asked questions and made comments.

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

Jennifer Griffin supported the homeowners for working with the City, story polls to settle issues, and was concerned about the 4' setback with the ADU.

Sadia Poddar supported approval of the applications.

Jonathan Melehan supported approval of the applications.

Mohammed Islam supported approval of the applications.

Riwan Ahmed supported approval of the applications.

Mayor Paul closed the public hearing.

Chao moved the staff recommendation with modifications to add frosted glass at the bottom for the rear second story windows and frosted windows up to 5' from the floor. There was no second and the item was not heard.

Wei moved and Moore seconded the staff recommendation. Chao made a friendly amendment to plant privacy trees instead of privacy brush in the rear yard. Wei accepted the friendly amendment upon mutual agreement of the homeowner and appellants. Moore declined the friendly amendment, and the item was not voted on.

Final motion:

Chao moved and Paul seconded a substitute motion to adopt the staff recommendation with modifications to change the rear-yard privacy screening to privacy trees instead of privacy shrubs, to add privacy trees along the side-yard property lines for a distance of up to 10' from the rear property line, and to have the property owner work with the appellants to the extent that it becomes practicable. The substitute motion carried with Moore and Wei voting no.

Council recessed from 9:12 p.m. to 9:17 p.m.

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.

Written Communications for this item included a staff presentation.

Planning Manager Piu Gosh gave a presentation.

Councilmembers asked questions and made comments.

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

Jennifer Griffin opposed poorly written housing bills allowing increase density and impacting Cupertino and loss of local control.



Jean Bedord supported adoption of the Density Bonus Ordinance amendment. (Submitted written comments).

Zacks, Freedman & Patterson Attorney Brian O'Neill, representing YIMBY Law, supported adoption of the Density Bonus Ordinance for consistency with State law.

Lisa Warren supported ensuring future amendments can be easily reversed if necessary and to comply with new laws.

Kalisha Webster supported inclusive services and community housing for people with developmental disabilities.

Mayor Paul closed the public comment period.

City Clerk Kirsten Squarcia read the title 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"

Moore moved and Wei seconded the staff recommendation; and to read Ordinance No. 21-2230 by title only, and that the City Clerk's reading constitutes the first reading thereof. Ayes: Moore, Wei, Willey, Chao, and Paul. Noes: None. Abstain: None. Absent: None.

## 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.

Written Communications for this item included a staff presentation.

Environmental Programs Manager Ursula Syrova gave a presentation.

Councilmembers asked questions and made comments.

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

City Clerk Kirsten Squarcia read the title of Ordinance No. 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", which Includes a Finding that Adoption of the Ordinance is Exempt from the California Environmental Quality Act.

Wei moved and Chao seconded to read Ordinance No. 21-2231 by title only, and that the City Clerk's reading constitutes the first reading thereof. Ayes: Moore, Wei, Willey, Chao, and Paul. Noes: None. Abstain: None. Absent: None.

**ORAL COMMUNICATIONS - CONTINUED (As necessary) - None**

#### **COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS**

- added a future agenda item to be heard in spring 2022 regarding adopting an ordinance requiring the safe storage of firearms (Wei/Paul/Willey)

Councilmembers made brief comments and discussed potential future Work Program items.

#### **ADJOURNMENT**

At 10:31 p.m., Mayor Paul adjourned the Regular City Council meeting

---

Kirsten Squarcia, City Clerk



# CITY OF CUPERTINO

## Agenda Item

---

**21-9942**

**Agenda Date:**  
**10/19/2021 Agenda #: 7.**

---

Subject: Approve the October 10 City Council minutes

Approve the October 10 City Council minutes



**DRAFT MINUTES**  
**CUPERTINO CITY COUNCIL**  
Sunday, October 10, 2021

**SPECIAL MEETING**

At 10:30 a.m., Mayor Darcy Paul called the Special City Council Meeting to order in Community Hall Council Chambers, 10350 Torre Avenue.

**ROLL CALL**

Present: Mayor Darcy Paul, Vice Mayor Liang Chao, and Councilmembers Kitty Moore (10:40), Hung Wei, and Jon Robert Willey (10:45). Absent: None.

**CLOSED SESSION**

In open session before Council convened in closed session, the Mayor asked the City Clerk whether any members of the public were present to provide comment regarding any item on the agenda. The City Clerk indicated that no members of the public were present.

1. Subject: Public Employee Employment (Gov't Code 54957(b)(1); Title: City Manager Recruitment

Council conducted Public Employee Employment (Gov't Code 54957(b)(1); Title: City Manager Recruitment.

In open session, Mayor Paul reported that no reportable action was taken.

**OPEN SESSION**

**ROLL CALL**

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

**REPORT REGARDING CLOSED SESSION**

Mayor Paul conducted the open session report regarding the closed session.

## ADJOURNMENT

At 5:04 p.m., Mayor Paul adjourned the Special City Council meeting.

---

Kirsten Squarcia, City Clerk



# CITY OF CUPERTINO

## Agenda Item

---

**21-9886**

**Agenda Date:**  
**10/19/2021 Agenda #: 8.**

---

Subject: Annual report of commission and committee members' terms expiring in January, 2022, and application submittal deadline and candidate interview dates in January, 2022

Receive report on commission and committee members' terms expiring January, 30, 2022, and set an application submittal deadline of Friday, January 7, 2022 and candidate interview dates of Monday and Tuesday, January 24 and 25, 2022



## OFFICE OF THE CITY CLERK

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3223 • FAX: (408) 777-3366  
CUPERTINO.ORG

## CITY COUNCIL STAFF REPORT

Meeting: October 19, 2021

### **Subject**

Receive report on commission and committee members' terms expiring January, 30, 2022, and consider setting an application submittal deadline of Friday, January 7, 2022 and candidate interview dates of Monday and Tuesday, January 24 and 25, 2022.

### **Recommended Action**

Receive report on commission and committee members' terms expiring January, 30, 2022, and set an application submittal deadline of Friday, January 7, 2022 and candidate interview dates of Monday and Tuesday, January 24 and 25, 2022.

### **Background**

Outreach for the annual recruitment of all commission candidates will begin in November and City Council will interview applicants in January. Commissions with upcoming vacancies in January 2022 include: Fine Arts Commission (1), Housing Commission (1), Parks & Recreation Commission (1), Public Safety Commission (2) and Sustainability Commission (2). During the interviews, Council will also have the option to designate alternates at the time of the appointment of regular members.

### **Discussion**

The City Council appoints members to 11 advisory commissions. Members serve staggered, four-year terms with a two-term limit and must wait two years before they can reapply for the same commission. The Cupertino Municipal Code specifies that the term of office for the members of each commission shall end on January 30 of the year their term is due to expire. No commissioner shall serve more than two consecutive terms except if they have been appointed to fill an unscheduled vacancy for a (partial) term that is less than two years.

Recruitment, appointment, and reappointment are governed by City Council Resolution No. 16-137 (Attachment B), and Government Code sections 54970-54974. The Teen Commission is governed by Resolution No. 18-019 and follows a different appointment schedule and structure.

Vacancy notices are advertised through the Cupertino Courier, World Journal, social media, the Cupertino Scene, the City website, as well as at City Hall, Quinlan Community Center, the Senior Center, and the Library. Notices are emailed to CERT graduates, Neighborhood Block Leaders,

Leadership 95014 graduates, the Chamber of Commerce, commissioners who have expired terms and are eligible for reappointment, and previous candidates (whose applications are retained for one year).

In November the Council will also be receiving a staff report based on prior Council direction regarding Council committees and commissions. Any changes to the committees and commissions will be incorporated into the vacancy recruitment program at that time.

The attached Local Appointments List and Notice of Vacancies (Attachment A) describes all of the commissions and lists the names of incumbents whose terms are ending in January 2022. Applicants may apply for up to two commissions and each applicant is interviewed for their preferred commission(s).

**Sustainability Impact**

No sustainability impact.

**Fiscal Impact**

No fiscal impact.

---

**Prepared by:** Lauren Sapudar, Deputy City Clerk

**Reviewed by:** Kirsten Squarcia, City Clerk

**Approved for Submission by:** Greg Larson, Interim City Manager

**Attachments:**

A – Local Appointments List and Notice of Vacancies

B – Resolution Governing Recruitment



**OFFICE OF THE CITY CLERK**

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3223 • FAX: (408) 777-3366  
CUPERTINO.ORG

**LOCAL APPOINTMENTS LIST  
AND NOTICE OF COMMISSION AND COMMITTEE TERMS EXPIRING IN 2022**

NOTICE IS HEREBY GIVEN that residents are encouraged to apply for positions on City commissions that will have vacancies in January of 2022. The application deadline is 4:30 p.m. on Friday, January 07, 2022. Council will conduct interviews beginning at 5:30 p.m. on Monday, January 24, 2022 and Tuesday, January 25, 2022. Commissioners are appointed by the City Council and may serve a total of two consecutive 4-year terms (the Teen Commission has a different term structure). Council may also appoint alternates to serve on commissions and committees in the event of a vacancy. A commissioner may serve more than two consecutive terms if he or she has been appointed to fill an unexpired (partial) term of less than two years. All meetings are open to the public. For more information or to apply for a commission, please contact the City Clerk's Office, 777-3223 or [cityclerk@cupertino.org](mailto:cityclerk@cupertino.org); or visit the City website at [www.cupertino.org/vacancies](http://www.cupertino.org/vacancies).

<b>FINE ARTS COMMISSION</b>			
1 available seat (residency requirement for three out of five members)			
<b>Incumbent</b>	<b>Date Appointed</b>	<b>Term Expires</b>	<b>Eligible to Reapply?</b>
Diana Matley	1/27/2014; 2/20/2018	Second term expires 1/30/22	No
<p><u>Qualifications:</u> The Commission consists of five members appointed by Council for four-year terms. None of the members shall be employees or officials of the City, nor cohabit with as defined by law, nor be related by blood or marriage to any member of the Commission, the City Manager or staff person assigned to the Commission. At least three shall be Cupertino residents. The powers and functions of the Fine Arts Commission are to foster, encourage and assist the realization, preservation and advancement of the fine arts for the benefit of the community. The Fine Arts Commission falls under the Political Reform Act of 1974 and financial disclosure is required. Regular meetings are held on the 4th Monday of every other month (odd months) and more often as necessary at 6:30 p.m. in City Hall, Conference Room C. For more information, contact staff liaison Kelsey Hayes at 408-777-3126 or <a href="mailto:kelseyh@cupertino.org">kelseyh@cupertino.org</a>.</p>			

<b>HOUSING COMMISSION</b>			
1 available seat (residency requirement for four out of five members; Business representative must be from a Cupertino-based business)			
<b>Incumbent</b>	<b>Date Appointed</b>	<b>Term Expires</b>	<b>Eligible to Reapply?</b>
Siva Gandikota	8/15/2019 (partial term, counts as full term)	First term expires 1/30/22	Yes

Qualifications: The Commission consists of five members appointed by the council to four-year terms. One must be a representative from a Cupertino business. Housing Commission members who are representatives of a business are not required to be Cupertino residents, but the business represented must be located in Cupertino. The four remaining community members must be residents of Cupertino. The commission assists in developing housing policies and strategies, recommends policies for implementation and monitoring of affordable housing projects, helps identify sources of funding for affordable housing and performs other advisory functions authorized by the City Council. The Cupertino Housing Commission falls under the Political Reform Act of 1974 and financial disclosure is required. Regular meetings are held at least once every three months at 9:00 a.m., the second Thursday of the month at City Hall, Conference Room C. For more information, contact staff liaison Kerri Heusler at 408-777-3251 or [kerrih@cupertino.org](mailto:kerrih@cupertino.org).

#### **PARKS AND RECREATION COMMISSION**

1 available seat (residency requirement for all five members)

Incumbent	Date Appointed	Term Expires	Eligible to Reapply?
Neesha Tambe	1/27/2014; 1/22/2018	Second term expires 1/30/22	No

Qualifications: The Commission consists of five members who are residents of the City and shall be appointed by the Council to four-year, overlapping terms. None of the members shall be officials or employees of the City, nor cohabit with as defined by law, nor be related by blood or marriage to any member of the Commission, the City Manager or the staff person(s) assigned to this Commission. The commission advises the City Council on municipal activities in relation to parks and recreation, including park site acquisition and development, recreation program policy, and expansion of the park program as development occurs. The Parks and Recreation Commission falls under the Political Reform Act of 1974 and financial disclosure is required. Regular meetings are held at 7:00 p.m. on the first Thursday of each month in the Community Hall. For more information, contact staff liaison Joanne Magrini at 408-777-3120 or [joannema@cupertino.org](mailto:joannema@cupertino.org).

#### **PUBLIC SAFETY COMMISSION**

2 available seats (residency requirement for all five members)

Incumbent	Date Appointed	Term Expires	Eligible to Reapply?
Hymanand Nellore	9/20/2016 (partial term); 1/22/2018;	First term expires 1/30/22	Yes
Yvonne Chao	1/22/2018	First term expires 1/30/22	Yes

The Commission consists of five members, all of whom shall reside within the City and shall be appointed by the council to four-year, overlapping terms. None shall be officials or employees of the City, members of the Sheriff's Department of the County, either regular or reserve, nor shall they be members of the Central Fire Protection District. No members of the Public Safety Commission shall cohabit with, as defined by law, nor be related by blood or marriage to any member of the Commission, the City Manager or the staff person(s) assigned to this Commission. The primary functions are to advise the city council on all areas relating to public safety, traffic, and police, fire and other matters relating to the foregoing. The Public Safety Commission falls under the Political Reform Act of 1974 and financial disclosure is required. Regular meetings are held at least once every other month on the second Thursday of the month at 6 p.m. in City Hall, Conference Room A. For more information, contact staff liaison Thomas Chin at 408-777-1310 or [thomasc@cupertino.org](mailto:thomasc@cupertino.org).

#### **SUSTAINABILITY COMMISSION**

2 available seats (residency requirement for three out of five members; Education and Business representative must be from a Cupertino-based institution and business)

<b>Incumbent</b>	<b>Date Appointed</b>	<b>Term Expires</b>	<b>Eligible to Reapply?</b>
Gary Latshaw	1/26/2016 (partial term, counts as full term); 1/22/2018	Second term expires 1/30/22	No
Ram Mohan	1/28/2020 (partial)	Partial term expires 1/30/22	Yes

The Commission consists of five members appointed by the City Council to serve four-year overlapping terms. One member must be a representative from a Cupertino-based educational institution and another from a Cupertino-based business. Sustainability Commission members who are representatives of an educational institution or a business are not required to be Cupertino residents. The three remaining community members must be residents of Cupertino. The commission serves in an advisory capacity to the City Council and provides expertise and guidance on major policy and programmatic areas related to the environmental, economic and societal goals noted within Cupertino's Climate Action Plan (CAP) and General Plan (GP) Environmental Resources/Sustainability Element. The Sustainability Commission falls under the Political Reform Act of 1974 and financial disclosure is required. Regular meetings are held at least once every three months at 4 p.m. on the third Thursday of the month, every 3rd month at the Environmental Education Center, 22221 McClellan Road, McClellan Ranch Preserve, and other meetings may be held as necessary. For more information, contact staff liaison Gilee Corral at 408-777-1364 or [gileec@cupertino.org](mailto:gileec@cupertino.org)

#### **AUDIT COMMITTEE**

No vacancies

There are no terms expiring in January 2022

#### **BICYCLE PEDESTRIAN COMMISSION**

No vacancies

There are no terms expiring in January 2022

#### **LIBRARY COMMISSION**

No vacancies
There are no terms expiring in January 2022

<b>PLANNING COMMISSION</b>
No vacancies
There are no terms expiring in January 2022

<b>TEEN COMMISSION</b>
No vacancies
There are no terms expiring in January 2022

<b>TECHNOLOGY, INFORMATION, AND COMMUNICATIONS COMMISSION</b>
No vacancies
There are no terms expiring in January 2022

## **RESOLUTION NO. 16-137**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO RESCINDING RESOLUTION NO. 10-048 AND AMENDING THE RESOLUTION ESTABLISHING RULES GOVERNING RECRUITMENT, ATTENDANCE, APPOINTMENTS, AND VACANCIES ON CITY ADVISORY BODIES TO ADD DESIGNATED ALTERNATES TO THE INTERVIEWS AND APPOINTMENTS PROCESS**

WHEREAS, the City of Cupertino wishes to establish uniform terms and conditions of office for advisory commissions; and

WHEREAS, there are within the City of Cupertino many citizens with talent, expertise and experience who wish to serve the community; and

WHEREAS, the City Council believes it is important to provide these citizens the opportunity to contribute to their community;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cupertino rescinds Resolution No. 10-048 and establishes the following rules governing recruitment, appointment and reappointment to City of Cupertino Advisory bodies.

#### **A. RECRUITMENT**

1. Two months before regular terms expire, or immediately following receipt of a resignation, the City Clerk distributes the vacancy notice as follows:
  - The Cupertino Scene
  - The Cupertino Courier
  - The World Journal
  - The Cupertino City Channel
  - City Hall bulletin board
  - The City Clerk's Office
  - The Cupertino Library
  - The Cupertino Chamber of Commerce
  - Cupertino City Web site
  - Other organizations as appropriate with respect to the openings
  - All persons with applications on file for that particular commission

Resolution No. 16-137

Page 2

2. Two months before regular terms expire, the City Clerk's Office also mails the vacancy notice to the following individuals:
  - Students and graduates of Cupertino Emergency Response Training
  - Students or graduates of Leadership Cupertino
  - Neighborhood Block Leaders
  - Individuals who have signed up for notification at the Cupertino Town Hall meetings.
3. All vacancy notices and posting shall be done in accordance with the provisions of the Maddy Act, California Government Code 54970. Specifically, vacancy notices shall be posted for a minimum of 10 days.
4. Applications will be retained for a maximum of one year after Council review. After that time, applicants shall submit a new application if they wish to remain on the list for consideration.
5. Those persons with applications on file within one year of Council review are advised of the vacancy by the City Clerk and may activate that application. –Upon receipt of the vacancy notice, the applicant must contact the City Clerk's Office and ask that the application be reactivated.
6. An applicant may file for a maximum of two commissions at any one application period.
7. A member of an advisory body, having completed two consecutive terms, must wait two years after the term would have normally ended before being eligible to apply for the same commission or committee.
8. Application forms will be available in the City Clerk's Office and will be mailed upon request with information about the opening(s). Application forms will also be available on the City's Web site.
9. No application shall be accepted after the deadline.
10. When the final deadline has passed, the City Clerk's Office will mail applicants the date, time and location of the interviews along with sample questions to consider.

11. The City Clerk's Office will copy the applicants' written material for Council members. The written material will also be available for public review in the City Clerk's Office.
12. An applicant who is unable to attend the interview may submit a 5-minute video presentation in advance of the interview meeting. The tape will be reviewed at the meeting. The video will be made by City staff at the applicant's request upon the approval of the City Clerk. The City will fund these costs.

## **B. INTERVIEWS AND APPOINTMENTS**

1. When Council meets to conduct interviews, it is a public meeting subject to the Brown Act and therefore open to the public. The candidates will be asked by the City Clerk (either in person or by written instructions left in the waiting area) to remain seated in the waiting area until they are called in for the interview. Candidates will also be asked to return to the waiting area until the announcement of the vote, or to go home and contact the City Clerk's Office the next day regarding the results. However, all applicants and members of the public have the option of remaining in the room for any or all of the meeting.
2. The order in which interviews are scheduled to take place will be determined by a drawing of names. The City Clerk will do this in advance.
3. Interviews are informal and usually last 5-8 minutes. Council members are looking for:
  - Familiarity with the subject
  - Decision-making ability
  - Commitment to the position for which they have applied
4. Appointments will be made following a vote in public. Ballots will be distributed, and Council members will vote and sign the ballots. The City Clerk will announce the votes.

5. The City Council may appoint alternates to serve on boards, commissions and committees in the event of a vacancy. Such alternates may attend and participate in meetings of the board, commission, or committee but shall not vote in such meetings until such time as a vacancy has occurred and the alternate has filled such vacancy. If the City Council appoints more than one alternate for a particular board, commission or committee, the City Council shall designate the alternates as first alternate, second alternate and so on such that immediately upon a vacancy occurring in a board, commission, or committee, the first alternate shall fill such vacancy without the need for further City Council action.

#### **C. UNSCHEDULED VACANCIES AND ATTENDANCE**

1. If a vacancy occurs for an unexpired term and interviews for appointment to that advisory body have been conducted within the previous ninety days, the unexpired term may be filled from those applications following the required posting of the vacancy.
2. The notice of unscheduled vacancy shall be posted no earlier than 20 days before nor later than 20 days after the vacancy occurs, and at least 10 working days before appointment. The notice of unscheduled vacancy must be posted in the Office of the City Clerk, at the City Hall bulletin board, at the Cupertino Library, and in other places designated by the City Clerk.
3. A member shall be considered removed from an advisory body under the following conditions.
  - A member misses more than three consecutive meetings
  - A member misses more than 25% of the advisory body's meetings in a calendar year
4. It is the responsibility of the advisory body's staff liaison to notify the City Clerk of a member's attendance record to allow sufficient time to send a warning notice if the member has missed three consecutive meetings or 25% of the meetings, and to send a termination notice if the member has missed more three consecutive meetings or more than 25% of the meetings in a calendar year.



5. A member who has been removed from an advisory body for inadequate attendance may request a waiver of this provision by submitting a letter to the City Council setting forth the reason for the absences and confirming future availability.

#### **D. GENERAL PROVISIONS**

1. Term limit restrictions listed in this resolution do not apply to temporary appointments for unexpired terms.
2. All provisions of this resolution shall apply unless otherwise decided by the City Council on a case-by-case basis.
3. In the event that any provision of this resolution conflicts with the provisions of any other ordinance or resolution governing a particular advisory body, the provisions governing that advisory body shall prevail.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 20th day of December, 2016, by the following vote:

<u>Vote</u>	<u>Members of the City Council</u>
-------------	------------------------------------

AYES:	Vaidhyanathan, Chang, Scharf, Sinks
-------	-------------------------------------

NOES:	None
-------	------

ABSENT:	Paul
---------	------

ABSTAIN:	None
----------	------

ATTEST:

APPROVED:

/s/ Grace Schmidt

/s/ Savita Vaidhyanathan

---

Grace Schmidt, City Clerk

---

Savita Vaidhyanathan, Mayor,  
City of Cupertino



# CITY OF CUPERTINO

## Agenda Item

---

**21-9928**

**Agenda Date:**  
**10/19/2021 Agenda #: 9.**

---

Subject: Consider cancellation of the January 4, 2022 City Council meeting

Cancel the January 4, 2022 City Council meeting



## OFFICE OF THE CITY CLERK

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3223 • FAX: (408) 777-3366  
CUPERTINO.ORG

## CITY COUNCIL STAFF REPORT

Meeting: October 19, 2021

### **Subject**

Consider cancellation of the January 4, 2022 City Council meeting.

### **Recommended Action**

Cancel the January 4, 2022 City Council meeting.

### **Discussion**

Past City Council practice has been to cancel the first meeting in January due to the holiday closure of City Hall between Christmas Eve and New Year's Day. With the holiday closure from December 23 – January 3, there is insufficient time to prepare and publish an agenda packet for the first regular City Council Meeting in January which will fall on January 4.

It is recommended that City Council consider canceling the January 4 City Council Meeting in accordance with past practice.

### **Sustainability Impact**

No sustainability impact.

### **Fiscal Impact**

No fiscal impact.

---

**Prepared by:** Kirsten Squarcia, City Clerk

**Approved for Submission by:** Greg Larson, Interim City Manager

**Attachments:** None



# CITY OF CUPERTINO

## Agenda Item

---

**21-9956**

**Agenda Date:**  
**10/19/2021 Agenda #:**  
**10.**

---

Subject: Consider Accepting Accounts Payable for pay period ending September 6, 2021

Adopt Resolution No. 21-093 accepting Accounts Payable for pay period ending September 6, 2021

**RESOLUTION NO. 21-\_\_**

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL  
CUPERTINO ALLOWING CERTAIN CLAIMS AND DEMANDS  
PAYABLE IN THE AMOUNTS AND FROM THE FUNDS AS HEREINAFTER  
DESCRIBED FOR GENERAL AND MISCELLANEOUS EXPENDITURES FOR  
THE PERIOD ENDING**

September 6, 2021

WHEREAS, the Director of Administrative Services or her designated representative has certified to accuracy of the following claims and demands and to the availability of funds for payment hereof; and

WHEREAS, the said claims and demands have been audited as required by law.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby allows the following claims and demands in the amounts and from the funds as hereinafter set forth in the attached Payment Register.

CERTIFIED:   
Zach Korach, Finance Manager

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 19<sup>th</sup> day of October, 2021, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

Resolution No. \_\_\_\_\_

Page 2

<p>SIGNED:</p> <p>_____</p> <p>Darcy Paul, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p> <p>_____</p> <p>Kirsten Squarcia, City Clerk</p>	<p>_____</p> <p>Date</p>

# Payment Register

From Payment Date: 8/28/2021 - To Payment Date: 9/3/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Main Account - Main Checking Account									
<u>Check</u>									
728585	09/03/2021	Open			Accounts Payable	ADVANCED SOFTWARE PRODUCTS GROUP, INC.	\$873.85		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	11041		08/30/2021		ReACT September 30, 2021 - September 29, 2022		\$873.85		
728586	09/03/2021	Open			Accounts Payable	ADVANTAGE GRAFIX	\$6,686.83		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	45940		08/23/2021		SC: Business Cards Travis Warner		\$106.94		
	45907		08/13/2021		BAAG English Full Color		\$709.31		
	45890		08/13/2021		Budget Full Book		\$5,729.06		
	45938		08/23/2021		Budget Book Appendix		\$141.52		
728587	09/03/2021	Open			Accounts Payable	BURR PLUMBING AND PUMPING INC	\$6,691.69		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	107624		08/10/2021		Facilities: SO #7 for Monta Vista Sewer		\$691.69		
	107696		08/23/2021		Facilities: QCC condensate drain line		\$6,000.00		
728588	09/03/2021	Open			Accounts Payable	CINTAS CORPORATION	\$1,922.34		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	4093794573		08/24/2021		Service Center Uniforms 8.24.2021		\$949.17		
	4094472156		08/31/2021		Service Center Uniforms 8-31-21		\$973.17		
728589	09/03/2021	Open			Accounts Payable	Community Health Charities of California	\$20.00		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	08272021		08/27/2021		Community Health Charities pp 8/14/21-8/27/21		\$20.00		
728590	09/03/2021	Open			Accounts Payable	COUNTY OF SANTA CLARA CLERK - RECORDER	\$450.00		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	ASA-2020-007		09/01/2021		Exempt Filing		\$50.00		
	DIR-2021-003		09/01/2021		Exempt Filing		\$50.00		
	DIR-2021-014		09/01/2021		Exempt Filing		\$50.00		
	R-2020-027		09/01/2021		Exempt Filing		\$50.00		
	R-2021-013		09/01/2021		Exempt Filing		\$50.00		
	R-2021-016		09/01/2021		Exempt Filing		\$50.00		
	RM-2020-020		09/01/2021		Exempt Filing		\$50.00		
	RM-2021-011		09/01/2021		Exempt Filing		\$50.00		
	RM-2021-012		09/01/2021		Exempt Filing		\$50.00		
728591	09/03/2021	Open			Accounts Payable	GOT GOPHERS, INC.	\$310.00		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	17980		08/31/2021		Pest Control for Medians: Mary Ave Bridge & Blaney Ave		\$310.00		
728592	09/03/2021	Open			Accounts Payable	Holiday Lights, Inc.	\$3,800.00		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	3855		08/26/2021		Quinlan holiday light installation		\$3,800.00		

# Payment Register

From Payment Date: 8/28/2021 - To Payment Date: 9/3/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
728593	09/03/2021	Open			Accounts Payable	INTERSTATE BATTERY SYSTEM SAN JOSE INC.	\$742.33		
	Invoice		Date	Description		Amount			
	10302370		08/24/2021	Fleet: batteries		\$613.70			
	10302479		08/31/2021	Fleet: Batteries		\$128.63			
728594	09/03/2021	Open			Accounts Payable	IRON MOUNTAIN RECORDS MGMNT	\$1,226.61		
	Invoice		Date	Description		Amount			
	DWZY693		08/31/2021	City Clerk Office Storage - September 2021		\$1,226.61			
728595	09/03/2021	Open			Accounts Payable	KELLY-MOORE PAINT CO INC	\$2,616.76		
	Invoice		Date	Description		Amount			
	808-00000820262		08/26/2021	Grounds: Paint		\$47.30			
	808-00000820432		08/27/2021	Facilities: paint		\$393.14			
	808-00000820433		08/27/2021	Facilities: paint		\$1,691.44			
	808-00000820798		08/31/2021	Grounds: paint		\$249.07			
	808-00000820978		09/01/2021	Streets: paint (john s.)		\$235.81			
728596	09/03/2021	Open			Accounts Payable	KNORR SYSTEMS, INC.	\$950.81		
	Invoice		Date	Description		Amount			
	SI232958		08/28/2021	Facilities: BBF pool supplies		\$950.81			
728597	09/03/2021	Open			Accounts Payable	LANGUAGE NETWORK, INC.	\$804.25		
	Invoice		Date	Description		Amount			
	P1665		09/01/2021	Budget At A Glance - Chinese		\$804.25			
728598	09/03/2021	Open			Accounts Payable	M.T. TIRE SERVICE	\$946.03		
	Invoice		Date	Description		Amount			
	17269		08/26/2021	Fleet: Veh 479 OD 26210 service		\$946.03			
728599	09/03/2021	Open			Accounts Payable	MICHELE WESTLAKEN	\$192.50		
	Invoice		Date	Description		Amount			
	090121		09/01/2021	Feldenkrais (8.10-8.31) 11 Students		\$192.50			
728600	09/03/2021	Open			Accounts Payable	MOUNTAIN VIEW GARDEN CENTER	\$308.91		
	Invoice		Date	Description		Amount			
	107551		08/17/2021	Trees/ROW: Topsoil		\$93.85			
	107569		08/18/2021	Trees/ROW: Topsoil		\$46.92			
	107629		08/25/2021	Trees/ROW: Topsoil		\$93.85			
	107662		08/31/2021	Grounds: parks supplies		\$74.29			
728601	09/03/2021	Open			Accounts Payable	NAPA AUTO PARTS #388	\$493.02		
	Invoice		Date	Description		Amount			
	647771		08/24/2021	Fleet: auto parts		\$343.57			
	647916		08/26/2021	Fleet: valves		\$47.33			
	648014		08/27/2021	Fleet: air filters		\$102.12			
728602	09/03/2021	Open			Accounts Payable	O'REILLY AUTO PARTS	\$133.48		
	Invoice		Date	Description		Amount			
	2591-158167		08/24/2021	Fleet: Auto parts		\$19.38			
	2591-158451		08/26/2021	Fleet: stoplight part		\$34.94			
	2591-158452		08/26/2021	Fleet: wipes and plug supplies		\$39.83			
	2591-159290		08/30/2021	Fleet: coolant cap		\$28.18			



# Payment Register

From Payment Date: 8/28/2021 - To Payment Date: 9/3/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	2591-159300		08/30/2021		Fleet: coolant cap		\$11.15		
728603	09/03/2021	Open			Accounts Payable	Operating Engineer #3	\$1,431.62		
	Invoice		Date	Description		Amount			
	08272021		08/27/2021	Union Dues pp 8/14/21-8/27/21		\$1,431.62			
728604	09/03/2021	Open			Accounts Payable	ORLANDI TRAILER	\$124.07		
	Invoice		Date	Description		Amount			
	201205		08/24/2021	Fleet: equip parts		\$109.32			
	201260		08/26/2021	Fleet: equip parts		\$14.75			
728605	09/03/2021	Open			Accounts Payable	PAPE MACHINERY, INC.	\$1,394.09		
	Invoice		Date	Description		Amount			
	12970192		08/24/2021	Fleet: Equip parts		\$1,394.09			
728606	09/03/2021	Open			Accounts Payable	PG&E	\$43,537.11		
	Invoice		Date	Description		Amount			
	Import - 887106		08/02/2021	110659172 -N De Anza 455FT S/O Mariani Dr, Irrig Control		\$32.27			
	Import - 887107		08/02/2021	110958527 -Randy Lane & Larry Way- Streetlights		\$52.17			
	Import - 887108		08/02/2021	114315284 116367325 -21975 San Fernando Ave, Picnic Area		\$4,129.74			
	Import - 887109		08/02/2021	114321565 116367416 -22601 Voss Ave		\$364.22			
	Import - 887110		08/02/2021	116367001 -E27H4 Wolfe and Rte 280 NB Loc A		\$47.48			
	Import - 887111		08/02/2021	116367013 -1486 S Stelling Rd, Irrigation Control		\$9.86			
	Import - 887112		08/02/2021	116367025 -De Anza and Lazaneo, Traffic Signal		\$72.16			
	Import - 887113		08/02/2021	111736580 SF Cupertino 075		\$3.04			
	Import - 887114		08/02/2021	116367035 -De Anza Blvd and Mariani, Traffic Signal/Safety Lts		\$81.98			
	Import - 887117		08/02/2021	116367045 -De Anza Blvd and Hwy 280 S/Ramp, Traffic Signal		\$80.74			
	Import - 887118		08/02/2021	116367050 -NW Corner Stevens Crk, Traffic Signals		\$77.15			
	Import - 887119		08/02/2021	116367055 -Saich Wy and Stevens Crk NE Corner, Traffic Signal		\$60.33			
	Import - 887120		08/02/2021	116367060 -E37R0 Stevens Creek and De Anza Blvd, Traffic Signal		\$91.57			
	Import - 887121		08/02/2021	116367065 -Stevens Creek Blvd E/Saich Wy, Sprinkler Control		\$10.45			
	Import - 887122		08/02/2021	116367067 -Stonydale Dr and Varian Park, walkway lighting and Ir		\$75.98			
	Import - 887123		08/02/2021	116367070 -Stevens Creek and Blaney Ave., Traffic Signal		\$83.48			
	Import - 887124		08/02/2021	116367071 -Linda Vista Dr / Hillside Park, Hillside Park		\$25.30			
	Import - 887125		08/02/2021	116367075 -Vallco Pkwy and Perimeter Rd., Traffic Signals		\$60.92			
	Import - 887127		08/02/2021	116367090 -Wolfe and Vallco Pkwy, Traffic Signals		\$87.48			
	Import - 887128		08/02/2021	116367100 -E37H3 Wolfe and 280 SB Loc B, Traffic Signal		\$75.26			
	Import - 887129		08/02/2021	116367105 -Stevens Crk and Wolfe Rd, Traffic Signals		\$98.73			
	Import - 887130		08/02/2021	116367110 -SW Cor Stevens Crk and Portal, Traffic Signal		\$75.89			
	Import - 887131		08/02/2021	116367113 -Miller E/S 100N off Calle De Barcelona		\$72.29			

# Payment Register

From Payment Date: 8/28/2021 - To Payment Date: 9/3/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	Import - 887132		08/02/2021		116367115 -Stevens Crk and Perimeter Rd, Traffic Control Signal		\$73.15		
	Import - 887133		08/02/2021		116367120 -Vallco Prky/Tantau Ave, Traffic Signal		\$83.28		
	Import - 887134		08/02/2021		116367125 -Stevens Crk and Tantau, Traffic Signals		\$81.16		
	Import - 887135		08/02/2021		116367130 -NW Corner Steven Crk and Torre, Traffic Signal		\$73.22		
	Import - 887136		08/02/2021		116367145 -10300 Torre Ave, City Hall		\$9,132.22		
	Import - 887137		08/02/2021		116367150 -Homestead and Wolfe Road, Sunnyvale		\$19.83		
	Import - 887139		08/02/2021		116367155 -Homestead and Blaney, Cupertino Traffic Signal, Sunny		\$58.19		
	Import - 887140		08/02/2021		116367165 -S/E Wolfe-Pruneridge, Sprinkler Control and Traffic S		\$88.38		
	Import - 887141		08/02/2021		116367170 -Tantau Ave and Tandem D/W, Traffic Signal		\$78.06		
	Import - 887142		08/02/2021		116367171 -10155 Barbara Ln, Irrigation and Scoreboard		\$213.29		
	Import - 887143		08/02/2021		116367175 -S/E Corner Pruneridge and Tantau, Traffic Controller		\$69.35		
	Import - 887144		08/02/2021		116367180 -Finch and Stevens Creek, Traffic Signals		\$76.38		
	Import - 887147		08/02/2021		116367185 -Wolfe Rd 500 Ft S/O Homestead, City/Sign Lighting		\$30.82		
	Import - 887148		08/02/2021		116367195 -Corner Miller and Phil Ln, Traffic Signal		\$64.71		
	Import - 887149		08/02/2021		116367200 -Homestead and De Anza Blvd, Traffic Signal/Dept Pub W		\$80.38		
	Import - 887150		08/02/2021		116367205 -Homestead Rd and Franco Ct, Traffic Signals		\$57.12		
	Import - 887151		08/02/2021		116367215 -N/Ramp De Anza Blvd, Traffic Signal		\$74.39		
	Import - 887152		08/02/2021		116367220 -Homestead Rd and Bluejay Rd, Traffic Signals		\$67.24		
	Import - 887153		08/02/2021		116367225 -WS Portal Btw Amhurst-Wheaton , Portal Prk Ltg, Prk L		\$159.88		
	Import - 887154		08/02/2021		116367236 -Stelling Rd Median 450' S/O Stevens Crk, Landscape Ir		\$11.87		
	Import - 887155		08/02/2021		116367245 -Stevens Creek Blvd and Janice Ave, Sprinkler Control		\$16.27		
	Import - 887156		08/02/2021		116367255 -Lucille and Villa De Anza, Sprinkler Control		\$283.56		
	Import - 887158		08/02/2021		116367269 -Cor/Lucille and Randy Ln, Sprinkler System (011095852		\$11.51		
	Import - 887159		08/02/2021		116367274 -1170 Yorkshire Dr.		\$10.35		
	Import - 887160		08/02/2021		116367275 -Homestead and Tantau, Cupertino Traffic Signal, Sunny		\$85.37		
	Import - 887161		08/02/2021		116367280 -Stevens Creek Blvd and Fwy 85 East Ramp, Traffic Sign		\$74.90		
	Import - 887162		08/02/2021		116971849 -21111 Stevens Creek Blvd, Sports Center		\$6,896.30		
	Import - 887163		08/02/2021		116971849 -21111 Stevens Creek Blvd, Teen Center		\$375.00		
	Import - 887164		08/02/2021		116367290 -Stevens Creek and Mary Ave, Traffic Signals		\$75.55		
	Import - 887168		08/02/2021		116367332 -821 Bubb Rd #B/Building Concession		\$38.19		
	Import - 887171		08/02/2021		116367357 -N De Anza 188 FT N/Valley Green Dr, Irrig Controller		\$16.14		
	Import - 887172		08/02/2021		116367359 -Homestead and Heron, traffic control svc		\$122.82		

# Payment Register

From Payment Date: 8/28/2021 - To Payment Date: 9/3/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Import - 887173			08/02/2021		116367360 -10300 Aninworth Dr, Ball Park Stevens Creek SV		\$250.68		
Import - 887174			08/02/2021		116367370 -Stevens Creek Blvd and Fwy 85 West Ramp, Traffic Sign		\$14.78		
Import - 887175			08/02/2021		116367375 -10710 Stokes Ave, Somerset Park		\$42.31		
Import - 887176			08/02/2021		116367380 -NE Corner Peninsula and Stevens Creek, Traffic Signal		\$72.58		
Import - 887177			08/02/2021		116367385 -End/Stokes W/Wilson Crt, Sprinkler Control		\$11.62		
Import - 887178			08/02/2021		116367395 -N/E corner Foothill and Starling Dr, Traffic Signals		\$61.39		
Import - 887180			08/02/2021		116367408 -Stevens Creek Bl and Mary Avenue, Memorial Park Pump		\$62.09		
Import - 887182			08/02/2021		116367437 -10455 Miller Ave, Creekside Park		\$354.58		
Import - 887184			08/02/2021		116367447 -Stelling Rd Median 500' S/O Peppertree Ln, Landscape		\$12.16		
Import - 887185			08/02/2021		116367449 -10350 Torre Ave, Community Hall		\$1,893.82		
Import - 887186			08/02/2021		116367455 -E37R9 Rodriguez and De Anza Blvd, Traffic Signal		\$79.11		
Import - 887187			08/02/2021		116367465 -De Anza Blvd and Scofield Dr, Sprinkler Controller		\$11.31		
Import - 887189			08/02/2021		116367474 -10500 Ann Arbor Ave, Field-Garden Gate		\$210.13		
Import - 887190			08/02/2021		116367475 -Foothill and Stevens Creek, Traffic Signal		\$66.45		
Import - 887191			08/02/2021		116367476 -Salem Ave and Foothill Blvd, Irrigation Control		\$9.86		
Import - 887192			08/02/2021		116367477 -21121 Stevens Creek Blvd, Memorial Park		\$1,121.40		
Import - 887193			08/02/2021		116367484 -20220 Suisun Dr, Parks and Rec Free Standing Panel		\$174.62		
Import - 887194			08/02/2021		116367493 -Dumas Dr/Jollyman Park, Jollyman Park Restroom		\$535.85		
Import - 887195			08/02/2021		116367505 -Stevens Crk and Stelling, Signal		\$34.62		
Import - 887196			08/02/2021		116367510 -Bubb Rd and Results Wy, Traffic Signal		\$54.23		
Import - 887197			08/02/2021		116367515 -Bubb Rd and McClellan Intersection, Traffic Signal		\$82.06		
Import - 887198			08/02/2021		116367520 -Stelling Rd and Peppertree, Traffic Signal		\$55.72		
Import - 887199			08/02/2021		116367525 -Stelling and McClellan, Signals		\$81.64		
Import - 887200			08/02/2021		116367527 -Foothill Blvd 200' N/O Stevens Creek W/S, Irrigation		\$9.92		
Import - 887201			08/02/2021		116367530 -Orange Ave and Stevens Creek N/E corner, Traffic Cont		\$49.36		
Import - 887202			08/02/2021		116367536 -Senior Center 21252 Stevens Creek BLVD?		\$3,873.85		
Import - 887203			08/02/2021		116367545 -Saratoga-Sunnyvale Rd, Traffic Signal		\$68.14		
Import - 887204			08/02/2021		116367550 -W/S Saratoga-Sunnyvale Rd @ RT85, Traffic Signal		\$60.98		
Import - 887205			08/02/2021		116367559 -21011 Prospect Rd, Irrigation Control		\$9.96		
Import - 887206			08/02/2021		116367560 -S/E corner De Anza and Pacifica, Traffic Signal		\$74.69		
Import - 887208			08/02/2021		116367570 -De Anza Blvd, Sprinkler Controller *		\$11.31		
Import - 887209			08/02/2021		116367585 -Rainbow and Stelling, Traffic Signal		\$69.83		
Import - 887210			08/02/2021		116367587 -10430 S De Anza Blvd, Holiday Lighting		\$37.28		

# Payment Register

From Payment Date: 8/28/2021 - To Payment Date: 9/3/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	Import - 887211		08/02/2021		116367590 -Saratoga Sunnyvale Rd and Hwy 85, Traffic Signal		\$63.70		
	Import - 887212		08/02/2021		116367605 -E37C1 Prospect and Rte 85, Traffic Signal		\$74.13		
	Import - 887213		08/02/2021		116367610 -E37R6 Kentwood/S. De Anza Blvd, Traffic Signal		\$72.00		
	Import - 887214		08/02/2021		116367615 -Fallenleaf Ln and S De Anza Blvd, Traffic Signal		\$73.30		
	Import - 887215		08/02/2021		116367620 -S De Anza Blvd and Sharon Dr , Irrigation Controller		\$16.98		
	Import - 887216		08/02/2021		116367625 -Stevens Creek Blvd Orange S/W Cor, Irrigation Control		\$9.86		
	Import - 887217		08/02/2021		116367628 -N/W corner Alpine Dr and Foothill Blvd, Irrigation Co		\$9.86		
	Import - 887218		08/02/2021		116367630 -22100 Stevens Creek Blvd, Golf Pro Shop		\$98.38		
	Import - 887219		08/02/2021		116367648 -Linda Vista Park/Linda Vista Dr, Irrigation Control		\$120.81		
	Import - 887220		08/02/2021		116367656 -Scofield and De Anza, 100HP		\$11.94		
	Import - 887221		08/02/2021		116367677 -De Anza and Lazaneo, Sprinkler System		\$10.18		
	Import - 887222		08/02/2021		116367685 -Ruppell Pl and Moltzen Dr, Sprinkler Control		\$131.93		
	Import - 887223		08/02/2021		116367740 -Carmen Rd and Stevens Creek S/E corner, Irrigation Co		\$9.86		
	Import - 887225		08/02/2021		116367763 -10630 S De Anza Blvd, Holiday Lighting		\$7.62		
	Import - 887226		08/02/2021		116367782 -N/S Stevens Creek Blvd in front of 20301, Irrigation		\$9.87		
	Import - 887227		08/02/2021		116367793 -101 Skyport Dr, DG A, San Jose, PGandE-Owned St/Highw		\$668.80		
	Import - 887228		08/02/2021		116367815 -19784 Wintergreen Dr		\$513.76		
	Import - 887230		08/02/2021		116367836 -De Anza Blvd E/S S/O Lazaneo, Sprinkler Control		\$10.00		
	Import - 887231		08/02/2021		116367840 -community ctr -NEW		\$7,172.10		
	Import - 887232		08/02/2021		116367902 -10246 Parkside Ln, Wilson Pk Sprinklers,Snack Shack,l		\$335.29		
	Import - 887233		08/02/2021		116367907 -S/W Corner Stelling and Green leaf, Traffic Signal		\$69.19		
	Import - 887235		08/02/2021		116367925 -22601 Voss Ave, Outdoor Lighting-MV Park		\$26.73		
	Import - 887236		08/02/2021		116367941 -7548 Donegal Dr, Irrigation Control /Hoover Park		\$10.66		
	Import - 887237		08/02/2021		116367988 -21710 McClellan Rd, Playground Reception Area		\$9.86		
	Import - 887239		08/02/2021		8542370005 -Pruneridge@Hewlett Packard Driveway		\$74.60		
728607	09/03/2021	Open			Accounts Payable	READYREFRESH BY NESTLE	\$70.71		
	Invoice		Date	Description		Amount			
	11H0027344639		08/10/2021	City Hall Employee Drinking Water through 7721-8621		\$70.71			
728608	09/03/2021	Open			Accounts Payable	SAN JOSE WATER COMPANY	\$117,606.50		
	Invoice		Date	Description		Amount			
	Import - 887030		07/23/2021	0068410000-1 - 22221 McClellan 8302		\$889.80			
	Import - 887031		07/23/2021	0134100000-6 - 8303 Memorial Park		\$5,899.13			
	Import - 887032		07/30/2021	0251610000-1 - 19500 Calle De Barcelona		\$92.89			
	Import - 887033		07/23/2021	0345710000-0 - Alderbrook Ln.FS		\$117.79			

# Payment Register

From Payment Date: 8/28/2021 - To Payment Date: 9/3/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Import - 887034	07/23/2021			0677310000-0	10300 Torre Ave LS (Comm.Hall)		\$1,022.87		
Import - 887035	07/23/2021			1198300000-8	21979 San Fernando Ave. 6620		\$229.29		
Import - 887036	07/23/2021			1250520000-1	6620 Blackberry/Snack		\$836.95		
Import - 887037	07/23/2021			1332100000-5	Hyde Avenue		\$5,677.82		
Import - 887038	07/23/2021			1393820000-6	Irrig SC/Stelling LS (Stev Crk Blvd)		\$70.96		
Import - 887039	07/23/2021			1444810000-9	Hyannisport Dr. LS		\$6,752.25		
Import - 887040	07/30/2021			1649600000-7	Barrington Bridge Lane		\$806.29		
Import - 887041	07/23/2021			1735700000-3	8303 Memorial Park Restroom		\$260.99		
Import - 887042	07/23/2021			1787904559-3	22221 McClellan 8302		\$299.05		
Import - 887043	07/23/2021			1832500000-0	Ruppell PL LS		\$3,150.08		
Import - 887044	07/23/2021			1836700000-9	8322 Mary Mini Park		\$282.13		
Import - 887045	07/23/2021			1987700000-0	Alderbrook Ln LS		\$9,999.91		
Import - 887046	07/23/2021			2228610000-7	21111 Stevens Crk LS		\$334.98		
Import - 887047	07/23/2021			2243500000-9	10300 Ainsworth Dr.LS		\$4,229.36		
Import - 887048	07/23/2021			2286120000-8	21251 Stevens Creek Blvd		\$73.90		
Import - 887049	07/23/2021			2288800000-1	8306 Somerset Park		\$1,407.64		
Import - 887050	07/30/2021			2628900000-7	Farallone Dr.LS		\$7,564.22		
Import - 887051	07/23/2021			2649300000-9	10300 Torre Ave. FS (Comm.Hall)		\$117.79		
Import - 887052	07/23/2021			2787197813-9	8322 Stevens Creek Blvd.		\$86.80		
Import - 887053	07/23/2021			2892070144-9	22221 McClellan 8320		\$147.80		
Import - 887054	07/23/2021			2958510000-0	10555 Mary Ave.		\$240.03		
Import - 887055	07/23/2021			2974010000-2	21251 Stevens Creek Blvd		\$340.25		
Import - 887056	07/23/2021			2984810000-3	8504 Alves and Stelling		\$260.99		
Import - 887057	07/23/2021			3207400000-4	21710 McClellan 8312		\$3,669.23		
Import - 887058	07/23/2021			3296700000-4	Irrig SC/Stelling LS (Stev Crk Blvd)		\$70.96		
Import - 887059	07/23/2021			3530520000-4	21111 Stev.Crk Blvd 8510		\$308.54		
Import - 887060	07/23/2021			3612707315-7	Stockmeir Ct		\$831.68		
Import - 887061	07/23/2021			3673220000-5	Stev.Crk/Cupertino Rd.		\$70.96		
Import - 887062	07/23/2021			3746710000-6	21111 Stev.Crk BL FS		\$116.13		
Import - 887063	07/23/2021			3841010000-2	8507 Monta Vista Park		\$250.42		
Import - 887064	07/23/2021			3856110000-9	8322 Stella Estates		\$70.96		
Import - 887065	07/23/2021			3857710000-1	8322 Foothill/Cupertino Rd		\$304.35		
Import - 887066	07/23/2021			3900520000-9	10300 Torre Ave		\$489.73		
Import - 887067	07/23/2021			4012210000-7	22601 Voss Av 8304		\$4,868.02		
Import - 887068	07/23/2021			4103020000-4	6620 Blackberry/Snack		\$736.56		
Import - 887069	07/23/2021			4227520000-6	8303 Memorial Park		\$1,064.18		
Import - 887070	07/23/2021			5122900000-8	Portable Meter		\$451.06		
Import - 887071	07/23/2021			5237400000-9	Dumas Dr, LS		\$7,423.44		
Import - 887072	07/23/2021			5356310000-6	8322 Stev.Crk/Median		\$224.02		
Import - 887073	07/23/2021			5778910000-5	8504 Quinlan Ln.FS		\$73.90		
Import - 887074	07/23/2021			5835000000-4	8322 Stelling/Alves		\$140.56		
Import - 887075	07/23/2021			5929210000-1	8322 Ann Arbor Ct		\$140.56		
Import - 887076	07/23/2021			5948100000-4	Emerg Irrig/Golf		\$11,645.69		
Import - 887077	07/23/2021			5986710000-6	10300 Torre Ave. FS (Comm.Hall)		\$446.43		
Import - 887078	07/23/2021			5997110000-9	7555 Barnhart Pl		\$6,759.47		
Import - 887079	07/23/2021			6292600000-1	10800 Torre Ave LS		\$3,347.67		
Import - 887080	07/23/2021			6296810000-8	8322 Stev.Crk Bl median		\$70.96		
Import - 887081	07/23/2021			6405210000-1	8506 McClellan Ranch		\$129.07		
Import - 887082	07/23/2021			6578520000-0	8322 Foothill/Alpine LS		\$140.56		
Import - 887083	07/23/2021			6730700000-9	21975 San Fernando Av		\$752.59		

# Payment Register

From Payment Date: 8/28/2021 - To Payment Date: 9/3/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	Import - 887084		07/23/2021	6788620000-4	10555 Mary Ave. 8503		\$287.41		
	Import - 887085		07/23/2021	6907100000-9	Alderbrook Ln		\$234.56		
	Import - 887086		07/23/2021	6935200000-9	8303 Memorial Park		\$6,961.24		
	Import - 887087		07/23/2021	6973320000-5	8301 Linda Vista PK1		\$1,312.52		
	Import - 887088		07/23/2021	7036000000-7	85 Stev.Crk/Mary LS		\$203.95		
	Import - 887089		07/23/2021	7054200000-8	8322 Phar Lap LS		\$43.16		
	Import - 887090		07/23/2021	7495200000-3	10300 Torre Ave FS		\$117.79		
	Import - 887091		07/23/2021	7630410000-1	Salem Av.LS		\$256.79		
	Import - 887092		07/23/2021	7930000000-1	8322 Stelling/Christensen Dr.		\$151.10		
	Import - 887093		07/23/2021	8006810000-9	10450 Mann Dr		\$43.16		
	Import - 887094		07/23/2021	8065700000-8	Peninsula and Fitzgerald Is		\$53.70		
	Import - 887095		07/30/2021	8148220000-3	Sterling BL LS(Sterlinig BarnhartPk)		\$473.65		
	Import - 887096		07/23/2021	8270010000-9	Janice Ave.LS		\$239.86		
	Import - 887097		07/23/2021	8287220000-9	8322 Stevens Cr/San Antonio Ls		\$70.96		
	Import - 887098		07/23/2021	8427420000-9	8322 Foothill/Vista Knoll		\$156.40		
	Import - 887099		07/23/2021	8549600000-2	Bubb Rd.LS		\$4,884.88		
	Import - 887100		07/23/2021	8647520000-1	10555 Mary Ave/Corp Yard FS		\$190.02		
	Import - 887101		07/23/2021	8755010000-9	10455 Miller Ave/Creekside		\$424.80		
	Import - 887102		07/23/2021	8879620000-9	8504 Christensen Dr		\$250.42		
	Import - 887103		07/23/2021	8886800000-6	8301 Linda Vista PK2		\$1,365.36		
	Import - 887104		07/23/2021	9377600000-7	8307 Varian Park		\$3,870.03		
	Import - 887105		07/23/2021	9824500000-9	8322 Irrig SC/Stelling		\$225.08		
728609	09/03/2021	Open			Accounts Payable	SAN JOSE WATER COMPANY	\$38,947.82		
	Invoice		Date	Description		Amount			
	51-2594		09/14/2020	FY 20-21Chesteron Mech Seal & Stainless Steel Shaft for Mann B-5		\$18,864.65			
	022021		04/21/2021	FY 20-21Cost orders 51-2547, 51-2577, 51-2604		\$17,684.07			
	51-2548-2		09/14/2020	FY 20-21 Renew Services for main replacements, Aug 31,202		\$2,399.10			
728610	09/03/2021	Open			Accounts Payable	SOLARWINDS	\$458.88		
	Invoice		Date	Description		Amount			
	IN533539		08/31/2021	FY22 Subscription 11/25/21 - 11/25/22		\$458.88			
728611	09/03/2021	Open			Accounts Payable	SUE AND KATHY LINE DANCE	\$1,285.20		
	Invoice		Date	Description		Amount			
	090121		09/01/2021	August Line Dance (Beg, Beg/Int, Int+) 17,26,18 Students		\$1,285.20			
728612	09/03/2021	Open			Accounts Payable	SUNSHINE UNLIMITED	\$58,451.40		
	Invoice		Date	Description		Amount			
	Summer Payment 2		08/25/2021	payment for summer camps		\$58,451.40			
728613	09/03/2021	Open			Accounts Payable	UNITED STORM WATER, INC.	\$56,139.69		
	Invoice		Date	Description		Amount			
	SW38108		07/31/2021	Installation of storm drain inlet screens 2021		\$56,139.69			
728614	09/03/2021	Open			Accounts Payable	URBAN FUTURES INC.	\$6,000.00		
	Invoice		Date	Description		Amount			
	CD20211074		08/31/2021	2020A Certificates of Participation & 2012 Rebate		\$6,000.00			



# Payment Register

From Payment Date: 8/28/2021 - To Payment Date: 9/3/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
728615	09/03/2021	Open			Accounts Payable	Arretche, Tina	\$600.00		
	Invoice		Date	Description		Amount			
	2000100.003		08/18/2021	BBF - Blackberry Site, 8.8.21, #R64153		\$600.00			
728616	09/03/2021	Open			Accounts Payable	BOND PAVEMENT SOLUTIONS, INC.	\$155.00		
	Invoice		Date	Description		Amount			
	12155		09/02/2021	BOND PAVEMENT SOLUTIONS, INC. BL refund		\$155.00			
728617	09/03/2021	Open			Accounts Payable	CHIU, PAUL	\$7,000.00		
	Invoice		Date	Description		Amount			
	274161		08/30/2021	22450 Santa Paula Ave, Encroachment, 274161		\$7,000.00			
728618	09/03/2021	Open			Accounts Payable	CHIU, PAUL	\$3,000.00		
	Invoice		Date	Description		Amount			
	266162		08/30/2021	22450 Santa Paula Ave, Encroachment, 266162		\$3,000.00			
728619	09/03/2021	Open			Accounts Payable	KIRSTAN ROCK	\$655.45		
	Invoice		Date	Description		Amount			
	276353		08/27/2021	REFUND 10400 CRESTON DRIVE BLD-2021-1385 REDUCED SCOPE OF WORK		\$655.45			
728620	09/03/2021	Open			Accounts Payable	LANDMARK SJ ROOFING INC.	\$155.00		
	Invoice		Date	Description		Amount			
	12149		09/02/2021	LANDMARK SJ ROOFING INC. BL refund		\$155.00			
728621	09/03/2021	Open			Accounts Payable	O'Sullivan, Katie	\$25.00		
	Invoice		Date	Description		Amount			
	OSullivan072821		08/30/2021	Live Scan and Fingerprinting Reimbursement		\$25.00			
728622	09/03/2021	Open			Accounts Payable	Ranade, Sae	\$30.00		
	Invoice		Date	Description		Amount			
	Sae07232021		08/30/2021	Live Scan and Fingerprinting Reimbursement		\$30.00			
728623	09/03/2021	Open			Accounts Payable	THOMAS JAMES HOMES	\$12,000.00		
	Invoice		Date	Description		Amount			
	266481		08/30/2021	10661 Gascoigne Dr, Encroachment, 266481		\$12,000.00			
728624	09/03/2021	Open			Accounts Payable	TRACY HSU	\$3,498.00		
	Invoice		Date	Description		Amount			
	276937		08/30/2021	REFUND 20696 HANFORD DR R-2021-032 WITHDRAWN		\$3,498.00			
728625	09/03/2021	Open			Accounts Payable	ZHOU, XIANG	\$4,000.00		
	Invoice		Date	Description		Amount			
	266651		08/30/2021	10731 Wunderlich Dr, Encroachment, 266651		\$4,000.00			
Type Check Totals:							41 Transactions	\$385,734.95	
EFT									
32458	09/01/2021	Open			Accounts Payable	USPS - EFT ONLY	\$1,933.85		
	Invoice		Date	Description		Amount			
	444531211		08/30/2021	CUPERTINO SCENE INC		\$1,933.85			
32459	09/01/2021	Open			Accounts Payable	USPS - EFT ONLY	\$1,986.10		
	Invoice		Date	Description		Amount			
	444687480		08/31/2021	CUPERTINO SCENE INC		\$1,986.10			

# Payment Register

From Payment Date: 8/28/2021 - To Payment Date: 9/3/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
32460	09/03/2021	Open			Accounts Payable	Colonial Life & Accident Insurance	\$29.16		
	Invoice		Date	Description		Amount			
	08272021		08/27/2021	Colonial Products pp 8/14/21-8/27/21		\$29.16			
32461	09/03/2021	Open			Accounts Payable	Employment Development	\$8,545.77		
	Invoice		Date	Description		Amount			
	08272021		08/27/2021	State Disability Insurance pp 8/14/21-8/27/21		\$8,545.77			
32462	09/03/2021	Open			Accounts Payable	PERS-457K	\$9,389.32		
	Invoice		Date	Description		Amount			
	08272021		08/27/2021	PERS Deferred Comp pp 8/14/21-8/27/21		\$9,389.32			
32463	09/03/2021	Open			Accounts Payable	State Disbursement Unit	\$254.30		
	Invoice		Date	Description		Amount			
	08272021		08/27/2021	Child Support pp 8/14/21-8/27/21		\$254.30			
32464	09/03/2021	Open			Accounts Payable	ALESHIRE & WYNDER, LLP	\$4,150.00		
	Invoice		Date	Description		Amount			
	63640		08/30/2021	Legal Services rendered through 7/31/21		\$4,150.00			
32465	09/03/2021	Open			Accounts Payable	BIKEEP INC.	\$49.00		
	Invoice		Date	Description		Amount			
	17766-6		08/31/2021	Monthly Bikeep Fee		\$49.00			
32466	09/03/2021	Open			Accounts Payable	BKF ENGINEERS	\$50,055.10		
	Invoice		Date	Description		Amount			
	21070933		07/15/2021	JST Prof. Svcs. East & Central Segments 052421-062721		\$50,055.10			
32467	09/03/2021	Open			Accounts Payable	BOUCHER LAW	\$8,725.00		
	Invoice		Date	Description		Amount			
	649		08/30/2021	Labor & Employment Law Matters		\$6,750.00			
	648		08/30/2021	COVID-19 Matters		\$1,975.00			
32468	09/03/2021	Open			Accounts Payable	CLEARBLU ENVIRONMENTAL	\$445.60		
	Invoice		Date	Description		Amount			
	25694		08/18/2021	Streets: Aug. Haz Mat Maint		\$445.60			
32469	09/03/2021	Open			Accounts Payable	CROWE LLP	\$10,000.00		
	Invoice		Date	Description		Amount			
	741-2455326		08/30/2021	Professional Services Rendered Through 08/15/2021		\$10,000.00			
32470	09/03/2021	Open			Accounts Payable	CUPERTINO SUPPLY INC	\$206.03		
	Invoice		Date	Description		Amount			
	267017		08/19/2021	Trees/ROW: plants		\$206.03			
32471	09/03/2021	Open			Accounts Payable	CYXTERA COMMUNICATIONS LLC	\$737.43		
	Invoice		Date	Description		Amount			
	B1-2224951		09/01/2021	FY22 Colocation Services - October 2021		\$737.43			
32472	09/03/2021	Open			Accounts Payable	EDGES ELECTRICAL GROUP	\$209.07		
	Invoice		Date	Description		Amount			
	S5351538.001		08/27/2021	Trees/ROW: wires and strips		\$209.07			
32473	09/03/2021	Open			Accounts Payable	Eflex Group, Inc	\$4,527.63		
	Invoice		Date	Description		Amount			
	08272021		08/27/2021	FSA Employee Health pp 8/14/21-8/27/21		\$4,527.63			



# Payment Register

From Payment Date: 8/28/2021 - To Payment Date: 9/3/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
32474	09/03/2021	Open			Accounts Payable	ENTERPRISE FOUNDATION	\$2,200.85		
	Invoice		Date	Description		Amount			
	CC003		08/06/2021	FY20-21 Administration Fees		\$2,200.85			
32475	09/03/2021	Open			Accounts Payable	EPAC TECHNOLOGIES, INC.	\$689.43		
	Invoice		Date	Description		Amount			
	E340974		08/19/2021	COC #10 Envelope w/ Logo Envelope		\$689.43			
32476	09/03/2021	Open			Accounts Payable	GRACE DUVAL	\$294.00		
	Invoice		Date	Description		Amount			
	090121		09/01/2021	Zumba Gold Zoom (8.4-8.25) 20 Students		\$294.00			
32477	09/03/2021	Open			Accounts Payable	GRAINGER INC	\$1,035.83		
	Invoice		Date	Description		Amount			
	9034353871		08/25/2021	Facilities: FLUORESCENT BALLAST sign shop		\$364.56			
	9035978999		08/26/2021	Fleet: safety supplies		\$92.60			
	9040301997		08/31/2021	Facilities: ty TEMP CONTROL HANDLE, FAUCET, TUB AND SHOWER VALVE		\$578.67			
32478	09/03/2021	Open			Accounts Payable	GRANICUS, LLC	\$42,485.36		
	Invoice		Date	Description		Amount			
	143352		08/31/2021	FY22 Consolidated Subscriptions		\$42,485.36			
32479	09/03/2021	Open			Accounts Payable	HINDERLITER, DE LLAMAS & ASSOCIATES	\$11,815.57		
	Invoice		Date	Description		Amount			
	SIN008975		05/31/2021	AUDIT & cONTRACT SERVICES SALES TAX QRT4 2020		\$11,815.57			
32480	09/03/2021	Open			Accounts Payable	ICMA Retirement Trust-457	\$13,624.59		
	Invoice		Date	Description		Amount			
	08272021		08/27/2021	ICMA Deferred Comp pp 8/14/21-8/27/21		\$13,624.59			
32481	09/03/2021	Open			Accounts Payable	IFPTE LOCAL 21	\$1,918.64		
	Invoice		Date	Description		Amount			
	08272021		08/27/2021	Association Dues - CEA pp 8/14/21-8/27/21		\$1,918.64			
32482	09/03/2021	Open			Accounts Payable	INTERSTATE TRAFFIC CONTROL PRODUCTS, INC	\$5,204.07		
	Invoice		Date	Description		Amount			
	246440		08/31/2021	Streets: IMPACT RECOVERY ANCHOR KIT		\$245.00			
	246439		08/31/2021	Streets: SIGN - CUSTOM BLANKS 18X42		\$459.38			
	246441		08/31/2021	Streets: PAINT, ANCHORMATE FOR 2" SQ POST		\$4,499.69			
32483	09/03/2021	Open			Accounts Payable	JAM SERVICES INC	\$333.10		
	Invoice		Date	Description		Amount			
	148955		08/25/2021	2-PNC Astrobrac w/ Tenon Mount & Freight Charges		\$333.10			
32484	09/03/2021	Open			Accounts Payable	JARVIS, FAY & GIBSON, LLP	\$7,514.00		
	Invoice		Date	Description		Amount			
	15519		07/31/2021	Legal Services, July 1-31, 2021		\$7,514.00			
32485	09/03/2021	Open			Accounts Payable	KIMBALL-MIDWEST	\$698.74		
	Invoice		Date	Description		Amount			
	9151315		08/24/2021	Streets: Streetlight supplies black cable ties		\$60.02			
	9152368		08/25/2021	Fleet: Supplies		\$494.77			
	9154269		08/25/2021	Streets: placing tools signs		\$143.95			

# Payment Register

From Payment Date: 8/28/2021 - To Payment Date: 9/3/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
32486	09/03/2021	Open			Accounts Payable	KMVT COMMUNITY TELEVISION	\$5,604.95		
	Invoice		Date	Description		Amount			
	7665		06/30/2021	FY20-21 KMVT Community TV June 2021		\$5,604.95			
32487	09/03/2021	Open			Accounts Payable	LIFETIME TENNIS, INC.	\$240,040.88		
	Invoice		Date	Description		Amount			
	090121 LTP2		09/01/2021	payment 2 July 19 through August 29		\$240,040.88			
32488	09/03/2021	Open			Accounts Payable	MARILYN MONREAL	\$105.50		
	Invoice		Date	Description		Amount			
	MarilynM083021		08/30/2021	Marilyn - Notary Fees Reimbursement 8/30/21		\$105.50			
32489	09/03/2021	Open			Accounts Payable	National Deferred (ROTH)	\$4,650.70		
	Invoice		Date	Description		Amount			
	08272021		08/27/2021	Nationwide Roth pp 8/14/21-8/27/21		\$4,650.70			
32490	09/03/2021	Open			Accounts Payable	National Deferred Compensatin	\$28,399.58		
	Invoice		Date	Description		Amount			
	08272021		08/27/2021	Nationwide Deferred Compensation pp 8/14/21-8/27/21		\$28,399.58			
32491	09/03/2021	Open			Accounts Payable	OFFICE DEPOT, INC.	\$194.23		
	Invoice		Date	Description		Amount			
	188394349001		08/12/2021	HP 730 300-ML Matte Black Ink		\$194.23			
32492	09/03/2021	Open			Accounts Payable	PARS/City of Cupertino	\$3,473.90		
	Invoice		Date	Description		Amount			
	08272021		08/27/2021	PARS Employee pp 8/14/21-8/27/21		\$3,473.90			
32493	09/03/2021	Open			Accounts Payable	Raaymakers , John	\$49.98		
	Invoice		Date	Description		Amount			
	JohnR08192021		08/19/2021	Cell Phone Reimbursement through 072021-081921		\$49.98			
32494	09/03/2021	Open			Accounts Payable	RISE HOUSING SOLUTIONS, INC	\$12,767.00		
	Invoice		Date	Description		Amount			
	Cupertino - 003		07/31/2021	BMR Program Administrator 2021/07		\$12,767.00			
32495	09/03/2021	Open			Accounts Payable	SERVICE STATION SYSTEMS, INC.	\$2,760.45		
	Invoice		Date	Description		Amount			
	D914834		08/21/2021	Streets: Compliance Testing		\$2,760.45			
32496	09/03/2021	Open			Accounts Payable	Snapology of Los Gatos	\$9,590.00		
	Invoice		Date	Description		Amount			
	Snapology22-2		08/31/2021	Snapology Summer 2021 Last Payment		\$9,590.00			
32497	09/03/2021	Open			Accounts Payable	SPENCON CONSTRUCTION, INC.	\$45,862.67		
	Invoice		Date	Description		Amount			
	8632		08/13/2021	Retention/Final Payment		\$45,862.67			
32498	09/03/2021	Open			Accounts Payable	SUNNYVALE FORD	\$180.45		
	Invoice		Date	Description		Amount			
	192714		08/24/2021	Fleet: auto parts		\$180.45			
32499	09/03/2021	Open			Accounts Payable	TENJI INC	\$1,866.46		
	Invoice		Date	Description		Amount			
	3310		08/24/2021	Facilities: July Gen Maint Library		\$1,866.46			

# Payment Register

From Payment Date: 8/28/2021 - To Payment Date: 9/3/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
32500	09/03/2021	Open			Accounts Payable	TERRYBERRY COMPANY LLC	\$707.47		
	Invoice		Date	Description		Amount			
	143069-22259		08/31/2021	Consolidated Invoice		\$707.47			
32501	09/03/2021	Open			Accounts Payable	ZOOM VIDEO COMMUNICATIONS, INC.	\$573.44		
	Invoice		Date	Description		Amount			
	INV103520536		08/22/2021	Zoom Webinar 1000 -Aug 22, 2021-Sep 21, 2021		\$286.72			
	INV98362761		07/22/2021	Webinar 1000 - Jul 22, 2021-Aug 21, 2021		\$286.72			
Type EFT Totals:							\$545,885.20		
Main Account - Main Checking Account Totals									

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	41	\$385,734.95	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	41	\$385,734.95	\$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	44	\$545,885.20	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	44	\$545,885.20	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	85	\$931,620.15	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	85	\$931,620.15	\$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	41	\$385,734.95	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	41	\$385,734.95	\$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	44	\$545,885.20	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	44	\$545,885.20	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	85	\$931,620.15	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	85	\$931,620.15	\$0.00

Approved: Beth Viajar  
09.07.2021



# CITY OF CUPERTINO

## Agenda Item

---

**21-9957**

**Agenda Date:**  
**10/19/2021 Agenda #:**  
**11.**

---

Subject: Consider Accepting Accounts Payable for pay period ending September 13, 2021

Adopt Resolution No. 21-094 accepting Accounts Payable for pay period ending September 13, 2021

**RESOLUTION NO. 21-\_\_**

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL  
CUPERTINO ALLOWING CERTAIN CLAIMS AND DEMANDS  
PAYABLE IN THE AMOUNTS AND FROM THE FUNDS AS HEREINAFTER  
DESCRIBED FOR GENERAL AND MISCELLANEOUS EXPENDITURES FOR  
THE PERIOD ENDING**

September 13, 2021

WHEREAS, the Director of Administrative Services or her designated representative has certified to accuracy of the following claims and demands and to the availability of funds for payment hereof; and

WHEREAS, the said claims and demands have been audited as required by law.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby allows the following claims and demands in the amounts and from the funds as hereinafter set forth in the attached Payment Register.

CERTIFIED:   
Zach Korach, Finance Manager

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 19<sup>th</sup> day of October, 2021, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

Resolution No. \_\_\_\_\_

Page 2

<p>SIGNED:</p>  <p>_____ Darcy Paul, Mayor City of Cupertino</p>	<p>_____ Date</p>
<p>ATTEST:</p>  <p>_____ Kirsten Squarcia, City Clerk</p>	<p>_____ Date</p>

# Payment Register

From Payment Date: 9/4/2021 - To Payment Date: 9/10/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Main Account - Main Checking Account									
<u>Check</u>									
728626	09/10/2021	Open			Accounts Payable	ADTAXI   BAY AREA NEWS GROUP	\$2,235.00		
	Invoice		Date	Description		Amount			
	0001305952		09/01/2021	Legal Advertising - August 2021		\$2,235.00			
728627	09/10/2021	Open			Accounts Payable	ADVANTAGE GRAFIX	\$106.94		
	Invoice		Date	Description		Amount			
	45978		09/07/2021	Business Cards for Rodney Weathers- Building Division		\$106.94			
728628	09/10/2021	Open			Accounts Payable	ALHAMBRA & SIERRA SPRINGS	\$14.97		
	Invoice		Date	Description		Amount			
	21589707 090221		09/02/2021	Service Center Water coolers and delivery		\$14.97			
728629	09/10/2021	Open			Accounts Payable	Amazon Capital Services	\$154.41		
	Invoice		Date	Description		Amount			
	1QDW-R93R-7RDM		08/30/2021	3x Dual Port Gigabit Ethernet Adapter w/USB Port - 10/100/100		\$154.41			
728630	09/10/2021	Open			Accounts Payable	BOETHING TREELAND FARMS INC	\$175.07		
	Invoice		Date	Description		Amount			
	SI-1288246		09/03/2021	Trees/ROW: median plants		\$175.07			
728631	09/10/2021	Open			Accounts Payable	Buddhist Tzu Chi Medical Foundation	\$7,400.00		
	Invoice		Date	Description		Amount			
	BTCMF090221		09/02/2021	FY 21-22 Community Funding Grant Recipient		\$7,400.00			
728632	09/10/2021	Open			Accounts Payable	City Data Services, LLC	\$1,050.00		
	Invoice		Date	Description		Amount			
	2149		08/15/2021	CDS Monthly Maintenance 2021 July - Sep		\$1,050.00			
728633	09/10/2021	Open			Accounts Payable	CITY OF CUPERTINO	\$4,795.18		
	Invoice		Date	Description		Amount			
	57180		09/02/2021	Building permit fee Regnart Creek Trail Fence, BLD-2021-1751		\$4,795.18			
728634	09/10/2021	Open			Accounts Payable	COMCAST BUSINESS COMMUNICATIONS, LLC	\$983.36		
	Invoice		Date	Description		Amount			
	128811452		09/01/2021	Business Class Internet - Mary, Stevens Creek Aug. 2021		\$983.36			
728635	09/10/2021	Open			Accounts Payable	DEVIL MOUNTAIN WHOLESALE NURSERY, INC	\$11,932.09		
	Invoice		Date	Description		Amount			
	1597 /7		09/03/2021	Tree/ROW: trees and freight		\$8,260.82			
	9647 /3		09/02/2021	Trees/ROW: Trees		\$3,671.27			
728636	09/10/2021	Open			Accounts Payable	DEX SYSTEMS ENGINEERING	\$2,310.00		
	Invoice		Date	Description		Amount			
	1489		08/30/2021	Instal AJA Video Frame Sync; Install audio cables @ Senior Ctr.		\$2,310.00			

# Payment Register

From Payment Date: 9/4/2021 - To Payment Date: 9/10/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
728637	09/10/2021	Open			Accounts Payable	ICMA MEMBERSHIP RENEWALS	\$800.00		
	Invoice		Date	Description		Amount			
	379470		09/01/2021	Emerging Leaders Development Program Fall '23 Non-Member (Gilee)		\$800.00			
728638	09/10/2021	Open			Accounts Payable	KELLY-MOORE PAINT CO INC	\$252.74		
	Invoice		Date	Description		Amount			
	806-00000319334		09/02/2021	facilities: paint		\$252.74			
728639	09/10/2021	Open			Accounts Payable	MOUNTAIN VIEW GARDEN CENTER	\$121.21		
	Invoice		Date	Description		Amount			
	107672		08/31/2021	Grounds: gravel		\$74.29			
728640	09/10/2021	Open			Accounts Payable	SANTA CLARA VALLEY AUDUBON SOCIETY	\$8,500.00		
	Invoice		Date	Description		Amount			
	SCVASS090221		09/02/2021	FY 21-22 Community Funding Grant Recipient		\$8,500.00			
728641	09/10/2021	Open			Accounts Payable	TIM COLVIN	\$1,600.00		
	Invoice		Date	Description		Amount			
	2021-9		09/04/2021	Swap Rack DVD & Zoom Room positions; Breakaway Zoom room audio		\$1,600.00			
728642	09/10/2021	Open			Accounts Payable	TPX COMMUNICATIONS	\$2,096.09		
	Invoice		Date	Description		Amount			
	146921151-0		08/31/2021	Telephone Service for new VoIP System Aug. 2021		\$2,096.09			
728643	09/10/2021	Open			Accounts Payable	TUFF SHED	\$7,112.78		
	Invoice		Date	Description		Amount			
	1714265		08/26/2021	Storage Shed for Service Center		\$7,112.78			
728644	09/10/2021	Open			Accounts Payable	UNITED SITE SERVICES INC.	\$323.59		
	Invoice		Date	Description		Amount			
	114-12345894		08/31/2021	portable toilet at compost site- September 2021		\$323.59			
728645	09/10/2021	Open			Accounts Payable	VERIZON WIRELESS	\$10,148.21		
	Invoice		Date	Description		Amount			
	9885531295-0		08/04/2021	4082025384 Travis Warner		\$38.01			
	9885531295-1		08/04/2021	4082043449 Rei Delgado		\$38.01			
	9885531295-2		08/04/2021	4082053349 Senior Ctr/Rafael		\$31.40			
	9885531295-3		08/04/2021	4082054541 Iqraam Nabi		\$38.01			
	9885531295-4		08/04/2021	4082054849 Brandon Martinez		\$38.01			
	9885531295-5		08/04/2021	4082055866 Domingo Trujillo		\$38.01			
	9885531295-6		08/04/2021	4082056589 Street Lights		\$40.01			
	9885531295-7		08/04/2021	4082060538 Quinton Adams		\$51.45			
	9885531295-8		08/04/2021	4082067434 Albert Salvador		\$58.62			
	9885531295-9		08/04/2021	4082067512 Tracy Ayala/ Fleet/Mechanic Shop		\$38.01			
	9885531295-10		08/04/2021	4082093255 Quinton Adams iPad		\$38.01			
	9885531295-11		08/04/2021	4082340189 Bill MiFi/IT Departmnet MiFi		\$38.01			
	9885531295-12		08/04/2021	4082340843 Sustainability iPad		\$38.01			
	9885531295-13		08/04/2021	4082340978 Infranstructure Department		\$38.01			
	9885531295-14		08/04/2021	4082344724 Jonathan Ferrante Medians Group		\$38.01			
	9885531295-15		08/04/2021	4082344724 Building Attendants Quinlan		\$25.22			



# Payment Register

From Payment Date: 9/4/2021 - To Payment Date: 9/10/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	9885531295-16		08/04/2021	4082348494	Roger Lee		\$83.00		
	9885531295-17		08/04/2021	4083090340	Piu Ghosh		\$34.54		
	9885531295-18		08/04/2021	4083092693	Paul Tognetti		\$38.01		
	9885531295-19		08/04/2021	4083095709	Nicole Lee		\$38.01		
	9885531295-20		08/04/2021	408-309-6398	/ Lisa Cameli		\$38.21		
	9885531295-21		08/04/2021	4083097042	Kristina Alfaro		\$25.22		
	9885531295-22		08/04/2021	4083097640	Bob Sabich		\$42.98		
	9885531295-23		08/04/2021	4083098401	Paul Sapudar		\$38.01		
	9885531295-24		08/04/2021	4083099252	Antonio Torrez		\$34.79		
	9885531295-25		08/04/2021	4083130045	Roberto Montez		\$38.01		
	9885531295-26		08/04/2021	4083131148	Toan Quach		\$32.29		
	9885531295-27		08/04/2021	4083133344	Brian Babcock		\$36.65		
	9885531295-28		08/04/2021	4083134725	Jonathan Ferrante Medians Group		\$38.01		
	9885531295-29		08/04/2021	4083134725	Jonathan Ferrante Medians Group		\$38.01		
	9885531295-30		08/04/2021	4083135321	Paul Sapudar		\$38.01		
	9885531295-31		08/04/2021	4083136943	Travis Warner		\$38.01		
	9885531295-32		08/04/2021	4083144452	HazMat/S. Tognetti		\$27.98		
	9885531295-33		08/04/2021	4083146637	Sean Hatch/ Phoung D		\$44.33		
	9885531295-34		08/04/2021	4083149200	Victoria Morin		\$38.01		
	9885531295-35		08/04/2021	4083153044	Jonathan Ferrante		\$574.52		
	9885531295-36		08/04/2021	4083156764	Rachelle Sander Mifi		\$38.01		
	9885531295-37		08/04/2021	4083158165	Brian Gathers		\$38.01		
	9885531295-38		08/04/2021	4083161283	Bill Mitchell		\$38.01		
	9885531295-39		08/04/2021	4083162067	Paul O Sullivan		\$34.56		
	9885531295-40		08/04/2021	4083167320	Gulu Sakhrani		\$38.01		
	9885531295-41		08/04/2021	4083182012	Kane Wolfe		\$38.01		
	9885531295-42		08/04/2021	4083187365	Bob Sabich		\$38.01		
	9885531295-43		08/04/2021	4083188726	Diego Rodriguez		\$38.01		
	9885531295-44		08/04/2021	4083344885	Michael Kimball		\$38.01		
	9885531295-45		08/04/2021	4083349082	Sean Hatch/ City of Cupertino		\$29.29		
	9885531295-46		08/04/2021	4083403184	Peter Coglianese		\$38.01		
	9885531295-47		08/04/2021	4083408060	Nidhi Mathur		\$38.01		
	9885531295-48		08/04/2021	4083408128	Lori Baumgartner		\$38.01		
	9885531295-49		08/04/2021	4083408564	Portal Park		\$38.01		
	9885531295-50		08/04/2021	4083408648	Chad Mosley		\$38.01		
	9885531295-51		08/04/2021	4084407136	Andy Badal		\$38.01		
	9885531295-52		08/04/2021	4084601821	Ty Bloomquist		\$65.25		
	9885531295-53		08/04/2021	4084664450	TOC Oncall		\$38.01		
	9885531295-54		08/04/2021	4084664906	Kerri Heusler Housing Planner		\$38.01		
	9885531295-55		08/04/2021	4084721568	David Stillman		\$51.45		
	9885531295-56		08/04/2021	4084726541	John Raaymakers		\$38.01		
	9885531295-57		08/04/2021	4084727011	Ty Bloomquist		\$38.01		
	9885531295-58		08/04/2021	4084727295	Antonio Torrez		\$38.01		
	9885531295-59		08/04/2021	4084727857	Paul O'Sullivan		\$38.01		
	9885531295-60		08/04/2021	4084727927	Bill Mitchell		\$38.01		
	9885531295-61		08/04/2021	4084728289	Jonathan Ferrante WWP		\$0.65		
	9885531295-62		08/04/2021	4084729907	Manuel Barragan		\$51.45		
	9885531295-63		08/04/2021	4084781999	James Lee		\$33.47		
	9885531295-64		08/04/2021	4084825991	Benjamin Fu		\$38.01		
	9885531295-65		08/04/2021	4084826096	Monica Diaz		\$38.01		

# Payment Register

From Payment Date: 9/4/2021 - To Payment Date: 9/10/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	9885531295-66		08/04/2021	4084833215	Teri Gerhardt		\$38.01		
	9885531295-67		08/04/2021	4084835672	M. Jonathan Ferrante		\$38.01		
	9885531295-68		08/04/2021	4084837859	Shawn Tognetti		\$38.01		
	9885531295-69		08/04/2021	4084837997	James Lee Ipad		\$38.01		
	9885531295-70		08/04/2021	4084839976	On Call Service Center		\$41.01		
	9885531295-71		08/04/2021	4084892932	Ross Slaney		\$38.01		
	9885531295-72		08/04/2021	4084893224	Dianne Thompson		\$35.75		
	9885531295-73		08/04/2021	4084899309	Jonathan Ferrante		\$1,082.34		
	9885531295-74		08/04/2021	4084899310	Kevin Rieden		\$38.01		
	9885531295-75		08/04/2021	4084933534	Jonathan Ferrante Median Crew 2		\$38.01		
	9885531295-76		08/04/2021	4084933543	Frank Villa		\$54.35		
	9885531295-77		08/04/2021	4084959234	Thomas Chin		\$38.68		
	9885531295-78		08/04/2021	4084973691	Sean Filbeck		\$38.01		
	9885531295-79		08/04/2021	4084974686	Cliff Mabutas		\$38.01		
	9885531295-80		08/04/2021	4084974862	Jeff Trybus/IT Wireless		\$38.01		
	9885531295-81		08/04/2021	4084977220	Colleen Ferris iPad		\$38.01		
	9885531295-82		08/04/2021	4084978714	Joanne Magrini		\$39.80		
	9885531295-83		08/04/2021	4084979307	David Stillman		\$38.01		
	9885531295-84		08/04/2021	4085100198	Gilee Corral		\$38.01		
	9885531295-85		08/04/2021	4085100622	Susan Michael		\$64.27		
	9885531295-86		08/04/2021	4085109158	Winnie Pagan		\$38.01		
	9885531295-87		08/04/2021	4085152301	Vanessa Guerra		\$33.46		
	9885531295-88		08/04/2021	408-515-9374	Jimmy Tan		\$30.58		
	9885531295-89		08/04/2021	4085683911	Jonathan Ferrante WWP		\$38.01		
	9885531295-90		08/04/2021	4085994937	Ursula Syrova		\$38.01		
	9885531295-91		08/04/2021	4086052546	Jerry Anderson		\$38.01		
	9885531295-92		08/04/2021	4086053078	Quinton MiFi		\$38.01		
	9885531295-93		08/04/2021	4086053905	Andrew Schmitt MiFi 2		\$38.01		
	9885531295-94		08/04/2021	4086092453	Amanda Hui		\$27.07		
	9885531295-95		08/04/2021	4086094188	Alfredo Alegria		\$38.01		
	9885531295-96		08/04/2021	4086094367	Brandon Morales		\$38.01		
	9885531295-97		08/04/2021	4086098711	Ralph Aguinaga		\$38.01		
	9885531295-98		08/04/2021	4086098796	Frank Villa		\$38.01		
	9885531295-99		08/04/2021	4086098826	Domingo Santos		\$38.01		
	9885531295-100		08/04/2021	4086100601	Paul Tognetti		\$55.64		
	9885531295-101		08/04/2021	4086288745	Ken Tanase		\$38.01		
	9885531295-102		08/04/2021	408-609-2803	Kevin Simons		\$1,423.24		
	9885531295-103		08/04/2021	4086301388	Monica Diaz		\$69.17		
	9885531295-104		08/04/2021	4086424263	Alex Wykoff/IT Wireless		\$38.01		
	9885531295-105		08/04/2021	4086424504	Kevin Green		\$38.01		
	9885531295-106		08/04/2021	4086558680	Jeff Trybus		\$51.45		
	9885531295-107		08/04/2021	4086558685	Alex Wykoff		\$31.04		
	9885531295-108		08/04/2021	4086875821	Jonathan Williams		\$38.01		
	9885531295-109		08/04/2021	408-687-8649	Antonio Saldana		\$31.39		
	9885531295-110		08/04/2021	4086879445	Frankie De Leon		\$38.01		
	9885531295-111		08/04/2021	4086879854	John Ramos		\$38.01		
	9885531295-112		08/04/2021	4086881613	Ricardo Alvarez		\$38.01		
	9885531295-113		08/04/2021	4086886252	Benjamin Fu		\$33.02		
	9885531295-114		08/04/2021	4086912466	Kane Wolfe		\$507.16		
	9885531295-115		08/04/2021	4087070987	Richard Banda		\$38.01		

# Payment Register

From Payment Date: 9/4/2021 - To Payment Date: 9/10/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	9885531295-116		08/04/2021	4087613636	Zach Korach		\$51.45		
	9885531295-117		08/04/2021	4087810290	Danile Barone		\$38.01		
	9885531295-118		08/04/2021	4087810663	Nick Alvarez/Bill Bridge		\$38.01		
	9885531295-119		08/04/2021	4087814748	Jonathan Ferrante Medians Group		\$38.01		
	9885531295-120		08/04/2021	4087811340	John Stiher		\$38.01		
	9885531295-121		08/04/2021	4087813499	Jennifer Chu		\$38.01		
	9885531295-122		08/04/2021	4087814139	Julia Kinst		\$40.01		
	9885531295-123		08/04/2021	4087814360	Paul Tognetti		\$38.01		
	9885531295-124		08/04/2021	4087816411	Compost Site		\$0.23		
	9885531295-125		08/04/2021	4087907036	Pete		\$23.70		
	9885531295-126		08/04/2021	4087907039	Robert Kim/Torin Scott		\$44.14		
	9885531295-127		08/04/2021	4087907045	Rei		\$23.63		
	9885531295-128		08/04/2021	4088289819	Kerri Heusler		\$39.36		
	9885531295-129		08/04/2021	4088416612	C. Internet Emergncyva		\$38.01		
	9885531295-130		08/04/2021	4088919008	Park Ranger Corridor		\$27.85		
	9885531295-131		08/04/2021	4088919503	Rachelle Sander		\$25.88		
	9885531295-132		08/04/2021	408-204-9056	Joseph Herrera		\$38.01		
	9885531295-133		08/04/2021	4088921486	Iqraam Nabi		\$52.37		
	9885531295-134		08/04/2021	4088925553	Albert Salvador		\$38.01		
	9885531295-135		08/04/2021	4089660471	Brian Gathers MiFi		\$38.01		
	9885531295-136		08/04/2021	408-630-0674	Christopher Jensen		\$27.18		
	9885531295-137		08/04/2021	4154256339	Kirsten Squarcia		\$41.57		
	9885531295-138		08/04/2021	408-609-2948	Brian Gathers		\$1,423.24		
728646	09/10/2021	Open			Accounts Payable	WESTERN PACIFIC SIGNAL LLC	\$65,540.48		
	Invoice		Date	Description		Amount			
	27973		09/01/2021	Radar Feedback Smart Sign		\$6,220.13			
	27937		08/30/2021	PTZ Dome Network Camera		\$59,320.35			
728647	09/10/2021	Open			Accounts Payable	WILBUR-ELLIS COMPANY LLC	\$1,749.06		
	Invoice		Date	Description		Amount			
	14615747		09/08/2021	Grounds: Pendulum, Wasp Freeze, Cheetah Pro		\$1,749.06			
728648	09/10/2021	Open			Accounts Payable	Curbee Co	\$192.17		
	Invoice		Date	Description		Amount			
	12118		09/09/2021	Curbee Co BL refunding		\$192.17			
728649	09/10/2021	Open			Accounts Payable	DELSA DAYCARE	\$306.00		
	Invoice		Date	Description		Amount			
	12168		09/09/2021	DELSA DAYCARE BL refund		\$306.00			
728650	09/10/2021	Open			Accounts Payable	FEIYU CHEN	\$346.00		
	Invoice		Date	Description		Amount			
	276627		09/01/2021	REFUND 20632 CHERYL DR TR-2021-030 WITHDRAWN		\$346.00			
728651	09/10/2021	Open			Accounts Payable	JIM RANDO	\$297.85		
	Invoice		Date	Description		Amount			
	274891		09/08/2021	REFUND 20656 GARDENSIDE CIRCLE BLD-2021- 0996 WITHDRAWN		\$297.85			

# Payment Register

From Payment Date: 9/4/2021 - To Payment Date: 9/10/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
728652	09/10/2021	Open			Accounts Payable	JOLLYMAN PRIME LLC	\$34,000.00		
	Invoice		Date	Description		Amount			
	266719		09/08/2021	21074 GARDENA DR, ENCROACHMENT BOND, 266719		\$34,000.00			
728653	09/10/2021	Open			Accounts Payable	Kowal, Sarah	\$32.00		
	Invoice		Date	Description		Amount			
	Kowal080621		08/30/2021	Live Scan and Fingerprinting Reimbursement		\$32.00			
728654	09/10/2021	Open			Accounts Payable	Liu, Chengzhu	\$13,500.00		
	Invoice		Date	Description		Amount			
	218104		09/08/2021	21881 Hermosa Ave, 90%FP Bond, 218104		\$13,500.00			
728655	09/10/2021	Open			Accounts Payable	PATEL, AMIT	\$5,000.00		
	Invoice		Date	Description		Amount			
	266232		09/07/2021	10561 Stokes Ave, Encroachment Bond, 266232		\$5,000.00			
728656	09/10/2021	Open			Accounts Payable	POON FUNG	\$753.00		
	Invoice		Date	Description		Amount			
	275944		09/08/2021	REFUND 20445 VIA VOLANTE TR-2021-019 WITHDRAWN		\$753.00			
728657	09/10/2021	Open			Accounts Payable	SARAH ALEXANDER	\$185.15		
	Invoice		Date	Description		Amount			
	271635		09/03/2021	REFUND 18661 RUNO CT BLD-2021-0078 WITHDRAWN		\$185.15			
728658	09/10/2021	Open			Accounts Payable	Videll, Janelle	\$59.33		
	Invoice		Date	Description		Amount			
	Videll090721		09/09/2021	Live Scan and Fingerprinting Reimbursement		\$59.33			
728659	09/10/2021	Open			Accounts Payable	Cupertino Rotary Club	\$300.00		
	Invoice		Date	Description		Amount			
	1449255		12/21/2017	QCC Rental Refunds		\$300.00			
Type Check Totals:							\$184,372.68		
EFT									
32502	09/07/2021	Open			Accounts Payable	SQUARE, INC.	\$105.00		
	Invoice		Date	Description		Amount			
	Square090221		09/02/2021	Billing Period 09/01/2021-10/01/2021		\$105.00			
32503	09/07/2021	Open			Accounts Payable	EMPLOYMENT DEVEL DEPT	\$44,372.25		
	Invoice		Date	Description		Amount			
	08272021		08/27/2021	CA State Tax pp 8/14/21-8/27/21		\$44,372.25			
32504	09/07/2021	Open			Accounts Payable	IRS	\$138,993.18		
	Invoice		Date	Description		Amount			
	08272021		08/27/2021	Federal Tax pp 8/14/21-8/27/21		\$138,993.18			
32505	09/09/2021	Open			Accounts Payable	P E R S	\$485,127.33		
	Invoice		Date	Description		Amount			
	08272021		08/27/2021	PERS pp 8/14/21-8/27/21		\$485,127.33			
32506	09/09/2021	Open			Accounts Payable	California Public Employees' Retirement System	\$346,836.08		
	Invoice		Date	Description		Amount			
	7158-081621		08/16/2021	Health Premiums		\$346,836.08			

# Payment Register

From Payment Date: 9/4/2021 - To Payment Date: 9/10/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
32507	09/10/2021	Open			Accounts Payable	3M COMPANY	\$8,956.22		
	Invoice		Date	Description		Amount			
	9412550279		08/29/2021	Streets: 3M™ Diamond Grade Reflective Sheeting		\$1,704.28			
	9412558490		08/30/2021	Streets: 3M™ Diamond Grade™ DG³ Reflective Sheeting		\$3,104.01			
	9412558501		08/30/2021	Streets: 3M™ ElectroCut™ Film & 3M™ Diamond Grade™ sheeting		\$4,147.93			
32508	09/10/2021	Open			Accounts Payable	ABAG POWER- ASSOCIATION OF BAY AREA GOVERNMENTS	\$3,980.00		
	Invoice		Date	Description		Amount			
	AR026545		09/01/2021	CUPACPC001 FY22-LEVELIZED CHARGE-NAT GAS		\$3,980.00			
32509	09/10/2021	Open			Accounts Payable	AMAZON WEB SERVICES, INC.	\$2,376.87		
	Invoice		Date	Description		Amount			
	837912661		09/03/2021	AWS - August 2021 Applications		\$1,482.16			
	839110397		09/03/2021	AWS - August 2021 GIS		\$894.71			
32510	09/10/2021	Open			Accounts Payable	ANDERSON'S TREE CARE SPECIALISTS, INC	\$7,500.00		
	Invoice		Date	Description		Amount			
	14996		09/07/2021	SO #1 Redwood Tree Removals 21121 SCB		\$7,500.00			
32511	09/10/2021	Open			Accounts Payable	BALANCE STUDIOS, INC	\$500.00		
	Invoice		Date	Description		Amount			
	3747		09/07/2021	Public Art ARTour Application Updates		\$500.00			
32512	09/10/2021	Open			Accounts Payable	Darcy Paul	\$116.56		
	Invoice		Date	Description		Amount			
	DarcyP082821		09/01/2021	Reimbursement - 7/29 - 8/28 (August 2021)		\$116.56			
32513	09/10/2021	Open			Accounts Payable	DASHER TECHNOLOGIES, A CONVERGE COMPANY	\$245.00		
	Invoice		Date	Description		Amount			
	361794		08/31/2021	1 hr General IT Consulting Services		\$245.00			
32514	09/10/2021	Open			Accounts Payable	DAVID J. POWERS & ASSOCIATES, INC.	\$343.75		
	Invoice		Date	Description		Amount			
	26974		08/31/2021	RCT Wildlife Mitigation through 07312021		\$343.75			
32515	09/10/2021	Open			Accounts Payable	DOGGIE WALK BAGS INC	\$5,722.51		
	Invoice		Date	Description		Amount			
	0095815-IN		09/01/2021	Grounds: doggie bags		\$5,722.51			
32516	09/10/2021	Open			Accounts Payable	EPAC TECHNOLOGIES, INC.	\$274.32		
	Invoice		Date	Description		Amount			
	E341076		08/26/2021	Envelopes with logo for inspectors - Building Division		\$274.32			
32517	09/10/2021	Open			Accounts Payable	EWING IRRIGATION PRODUCTS, INC.	\$456.75		
	Invoice		Date	Description		Amount			
	15051674		08/24/2021	Grounds: Yara Turf Royale		\$456.75			

# Payment Register

From Payment Date: 9/4/2021 - To Payment Date: 9/10/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
32518	09/10/2021	Open			Accounts Payable	FOLGER GRAPHICS INC	\$7,412.43		
	Invoice		Date	Description		Amount			
	129879		08/31/2021	Scene September 2021 Printing		\$7,412.43			
32519	09/10/2021	Open			Accounts Payable	GEOTAB USA, INC.	\$2,617.75		
	Invoice		Date	Description		Amount			
	IN284074		08/31/2021	Region 1 (USA): ProPlus Plan [1975] + Support		\$2,617.75			
32520	09/10/2021	Open			Accounts Payable	GRAINGER INC	\$80.58		
	Invoice		Date	Description		Amount			
	9045192235		09/07/2021	Service Center Batteries for Staff and Cabinet		\$80.58			
32521	09/10/2021	Open			Accounts Payable	GYM PRECISION INC	\$195.00		
	Invoice		Date	Description		Amount			
	17740		08/20/2021	Preventative Maintenance was performed on all gym equipment		\$195.00			
32522	09/10/2021	Open			Accounts Payable	IMPEC GROUP INC,.	\$72,381.55		
	Invoice		Date	Description		Amount			
	2108122		08/31/2021	August 2021 weekend day porter service		\$1,643.26			
	2108123		08/31/2021	August 2021 services		\$70,738.29			
32523	09/10/2021	Open			Accounts Payable	IMPERIAL SPRINKLER SUPPLY, INC	\$1,727.37		
	Invoice		Date	Description		Amount			
	4782377-00		08/24/2021	Trees/ROW: irrigation improvement supplies		\$1,727.37			
32524	09/10/2021	Open			Accounts Payable	INTERSTATE TRAFFIC CONTROL PRODUCTS, INC	\$6,156.44		
	Invoice		Date	Description		Amount			
	246597		09/07/2021	Streets: IMPACT RECOVERY NO BASE (YIELD/STOP/SCHOOL)		\$2,264.06			
	246596		09/07/2021	PEDESTRIAN BARRICADE, PEXCO CITY POST & ANCHOR CUPS		\$3,892.38			
32525	09/10/2021	Open			Accounts Payable	NI GOVERNMENT SERVICES INC.	\$79.04		
	Invoice		Date	Description		Amount			
	21082907051		09/01/2021	Satellite Cell Phone Services - August 2021		\$79.04			
32526	09/10/2021	Open			Accounts Payable	OFFICE DEPOT, INC.	\$129.29		
	Invoice		Date	Description		Amount			
	188719763001		08/10/2021	AC/DC Power Adapter for Wireless AP		\$20.18			
	188679675001		08/10/2021	WAC5100-100NAS WIFI Access Point		\$109.11			
32527	09/10/2021	Open			Accounts Payable	PROFESSIONAL TURF MANAGEMENT, INC.	\$60.00		
	Invoice		Date	Description		Amount			
	1146		08/24/2021	Golf Course Monthly Gate Service Fee - August 2021		\$60.00			
32528	09/10/2021	Open			Accounts Payable	RECOLOGY SOUTH BAY	\$57,172.67		
	Invoice		Date	Description		Amount			
	Aug-21 RY1		08/31/2021	City Payment per FA Rate Year 2/1/21- 1/31/22- August 2021		\$57,172.67			



# Payment Register

From Payment Date: 9/4/2021 - To Payment Date: 9/10/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
32529	09/10/2021	Open			Accounts Payable	Sedgwick Claims Management Services, Inc.	\$2,297.42		
	Invoice		Date	Description		Amount			
	400000069842		09/07/2021	9/01/2021 - 9/30/2021 Workers' Compensation Claims		\$2,297.42			
32530	09/10/2021	Open			Accounts Payable	SHUTE, MIHALY & WEINBERGER LLP	\$3,433.80		
	Invoice		Date	Description		Amount			
	273924		08/20/2021	General Plan Update Legal Services 2021/07		\$1,451.40			
	273932		08/20/2021	Vallco SB35 Legal Services 2021/07		\$1,982.40			
32531	09/10/2021	Open			Accounts Payable	STARBIRD CONSULTING LLC	\$799.54		
	Invoice		Date	Description		Amount			
	0153		08/13/2021	Environ. Con. Svcs. McClellan Ranch West Parking Lot 053121		\$799.54			
32532	09/10/2021	Open			Accounts Payable	STATEWIDE TRAFFIC SAFETY AND SIGNS	\$600.89		
	Invoice		Date	Description		Amount			
	05035055		09/03/2021	Streets: 10 AOUAPHALT 4.0 55# BUCKETS		\$600.89			
32533	09/10/2021	Open			Accounts Payable	SUPERCO SPECIALTY PRODUCTS	\$946.90		
	Invoice		Date	Description		Amount			
	PSI410815		08/24/2021	Streets: COVER UP ASPHALT, Aero, Aerosol		\$946.90			
32534	09/10/2021	Open			Accounts Payable	US BANK-PURCHASING CARD PROGRAM	\$46,105.44		
	Invoice		Date	Description		Amount			
	MarilynM08162021		08/16/2021	6763 CC Charges		\$578.77			
	KaneW081621		08/16/2021	2813 CC Charges		\$60.00			
	BradA081621		08/16/2021	6013 cc charges		\$1,356.21			
	AndrewS081621		08/16/2021	9993 cc charges		\$2,866.38			
	BrianG081621		08/16/2021	6202 cc charges		\$40.00			
	CesarG081621		08/16/2021	9076 cc charges		\$92.66			
	DomS081621		08/16/2021	9452 cc charges		(\$14.18)			
	IkaP081621		08/16/2021	8108 cc charges		\$1,155.03			
	JindyG081621		08/16/2021	0175 cc charges		\$73.16			
	JonF081621		08/16/2021	3969 cc charges		\$28.33			
	RobG081621		08/16/2021	6980 cc charges		\$998.81			
	RudyL081621		08/16/2021	8736 cc charges		\$88.06			
	ShawnT081621		08/16/2021	7105 cc charges		\$771.99			
	KimL08162021		08/16/2021	5169 CC Charges		\$167.95			
	BrianB081621		08/16/2021	3634 CC Charges		\$1,027.42			
	BennyH081621		08/16/2021	1015 CC Charges		\$136.52			
	MariluM081621		08/16/2021	0793 CC Charges		\$143.71			
	MariahG081621		08/16/2021	7882 CC Charges		\$198.46			
	ColleenF081621		08/16/2021	0798 cc charges		\$745.32			
	AraceliA81621		08/16/2021	0722 CC Charges		\$1,425.00			
	JasonB081621		08/16/2021	2565 CC Charges		\$108.03			
	AshleyS081621		08/16/2021	7654 CC charges		\$21.62			
	TyB081621		08/16/2021	6047 cc charges		\$8,748.06			
	KennethE081621		08/16/2021	5954 CC Charges		\$632.81			
	CyrahC081621		08/16/2021	0363 CC Charges		\$531.46			

# Payment Register

From Payment Date: 9/4/2021 - To Payment Date: 9/10/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	LaurenS081621		08/16/2021	0578 CC Charges			\$39.95		
	RSander081621		08/16/2021	4371 CC Charges			\$250.38		
	KelseyH081621		08/16/2021	1679 CC Charges			\$1,192.49		
	UrsulaS081621		08/16/2021	2512 CC Charges			\$1,333.75		
	ReiD081621		08/16/2021	9254CC Charges			\$4,765.84		
	CherieW081621		08/16/2021	1161 CC Charges			\$3,000.35		
	RobertD081621		08/16/2021	6680 CC Charges			\$1,290.28		
	MarielaV081621		08/16/2021	8337 CC Charges			\$2,562.03		
	Branton081621		08/16/2021	5320 CC Charges			\$1,109.50		
	KevinK081621		08/16/2021	8746 CC Charges			\$1,745.00		
	DanielM081621		08/16/2021	9167 CC Charges for 8.16.21			\$2,550.79		
	MollyJ081621		08/16/2021	4137 CC Charges			\$2,478.60		
	AlexC08162021		08/16/2021	0400 CC Charges			\$1,804.90		
32535	09/10/2021	Open			Accounts Payable	WEST COAST ARBORISTS, INC.	\$960.00		
	Invoice		Date	Description		Amount			
	1-6968		06/04/2021	Site Visit & Tree Inspection - 10080 United Place		\$960.00			
				5/28/21-6/1/21					
32536	09/10/2021	Open			Accounts Payable	WORLD JOURNAL SF LLC	\$450.00		
	Invoice		Date	Description		Amount			
	2679254		08/30/2021	Garage sale 2021 newspaper ads- August 22nd		\$225.00			
	2679255		08/30/2021	Garage sale 2021 newspaper ads- August 29th		\$225.00			
32537	09/10/2021	Open			Accounts Payable	WOWzy Creation Corp. dba First Place	\$472.91		
	Invoice		Date	Description		Amount			
	95019		09/01/2021	Nameplates - Astrid, Esther; Holders		\$72.50			
	94965		08/12/2021	2021 CREST Awards		\$400.41			
32538	09/10/2021	Open			Accounts Payable	ZAYO GROUP, LLC	\$2,683.46		
	Invoice		Date	Description		Amount			
	2021090030583		09/01/2021	FY22 Disaster Recovery Telecom services Sept. 21		\$2,683.46			



# Payment Register

From Payment Date: 9/4/2021 - To Payment Date: 9/10/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Type EFT Totals:					37 Transactions		\$1,252,668.30		
Main Account - Main Checking Account Totals									



# CITY OF CUPERTINO

## Agenda Item

---

**21-9958**

**Agenda Date:**  
**10/19/2021 Agenda #:**  
**12.**

---

Subject: Consider Accepting Accounts Payable for pay period ending September 20, 2021

Adopt Resolution No. 21-095 accepting Accounts Payable for pay period ending September 20, 2021

**RESOLUTION NO. 21-\_\_**

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL  
CUPERTINO ALLOWING CERTAIN CLAIMS AND DEMANDS  
PAYABLE IN THE AMOUNTS AND FROM THE FUNDS AS HEREINAFTER  
DESCRIBED FOR GENERAL AND MISCELLANEOUS EXPENDITURES FOR  
THE PERIOD ENDING**

September 20, 2021

WHEREAS, the Director of Administrative Services or her designated representative has certified to accuracy of the following claims and demands and to the availability of funds for payment hereof; and

WHEREAS, the said claims and demands have been audited as required by law.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby allows the following claims and demands in the amounts and from the funds as hereinafter set forth in the attached Payment Register.

CERTIFIED:   
Zach Korach, Finance Manager

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 19<sup>th</sup> day of October, 2021, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

Resolution No. \_\_\_\_\_

Page 2

<p>SIGNED:</p>  <p>_____ Darcy Paul, Mayor City of Cupertino</p>	<p>_____ Date</p>
<p>ATTEST:</p>  <p>_____ Kirsten Squarcia, City Clerk</p>	<p>_____ Date</p>

# Payment Register

From Payment Date: 9/11/2021 - To Payment Date: 9/17/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Main Account - Main Checking Account									
<u>Check</u>									
728660	09/17/2021	Open			Accounts Payable	ADVANTAGE GRAFIX	\$320.83		
	Invoice		Date	Description		Amount			
	45977		09/07/2021	Business Cards (Councilmember Wei, Astrid)		\$213.89			
	45894		08/13/2021	Business Cards (Councilmember Moore)		\$106.94			
728661	09/17/2021	Open			Accounts Payable	Amazon Capital Services	\$3,554.66		
	Invoice		Date	Description		Amount			
	1J3X-N6FD-YXHJ		09/06/2021	iPhone 12 Mini + Case purchase for Councilmember Jon W.		\$809.70			
	1YNG-WT6T-YR6T		09/06/2021	Camera Mount Replacement for Camera Install @ Service Center.		\$61.18			
	1WKT-QDWH-3KF4		09/06/2021	32GB Memory Kit for Video NAS Server		\$201.65			
	1LG4-WLX1-PRL7		09/06/2021	5x 16GB (2x8GB) memory RAM kit for Tech Refresh		\$463.75			
	1QRQ-9R16-K66F		09/13/2021	Camera Mount Replacement for Camera Install @ Service Center.		\$42.26			
	1T3N-47F6-LD4T		09/13/2021	6x Dell 27 Monitor - P2722H - Full HD 1080p		\$1,933.86			
	1XC3-PT7Q-KTRY		09/13/2021	Camera Mount Replacement for Camera Install @ Service Center.		\$42.26			
728662	09/17/2021	Open			Accounts Payable	AT&T	\$3,697.83		
	Invoice		Date	Description		Amount			
	000017020407		09/12/2021	911 Emergency Phone Lines 08/12/2021 - 09/11/2021		\$153.72			
	000016875296		08/12/2021	9391023215 (233-281-4421) 07/12/21-08/11/21		\$178.12			
	000016875197		08/12/2021	9391023221 (408-253-9200)		\$49.74			
	000016875199		08/12/2021	9391023223 07/12/21-08/11/21		\$134.73			
	000016875295		08/12/2021	9391023216 (233-281-5494) 07/12/21-08/11/21		\$140.33			
	000016875293		08/12/2021	9391023218 (238-371-7141) 07/12/21-08/11/21		\$140.33			
	000016875294		08/12/2021	9391023217 (237-361-8095) 07/12/21-08/11/21		\$178.12			
	000016868374		08/10/2021	9391051384 07/10/21-08/09/21		\$1,298.39			
	000016876164-0		08/12/2021	93910667581001 Jollyman Dr.Jollyman Park Unknown		\$15.82			
	000016876164-1		08/12/2021	93910667581001 Jollyman Dr.Jollyman Park Unknown		\$16.30			
	000016876164-2		08/12/2021	93910667581001 Jollyman Dr.Jollyman Park Unknown		\$14.14			
	000016876164-3		08/12/2021	93910667581001 Jollyman Dr.Jollyman Park Unknown		\$14.14			
	000016876164-4		08/12/2021	93910667581001 Jollyman Dr.Jollyman Park Unknown		\$15.28			
	000016876164-5		08/12/2021	93910667581001 Jollyman Dr.Jollyman Park Unknown		\$15.28			
	000016876164-6		08/12/2021	939106675810185 N StellingSecure Fax		\$15.16			
	000016876164-7		08/12/2021	939106675810185 N StellingSheriff		\$15.16			
	000016876164-8		08/12/2021	939106675810185 N StellingServo Modem		\$15.36			
	000016876164-9		08/12/2021	939106675810185 N StellingServo Rm.		\$15.36			
	000016876164-10		08/12/2021	939106675810185 N StellingLine		\$15.36			
	000016876164-11		08/12/2021	939106675810185 N StellingMelanie Modem		\$15.36			
	000016876164-12		08/12/2021	939106675810185 N StellingMuseum Spare		\$18.41			
	000016876164-13		08/12/2021	939106675810185 N StellingFax		\$16.54			
	000016876164-14		08/12/2021	939106675810185 N StellingSheriff		\$16.54			
	000016876164-15		08/12/2021	939106675810185 N StellingMuseum Spare		\$16.54			
	000016876164-16		08/12/2021	939106675810185 N StellingLine		\$16.54			
	000016876164-17		08/12/2021	939106675810185 N StellingSummer offc desk		\$16.54			
	000016876164-18		08/12/2021	939106675810185 N StellingPark & Rec		\$16.44			
	000016876164-19		08/12/2021	939106675810300 TorreFax Finance		\$16.60			
	000016876164-20		08/12/2021	939106675810300 TorreAlarm - Community Hall		\$16.73			

# Payment Register

From Payment Date: 9/11/2021 - To Payment Date: 9/17/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
000016876164-21			08/12/2021	939106675810300	TorreFire Alarm - Community Hall		\$16.71		
000016876164-22			08/12/2021	939106675810300	TorreFire Alarm - Community Hall		\$16.71		
000016876164-23			08/12/2021	939106675810300	TorreFax		\$16.71		
000016876164-24			08/12/2021	939106675810300	TorreCredit Card Lower Floor		\$16.66		
000016876164-25			08/12/2021	939106675810300	TorreAngela Tsui		\$16.66		
000016876164-26			08/12/2021	939106675810300	TorrePG&E Meter		\$16.66		
000016876164-27			08/12/2021	939106675810300	TorreServer Room		\$16.66		
000016876164-28			08/12/2021	939106675810300	TorreFinance Credit Card Reader		\$16.66		
000016876164-29			08/12/2021	939106675810300	TorreFax - Lower Floor		\$16.66		
000016876164-30			08/12/2021	939106675810300	TorreFax - Clerk/EOC		\$16.73		
000016876164-31			08/12/2021	939106675810300	TorreMisty M.		\$16.54		
000016876164-32			08/12/2021	939106675810555	MaryAlarm Service Center		\$16.54		
000016876164-33			08/12/2021	939106675810555	MaryAlarm Service Center		\$16.54		
000016876164-34			08/12/2021	939106675810555	MaryFax Mechanic		\$16.54		
000016876164-35			08/12/2021	939106675810555	MarySpare Service Center		\$16.54		
000016876164-36			08/12/2021	939106675810555	MaryLine		\$16.54		
000016876164-37			08/12/2021	939106675810555	MaryLine		\$16.54		
000016876164-38			08/12/2021	939106675810555	MaryLine		\$16.54		
000016876164-39			08/12/2021	939106675810555	MarySpare		\$16.79		
000016876164-40			08/12/2021	939106675810555	MarySpare		\$16.54		
000016876164-41			08/12/2021	939106675810555	MaryFax		\$16.54		
000016876164-42			08/12/2021	939106675810555	MarySports Weather		\$16.83		
000016876164-43			08/12/2021	939106675810555	MaryJason/Kelly L		\$16.83		
000016876164-44			08/12/2021	939106675810555	MaryLine		\$25.74		
000016876164-45			08/12/2021	939106675810555	MaryDisconnected Line		\$29.66		
000016876164-46			08/12/2021	939106675810555	MaryHandshake - Wilson Park		\$16.54		
000016876164-47			08/12/2021	939106675810981	Franco CtFax Traffic Yard		\$16.54		
000016876164-48			08/12/2021	939106675819500	Calle De BarcelonaCreekside Park		\$16.54		
000016876164-49			08/12/2021	939106675820410	Town CenterCity Attorney		\$16.54		
000016876164-50			08/12/2021	939106675820410	Town CenterCity Attorney		\$16.54		
000016876164-51			08/12/2021	939106675820410	Town CenterFax		\$16.54		
000016876164-52			08/12/2021	939106675821111	Stevens CreekFire Alarm Sports Center		\$16.54		
000016876164-53			08/12/2021	939106675821111	Stevens CreekFire Alarm Sports Center		\$16.54		
000016876164-54			08/12/2021	939106675821111	Stevens CreekSpare Sports Center		\$16.54		
000016876164-55			08/12/2021	939106675821111	Stevens CreekHVAC Sports Center		\$16.54		
000016876164-56			08/12/2021	939106675821111	Stevens CreekFax - Sports Center		\$16.54		
000016876164-57			08/12/2021	939106675821111	Stevens CreekElevator - Sports Center		\$24.58		
000016876164-58			08/12/2021	939106675821111	Stevens CreekDisconnected Line		\$24.58		
000016876164-59			08/12/2021	939106675821111	Stevens CreekDisconnected Line Busy		\$16.54		
000016876164-60			08/12/2021	939106675821251	Stevens CreekFax Karen		\$17.25		
000016876164-61			08/12/2021	939106675821251	Stevens CreekFax - Work Room		\$17.25		
000016876164-62			08/12/2021	939106675821251	Stevens CreekAlarm - Snack Shack		\$17.25		
000016876164-63			08/12/2021	939106675821251	Stevens CreekLine		\$17.25		
000016876164-64			08/12/2021	939106675821251	Stevens CreekSenior Center Credit Card Reader		\$16.60		

# Payment Register

From Payment Date: 9/11/2021 - To Payment Date: 9/17/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	000016876164-65		08/12/2021	939106675821251	Stevens Creek	Senior Center Credit	\$16.60		
	000016876164-66		08/12/2021	939106675821251	Stevens Creek	Fax - Adriana	\$16.60		
	000016876164-67		08/12/2021	939106675821251	Stevens Creek	Alarm - Senior	\$16.60		
	000016876164-68		08/12/2021	939106675821251	Stevens Creek	Alarm - Senior	\$16.60		
	000016876164-69		08/12/2021	939106675821251	Stevens Creek	Trane Modem	\$16.60		
	000016876164-70		08/12/2021	939106675821251	Stevens Creek	Senior Center Credit	\$16.60		
	000016876164-71		08/12/2021	939106675821251	Stevens Creek	Senior Center Credit	\$16.60		
	000016876164-72		08/12/2021	939106675821251	Stevens Creek	Line	\$16.60		
	000016876164-73		08/12/2021	939106675821251	Stevens Creek	Disconnected Line	\$16.60		
	000016876164-74		08/12/2021	939106675821251	Stevens Creek	Disconnected Line	\$16.60		
	000016876164-75		08/12/2021	939106675821975	San Fernando	Alarm - Retreat	\$16.60		
	000016876164-76		08/12/2021	939106675821975	San Fernando	Alarm - Snack Shack	\$16.60		
	000016876164-77		08/12/2021	939106675821975	San Fernando	Golf Shed	\$17.85		
	000016876164-78		08/12/2021	939106675821975	San Fernando	Alarm - Golf Shed	\$17.85		
	000016876164-79		08/12/2021	939106675821975	San Fernando	Pool Shed	\$17.85		
	000016876164-80		08/12/2021	939106675821975	San Fernando	Fax	\$16.83		
	000016876164-81		08/12/2021	939106675821975	San Fernando	Alarm Kiosk	\$16.54		
	000016876164-82		08/12/2021	939106675822221	MC Clellan	Handshare - Ranch Rec	\$16.66		
	000016876164-83		08/12/2021	939106675822221	MC Clellan	Ranch Rec	\$16.66		
728663	09/17/2021	Open			Accounts Payable	Beekeeper Nova	\$1,045.00		
	Invoice		Date	Description		Amount			
	00420		08/20/2021	Grounds: honey bee removal		\$395.00			
	00419		08/19/2021	Grounds: honey bee removal		\$425.00			
	00418		08/17/2021	Grounds: Yellow Jacket Removal		\$225.00			
728664	09/17/2021	Open			Accounts Payable	BOSCO OIL INC DBA VALLEY OIL	\$13,745.84		
	Invoice		Date	Description		Amount			
	79486		08/31/2021	Fuel		\$13,745.84			
728665	09/17/2021	Open			Accounts Payable	CALIFORNIA ASSOCIATION PUBLIC	\$20.00		
	Invoice		Date	Description		Amount			
	13955		09/13/2021	Kavitha - CAPIO Webinar - Social Media		\$20.00			
728666	09/17/2021	Open			Accounts Payable	CALIFORNIA CRICKET ACADEMY	\$4,895.00		
	Invoice		Date	Description		Amount			
	CUP21-01		09/15/2021	Library Cricket Pitch Upgrade - 2nd Installment		\$4,895.00			
728667	09/17/2021	Open			Accounts Payable	CINTAS CORPORATION	\$1,916.20		
	Invoice		Date	Description		Amount			
	4095240756		09/08/2021	Service Center Uniforms		\$949.17			
	4095810382		09/14/2021	Service Center Uniforms 9-14-21		\$967.03			
728668	09/17/2021	Open			Accounts Payable	COLLEEN LOPEZ	\$3,000.00		
	Invoice		Date	Description		Amount			
	2021-4		09/01/2021	CDBG Consultant 2021/07-08		\$3,000.00			

# Payment Register

From Payment Date: 9/11/2021 - To Payment Date: 9/17/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
728669	09/17/2021	Open			Accounts Payable	COMCAST	\$2,161.65		
	Invoice		Date	Description		Amount			
	3310-090721		09/07/2021	8155 40 065 0183310 -09072021		\$2,161.65			
728670	09/17/2021	Open			Accounts Payable	Community Health Charities of California	\$20.00		
	Invoice		Date	Description		Amount			
	09102021		09/10/2021	Community Health Charities pp 8/28/21-9/10/21		\$20.00			
728671	09/17/2021	Open			Accounts Payable	CUPERTINO CHAMBER OF COMMERCE	\$1,500.00		
	Invoice		Date	Description		Amount			
	12987		09/01/2021	Cupertino Membership Investment (Oct01,2021-Sep30,2022)		\$1,500.00			
728672	09/17/2021	Open			Accounts Payable	ELCOR ELECTRIC	\$489.00		
	Invoice		Date	Description		Amount			
	6247		06/23/2021	Blackberry Farm Refrigerator		\$489.00			
728673	09/17/2021	Open			Accounts Payable	Exclaimer LLC	\$3,840.00		
	Invoice		Date	Description		Amount			
	817679		09/04/2021	exclaimer signature Block for Outlook 9/4/2021 to 9/4/2022		\$3,840.00			
728674	09/17/2021	Open			Accounts Payable	GOT GOPHERS, INC.	\$925.00		
	Invoice		Date	Description		Amount			
	18248		08/31/2021	Grounds: Monthly Maintenance inspection & trapping for the month		\$925.00			
728675	09/17/2021	Open			Accounts Payable	GUTIERREZ, EDWIN	\$45.00		
	Invoice		Date	Description		Amount			
	EdwinG091021		09/10/2021	Medical Cert for CDL		\$45.00			
728676	09/17/2021	Open			Accounts Payable	HOME DEPOT CREDIT SERVICES	\$4,963.10		
	Invoice		Date	Description		Amount			
	2034321		07/29/2021	Streets - Latching Boxes, Sledge		\$141.93			
	1614028		07/30/2021	Facilities - Cord Cover		\$143.74			
	2371270		07/29/2021	Facilities - Supplies		\$1,658.33			
	2510995		07/29/2021	Facilities - Supplies		\$30.61			
	8524638		08/02/2021	Facilities: Dom S. supplies		\$75.69			
	7034995		08/03/2021	Trees/ROW - Irrigation Parts		\$133.80			
	4400203		08/06/2021	Kev G. grounds supplies		\$536.07			
	8371278		08/02/2021	Grounds: Sean F. supplies		\$95.26			
	6035100		08/04/2021	Grounds: Domingo headlock spider drive bits		\$4.90			
	6400199		08/04/2021	Grounds: Sean supplies		\$58.88			
	0381505		08/10/2021	Grounds: bill eaton school supplies		\$97.03			
	0601820		08/10/2021	Fac: supplies		\$101.57			
	6091217		08/04/2021	Facilities: supplies		\$6.56			
	9325795		08/11/2021	trees/row supplies adam		\$49.44			
	8325966		08/12/2021	trees/row adam supplies		\$57.85			
	8325925		08/12/2021	trees/row ricardo supplies		\$22.68			
	7521981		08/13/2021	Facilities: bbf supplies		\$81.74			
	3326289		08/17/2021	Facilities: ty supplies		\$340.39			
	2326426		08/18/2021	Facilities: ty supplies		\$191.25			
	2090233		08/18/2021	Facilities: ty supplies		\$108.01			



# Payment Register

From Payment Date: 9/11/2021 - To Payment Date: 9/17/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	6031373		08/24/2021		Streets: Jon W. supplies		\$51.42		
	5327391		08/25/2021		Grounds: bill b supplies		\$24.03		
	7381598		08/23/2021		Grounds: sean supplies		\$25.24		
	4031639		08/26/2021		trees/row: supplies adam		\$124.75		
	3381546		08/17/2021		trees/row supplies james		\$43.43		
	4381642		08/26/2021		Grounds: domingo paint rollers		\$36.05		
	6031346		08/24/2021		Trees/ROW SUPplies garcia		\$79.08		
	6327220		08/24/2021		Trees/ROW: supplies split		\$91.43		
	371328		08/10/2021		Trees/ROW Supplies edwin		\$175.79		
	4327494		08/26/2021		Trees/ROW Supplies adrian		\$116.50		
	3602458		07/28/2021		NOT AARON WAS FACILITIES		\$311.48		
	4360324		08/26/2021		Return Trees/ROW		(\$107.04)		
	2371407		08/18/2021		Grounds: dom t. wall knockdown original receipt recd		\$15.84		
	5371295		08/05/2021		Grounds: chinex		\$11.45		
	2034408		07/30/2021		Grounds: Domingo NO receipt great stuff gaps & cracks		\$8.27		
	5394084		07/30/2021		Grounds: Domingo NO receipt castrol gtx		\$19.65		
728677	09/17/2021	Open			Accounts Payable	INTERSTATE BATTERY SYSTEM SAN JOSE INC.	\$118.81		
	Invoice		Date		Description	Amount			
	10302567		09/07/2021		Fleet: batteries	\$118.81			
728678	09/17/2021	Open			Accounts Payable	KELLY-MOORE PAINT CO INC	\$290.92		
	Invoice		Date		Description	Amount			
	808-00000822224		09/13/2021		Facilities: ty paint for sports center	\$290.92			
728679	09/17/2021	Open			Accounts Payable	MOUNTAIN VIEW GARDEN CENTER	\$393.14		
	Invoice		Date		Description	Amount			
	107723		09/08/2021		Grounds: sand for parks	\$252.37			
	107763		09/13/2021		Grounds Sports Fields Top Soil	\$46.92			
	107738		09/09/2021		Trees/ROW: Topsoil	\$93.85			
728680	09/17/2021	Open			Accounts Payable	NAPA AUTO PARTS #388	\$94.32		
	Invoice		Date		Description	Amount			
	645017		07/25/2021		Fleet: air filters	\$94.32			
728681	09/17/2021	Open			Accounts Payable	O'REILLY AUTO PARTS	\$493.15		
	Invoice		Date		Description	Amount			
	2591-159720		09/01/2021		Fleet: funnel	\$15.26			
	2591-159674		09/01/2021		Fleet: fuel filters	\$32.58			
	2591-159299		08/30/2021		Fleet: coolant cap	\$22.31			
	2591-161101		09/08/2021		Fleet: coolant hose	\$64.11			
	2591-162231		09/13/2021		Fleet: O2 Sensor	\$81.61			
	2591-162241		09/13/2021		Fleet: oil filters	\$126.75			
	2591-162459		09/14/2021		Fleet: supplies	\$150.53			
728682	09/17/2021	Open			Accounts Payable	Operating Engineer #3	\$1,431.62		
	Invoice		Date		Description	Amount			
	09102021		09/10/2021		Union Dues pp 8/28/21-9/10/21	\$1,431.62			

# Payment Register

From Payment Date: 9/11/2021 - To Payment Date: 9/17/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
728683	09/17/2021	Open			Accounts Payable	OTIS ELEVATOR COMPANY	\$1,557.96		
	Invoice		Date	Description		Amount			
	100400482467		08/15/2021	City Hall Annual contract: 9/1/21 - 8/31/22		\$1,557.96			
728684	09/17/2021	Open			Accounts Payable	PREFERRED ALLIANCE, INC	\$203.00		
	Invoice		Date	Description		Amount			
	0169362-IN		08/31/2021	NON-RANDOM TESTS		\$203.00			
728685	09/17/2021	Open			Accounts Payable	RICHARD BANDA	\$1,050.12		
	Invoice		Date	Description		Amount			
	Banda5232020		05/23/2020	Tuition Reimbursement for Summer 2020		\$502.14			
	Banda12302020		12/30/2020	Tuition Reimbursement for Fall 2020		\$547.98			
728686	09/17/2021	Open			Accounts Payable	THOMSON REUTERS - WEST	\$8,772.00		
	Invoice		Date	Description		Amount			
	22725956		08/31/2021	Annual Subscription [November 1 2021 - October 31 2022]		\$8,772.00			
728687	09/17/2021	Open			Accounts Payable	TURF & INDUSTRIAL EQUIPMENT CO.	\$117.11		
	Invoice		Date	Description		Amount			
	IV40405		09/08/2021	Fleet: air filter, caps, throttles, etc.		\$91.49			
	iv40261		09/14/2021	Fleet: hedge trimmer parts		\$25.62			
728688	09/17/2021	Open			Accounts Payable	UNITED SITE SERVICES INC.	\$437.02		
	Invoice		Date	Description		Amount			
	114-12016357		05/28/2021	Facilities Partition Project COVID		\$437.02			
728689	09/17/2021	Open			Accounts Payable	WESTERN PACIFIC SIGNAL LLC	\$1,743.72		
	Invoice		Date	Description		Amount			
	27974		09/01/2021	Advisor Guide Ped Signal and Tracking		\$1,743.72			
728690	09/17/2021	Open			Accounts Payable	Gianchandani , Eshverya	\$35.00		
	Invoice		Date	Description		Amount			
	Gianchandani921		09/10/2021	Live Scan and Fingerprinting Reimbursement		\$35.00			
728691	09/17/2021	Open			Accounts Payable	Hsieh, Donovan	\$81.65		
	Invoice		Date	Description		Amount			
	2002071.012		09/02/2021	membership refund		\$81.65			
728692	09/17/2021	Open			Accounts Payable	IDEAS CONSULTING	\$155.00		
	Invoice		Date	Description		Amount			
	12156		09/15/2021	IDEAS CONSULTING BL refund		\$155.00			
728693	09/17/2021	Open			Accounts Payable	J5 INFRASTRUCTURE PARTNERS	\$525.60		
	Invoice		Date	Description		Amount			
	272018		09/02/2021	REFUND 10655 MARY AVE BLD-2021-0189 CANCELLED		\$525.60			
728694	09/17/2021	Open			Accounts Payable	PERMIT SERVICES	\$267.04		
	Invoice		Date	Description		Amount			
	276854		09/15/2021	REFUND 10985 NORTHSEAL SQ BLD-2021-1540 CANCELLED		\$267.04			
728695	09/17/2021	Open			Accounts Payable	THOMAS JAMES HOMES	\$12,000.00		
	Invoice		Date	Description		Amount			
	266482		09/14/2021	10272 Menhart Lane, Encroachment Bond, 266482		\$12,000.00			

# Payment Register

From Payment Date: 9/11/2021 - To Payment Date: 9/17/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
728696	09/17/2021	Open			Accounts Payable	RODAN BUILDERS, INC.	\$876,653.64		
	Invoice		Date	Description		Amount			
	4C		06/30/2021	Library Expansion Construction Payment through 6.30.21		\$446,428.78			
	5C		07/31/2021	Library Expansion Construction Payment through 7.30.21		\$430,224.86			
728697	09/17/2021	Open			Accounts Payable	NORTHERN CALIFORNIA RECYCLING ASSOCIATION	\$300.00		
	Invoice		Date	Description		Amount			
	Membership_2021		03/18/2021	NCRA annual memberships for whole env team		\$300.00			
Type Check Totals:							38 Transactions	\$952,859.93	
EFT									
32539	09/14/2021	Open			Accounts Payable	TASC	\$572.88		
	Invoice		Date	Description		Amount			
	IN2134010		09/11/2021	HRA - Administration Fees 9/1/2021 - 9/30/2021		\$572.88			
32540	09/14/2021	Open			Accounts Payable	TASC	\$199.75		
	Invoice		Date	Description		Amount			
	IN2133906		09/11/2021	FSA - Administration Fees 9/1/2021 - 9/30/2021		\$199.75			
32541	09/17/2021	Open			Accounts Payable	Colonial Life & Accident Insurance	\$29.16		
	Invoice		Date	Description		Amount			
	09102021		09/10/2021	Colonial Products pp 8/28/21-9/10/21		\$29.16			
32542	09/17/2021	Open			Accounts Payable	Employment Development	\$8,226.13		
	Invoice		Date	Description		Amount			
	09102021		09/10/2021	State Disability Insurance pp 8/28/21-9/10/21		\$8,226.13			
32543	09/17/2021	Open			Accounts Payable	PERS-457K	\$7,739.69		
	Invoice		Date	Description		Amount			
	09102021		09/10/2021	PERS Deferred Comp pp 8/28/21-9/10/21		\$7,739.69			
32544	09/17/2021	Open			Accounts Payable	State Disbursement Unit	\$254.30		
	Invoice		Date	Description		Amount			
	09102021		09/10/2021	Child Support pp 8/28/21-9/10/21		\$254.30			
32545	09/17/2021	Open			Accounts Payable	3M COMPANY	\$2,644.47		
	Invoice		Date	Description		Amount			
	9412661038		09/08/2021	Streets: 20 3M™ Raised Pavement Marker 290 291-2Y, Two-Way Yello		\$2,644.47			
32546	09/17/2021	Open			Accounts Payable	A-1 FENCE INC.	\$4,200.00		
	Invoice		Date	Description		Amount			
	12824		08/27/2021	Stockmeir Gate		\$3,250.00			
	12836		09/02/2021	Grounds: Linda Vista Fence Repair Trail Entrance		\$950.00			
32547	09/17/2021	Open			Accounts Payable	ALTEC INDUSTRIES INC	\$78.00		
	Invoice		Date	Description		Amount			
	50840798		09/14/2021	Fleet: labor veh 403 vin C47932		\$78.00			
32548	09/17/2021	Open			Accounts Payable	BAY GLASS COMPANY INC.	\$1,690.00		
	Invoice		Date	Description		Amount			
	1206		08/09/2021	Wall mirror for Cupertino Sport Center		\$1,690.00			

# Payment Register

From Payment Date: 9/11/2021 - To Payment Date: 9/17/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
32549	09/17/2021	Open			Accounts Payable	BECK'S SHOES INCORPORATED	\$400.00		
	Invoice		Date	Description		Amount			
	247965-00		09/10/2021	Service Center Boots per MOU		\$400.00			
32550	09/17/2021	Open			Accounts Payable	BKF ENGINEERS	\$19,029.92		
	Invoice		Date	Description		Amount			
	21090651		09/07/2021	Junipero Serra Trail SO#1 through 072621-082221		\$19,029.92			
32551	09/17/2021	Open			Accounts Payable	CAROL KORADE	\$160.70		
	Invoice		Date	Description		Amount			
	September2021		09/13/2021	Reimbursement for September 2021		\$160.70			
32552	09/17/2021	Open			Accounts Payable	CLEANSTREET, INC.	\$17,381.62		
	Invoice		Date	Description		Amount			
	100979CS		08/31/2021	Street Sweeping August 2021		\$17,381.62			
32553	09/17/2021	Open			Accounts Payable	CORELOGIC SOLUTIONS, LLC	\$912.91		
	Invoice		Date	Description		Amount			
	82095648		08/31/2021	Metro scan August 2021		\$912.91			
32554	09/17/2021	Open			Accounts Payable	COTTON, SHIRES & ASSOCIATES, INC.	\$2,822.10		
	Invoice		Date	Description		Amount			
	90174		09/07/2021	21650 Rainbow Court Geologist Services 8221-9721		\$2,822.10			
32555	09/17/2021	Open			Accounts Payable	COUNTY OF SANTA CLARA	\$4,546.41		
	Invoice		Date	Description		Amount			
	1800078375		08/31/2021	FY21-22 Open Space District Cost Share Agreement		\$4,546.41			
32556	09/17/2021	Open			Accounts Payable	Eflex Group, Inc	\$4,527.63		
	Invoice		Date	Description		Amount			
	09102021		09/10/2021	FSA Employee Health pp 8/28/21-9/10/21		\$4,527.63			
32557	09/17/2021	Open			Accounts Payable	GARDENLAND POWER EQUIPMENT	\$613.31		
	Invoice		Date	Description		Amount			
	881953		09/14/2021	On-Call Truck Power Pruner		\$613.31			
32558	09/17/2021	Open			Accounts Payable	GOLDFARB & LIPMAN	\$1,984.00		
	Invoice		Date	Description		Amount			
	141598		08/24/2021	Legal Services, July 2021		\$640.00			
	141059		07/12/2021	Legal Services, June 2021		\$1,344.00			
32559	09/17/2021	Open			Accounts Payable	GOT POWER, INC. DBA CD & POWER, INC	\$6,153.00		
	Invoice		Date	Description		Amount			
	01-49427		08/31/2021	Service Center MQ 125KW annual service		\$1,945.00			
	01-49136		08/26/2021	Service Center Cummins 125KW Annual Srv		\$1,945.00			
	01-49140		08/26/2021	Service Center 85 KW Wacker inspection		\$2,263.00			
32560	09/17/2021	Open			Accounts Payable	GRAINGER INC	\$1,073.36		
	Invoice		Date	Description		Amount			
	9043827568		09/03/2021	Fleet: beacon light		\$782.60			
	9046009404		09/07/2021	Facilities: T and P Valve		\$290.76			

# Payment Register

From Payment Date: 9/11/2021 - To Payment Date: 9/17/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
32561	09/17/2021	Open			Accounts Payable	GULU SAKHRANI	\$55.00		
	Invoice		Date	Description		Amount			
	GuluS091521		09/15/2021	Cell Phone Charge Reimbursement for Gulu 2021/08-09		\$55.00			
32562	09/17/2021	Open			Accounts Payable	HDL COREN & CONE	\$695.00		
	Invoice		Date	Description		Amount			
	SIN011381		09/14/2021	2020-21 ACFR Statistical Package		\$695.00			
32563	09/17/2021	Open			Accounts Payable	Health Care Employees Dental Trust	\$27,774.90		
	Invoice		Date	Description		Amount			
	301062-301063		09/13/2021	September 2021 Dental Benefit		\$27,774.90			
32564	09/17/2021	Open			Accounts Payable	ICMA Retirement Trust-457	\$13,624.59		
	Invoice		Date	Description		Amount			
	09102021		09/10/2021	ICMA Deferred Comp pp 8/28/21-9/10/21		\$13,624.59			
32565	09/17/2021	Open			Accounts Payable	IFPTE LOCAL 21	\$1,972.92		
	Invoice		Date	Description		Amount			
	09102021		09/10/2021	Association Dues - CEA pp 8/28/21-9/10/21		\$1,972.92			
32566	09/17/2021	Open			Accounts Payable	IMPEC GROUP INC.,	\$2,150.78		
	Invoice		Date	Description		Amount			
	2108231		08/31/2021	Community Hall Hand Sanitizers		\$650.78			
	2108230		08/31/2021	BBF Snack Shack		\$1,500.00			
32567	09/17/2021	Open			Accounts Payable	IMPERIAL SPRINKLER SUPPLY, INC	\$910.39		
	Invoice		Date	Description		Amount			
	4809656-00		09/03/2021	Trees/ROW: basket filter		\$910.39			
32568	09/17/2021	Open			Accounts Payable	INDEPENDENT CODE CONSULTANTS, INC.	\$52,035.81		
	Invoice		Date	Description		Amount			
	1470		09/01/2021	Building Plan Review Services 2021/08		\$52,035.81			
32569	09/17/2021	Open			Accounts Payable	JARVIS, FAY & GIBSON, LLP	\$6,546.00		
	Invoice		Date	Description		Amount			
	15618		08/31/2021	Legal Services, August 2021		\$1,446.00			
	15619		08/31/2021	Legal Services, August 1-31, 2021		\$5,100.00			
32570	09/17/2021	Open			Accounts Payable	JINDY GARFIAS	\$110.00		
	Invoice		Date	Description		Amount			
	JindyG07112021		07/11/2021	Cell Phone Service Reimbursement 061221-071121		\$55.00			
	JindyG08112021		08/11/2021	Cell Phone Service Reimbursement 071221-081121		\$55.00			
32571	09/17/2021	Open			Accounts Payable	KIMBALL-MIDWEST	\$299.01		
	Invoice		Date	Description		Amount			
	9208542		09/14/2021	Facilities: Ty 29PC SUPER PRIM ULTRA drill tools		\$299.01			
32572	09/17/2021	Open			Accounts Payable	KMVT COMMUNITY TELEVISION	\$5,817.94		
	Invoice		Date	Description		Amount			
	7684		08/31/2021	KMVT Community TV August 2021		\$5,817.94			

# Payment Register

From Payment Date: 9/11/2021 - To Payment Date: 9/17/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
32573	09/17/2021	Open			Accounts Payable	LIFE INSURANCE COMPANY OF NORTH AMERICA	\$7,469.89		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	15487_090121		09/13/2021	September 2021 CIGNA		\$7,469.89			
32574	09/17/2021	Open			Accounts Payable	Managed Health Network Inc	\$752.95		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	PRM-065352		08/17/2021	September 2021 EAP BENEFIT		\$752.95			
32575	09/17/2021	Open			Accounts Payable	MESITI-MILLER ENGINEERING, INC.	\$24,002.00		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	0821014		08/31/2021	Seismic Retrofit Study - City Hall through 08252021		\$10,090.00			
	0821029		08/31/2021	CE/SE for Regnart Road Improvement Ph. 1 through 082521		\$4,504.00			
	0821038		08/31/2021	CE/SE for Regnart Rd. Sites 3-6 Schematic Design through 082521		\$7,181.50			
	0821028		08/31/2021	CE for Wilson Park Basketball court through 08252021		\$2,226.50			
32576	09/17/2021	Open			Accounts Payable	National Deferred (ROTH)	\$4,500.70		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	09102021		09/10/2021	Nationwide Roth pp 8/28/21-9/10/21		\$4,500.70			
32577	09/17/2021	Open			Accounts Payable	National Deferred Compensatin	\$28,589.58		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	09102021		09/10/2021	Nationwide Deferred Compensation pp 8/28/21-9/10/21		\$28,589.58			
32578	09/17/2021	Open			Accounts Payable	OFFICE DEPOT, INC.	\$330.88		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	182845432001		07/21/2021	re-opening supplies		\$120.51			
	190987034001		08/27/2021	Service Center Sharpies		\$21.40			
	190951408001		08/27/2021	Service Center markets and notepads		\$36.83			
	190712331001		09/01/2021	Service Center card reader for laptops to share as needed		\$22.20			
	191231931001		08/24/2021	Office Supplies, glue stick, markers, etc.		\$76.49			
	191230608001		08/24/2021	Office Supplies		\$18.57			
	191231931002		08/25/2021	Office Supplies, notes, post-its		\$34.88			
32579	09/17/2021	Open			Accounts Payable	PACIFIC WEST SECURITY, INC.	\$10,797.00		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	52633		10/01/2021	BBF Golf Maint		\$249.00			
	52634		10/01/2021	BBF Kiosk		\$228.00			
	52672		10/01/2021	BBF Cafe		\$366.00			
	53048		10/01/2021	BBF Retreat		\$228.00			
	53077		10/01/2021	Sports Center		\$669.00			
	52673		10/01/2021	City Hall		\$1,617.00			
	52674		10/01/2021	Franco Court		\$339.00			
	53063		10/01/2021	Library		\$750.00			
	53064		10/01/2021	McClellan and Community Hall		\$1,446.00			
	53065		10/01/2021	Comm Hall and Library		\$636.00			
	53066		10/01/2021	qcc		\$963.00			
	53067		10/01/2021	City Hall Elevator		\$102.00			
	53068		10/01/2021	Snack Shack		\$129.00			

# Payment Register

From Payment Date: 9/11/2021 - To Payment Date: 9/17/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	53071		10/01/2021		Senior Center		\$162.00		
	53072		10/01/2021		Rec Area		\$750.00		
	53073		10/01/2021		Creekside Park		\$261.00		
	53074		10/01/2021		Wilson Park		\$243.00		
	53075		10/01/2021		City Hall		\$582.00		
	53076		10/01/2021		Service Center		\$1,077.00		
32580	09/17/2021	Open			Accounts Payable	PARS/City of Cupertino	\$3,061.42		
	Invoice		Date		Description		Amount		
	09102021		09/10/2021		PARS Employee pp 8/28/21-9/10/21		\$3,061.42		
32581	09/17/2021	Open			Accounts Payable	PlanIT Geo, Inc	\$8,000.00		
	Invoice		Date		Description		Amount		
	PG21-452		09/03/2021		FY22 Tree Plotter subscription		\$3,500.00		
	PG21-456		09/09/2021		Canopy Planner FY22 subscription		\$4,500.00		
32582	09/17/2021	Open			Accounts Payable	R & R INDUSTRIES, INC.	\$457.77		
	Invoice		Date		Description		Amount		
	606059		09/09/2021		Service Center masks per COVID mandate		\$457.77		
32583	09/17/2021	Open			Accounts Payable	RED WING BUSINESS ADVANTAGE ACCOUNT	\$2,502.29		
	Invoice		Date		Description		Amount		
	20210910074592		09/10/2021		Service Center Boots per MOU		\$2,502.29		
32584	09/17/2021	Open			Accounts Payable	RICHARD YAU	\$9,150.00		
	Invoice		Date		Description		Amount		
	2108		09/08/2021		Regnart Rd; Regnart Creek Trail; Bubb Rd; CSB Class IV Bikeway		\$9,150.00		
32585	09/17/2021	Open			Accounts Payable	RYDIN	\$1,995.42		
	Invoice		Date		Description		Amount		
	385256		09/09/2021		2022/2023 Permit Parking Stickers and Hangers		\$1,995.42		
32586	09/17/2021	Open			Accounts Payable	SERVICE STATION SYSTEMS, INC.	\$1,345.00		
	Invoice		Date		Description		Amount		
	2102215		08/31/2021		Streets: Compliance testing and repairs		\$730.00		
	2102214		08/31/2021		Streets: Compliance testing and repairs		\$615.00		
32587	09/17/2021	Open			Accounts Payable	SHUTE, MIHALY & WEINBERGER LLP	\$56,089.97		
	Invoice		Date		Description		Amount		
	273923		08/20/2021		Legal Services, July 2021		\$42,603.58		
	273931		08/20/2021		Legal Services, July 2021		\$4,935.60		
	273926		08/20/2021		Legal Services, July 2021		\$2,443.32		
	273929		08/20/2021		Legal Services, July 2021		\$5,418.87		
	273927		08/20/2021		Legal Services, July 2021		\$141.60		
	273925		08/20/2021		Legal Services, July 2021		\$57.60		
	273920		08/20/2021		Legal Services, July 2021		\$489.40		
32588	09/17/2021	Open			Accounts Payable	STAPLES BUSINESS ADVANTAGE	\$27.69		
	Invoice		Date		Description		Amount		
	3482462027		07/22/2021		CMO Supplies (Dry Erase Calendar, Markers - Brian)		\$27.69		



# Payment Register

From Payment Date: 9/11/2021 - To Payment Date: 9/17/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
32589	09/17/2021	Open			Accounts Payable	STATEWIDE TRAFFIC SAFETY AND SIGNS	\$252.55		
	Invoice		Date	Description		Amount			
	05035126		09/13/2021	Streets: sign supplies		\$252.55			
32590	09/17/2021	Open			Accounts Payable	THE HARTFORD	\$10,941.39		
	Invoice		Date	Description		Amount			
	656341436510		09/13/2021	September 2021 Life and AD&D Benefit		\$10,735.20			
	756341323829		09/13/2021	September 2021		\$206.19			
32591	09/17/2021	Open			Accounts Payable	THE HOME DEPOT PRO	\$610.78		
	Invoice		Date	Description		Amount			
	640545224		09/13/2021	Park Bathroom Supplies		\$43.88			
	639784818		09/09/2021	Park Bathroom Supplies		\$566.90			
32592	09/17/2021	Open			Accounts Payable	TOWNSEND PUBLIC AFFAIRS, INC	\$6,000.00		
	Invoice		Date	Description		Amount			
	17521		09/01/2021	Consulting Services - September 2021		\$6,000.00			
32593	09/17/2021	Open			Accounts Payable	Tripepi, Smith and Associates, Inc	\$1,178.75		
	Invoice		Date	Description		Amount			
	6748		08/31/2021	Scene September 2021		\$1,178.75			
32594	09/17/2021	Open			Accounts Payable	US BANK-PURCHASING CARD PROGRAM	\$870.72		
	Invoice		Date	Description		Amount			
	SundariP081621		08/16/2021	9702 CC Charges		\$870.72			
32595	09/17/2021	Open			Accounts Payable	Vintage Contractors, Inc	\$4,280.00		
	Invoice		Date	Description		Amount			
	7167		09/02/2021	East Court Repair - Cupertino Sport Center		\$4,280.00			
32596	09/17/2021	Open			Accounts Payable	Vision Service Plan (CA)	\$229.92		
	Invoice		Date	Description		Amount			
	813062088		08/19/2021	September 2021 Vision Benefit		\$229.92			
32597	09/17/2021	Open			Accounts Payable	Vision Service Plan (CA)	\$2,826.82		
	Invoice		Date	Description		Amount			
	813062085		08/19/2021	September 2021 Vision Benefit		\$2,826.82			
32598	09/17/2021	Open			Accounts Payable	Vision Service Plan (CA)	\$866.02		
	Invoice		Date	Description		Amount			
	813079279		08/21/2021	September 2021 Vision Benefit		\$866.02			
32599	09/17/2021	Open			Accounts Payable	WESTERN SITE SERVICES LLC.	\$484.50		
	Invoice		Date	Description		Amount			
	32279		09/10/2021	Grounds: sanitizer per cmo @ varian park		\$242.25			
	32278		09/10/2021	Grounds: sanitizer per cmo @ hoover park		\$242.25			
32600	09/17/2021	Open			Accounts Payable	BANNER BANK	\$46,139.72		
	Invoice		Date	Description		Amount			
	6-Ret		06/30/2021	Library Expansion Design/Build Retention Payment #6		\$23,496.30			
	7-Ret		07/31/2021	Library Expansion Design/Build Retention Payment #7		\$22,643.42			

Type EFT Totals:

Main Account - Main Checking Account Totals

62 Transactions

\$430,985.41

Checks	Status	Count	Transaction Amount	Reconciled Amount
--------	--------	-------	--------------------	-------------------



# Payment Register

From Payment Date: 9/11/2021 - To Payment Date: 9/17/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
					Open	38	\$952,859.93	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	0	\$0.00	\$0.00	
					Stopped	0	\$0.00	\$0.00	
					Total	38	\$952,859.93	\$0.00	
					EFTs	Status	Count	Transaction Amount	Reconciled Amount
					Open	62	\$430,985.41	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	0	\$0.00	\$0.00	
					Total	62	\$430,985.41	\$0.00	
					All	Status	Count	Transaction Amount	Reconciled Amount
					Open	100	\$1,383,845.34	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	0	\$0.00	\$0.00	
					Stopped	0	\$0.00	\$0.00	
					Total	100	\$1,383,845.34	\$0.00	
Grand Totals:									
					Checks	Status	Count	Transaction Amount	Reconciled Amount
					Open	38	\$952,859.93	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	0	\$0.00	\$0.00	
					Stopped	0	\$0.00	\$0.00	
					Total	38	\$952,859.93	\$0.00	
					EFTs	Status	Count	Transaction Amount	Reconciled Amount
					Open	62	\$430,985.41	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	0	\$0.00	\$0.00	
					Total	62	\$430,985.41	\$0.00	
					All	Status	Count	Transaction Amount	Reconciled Amount
					Open	100	\$1,383,845.34	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	0	\$0.00	\$0.00	
					Stopped	0	\$0.00	\$0.00	
					Total	100	\$1,383,845.34	\$0.00	

*Zach Korach*

*September 20, 2021*



# CITY OF CUPERTINO

## Agenda Item

---

**21-9959**

**Agenda Date:**  
**10/19/2021 Agenda #:**  
**13.**

---

Subject: Consider Accepting Accounts Payable for pay period ending September 27, 2021

Adopt Resolution No. 21-096 accepting Accounts Payable for pay period ending September 27, 2021

**RESOLUTION NO. 21-\_\_**

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL  
CUPERTINO ALLOWING CERTAIN CLAIMS AND DEMANDS  
PAYABLE IN THE AMOUNTS AND FROM THE FUNDS AS HEREINAFTER  
DESCRIBED FOR GENERAL AND MISCELLANEOUS EXPENDITURES FOR  
THE PERIOD ENDING**

September 27, 2021

WHEREAS, the Director of Administrative Services or her designated representative has certified to accuracy of the following claims and demands and to the availability of funds for payment hereof; and

WHEREAS, the said claims and demands have been audited as required by law.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby allows the following claims and demands in the amounts and from the funds as hereinafter set forth in the attached Payment Register.

CERTIFIED:   
Zach Korach, Finance Manager

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 19<sup>th</sup> day of October, 2021, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

Resolution No. \_\_\_\_\_

Page 2

<p>SIGNED:</p>  <p>_____ Darcy Paul, Mayor City of Cupertino</p>	<p>_____ Date</p>
<p>ATTEST:</p>  <p>_____ Kirsten Squarcia, City Clerk</p>	<p>_____ Date</p>

# Payment Register

From Payment Date: 9/18/2021 - To Payment Date: 9/24/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Main Account - Main Checking Account									
<u>Check</u>									
728701	09/24/2021	Open			Accounts Payable	ABOLI JAYDEEP RANADE	\$148.00		
	Invoice		Date	Description		Amount			
	091721AR		09/20/2021	September fitness classes		\$148.00			
728702	09/24/2021	Open			Accounts Payable	ADVANTAGE GRAFIX	\$1,979.25		
	Invoice		Date	Description		Amount			
	45953		08/31/2021	2021 Bike Fest Banner and Flyers		\$1,979.25			
728703	09/24/2021	Open			Accounts Payable	ALHAMBRA & SIERRA SPRINGS	\$163.36		
	Invoice		Date	Description		Amount			
	4984729 090421		09/04/2021	water service for QCC		\$95.64			
	4984902 090421		09/04/2021	September Sports Center water delivery		\$45.54			
	4984902 061221		06/12/2021	June Sports Center water delivery		\$22.18			
728704	09/24/2021	Open			Accounts Payable	Amazon Capital Services	\$196.86		
	Invoice		Date	Description		Amount			
	1Y41-MWHV-1V9W		09/20/2021	Toan Headphones		\$196.86			
728705	09/24/2021	Open			Accounts Payable	AMERICAN LEGAL PUBLISHING	\$205.88		
	Invoice		Date	Description		Amount			
	10731		09/20/2021	2021 S-83 Supplement Editing Pages		\$205.88			
728706	09/24/2021	Open			Accounts Payable	AMIT GOEL	\$296.00		
	Invoice		Date	Description		Amount			
	092021 AG		09/20/2021	September fitness classes		\$296.00			
728707	09/24/2021	Open			Accounts Payable	AT&T	\$12,756.01		
	Invoice		Date	Description		Amount			
	000016875196-2		08/12/2021	City Clerk		\$48.70			
	000016875196-23		08/12/2021	BBF Golf		\$451.15			
	000016875196-24		08/12/2021	BBF Park		\$451.15			
	000016875196-39		08/12/2021	Service Center Adm.		\$43.74			
	000016875196-40		08/12/2021	City Hall		\$1,318.89			
	000016875196-41		08/12/2021	Service Center		\$196.57			
	000016875196-44		08/12/2021	Teeleconnect: BTN0722762181		\$553.41			
	000016875196-45		08/12/2021	2343448559		\$3,755.23			
	000016875196-46		08/12/2021	Monta Vista		\$553.41			
	000016875196-47		08/12/2021	Wilson Park		\$46.80			
	000016875196-53		08/12/2021	Street Maintenance		\$47.48			
	000017019401-2		09/12/2021	City Clerk		\$24.64			
	000017019401-23		09/12/2021	BBF Golf		\$451.15			
	000017019401-24		09/12/2021	BBF Park		\$451.15			
	000017019401-39		09/12/2021	Service Center Adm.		\$21.70			
	000017019401-40		09/12/2021	City Hall		\$1,211.60			
	000017019401-41		09/12/2021	Service Center		\$97.70			
	000017019401-44		09/12/2021	Teeleconnect: BTN0722762181		\$553.41			
	000017019401-45		09/12/2021	2343448559		\$1,877.62			
	000017019401-46		09/12/2021	Monta Vista		\$553.41			
	000017019401-47		09/12/2021	Wilson Park		\$23.40			
	000017019401-53		09/12/2021	Street Maintenance		\$23.70			

# Payment Register

From Payment Date: 9/18/2021 - To Payment Date: 9/24/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
728708	09/24/2021	Open			Accounts Payable	AVOCETTE TECHNOLOGIES INC.	\$9,392.50		
	Invoice		Date	Description		Amount			
	2108CU1		08/31/2021	Accela Automation August2021		\$9,392.50			
728709	09/24/2021	Open			Accounts Payable	BOETHING TREELAND FARMS INC	\$352.33		
	Invoice		Date	Description		Amount			
	SI-1288048		09/01/2021	Trees/ROW: Trees		\$352.33			
728710	09/24/2021	Open			Accounts Payable	CALIFORNIA CONSULTING, INC.	\$23,472.18		
	Invoice		Date	Description		Amount			
	4819		09/08/2021	Grant Writing for Various Emergency Services		\$23,472.18			
728711	09/24/2021	Open			Accounts Payable	CALIFORNIA WATER SERVICE	\$27,201.94		
	Invoice		Date	Description		Amount			
	3333-092121		09/21/2021	5926633333 08/14 - 09/14/21		\$27,201.94			
728712	09/24/2021	Open			Accounts Payable	CENTURYLINK	\$92.54		
	Invoice		Date	Description		Amount			
	090721		09/07/2021	EOC Phone Service - September 2021		\$35.18			
	080721		08/07/2021	EOC Phone Service - August 2021		\$35.18			
	070721		07/07/2021	EOC Phone Service - July 2021		\$22.18			
728713	09/24/2021	Open			Accounts Payable	CINTAS CORPORATION	\$1,079.22		
	Invoice		Date	Description		Amount			
	4096509596		09/21/2021	Service Center Uniforms 9-21		\$1,079.22			
728714	09/24/2021	Open			Accounts Payable	CLAY PLANET	\$280.95		
	Invoice		Date	Description		Amount			
	223814		08/31/2021	Kiln Repair Service - Replacing Elements		\$280.95			
728715	09/24/2021	Open			Accounts Payable	CUPERTINO ROTARY CLUB	\$300.00		
	Invoice		Date	Description		Amount			
	1449255		12/21/2017	QCC Rental Refunds		\$300.00			
728716	09/24/2021	Open			Accounts Payable	DEX SYSTEMS ENGINEERING	\$2,240.00		
	Invoice		Date	Description		Amount			
	1491		09/14/2021	Troubleshoot Tally communication on BroadcastPix; Audio Cabling		\$2,240.00			
728717	09/24/2021	Open			Accounts Payable	ERICK SERRANO	\$495.00		
	Invoice		Date	Description		Amount			
	ErickS092021		09/20/2021	Reimbursement APA Certification Essay Review & AICP Exam Class		\$495.00			
728718	09/24/2021	Open			Accounts Payable	FOSTER BROS SECURITY SYSTEMS INC	\$497.38		
	Invoice		Date	Description		Amount			
	330405		09/10/2021	Facilities: park bathroom supplies		\$249.33			
	330516		09/15/2021	Facilities: key hardware		\$248.05			
728719	09/24/2021	Open			Accounts Payable	HUICHEN LIN	\$592.00		
	Invoice		Date	Description		Amount			
	092021 HL		09/20/2021	September fitness classes		\$592.00			
728720	09/24/2021	Open			Accounts Payable	ID WHOLESALER	\$237.35		
	Invoice		Date	Description		Amount			
	INV6644085		07/30/2021	ribbon for printer		\$237.35			

# Payment Register

From Payment Date: 9/18/2021 - To Payment Date: 9/24/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
728721	09/24/2021	Open			Accounts Payable	JOHN THOMPSON TREE EXPERT	\$16,000.00		
	Invoice		Date	Description		Amount			
	9-16-21		09/16/2021	tree care for golf course		\$6,400.00			
728722	9-21-21		09/21/2021	tree care for golf course		\$9,600.00			
	09/24/2021	Open			Accounts Payable	KELLY-MOORE PAINT CO INC	\$2,503.88		
	Invoice		Date	Description		Amount			
728723	816-00000146221		09/20/2021	Grounds: paint		\$415.08			
	816-00000146346		09/22/2021	Grounds: paint		\$1,134.65			
	808-00000823327		09/22/2021	Grounds: paint		\$482.53			
728724	808-00000823202		09/21/2021	Trees/ROW: Bridge Fence Paint		\$471.62			
	09/24/2021	Open			Accounts Payable	Learning Tree International	\$2,659.00		
	Invoice		Date	Description		Amount			
728725	INR1BC6F		09/14/2021	Preeti - Analyzing Data with Power BI Training (DA-100)		\$2,659.00			
	09/24/2021	Open			Accounts Payable	MAHAN AND SONS INC	\$1,400.00		
	Invoice		Date	Description		Amount			
728726	1856		09/02/2021	Grounds: Aug Maint Varian Park Orchard		\$1,400.00			
	09/24/2021	Open			Accounts Payable	MOUNTAIN VIEW GARDEN CENTER	\$329.78		
	Invoice		Date	Description		Amount			
728727	107806		09/16/2021	Grounds: neighborhood parks gravel		\$185.73			
	107623		08/25/2021	Grounds: neighborhood parks topsoil		\$70.39			
	107807		09/16/2021	Grounds: school sites topsoil		\$46.92			
728728	107858		09/21/2021	Grounds: base rock		\$26.74			
	09/24/2021	Open			Accounts Payable	PAUL SAPUDAR	\$110.00		
	Invoice		Date	Description		Amount			
728729	PaulS081421		08/14/2021	Cell reimbursement 8-15-21 to 9-14-21		\$55.00			
	PaulS091421		09/14/2021	Cell phone reimbursement 9-15-21 to 10-14-21		\$55.00			
	09/24/2021	Open			Accounts Payable	PLAY-WELL TEKNOLOGIES	\$60.00		
728730	Invoice		Date	Description		Amount			
	PlayWell22-2		09/22/2021	Summer 2021 Payment 2		\$60.00			
	09/24/2021	Open			Accounts Payable	PROMETHEUS REAL ESTATE GROUP	\$600.00		
728731	Invoice		Date	Description		Amount			
	CofC-070121		09/13/2021	12 months electricity reimbursement		\$600.00			
	09/24/2021	Open			Accounts Payable	READYREFRESH BY NESTLE	\$1,930.09		
728732	Invoice		Date	Description		Amount			
	11G0027344597		07/12/2021	service center kitchen supplies water rental july		\$77.67			
	11H0027344597		08/10/2021	Service Center Water coolers and final delivery		\$1,852.42			
728733	09/24/2021	Open			Accounts Payable	SAN FRANCISCO SHAKESPEARE FESTIVAL	\$30,000.00		
	Invoice		Date	Description		Amount			
	09152021		09/15/2021	Free Shakespeare in the Park 2021		\$30,000.00			
728734	09/24/2021	Open			Accounts Payable	SAN JOSE WATER COMPANY	\$62,675.42		
	Invoice		Date	Description		Amount			
	Import - 887240		08/23/2021	0068410000-1 - 22221 McClellan 8302		\$1,014.90			

# Payment Register

From Payment Date: 9/18/2021 - To Payment Date: 9/24/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Import - 887241	08/23/2021			0134100000-6	- 8303 Memorial Park		\$5,094.60		
Import - 887243	08/23/2021			0345710000-0	- Alderbrook Ln.FS		\$117.79		
Import - 887244	08/23/2021			0677310000-0	- 10300 Torre Ave LS (Comm.Hall)		\$880.04		
Import - 887246	08/23/2021			1250520000-1	- 6620 Blackberry/Snack		\$938.54		
Import - 887248	08/23/2021			1393820000-6	- Irrig SC/Stelling LS (Stev Crk Blvd)		\$71.00		
Import - 887249	08/23/2021			1444810000-9	- Hyannisport Dr. LS		\$5,530.99		
Import - 887251	08/23/2021			1735700000-3	- 8303 Memorial Park Restroom		\$425.85		
Import - 887252	08/23/2021			1787904559-3	- 22221 McClellan 8302		\$309.67		
Import - 887253	08/23/2021			1832500000-0	- Ruppell PL LS		\$2,827.36		
Import - 887254	08/23/2021			1836700000-9	- 8322 Mary Mini Park		\$284.04		
Import - 887255	08/23/2021			1987700000-0	- Alderbrook Ln LS		\$6,891.90		
Import - 887256	08/23/2021			2228610000-7	- 21111 Stevens Crk LS		\$294.95		
Import - 887257	08/23/2021			2243500000-9	- 10300 Ainsworth Dr.LS		\$3,082.02		
Import - 887258	08/23/2021			2286120000-8	- 21251 Stevens Creek Blvd		\$73.90		
Import - 887259	08/23/2021			2288800000-1	- 8306 Somerset Park		\$1,063.99		
Import - 887261	08/23/2021			2649300000-9	- 10300 Torre Ave. FS (Comm.Hall)		\$117.79		
Import - 887262	08/23/2021			2787197813-9	- 8322 Stevens Creek Blvd.		\$71.00		
Import - 887263	08/23/2021			2892070144-9	- 22221 McClellan 8320		\$147.80		
Import - 887266	08/23/2021			2984810000-3	- 8504 Alves and Stelling		\$256.78		
Import - 887268	08/23/2021			3296700000-4	- Irrig SC/Stelling LS (Stev Crk Blvd)		\$71.00		
Import - 887269	08/23/2021			3530520000-4	- 21111 Stev.Crk Blvd 8510		\$322.22		
Import - 887270	08/23/2021			3612707315-7	- Stockmeir Ct		\$829.46		
Import - 887271	08/23/2021			3673220000-5	- Stev.Crk/Cupertino Rd.		\$71.00		
Import - 887272	08/23/2021			3746710000-6	- 21111 Stev.Crk BL FS		\$116.13		
Import - 887273	08/23/2021			3841010000-2	- 8507 Monta Vista Park		\$262.23		
Import - 887274	08/23/2021			3856110000-9	- 8322 Stella Estates		\$71.00		
Import - 887276	08/23/2021			3900520000-9	- 10300 Torre Ave		\$546.54		
Import - 887277	08/23/2021			4103020000-4	- 6620 Blackberry Farm		\$824.01		
Import - 887279	08/23/2021			4227520000-6	- 8303 Memorial Park		\$998.54		
Import - 887282	08/23/2021			5356310000-6	- 8322 Stev.Crk/Median		\$224.06		
Import - 887283	08/23/2021			5778910000-5	- 8504 Quinlan Ln.FS		\$73.90		
Import - 887284	08/23/2021			5835000000-4	- 8322 Stelling/Alves		\$140.60		
Import - 887285	08/23/2021			5929210000-1	- 8322 Ann Arbor Ct		\$140.60		
Import - 887286	08/23/2021			5948100000-4	- 6640 Blackberry Farm		\$10,339.98		
Import - 887287	08/23/2021			5986710000-6	- 10300 Torre Ave. FS (Comm.Hall)		\$441.43		
Import - 887289	08/23/2021			6292600000-1	- 10800 Torre Ave LS		\$2,670.88		
Import - 887291	08/23/2021			6405210000-1	- 8506 McClellan Ranch		\$141.89		
Import - 887292	08/23/2021			6578520000-0	- 8322 Foothill/Alpine LS		\$216.95		
Import - 887294	08/23/2021			6788620000-4	- 10555 Mary Ave. 8503		\$305.86		
Import - 887295	08/23/2021			6907100000-9	- Alderbrook Ln		\$175.79		
Import - 887296	08/23/2021			6935200000-9	- 8303 Memorial Park		\$6,469.04		
Import - 887297	08/23/2021			6973320000-5	- 8301 Linda Vista PK1		\$1,003.99		
Import - 887298	08/23/2021			7036000000-7	- 85 Stev.Crk/Mary LS		\$216.95		
Import - 887300	08/23/2021			7495200000-3	- 10300 Torre Ave FS		\$117.79		
Import - 887301	08/23/2021			7630410000-1	- Salem Av.LS		\$271.49		
Import - 887302	08/23/2021			7930000000-1	- 8322 Stelling/Christensen Dr.		\$156.95		
Import - 887303	08/23/2021			8006810000-9	- 10450 Mann Dr		\$43.20		
Import - 887304	08/23/2021			8065700000-8	- Peninsula and Fitzgerald Is		\$48.64		
Import - 887306	08/23/2021			8270010000-9	- Janice Ave.LS		\$234.96		
Import - 887307	08/23/2021			8287220000-9	- 8322 Stevens Cr/San Antonio Ls		\$71.00		



# Payment Register

From Payment Date: 9/18/2021 - To Payment Date: 9/24/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	Import - 887310		08/23/2021		8647520000-1 - 10555 Mary Ave/Corp Yard FS		\$190.02		
	Import - 887312		08/23/2021		8879620000-9 - 8504 Christensen Dr		\$245.87		
	Import - 887313		08/23/2021		8886800000-6 - 8301 Linda Vista PK2		\$1,009.45		
	Import - 887314		08/23/2021		9377600000-7 - 8307 Varian Park		\$3,861.96		
	Import - 887315		08/23/2021		9824500000-9 - 8322 Irrig SC/Stelling		\$255.13		
728732	09/24/2021	Open			Accounts Payable	SONIA DOGRA	\$111.00		
	Invoice		Date	Description		Amount			
	092021 SD		09/20/2021	September fitness classes		\$111.00			
728733	09/24/2021	Open			Accounts Payable	STEVENS CREEK CHEVROLET	\$435.20		
	Invoice		Date	Description		Amount			
	120341 REISSUE		03/04/2021	Fleet: Unit 6 work		\$435.20			
728734	09/24/2021	Open			Accounts Payable	SYSCO - SAN FRANCISCO	\$1,020.29		
	Invoice		Date	Description		Amount			
	450419822		08/12/2021	Food for BBF Cafe		\$1,020.29			
728735	09/24/2021	Open			Accounts Payable	VERIZON WIRELESS	\$18.00		
	Invoice		Date	Description		Amount			
	9887744288		09/04/2021	EOC Phone Service - 8/5 - 9/4		\$18.00			
728736	09/24/2021	Open			Accounts Payable	BLUE COLLAR HEATING & AIR	\$155.00		
	Invoice		Date	Description		Amount			
	12252		09/23/2021	BLUE COLLAR HEATING & AIR BL refund		\$155.00			
728737	09/24/2021	Open			Accounts Payable	HARRY LEE	\$1,131.60		
	Invoice		Date	Description		Amount			
	272777		09/21/2021	REFUND 10552 RED FIR CT BLD-2021-0367 CANCELLED		\$1,131.60			
728738	09/24/2021	Open			Accounts Payable	Hung, Wen-Hsiu	\$6,203.00		
	Invoice		Date	Description		Amount			
	BS27372		09/21/2021	Misc Engineering Fees Refund		\$6,203.00			
728739	09/24/2021	Open			Accounts Payable	Lee, Sonya	\$39.99		
	Invoice		Date	Description		Amount			
	Lee92021		09/20/2021	Live Scan and Fingerprinting Reimbursement		\$39.99			
728740	09/24/2021	Open			Accounts Payable	ROBERT ADZICH	\$10,000.00		
	Invoice		Date	Description		Amount			
	273386		09/20/2021	REFUND 10310 N FOOTHILL BLVD 15060159 TCO BOND		\$10,000.00			
728741	09/24/2021	Open			Accounts Payable	Su, Wendy, W	\$2,194.00		
	Invoice		Date	Description		Amount			
	265278		09/21/2021	Refund for cancelled permit application PW-2020-0042		\$2,194.00			
728742	09/24/2021	Open			Accounts Payable	THOMAS JAMES HOMES	\$5,000.00		
	Invoice		Date	Description		Amount			
	268654		09/21/2021	18833 Tuggle Ave, Encroachment, 268654		\$5,000.00			
728743	09/24/2021	Open			Accounts Payable	VALCON	\$155.00		
	Invoice		Date	Description		Amount			
	12235		09/23/2021	VALCON BL refund		\$155.00			
Type Check Totals:							\$226,710.00		
43 Transactions									

# Payment Register

From Payment Date: 9/18/2021 - To Payment Date: 9/24/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
EFT									
32601	09/20/2021	Open			Accounts Payable	EMPLOYMENT DEVEL DEPT	\$42,519.85		
	Invoice		Date	Description		Amount			
	09102021		09/10/2021	CA State Tax pp 8/28/21-9/10/21		\$42,519.85			
32602	09/20/2021	Open			Accounts Payable	IRS	\$134,199.64		
	Invoice		Date	Description		Amount			
	09102021		09/10/2021	Federal Tax pp 8/28/21-9/10/21		\$134,199.64			
32603	09/23/2021	Open			Accounts Payable	P E R S	\$526.36		
	Invoice		Date	Description		Amount			
	09012021		09/10/2021	PERS Council 9/1/21-9/30/21		\$526.36			
32604	09/23/2021	Open			Accounts Payable	P E R S	\$142,647.16		
	Invoice		Date	Description		Amount			
	09102021		09/10/2021	PERS pp 8/28/21-9/10/21		\$142,647.16			
32605	09/24/2021	Open			Accounts Payable	4 PAWS GOOSE CONTROL	\$1,850.00		
	Invoice		Date	Description		Amount			
	1604		09/08/2021	Grounds: Goose Control svcs Aug. 2021		\$1,850.00			
32606	09/24/2021	Open			Accounts Payable	ALL CITY MANAGEMENT SERVICES	\$19,189.17		
	Invoice		Date	Description		Amount			
	71959		09/08/2021	School Crossing Guard Services through 082221-090421		\$12,699.06			
	71664		08/25/2021	School Crossing Guard Services through 080821-082121		\$6,490.11			
32607	09/24/2021	Open			Accounts Payable	ALLIANT INSURANCE SERVICES, INC.	\$321.00		
	Invoice		Date	Description		Amount			
	1753917		09/16/2021	Insurance Premium for Bobateeno October 9, 2021		\$321.00			
32608	09/24/2021	Open			Accounts Payable	ALTEC INDUSTRIES INC	\$2,931.08		
	Invoice		Date	Description		Amount			
	50842072		09/15/2021	Fleet: Veh 468 VIN 1FDUF5GT1GEC05896 Service		\$2,931.08			
32609	09/24/2021	Open			Accounts Payable	ARCHANA PANDA	\$370.00		
	Invoice		Date	Description		Amount			
	092021 AP		09/20/2021	September fitness classes		\$370.00			
32610	09/24/2021	Open			Accounts Payable	BECK'S SHOES INCORPORATED	\$800.00		
	Invoice		Date	Description		Amount			
	248209-00		09/17/2021	Service Center Boots per MOU David D., Bill B.		\$800.00			
32611	09/24/2021	Open			Accounts Payable	BRIAN GATHERS	\$55.00		
	Invoice		Date	Description		Amount			
	BrianG090421		09/04/2021	Cell phone reimbursement Aug. 5 - Sept. 4, 2021		\$55.00			
32612	09/24/2021	Open			Accounts Payable	COLLEEN FERRIS	\$55.00		
	Invoice		Date	Description		Amount			
	ColleenF 091121		09/11/2021	cell phone service 8/12-9/11		\$55.00			

# Payment Register

From Payment Date: 9/18/2021 - To Payment Date: 9/24/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
32613	09/24/2021	Open			Accounts Payable	COTTON, SHIRES & ASSOCIATES, INC.	\$19,176.28		
	Invoice		Date	Description		Amount			
	R 90334		09/10/2021	Regnart Rd. Lab Test, Geologic Analysis, etc. thru 060121-083121		\$19,176.28			
32614	09/24/2021	Open			Accounts Payable	CURREN CONSULTING	\$6,300.00		
	Invoice		Date	Description		Amount			
	2021-07-08		07/31/2021	2021 Pavement Maintenance Project Phase 1		\$4,725.00			
	2021-08-09		08/31/2021	2021 Pavement Maintenance Project Phase 1		\$1,575.00			
32615	09/24/2021	Open			Accounts Payable	DASHER TECHNOLOGIES, A CONVERGE COMPANY	\$18,665.76		
	Invoice		Date	Description		Amount			
	362133		09/16/2021	HPE Simplivity Support 11/10/2021 to 11/09/2022		\$18,665.76			
32616	09/24/2021	Open			Accounts Payable	GRACE DUVAL	\$420.00		
	Invoice		Date	Description		Amount			
	092021 GD		09/20/2021	September fitness classes and PT		\$420.00			
32617	09/24/2021	Open			Accounts Payable	GRANICUS, LLC	\$1,418.14		
	Invoice		Date	Description		Amount			
	143856		09/26/2021	Govt. Transparency and Meeting Efficiency suite Oct. 21		\$1,418.14			
32618	09/24/2021	Open			Accounts Payable	GRANITE FINANCIAL SOLUTIONS, INC	\$2,929.76		
	Invoice		Date	Description		Amount			
	IN71673-1		09/17/2021	15x Docking stations		\$2,929.76			
32619	09/24/2021	Open			Accounts Payable	GYM PRECISION, INC.	\$195.00		
	Invoice		Date	Description		Amount			
	15505		09/09/2021	Monthly preventative maintenance on gym equipment Sept		\$195.00			
32620	09/24/2021	Open			Accounts Payable	HILL, JENNIFER	\$273.00		
	Invoice		Date	Description		Amount			
	092021 JH		09/20/2021	September fitness classes		\$273.00			
32621	09/24/2021	Open			Accounts Payable	HINDERLITER, DE LLAMAS & ASSOCIATES	\$23,630.00		
	Invoice		Date	Description		Amount			
	SIN008203-1		03/31/2021	Economic Development Consultant 2021/01		\$11,900.00			
	SIN008203-2		03/31/2021	Economic Development Consultant 2021/02		\$11,730.00			
32622	09/24/2021	Open			Accounts Payable	IMPERIAL SPRINKLER SUPPLY, INC	\$1,614.69		
	Invoice		Date	Description		Amount			
	4815103-00		09/09/2021	Trees/ROW: Irrigation Supplies		\$1,614.69			
32623	09/24/2021	Open			Accounts Payable	INTERSTATE TRAFFIC CONTROL PRODUCTS, INC	\$363.51		
	Invoice		Date	Description		Amount			
	246787		09/15/2021	Streets: 2" clamp -on u bracket stencil guard		\$363.51			

# Payment Register

From Payment Date: 9/18/2021 - To Payment Date: 9/24/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
32624	09/24/2021	Open			Accounts Payable	JAM SERVICES INC	\$10,443.26		
	Invoice		Date	Description		Amount			
	149708		09/15/2021	Streets: Base Plate Covers		\$10,443.26			
32625	09/24/2021	Open			Accounts Payable	JAMES COLVIN	\$500.00		
	Invoice		Date	Description		Amount			
	092121 JC		09/21/2021	September PT		\$500.00			
32626	09/24/2021	Open			Accounts Payable	KEVIN GREENE	\$55.00		
	Invoice		Date	Description		Amount			
	KevinG091821		09/18/2021	Cell reimbursement 8.19-21-9.18-21		\$55.00			
32627	09/24/2021	Open			Accounts Payable	KIMLEY-HORN AND ASSOCIATES, INC.	\$9,957.50		
	Invoice		Date	Description		Amount			
	19429263		08/26/2021	De Anza-McClellan Upgrade through 07312021		\$7,207.50			
	19444510		08/31/2021	Bollinger Rd Study through 07312021		\$2,750.00			
32628	09/24/2021	Open			Accounts Payable	MERCHANT, TEJAL	\$301.00		
	Invoice		Date	Description		Amount			
	092021 TM		09/20/2021	September fitness classes		\$301.00			
32629	09/24/2021	Open			Accounts Payable	MONICA G. RANES-GOLDBERG	\$360.00		
	Invoice		Date	Description		Amount			
	092021 MG		09/20/2021	September fitness classes		\$360.00			
32630	09/24/2021	Open			Accounts Payable	NEXINITE, LLC	\$9,225.00		
	Invoice		Date	Description		Amount			
	INV-001217		09/02/2021	Form Digitization Service for August 2022		\$6,000.00			
	INV-001166		08/06/2021	Form Digitization Service for July 2022		\$3,225.00			
32631	09/24/2021	Open			Accounts Payable	O'GRADY PAVING INC	\$5,000.00		
	Invoice		Date	Description		Amount			
	5591		09/20/2021	Lawrence Park Excavation EQ Rental		\$5,000.00			
32632	09/24/2021	Open			Accounts Payable	PACIFIC WEST SECURITY, INC.	\$215.16		
	Invoice		Date	Description		Amount			
	53455		09/16/2021	Facilities: Service Center false alarm call		\$215.16			
32633	09/24/2021	Open			Accounts Payable	Pakpour Consulting Group, Inc.	\$13,800.00		
	Invoice		Date	Description		Amount			
	3596		09/11/2021	Stevens Creek Blvd Class IV Bikeway Ph. 2 through 060121-083121		\$13,800.00			
32634	09/24/2021	Open			Accounts Payable	PAVEMENT ENGINEERING INC	\$14,560.00		
	Invoice		Date	Description		Amount			
	2108-036		09/08/2021	Pavement Maintenance - Phase 1 through 080121-083121		\$14,560.00			
32635	09/24/2021	Open			Accounts Payable	Pix4D, Inc.	\$10,963.00		
	Invoice		Date	Description		Amount			
	202109-I-D-US-00		09/17/2021	Fy22 Mapping Application for Drone		\$10,963.00			
32636	09/24/2021	Open			Accounts Payable	PLACEWORKS, INC	\$9,256.53		
	Invoice		Date	Description		Amount			
	76205		08/31/2021	Objective Standards 2021/08		\$1,058.25			
	76203		08/31/2021	16025 S Foothill Environmental Review 2021/08		\$675.76			
	76206		08/31/2021	19191 Vallco Parkway 2021/08		\$4,912.59			

# Payment Register

From Payment Date: 9/18/2021 - To Payment Date: 9/24/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	76204		08/31/2021		10655 Mary Ave Environmental Review 2021/08		\$2,609.93		
32637	09/24/2021	Open			Accounts Payable	PROFESSIONAL TURF MANAGEMENT, INC.	\$17,000.00		
	Invoice		Date		Description	Amount			
	1152		09/20/2021		Golf course maintenance fee September	\$17,000.00			
32638	09/24/2021	Open			Accounts Payable	RAYCHEL RENEE BALCIONI CRUZ	\$1,269.00		
	Invoice		Date		Description	Amount			
	092021 RC		09/20/2021		September fitness classes	\$1,269.00			
32639	09/24/2021	Open			Accounts Payable	RRM DESIGN GROUP	\$5,043.53		
	Invoice		Date		Description	Amount			
	2132-01-0821		09/10/2021		Mixed Use Design Review Standards 2021/08	\$5,043.53			
32640	09/24/2021	Open			Accounts Payable	Ryan Do	\$165.00		
	Invoice		Date		Description	Amount			
	RyanD07092021		07/09/2021		Cell Phone Reimbursement for July 2021	\$55.00			
	RyanD08092021		08/09/2021		Cell Phone Reimbursement for August 2021	\$55.00			
	RyanD09092021		09/09/2021		Cell Phone Reimbursement for September 2021	\$55.00			
32641	09/24/2021	Open			Accounts Payable	SAN JOSE CONSERVATION CORPS	\$3,100.70		
	Invoice		Date		Description	Amount			
	7606		08/31/2021		Compost Site Attendants- August 2021	\$3,100.70			
32642	09/24/2021	Open			Accounts Payable	SHUTE, MIHALY & WEINBERGER LLP	\$19,116.72		
	Invoice		Date		Description	Amount			
	274253		09/14/2021		Legal Services, August 2021	\$13,806.52			
	274245		09/14/2021		Legal Services, August 2021	\$495.60			
	274251		09/14/2021		Legal Services, August 2021	\$333.30			
	274246		09/14/2021		Legal Services, August 2021	\$2,316.20			
	274247		09/14/2021		Legal Services, August 2021	\$469.21			
	274254		09/14/2021		Legal Services, August 2021	\$1,695.89			
32643	09/24/2021	Open			Accounts Payable	STATEWIDE TRAFFIC SAFETY AND SIGNS	\$295.32		
	Invoice		Date		Description	Amount			
	05035216		09/22/2021		Streets: asphalt 6.5 55# bucket	\$295.32			
32644	09/24/2021	Open			Accounts Payable	T & T PAVEMENT MARKINGS AND	\$948.37		
	Invoice		Date		Description	Amount			
	2021371		09/22/2021		Streets: Blue, Green & White Rivets	\$948.37			
32645	09/24/2021	Open			Accounts Payable	TANASE, KEN	\$39.79		
	Invoice		Date		Description	Amount			
	KenT09072021		09/07/2021		Cell service 8-8-2021 thru 9-7-2021	\$39.79			
32646	09/24/2021	Open			Accounts Payable	Tripepi, Smith and Associates, Inc	\$1,121.25		
	Invoice		Date		Description	Amount			
	6606		07/31/2021		Budget at a Glance Project Management	\$1,121.25			
32647	09/24/2021	Open			Accounts Payable	VMI, INC.	\$690.02		
	Invoice		Date		Description	Amount			
	303725		09/17/2021		Extron Parts (EOC I/O Pillars and Community Hall Podiums)	\$690.02			

# Payment Register

From Payment Date: 9/18/2021 - To Payment Date: 9/24/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
32648	09/24/2021	Open			Accounts Payable	WESTERN SITE SERVICES LLC.	\$121.13		
	Invoice		Date	Description		Amount			
32392			09/14/2021	Grounds: sanitizer per cmo @ BBF		\$121.13			

Type EFT Totals:

Main Account - Main Checking Account Totals

48 Transactions

\$553,997.68

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	43	\$226,710.00	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	43	\$226,710.00	\$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	48	\$553,997.68	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	48	\$553,997.68	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	91	\$780,707.68	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	91	\$780,707.68	\$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	43	\$226,710.00	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	43	\$226,710.00	\$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	48	\$553,997.68	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	48	\$553,997.68	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	91	\$780,707.68	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	91	\$780,707.68	\$0.00

*Zack Korach*

*September 27, 2021*

# Payment Register

From Payment Date: 9/18/2021 - To Payment Date: 9/24/2021

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Main Account - Main Checking Account									
<u>Check</u>									
728698	09/24/2021	Open			Miscellaneous Billing	Crown Castle USA, Inc	\$7,713.21		
					Refund				
728699	09/24/2021	Open			Miscellaneous Billing	Extenet Systems	\$9,036.87		
					Refund				
728700	09/24/2021	Open			Miscellaneous Billing	Steakley, Bruce	\$2,957.56		
					Refund				
Type Check Totals:							\$19,707.64		
Main Account - Main Checking Account Totals									

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	3	\$19,707.64	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	3	\$19,707.64	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	3	\$19,707.64	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	3	\$19,707.64	\$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	3	\$19,707.64	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	3	\$19,707.64	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	3	\$19,707.64	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	3	\$19,707.64	\$0.00

*Zach Korach*  
*September 27, 2021*



# CITY OF CUPERTINO

## Agenda Item

---

**21-9939**

**Agenda Date:**  
**10/19/2021 Agenda #:**  
**14.**

---

Subject: Consider a donation from an anonymous donor for a plaque commemorating the Rolling Hills 4-H Club's founding in Cupertino.

Authorize the following regarding a plaque commemorating the Rolling Hills 4-H Club's founding in Cupertino:

- 1) Acceptance of the plaque donation;
- 2) Wording of the plaque; and
- 3) Installation at the McClellan Ranch property leased to the Rolling Hills 4-H Club.





## PUBLIC WORKS DEPARTMENT

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3354 • FAX: (408) 777-3333  
CUPERTINO.ORG

### CITY COUNCIL STAFF REPORT

Meeting: October 19, 2021

#### Subject

Consider a donation from an anonymous donor for a plaque commemorating the Rolling Hills 4-H Club's founding in Cupertino.

#### Recommended Action

Authorize the following regarding a plaque commemorating the Rolling Hills 4-H Club's founding in Cupertino:

- 1) Acceptance of the plaque donation;
- 2) Wording of the plaque; and
- 3) Installation at the McClellan Ranch property leased to the Rolling Hills 4-H Club.

#### Background

The City leases real property at the McClellan Ranch Preserve to The Regents of the University of California, for the Rolling Hills 4-H Club for the purpose of animal husbandry, wildlife and gardening projects. The leased property includes a four-pen pole barn with corrals, a three-pen pole barn with corrals, a three-run chicken coop, and a tack room. The Rolling Hills 4-H Club has operated for 50 years. The current lease ends on August 31, 2024.

#### Discussion

An anonymous donor offered to donate a plaque commemorating the Rolling Hills 4-H Club's founding in Cupertino, with the intent that the plaque be installed on the building leased by the club at the McClellan Ranch Preserve, adjacent to the tack room door.

The plaque would include the following language:

*Rolling Hills 4-H Club of Cupertino, California  
Founded October 4, 1971 by Mary Catherine Gaubatz  
15 Founding Club Members*

This recommended action is consistent with the Cupertino Donation Policy, Section IX.3, titled "Donor Recognition Guidelines" which states that City Council may recognize a donation of a plaque with wording to be determined on a case-by-case basis (Attachment A.)

Sustainability Impact

No sustainability impact.

Fiscal Impact

No fiscal impact.

---

Prepared by: Chad Mosley, Assistant Director of Public Works/City Engineer

Reviewed by: Joanne Magrini, Director of Parks and Recreation

Reviewed by: Dianne Thompson, Assistant City Manager

Approved for Submission by: Greg Larson, Interim City Manager

Attachments:

A – Resolution 17-102 and Attached Donation Policy

B – Completed Standard Donation Form

## RESOLUTION NO. 17-102

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO ESTABLISHING A POLICY FOR ACCEPTING DONATIONS

WHEREAS, Government Code Section 37354 permits the City Council of a City to accept or reject any donation, gift, bequest or devise (hereinafter “Donation”) made to or for the City for any public purpose, and further empowers a City Council to hold and dispose of such property and funds for such uses as are prescribed in the terms of the Donation;

WHEREAS, if the terms of a Donation do not prescribe or limit the uses to which the property or funds received or their income or increase may be put, Government Code Section 37355 permits a City Council to prescribe the designated uses of said Donations;

WHEREAS, the administration of the City’s programs and activities occasionally provide opportunities for the City to receive Donations of property or funds;

WHEREAS, the Cupertino City Council wishes to establish a policy setting forth the circumstances under which Donations may be accepted, and the rules and protocols to be followed by City staff and potential donors;

WHEREAS, the experience of the City is that contributions are made under a variety of circumstances, including those received anonymously, with restrictions as to their use, and in other cases unrestricted as to their use and purpose;

WHEREAS, the timely acceptance, use, and handling of Donations is a critical component of a program involving contributions, and the City wishes to encourage Donations and the administration of City programs that occasionally provide opportunities to receive Donations;

WHEREAS, the City Council further wishes to provide for the effective and legally sufficient means to abide by Donor intentions without compromising the City’s ability to manage resources and deliver services;

WHEREAS, the Cupertino City Council finds and determines that the above recitals are true and correct and material to the adoption of this Resolution.

Approved by Council on October 17, 2017

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cupertino adopts and approves the Donation Policy attached and incorporated herein by this reference, as the official donation policy of the City of Cupertino.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 17th day of October, 2017, by the following vote:

<u>Vote</u>	<u>Members of the City Council</u>
-------------	------------------------------------

AYES:	Paul, Chang, Scharf, Sinks
-------	----------------------------

NOES:	None
-------	------

ABSENT:	Vaidhyanathan
---------	---------------

ABSTAIN:	None
----------	------

ATTEST:

APPROVED:

/s/Grace Schmidt

/s/Darcy Paul

---

Grace Schmidt, City Clerk

---

Darcy Paul, Vice Mayor,  
City of Cupertino



## DONATION POLICY

### **I. PURPOSE**

This policy establishes the Cupertino City Council's policy for accepting donations and provides guidelines to govern the management and disposition of donations.

### **II. BACKGROUND**

Donations of every type are offered to the City of Cupertino (City) for general or specific purposes. This policy establishes uniform criteria and procedures for accepting donations and determining whether the City has adequate resources to administer the donations.

### **III. SPECIFIC OBJECTIVES**

1. To establish an effective and efficient way to manage donations and provide guidelines to donors and City staff;
2. To generate revenue to fund or supplement new and existing programs and activities for the benefit of City and its residents;
3. To work with individuals, organizations and non-profits who support City's mission and goals.

### **IV. DEFINITIONS**

For purposes of this policy, the following terms shall mean as follows:

1. **Donation:** An offer by a donor of any tangible or intangible item which the City is prepared to accept under this policy and guidelines. This includes a

monetary (cash) contribution, endowments, personal property, real property, financial securities, equipment, in-kind goods, services and any other asset for which the donor has not received any goods or services in return.

2. **Donor:** An individual or legal entity making a Donation to the City.
3. **Restricted Donation:** A donation restricted by the Donor for a particular purpose, program, location or City department.
4. **Unrestricted Donation:** A donation without any limitations imposed on its intended use and which the City can use for any public purpose.
5. **Park and Public Improvement Donation:** Real property or items, such as drinking fountains, tables, benches, and equipment that are traditionally intended to improve public areas in parks, in or around public buildings, streets, walkways and trails.

## V. TYPES OF DONATIONS

1. Donations may be from a single individual, group, organization, business, corporation, or anonymous sources.
2. Donations may be restricted or unrestricted.
3. Donations may be offered in cash, financial securities, or personal property.
4. Donations of real property or any estate in real property may only be accepted as prescribed by state law, including Government Code section 27281, if applicable.
5. The following are subject to other laws or policies and are not governed by this Policy:
  - a. Donations of public art are subject to the General Guidelines for the Selection of Public Art, Resolution No. 05-040.
  - b. Sponsorships, including personal and financial support for a City event are governed by the City's Sponsorship Policy.
  - c. Contributions intended to benefit a City elected official, appointed official, or employee are governed by state and federal laws.
  - d. Land, real property, concessions, appurtenances, rights of way, street improvements, easements and the like, which are obtained under City authority through regulatory means, negotiations, or as part of a public improvement project, a development project or agreement.

## **VI. AUTHORITY TO ACCEPT/REJECT DONATIONS**

The City at all times shall have the right to accept or decline any Donation, at its sole discretion. Unless otherwise required by federal, state, or local law the City Council authorizes as follows:

1. Donations of any kind, restricted or unrestricted, which are valued above \$25,000 must be presented to the City Council for approval and acceptance, pursuant to a resolution.
2. The City Council delegates the authority to approve and accept Donations valued at or below \$25,000 to the City Manager.
3. The City Manager is authorized to delegate authority to accept Donations valued at or below \$10,000 to the Director/Head of the Department for which the donation is intended.

All Donations are subject to the City Council's budget appropriation rules and must support programs and activities established by or supported by the City.

## **VII. DONATION EVALUATION GUIDELINES**

The following criteria should be considered in evaluating Donations and determining whether City should accept or reject said Donations.

1. Donations must be consistent with City interests and support a public purpose;
2. The fair market value of non-monetary donations;
3. Whether the net benefit of a donation outweighs the cost to the City. Net benefit includes all lifecycle costs of ownership, maintenance, repair, clean-up, administration, and the liability, risk, and expense that may be associated with the donation;
4. Donations may not be used to implement new programs or services that are ongoing, unless the City Council approves the necessary funding to cover the costs of initiating and sustaining the new program or service;
5. Real and projected costs should be considered when a donation requires an immediate or initial expenditure, matching donations, or supplemental funding;
6. Potential costs and liabilities should be considered for donations that exclude indemnification, insurance, bonding, or other warranties that the City would

normally receive or require through the procurement process;

7. Consistent with state law, real property will be evaluated based on its physical condition, market value, and any claims, liens, or encumbrances clouding title to the property or reducing its value; and
8. Park and Public Improvement Donations and similar physical items must meet warranty conditions and City standards, if any, to ensure a long life as well as resistance to the weather, wear and tear, and possible vandalism. These donations must cover the cost of purchase, installation, and basic maintenance for the life cycle of the accessory, unless otherwise agreed by the City. The City reserves the right to modify, remove, or relocate these items, as appropriate.

### **VIII. DONATION FORMS AND AGREEMENTS**

All donors are required to submit the Standard Donation Form to the City Manager's Office or, in the case of a department-specific donation valued at or below \$10,000, to the appropriate department head. The City Manager's Office will be responsible for drafting the Standard Donation Form.

Donations requiring Council approval/acceptance may require a donation agreement outlining the respective obligations of the donor and the City. Restricted Donations may also be subject to an agreement if either the donor or the City deem it necessary or appropriate.

The City Manager's Office will review all donation agreements which, at a minimum, should include:

1. Contact information of the donor and a designated representative;
2. The type, amount, and value of the donation;
3. The purpose and any use restrictions for the donation, if any;
4. Appropriate recognition of the donor, if desired; and
5. Waiver, Release, and Disclosure provisions outlining the procedure the City will follow to handle restricted donations that cannot be implemented.

### **IX. DONOR RECOGNITION GUIDELINES**

In determining the appropriate recognition for a Donor, the following guidelines apply:

1. City will provide Donors an acknowledgement of acceptance of the donation.
2. No City building, facility, structure, equipment or furnishing can be named after a



Donor.

3. The City Council may recognize a donation by a plaque affixed to the appropriate City building, facility, structure, equipment or furnishings. The wording, size, type and location of the plaque shall be determined on a case by case basis.

Approved by Council on October 17, 2017

## City of Cupertino Standard Donation Form

The City of Cupertino acknowledges and thanks individuals and institutions who wish to donate funds, goods/property, and their voluntary time to help the City achieve its public goals and objectives for the betterment of the community. This Donation Form is intended to memorialize the understanding between the City and the Donor. The undersigned Donor wishes to make a donation to the City of Cupertino as described in more detail below.

The Donor is (check and complete all that apply):

- ☐ Donating \$\_\_\_\_\_ in a lump sum.
- ☐ Donating \$\_\_\_\_\_ in \_\_\_\_\_ (monthly, quarterly, etc.)  
contributions of \$\_\_\_\_\_ in \_\_\_\_\_ installments.
- ☐ Donating the following (describe products, services, investment securities, real property, etc.) valued at \$\_\_\_\_\_:

Donor wishes to have this donation used as follows (check one):

- ☐ For a general purpose consistent with the City's adopted goals and objectives, based on the City's discretion.
- ☐ By the \_\_\_\_\_ (Department/Division) for a general purpose at their discretion.
- ☐ By the \_\_\_\_\_ (City/Department/Division) for the following specific purposes:

Except as provided above, the City may use the donation in any manner at its sole discretion and the Donor has no right or obligation to control the City's use of the donation.

## City of Cupertino Standard Donation Form

Donor understands that the City will endeavor to meet the use conditions of restricted donations, in accordance with the wishes of the donor. If, however, the City is unable to meet the Donor's restrictions, the City will make reasonable attempts to contact the Donor or the representative identified by Donor in the Form/Agreement to discuss alternative uses or to return the Donation. If City receives no response within 60 calendar days of City's first attempt to contact the Donor or the representative, Donor agrees to relinquish all rights Donor may have had to the Donation, on behalf of Donor, Donor's heirs, successors and agents. Donor further understands and agrees that the City shall have the right to use the donation for any other public purpose. The City will make an effort to use the donation for a purpose similar in nature to the originally specified purpose.

For Park and Public Improvement Donations: Donations must cover the cost of purchase, installation, and basic maintenance for the life cycle of the accessory unless otherwise agreed upon by the City. The City reserves the right to modify, remove or relocate the accessory.

City reserves the right to reject donations that are inconsistent with City's mission, values, or standard practices.

In connection with administering this agreement, the City shall contact the Donor through the following primary representative unless the donor chooses to remain anonymous. In the event the primary representative cannot be reached, the City shall contact the secondary representative listed. The Donor agrees that both the primary and secondary representatives hold the authority to execute this agreement.

Donor/Primary Representative: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Secondary Representative: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

☐ I wish to remain anonymous. (Check box)

**City of Cupertino**  
**Standard Donation Form**

In addition to the foregoing, the Donor understands and agrees that:

- a. Once approved, this form will serve as an acknowledgement of receipt of the donation.
- b. Any recognition will only be made at the City's discretion.

Donor/Representative Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Donor/Representative Name (Print): \_\_\_\_\_

**FOR CITY USE ONLY**

Approved/Declined by \_\_\_\_\_ (Name/Title, Council) on \_\_\_\_\_ (Date).

## City of Cupertino Standard Donation Form

The City of Cupertino acknowledges and thanks individuals and institutions who wish to donate funds, goods/property, and their voluntary time to help the City achieve its public goals and objectives for the betterment of the community. This Donation Form is intended to memorialize the understanding between the City and the Donor. The undersigned Donor wishes to make a donation to the City of Cupertino as described in more detail below.

The Donor is (check and complete all that apply):

- ☐ Donating \$\_\_\_\_\_ in a lump sum.
- ☐ Donating \$\_\_\_\_\_ in \_\_\_\_\_ (monthly, quarterly, etc.) contributions of \$\_\_\_\_\_ in \_\_\_\_\_ installments.
- ☐ Donating the following (describe products, services, investment securities, real property, etc.) valued at \$\_\_\_\_\_:

Donor wishes to have this donation used as follows (check one):

- ☐ For a general purpose consistent with the City's adopted goals and objectives, based on the City's discretion.
- ☐ By the \_\_\_\_\_ (Department/Division) for a general purpose at their discretion.
- ☐ By the \_\_\_\_\_ (City/Department/Division) for the following specific purposes:

Except as provided above, the City may use the donation in any manner at its sole discretion and the Donor has no right or obligation to control the City's use of the donation.

Donor understands that the City will endeavor to meet the use conditions of restricted donations, in accordance with the wishes of the donor. If, however, the City is unable to meet the Donor's restrictions, the City will make reasonable attempts to contact the Donor or the representative identified by Donor in the Form/Agreement to discuss alternative uses or to return the Donation.

## City of Cupertino Standard Donation Form

If City receives no response within 60 calendar days of City's first attempt to contact the Donor or the representative, Donor agrees to relinquish all rights Donor may have had to the Donation, on behalf of Donor, Donor's heirs, successors and agents. Donor further understands and agrees that the City shall have the right to use the donation for any other public purpose. The City will make an effort to use the donation for a purpose similar in nature to the originally specified purpose.

For Park and Public Improvement Donations: Donations must cover the cost of purchase, installation, and basic maintenance for the life cycle of the accessory unless otherwise agreed upon by the City. The City reserves the right to modify, remove or relocate the accessory.

City reserves the right to reject donations that are inconsistent with City's mission, values, or standard practices.

In connection with administering this agreement, the City shall contact the Donor through the following primary representative unless the donor chooses to remain anonymous. In the event the primary representative cannot be reached, the City shall contact the secondary representative listed. The Donor agrees that both the primary and secondary representatives hold the authority to execute this agreement.

Donor/Primary Representative: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Secondary Representative: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

☐ I wish to remain anonymous. (Check box)

In addition to the foregoing, the Donor understands and agrees that:

- a. Once approved, this form will serve as an acknowledgement of receipt of the donation.
- b. Any recognition will only be made at the City's discretion.

Donor/Representative Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Donor/Representative Name (Print): \_\_\_\_\_

### FOR CITY USE ONLY

Approved/Declined by \_\_\_\_\_ (Name/Title, Council) on \_\_\_\_\_ (Date).

## City of Cupertino Standard Donation Form

If City receives no response within 60 calendar days of City's first attempt to contact the Donor or the representative, Donor agrees to relinquish all rights Donor may have had to the Donation, on behalf of Donor, Donor's heirs, successors and agents. Donor further understands and agrees that the City shall have the right to use the donation for any other public purpose. The City will make an effort to use the donation for a purpose similar in nature to the originally specified purpose.

For Park and Public Improvement Donations: Donations must cover the cost of purchase, installation, and basic maintenance for the life cycle of the accessory unless otherwise agreed upon by the City. The City reserves the right to modify, remove or relocate the accessory.

City reserves the right to reject donations that are inconsistent with City's mission, values, or standard practices.

In connection with administering this agreement, the City shall contact the Donor through the following primary representative unless the donor chooses to remain anonymous. In the event the primary representative cannot be reached, the City shall contact the secondary representative listed. The Donor agrees that both the primary and secondary representatives hold the authority to execute this agreement.

Donor/Primary Representative: \_\_\_\_\_ E-Mail: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Secondary Representative: \_\_\_\_\_ E-Mail: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

☒ I wish to remain anonymous. (Check box)

In addition to the foregoing, the Donor understands and agrees that:

- a. Once approved, this form will serve as an acknowledgement of receipt of the donation.
- b. Any recognition will only be made at the City's discretion.

Donor/Representative Signature: \_\_\_\_\_ Date: October 8, 2021

Donor/Representative Name (Print): \_\_\_\_\_

### FOR CITY USE ONLY

Approved/Declined by \_\_\_\_\_ (Name/Title, Council) on \_\_\_\_\_ (Date).

## City of Cupertino Standard Donation Form

The City of Cupertino acknowledges and thanks individuals and institutions who wish to donate funds, goods/property, and their voluntary time to help the City achieve its public goals and objectives for the betterment of the community. This Donation Form is intended to memorialize the understanding between the City and the Donor. The undersigned Donor wishes to make a donation to the City of Cupertino as described in more detail below.

The Donor is (check and complete all that apply):

- ☐ Donating \$\_\_\_\_\_ in a lump sum.
- ☐ Donating \$\_\_\_\_\_ in \_\_\_\_\_ (monthly, quarterly, etc.) contributions of \$\_\_\_\_\_ in \_\_\_\_\_ installments.
- ☒ Donating the following (describe products, services, investment securities, real property, etc.) valued at \$ 1500.00 :  
Bronze Plaque commemorating the founding of Cupertino's  
Rolling Hills 4-H Club.

Donor wishes to have this donation used as follows (check one):

- ☐ For a general purpose consistent with the City's adopted goals and objectives, based on the City's discretion.
- ☐ By the \_\_\_\_\_ (Department/Division) for a general purpose at their discretion.
- ☒ By the \_\_\_\_\_ (City/Department/Division) for the following specific purposes:  
For installation inside of the 4-H facilities at the  
McClellan Ranch Park, to be mounted per specified  
illustration.

Except as provided above, the City may use the donation in any manner at its sole discretion and the Donor has no right or obligation to control the City's use of the donation.

Donor understands that the City will endeavor to meet the use conditions of restricted donations, in accordance with the wishes of the donor. If, however, the City is unable to meet the Donor's restrictions, the City will make reasonable attempts to contact the Donor or the representative identified by Donor in the Form/Agreement to discuss alternative uses or to return the Donation.





# CITY OF CUPERTINO

## Agenda Item

---

**21-9620**

**Agenda Date:**  
**10/19/2021 Agenda #:**  
**15.**

---

Subject: Consider the second reading of Ordinance No. 21-2230 amending 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.)

Conduct second reading and enact 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).

ORDINANCE NO. 21-2230

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
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

---

SECTION I: PROJECT DESCRIPTION

Application No.: MCA-2021-003  
Applicant: City of Cupertino  
Location: Citywide

SECTION II: RECITALS

WHEREAS, Cupertino Municipal Code Chapter 19.56 implements the requirements of Government Code Section 65915 (state density bonus law) to incentivize the construction of affordable units through the provision of density bonuses and other benefits; and

WHEREAS, the California Legislature has adopted AB 2345 (Chapter 197, Statutes of 2020), which modified state density bonus law; and

WHEREAS, the City Council of the City of Cupertino on April 20, 2021 introduced, and on May 4, 2021 adopted, Ordinance No. 21-2226 to incentivize the development of affordable housing by allowing density bonuses of up to 40 percent; and

WHEREAS, the City Council of the City of Cupertino on April 20, 2021 also directed staff to return with a potential amendment to the housing program to allow a 50 percent density bonus for higher percentages of BMR housing, to be considered with other density bonus ordinance updates; and

WHEREAS, the City desires to amend Chapter 19.56 to permit density bonuses of 50 percent and concessions and incentives as provided in AB 2345; and

WHEREAS, the proposed amendments to the density bonus ordinance are consistent with the City's General Plan, and the City's police power provides the City with the authority to adopt an affordable housing program to further the public health, safety, and welfare; and

WHEREAS, on September 14, 2021, at a duly and properly noticed public hearing, the Planning Commission recommended on a 3-2 vote that the City Council find that the

proposed code amendments: (1) will not result in any direct or reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15060(c)); (2) do not constitute a project under CEQA (CEQA Guidelines Section 15378); and (3) can be seen with certainty based on review of the facts to have no possible significant effect on the environment (CEQA Guidelines Section 15061(b)(3)); and

WHEREAS, on September 14, 2021, at a duly and properly noticed public hearing, the Planning Commission adopted Resolution No. 6928 and recommended on a 3-2 vote (No: Madhhipatla and Wang) that the City Council adopt the draft density bonus ordinance presented to it, in substantially similar form to this ordinance; and

WHEREAS, all necessary public notices having been given as required by the Municipal Code of the City of Cupertino and the Government Code, on October 5, 2021, the City Council held a public hearing to consider the Ordinance; and

WHEREAS, the City Council of the City of Cupertino is the decision-making body for this Ordinance.

### SECTION III

NOW, THEREFORE, BE IT ORDAINED:

That after careful consideration of facts, exhibits, testimony and other evidence submitted in this matter the City Council hereby adopts the Ordinance based on the findings described below, the public hearing, and the record, as follows:

Section 1. The recitals set forth above are true and correct and are hereby incorporated herein by this reference as if fully set forth in their entirety.

Section 2. The City Council finds the following as set forth by Municipal Code Sections 19.152.020C and 19.152.030D:

1. That the proposed zoning is in accord with Title 19 of the Municipal Code and the City's Comprehensive General Plan (Community Vision 2040) and the proposed amendments are internally consistent with Title 19 of the Municipal Code.

*The proposed amendments have been adopted in accord with the requirements of Title 19, and the proposed amendments to Section 19.56.030F are proposed to achieve consistency with AB 2345 adopted by the State in 2020.*

2. The proposed zoning is in compliance with the provisions of the California Environmental Quality Act (CEQA).

*It is not possible to predict which properties in the City, if any, may be proposed to be developed with an increased density bonus, given market conditions, building types desired, and developers' individual decisions whether or not to request bonuses; nor whether any increased development*

*or density will result from the proposed changes, whether any development or density will result that would not already have occurred under the existing Municipal Code, nor whether any possible significant environmental impacts peculiar to the adoption of the proposed zoning code amendments would occur. Therefore, the proposed code amendments: (1) will not result in any direct or reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15060(c)) and so (2) do not constitute a project under CEQA (CEQA Guidelines Section 15378).*

*Further, the City has been informed by the California Department of Housing and Community Development (HCD) that its existing density bonus ordinance must be modified to be consistent with AB 2345, and the ordinance amendments reflect HCD's interpretation of the requirements of state law. The proposed zoning amendments do not permit any bonuses, incentives, or waivers other those provided by State law. The amendments can therefore be seen with certainty based on review of the facts to have no possible significant effect on the environment (CEQA Guidelines Section 15061(b)(3)). These amendments do not authorize the development of housing on any site where housing is not already permitted under the City's existing codes, and any housing development project with a density bonus component must be reviewed under CEQA.*

3. The site is physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation(s) and anticipated land use development(s).

*The proposed ordinance amendments are not being applied to any specific site, nor is it reasonably foreseeable which sites, if any, may elect to utilize the proposed ordinance amendments. The environmental impact of a density bonus of 50 percent and the suitability of a site for that bonus cannot be known and will be reviewed when an application is made for its use on a specific site.*

4. The proposed zoning will promote orderly development of the City.

*The proposed amendment is intended to promote the development of affordable housing in the City, consistent with State Law.*

5. That the proposed zoning is not detrimental to the health, safety, peace, morals and general welfare of persons residing or working in the neighborhood of subject parcels.

*The proposed ordinance amendments are not being applied to any specific site, nor is it reasonably foreseeable which sites, if any, may elect to utilize the proposed ordinance amendments. The impact of a density bonus of 50 percent and the effect of that bonus on the health, safety, peace, moral and general welfare of persons residing or working in the neighborhood of a site cannot be known and will be reviewed when an application is made for its use on a specific site.*

Section 3. The City Council hereby approves the following amendments to the Cupertino Municipal Code:

1. Table 19.56.030 in Section 19.56.030 of the Cupertino Municipal Code is hereby amended to read as follows:

**Table 19.56.030: Density Bonus Calculations**

Income Level of unit	Proportion of Total Affordable Dwelling Units	Maximum Density Bonus
Very Low Income	5%	20%
	6% - <del>12</del> 11% <sup>(1)</sup>	22.5% - <del>37.5</del> 35%
	<u>12% - 14%</u> <sup>(2)</sup>	<u>38.75% - 46.25%</u>
	<del>13</del> 15% or more	<del>40</del> 50%
Low Income	10%	20%
	11% - <del>22</del> 20% <sup>(23)</sup>	21.5% - <del>38</del> 35%
	<u>21% - 23%</u> <sup>(4)</sup>	<u>38.75% - 46.25%</u>
	<del>23</del> 24% or more	<del>40</del> 50%
Moderate Income (Common interest developments)	10%	5%
	11% - <del>44</del> 40% <sup>(35)</sup>	6% - <del>39</del> 35%
	<u>41% - 43%</u> <sup>(6)</sup>	<u>38.75% - 46.25%</u>
	<del>45</del> 44% or above	<del>40</del> 50%
<u>Affordable Housing Development</u>	<u>100%</u> <sup>(7)</sup>	<u>80% or as specified in Government Code Section 65915</u>

<sup>(1)</sup> For each 1% increase over 5% of the target units, the density bonus shall be increased by 2.5%, up to a maximum of ~~40~~35%.

<sup>(2)</sup> **For each 1% increase over 11% of the target units, the density bonus shall be increased by 3.75%, up to a maximum of 50%.**

<sup>(23)</sup> For each 1% increase over 10% of the target units, the density bonus shall be increased by 1.5%, up to a maximum of ~~40~~35%.

<sup>(4)</sup> **For each 1% increase over 20% of the target units, the density bonus shall be increased by 3.75%, up to a maximum of 50%.**

<sup>(35)</sup> For each 1% increase over 10% of the target units, the density bonus shall be increased by 1%, up to a maximum of ~~40~~35%.

<sup>(6)</sup> **For each 1% increase over 40% of the target units, the density bonus shall be increased by 3.75%, up to a maximum of 50%.**

**(7) Must meet the requirements of Government Code Section 65915(b)(1)(G) or successor provision.**

2. Section 19.56.030F of the Cupertino Municipal Code is hereby amended to read as follows:

F. Density Bonus Calculations:

1. A density bonus may be selected from only one category listed in Section 19.56.020A(1), except that density bonuses for land donation may be combined with others, up to a combined maximum of ~~40~~50 percent, and an additional square-foot bonus may be granted for a child day care facility as provided in Section 19.56.030C.

2. In determining the number of density bonus units to be granted, any fractions of density bonus units shall be rounded up to the next whole number.

3. Density bonus units authorized by this section shall not be included when determining the number of affordable units required to qualify for the density bonus. In determining the number of affordable units required to qualify for a density bonus, any fractions of affordable units shall be rounded up to the next whole number.

4. An applicant may request a lower density bonus than the housing development is entitled to, but no reduction will be permitted in the percentage of required affordable units as shown in Section 19.56.020 or Section 19.56.020C.

5. Regardless of **the percentage of** affordable units, no housing development will be entitled to a density bonus of more than ~~40 percent or as provided in Government Code Section 65915~~, unless approved by the City pursuant to Section 19.56.030F(6).

6. The City, at its discretion, may grant a density bonus higher than the maximum set forth in Table 19.56.030 or in paragraph (5) above to a housing development where all units (except manager's unit(s)) are affordable to lower income households.

7. For purposes of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The bonus units shall be permitted in geographic areas of the housing development other than the areas where the affordable units are located.

3. Table 19.56.040A in Section 19.56.040 of the Cupertino Municipal Code is hereby amended to read as follows:

**Table 19.56.040A: Incentives or Concessions Calculations:**

Unit Type	Percent of Affordable Units	Number of Incentives/Concessions
Very Low Income Units	5% or greater	1
	10% or greater	2
	15% or greater	3
Low Income Units	10% or greater	1
	<del>20</del> <u>17</u> % or greater	2
	<del>30</del> <u>24</u> % or greater	3
Moderate Income Units	10% or greater	1
	20% or greater	2
	30% or greater	3
<u>Affordable Housing Development</u>	<u>100%*</u>	<u>4</u>

\*Must meet the requirements of Government Code Section 65915(b)(1)(G) or successor provision.

4. Add a new Section 19.56.080 of the Cupertino Municipal Code to read as follows:

**19.56.080 Interpretation.**

If any portion of this Chapter 19.56 conflicts with State Density Bonus Law (Government Code Section 65915 et seq.) or other applicable state law, state law shall supersede this Chapter. Any ambiguities in this section shall be interpreted to be consistent with State Density Bonus Law. All code references in this Chapter include all successor provisions.

Section 4. If any portion of this Ordinance or its application is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or

circumstance. The City Council hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section 5. The City Council finds that the proposed code amendments: (1) will not result in any direct or reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15060(c)) and so (2) do not constitute a project under CEQA (CEQA Guidelines Section 15378), because it is not possible to predict which properties in the City, if any, may be proposed to be developed with an increased density bonus, given market conditions, building types desired, and developers' individual decisions whether or not to request bonuses; nor whether any increased development or density will result from the proposed changes; whether any development or density will result that would not already have occurred under the existing Municipal Code; nor whether any possible significant environmental impacts peculiar to the adoption of the proposed zoning code amendments would occur.

Further, the City has been informed by the California Department of Housing and Community Development (HCD) that its existing density bonus ordinance must be modified to be consistent with AB 2345, and the ordinance amendments reflect HCD's interpretation of state law. The proposed zoning amendments do not permit any bonuses, incentives, or waivers other than those provided by State law. These amendments do not authorize the development of housing on any site where housing is not already permitted under the City's existing codes, and any housing development project with a density bonus component must be reviewed under CEQA. The City Council therefore further finds that the amendments can be seen with certainty based on review of the facts to have no possible significant effect on the environment (CEQA Guidelines Section 15061(b)(3)).

The City Council further directs the Director of Community Development to file a Notice of Exemption with the Santa Clara County Recorder in accordance with CEQA and the CEQA guidelines.

---

INTRODUCED this 5<sup>th</sup> day of October, 2021, at a Regular Meeting of the City Council of the City of Cupertino and ENACTED on the 19<sup>th</sup> day of October, 2021, at a Regular Meeting of the City Council of the City of Cupertino by the following roll call vote:

AYES: Paul, Chao, Moore, Willey, Wei

NOES:

ABSTAIN:



ABSENT:

ATTEST:

<p>SIGNED:</p>   <p>_____</p> <p>Darcy Paul, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p>   <p>_____</p> <p>Kirsten Squarcia, City Clerk</p>	<p>_____</p> <p>Date</p>



# CITY OF CUPERTINO

## Agenda Item

---

**21-9689**

**Agenda Date:**  
**10/19/2021 Agenda #:**  
**16.**

---

Subject: Consider the second 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."

Conduct Second Reading and Enact 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).

## 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

---

The City Council of the City of Cupertino finds and declares:

- A. Assembly Bill 939, the California Integrated Waste Management Act (Sher, Chapter 1095, Statutes of 1989, as amended) ("AB 939"), requires cities and counties to reduce, reuse, and recycle (including composting) solid waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.
- B. State recycling law, Assembly Bill 341 (Chesbro, Chapter 476, Statutes of 2011) places requirements on businesses and multi-family generators that generate a specified threshold amount of solid waste to arrange for recycling services and requires jurisdictions to implement a mandatory commercial recycling program.
- C. In 2015, the City of Cupertino ("City") adopted a Mandatory Organic Recycling for Business Structures ordinance, adding Section 6.24.037 to the City's Municipal Code, specifying that on and after September 1, 2015 businesses and business structures generating a specified threshold of organic waste are required to subscribe to and maintain organic waste recycling services. Multi-family residential properties were phased in to the requirements in July 2018.
- D. State organics recycling law, Assembly Bill 1826 (Chesbro, Chapter 727, Statutes of 2014) requires businesses and multi-family generators that generate a specified threshold amount of solid waste, recycling, and organic waste per week to arrange for recycling services for those materials, requires jurisdictions to implement a recycling program to divert organic waste from businesses subject to the law, and requires jurisdictions to implement a mandatory commercial organics recycling program.
- E. Senate Bill 1383, the Short-lived Climate Pollutant Reduction Act of 2016 (Lara, Chapter 395, Statutes of 2016) ("SB 1383"), sets statewide organic waste disposal reduction targets of fifty percent (50%) by 2020 and seventy-five percent (75%) by 2025, based on the 2014 organics waste disposal baseline, set forth in Section 39730.6 of the Health and Safety Code, and requires the California Department of

Resources Recycling and Recovery (“CalRecycle”) to develop regulations to reduce organics in landfills as a source of methane. In 2020, CalRecycle adopted the Short-Lived Climate Pollutants: Organic Waste Reductions regulations (adding Chapter 12 of Title 14, Division 8 of the California Code of Regulations and amending portions of Title 14 and Title 27 of the California Code of Regulations) (the “SB 1383 Regulations”). The SB 1383 Regulations place requirements on multiple entities including jurisdictions, residential households, commercial businesses and business owners, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services to support achievement of statewide organic waste disposal reduction targets.

- F. By January 1, 2022, the SB 1383 Regulations require jurisdictions to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will aid in preserving landfill space and postponing the need for new landfill capacity for the longest term possible by reducing the amount of solid waste (including organic waste and recyclable materials) disposed. This ordinance will also help reduce food insecurity by requiring commercial edible food generators to arrange to have the maximum amount of their edible food, that would otherwise be disposed, be recovered for human consumption.
- G. The City has coordinated with Santa Clara County and other jurisdictions in the county to develop uniform provisions for the portions of the ordinance addressing edible food recovery. The City has determined that this coordination will simplify compliance for commercial businesses, promote food recovery in the City, and facilitate edible food recovery capacity planning.
- H. The City has determined that, in order to meet the goals and requirements of Assembly Bill 939, Assembly Bill 341, Assembly Bill 1826, SB 1383 and its implementing regulations, and related laws, the appropriate approach is to enact this ordinance. The purpose of this ordinance is to reduce the amount of organic waste deposited in landfills from commercial and residential generators and reduce food insecurity.
- I. Requirements in this ordinance are intended to be consistent with federal, state, and City law, and other adopted laws, goals and policies of the City including: the Climate Action Plan, Zero Waste Policy, and Environmentally Preferable Purchasing Policy.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUPERTINO DOES ORDAIN AS FOLLOWS:**

## **SECTION 1. ADOPTION**

The Cupertino Municipal Code Section 6.24.037 is hereby repealed and replaced in its entirety by a new Section 6.24.037, a new Section 6.24.038 is hereby added, and Sections 6.24.010, 6.24.020, 6.24.060, 6.24.240, and 9.16.030 are hereby amended, all of which are adopted as set forth in Attachment A.

## **SECTION 2. SEVERABILITY AND CONTINUITY.**

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of such portion, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated. To the extent the provisions of this ordinance are substantially the same as previous provisions of the Cupertino Municipal Code, these provisions shall be construed as continuations of those provisions and not as an amendment to or readoption of the earlier provisions.

## **SECTION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

This ordinance is not a project under the requirements of the California Quality Act of 1970, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines Section 15061(b)(3) and 15308 because it can be seen with certainty to have no possibility of a significant effect on the environment and the ordinance is an action taken by a regulatory agency for the protection of the environment. CEQA applies only to projects which have the potential of causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the amendments to the City code would have no or only a de minimis impact on the environment. The foregoing determination is made by the City Council in its independent judgment.

**SECTION 4. EFFECTIVE DATE**

This ordinance shall take effect thirty days after adoption as provided by Government Code Section 36937. However, the ordinance's requirements shall not become operative until January 1, 2022, which means that the City, and/or its designee, will not begin to enforce the provisions and penalties under the ordinance until January 1, 2022.

**SECTION 5. PUBLICATION**

The City Clerk shall give notice of adoption of this ordinance as required by law. Pursuant to Government Code Section 36933, a summary of this ordinance may be prepared by the City Clerk and published in lieu of publication of the entire text. The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the Ordinance listing the names of the City Council members voting for and against the ordinance.

INTRODUCED at a regular meeting of the Cupertino City Council on October 5, 2021 and ENACTED at a regular meeting of the Cupertino City Council on October 19, 2021 by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:  _____ Darcy Paul, Mayor City of Cupertino	_____ Date
ATTEST:  _____ Kirsten Squarcia, City Clerk	_____ Date
APPROVED AS TO FORM:  _____ Christopher Jensen, City Attorney	_____ Date

## ATTACHMENT A – AN ORDINANCE OF THE CITY OF CUPERTINO TO MANDATE ORGANIC WASTE DISPOSAL REDUCTION

*The sections of the Cupertino Municipal Code set forth below are amended or adopted as follows:*

*Text added to existing provisions is shown in bold double-underlined text (**example**) and text to be deleted is shown in strikethrough (~~example~~). Text in existing provisions is not amended or readopted by this ordinance. Text in italics is explanatory and is not an amendment to the Code.*

*Where the explanatory text indicates that a new section is being added to the City Code, the new section is shown in plain text.*

### SECTION 1. AMENDMENTS TO SECTION 6.24.010 CONCERNING THE PURPOSES OF MANDATORY ORGANIC WASTE DISPOSAL REDUCTION

#### 6.24.010 Purpose of Chapter.

- A. This chapter is determined and declared to be a health, sanitary and safety measure necessary for the promotion, protection and preservation of the health, safety and general welfare of the people of the City of Cupertino.
- B. The City is required to comply with the applicable provisions of **Assembly Bill 939**, the California Integrated Waste Management Act (~~AB 939 or the "Act"~~)(~~Sher, Chapter 1095, Statutes of 1989, as amended~~) ("**AB 939**"), ~~as amended, which is codified in California Public Resources Code beginning at section 40000. **AB 939**The Act~~ requires that by and after January 1, 2000, fifty percent (50%) of the solid waste generated must be diverted through some source reduction, recycling, and composting activities.
- C. **Assembly Bill 341 (Chesbro, Chapter 476, Statutes of 2011) places requirements on businesses and multi-family generators that generate a specified threshold amount of solid waste to arrange for recycling services and requires jurisdictions to implement a mandatory commercial recycling program.**
- D.~~C.~~ **Assembly Bill 1826 (Chesbro, Chapter 727, Statutes of 2014) requires businesses and multi-family generators that generate a specified threshold amount of solid waste, non-organic recyclables, and organic waste per week to arrange for recycling services for those materials, requires jurisdictions to implement a recycling program to divert organic waste from businesses subject to the law, and requires jurisdictions to implement a mandatory commercial organic waste**

~~recycling program, which amended the Act in 2014, to impose certain organic waste recycling requirements, mandates that by April 1, 2016, a business that generates eight (8) cubic yards or more of organic waste per week must arrange for recycling services, specifically for organic waste; by January 1, 2017, a business that generates four (4) cubic yards or more of organic waste per week must arrange for recycling services specifically for organic waste; by January 1, 2019, a business that generates four (4) or more cubic yards of commercial solid waste per week, must arrange for recycling services specifically for organic waste; by January 1, 2020, if the State determines that the statewide disposal of organic waste has not been reduced to fifty percent (50%) of the level of disposal during 2014, a business that generates two (2) cubic yards or more per week of commercial solid waste must arrange for the organic waste recycling, unless the State determined that this requirement will not result in significant additional reductions of organics disposal. In September 2020, the Department of Resources Recycling and Recovery (CalRecycle) implemented the authority under Assembly Bill 1826 to reduce the threshold to two (2) cubic yards of solid waste generated by covered businesses.~~

- E. Senate Bill 1383, the Short-lived Climate Pollutant Reduction Act of 2016 (Lara, Chapter 395, Statutes of 2016) ("SB 1383"), sets statewide organic waste disposal reduction targets of fifty percent (50%) by 2020 and seventy-five percent (75%) by 2025, based on the 2014 organics waste disposal baseline. SB 1383's implementing regulations place requirements on multiple entities including jurisdictions, residential households, commercial businesses and business owners, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services to support achievement of statewide organic waste disposal reduction targets. SB 1383's implementing regulations require jurisdictions to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of SB 1383's implementing regulations.
- F. The City has coordinated with the County of Santa Clara and other jurisdictions in the county to develop uniform provisions for the portions of this chapter addressing edible food recovery. The City has determined that this coordination will simplify compliance for commercial businesses, promote food recovery in the City, and facilitate edible food recovery capacity planning.
- G. Pursuant to 14 California Code of Regulations Section 18981.2, jurisdictions may delegate certain responsibilities for implementing, monitoring, and enforcing their edible food recovery programs to public or private entities.



**H. This chapter will aid the City in meeting the goals and requirements of AB 939, Assembly Bill 341, Assembly Bill 1826, SB 1383 and its implementing regulations, and related laws; aid in preserving landfill space and postponing the need for new landfill capacity for the longest term possible; reduce the amount of solid waste deposited in landfills from commercial and residential generators; and reduce food insecurity.**

**I.D.** The City may adopt, implement, and enforce a local ~~solid~~organic waste recycling requirement that is more stringent or comprehensive than ~~s~~State law.

## **SECTION 2. AMENDMENTS TO SECTION 6.24.020 CONCERNING DEFINITIONS**

### **6.24.020 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them by this section, unless the context or the provision clearly requires otherwise:

- 1. "Back-haul" means a commercial business generating and transporting source separated recyclable materials and/or source separated green container organic waste to a destination owned and operated by the generator using the generator's own employees and equipment, or as otherwise defined in 14 California Code of Regulations Section 18982(a)(66)(A).**
- 2. "Blue container" has the same meaning as in 14 California Code of Regulations Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of source separated recyclable materials.**
- 31. "Business" or "commercial" means a commercial or public entity, including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit entity or non-profit entity, or a multi-family residential-dwelling **property** with five (5) or more dwellings **units**.**
- 42. "Business Structure" means a building or buildings within a property occupied by one or more businesses.**
- 53. "City" means and includes all the territory lying within the municipal boundaries of the City of Cupertino as presently existing, plus all territory which may be added thereto during the effective term of the ordinance codified herein.**

64. "Collection station" means the location at which containers of ~~garbage~~~~solid waste~~, **non-organic** recyclables and organic waste are placed for collection by the solid waste collector. For businesses, collection station is typically the garbage and recycling area enclosure. For multi-family ~~residential properties~~~~units~~ with less than five (5) ~~residential~~ dwellings **units** and other residential structures, the collection station is typically the street side of the concrete curb immediately adjacent to the residence where curb and gutter exists or where no curb and gutter exists, the edge of asphalt immediately adjacent to the residence.
7. **"Commercial edible food generator" includes a tier one or a tier two commercial edible food generator. For the purposes of this definition, food recovery organizations and food recovery services are not commercial edible food generators pursuant to 14 California Code of Regulations Section 18982(a)(7).**
8. **"Community composting" means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 California Code of Regulations Section 17855(a)(4); or, as otherwise defined by 14 California Code of Regulations Section 18982(a)(8).**
9. **"Compliance review" means a review of records by the City and/or its designee to determine compliance with this chapter.**
10. **"Compost" means the product resulting from the controlled biological decomposition of organic solid waste that is source separated from the municipal solid waste stream, or which is separated at a centralized facility, or as otherwise defined in 14 California Code of Regulations Section 17896.2(a)(4).**
11. **"Compostable plastic bags" means only such plastic bags that meet the BPI-certified ASTM D6400 standard for compostability, or such bags that are approved by the City for placement in the green container.**
125. "Construction and demolition debris" or "C&D debris" means materials resulting from the construction, remodeling, or demolition of buildings and other structures. "Construction and demolition debris" includes, but is not limited to, concrete, asphalt, rock and dirt related to construction, remodeling, repair, or demolition operations and is subject to the provisions of Chapter 16.72.

- 13. "Container contamination" means a container, regardless of color, that contains prohibited container contaminants, or as otherwise defined in 14 California Code of Regulations Section 18982(a)(55).**
- 146. "Debris box service" means collection service in containers without compaction that have a capacity of eight (8) cubic yards or more. Debris boxes may be used for the collection of **non-organic** recyclables and organic waste, or garbage, and may be used for construction and/or demolition debris that may or may not be intended for full or partial recycling or other waste diversion.**
- 157. "Delinquent" means a failure of the recipient of solid waste collection service to pay when due all charges owed to the solid waste collector for solid waste collection service rendered or to be rendered.**
- 16. "Department" means any department of the City, the County of Santa Clara, or any other public agency designated by the City to enforce or administer this chapter, as authorized in 14 California Code of Regulations Section 18981.2.**
- 17. "Designee" means an entity that the City contracts with or otherwise arranges to carry out or assist with any of the City's responsibilities for compliance with solid waste-related laws or regulations or administration or enforcement of this chapter as authorized in 14 California Code of Regulations Section 18981.2. A designee may be a government entity, a hauler, a private entity, or a combination of those entities.**
- 188. "Director" means the Director of Public Works and his/her/their duly authorized agents and representatives.**
- 199. "Dwelling" means a residence, flat, duplex, apartment, townhouse, condominium or other facility used for housing one or more persons.**
- 20. "Edible food" means food intended for human consumption, or as otherwise defined in 14 California Code of Regulations Section 18982(a)(18). For the purposes of this chapter, "edible food" is not solid waste if it is recovered and not discarded. Nothing in this chapter requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code.**
- 21. "Enforcement officer" has the same meaning as in Section 1.10.020 of this code.**
- 2210. "Equipment" means a debris box or debris bin and vehicles used to transport debris boxes or bins.**

23. “Excluded waste” means hazardous materials, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, state, or federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the City’s and/or its designee’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the City and/or its designee to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in single-family or multi-family solid waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code.
2411. “Finance Director” means the Finance Director and his/her~~their~~ duly authorized agents and representatives.
25. “Food distributor” means a business that distributes food to entities including, but not limited to, supermarkets and grocery stores, or as otherwise defined in 14 California Code of Regulations Section 18982(a)(22).
26. “Food facility” has the same meaning as in Section 113789 of the Health and Safety Code.
27. “Food recovery” means actions to collect and distribute food for human consumption which otherwise would be disposed, or as otherwise defined in 14 California Code of Regulations Section 18982(a)(24).
28. “Food recovery organization” means an entity that engages in the collection or receipt of edible food from commercial edible food generators and distributes that edible food to the public for food recovery either directly or through other entities. “Food recovery organization” includes, but is not limited to: (a) a food bank as defined in Section 113783 of the Health and Safety Code; (b) a nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and, (c) a nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code. A food recovery organization is not a commercial edible food generator for the purposes of this chapter pursuant to 14 California Code of Regulations Section 18982(a)(7). If the definition in 14

California Code of Regulations Section 18982(a)(25) for food recovery organization differs from this definition, the definition in 14 California Code of Regulation Section 18982(a)(25) shall apply to this chapter.

29. "Food recovery service" means a person or entity that collects and transports edible food from a commercial edible food generator to a food recovery organization or other entities for food recovery, or as otherwise defined in 14 California Code of Regulations Section 18982(a)(26). A food recovery service is not a commercial edible food generator.
30. "Food scraps" means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food scraps excludes fats, oils, and grease when such materials are source separated from other food scraps.
31. "Food service provider" means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 California Code of Regulations Section 18982(a)(27).
32. "Food-soiled paper" is compostable paper material that has come in contact with food or liquid, such as, but not limited to, uncoated paper plates, napkins, paper towels, and pizza boxes.
3312. "Food Waste" means food scraps, food-soiled paper, and compostable plastic bags~~unused and discarded solid food products/scraps including, but not limited to, vegetables, fruit, meat, fish, shells, bones, cheese, bread, paper-based tea bags and coffee grounds. Food waste is an organic waste.~~
3413. "Garbage" means all materials, substances or objects that are discarded, including but not restricted to, materials, substances or objects commonly referred to as "trash," "garbage," "refuse" and "rubbish" that are produced, generated or accumulated by all residential, commercial, industrial, institutional, municipal, agricultural and other inhabitants, premises and activities within the City, the collection of which is regulated through the franchise agreement existing between the City and the authorized solid waste collector; provided, however, that "garbage" does not include (a) hazardous materials, (b) non-organic recyclable materials, (c) organic ~~waste~~materials, (d) clear plastic bags when used to contain organic ~~waste~~materials to be recycled, (e) construction and demolition debris, (f) biomedical waste, (g) ash, and (h) sewage and other highly diluted water-carried materials or substances and those in gaseous form. Except in residential

dwelling, if the material is placed in a plastic bag, the bag must only be clear plastic.

35. “Gray container” has the same meaning as in 14 California Code of Regulations Section 18982.2(a)(28), and which may be colored gray or black, and shall be used for the purpose of storage and collection of gray container waste.

36. “Gray container waste” means solid waste that is collected in a gray container that is part of a three-container collection service that prohibits the placement of organic waste in the gray container as specified in 14 California Code of Regulations Sections 18984.1(a) and (b), or as otherwise defined in 14 California Code of Regulations Section 17402(a)(6.5).

37. “Green container” has the same meaning as in 14 California Code of Regulations Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of source separated green container organic waste.

38. “Grocery store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 California Code of Regulations Section 18982(a)(30).

39. “Hauler route” means the designated itinerary or sequence of stops for each segment of the City’s collection service area, or as otherwise defined in 14 California Code of Regulations Section 18982(a)(31.5).

4014. “Hazardous materials” means any or a combination of materials which because of ~~its~~their quantity, concentration, or physical, chemical or infectious characteristics may either: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed. Hazardous materials ~~includes~~include, but ~~is~~are not limited to, hazardous wastes as defined under California or United States law or any regulations promulgated pursuant to such laws, and all toxic, radioactive, biologically infectious, explosive or flammable waste materials, including any material defined in Section 9.12.020 of the Cupertino City Code for which a hazardous materials storage permit is required.

41. "Health facility" has the same meaning as in Section 1250 of the Health and Safety Code.
42. "Hotel" has the same meaning as in Section 17210 of the Business and Professions Code.
43. "Inspect" or "inspection" means an enforcement officer's, the department's and/or a designee's electronic or on-site visit and review of records, containers, and an entity's collection, handling, recycling, or landfill disposal of organic waste or edible food handling to determine if the entity is complying with requirements set forth in this chapter, or as otherwise defined in 14 California Code of Regulations Section 18982(a)(35).
44. "Large event" means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than two thousand (2,000) individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 California Code of Regulations Section 18982(a)(38) for large event differs from this definition, the definition in 14 California Code of Regulations Section 18982(a)(38) shall apply to this chapter.
45. "Large venue" means a permanent venue facility that annually seats or serves an average of more than two thousand (2,000) individuals within the grounds of the facility per day of operation of the venue facility. A venue facility includes, but is not limited to, a public, non-profit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. A site under common ownership or control that includes more than one large venue that is contiguous with other large venues in the site, is a single large venue. If the definition in 14 California Code of Regulations Section 18982(a)(39) for large venue differs from this definition, the definition in 14 California Code of Regulations Section 18982(a)(39) shall apply to this chapter.
4615. "Litter" means, but is not limited to, plastic, paper, cigarette butts, floor sweepings, trash, rubbish, food, cloth, metal, recyclable material, or waste matter of whatever character.

- 47. “Local education agency” means a school district, charter school, or county office of education that is not subject to the control of the City or county regulations related to solid waste, or as otherwise defined in 14 California Code of Regulations Section 18982(a)(40).**
- 4816. “Multi-unit ~~residential property~~dwelling” or “multi-family ~~residential property~~dwelling” or “multi-family” means any premises, excluding a hotel, motel, or lodging house, used for residential purposes containing five (5) dwelling units or more, irrespective of whether the residency is transient, temporary or permanent.**
- 49. “Non-compostable paper” includes, but is not limited to, paper that is coated in a plastic material that will not break down in the composting process, or as otherwise defined in 14 California Code of Regulations Section 18982(a)(41).**
- 50. “Non-local entity” means an entity that is an organic waste generator but is not subject to the control of the City or county regulations related to solid waste. These entities may include, but are not limited to, special districts, federal facilities, prisons, facilities operated by the state parks system, public universities, including community colleges, county fairgrounds, and state agencies.**
- 5117. “Non-Organic~~organic~~ Recyclables~~recyclables~~” or “non-organic recyclable material” mean those materials that can be returned to economic use as raw materials for new, reused or reconstituted products, which prior to collection are separated by the generator from other material treated as solid waste. Examples of Non-Organic Recyclables~~non-organic recyclables~~ include, but are not limited to: newspaper, cans, corrugated cardboard, glass, certain types of plastic, metals, wood and automobile oil. “Mixed non-organic recyclables” means more than one type of non-organic recyclable material commingled in a bin, debris box, compactor or other type of container. This material includes, but is not limited to wood, paper, plastic, metals, glass, and other recyclable materials other than organic waste. The material must not contain more than five percent (5%) by volume garbage and organic waste.**
- 5218. “Nonresidential premises” means all premises except residential premises, including but not restricted to premises used for industrial, commercial, administrative and professional offices, public and quasi-public buildings, utility and transportation.**



**53. “Notice of violation” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 California Code of Regulations Section 18982(a)(45) or further explained in 14 California Code of Regulations Section 18995.4.**

**5419. “Occupancy”; “occupied”:** Premises are “occupied” when a person or persons take or hold possession of the premises for permanent or temporary use. For the purposes of determining whether a premises is occupied during periods when solid waste collection service is made available to such premises, occupancy shall be presumed unless evidence is presented that gas, electric, telephone and water utility services were not being provided to the premises during such periods.

**5520. “Organic waste” means solid waste containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 California Code of Regulations Section 18982(a)(46). Biosolids and digestate are as defined by 14 California Code of Regulations Section 18982(a)organic materials, including but not limited to, materials generated from tree trimming, shrubbery pruning, vegetative garden wastes, dead plants, weeds, leaves, grass clippings, food waste, and non food vegetative matter, soiled paper and cardboard and waxed cardboard that decompose biologically. The material must not contain in excess of 5% by volume garbage or non-organic recyclable materials. Except inIn residential dwellings, if the material is placed in a plastic bag, the bag must only be a compostable plastic bag. In commercial properties or multi-family residential properties, if the material is placed in a plastic bag, the bag must be clear plastic or a compostable plastic bag.**

**56. “Organic waste generator” means a person or entity that is responsible for the initial creation of organic waste, or as otherwise defined in 14 California Code of Regulations Section 18982(a)(48).**

**5721. “Owner” means the holder or holders of legal title to the real property constituting the premises to which solid waste collection service is provided.**

**58. “Paper products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 California Code of Regulations Section 18982(a)(51).**

- 5922.** "Person" includes any person, firm, association, organization, partnership, business trust, joint venture, corporation, or company, and includes the United States, the State of California, the County of Santa Clara, special purpose districts, and any officer or agency thereof.
- 6023.** "Premises" means any land, building or structure, or portion thereof, within the City where any solid waste is produced, kept, deposited, placed or accumulated.
- 61.** "Printing and writing paper" includes, but is not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 California Code of Regulations Section 18982(a)(54).
- 62.** "Prohibited container contaminants" means the following: (i) discarded materials placed in the blue container that are not identified as acceptable source separated recyclable materials for the City's blue container; (ii) discarded materials placed in the green container that are not identified as acceptable source separated green container organic waste for the City's green container; (iii) discarded materials placed in the gray container that are acceptable source separated recyclable materials and/or source separated green container organic waste to be placed in the City's green container and/or blue container; and (iv) excluded waste placed in any container.
- 63.** "Recovery" means any activity or process described in 14 California Code of Regulations Section 18983.1(b), or as otherwise defined in 14 California Code of Regulations Section 18982(a)(49).
- 64.** "Remote monitoring" means the use of the internet of things (IoT) and/or wireless electronic devices to identify the types of materials in commercial businesses' blue containers, green containers, and gray containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of prohibited container contaminants. Remote monitoring may involve installation of remote monitoring equipment on or in commercial businesses' blue containers, green containers, and gray containers. A remote monitoring program may be implemented by the City, its designee, and/or a commercial business at a later date, consistent with the terms of this chapter. Remote monitoring is not expected to be used for any residential premises.

- 6524.** “Residential premises” **or “residential”** means any single-unit dwelling or **multiple-unit residential property**dwelling.
- 66.** **“Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 California Code of Regulations Section 18982(a)(64).**
- 67.** **“Route review” means a visual inspection of containers along a hauler route for the purpose of determining container contamination, and may include mechanical or electronic inspection methods such as the use of cameras, or as otherwise defined in 14 California Code of Regulations Section 18982(a)(65).**
- 68.** **“Share Table” has the same meaning as in Section 114079 of the Health and Safety Code.**
- 6925.** “Single-stream recycling” means a recycling program in which generators place multiple types of recoverable materials in a single container that is designated specifically for recyclables and is taken to a material recovery facility for processing.
- 7026.** “Single-unit dwelling” **or “single-family dwelling” or “single-family”** means one or more rooms and a single kitchen, designed for occupancy by one family for residential purposes. Each dwelling unit within a condominium project, duplex, townhouse project or apartment, and each second unit located within a single-family residential zoning district, shall constitute a separate single-unit dwelling to which solid waste collection service is provided, unless the owner or occupants thereof arrange for solid waste collection service to be provided to all dwelling units upon the premises at commercial rates.
- 7127.** “Solid waste” **has the same meaning as defined in California Public Resources Code Section 40191, and generally** means all items of solid waste including, but not limited to garbage, non-organic recyclables, organic waste and hazardous materials eligible for collection.
- 7228.** “Solid waste collector” means any person or entity authorized by the franchise agreement between the Franchisee and the City, in accordance with Section 6.24.120 of this chapter, to collect, receive, carry, transport, process and dispose of any garbage, non-organic recyclables, organics **waste** and hazardous materials eligible for collection, produced, kept or accumulated within the City.

- ~~7329.~~ "Solid waste collection service" means the collection, transportation and disposal of garbage, organic ~~wastematerials~~, non-organic recyclables and hazardous materials eligible for collection by an authorized solid waste collector.
- ~~7430.~~ "Source Separated ~~Recyclables~~" means ~~materials~~~~any recyclables~~ that, prior to collection, are or have been separated or segregated by their generator as to type or category of source material and are or have been placed into separate containers according to type or category, i.e. all metal is separated from other recyclables and placed in its own separate container or separate debris box.
75. "Source separated blue container organic waste" means source separated organic waste that can be placed in a blue container that is limited to the collection of those organic waste and non-organic recyclables as defined in 14 California Code of Regulations Section 18982(a)(43), or as otherwise defined by 14 California Code of Regulations Section 17402(a)(18.7).
76. "Source separated green container organic waste" means source separated organic waste that can be placed in a green container that is limited to collection of organic waste by the generator, excluding source separated blue container organic waste, carpets, non-compostable paper, textiles, and manure.
77. "Source separated recyclable materials" means source separated non-organic recyclables and source separated blue container organic waste.
78. "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 California Code of Regulations Section 18982(a)(71).
- ~~7931.~~ "Tenant" means any person or persons, other than the owner, occupying or in possession of a premises.
80. "Tier one commercial edible food generator" means the following: (a) supermarkets; (b) grocery stores with a total facility size equal to or greater than 10,000 square feet; (c) food service providers; (d) food distributors; and (e) wholesale food vendors. If the definition in 14 California Code of Regulations Section 18982(a)(73) of tier one commercial edible food generator differs from this definition, the definition in 14 California Code of Regulations Section 18982(a)(73) shall apply to this chapter. For the purposes of this chapter, food recovery organizations and food recovery services are not tier one commercial edible food generators.

- 81. “Tier two commercial edible food generator” means the following: (a) restaurants with two hundred fifty (250) or more seats or a total facility size equal to or greater than five thousand (5,000) square feet; (b) hotels with an on-site food facility and two hundred (200) or more rooms; (c) health facilities with an on-site food facility and one hundred (100) or more beds; (d) large venues; (e) large events; (f) state agencies with a cafeteria with two hundred fifty (250) or more seats or total cafeteria facility size equal to or greater than five thousand (5,000) square feet; and (g) local education agency facilities with on-site food facilities. If the definition in 14 California Code of Regulations Section 18982(a)(74) of tier two commercial edible food generator differs from this definition, the definition in 14 California Code of Regulations Section 18982(a)(74) shall apply to this chapter. Non-local entities that operate a facility that meets this definition are tier two commercial edible food generators. For the purposes of this chapter, food recovery organizations and food recovery services are not tier two commercial edible food generators.**
- 82. “Wholesale food vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 California Code of Regulations Section 18982(a)(76).**

**SECTION 3. ADOPTION OF NEW SECTION 6.24.037 CONCERNING MANDATORY ORGANIC WASTE DISPOSAL REDUCTION, REPLACING EXISTING SECTION 6.24.037 IN ITS ENTIRETY**

**6.24.037 Mandatory Organic Waste Disposal Reduction.**

- 6.24.037.010 Requirements for Single-Family Generators.
- 6.24.037.020 Requirements for Commercial Business Generators.
- 6.24.037.030 Waivers for Commercial Business Generators.
- 6.24.037.040 Requirements for Haulers and Facility Operators.
- 6.24.037.050 Requirements for Back-Haulers.
- 6.24.037.060 Procurement.
- 6.24.037.070 Inspections and Investigations.
- 6.24.037.080 Enforcement.

**6.24.037.010 Requirements for Single-Family Generators.**

Single-family organic waste generators shall:

- A. Subscribe to the City's organic waste collection services for all organic waste generated. The City and/or its designee shall have the right to review the number and size of a generator's containers to evaluate the adequacy of capacity provided for each type of collection service and to review the proper separation of materials and containment of materials.
- B. Participate in the City's organic waste collection service by placing designated materials in designated containers as described below, and not placing prohibited container contaminants in collection containers. Generator shall place source separated green container organic waste, including food waste, in the green container; source separated recyclable materials in the blue container; and gray container waste in the gray container. Generator shall not place materials designated for the gray container into the green container or blue container.
- C. Nothing in this section prohibits a generator from preventing or reducing their solid waste generation, managing organic waste on site, and/or using a community composting site pursuant to 14 California Code of Regulations Section 18984.9(c).

#### **6.24.037.020 Requirements for Commercial Business Generators.**

Commercial business organic waste generators, including multi-family organic waste generators, shall:

- A. Except commercial businesses that meet the back-hauler requirements in Section 6.24.037.050 of this code, or that meet the waiver requirements in Section 6.24.037.030 of this code, subscribe to the City's organic waste collection service for all organic waste generated. The City and/or its designee shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate the adequacy of capacity provided for each type of collection service and to review the proper separation of materials and containment of materials.
- B. Except commercial businesses that meet the back-hauler requirements in Section 6.24.037.050 of this code, or that meet the waiver requirements in Section 6.24.037.030 of this code, participate in the City's organic waste collection service by placing designated materials in designated containers as described below, and not placing prohibited container contaminants in collection containers. Generator shall place source separated green container organic waste, including food waste, in the green container; source separated recyclable materials in the blue container; and gray container waste in the gray container. Generator shall not place materials

designated for the gray container into the green container or blue container. If organic waste is placed in a plastic bag, the bag must be a clear plastic or a compostable plastic bag.

- C. Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with Sections 6.24.037.020.D.1 and 6.24.037.020.D.2 of this code) for employees, contractors, tenants, and customers, consistent with the City's blue container, green container, and gray container collection service or, if back-hauling, per the commercial business's instructions to support its compliance with its back-haul program, in accordance with Section 6.24.037.050 of this code.
- D. Excluding multi-family residential properties, provide containers for the collection of source separated green container organic waste and source separated recyclable materials in all indoor and outdoor areas where disposal containers are provided for customers for materials generated by that business. Such containers do not need to be provided in restrooms. If a commercial business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 California Code of Regulations Section 18984.9(b), the containers provided by the business shall have either:
  - 1. A body or lid that conforms with the container colors specified by the City, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. Notwithstanding the foregoing, a commercial business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
  - 2. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant to 14 California Code of Regulations Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.

- E. Excluding multi-family residential properties, to the extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the City's blue container, green container, and gray container collection service or, if back-hauling, per the commercial business's instructions to support its compliance with its back-haul program, in accordance with Section 6.24.037.050 of this code.
- F. Excluding multi-family residential properties, periodically inspect blue containers, green containers, and gray containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 California Code of Regulations Section 18984.9(b)(3).
- G. Annually provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and about proper sorting of source separated green container organic waste and source separated recyclable materials.
- H. Provide education information within fourteen (14) days of new occupation of the premises to new tenants that describes requirements to keep source separated green container organic waste and source separated recyclable materials separate from each other and gray container waste and the location of containers and the rules governing their use.
- I. Provide or arrange access for inspections conducted in accordance with Section 6.24.037.070 of this code to confirm compliance with the requirements of this chapter.
- J. Accommodate and cooperate with the City's remote monitoring program, if any, for inspection of the adequacy of capacity and the types of materials placed in containers to identify prohibited container contaminants.
- K. At a commercial business's option and subject to any approval required from the City and/or its designee, implement a remote monitoring program for self-inspection and self-monitoring of the adequacy of capacity and the types of materials placed in containers to identify prohibited container contaminants.
- L. Nothing in this section prohibits a generator from preventing or reducing waste generation, managing organic waste on site, and/or using a community composting site pursuant to 14 California Code of Regulations Section 18984.9(c).



**6.24.037.030 Waivers for Commercial Business Generators.**

- A. De Minimis Waivers. The Director may waive a commercial business's (including a multi-family residential property's) obligation to comply with some or all of the organic waste collection service requirements of this chapter if the commercial business provides documentation demonstrating that the business generates below the amount of organic waste described in this section. A commercial business requesting a de minimis waiver shall:
1. Submit an application to the Director specifying the service or requirements for which it is requesting a waiver.
  2. Provide documentation that either:
    - (a) The commercial business's total solid waste is two (2) cubic yards or more per week and organic waste subject to collection in a blue container or green container comprises less than twenty (20) gallons per week per applicable container of the business' total waste; or,
    - (b) The commercial business's total solid waste is less than two (2) cubic yards per week and organic waste subject to collection in a blue container or green container comprises less than ten (10) gallons per week per applicable container of the business's total waste.
    - (c) For the purposes of this section, total solid waste shall be the sum of weekly container capacity measured in cubic yards for solid waste, non-organic recyclable material, and organic waste.
  3. Notify the Director if circumstances change such that the commercial business's organic waste exceeds the threshold required for waiver specified in this section, in which case the waiver will be rescinded.
  4. Provide written verification of eligibility for a de minimis waiver to the Director every five (5) years, if the City has approved a de minimis waiver.
- B. Physical Space Waivers. The Director may waive a commercial business's (including a multi-family residential property's) obligation to comply with some or all of the organic waste collection service requirements of this chapter if the commercial business provides documentation demonstrating that the premises lacks adequate space for the collection containers required for compliance with this chapter. A commercial business requesting a physical space waiver shall:

1. Submit an application to the Director specifying the service or requirements for which it is requesting a waiver.
2. Provide documentation that the premises lacks adequate space for blue containers and/or green containers, which may include documentation from its hauler, licensed architect, or licensed engineer.
3. Notify the Director if the commercial business's physical space configurations change, in which case waiver will be rescinded.
4. Provide written verification of eligibility for a physical space waiver to the Director every five (5) years, if the City has approved a physical space waiver.

#### **6.24.037.040 Requirements for Haulers and Facility Operators.**

##### **A. Requirements for Haulers**

1. The exclusive franchised hauler providing residential, commercial, or industrial organic waste collection services to generators within the City's boundaries shall meet the following requirements and standards:
  - (a) The Franchise Agreement with the exclusive franchised hauler will identify the facilities to which the hauler will transport organic waste including facilities for source separated recyclable materials and source separated green container organic waste.
  - (b) Transport source separated recyclable materials and source separated green container organic waste to a facility, operation, activity, or property that recovers organic waste as defined in 14 California Code of Regulations, Division 7, Chapter 12, Article 2.
2. Nothing in this section is applicable to haulers transporting source separated organic waste to a community composting site in a manner otherwise consistent with law, or lawfully transporting C&D debris in a manner that complies with 14 California Code of Regulations Section 18989.1 and the City's C&D debris ordinances, codified at Section 6.24.200 and 16.72.040 of this code.
3. Back-haulers shall comply with the requirements of Section 6.24.037.050 of this code.

B. Requirements for facility operators and community composting operations

1. Owners of facilities, operations, and activities that recover organic waste, including, but not limited to, compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon the City's request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within sixty (60) days.
2. Community composting operators, shall, upon the City's request, provide information to the City to support organic waste capacity planning, including, but not limited to, an estimate of the amount of organic waste anticipated to be handled at the community composting operation. Entities contacted by the City shall respond within sixty (60) days.

**6.24.037.050 Requirements for Back-Haulers.**

- A. Back-haulers shall source separate all non-organic recyclable material and organic waste generated on-site from solid waste in a manner consistent with 14 California Code of Regulations Sections 18984.1.
- B. Back-haulers shall haul their source separated recyclable materials and source separated green container organic waste for appropriate recovery.
- C. Back-haulers shall keep records of the quantity of non-organic recyclable material and organic waste being back-hauled. The records shall include the following information:
  1. Delivery receipts and weight tickets from the entity accepting the non-organic recyclable material and organic waste.
  2. The amount of non-organic recyclable material and organic waste in cubic yards or tons transported by the generator to each entity.
  3. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the back-hauler's vehicle in a manner that allows it to determine the weight of materials received, the back-hauler is not required to record the weight of material but shall keep a record of the entities that received the non-organic recyclable material and organic waste.

- D. Back-haulers shall, upon the City's request, provide the records collected pursuant to this section. Entities contacted by the City shall respond within sixty (60) days.

#### **6.24.037.060 Procurement.**

Mulch procured for the purpose of meeting the City's annual recovered organic waste product procurement target pursuant to 14 California Code of Regulations Chapter 12 of Division 7 must meet the requirements described in this section for the duration of the applicable procurement compliance year, as specified by 14 California Code of Regulations Section 18993.1(f)(4):

- A. Produced at one of the following facilities:
1. A compostable material handling operation or facility as defined in 14 California Code of Regulations Section 17852(a)(12), that is permitted or authorized under 14 California Code of Regulations Division 7, other than a chipping and grinding operation or facility as defined in 14 California Code of Regulations Section 17852(a)(10);
  2. A transfer/processing facility or transfer/processing operation as defined in 14 California Code of Regulations Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 California Code of Regulations Division 7; or,
  3. A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 California Code of Regulations Division 2.
- B. Meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 California Code of Regulations Sections 17852(a)(24.5)(A)1 through 3.

#### **6.24.037.070 Inspections and Investigations**

- A. The City and/or its designee are authorized to conduct inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or source separated materials, to confirm compliance with this chapter by organic waste generators, commercial businesses (including multi-family residential properties), haulers, and back-haulers, subject to applicable laws. This section does not allow the City or its designee to enter the interior of a residential premises for inspection. For the purposes of inspecting commercial business containers for compliance with Section 6.24.037.020 of this code, the City

and/or its designee may conduct container inspections for prohibited container contaminants using remote monitoring, if such a program is adopted, and commercial businesses shall accommodate and cooperate with such remote monitoring pursuant to Section 6.24.037.020.J of this code.

- B. Regulated entity shall provide or arrange for access during all inspections (with the exception of residential premises interiors) and shall cooperate with the City and/or its designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, inspection of edible food recovery activities, review of required records, or other verification or inspection to confirm compliance with any other requirement of this chapter. Failure of the regulated entity to provide or arrange for: (1) access to the premises; (2) installation and operation of remote monitoring equipment, if a remote monitoring program is adopted; or (3) access to records for any inspection or investigation is a violation of this chapter and may result in penalties described in Sections 6.24.037.080 and 6.24.240 of this code.
- C. Any records obtained by the City and/or its designee during inspections, remote monitoring, if such a program is adopted, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- D. The City and/or its designee are authorized to conduct any inspections, remote monitoring, if such a program is adopted, or other investigations as reasonably necessary to further the goals of this chapter, subject to applicable laws.
- E. The City shall accept written complaints from persons regarding an entity that may be potentially non-compliant with this chapter, including receipt of anonymous complaints.

#### **6.24.037.080 Enforcement.**

- A. For the period from January 1, 2022 through December 31, 2023, the enforcement officer and/or the City's designee will conduct inspections, remote monitoring (if such a program is adopted), route reviews, compliance reviews, and investigation of complaints, depending upon the type of regulated entity, to determine compliance with the requirements of Section 6.24.037 of this code. If the enforcement officer and/or the City's designee determines that an organic waste generator, back-hauler, hauler, or other entity is not in compliance with such section, the enforcement officer and/or the City's designee shall provide educational materials to the entity, describing its obligations under Section

6.24.037 of this code and that violations may be subject to administrative citations, fines, civil penalties or other remedies beginning on January 1, 2024.

- B. Beginning January 1, 2024, any person who violates any provision of Section 6.24.037 of this code shall be subject to the penalties as provided in Section 6.24.240 of this code.
- C. The enforcement officer and/or the City's designee will monitor compliance with Section 6.24.037 of this code through compliance reviews, route reviews, investigation of complaints, and an inspection program (that may include remote monitoring, if such a program is adopted).
- D. The enforcement officer may issue a notice of violation requiring compliance within sixty (60) days of issuance of the notice.

#### **SECTION 4. ADOPTION OF NEW SECTION 6.24.038 CONCERNING EDIBLE FOOD RECOVERY**

##### **6.24.038 Mandatory Edible Food Recovery.**

- 6.24.038.010 Requirements for Commercial Edible Food Generators.
- 6.24.038.020 Requirements for Food Recovery Organizations and Services.
- 6.24.038.030 Edible Food Recovery Inspections and Investigations by  
Department or  
Designee.
- 6.24.038.040 Enforcement.

##### **6.24.038.010 Requirements for Commercial Edible Food Generators.**

- A. Tier one commercial edible food generators must comply with the requirements of this section commencing January 1, 2022, and tier two commercial edible food generators must comply commencing January 1, 2024, pursuant to 14 California Code of Regulations Section 18991.3.
- B. Large venue or large event operators not providing food services, but allowing for food to be provided by others, shall require food facilities operating at the large venue or large event to comply with the requirements of this Section, commencing January 1, 2024.
- C. Tier one and tier two commercial edible food generators shall comply with the following requirements:

1. Arrange to recover the maximum amount of edible food that would otherwise be disposed.
2. Contract with, or enter into a written agreement with, food recovery organizations or food recovery services for: (a) the collection of edible food for food recovery; or, (b) acceptance of the edible food that the commercial edible food generator self-hauls to the food recovery organization for food recovery.
3. Shall not intentionally spoil edible food that is capable of being recovered by a food recovery organization or a food recovery service.
4. Allow the department or designee to access the premises, conduct inspections, and review electronic and hard copy records pursuant to 14 California Code of Regulations Section 18991.4.
5. Keep records that include the following information, or as otherwise specified in 14 California Code of Regulations Section 18991.4:
  - (a) A list of each food recovery service or organization that collects or receives its edible food pursuant to a contract or written agreement established under 14 California Code of Regulations Section 18991.3(b).
  - (b) A copy of all contracts or written agreements established under 14 California Code of Regulations Section 18991.3(b).
  - (c) A record of the following information for each of those food recovery services or food recovery organizations:
    - (i) The name, address and contact information of the food recovery service or food recovery organization.
    - (ii) The types of food that will be collected by or self-hauled to the food recovery service or food recovery organization.
    - (iii) The established frequency that food will be collected or self-hauled.
    - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a food recovery service or food recovery organization for food recovery.

- D. Tier one commercial edible food generators shall submit food recovery reports meeting the requirements of Section 6.24.038 of this code to the department or designee according to the following schedule:
1. On or before August 1, 2022, tier one commercial edible food generators shall submit a food recovery report for the period of January 1, 2022 through June 30, 2022.
  2. On or before May 1, 2023, and on or before May 1st each year thereafter, tier one commercial edible food generators shall submit a food recovery report for the period covering the entire previous calendar year.
- E. Tier two commercial edible food generators shall submit food recovery reports meeting the requirements of Section 6.24.038 of this code to the department or designee according to the following schedule:
1. On or before May 1, 2025, and on or before May 1st each year thereafter, tier two commercial edible food generators shall submit a food recovery report for the period covering the entire previous calendar year.
- F. Food recovery reports submitted by tier one and tier two commercial edible food generators shall include the following information:
1. The name and address of the commercial edible food generator;
  2. The name of the person responsible for the commercial edible food generator's edible food recovery program;
  3. A list of all contracted food recovery services or food recovery organizations that collect edible food from the commercial edible food generator;
  4. The total number of pounds of edible food, per year, donated through a contracted food recovery organization or food recovery service.
- G. Nothing in this chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance issued by the California Department of Education pursuant to Senate Bill 557 (2017).

**6.24.038.020 Requirements for Food Recovery Organizations and Services.**



- A. Food recovery services collecting, receiving, or coordinating the collection of edible food directly from tier one or tier two commercial edible food generators, via a contract or written agreement established under 14 California Code of Regulations Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 California Code of Regulations Section 18991.5(a)(1):
1. The name, address, and contact information for each commercial edible food generator from which the service collects edible food.
  2. The quantity in pounds of edible food collected from each commercial edible food generator per month.
  3. The quantity in pounds of edible food transported to each food recovery organization per month.
  4. The name, address, and contact information for each food recovery organization that the food recovery service transports edible food to for food recovery.
- B. Food recovery organizations collecting, receiving, or coordinating the collection of edible food directly from tier one or tier two commercial edible food generators, via a contract or written agreement established under 14 California Code of Regulations Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 California Code of Regulations Section 18991.5(a)(2):
1. The name, address, and contact information for each commercial edible food generator from which the organization receives edible food.
  2. The quantity in pounds of edible food received from each commercial edible food generator per month.
  3. The name, address, and contact information for each food recovery service that the organization receives edible food from for food recovery.
- C. Food recovery organizations and food recovery services that have their primary address physically located in the City and contract with or have written agreements with one or more tier one or tier two commercial edible food generators pursuant to 14 California Code of Regulations Section 18991.3(b) shall submit food recovery reports meeting the requirements of Section 6.24.038 of this code to the department or designee according to the following schedule:

1. On or before August 1, 2022, food recovery organizations and food recovery services shall submit a food recovery report for the period of January 1, 2022 through June 30, 2022;
  2. On or before May 1, 2023, and on or before May 1st each year thereafter, food recovery organizations and food recovery services shall submit a food recovery report for the period covering the entire previous calendar year.
- D. Food recovery reports submitted by food recovery services or organizations shall include the following information:
1. Total pounds of edible food recovered in the previous calendar year from tier one and tier two edible food generators with whom the reporting entity has a contract or written agreement pursuant to 14 California Code of Regulations Section 18991.3(b).
  2. Total pounds of edible food recovered in the previous calendar year from the tier one and tier two commercial edible food generators within Santa Clara County with whom the reporting entity has a contract or written agreement pursuant to 14 California Code of Regulations Section 18991.3(b).
- E. In order to support edible food recovery capacity planning assessments or other studies conducted by the County of Santa Clara, the City, or designee, food recovery services and food recovery organizations operating in the City shall provide information and consultation to the City, designee, or department, upon request, regarding existing, or proposed new or expanded, food recovery capacity that could be accessed by the City and its tier one and tier two commercial edible food generators. A food recovery service or food recovery organization contacted by the City, the department, or designee shall respond to such request for information within sixty (60) days, unless a shorter timeframe is specified.

**6.24.038.030 Edible Food Recovery Inspections and Investigations by Department or Designee.**

- A. The department and/or designee are authorized to conduct inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators to confirm compliance with this chapter by tier one and tier two

commercial edible food generators, food recovery services, and food recovery organizations, subject to applicable laws. This section does not allow the department or designee to enter the interior of a residential premises for inspection.

- B. Regulated entities shall provide or arrange for access during all inspections (with the exception of residential premises interiors) and shall cooperate with the department's or designee's employees during such inspections and investigations. Such inspections and investigations may include in-person or electronic review of edible food recovery activities, records, or any other requirement of this chapter described herein. Failure to provide or arrange for access to the premises or access to records for any inspection or investigation is a violation of this chapter and may result in penalties described in Section 6.24.038.040 of this code.
- C. Any records obtained by the department or designee during inspections, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- D. Representatives of the department and/or designee are authorized to conduct any inspections, or other investigations as reasonably necessary to further the goals of this chapter, subject to applicable laws.
- E. Department shall receive written complaints, including anonymous complaints, regarding entities that may be in violation of this chapter. Complaints shall include the name and contact information of the complainant, if the complainant is not anonymous; the identity of the alleged violator, if known; a description of the alleged violation including location(s) and all other relevant facts known to the complainant; any relevant photographic or documentary evidence to support the allegations in the complaint; and the identity of any witnesses, if known.

#### **6.24.038.040 Enforcement.**

- A. **Administrative Fine.** Violation of any provision of this chapter shall constitute grounds for issuance of a notice of violation and assessment of an administrative fine by the department. Absent compliance by the respondent within the deadline set forth in the notice of violation, the department shall commence an action to impose penalties, via an administrative citation and fine.

- B. Notice of Violation. Before assessing an administrative fine, the department shall issue a notice of violation requiring compliance within sixty days of issuance of the notice. The notice shall include: (1) the name(s) of each person or entity to whom it is directed, (2) a factual description of the violations, including the regulatory section(s) being violated, (3) a compliance date by which the respondent is to take specified action(s), and (4) the penalty for not complying before the specified deadline.
- C. Extensions to Compliance Deadlines. The department may extend the compliance deadlines set forth in a notice of violation if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:
1. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
  2. Delays in obtaining discretionary permits or other government agency approvals;
  3. Deficiencies in edible food recovery capacity and the existence of a corrective action plan imposed pursuant to 14 California Code of Regulations Section 18996.2 due to those deficiencies; or,
  4. Any other circumstance in which the department director, in their sole discretion, finds good cause to extend the compliance deadlines.
- D. Administrative Citations. If the respondent fails to correct the violation by the compliance date, the department shall issue an administrative citation and fine. The citation shall include a description of the administrative citation appeal process, including the designated hearing officer, the time within which the administrative citation may be contested, and instructions for requesting a hearing.
- E. Amount of Fine. The amount of the administrative fine for each violation of this chapter shall be as follows:
1. For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.
  2. For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.

3. For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.
- F. Factors Considered in Determining Penalty Amount. The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty range:
1. The nature, circumstances, and severity of the violation(s).
  2. The violator's ability to pay.
  3. The willfulness of the violator's misconduct.
  4. Whether the violator took measures to avoid or mitigate violations of this chapter.
  5. Evidence of any economic benefit resulting from the violation(s).
  6. The deterrent effect of the penalty on the violator.
  7. Whether the violation(s) were due to conditions outside the control of the violator.
- G. Appeals. Persons receiving an administrative citation for an uncorrected violation may request a hearing to appeal the citation. The City will designate a hearing officer who shall conduct the hearing and issue a final written order. The hearing officer may be a City official or another public agency designated by the City. The hearing officer shall be identified in the administrative citation. A hearing will be held only if it is requested within fifteen (15) days from the date of the notice of the administrative citation.
- H. Other Remedies. Other remedies allowed by law may be used to enforce this chapter, including civil action or criminal prosecution as misdemeanor or infraction. The department and/or City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. The department may choose to delay court action until such time as court action is a reasonable use of staff and resources.
- I. Education Period for Non-Compliance. Beginning January 1, 2022, and through December 31, 2023, the department and/or designee will conduct inspections and compliance reviews. If the department and/or designee determines that a tier one commercial edible food generator, food recovery organization, food recovery

service, or other entity is not in compliance with Section 6.24.038 of this code, it shall provide educational materials to the entity describing its obligations under Section 6.24.038 of this code and a notice that compliance is required. It shall also provide notice that violations may be subject to administrative civil penalties starting on January 1, 2024.

## **SECTION 5. AMENDMENTS TO SECTION 6.24.060 CONCERNING THE METHOD OF GARBAGE, ORGANIC WASTE, AND NON-ORGANIC RECYCLABLES DISPOSAL**

### **6.24.060 Method of Garbage, Organic Waste and Non-Organic Recyclables Disposal.**

All garbage, organic waste and non-organic recyclables subject to solid waste collection service shall be disposed of by delivery of the appropriate each container to an authorized collection station, located as to be readily accessible for the removal and emptying of its contents by the solid waste collector. ~~Recyclables and organic waste may be disposed of as set forth in Section 6.24.200.~~

## **SECTION 6. AMENDMENTS TO SECTION 6.24.240 CONCERNING VIOLATIONS AND PENALTIES**

### **6.24.240 Violation-~~Penalty~~Misdemeanor.**

The City may address violations of this chapter by issuing administrative citations, fines, and penalties as set forth in Chapter 1.10 of this code. Alternatively, the City may prosecute any violation of this chapter as a misdemeanor, punishable as provided in Chapter 1.12 of this Code. ~~Any person who violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Chapters 1.10 and 1.12 of this code.~~

## **SECTION 7. AMENDMENTS TO SECTION 9.16.030 CONCERNING PHYSICAL SPACE WAIVERS**

### **9.16.030 Applicability of Regulations.**

- A. The site development regulations prescribed in Section 9.16.040 of this code shall apply to all businesses, business structures and project sites which are subject to City review and approval for improvements, changes or modifications.
- B. The City may exempt business structures, owners and/or project applicants from the obligation to comply with some or all of the requirements of this chapter and Chapter 6.24 of this code following the waiver procedures provided

**in Section 6.24.037.030 of this code.**~~The request for an exemption from mandated organic waste recycling due to inadequate recycling area enclosure space may be submitted to the Director. The Director shall review the quantity and size of various solid waste containers that are necessary to meet the requirements of this Chapter and Chapter 6.24. Business structures, owners and/or project applicants that are granted an exemption are required to increase collection frequency to the maximum extent available from the solid waste collector if current container size and quantity exceed available space within the recycling area enclosure.~~



# CITY OF CUPERTINO

## Agenda Item

21-9645

**Agenda Date:**  
**10/19/2021 Agenda #:**  
**17.**

Subject: Consider adopting amendments to the Cupertino General Plan to add clarity to existing language in Chapter 3 (Land Use) in Figure LU-2, Policy LU-1.1 and Goal LU-13, and to add emphasis to existing language in Chapter 6 (Environmental Resources and Sustainability) (Strategy ES-6.1.1), and Cupertino Municipal Code Title 17, Environmental Regulations, to add a new Chapter, Chapter 17.04, to adopt standard environmental protection requirements for construction, development and other similar or related activities. (Application No(s): GPA-2021-001, MCA-2021-004; Applicant(s): City of Cupertino; Location: citywide)

That the City Council adopt the:

1. Resolution No. 21-097 (Attachment A) adopting the Addendum (Addendum No. 5 to the 2014 General Plan EIR) addressing the environmental effects of the proposed changes and the proposed amendments to the Cupertino General Plan (Attachment 2); and
2. Introduce and conduct the first reading of Ordinance No. 21-2232 (Attachment B), "An Ordinance of the City Council of the City of Cupertino adding Chapter 17.04 (Standard Environmental Protection Requirements) to the Cupertino Municipal Code."





**COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3308 • FAX: (408) 777-3333  
CUPERTINO.ORG

**CITY COUNCIL STAFF REPORT**

Meeting: October 19, 2021

**Subject**

Consider adopting amendments to the Cupertino General Plan to add clarity to existing language in Chapter 3 (Land Use) in Figure LU-2, Policy LU-1.1 and Goal LU-13, and to add emphasis to existing language in Chapter 6 (Environmental Resources and Sustainability) (Strategy ES-6.1.1), and Cupertino Municipal Code Title 17, Environmental Regulations, to add a new Chapter, Chapter 17.04, to adopt standard environmental protection requirements for construction, development and other similar or related activities. (Application No(s): GPA-2021-001, MCA-2021-004; Applicant(s): City of Cupertino; Location: citywide)

**Recommended Action**

That the City Council adopt the:

1. Resolution No. 21-XXX (Attachment A) adopting the Addendum (Addendum No. 5 to the 2014 General Plan EIR) addressing the environmental effects of the proposed changes and the proposed amendments to the Cupertino General Plan (Attachment 2); and
2. Introduce and conduct the first reading of Ordinance No. 21-XXXX (Attachment B), "An Ordinance of the City Council of the City of Cupertino adding Chapter 17.04 (Standard Environmental Protection Requirements) to the Cupertino Municipal Code."

**Discussion**

*Background:*

Changes to State law since 2017 provide that housing development projects may in some circumstances only be required to comply with objective standards in a city's general plan and zoning, as opposed to standards that are subjective and whose application involves the use of discretion. Since FY19/20, the City's Work Program includes an item to update the General Plan and Zoning Ordinance to ensure that those documents include objective standards that can be readily understood and applied to all projects. Staff and the City Attorney's Office identified certain items that could benefit from clarification. Some of these, such as clarifications in Chapter 13.04, Park

Land Dedication, and Chapter 19.80, Planned Development Zones, of the Municipal Code, were completed in late 2019.

The Planning Commission and City Council also invited members of the public to suggest areas in the General Plan and the Zoning Ordinances that could be clarified with objective standards. A large number of comments were collected from members of the public, and individual Planning Commissioners and City Council members, between June 2019 and October 2019, including at two Planning Commission meetings on June 25 and July 9, 2019 and two City Council meetings on September 18 and October 1, 2019. Additional comments were compiled during the General Plan Annual Review conducted by Planning Commission during five meetings between September 2019 and February 2020.

At its September 18, 2019, meeting, the City Council authorized staff to commence preparing amendments for the items identified by staff and the City Attorney's Office and continued the discussion on the remaining items to its October 1, 2019, meeting. However, following discussion at that meeting, the Council delegated the task of prioritizing and reviewing the remaining items to the City Manager.

It is important to note that while this evaluation process was occurring, SB 330 was enacted. SB 330 made changes to State law providing that until January 1, 2025, amendments to existing standards that will reduce the intensity of housing development may not be made on some properties, without corresponding amendments to increase the intensity of housing development elsewhere.

Staff, with direction from the City Manager and input from the City Attorney, prepared Attachment C. Attachment C indicates the timing of the various topics that have been identified as needing clarification as follows:

- Immediate Completion – Items for which staff had started to prepare updates. These are presented here.
- Current Work Program Items – Items that are part of the current Work Program and are expected to be completed or have significant progress in Fiscal Year 2020/2021.
- Completed – Items that have been completed as part of prior projects/actions.
- Housing Element Update – Items that may not be completed by themselves due to limitations of state law but may be considered as part of upzoning that may be necessary to accommodate the City's RHNA.
- Future Work Program Items – Items that the City may consider incorporating into future Work Programs based on staffing and budgetary considerations.
- On Hold – Items not recommended to be considered by the Planning Commission at this time or those that may be considered with a future comprehensive General Plan update.

The amendments proposed at this time are on the “Immediate Completion” list. In addition, Municipal Code amendments are proposed to adopt objective standards for environmental protection.

Planning Commission Review: The proposed amendments were reviewed by the Planning Commission at its September 28, 2021, regular meeting. The Commission moved to adopt Resolution Nos. 6929 and 6930 recommending that the City Council adopt the proposed amendments on a 4-0-1 (Absent: Scharf) vote.

*Analysis:*

General Plan Amendments (Attachment A)

There are two chapters in which amendments are proposed in the General Plan – Chapter 3 (Land Use) and Chapter 6 (Environmental Resources and Sustainability).

In Chapter 3, the changes are limited to Figure LU-2, Policy LU-1.1 and in the introductory language in Goal 13.

1. Figure LU-2: Edits in Figure LU-2 have been made in the footnotes to the figure and in the height and density boxes on the figure. These are described further below:

- a. Footnotes: Clarifying edits have been made to the footnotes to address concerns related to the objectivity of the existing language. Clarifications include clarifications to Building Planes footnotes to clarify the building slope line must be retained at a 1:1 slope for the building and not just the “primary building bulk.” In addition, language has been added to clarify the intent of those words, to allow “architectural feature that do not include useable area” into the slope line.

Another area of clarification is to address the language related to heights and setbacks adjacent to residential areas. Language has been amended to reference specific plans, conceptual zoning plans or land use plans and any adopted design guidelines for established height and setbacks adjacent to residential areas.

- b. Height and Density Boxes: No changes have been made which allow an increased density or any increase in heights in any of the Special Areas or neighborhoods.

Language in the Homestead, Heart of the City, South De Anza, Monta Vista Village Special Area and Neighborhoods density and height boxes have been updated to clarify the existing density in the Heart of the Special Area. Additionally, edits are proposed in the City Center Node text box to clarify the intent of the existing language – that existing, taller buildings (such as the Montebello condominiums, former Kimpton Hotel, and the tower office buildings) may retain their existing height.

2. Policy LU-1.1: A reference has been added to Figure LU-2 in Policy LU-1.1 to clarify that the figure identifies maximum residential densities allowed.
3. Goal LU-13: The policies in Goals LU-14 through LU-18 are nested policies for the Heart of the City Special Area. However, this was not clear in the General Plan. This has been clarified with amended language.
4. Strategy ES-6.1.1: Emphasis has been added to this strategy to “strongly” encourage Santa Clara County to engage with affected neighborhoods when considering changes to the mineral extraction activity and changes to restoration plans, as advised by one of the members of the City Council.

Note that the above-described amendments are intended to clarify the adopted General Plan and do not change the permitted intensity of housing development for any parcel in the City.

#### Municipal Code Amendment (Attachment B)

As previously described, staff is recommending the adoption of standards for environmental protection for construction, site improvements and other related or similar projects by adding Chapter 17.04 (Standard Environmental Protection Requirements) to the Municipal Code. The proposed language was developed with input from PlaceWorks, an environmental consulting firm, their on-staff biologists, geotechnical experts, and other staff with subject area expertise. The draft language was further reviewed and edited for clarity and objectivity by staff and City Attorney’s Office.

The proposed new Chapter is organized similarly to other Chapters in the Municipal Code. A purpose section (Section 17.04.010) is followed by a Definitions section (Section 17.04.020). The definitions section defines terms used in the new Chapter to ensure that the terms are not misinterpreted or interpreted differently by different persons.

Following the Definitions section is an Applicability and Demonstration of Compliance Section (Section 17.04.030). This section identifies which projects the standards would apply to. As proposed, all projects related to construction, ground-disturbing activities (grading, excavation, etc.) and tree removal would be subject to these standards. In addition, the proposed language identifies how an applicant must demonstrate compliance. The following table summarizes these requirements:

<b>Type of Project</b>	<b>Compliance Mechanism</b>
Non-residential project	Submittal and implementation of a Construction Management Plan and/or inclusion on permit plans
Residential development of four or more units	

Type of Project	Compliance Mechanism
Residential development with three or fewer units	On building permit plans, as required
Residential additions/remodels and Tenant Improvements	
Projects with no requirement for building and ground disturbing permits (includes tree removal permits with no other associated improvements or ground disturbing activity)	Implement all applicable requirements during permitted work

Requirements prior to project approval: Section 17.04.040 of the proposed chapter identifies the technical reports required prior to project approval. These include reports related to Air Quality, Hazardous Materials, Traffic and Vibration to address environmental protection.

1. **Air Quality:** Certain projects that operationally generate large amounts of diesel truck or Transport Refrigeration Units (TRUs) per day or are located within 1,000 feet of sensitive land uses (e.g. residential, schools, hospitals or nursing homes) are required to prepare an operational Health Risk Assessment (HRA). The report is required to ensure that indoor air quality for projects that are identified by the Bay Area Air Quality Management District (BAAQMD) as requiring further analysis, is managed by preparing an operational HRA. The operational HRA would be prepared in accordance with the policies and procedures of the State office of Environmental Health Hazard Assessment (OEHHA) and BAAQMD to ensure standard requirements in the preparation of the assessment. The project applicant is also required to indicate the location of the project site on the BAAQMD's Planning Healthy Places map. If the site is located in an area identified as "Implement Best Practices," the project is required to implement best practices. These include installation of higher rated air filters, ensuring that openings into the building are located as far away from emission sources as feasible and planting trees as required.
2. **Soil Remediation:** All projects except tree removal projects must complete and submit the applicable form of environmental assessment report, and additional testing, if required, prior to construction. Applicants are required to provide, at a minimum a Phase 1 Environmental Site Assessment (ESA) report. If the Phase I ESA report indicates the potential for contaminants, the project applicant must prepare a Phase II ESA report to identify the type and extent of the contamination. This includes steps to take if additional testing is required, and how testing must be conducted. The details of the process are described.
3. **Traffic:** A Vehicle Miles Traveled (VMT) analysis is required to indicate compliance with the City's previously adopted VMT standards.

4. Vibration: If it is anticipated that equipment that causes vibrations will be used during construction, the project applicant must submit a vibration study. There are certain standards prescribed to ensure that vibration effects are reduced.

Requirements prior to permit issuance: Section 17.04.050 includes the requirements related to the different environmental factors that must be met prior to permit issuance if there has not been a prior project approval. The areas where refinements are being made to previous conditions of approval or new standards have been proposed are as follows:

1. Air Quality: The City already has standard requirements related to Air Quality impacts as identified in the General Plan Environmental Impact Report (EIR) certified by the City Council in 2014. These have been further refined because BAAQMD has issued or adopted new guidance since that time. In addition, requirements have been imposed to ensure that larger projects (those that disturb more than one acre and are more than two months in duration) are required to use higher quality equipment as mitigation.

Prior to any construction permits being issued, BAAQMD's requirements must be indicated on the plans

2. Greenhouse Gas Emissions and Energy: In order to ensure that greenhouse gas emission impacts are minimized, applicants must complete the Climate Action Plan – Development Project Consistency Checklist for approval by the City.
3. Biological Resources: The requirements related to biological resources pertain to the taking, removing or destroying of eggs from active nests or the destruction/disturbance of bat roosts in abandoned buildings. There are laws and requirements that prevent the disturbance or taking of eggs from active nests per the Migratory Bird Treaty Act and the State Department of Fish and Game Code. These requirements are currently applied to all applications that have the possibility of affecting birds. The proposed requirements are to implement the requirements and spirit of that law in keeping with the size of the project. The requirements differ slightly by the size of project. For smaller projects (such as one single family home, ground disturbing activity of up to 500 square feet or the removal of up to three trees), the property owner or the tree removal contractor is authorized to conduct preconstruction surveys to identify active nests. If active nests are found, smaller projects must then retain an ornithologist or a biologist to identify a buffer at which work may proceed. However, for all other projects, a qualified ornithologist or biologist must be retained at the outset to conduct the preconstruction surveys. Repeat surveys may be necessary on a weekly basis to identify when work may proceed in the buffer area. A final report must be presented to ensure work was completed to the satisfaction of the City.

Special Status Roosting Bats are also required to be protected during any construction, or re-tenanting of abandoned or vacant structures. This is done by showing evidence that abandoned buildings were properly sealed when vacated/abandoned and conducting pre-construction surveys by a qualified biologist prior to proceeding with any work. The requirement also prescribes objective ways to address the issue in the event that there are any roosting bats in a building. A final report is required to ensure the work was completed to the satisfaction of the City.

4. Cultural Resources: Project applicants must adhere to certain requirements in order to protect cultural and tribal resources, and human remains and Native American burials as required by State law. This includes training prior to beginning construction, identifying potential cultural resources, not disturbing soil within 25 feet of any finds, retaining a qualifying archaeologist for preparation of reports and documenting significant finds, and contacting tribes if the resource is a tribal resource. In areas where there are known cultural resources, the archaeologist is required to provide information to the City for it to determine whether the resource is considered historic or is a unique archeological resource.

The requirements for protection of human resources and native American burials are the same as those required by State law and identified in the CA Health and Safety and CA Public Resources Codes. These include not disturbing remains, notifying the County Coroner's office and determining whether the remains are native American or not. If they are native American, a process prescribed by State law is identified.

5. Hazardous Materials (Soil and Groundwater Contamination): This section clarifies the responsibilities of the project applicant, including requiring the involvement of other regulatory agencies, depending on the contaminants identified in the Phase II ESA report, prior to issuance of a permit.
6. Hydrology and Water Quality: This requirement requires all applicants to demonstrate compliance with the City's Municipal Code requirements related to stormwater pollution prevention.
7. Noise and Vibration: To ensure that noise and vibration impacts are mitigated, all applicants must comply with the City's Community Noise Control Ordinance and provide notice prior to commencing construction. The noticing radius is determined by the size of the project, and ranges between 500 feet for projects on large sites and 100 feet for smaller sites and single-family homes. The City would review and approve haul routes to ensure that the effects are minimized to the greatest extent possible by avoiding the greatest number of sensitive-use areas.

Additionally, the applicant is required to prepare and implement a Construction Vibration Monitoring plan for the areas that are identified as being sensitive to the use

of identified equipment and also provide a post-survey report on any structure where either monitoring has indicated high vibration levels or complaints have been received about damage having occurred. Noticing requirements are also specified for construction involving vibratory equipment.

8. **Paleontological Resources:** This requirement is to ensure that paleontological resources are protected during construction. These require the retention of a qualified paleontologist, at the applicant's cost, who would assess any finds for significance and mitigation.
9. **Utilities and Service Systems:** The 2014 General Plan EIR identified that there were some potential issues with peak wet weather flow capacity through the City of Santa Clara's sanitary sewer system related to the contractual obligation of the Cupertino Sanitary District. To ensure that these effects are addressed, requirements have been added to ensure that reports are prepared for the City's review to ensure that this cap is not triggered, and that there are requirements specified to achieve this and to ensure that the Cupertino Sanitary District has signed off on a letter of clearance prior to issuance of permits.

Additionally, applicants are required to ensure that they obtain written approval from the appropriate water service provided for water connections, service capability and location/layout of water lines and backflow preventers, prior to issuance of any permits.

#### Tribal Consultation

The City received a request to conduct tribal consultation pursuant to SB18 (Tribal Consultation for General Plan Amendments). With this request in early July, the Native American Heritage Commission (NAHC) was contacted to obtain the names of tribes that should be contacted. Upon receipt of the list of tribes that should be contacted, letters were sent by certified mail on July 8, 2021. Tribes have 90 days (until October 6, 2021) to request consultation. On August 7, 2021, Ms. Geary, the Chairwoman of the Tamien Nation, requested consultation to which draft materials were sent. Following this, a specific request was made to consult with the City on Strategy ES-6.1.2: Recreation in Depleted Mining Areas. However, there are no changes being proposed this General Plan Strategy. This has been communicated to Chairwoman Geary on September 25, 2021. No other requests for consultation have been received so far.

#### Environmental Impacts

Pursuant to the requirements of the California Environmental Quality Act (CEQA), Addendum No. 5 (Attachment D) to the Final Environmental Impact Report (EIR) for the General Plan Amendment, Housing Element Update, and Associated Rezoning Project (State Clearinghouse No. 2014032007) has been prepared. No subsequent or



supplemental environmental review is required because none of the conditions that would require preparation of a subsequent or supplemental EIR pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 have occurred.

In addition, the adoption of the General Plan Amendments and Municipal Code amendments is not a project under the requirements of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq., and the State CEQA Guidelines, California Code of Regulations Section 15000 et. seq., (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. Even if the project were found to be a project under CEQA, it would be subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) (General Rule) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action, the adoption of new Environmental Protection Standards, would have no or only a de minimis effect on the environment because it does not commit the City to any particular project. In addition, the new Standard Environmental Protection Requirements consist of previously adopted mitigation measures, City conditions of approval, existing regulatory requirements and other best practices, and are adopted for the purpose of reducing the effects of land use development and infrastructure projects on the environment.

Finally, the adoption of the Municipal Code amendments establishes regulations to assure the protection of the environment, and the proposed actions do not authorize construction activities or relaxation of standards that would allow environmental degradation. Therefore, this action is categorically exempt per CEQA guidelines Section 15308.

#### Sustainability Impacts

Adoption of these General Plan Amendments will not have any sustainability impacts. The Municipal Code amendments to adopt environmental protection standard requirements will, among other things, help to ensure better air quality during construction and during operations, it will help protect bird and bat life, will ensure that soil contamination would be adequately addressed.

Fiscal Impacts

None. All reports must be prepared by the applicant at their own cost. Any peer reviews required and/or any actions that are required to be taken to address any of the environmental concerns must be paid for by the applicants.

Next Steps

The second reading of the ordinance is tentatively scheduled for November 2, 2021, 30 days after which the ordinance will go into effect.

---

<u>Prepared by:</u>	Piu Ghosh, Principal Planner
<u>Reviewed by:</u>	Benjamin Fu, Director of Community Development Dianne Thompson, Assistant City Manager Chris Jensen, City Attorney
<u>Approved for Submission by:</u>	Greg Larson, Interim City Manager

Attachments:

- A. Draft Resolution adopting Addendum No. 5 to the 2014 General Plan EIR and General Plan Amendments GPA-2021-001
- B. Draft Resolution adoption of Municipal Code Amendments MCA-2021-004
- C. Document indicating timing of all items requested have objective standards adopted
- D. Addendum No. 5 to the 2014 General Plan Final EIR

RESOLUTION NO. [##-###]

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO  
ADOPTING AN ADDENDUM (ADDENDUM NO. 5) TO THE 2014 GENERAL  
PLAN FINAL EIR AND APPROVAL OF MINOR MODIFICATIONS TO THE  
GENERAL PLAN**

WHEREAS, pursuant to the provisions of the California Environmental Quality Act of 1970 (Public Resources Code Section 21000 *et seq.*) ("CEQA") together with the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 *et seq.*) (hereinafter, "CEQA Guidelines"), the City prepared a Final Environmental Impact Report for General Plan Amendment, Housing Element Update, and Associated Rezoning Project (State Clearinghouse No. 2014032007) ("Final EIR"); and

WHEREAS, the City Council certified the Final EIR and approved the Project on December 4, 2014; and

WHEREAS, the approved amendments to the General Plan and Municipal Code Amendments ("Project") consists of amendments to the existing language in the General Plan to reduce ambiguity and adoption of standard environmental protection requirements; and

WHEREAS, since certification of the Final EIR, the City has proposed certain refinements to the Project consisting of clarifications of the existing language in the General Plan without any changes to the intensity or density of development and adoption of certain standard environmental protection requirements; and

WHEREAS, these activities constitute minor modifications to the Project and none of the conditions requiring a subsequent or supplemental EIR as described in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 and Section 15163 have occurred; and

WHEREAS, the City has caused to be prepared an Addendum to the Final EIR pursuant to CEQA Guidelines Section 15164 ("Fifth Addendum"); and

WHEREAS, the Addendum provides analysis and cites substantial evidence that supports the conclusion that no subsequent environmental review is required because there are no substantial changes in the Project or the circumstances under which the Project is to be undertaken that would result in new or substantially more severe environmental impacts requiring major revisions to the Final EIR, and there is no new

information that involves new significant environmental effects or a substantial increase in the severity of previously identified environmental effects that would require preparation of a subsequent or supplemental EIR pursuant to Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163; and

WHEREAS, the Addendum concluded that the significant and unavoidable impacts to which the proposed Project will contribute were previously disclosed and analyzed in the Final EIR; and

WHEREAS, the City held a duly noticed public hearing on the Addendum to the EIR on October 19, 2021 to consider adoption of the Addendum to the Final EIR; and

WHEREAS, all individuals, groups and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the EIR and Addendum; and

WHEREAS, by Resolution No. 6929 the Planning Commission recommended that the City Council adopt the Addendum to the Final EIR; and

WHEREAS, the changes made after publication of the Addendum, including any changes recommended by the Planning Commission, do not change the conclusion that none of the conditions requiring a subsequent or supplemental EIR as described in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 and Section 15163 have occurred; and

WHEREAS, the City Council has independently reviewed and considered the information in the Addendum, which concludes that no further environmental review is required for the refinements to the Project;

NOW, THEREFORE, BE IT RESOLVED that the City takes the following actions:

1. Determines that the Addendum reflects the independent judgment of the City.
2. Adopts the Addendum to the Final EIR for the General Plan Amendments and Municipal Code Amendments to clarify existing language in the General Plan in Chapters 3 and 6, and adoption of standard environmental protection requirements
3. Approves the project refinements as shown in Exhibit A attached hereto and incorporated herein by reference and authorizes the staff to make grammatical,

typographical, numbering, and formatting changes necessary to assist in production of the final published General Plan.

PASSED and ADOPTED at a regular meeting of the City Council of the City of Cupertino the 19<sup>th</sup> day of October, 2021 by the following vote:

AYES:

NOES:

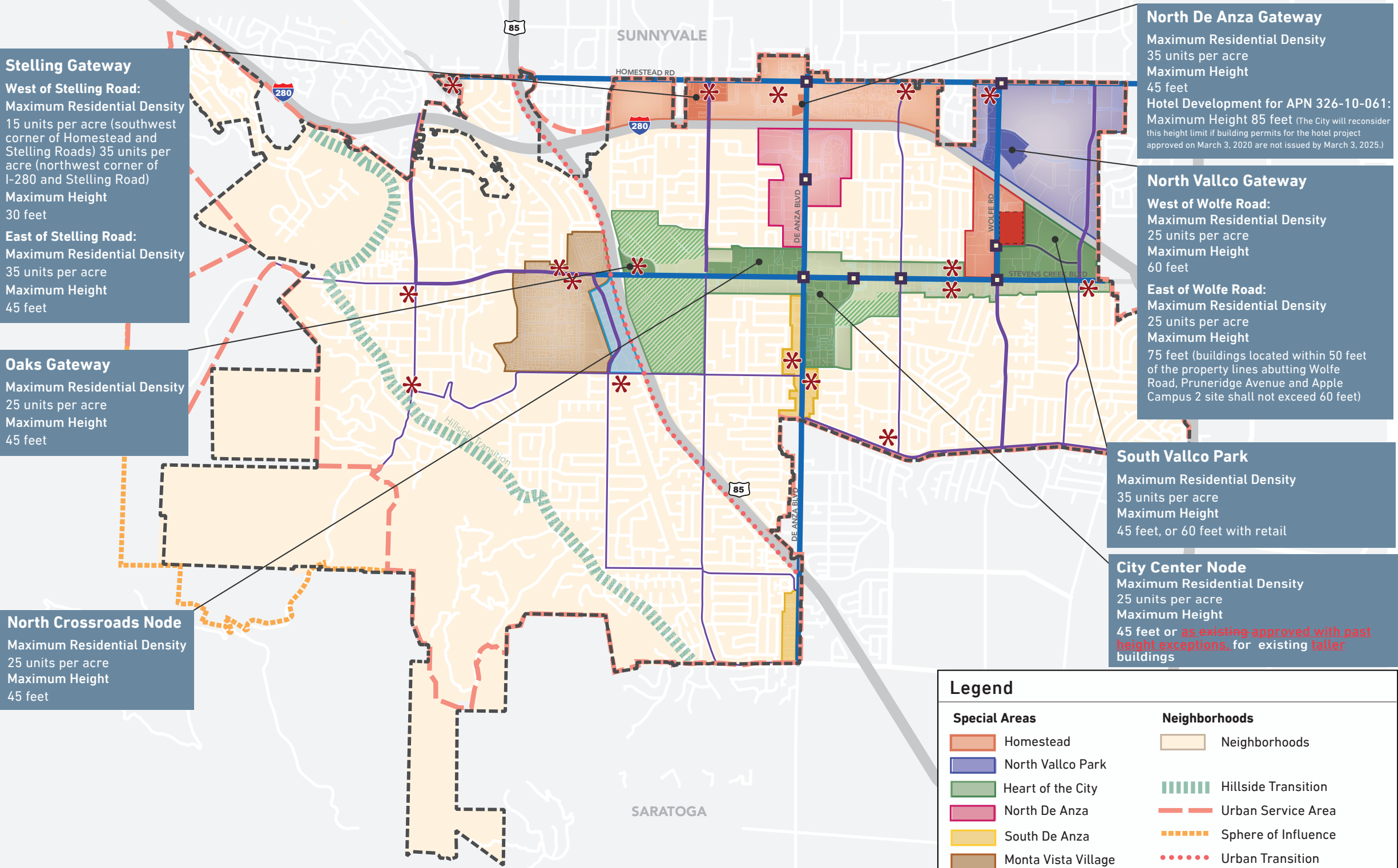
ABSTAIN:

ABSENT:

SIGNED:  _____ Darcy Paul, Mayor City of Cupertino	  _____ Date
ATTEST:  _____ Kirsten Squarcia, City Clerk	  _____ Date

Figure LU-2  
COMMUNITY FORM DIAGRAM

Exhibit A



Legend

Special Areas

- Homestead
- North Vallco Park
- Heart of the City
- North De Anza
- South De Anza
- Monta Vista Village
- Bubb Road
- Vallco Shopping District

Neighborhoods

- Neighborhoods
- Hillside Transition
- Urban Service Area
- Sphere of Influence
- Urban Transition
- City Boundary
- Boulevards (Arterials)
- Avenues (Major Collectors)
- Avenues (Minor Collectors)
- Key Intersections
- Neighborhood Centers

Homestead Special Area

CC 10-19-2021  
178 of 269

Maximum Residential Density

Up to 35 units per acre per General Plan Land Use Map

15 units per acre (two parcels at southeast corner of Homestead Rd and Blaney Ave).

All other areas - Maximum density as indicated in the General Plan Land Use Map or 35 units per acre where none indicated.

Maximum Height 30 feet, or 45 feet (south side between De Anza and Stelling)

North Vallco Park Special Area

Maximum Residential Density

25 units per acre

Maximum Height

60 feet

Heart of the City Special Area

Maximum Residential Density

Up to 25 units per acre per General Plan Land Use Map or-

South Vallco -35 units per acre (South Valley)-

All other areas - Maximum density as indicated in the Heart of the City Land Use Map and, if none indicated, 25 units per acre

Maximum Height

45 feet, or 30 feet where designated by hatched line

North De Anza Special Area

Maximum Residential Density

Maximum density is 25 units per acre

Maximum Height

45 feet

South De Anza Special Area

Maximum Residential Density

North of Bollinger Rd - maximum density is 25 units per acre (north of Bollinger)

South of Hwy 85 - maximum residential is 5-15 units per acre (South of 95)

Maximum Height

30 feet

Monta Vista Village Special Area

Maximum Residential Density

Up to 15 units per acre, per General Plan Land Use Map

Maximum density as indicated in the General Plan Land Use Map, and if none indicated, 15 units per acre

Maximum Height

Up to 30 feet

Bubb Road Special Area

Maximum Residential Density

20 units per acre

Maximum Height

45 feet

Vallco Shopping District Special Area

Regional Shopping/Residential

Maximum Residential Density

35 units per acre in areas identified in Figure LU-4

Minimum Residential Density

29.7 units per acre in areas identified in Figure LU-4

Maximum Height

Up to 60 feet

Regional Shopping

Maximum Residential Density

N/A - residential is not a permitted use

Maximum Height

Up to 60 feet

Neighborhoods

Maximum Residential Density

Per Maximum density as indicated in the General Plan Land Use Map; 15 units per acre for Neighborhood Commercial Centers Sites

Maximum Height

30 feet

Building Planes:

- Maintain the primary building bulk below a 1:1 slope line drawn from the arterial/boulevard curb line or lines except for the Crossroads Area. Architectural features that do not include usable area may encroach into the slope line.
- For the Crossroads area, see the Crossroads Streetscape Plan.
- For projects outside of the Vallco Shopping District Special Area that are adjacent to residential areas: Heights and setbacks adjacent to residential areas will be determined during project review. Where slope lines or other applicable height and setback limits for projects adjacent to residential areas is not established in a specific plan, conceptual zoning plan or land use plan and in any adopted design guidelines, this will be established during project review.
- For projects within the Vallco Shopping District Special Area that are adjacent to the North Blaney/Portal neighborhood: Maintain the building below a 2:1 slope line drawn from the adjacent residential property line.
- For the North and South Vallco Park areas: Maintain the primary building bulk below a 1.5:1 (i.e., 1.5 feet of setback for every 1 foot of building height) slope line drawn from the Stevens Creek Blvd. and Homestead Road

curb lines and below 1:1 slope line drawn from Wolfe Road and Tantau Avenue curb line. Architectural features that do not include usable area may encroach into the slope line.

- Parcel APN 326-10-061 within the N. De Anza Gateway: For hotel development, maintain the building below the variable slope lines as shown in Figure LU-5. For all other developments, the 1:1 slope line shall be maintained.

**Rooftop Mechanical Equipment:** Rooftop mechanical equipment and utility structures may exceed stipulated height limitations if they are enclosed, centrally located on the roof and not visible from adjacent streets.

**Priority Housing Sites:** Notwithstanding the heights and densities shown above, the maximum heights and densities for Priority Housing Sites identified in the adopted Housing Element other than the Vallco Shopping District Special Area shall be as reflected in the Housing Element. The Vallco Shopping District Special Area shall be subject to the heights and densities shown above, with residential uses permitted in the Regional Shopping/Residential designation as shown in Figure LU-4.



## GOAL LU-1

Create a balanced community with a mix of land uses that supports thriving businesses, all modes of transportation, complete neighborhoods and a healthy community

### BALANCED COMMUNITY

The City seeks to balance future growth and development in order create a more complete community. This includes ensuring a mix of land uses that support economic, social and cultural goals in order to preserve and enhance Cupertino's great quality of life.

#### POLICY LU-1.1: LAND USE AND TRANSPORTATION

Focus higher land use intensities and densities within a half-mile of public transit service, and along major corridors. [Figure LU-2 indicates the maximum residential densities for sites that allow residential land uses.](#)

#### POLICY LU-1.2: DEVELOPMENT ALLOCATION

Maintain and update the development allocation table (**Table LU-1**) to ensure that the allocations for various land uses adequately meet city goals.

#### STRATEGIES:

##### LU-1.2.1: Planning Area Allocations.

Development allocations are assigned for various Planning Areas. However, some flexibility may be allowed for transferring allocations among Planning Areas provided no significant environmental impacts are identified beyond those already studied in the Environmental Impact Report (EIR) for Community Vision 2040.





## GOAL LU-13

Ensure a cohesive, landscaped boulevard that supports all modes of transportation, links its distinct and active commercial and mixed-use sub-areas and nodes, and creates a high-quality, distinct community image and a vibrant heart for Cupertino

### HEART OF THE CITY SPECIAL AREA

The Heart of the City will remain the core commercial corridor in Cupertino, with a series of commercial and mixed-use centers and a focus on creating a walkable, bikeable boulevard that can support transit. General goals, policies and strategies (as identified in Goal LU-13) will apply throughout the entire area; while more specific goals, policies, and strategies for each subarea are designed to address their individual settings and characteristics and are identified in Goals LU-14 through LU-18.

#### POLICY LU-13.1: HEART OF THE CITY SPECIFIC PLAN

The Heart of the City Specific Plan provides design standards and guidelines for this area, which promote a cohesive, landscaped boulevard that links its distinct sub-areas and is accessible to all modes of transportation.

#### POLICY LU-13.2: REDEVELOPMENT

Encourage older properties along the boulevard to be redeveloped and enhanced. Allow more intense development only in nodes and gateways as indicated in the Community Form Diagram **(Figure LU-2)**.



## GOAL ES-6

Minimize impacts of  
available mineral resources

### MINERAL RESOURCES

The City seeks to minimize the impacts of mineral resource operations on the community.

#### **POLICY ES-6.1: MINERAL RESOURCE AREAS**

Cooperatively work with Santa Clara County to ensure that plans for restoration and mining operations at Lehigh Hanson and Stevens Creek quarries consider environmental impacts and mitigations.

#### **STRATEGIES:**

##### **ES-6.1.1: Public Participation.**

Strongly encourage Santa Clara County to engage with the affected neighborhoods when considering changes to restoration plans and mineral extraction activity.

##### **ES-6.1.2: Recreation in Depleted Mining Areas.**

Consider designating abandoned quarries for passive recreation to enhance plant and wildlife habitat and rehabilitate the land.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO  
ADDING CHAPTER 17.04 (STANDARD ENVIRONMENTAL PROTECTION  
REQUIREMENTS) TO THE CUPERTINO MUNICIPAL CODE**

The City Council of the City of Cupertino finds that:

1. WHEREAS, requiring all projects involving construction, grading, excavation, or tree removal activity that require a permit or approval by the City to comply with applicable standard environmental protection requirements, based on objective standards, will reduce the environmental consequences of projects that are not subject to review under the California Environmental Quality Act; and
2. WHEREAS, amending the Cupertino Municipal Code to specify the standard environmental protection requirements that apply to projects for which City permits for or approval of construction, grading, excavation, or tree removal activity is required will provide certainty to project applicants; and
3. WHEREAS, the City Council desires to have objective standards applicable to projects that are clear and understandable to ensure there are no unacceptable risks to human health or safety or the environment; and
4. WHEREAS, the Planning Commission held a duly noticed public hearing on September 28, 2021 regarding the proposed ordinance; and
5. WHEREAS, the Planning Commission reviewed the proposed ordinance and adopted Resolution No. 6930 on a 3-2 vote (No: Madhhipatla and Wang) recommending that the City Council adopt the proposed ordinance; and
6. WHEREAS, the City of Cupertino wishes to adopt the standard environmental protection requirements.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUPERTINO DOES  
ORDAIN AS FOLLOWS:**

**SECTION 1. Adoption.**

The City of Cupertino hereby adopts Standard Environmental Protection Requirements and amends the Cupertino Municipal Code as set forth in Attachment A.

**SECTION 2:   Severability and Continuity.**

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of such portion, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Cupertino Municipal Code, these provisions shall be construed as continuations of those provisions and not as an amendment to or readoption of the earlier provisions.

**SECTION 3:   California Environmental Quality Act.**

This Ordinance is not a project under the requirements of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq., and, together with related State CEQA Guidelines, California Code of Regulations Section 15000 et. seq., (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines Section 15061(b)(3) (General Rule) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

In this circumstance, the proposed action, adoption of new standard environmental protection requirements, would have no or only a de minimis effect on the environment because it does not commit the City to any particular project. In addition, the new standard environmental protection requirements consist of previously adopted mitigation measures, City conditions of approval, existing regulatory requirements, and other best practices and are adopted for the purpose of reducing the effects of land use development and infrastructure projects on the environment. The foregoing determination is made by the City Council in its independent judgment.

Ordinance No. \_\_\_\_\_

Page 3

**SECTION 4: Effective Date.**

This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code Section 36937.

**SECTION 5: Publication.**

The City Clerk shall give notice of adoption of this Ordinance as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be prepared by the City Clerk and published in lieu of publication of the entire text. The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the Ordinance listing the names of the City Council members voting for and against the ordinance.

**INTRODUCED** at a regular meeting of the Cupertino City Council on October 19, 2021, and **ENACTED** at a regular meeting of the Cupertino City Council on November 2, 2021, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:  _____ Darcy Paul, Mayor City of Cupertino	  _____ Date
ATTEST:  _____ Kirsten Squarcia, City Clerk	  _____ Date
APPROVED AS TO FORM:  _____ Chris Jensen, City Attorney	  _____ Date

## **Attachment A – Adding Chapter 17.04 (Standard Environmental Protection Requirements)**

*The sections of the Cupertino Municipal Code set forth below are adopted as follows:*

Add new Chapter 17.04 (Standard Environmental Protection Requirements) to Title 17

### **CHAPTER 17.04 Standard Environmental Protection Requirements**

#### **Section**

17.04.010 Purpose

17.04.020 Definitions

17.04.030 Applicability

17.04.040 Standard Environmental Protection Technical Report Submittal Requirements

17.04.050 Standard Environmental Protection Permit Submittal Requirements

17.04.060 Violations

#### **17.04.010 Purpose.**

The purpose of this chapter is to identify standard environmental protection requirements that all construction projects must meet, including but not limited to environmental mitigation measures identified in any environmental documents required as part of a General Plan update.

#### **17.04.020 Definitions.**

The following words and phrases when used in this chapter shall have the following meanings set forth in this section:

- A. “Applicable Construction Document” means a construction management plan or a permit plan, which are the project plans associated with permit applications.
- B. “Approval” means issuance of permits under Title 18 or Title 19, and when permits pursuant to Title 18 or Title 19 are not required issuance of other required City permits by the City of Cupertino.
- C. “Construction Management Plan” means a document that includes the details the construction manager is required to enforce to minimize potential construction impacts related to construction crew parking, equipment staging, off-site circulation, noise, and air quality on residents and commercial operations during the construction phase.

- D. "Construction" or "Ground-disturbing activities" include any paving, excavation, soil removal, grading, utility trenching, removal of foundations and structures, regardless of whether the soils have been previously disturbed or not.
- E. "Permit" means any discretionary or ministerial permit or approval that is required pursuant to Title 14, Title 16, Title 18, or Title 19 of the Cupertino Municipal Code to allow a project.
- F. "Permit Plan" means any project plan(s) that are required for permit approval pursuant to Title 14, Title 16, Title 18, or Title 19 of the Cupertino Municipal Code to allow a project.
- G. "Project" means any construction, ground-disturbing activity, subdivision, or tree removal activity.
- H. "Project Applicant" means the project proponent or property owner.
- I. "Regulated Projects" means any development that is subject to oversight by an environmental regulatory agency, including but not limited to oversight by the State Water Resources Control Board and other similar agencies.
- J. "Sensitive Receptor" means the types of land uses, populations, and buildings or structures that are considered sensitive to air pollution, noise, and vibration.
  - 1. Air quality-sensitive population groups include children, the elderly, the acutely ill, and the chronically ill, especially those with cardiorespiratory diseases. Disadvantaged communities identified in CalEnviroScreen 3.0 (i.e., environmental justice communities), as subsequently revised, supplemented, or replaced, may be disproportionately affected by and vulnerable to poor air quality.
  - 2. Noise-sensitive receptors include land uses where quiet environments are necessary for enjoyment and public health and safety. Residences, schools, hotels, libraries, religious institutions, hospitals, and nursing homes are examples.
  - 3. Vibration-sensitive receptors include land uses residences and buildings where people normally sleep (e.g., residences and hotels, and buildings or structures that are susceptible to architectural damage (e.g., non-engineered timber and masonry buildings and historic buildings).
- K. "Tenant Improvement" means any construction activity that modifies interior space in non-residential space.
- L. "Tree" means Protected Trees and Public Trees under the Cupertino Municipal Code, unprotected trees, or any other vegetation suitable for nesting birds.

#### **17.04.030 Applicability and Demonstration of Compliance.**

- A. Every project within the City of Cupertino shall comply with all applicable standard environmental protection requirements identified in Section 17.04.040 and Section 17.04.050.
- B. Compliance with the requirements shall be demonstrated as follows:
1. For all non-residential projects, residential projects involving the development of four or more residential units, and mixed-use projects, compliance shall be demonstrated through submittal and implementation of a construction management plan and/or permit plans, as applicable, prior to issuance of an approval to the satisfaction of the City.
  2. For residential projects with three or fewer units, for residential additions/remodels and Tenant Improvements, compliance shall be demonstrated on permit plans to the satisfaction of the City.
  3. For projects that do not require the issuance of a permit and for tree removal projects, the property owner must demonstrate compliance by ensuring that all applicable standard environmental protection requirements are implemented.

#### **17.04.040 Standard Environmental Protection Technical Report Submittal Requirements.**

Every project shall implement the following standard environmental protection technical report submittal requirements, which reports are subject to third-party peer review under the direction of the City at the applicant's cost, prior to the approval of the project unless they are not applicable to the project as demonstrated by a written explanation of why any standard environmental protection technical report submittal requirement is not applicable to the project, subject to the review and approval of the Director of Community Development and/or the City Engineer, or his or her designee, as appropriate:

##### **A. Air Quality Technical Requirements**

1. **Control Diesel Particulate Matter from Non-Residential Projects During Operation.** Applicants for new non-residential land uses within the city that either have the potential to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered Transport Refrigeration Units (TRUs), or are within 1,000 feet of a sensitive land use (e.g., residential, schools, hospitals, nursing homes), as measured from the property line of the project to the property line of the nearest sensitive use, shall:
  - a. Prepare and submit an operational Health Risk Assessment (HRA) for approval by the City prior to approval of the project.

- b. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment (OEHHA) and the Bay Area Air Quality Management District (BAAQMD).
- c. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), PM<sub>2.5</sub> concentrations exceed 0.3 micrograms per cubic meter (µg/m<sup>3</sup>), or the appropriate noncancer hazard index exceeds 1.0, the project applicant shall be required to identify and demonstrate that Best Available Control Technologies for Toxics (T-BACTs) are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms.
- d. T-BACTs identified in the HRA shall be indicated in the appropriate applicable construction document prior to approval of the project. T-BACTs may include the following measures from BAAQMD's *Planning Healthy Places Guidebook* but are not limited to:
  - i. Restricting nonessential idling on-site to no more than two minutes.
  - ii. Providing electric charging capable truck trailer spaces to accommodate Zero Emissions (ZE) Trucks.
  - iii. Providing electric charging capable warehousing docks to accommodate ZE Transport Refrigeration Units (TRUs).
  - iv. Requiring use of Near Zero Emissions (NZE) or ZE equipment (e.g., yard trucks and forklifts) and/or vehicles.
  - v. Restricting offsite truck travel through the creation of truck routes.

## **2. Manage Indoor Air Pollution.**

- a. Applicants for residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) in areas identified on the Bay Area Air Quality Management District's (BAAQMD) "Conduct Further Study" on the Planning Healthy Places Map shall:
  - i. Prepare and submit an operational Health Risk Assessment (HRA) to the City prior to approval of the project.
  - ii. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment (OEHHA) and BAAQMD. The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children ages 0 to 16 years.



- iii. If the HRA shows that the incremental cancer risk exceeds ten in one million ( $10E-06$ ),  $PM_{2.5}$  concentrations exceed 0.3 micrograms per cubic meter ( $\mu g/m^3$ ), or the appropriate noncancer hazard index exceeds 1.0, the project applicant shall identify and demonstrate measures that are capable of reducing potential cancer and non-cancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms.
- iv. Measures to reduce risk may include, but are not limited to:
  - 1. Air intakes located away from high volume roadways and/or truck loading zones.
  - 2. Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized Minimum Efficiency Reporting Value (MERV) filters.
- b. Applicants for residential and/or other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) must state in the applicable construction document where the site is located on the Bay Area Air Quality Management District (BAAQMD) Planning Healthy Places Map, as subsequently revised, supplemented, or replaced. If the site is located in an area identified as "Implement Best Practices," the project applicant shall implement, and include in applicable construction documents, the following best practices identified in the BAAQMD *Planning Healthy Places Guidebook*:
  - i. Install air filters rated at a MERV 13 or higher.
  - ii. Locate operable windows, balconies, and building air intakes as far away from any emission source as is feasible.
  - iii. Incorporate solid barriers or dense rows of trees in a minimum planter width of 5 feet per row of trees between the residential and/or sensitive land use, and the emissions source into site design.
  - iv. Do not locate residential and/or sensitive land use on the ground floor units of buildings near non-elevated sources (e.g., ground level heavily traveled roadways and freeways).
- c. The project applicant shall include the applicable measures identified in subsections (a) and (b) above in the applicable construction documents prior to approval of the project. Specifically, the air intake design and MERV filter requirements shall be included on all applicable construction documents submitted to the City and verified by the City's Planning Division.

## B. Hazardous Materials

**Manage Soil and/or Groundwater Contamination.** Projects that involve tree removal only are not subject to this Section B. For projects that involve a change of land use (e.g., commercial to residential), development of uses that will be occupied or used by sensitive receptors, development of a net new residential unit (not including a Junior Accessory Dwelling unit or Accessory Dwelling unit), new construction of non-residential and/or mixed-use development, or subdivisions, except as provided for in Section B.3, the project applicant shall complete Section B.1 and B.2, as required, prior to approval of the project.

1. **Phase I ESA.** Retain the services of a qualified environmental consultant with experience preparing Phase I Environmental Site Assessments (ESAs) to prepare a Phase I ESA in accordance with the American Society for Testing and Materials (ASTM) Standards on Environmental Site Assessments, ASTM E 1527-13 (ASTM 1527-13) and in accordance with the U.S. Environmental Protection Agency's (EPA's) Standards and Practices for All Appropriate Inquiries (40 Code of Federal Regulations 312), published November 2005, as subsequently revised, supplemented, or replaced. The goal of an ASTM Phase I ESA is to evaluate site history, existing observable conditions, current site use, and current and former uses of surrounding properties to identify the potential presence of Recognized Environmental Conditions (RECs) as defined in ASTM E 1527-13, associated with the site. If the Phase I ESA does not identify any RECs, then no further action is needed. If the Phase I ESA identifies RECs, then a Phase II ESA shall be prepared as described in Section B.2.
2. **Phase II ESA.** A Phase II ESA shall be prepared by a qualified environmental consultant and signed and stamped by a Professional Geologist or Professional Engineer hired by the project applicant. The Phase II ESA shall include the collection and analysis of samples designed to evaluate RECs identified in the Phase I ESA, in compliance with ASTM standards, and a health risk assessment to evaluate whether the RECs pose an unacceptable or potentially unacceptable health risk to future users of the site. Depending on the health risks identified in the Phase II ESA, the project applicant shall proceed as follows:
  - a. If the Phase II ESA identifies no unacceptable or potentially unacceptable health risk associated with the RECs, then no further action is needed.
  - b. If the Phase II ESA identifies an unacceptable or a potentially unacceptable health risk, the requirements related to soil remediation in Section 17.04.050B shall apply.

- 3. Focused Phase I and II ESAs.** Projects that are on sites which are known to have current or former orchards or other irrigated agricultural activities that were active in 1950 or later are assumed to contain RECs associated with organic pesticides and are required to prepare a Focused Phase I ESA that addresses only RECs other than those associated with organic pesticides. Depending on the contaminants found in the Focused Phase I ESA, the project applicant shall proceed as follows:
- If the Focused Phase I ESA identifies no other unacceptable or potentially unacceptable health risks, then the project applicant shall prepare a Focused Phase II ESA that addresses only the potential hazards associated with organic pesticides.
  - If the Focused Phase I ESA identifies RECs other than organic pesticides, then the project applicant shall prepare the Phase II ESA as described in Section B.2 to address both the organic pesticides RECs and all other RECs.

#### **C. Vehicle Miles Traveled Technical Report Requirements**

**Evaluate Vehicle Miles Traveled or VMT.** Project applicants shall prepare a vehicle miles traveled (VMT) analysis, which shall include a comparison of existing VMT and project-generated VMT, for review and approval prior to project approval, indicating that the project meets the standards in Section 17.08.040 (Vehicle Miles Traveled (VMT) Standards).

#### **D. Vibration Technical Report Requirements**

- 1. Manage Vibration During Construction.** The project applicant shall provide a vibration study to determine vibration levels due to construction to the City, prior to approval of the project, when the following activities would occur within the screening distance to buildings or structures: pile driving within 100 feet, vibratory roller within 25 feet, or other heavy equipment (e.g., bulldozer) within 15 feet; and for historical structures: pile driving within 135 feet, vibratory roller within 40 feet, or other heavy equipment within 20 feet. If vibration levels due to construction activities exceeds 0.2 inches per second peak particle velocity (in/sec PPV) at nearby buildings or structures, or 0.12 in/sec PPV at historical structures, the project shall implement the following alternative methods/equipment:
  - For pile driving, one of the following options shall be used: caisson drilling (drilled piles), vibratory pile drivers, oscillating or rotating pile installation

methods, or jetting or partial jetting of piles into place using a water injection at the tip of the pile.

- b. For paving, use a static roller in lieu of a vibratory roller.
- c. For grading and earthwork activities, off-road equipment that shall be limited to 100 horsepower or less.

#### **Section 17.04.050 Standard Environmental Protection Permit Submittal Requirements**

Every project shall implement the following standard environmental protection permit submittal requirements prior to the issuance of permits by the City unless they are not applicable to the project as demonstrated by a written explanation of why any standard environmental protection permit submittal requirement is not applicable to the project, subject to the review and approval of the Director of Community Development and/or the City Engineer, or his or her designee, as appropriate:

##### **A. Air Quality Permit Requirements**

- 1. Control Fugitive Dust During Construction.** Projects shall implement the Bay Area Air Quality Management District Basic Control Measures included in the latest version of BAAQMD's CEQA Air Quality Guidelines, as subsequently revised, supplemented, or replaced, to control fugitive dust (i.e., particulate matter PM<sub>2.5</sub> and PM<sub>10</sub>) during demolition, ground disturbing activities and/or construction. The project applicant shall include these measures in the applicable construction documents, prior to issuance of the first permit.
- 2. Control Construction Exhaust.** Projects that disturb more than one-acre and are more than two months in duration, shall implement the following measures and the project applicant shall include them in the applicable construction document, prior to issuance of the first permit:
  - a. Utilize off-road diesel-powered construction equipment that is rated by the U.S. Environmental Protection Agency (EPA) as Tier 4 or higher for equipment more than 25 horsepower. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Tier 4 interim emissions standard for a similarly sized engine, as defined by the California Air Resources Board's (CARB) regulations. Applicable construction documents shall clearly show the selected emission reduction strategy for construction equipment over 25 horsepower.
  - b. Ensure that the construction contractor shall maintain a list of all operating equipment in use on the project site for verification by the City. The

- construction equipment list shall state the makes, models, and number of construction equipment on-site.
- c. Ensure that all equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations.
- 3. Control Volatile Organic Compound Emissions from Paint.** Projects shall use low-VOC paint (i.e., 50 grams per liter [g/L] or less) for interior and exterior wall architectural coatings. The project applicant shall include the use of low-VOC paint in the applicable construction documents prior to issuance of the first permit.

## **B. Hazardous Materials Permit Requirements**

**Soil Remediation Required.** If a Focused or other Phase II ESA, as required pursuant to Section 17.04.040(B)(1), identifies an unacceptable or a potentially unacceptable health risk, the project applicant shall, depending on the contaminant, contact either the Environmental Protection Agency (EPA), Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (RWQCB) or local Certified Unified Program Agency (CUPA). The project applicant shall enter into a regulatory agency oversight program with an appropriate regulatory agency, or an established voluntary oversight program alternative with an appropriate regulatory agency, as determined by the City, and follow the regulatory agency's recommended response actions until the agency reaches a no further action determination, prior to issuance of any permit for a project that allows ground disturbing activity.

## **C. Greenhouse Gas Emissions and Energy Permit Requirements**

**Reduce Greenhouse Gas Emissions (GHG) and Energy Use.** The project applicant shall complete the City of Cupertino Climate Action Plan – Development Project Consistency Checklist, for review and approval by the City Environment and Sustainability Department prior to issuance of the first permit, to demonstrate how the project is consistent with the Cupertino Climate Action Plan, as subsequently revised, supplemented, or replaced, in order to reduce greenhouse gas emissions and conserve energy.

## **D. Biological Resources Permit Requirements**

- 1. Avoid Nesting Birds During Construction.** For all projects that involve removal of a tree (either protected or unprotected) or other vegetation suitable for nesting birds, or construction or ground-disturbing activities defined in Section 17.04.020, the project applicant shall comply with, and the construction contractor shall indicate the following on all construction plans, when required to ensure the

following measures are performed to avoid inadvertent take of bird nests protected under the federal Migratory Bird Treaty Act and California Department of Fish and Game Code when in active use:

- a. Demolition, construction, ground-disturbing, and tree removal/pruning activities shall be scheduled to avoid the nesting season to the extent feasible. If feasible, construction, ground-disturbing, or tree removal/pruning activities shall be completed before the start of the nesting season to help preclude nesting. The nesting season for most birds and raptors in the San Francisco Bay area extends from February 1 through August 31. Preconstruction surveys (described below) are not required for construction, ground-disturbing, or tree removal/pruning activities outside the nesting period.
- b. If demolition, construction, ground-disturbing, or tree removal/pruning activities occur during the nesting season (February 1 and August 31), preconstruction surveys shall be conducted as follows:
  - i. No more than 7 days prior to the start of demolition, construction, ground-disturbing, or tree removal/pruning activities, in order to identify any active nests with eggs or young birds on the site and surrounding area within 100 feet of construction or tree removal activities.
  - ii. Preconstruction surveys shall be repeated at 14-day intervals until demolition, construction, ground-disturbing, or tree removal/pruning activities have been initiated in the area, after which surveys can be stopped. As part of the preconstruction survey(s), the surveyor shall inspect all trees and other possible nesting habitats in, and immediately adjacent to, the construction areas for active nests, while ensuring that they do not disturb the nests as follows:
    1. For projects that require the demolition or construction one single-family residence, ground disturbing activities affecting areas of up to 500 square feet, or the removal of up to three trees, the property owner or a tree removal contractor, if necessary, is permitted to conduct the preconstruction surveys to identify if there are any active nests. If any active nests with eggs or young birds are identified, the project applicant shall retain a qualified ornithologist or biologist to identify protective measures.
    2. For any other demolition, construction and ground disturbing activity or the removal of four or more trees, a qualified ornithologist or biologist shall be retained by the project applicant to conduct the preconstruction surveys.

- c. If the preconstruction survey does not identify any active nests with eggs or young birds that would be affected by demolition, construction, ground-disturbing or tree removal/pruning activities, no further mitigating action is required. If an active nest containing eggs or young birds is found sufficiently close to work areas to be disturbed by these activities, their locations shall be documented, and the qualified ornithologist or biologist shall identify protective measures to be implemented under their direction until the nests no longer contain eggs or young birds.
- d. Protective measures may include, but are not limited to, establishment of clearly delineated exclusion zones (i.e., demarcated by identifiable fencing, such as orange construction fencing or equivalent) around each nest location as determined by the qualified ornithologist or biologist, taking into account the species of birds nesting, their tolerance for disturbance and proximity to existing development. In general, exclusion zones shall be a minimum of 300 feet for raptors and 75 feet for passerines and other birds. The active nest within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify signs of disturbance and confirm nesting status. The radius of an exclusion zone may be increased by the qualified ornithologist or biologist, if project activities are determined to be adversely affecting the nesting birds. Exclusion zones may be reduced by the qualified ornithologist or biologist only in consultation with California Department of Fish and Wildlife. The protection measures and buffers shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active.
- e. A final report on nesting birds and raptors, including survey methodology, survey date(s), map of identified active nests (if any), and protection measures (if required), shall be prepared by the qualified ornithologist or biologist and submitted to the Director of Community Development or his or her designee, through the appropriate permit review process (e.g., demolition, construction, tree removal, etc.), and be completed to the satisfaction of the Community Development Director prior to the start of demolition, construction, ground-disturbing, or tree removal/pruning activities.

## **2. Avoid Special-Status Roosting Bats During Construction Permit Requirements**

- a. For all projects that involve demolition, renovation, or re-tenanting of an abandoned or vacant building or structure, where the property owner cannot show evidence to the satisfaction of the City of Cupertino Building Inspector that the building or structure was appropriately sealed at the time the building or structure was vacated to prevent bats from roosting, the project applicant

shall retain a qualified biologist to conduct preconstruction surveys of the on-site buildings or structures prior to commencing any demolition, renovation, or re-tenanting activities. A building or structure is not appropriately sealed unless seal holes that are more than 0.5 inches in diameter or cracks that are 0.25 by 1.5 inches or larger are filled or closed with suitable material such as caulking, putty, duct tape, self-expanding polyurethane foam, 0.25-inch mesh hardware cloth, 0.5-inch or smaller welded wire mesh, installing tighter-fitting screen doors, or steel wool.

- b. The project applicant shall comply with, and the construction contractor shall include in the applicable construction documents, the following to ensure appropriate preconstruction surveys are performed and adequate avoidance provided for any special-status roosting bats, if encountered on the site. Preconstruction surveys shall:
  - i. Be conducted by a qualified biologist prior to tree removal or building demolition, renovation, or re-tenanting. Note that the preconstruction survey for roosting bats is required at any time of year since there is no defined bat roosting season as there is with nesting birds.
  - ii. Be conducted no more than 14 days prior to start of tree removal or demolition, renovation, or re-tenanting.
  - iii. Be repeated at 14-day intervals until construction has been initiated after which surveys can be stopped, unless construction activities are suspended for more than 7 consecutive days at which point the surveys shall be reinitiated.
  - iv. If no special-status bats are found during the survey(s), then no additional measures are warranted.
- c. Protective measures shall be included in the applicable construction documents and implemented prior to issuance of permits, if any special-status bat species are encountered or for any roosts detected within the existing structures, where individual bats could be inadvertently trapped and injured or killed during demolition unless passively evicted in advance of construction activities. Protective measures shall include:
  - i. If no maternity roosts are detected, adult bats can be flushed out of the structure or tree cavity using a one-way eviction door placed over the exit location for a minimum 48-hour period prior to the time tree removal or building demolition is to commence.
  - ii. Confirmation by the qualified biologist that the one-way eviction door was effective, and that all bats have dispersed from the roost location, modifying



any exclusion efforts to ensure individual bats have been successfully evicted in advance of initiating tree removal or building demolition.

- iii. If a maternity roost is detected, and young are found roosting in a building identified for demolition, renovation, or re-tenanting, work shall be postponed until the young are flying free and are feeding on their own, as determined by the qualified biologist.
- iv. Once the qualified biologist has determined that any young bats can successfully function without the maternity roost, then the adults and young bats can be excluded from the structure to be demolished using the one-way eviction methods described above.
- v. Monitoring shall be provided by the qualified biologist as necessary to determine status of any roosting activity, success of any required bat exclusion, and status of any maternity roosting activity by bats, in the remote instance a maternity roost is encountered on the site.

#### **E. Cultural Resources Permit Requirements**

**1. Protect Archaeological Resources and Tribal Cultural Resources:** For all projects requiring ground-disturbing activities on land with no known archaeological or tribal cultural resources that has not been previously disturbed and/or where ground-disturbing activities would occur at a greater depth or affect a greater area than previously disturbed, the following shall be required:

**a. Areas with No Known Cultural Resources.** For all projects within areas where there are no known cultural resources, prior to soil disturbance, the project applicant shall provide written verification, including the materials provided to contractors and construction crews, to the City confirming that contractors and construction crews have been notified of basic archaeological site indicators, the potential for discovery of archaeological resources, laws pertaining to these resources, and procedures for protecting these resources as follows:

- i. Basic archaeological site indicators that may include, but are not limited to, darker than surrounding soils of a friable nature; evidence of fires (ash, charcoal, fire affected rock or earth); concentrations of stone, bone, or shellfish; artifacts of stone, bone, or shellfish; evidence of living surfaces (e.g., floors); and burials, either human or animal.
- ii. The potential for undiscovered archaeological resources or tribal cultural resources on site.

- iii. The laws protecting these resources and associated penalties, including, but not limited to, the Native American Graves Protection and Repatriation Act of 1990, Public Resources Code Section 5097, and California Health and Safety Code Section 7050 and Section 7052.
- iv. The protection procedures to follow should construction crews discover cultural resources during project-related earthwork, include the following:
  - 1. All soil disturbing work within 25 feet of the find shall cease.
  - 2. The project applicant shall retain a qualified archaeologist to provide and implement a plan for survey, subsurface investigation, as needed, to define the deposit, and assessment of the remainder of the site within the project area to determine whether the resource is significant and would be affected by the project.
  - 3. Any potential archaeological or tribal cultural resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation forms by a qualified archaeologist. If the resource is a tribal cultural resource, the consulting archaeologist shall consult with the appropriate tribe, as determined by the Native American Heritage Commission, to evaluate the significance of the resource and to recommend appropriate and feasible avoidance, testing, preservation or mitigation measures, in light of factors such as the significance of the find, proposed project design, costs, and other considerations. The archeologist shall perform this evaluation in consultation with the tribe.

**b. Areas with Known Cultural Resources.** For all projects within areas of known cultural resources as documented in the 2015 General Plan EIR Table 4.4-2, Cultural Resources in the Project Study Area and Vicinity, as subsequently revised, supplemented, or replaced by the City, and the archaeological or tribal cultural resources cannot be avoided, in addition to the requirements in Section E.1.a for all construction projects with ground-disturbing activities, the following additional actions shall be implemented prior to ground disturbance:

- i. The project applicant shall retain a qualified archaeologist to conduct a subsurface investigation of the project site, and to ascertain the extent of the deposit of any buried archaeological materials relative to the project's

area of potential effects, in consultation with a tribal representative as applicable. The archaeologist shall prepare a site record and file it with the California Historical Resource Information System and the City of Cupertino.

- ii. If the resource extends into the project's area of potential effects as determined by the archaeologist, the resource shall be evaluated by a qualified archaeologist to determine if the resource is eligible for listing on the California Register of Historical Resources. If the qualified archaeologist determines that the resource is not eligible, no further action is required unless there is a discovery of additional resources during construction (as required above for all construction projects with ground-disturbing activities). If the qualified archaeologist determines that the resource is eligible, the qualified archaeologist shall identify ways to minimize the effect which the project applicant shall implement. A written report of the results of investigations and mitigations shall be prepared by the qualified archaeologist and filed with the California Historic Resources Information System Northwest Information Center and the City of Cupertino.

**2. Protect Human Remains and Native American Burials.** The project applicant shall comply with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98.

- a. In the event of discovering human remains during construction activities, there shall be no further excavation or disturbance of the site within a 100-foot radius of the remains, or any nearby area reasonably suspected to overlie adjacent remains.
- b. The Santa Clara County Coroner shall be notified immediately and shall make a determination as to whether the remains are Native American.
- c. If the Santa Clara County Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission (NAHC) within 24 hours.
- d. The NAHC shall attempt to identify descendants (Most Likely Descendant) of the deceased Native American.
- e. The Most Likely Descendant has 48 hours following access to the project site to make recommendations or preferences regarding the disposition of the remains. If the Most Likely Descendant does not make recommendations within 48 hours after being allowed access to the project site, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure

from further disturbance and provide documentation about this determination and the location of the remains to the NAHC and the City of Cupertino. Alternatively, if the owner does not accept the Most Likely Descendant's recommendations, the owner or the descendent may request mediation by the NAHC. Construction shall halt until the mediation has concluded.

## **F. Hydrology and Water Quality Permit Requirements**

**Control Stormwater Runoff Contamination.** The project applicant shall demonstrate compliance with Chapter 9.18 (Stormwater Pollution Prevention and Watershed Protection) of the Cupertino Municipal Code, to the satisfaction of the City of Cupertino. All identified stormwater runoff control measures shall be included in the applicable construction documents.

## **G. Noise and Vibration Permit Requirements**

### **1. Notice and Signage:**

- a. At least 10 days prior to the start of any demolition, ground disturbing, or construction activities, the project applicant shall send notices of the planned activity by first class mail as follows:
  - i. For projects on sites that are more than 0.5 acres or four or more residential units the notices shall be sent to off-site businesses and residents within 500 feet of the project site;
  - ii. For projects on sites between 0.25 to 0.5 acres, or two or three residential units (not including Accessory Dwelling Units) notices shall be sent to off-site businesses and residents within 250 feet of the project site; or
  - iii. For projects on sites less than 0.25 acres or one residential unit, the notices shall be sent to off-site businesses and residents within 100 feet of the project site.

The notification shall include a brief description of the project, the activities that would occur, the hours when activity would occur, and the construction period's overall duration. The notification should include the telephone numbers of the contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. The project applicant shall provide the City with evidence of mailing of the notice, upon request. If pile driving, see additional noticing requirements in subsection 3(b) below.

- b. At least 10 days prior to the start of construction activities, a sign shall be posted at the entrance(s) to the job site, clearly visible to the public, which

includes permitted construction days and hours, as well as the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, they shall investigate, take appropriate corrective action, and report the action to the City within three business days of receiving the complaint.

**2. Manage Noise During Construction.** Projects shall implement the following measures to reduce noise during construction and demolition activity:

- a. The project applicant and contractors shall prepare and submit a Construction Noise Control Plan to the City's Planning Department for review and approval prior to issuance of the first permit. The Construction Noise Plan shall demonstrate compliance with daytime and nighttime decibel limits pursuant to Chapter 10.48 (Community Noise Control) of Cupertino Municipal Code. The details of the Construction Noise Control Plan shall be included in the applicable construction documents and implemented by the on-site Construction Manager. Noise reduction measures selected and implemented shall be based on the type of construction equipment used on the site, distance of construction activities from sensitive receptor(s), site terrain, and other features on and surrounding the site (e.g., trees, built environment) and may include, but not be limited to, temporary construction noise attenuation walls, high quality mufflers. During the entire active construction period, the Construction Noise Control Plan shall demonstrate that compliance with the specified noise control requirements for construction equipment and tools will reduce construction noise in compliance with the City's daytime and nighttime decibel limits.
- b. Select haul routes that avoid the greatest amount of sensitive use areas and submit to the City of Cupertino Public Works Department for approval prior to the start of the construction phase.
- c. Signs will be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment will be turned off if not in use for more than 5 minutes.
- d. During the entire active construction period and to the extent feasible, the use of noise producing signals, including horns, whistles, alarms, and bells will be for safety warning purposes only. The construction manager will use smart back-up alarms, which automatically adjust the alarm level based on the background noise level or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and law.

- 3. Manage Vibrations During Construction:** In the event pile driving is required, the project applicant shall:
- a. Notify all vibration-sensitive receptors within 300 feet of the project site of the schedule 10 days prior to its commencement and include the contact information for the person responsible for responding to complaints on site.
  - b. The project applicant shall retain a qualified acoustical consultant or structural engineer, to prepare and implement a Construction Vibration Monitoring Plan, which is subject to third-party peer review under the direction of the City at the applicant's cost, for areas within 100 feet for pile driving, 25 feet for vibratory roller, or 15 feet for other heavy equipment (e.g., bulldozer); and for historical structures: within 135 feet for pile driving, 40 feet for vibratory roller, or 20 feet for other heavy equipment. The plan shall include surveying the condition of existing structures; and determining the number, type, and location of vibration sensors and establish a vibration velocity limit (as determined based on a detailed review of the proposed building), method (including locations and instrumentation) for monitoring vibrations during construction, location of notices displaying the contact information for on-site coordination and complaints on site, and method for alerting responsible persons who have the authority to halt construction should limits be exceeded or damaged observed.
  - c. Submit final monitoring reports to the City upon completion of vibration related construction activities.
  - d. Conduct a post-survey on any structure where either monitoring has indicated high vibration levels or complaints that damage has occurred are received.
  - e. The project applicant shall be responsible for appropriate repairs as determined by the qualified acoustical consultant or structural engineer where damage has occurred as a result of construction activities.

#### **H. Paleontological Resources Permit Requirements**

**Protect Paleontological Resources During Construction.** If paleontological resources are encountered during ground disturbing and/or other construction activities, all construction shall be temporarily halted or redirected to allow a qualified paleontologist, which shall be retained by the project applicant, to assess the find for significance. If paleontological resources are found to be significant, the paleontological monitor shall determine appropriate actions, in coordination

with a qualified paleontologist, City staff, and property owner. Appropriate actions may include, but are not limited to, a mitigation plan formulated pursuant to guidelines developed by the Society of Vertebrate Paleontology and implemented to appropriately protect the significance of the resource by preservation, documentation, and/or removal, prior to recommencing activities. Measures may include, but are not limited to, salvage of unearthed fossil remains and/or traces (e.g., tracks, trails, burrows); screen washing to recover small specimens; preparation of salvaged fossils to a point of being ready for curation (e.g., removal of enclosing matrix, stabilization and repair of specimens, and construction of reinforced support cradles); and identification, cataloging, curation, and provision for repository storage of prepared fossil specimens.

## **I. Utilities and Service Systems Permit Requirements**

### **1. Manage Wastewater Inflow and Infiltration to Sewer System.** Project applicants shall implement the following measures to reduce wastewater flow:

- a. The project applicant shall demonstrate, to the satisfaction of the City of Cupertino and Cupertino Sanitary District (CSD) that the project would not exceed the peak wet weather flow capacity of the Santa Clara sanitary sewer system by implementing one or more of the following methods:
  - i. Reduce inflow and infiltration in the CSD system to reduce peak wet weather flows, or
  - ii. Increase on-site water reuse, such as increased grey water use, or reduce water consumption of the fixtures used within the proposed project, or other methods that are measurable and reduce sewer generation rates to acceptable levels, to the satisfaction of the CSD.

The project's estimated wastewater generation shall be calculated using the current generation rates used by the CSD unless alternative (i.e., lower) generation rates achieved by the project are substantiated by the project applicant based on evidence to the satisfaction of the CSD.

- b. The project applicant shall obtain a letter of clearance from the Cupertino Sanitary District and provide a copy of the letter of clearance to the City prior to issuance of the first permit.

### **2. Ensure Adequate Water Supply and Infrastructure.** The project applicant shall obtain written approval from the appropriate water service provider for water connections, service capability, and location and layout of water lines and backflow preventers, prior to issuance of the first permit.

#### **17.04.050 Violations**

Violation of any of the standard environmental protection requirements, except for any such standard environmental protection requirements that the Director of Community Development and/or the City Engineer, or his or her designee, has deemed inapplicable pursuant to Section 17.04.040 and Section 17.04.050, constitutes a violation of this Code.



No.	Commenter	Comment	Response
1	CAO/Staff	Figure LU-2: Footnote #1: "Maintain the primary building bulk below a 1:1 slope line drawn from the arterial/boulevard curb line or lines except for the Crossroads Area." This standard applies to sites or portions of sites that adjoin arterials or boulevards (identified in the General Plan's Chapter 5: Mobility to include De Anza Blvd., Homestead Road, Stevens Creek Blvd. (up to Bubba Road), and North Wolfe Road.). Sites or portions of sites that do not adjoin arterial or boulevards are subject to the setbacks and height limits established in the Zoning Code.	Delete "primary" and "bulk" - Define architectural Features - space that does not include habitable space
2	CAO/Staff	Figure LU-2: Footnote #3: "For projects adjacent to residential areas: Heights and setbacks adjacent to residential areas will be determined during project review." This sentence is ambiguous and someone could interpret this to mean that increased heights or reduced setbacks are permitted. For the General Commercial, Administrative and Professional Office, and Light Industrial Park non-residential zones the Zoning Code establishes setbacks from adjoining residential uses and Figure LU-2 sets height limits. For areas of the City where a Specific Plan or an Area Plan has been adopted, there are established setbacks, including those from residential neighborhoods. For example, the Heart of the City Specific Plan and the Saratoga-Sunnyvale Zoning Plan establish setbacks from adjacent residential development, while the South De-Anza and North De-Anza Conceptual Zoning Plans include large landscape setback requirements from adjoining properties. However, if a mixed use project is proposed in a Planned Development zoning district where a Specific Plan or an Area Plan has not been adopted (e.g., North De Anza), while there are minimum landscape setbacks for surface parking lots (Chapter 19.124) that may be applied, there are none for buildings. This could impact the western section of the North Blaney neighborhood (abutting Apple's Infinite Loop and Mariani Campus).	a. Amend to clarify where Specific plan or area plan adopted, there are established maximum heights and minimum setbacks from property lines - Proceed as proposed b. See Housing Element updates/upzoning and associated zoning amendments re: N. De Anza Special Area (east side of N. De Anza Blvd.)
3	CAO/Staff	Figure LU-2 Footnote #4: "For the North and South Vallco Park areas (except for the Vallco Shopping District Special Area): Maintain the primary building bulk below a 1.5:1 (i.e., 1.5 feet of setback for every 1 foot of building height) slope line drawn from the Stevens Creek Blvd. and Homestead Road curb lines and below 1:1 slope line drawn from Wolfe Road and Tantau Avenue curb line." The Vallco Shopping District is not a part of the South Vallco park area. Therefore the default 1:1 slope line from footnote #1 applies.	Clarify definition of "architectural features" to ensure that these may not include habitable space and allow these encroach but delete "primary" and "bulk."
4	CAO/Staff	Heart of the City Special Area text box: "Maximum residential density is "25 or 35 (South Vallco) units per acre"" This sentence is ambiguous. The Heart of the City Land Use Map identifies several sites within the Heart of the City Special Area that have a density of 5-10 du/ac, 10-20 du/ac and 20-35 du/ac.	Add clarifying language to Figure LU-2 to state that the HOC land use map indicates the maximum density.
5	Liang Chao	consistent in LU map to note "up to" a certain number of units per acre rather than a specific number;	Same as #4 above.
6	Plng Comm.	Strategy ES-6.1.1 – Public Participation – Amend language to read "Strongly encourage ....."	Add the word "strongly" at the beginning of this strategy.

## IMMEDIATE COMPLETION

CC 10-19-2021  
206 of 269

No.	Commenter	Comment	Response
7	CAO/Staff	Crossroads, East Stevens Creek, West Stevens Creek and Central Stevens Creek Subareas: General Plan Goals LU-14 through -18 state that permitted uses in these areas are described in Figure LU-2. There could be confusion in that these subareas do not appear on Figure LU-2. However, these subareas are described and established in Chapter 2 of the General Plan (Planning Areas) and are existing areas identified in the Heart of the City Specific Plan. Goals LU-14 through 18 are essentially “nested goals” that support Goal LU-13.	Clarify that Goals LU-14 through 18 are “nested goals” that support Goal LU-13.

## CURRENT WORK PROGRAM ITEMS

CC 10-19-2021  
207 of 269

No.	Commenter	Comment	Response
1	Lisa Warren	Add language related to the importance of, and goal for, 'dark sky'.	FY 19/20 Work Program Item - Dark Sky
2	David Fung	Reconsider the design review process: The current process which involves a late stage architectural review is both highly subjective (applicant can't anticipate feedback) and limited in scope (too late in process to address placemaking concerns). A better set of front end guidelines (including Form Based Code) can make this a more effective process.	FY 20/21 Work Program Item to develop Design Guidelines.
3	Kitty Moore	Define "buffers" with dimensions and type: if a boundary wall defines minimum height, setbacks have actual distances, park areas be specifically defined.	FY 20/21 Work Program Item to develop Design Guidelines.  Ordinance re: Park Land Dedication updated in 2019
4	David Fung	Adopt Form Based Code standards for all Special Planning Areas: Traditional standards (height, FAR, or setback) insufficiently capture the elements that matter in a design proposal. Some standards like residential density undermine good design goals (density limits encourage larger units). FBC can objectively set standards for building mass and articulation and incorporate placemaking and human-scale elements at the start of the design process. FBC is the best way to express "neighborhood flavor" to preserve or enhance the existing character of an area.  FBC adoption is not equal to increased densification! We can impose objective restrictions via FBC - for instance, a Heart of the City FBC can maintain the tree corridor and setback standards today while making for better quality redevelopment in the years ahead	FY 20/21 Work Program Item to develop Design Guidelines
5	Kitty Moore	Introduction: Consider the Vision Statement: - "...vibrant, mixed-use 'Heart of the City'" - Correct inconsistencies in maps of "heart of the City" - Create objective standards to maintain the vision	FY 20/21 Work Program Item to develop Design Guidelines
6	Plng. Comm.	Strategy LU 3.3.2 – “ensure the interrelationships of new and old developments complement each other” - add objective standards to implement this.	FY 20/21 Work Program Item to develop Design Guidelines
7	Plng. Comm.	Strategy LU 3.3.3 – “building should be designed to avoid abrupt transitions with existing development” – add further standards	FY 20/21 Work Program Item to develop Design Guidelines
8	Plng. Comm.	Strategy LU 3.3.6 – promote high quality architecture, visual interest – define this by adding setbacks and specifying changes in materials.	FY 20/21 Work Program Item to develop Design Guidelines
9	Plng. Comm.	Strategy LU 3.3.11 – allow construction of multi-story buildings provided that the surrounding buildings will not suffer from privacy intrusion – specify and add further standards for mitigation of privacy intrusion	FY 20/21 Work Program Item to develop Design Guidelines
10	Kitty Moore	Policy for shelters -	FY20/21 Work Program Item related to Homelessness ongoing
11	Kitty Moore	Policy for ELI -	FY20/21 Work Program Item related to construction of ELI housing
12	Liang Chao	Consider requiring projects using density bonus to maintain the average unit size before and after applying density bonus.	FY 20/21 Work Program Item re: Density Bonus

## CURRENT WORK PROGRAM ITEMS

CC 10-19-2021  
208 of 269

No.	Commenter	Comment	Response
13	Liang Chao	Consider limiting the amount of "amenity space" any use can claim. For instance, limiting the amount of amenity space for office or residential use to 20% of total space. Retail use might allow larger amenity space if the amenity space is open to the public.	Possibly consider with FY 20/21 Work Program Item re: Density Bonus
14	Liang Chao	For projects applying density bonus, consider prohibiting exceptions from regulations in the BMR manual, such as percentage of BMR housing units, quality or size of BMR units, or inclusionary requirement.	Consider with FY 20/21 Work Program Item re: Density Bonus
15	Steven Scharf	Look at what other cities have done regarding density of units per acre and square footage	FY 20/21 Work Program Item Density Bonus ordinance update
16	Liang Chao	include Floor Area Ratio (FAR) when consider design guidelines;	Consider with FY 20/21 Work Program Item re: Density Bonus
17	John Willey	What do residents want as far as how much housing in a particular area; want inclusive community and more housing that allows people to own a home and call Cupertino home; facilitate as much housing as can for traffic, community, schools, etc.	FY 20/21 Work Program Item re: Housing Survey
18	David Fung	Adopt sequestration policy: Objective updated standards for city and private plantings and landscaping should be established that encourage plant species that remove carbon dioxide and particulates from the air.	FY 20/21 Work Program Item - CAP update
19	David Fung	Adopt VMT standards: VMT and LOS traffic analysis are often in opposition. With VMT established by the state as the standard for review, the GP and codes should reflect that unambiguously, even while we continue to perform LOS studies.	FY 19/20 Work Program Item re: LOS-to-VMT transition ongoing. Delayed due to COVID-19.
20	Kitty Moore	Level of Service as threshold of significance in CEQA (EIR) process	FY 19/20 Work Program Item re: LOS-to-VMT transition ongoing
21	Kitty Moore	<p>Correct map on PA-7, boundaries of Heart of the City</p> <ul style="list-style-type: none"> <li>- Define boundaries of the "tree-lined boulevard"</li> <li>- Define how commerce centers will be configured</li> <li>- Define frontages, breaks in architectural features, distance between park areas, shade canopy, pollinator pathways, dark skies, roof policy, sustainability (green building), fire safety in surface materials</li> <li>- Define roof setback requirements precisely and show precisely the requirements for maintaining the building mass below the setback line.</li> </ul> <p>Remove the word "bulk" as in the bulk of the building will be below the 1:1 setback for example.</p> <p>Provide dimensions for how long a building can be without a change in the face plane. Such as, for every 100 feet of building length there shall be a plane-break along the facade comprised of an offset of at least seven feet in depth by 30 feet in length. The offset shall extend from the grade to the highest story.</p> <ul style="list-style-type: none"> <li>- Provide minimum street width to building height requirements to avoid caverns</li> </ul> <p>(PC RECOMMENDS CREATING A SEPARATE ITEM FOR THE FOLLOWING)</p> <ul style="list-style-type: none"> <li>- Address the move to electric heating and cooling</li> <li>- Roof policy defining requirements for white, green, and solar</li> <li>- Solar retrofitting city property policy</li> <li>- Sidewalk shading policy. Distances between unshaded areas at noon, for example</li> </ul>	<p>FY 20/21 Work Program Item re: Heart of the City.</p> <p>Bulk - Define architectural features - allow these to encroach in 1:1 slope line but not any areas with habitable spaces.</p>

## CURRENT WORK PROGRAM ITEMS

CC 10-19-2021  
209 of 269

No.	Commenter	Comment	Response
22	David Fung	<p>Revisit Heart of the City Specific Plan:</p> <ul style="list-style-type: none"><li>- Update HoC Specific Plan to reflect its status as a primary transit route</li><li>- Unify the existing 5 subareas into a single entity</li><li>- Unify land-use designations across the area</li><li>- Set appropriate development allocations for the entire area</li><li>- Eliminate GP LU-1.3.1.3 and LU-1.3.1.4 (residential in mixed-use restrictions)</li><li>- Change the "75% direct retail frontage" requirement in the HoC SP to reflect resident-facing commercial</li></ul>	FY 20/21 Work Program Item re: Heart of the City

**COMPLETED**

CC 10-19-2021  
210 of 269

No.	Commenter	Comment	Response
1	David Fung	Adopt decarbonization policy: Objective standards for reduction of greenhouse gas through electrification in the building code should be established along with a time line to phase in these requirements on residential and commercial properties.	Completed with adoption of Reach Codes
2	John Willey	Be clear and specific at Vallco that housing is per acre; can't combine acreage and consolidating appropriate density; what do residents want as far as how much housing in a particular area	General Plan Amendments completed in 2019 related to Vallco to identify location of residential uses
3	John Willey	On Vallco Parkway reflect what residents would expect so not surprised	Addressed with 2019 General Plan amendments re: Vallco
4	Darcy Paul	If allocation in danger of turning into entitlement than better not have allocations;	Addressed with 2019 General Plan amendments re: Vallco
5	Liang Chao	Consider requiring applicants to include a document to indicate how the project complies with the strategies in the Bike and Pedestrian Plans and the General Plan.	Planning Application Form updated to require submission of documents to indicate compliance
6	Liang Chao	Consider requiring that the square footage and number of bedrooms of all units be listed in plan sets, in addition to average unit size. BMR units and their sizes should be identified. The average size for BMR units of different types (studio, one-bedroom etc.) should be listed.	Planning Application Form updated to require submission of documents to indicate compliance
7	Kitty Moore	Consider removing community benefits from project approvals or have some more direct connection between the project impact and the benefits provided.	Study Session held in July 2020. Direction provided.
8	CAO/Staff	<p>"Section 19.80.030</p> <p>B. All P districts shall be identified on the zoning map with the letter coding "P" followed by a specific reference to the general type of use allowed in the particular planning development zoning district. For example, a planned development zoning district in which the uses are to be general commercial in nature, would be designated "P(CG)." A planned development zoning district in which the uses are intended to be a mix of general commercial and residential would be designated "P(CG/Res)."</p> <p>C. Permitted uses in a P zoning district shall consist of all uses which are permitted in the zoning district which constitutes the designation following the letter coding "P." For example, the permitted uses in a P(CG) zoning district are the same uses which are permitted in a CG zoning district for sties with a mixed-use residential designation, Section 19.80.030F shall apply.</p> <p>D. Conditional uses in a P zoning district shall consist of all uses which require the issuance of a conditional use permit in the zoning district which constitutes the designation following the letter coding "P." For example, the conditional uses in a P(CG) zoning district are the same uses which require a conditional use permit in CG zoning district. Each conditional use in a P zoning district requires a separate conditional use permit for sites with a mixed-use residential designation, Section 19.80.030F shall apply."</p> <p>The Code does not establish development standards for P zoning districts. It contemplates that standards will be developed as part of the discretionary development permit for the site. The City's practice has been to apply the development standards from the R-3 zones for attached multifamily mixed-use applications, or the R-2 zone standards for small-lot single family/townhome applications, which are then modified during the design review process to develop the standards for each development. For projects subject to new state law that are subject to only objective zoning standards, there are no applicable adopted development standards. Therefore a change to the zoning code is proposed.</p>	Ordinance updated in 2019
9	Kitty Moore	Review in parallel with the coming Quimby Act requirements	Ordinance updated in 2019

**COMPLETED**

CC 10-19-2021  
211 of 269

No.	Commenter	Comment	Response
10	Kitty Moore	Define park land -Size and shape requirements - Requirements to developers to dedicate park land acreage as a development	Ordinance updated in 2019
11	David Fung	Review of Park Land Dedication policy: Should include objective definition of "recreational facility" as well as grade-level land requirements and alternatives. The park land requirement should scale with the size of the proposed project	Ordinance updated in 2019
12	Lisa Warren	"Parks" defined in a useful way including the need to be on grade, not falsely elevated. Reinforce language that defines AND enforces requirements for 'real parks' to meet goals of acres per density of any given area of the city, and vicinity to parks.	Ordinance updated in 2019
13	Kitty Moore	Define requirements in park deficient areas - Define park deficient areas - Show on maps	Completed with adoption of Parks Master Plan
14	Liang Chao	Request to schedule a density bonus study session; make sure justification for concessions from applicant are justified and see how other cities are reviewing this.	Two Study Sessions on Density Bonus held in 2019 and 2020, respectively. Density Bonus Ordinance update part of FY 20/21 Work Program.
15	Liang Chao	Clarify what is parkland on phase 1 that it must be on the ground	Parkland Dedication Ordinance updated in 2019
16	Liang Chao	Include more details in P-Zoning so that a streamlined project has sufficient objective standards to follow. For example, set a minimum percentage for retail use and add specific slope line and setback limitations when development abuts single family neighborhoods.	Planned Development Ordinance updated in 2019
17	Liang Chao	Consider prohibiting more than one active development proposal application for any particular property at a time.	Completed as part of SB 35 procedures adopted in 2019.
18	Plng. Comm.	Policy LU 11.2 – "allow land uses not traditionally considered to be part of college to be built at De Anza" – Determine whether the City has land use authority over community colleges. How would the City's RHNA be impacted if De Anza College were to develop housing on the site?	City does not have land use authority over De Anza College. City's RHNA will not be impacted if housing is developed at De Anza College.
19	Darcy Paul	have one proposal for one development at a time and look into to see what other jurisdictions are doing.	Completed as part of SB 35 procedures adopted in 2019.

No.	Commenter	Comment	Response
1	CAO/Staff	Mitigation Measures: Review previously adopted mitigation measures to identify those generally applicable to new development, and develop an objective method for imposing them while avoiding burdening classes of projects to they would not apply, as a practical matter.	Consider with Housing Element update and Environmental Review
2	CAO/Staff	Figure LU-2: Footnote #3: "For projects adjacent to residential areas: Heights and setbacks adjacent to residential areas will be determined during project review." This sentence is ambiguous and someone could interpret this to mean that increased heights or reduced setbacks are permitted. For the General Commercial, Administrative and Professional Office, and Light Industrial Park non-residential zones the Zoning Code establishes setbacks from adjoining residential uses and Figure LU-2 sets height limits. For areas of the City where a Specific Plan or an Area Plan has been adopted, there are established setbacks, including those from residential neighborhoods. For example, the Heart of the City Specific Plan and the Saratoga-Sunnyvale Zoning Plan establish setbacks from adjacent residential development, while the South De-Anza and North De-Anza Conceptual Zoning Plans include large landscape setback requirements from adjoining properties. However, if a mixed use project is proposed in a Planned Development zoning district where a Specific Plan or an Area Plan has not been adopted (e.g., North De Anza), while there are minimum landscape setbacks for surface parking lots (Chapter 19.124) that may be applied, there are none for buildings. This could impact the western section of the North Blaney neighborhood (abutting Apple's Infinite Loop and Mariani Campus).	a. Amend to clarify where Specific plan or area plan adopted, there are established maximum heights and minimum setbacks from property lines - Proceed as proposed b. Develop height and setback standards for parcels in N. De Anza Special Area, east side of N. De Anza Blvd.
3	David Fung	Clarify impact fee exemptions: Current regulations are ambiguous on whether a project owes parkland, BMR, and traffic impact fees. There should be an explicit default for each fee and each class of development that might be assessed, including regular construction, BMR homes, ADUs, and any other categories...	Consider updates to Municipal Code, administrative guidelines etc. with Housing Element update.
4	CAO/Staff	Figure LU-2: Footnote #2: "For the Crossroads area, see the Crossroads Streetscape Plan." No Crossroads Streetscape Plan has been adopted.	Consider with Housing Element upzoning
5	Darcy Paul	clarify density of units per acre;	Consider with Housing Element upzoning
6	David Fung	Consider Heart of the City updates to special areas served by transit (North and South DeAnza, etc.) but not covered by Specific Plan: Move to a unified land-use model/entitlement across the special area	On hold pending Housing Element update/analysis
7	Kitty Moore	Have requirements for all Specific Plan Areas such as height, decrease density to match allocations in Table LU-1, removed expired allocations, create residential specifically zoned areas outside of mixed use clearly defined. <b>PC Recommendation:</b> That clarification be sought for "create residential specifically zoned areas outside of mixed-use clearly defined"	Consider identifying specifically residentially zoned sites in mixed use areas and changes to density as part of Housing Element update.
8	Kitty Moore	Separate non-residential land use designations to remove the commercial/office from mixed use except for specified clearly throughout mixed use areas.	Consider with Housing Element upzoning
9	Darcy Paul	Looking to get rid of neutral area classifications or have some maneuvering room;	Consider with Housing Element upzoning
10	Liang Chao	Clarify original intent of LU2 map when Council approved it that Bubbs Rd. won't be 20 units per acre but only on footprint and not meant to apply everywhere regarding how many acres; also understand what is currently build-out on Bubbs Rd	Consider with Housing Element upzoning
11	Kitty Moore	Consider a BMR citywide dispersal requirement. Define dispersal, both within a BMR project and citywide.	Consider with Housing Element update



No.	Commenter	Comment	Response
12	Kitty Moore	Provide for senior retirement living for active seniors wanting proximity to shopping dining and entertainment areas.	Consider with Housing Element update
13	David Fung	Market rate ADUs should NOT count as Moderate BMR production: Today all ADUs would be counted toward the city's Moderate RHNA production, even though many have no BMR obligations or restrictions. This is an oversight that should be fixed.	Consider with Housing Element upzoning
14	Kitty Moore	Policy such as Housing Element sites with no housing after two years forfeit the designation to have it redistributed.	Consider with Housing Element update
15	David Fung	Standards that vary by project scale: Small and large projects have intrinsically different requirements which should be reflected in the GP and building code. For example, including residential parking in the FAR calculation effectively controls mass in a SFH area, but the same rule is not meaningful for a 200-unit multi-story apartment building. New objective standards should be appropriate for the scale of a project, which might require dividing R-3 regulations to reflect small, medium, and large projects. <u>This affects FAR calculation, setbacks, parking requirements, and more.</u>	Consider with Housing Element upzoning
16	Lisa Warren	Require that all housing units (not only single family homes) define 'size by square foot' not only 'number of units'.	Consider with Housing Element upzoning
17	Kitty Moore	Figure LU-2: Footnote #1: "Maintain the primary building bulk below a 1:1 slope line drawn from the arterial/boulevard curb line or lines except for the Crossroads Area." This standard applies to sites or portions of sites that adjoin arterials or boulevards (identified in the General Plan's Chapter 5: Mobility to include De Anza Blvd., Homestead Road, Stevens Creek Blvd. (up to Bubb Road), and North Wolfe Road.). Sites or portions of sites that do not adjoin arterial or boulevards are subject to the setbacks and height limits established in the Zoning Code.	(1) Add "avenues" and "major connectors" after "arterial/boulevard" - Consider change with Housing Element upzoning  (2) Clarify slope line is drawn from curb line of any frontage road abutting property - Consider change with Housing Element upzoning  (4) Delete "except for the Crossroads Area."
18	Plng. Comm.	Policy LU 14.1 – West Stevens Creek Area – Reiterated addition of 1:1 slope line on Avenues (major collectors) which include Bubb Rd, N. Stelling Road, Stevens Creek Boulevard west of Highway 85, N. Foothill Boulevard, Bollinger Road, Miller Avenue, and N. Tantau Avenue.	- May be considered in conjunction with Housing Element upzoning
19	Plng. Comm.	Policy LU-30.1 – Fairgrove Neighborhood – Verify whether design guidelines can be applied to streamlined projects allowed by pending state legislation (e.g. SB 50).	
20	Plng. Comm.	Policy M-8.4 – Transportation Demand Management (TDM) Programs – Amend language to state "Require large employers to develop and maintain TDM programs to reduce vehicle trips....." and "Strong encourage colleges and schools to also implement TDM programs."	
21	CAO/Staff	Figure LU-2: Footnote #3: "For projects adjacent to residential areas: Heights and setbacks adjacent to residential areas will be determined during project review." This sentence is ambiguous and someone could interpret this to mean that increased heights or reduced setbacks are permitted.	State that reduced heights or increased setbacks adjacent to single family residential areas may be required, which could only be determined during project review - May be considered in conjunction with Housing Element upzoning
22	Kitty Moore	Eliminate in lieu of fees where they are addressing a need in an area not meeting standards.	- Parkland Dedication Ordinance updated - Consider clarifying policies with Housing Element Update

## POSSIBLE FUTURE WORK PROGRAM ITEMS

CC 10-19-2021  
214 of 269

No.	Commenter	Comment	Response
1	Kitty Moore	Include community garden space in park land requirements for all new residential developments. Define requirement.	
2	Kitty Moore	Bicycle Level of Service	Bike/Ped Commission item?
3	Liang Chao	Look at objective standard on retail and what consider retail frontage	
4	Plng Comm.	Strategy LU 1.3.1 – Define retail and define “substantial” in Strategy LU-1.3.1. Consider restricting educational uses in retail areas.	
5	David Fung	Codify "resident-facing commercial uses" in the GP: Today's GP does not recognize a difference between commercial activities that serve the community (retail, consumer services, dentist) and those that do not (a corporate office with no local interaction) while they have very different effects on the community. We should recognize that difference and set separate land-use allocation limits in projects and city-wide.	
6	Steven Scharf	Agrees with Chao to study what is considered retail; if developer can't lease retail in mixed-use housing development than should reduce lease until retail is leased; would like more housing only and less mixed-use and have retail separate; hesitant to require certain amount of retail; have staff explore retail options;	
7	Plng Comm.	Policy LU – 5.1 neighborhood centers – Recommend preserving existing shopping centers/retail even in new developments.	
8	Lisa Warren	'Replacement' trees that are required for development approval should spell out clearly that any replacement tree(s) must be at grade/in similar public areas as the trees that are being replaced.	
9	David Fung	Adopt Vision Zero Standards: ...Consideration of the multi-national Vision Zero program goals would help identify best practices around non-auto mobility.	
10	Lisa Warren	Find language to use that will protect solar 'rights' in a variety of situation. There is a California Solar Rights Act – originally from 1978	
11	Kitty Moore	Solar Access Policy. In consideration of health and wellness, especially gardeners and urban farmers, provide a quantified requirement for allowable changes in solar access.	
12	Plng Comm.	Policy LU 1.6 – Jobs to Housing balance – Consider establishing a jobs-housing ratio for Cupertino	
13	Plng Comm.	Policy LU 8.2 – Prioritize developing ways to generate city revenue and retain retail space.	
14	Plng Comm.	Strategy LU 8.3.4 – Consider including a Costco at the Vallco Shopping District	
15	Plng Comm.	Strategy LU 13.7.4 – traffic calming – Improve Traffic signal sync, bike lanes. Request that red light cameras be implemented to ensure compliance. Request that this be sent to the Traffic Division	
16	Plng Comm.	Policy ES-6.1 – Mineral Resource Areas – Replace word “consider” with a stronger word	
17	Kitty Moore	Specify a shadow policy based on Berkeley's	

ON HOLD

No.	Commenter	Comment	Response
1	Liang Chao	Require have to lower rent in retail if vacant until leased; important that Heart of City (HOC) have requirement of 70% frontage but how specify that so can have viable retail; phase 1 have minimum retail space identified;	Frontage requirements implemented as Conditions of Approval and with Business License and T.I. approval.  - Standards for minimum retail space already in HOC.
2	Kitty Moore	Define "gateway" on a bordering jurisdiction (are 95' hotels acceptable on a city boundary adjacent to single-4 story properties?)	Consider with next comprehensive General Plan update.
3	David Fung	Adopt parking lot shading standard: Objective standards that aim for mature tree coverage of some percentage of the grade-level footprint of parking lots/structures to reduce heat island effect should be considered. In Mountain View, this is currently 40% coverage	Standards already in place in Municipal Code.
4	Liang Chao	Consider requiring residential parking that is counted for residential FAR to be open to tenants for free in multi-family buildings, and prohibit selling the parking separately.	
5	David Fung	Reconsider the landscape review process: Identifying a more comprehensive set of requirements [for landscape plan approval] at the outset makes for a better and more objective approval.	
6	John Willey	Make very specific standards in conservative respect (footnote that developer could always ask for a General Plan Amendment (GPA) for density but not entitlement to exceed 35 foot);	Objective standards for heights already exist in General Plan.
7	David Fung	Eliminate citywide major allocation table: - Allow applications and entitlement by special area or land-use category rather than limited by citywide allocation table. - Impose developmental limits by special area or citywide limits established with GP rather than on a site basis - We should encourage redevelopment on sites as owners want to do it rather than handing out "golden tickets" during the GP update process.	For next comprehensive General Plan update.
8	David Fung	Don't require parcel consolidation: The city's requirement for parcel consolidation at Vallco was intended to facilitate complete redevelopment, but has greater impact to the community because of the size of the resultant project. This would not prohibit consolidation, but we shouldn't make this a necessity.	Future comprehensive General Plan update.
9	Kitty Moore	Define recreation area (is it an aquatic center, gym, basketball court, badminton facility) - Show on maps - Show population density expected to use	Future comprehensive General Plan update.
10	Liang Chao	Include objective standards for noise and air quality and emergency response time.	Emergency services determines response times and participate in project reviews.
11	Liang Chao	Identify and plan paths for pedestrians/bicyclists from the pedestrian sidewalks/bike paths to reach store fronts, the entrances of buildings, or bike parking spaces. Consider strengthening General Plan Policy 3.6, which requires parking lots to include clearly defined paths for pedestrians to provide a safe path to building entrances.	Building Code already addresses safe path of travel from sidewalk to building entrances.
12	Kitty Moore	Require the city to post on the website what the RHNA numbers are, how many applications have been approved and associated benefits in the developer agreements associated with the approvals.	
13	Kitty Moore	PA-3, define "more pedestrian, bicycle and transit facilities"	

No.	Commenter	Comment	Response
14	Lisa Warren	Heart of the City ‘boundary’ should revert back to before Dec 4, 2014 and include the ‘Vallco’ site.	
15	Kitty Moore	Future population policies to maintain park land ratios	
16	Plng. Comm.	Policy LU 4.2 – develop uniform planting plans consistent with vision for planning area – Consider changing language to strike the word “uniform”. Consider changing the word “formal” to “varied”. Modernize landscape plan for more native and naturalistic. Integrate and implement pollinator pathways (as discussed in the Parks and Recreation Master Plan). Amend the Heart of the City Specific Plan to conform to this.	
17	Plng. Comm.	Policy LU-27.1 – Neighborhoods – Add standards to ensure protection of neighborhoods from pending state legislation (e.g. SB 50)	
18	Plng. Comm.	Policy LU-27.9 – Amenities and Services – Define equitable. Take advantage of opportunities as they arise	
19	Plng. Comm.	Policy M-2.2.4 – Suburban Road Improvement Standards – Add language regarding “ground water retention basin and pollinator pathways”	
20	Kitty Moore	<b>PC RECOMMENDS REMOVAL - TOO FAR IN FUTURE</b>  Potential autonomous vehicle requirements for a future city fleet concept - For instance, residents are allowed access to autonomous vehicles remaining in some mapped area - Parking area policy - Charging area determinations	
21	Liang Chao	<b>PC RECOMMENDS REMOVAL</b>  Adopt objective standards that projects must implement the mitigation measures already identified in a certain list. Partial list of mitigation measures: MM TRN-1.2: Impact at De Anza/McClellan intersection MM TRN-2.4: Impact at Stevens Creek Blvd/Tantau MM TRN-7.2: Stevens Creek Blvd/SR 85 Northbound ramps MM TRN-7.3: De Anza Blvd (between I-280 and Homestead Road)	Already part of TIF.
22	Liang Chao	<b>PC RECOMMENDS REMOVAL</b>  MM TRN-1.3 addresses the cost sharing of freeway segments and freeway interchange. It could be included as an objective standard on cost sharing so that such cost sharing is NOT treated as voluntary contribution be the developer.	
23	Liang Chao	<b>PC RECOMMENDS REMOVAL</b>  Adopt objective standards that projects must implement the mitigation measures already identified in a certain list. These include: MM TRN-2.1: TDM Program MM TRN-2.3: Wolfe Rd/Vallco Pkwy MM TRN-7.1: TDM Program	

No.	Commenter	Comment	Response
24	Liang Chao	<p><b>PC RECOMMENDS REMOVAL</b></p> <p>Search for "mitigation incorporated" in Vallco EIR document. If an impact could be mitigated in some measure, the City should consider adding objective standards in either General Plan or Municipal Code so that the proposed mitigation in the EIR is required for any project, especially streamlined projects.</p> <p>Whatever measure the EIR uses to determine that mitigation measures are needed, the City should consider using those measures as objective standards for any future projects, especially streamlined projects within proximity of existing residential neighborhoods.</p> <p>Some examples:</p> <p>MM AQ-2.1- BAAQMD's Basic and Enhanced Measures</p> <p>MM AQ-3.1: Use low VOC paint and no hearths of fireplaces (including gas-powered) in development</p> <p>MM AQ-7.1: Implement MM AQ-2.1</p> <p>MM CR-2.1: Archealogical Resource protection</p> <p>MM GHG-1.1: Prepare and implement a GHG Reduction Plan</p> <p>MM NOI-1.1: Construction noise requirements</p> <p>MM NOI-1.2: Construction noise control plan</p> <p><del>MM NOI-1.3: Acoustical consultant to review mechanical noise</del></p>	
25	Liang Chao	<p><b>PC RECOMMENDS REMOVAL</b></p> <p>Include objective standard for infrastructure. Apparently, the sewage system under Wolfe Road is at capacity. Adding a few thousand residents and a few thousand workers at Vallco will likely affect the aging sewage system in the area. Could we include objective standard in the General Plan to ensure the infrastructure of the City is not overloaded?</p> <p>Whose responsibility is it to pay for the expansion of the sewage system under Wolfe? The City, I suppose.</p>	

September 2021 | Addendum to Environmental Impact Report  
State Clearinghouse Number 2014032007

# General Plan Amendment, Housing Element Update, and Associated Rezoning EIR Addendum No. 5

City of Cupertino

*Prepared for:*

**City of Cupertino**

Contact: Piu Ghosh, Planning Manager  
10300 Torre Avenue  
Cupertino, CA 95014  
408-777-3308

*Prepared by:*

**PlaceWorks**

Contact: Terri McCracken, Associate Principal  
2040 Bancroft Way, Suite 400  
Berkeley, CA 94704  
510-848-3815  
info@placeworks.com  
[www.placeworks.com](http://www.placeworks.com)

*This page intentionally left blank.*

## TABLE OF CONTENTS

SECTION	PAGE
<b>1. INTRODUCTION AND PURPOSE .....</b>	<b>1</b>
<b>2. STANDARD FOR PREPARATION OF AN ADDENDUM.....</b>	<b>3</b>
<b>3. PROJECT DESCRIPTION .....</b>	<b>5</b>
3.1 LOCATION AND SETTING .....	5
3.2 PROJECT STUDY AREA.....	5
3.3 PROJECT BACKGROUND.....	5
3.4 PROPOSED CHANGES .....	6
<b>4. ENVIRONMENTAL ANALYSIS .....</b>	<b>10</b>
<b>5. COMPARISON TO THE CONDITIONS LISTED IN CEQA GUIDELINES SECTION 15162 .....</b>	<b>15</b>
5.1 SUBSTANTIAL CHANGES TO THE PROJECT.....	15
5.2 SUBSTANTIAL CHANGES IN CIRCUMSTANCES.....	15
5.3 NEW INFORMATION .....	15
<b>6. CONCLUSION .....</b>	<b>16</b>
<b>7. LIST OF PREPARERS .....</b>	<b>17</b>

## APPENDICES

Appendix A      Resolution No. [To Be Determined]



## TABLE OF CONTENTS

*This page intentionally left blank*

# 1. Introduction and Purpose

---

This document is an Addendum to the Environmental Impact Report (EIR) for the General Plan Amendment, Housing Element Update, and Associated Rezoning project, State Clearinghouse (SCH) Number (No.) 2014032007, certified on December 4, 2014 (Certified EIR). The project analyzed in the Certified EIR and adopted by the City of Cupertino is the General Plan titled “Community Vision 2040,” which was renamed “General Plan (Community Vision 2015–2040)” in the first Addendum to the Certified EIR in October 2015, and amendments to the Title 19 (Zoning) of the Cupertino Municipal Code (CMC) (together the Approved Project). Since the EIR was certified in 2014, the City has prepared four subsequent addenda to the EIR that were approved by the City Council in October 2015,<sup>1</sup> August 2019,<sup>2</sup> and December 2019,<sup>3,4</sup> This fifth Addendum serves as the environmental review for proposed modifications to the text and figures of the General Plan (Community Vision 2015–2040) and the addition of Chapter 17.04, Standard Environmental Protection Requirements, to the CMC (Modified Project), as required pursuant to the provisions of the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 et seq. and the State CEQA Guidelines.

Pursuant to the provisions of CEQA and the State CEQA Guidelines, the City of Cupertino is the lead agency charged with the responsibility of deciding whether or not to approve the proposed action. This Addendum analyzes the proposed minor changes to the Approved Project.

---

<sup>1</sup> City of Cupertino, approved First Addendum to the General Plan Amendment, Housing Element Update, and Associated Rezoning EIR, State Clearinghouse Number 2014032007. October 2015.

<sup>2</sup> City of Cupertino, approved Second Addendum to the General Plan Amendment, Housing Element Update, and Associated Rezoning EIR, State Clearinghouse Number 2014032007. August 2019.

<sup>3</sup> City of Cupertino, approved Third Addendum to the General Plan Amendment, Housing Element Update, and Associated Rezoning, State Clearinghouse Number 2014032007. December 2019.

<sup>4</sup> City of Cupertino, approved Fourth Addendum to the General Plan Amendment, Housing Element Update, and Associated Rezoning, State Clearinghouse Number 2014032007. December 2019.

## INTRODUCTION AND PURPOSE

*This page intentionally left blank.*

## 2. Standard for Preparation of an Addendum

---

Pursuant to Section 21166, *Subsequent or Supplement Impact Report; Conditions*, of CEQA and Section 15162, *Subsequent EIRs and Negative Declarations*, of the State CEQA Guidelines, when an Environmental Impact Report (EIR) has been certified for a project, no subsequent EIR shall be prepared for the project unless the lead agency determines that one or more of the following conditions are met:

- Substantial project changes are proposed that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes would occur with respect to the circumstances under which the project is undertaken that require major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified was adopted shows any of the following:
  - The project will have one or more significant effects not discussed in the previous EIR.
  - Significant effects previously examined will be substantially more severe than identified in the previous EIR.
  - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measures or alternatives.
  - Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

Where none of the conditions specified in Section 15162 are present,<sup>5</sup> the lead agency must determine whether to prepare an Addendum or whether no further CEQA documentation is required (CEQA Guidelines Section 15162[b]). An Addendum is appropriate where some minor technical changes or additions to the previously certified EIR are necessary, but there are no new or substantially more severe significant impacts (CEQA Guidelines Section 15164, *Addendum to an EIR or Negative Declaration*).

---

<sup>5</sup> See also Section 15163 of the State CEQA Guidelines, which applies the requirements of Section 15162 to supplemental EIRs.

## **STANDARD FOR PREPARATION OF AN ADDENDUM**

In accordance with the CEQA Guidelines, the City has determined that an Addendum to the Certified EIR is the appropriate environmental document for the Modified Project. This Addendum reviews the changes proposed by the Modified Project and examines whether, as a result of any changes or new information, a subsequent EIR may be required. This examination includes an analysis pursuant to the provisions of Section 21166 of CEQA and Section 15162 of the State CEQA Guidelines concerning their applicability to the Modified Project.

## 3. Project Description

---

### 3.1 LOCATION AND SETTING

Cupertino is a suburban city of 10.9 square miles on the southern portion of the San Francisco peninsula in Santa Clara County. The city is approximately 36 miles southeast of downtown San Francisco and 8 miles west of downtown San Jose. The cities of Los Altos and Sunnyvale are adjacent to the northern city boundaries, the cities of Santa Clara and San Jose lie to the east, and Saratoga lies to the south. Unincorporated areas of Santa Clara County form the western boundary of Cupertino and portions of the southern boundary. The city is accessed by Interstate 280, which functions as a major east/west regional connector, and State Route 85, which functions as the main north/south regional connector.

### 3.2 PROJECT STUDY AREA

The State of California encourages cities to look beyond their borders when undertaking the sort of comprehensive planning required of a general plan. For this reason, the General Plan delineates two areas—the urban service area and the sphere of influence (SOI). The urban service area is predominantly coterminous with the current city boundary, and the SOI extends beyond these boundaries. The Cupertino SOI includes incorporated city lands as well as areas that may be considered for future annexation by the City. The City does not propose to annex any of this area as part of this Project. The population of Cupertino is approximately 58,656 people and has a housing supply of 21,067 housing units, with an average household size of 2.92 people per household.<sup>6</sup>

### 3.3 PROJECT BACKGROUND

#### 3.3.1 Planning Process Leading to Approved Project

On November 15, 2005, the City of Cupertino adopted “City of Cupertino 2000–2020 General Plan” (2005 General Plan) containing the following elements:

- Land Use/Community Design
- Housing
- Circulation
- Environmental Resources/Sustainability
- Health and Safety

---

<sup>6</sup> California Department of Finance, 2021, E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2021 with 2010 Census Benchmark, <https://www.dof.ca.gov/forecasting/demographics/Estimates/e-5/>, accessed August 20, 2021.

---

## PROJECT DESCRIPTION

On December 4, 2014, the City adopted “Community Vision 2040,” which updated the goals, policies, and strategies of the 2005 General Plan; the General Plan’s Housing Element to accommodate the Regional Housing Needs Allocation (RHNA) for the 2014-2022 planning period and meet its fair-share housing obligation; and the General Plan Land Use Map, Zoning Ordinance, and Zoning map for internal consistency as a result of changes to General Plan policies (Approved Project). As explained above, prior to adoption of Community Vision 2040, an EIR for the Approved Project was prepared and certified that contains an assessment of the potential environmental impacts of implementing the Approved Project.

### 3.3.2 Planning Process Leading to Proposed Modified Project

To ensure that the City has objective standards applicable to housing developments, the City Council and Planning Commission authorized staff to conduct a review of the existing language in the General Plan. A review of the language identified areas of the General Plan that could benefit from clarification. After several public meetings about the changes, the proposed changes are presented for evaluation by the City Council. In addition, during the public meetings, several members of the public and the appointed and elected officials commented that the City is lacking standard environmental protection requirements that would require applicable projects (including projects that do not have to undergo environmental review) to adhere to certain standards, such as identification and treatment of contaminated soils, protections for nesting birds, treatment of cultural resources. As a result, an ordinance which would amend the CMC to add Chapter 17.04, Standard Environmental Protection Requirements, has been prepared to address these areas of concern.

## 3.4 PROPOSED CHANGES

### 3.4.1 Summary of Proposed Changes

The proposed Modified Project consists of the following revisions to the General Plan (Community Vision 2015–2040), described in more detail Section 3.4.2, Description of Proposed Changes Evaluated in this Addendum:

- text edits to Figure LU-2, Community Form Diagram, for clarification;
- text edits to Chapter 3, Land Use and Community Design Element, for clarification;
- text edit to Chapter 6, Environmental Resources and Sustainability Element, for emphasis;
- addition of Chapter 17.04 to the CMC establishing standard environmental protection requirements.

The proposed changes to the Approved Project, which constitute the Modified Project, are shown in the following section in ~~strikeout~~ text to indicate deletions and in underlined text to signify additions.

### 3.4.2 Description of Proposed Changes Evaluated in this Addendum

The Modified Project consists of changes to the General Plan (Community Vision 2015–2040) and the CMC.

## PROJECT DESCRIPTION

### 3.4.2.1 PROPOSED CHANGES TO THE GENERAL PLAN

The proposed changes to the General Plan would amend the following General Plan chapters:

- Chapter 3: Land Use and Community Design Element
- Chapter 6: Environmental Resources and Sustainability Element

#### Chapter 3: Land Use and Community Design Element

This Element includes goals, policies and strategies that provide direction on land use and design principles that will shape future change in Cupertino. The changes shown below represent the changes to the text that was adopted in December 2014.

- (Page LU-11) **Policy LU-1.1: Land use and Transportation:** Focus higher land use intensities and densities within a half-mile of public transit service, and along major corridors. Figure LU-2 indicates the maximum residential densities for sites that allow residential land uses.
- (Page LU-41) **Heart of the City Special Area:** The Heart of the City will remain the core commercial corridor in Cupertino, with a series of commercial and mixed-use centers and a focus on creating a walkable, bikeable boulevard that can support transit. General goals, policies and strategies (as identified in Goal LU-13) will apply throughout the entire area; while more specific goals, policies, and strategies for each subarea are designed to address their individual settings and characteristics and are identified in Goals LU-14 through LU-18.
- (Figure LU-2) **Community Form Diagram:** In addition, the Modified Project includes revisions to Figure LU-2, Community Form Diagram, which consist of text clarifications and corrections. These are shown in Figure 3-1, Revisions to Figure LU-2, Community Form Diagram.

#### Chapter 6: Environmental Resources and Sustainability Element

**Strategy ES-6.1.1: Public Participation.** Strongly Encourage Santa Clara County to engage with the affected neighborhoods when considering changes to restoration plans and mineral extraction activity.

### 3.4.2.2 PROPOSED CHANGES TO THE CUPERTINO MUNICIPAL CODE

The proposed changes to the CMC include the addition of Chapter 17.04, Standard Environmental Protection Requirements. Appendix A, Resolution No. [To Be Determined], provides the full text of the proposed additions to the CMC. These concern the environmental topic areas of air quality, greenhouse gas emissions and energy, biological resources, cultural resources, hazardous materials, hydrology and water quality, noise and vibration, paleontological resources, and utilities and service systems, and include requirements to achieve the following goals:



## **PROJECT DESCRIPTION**

### **Air Quality**

- Control diesel particulate matter from non-residential projects during operation
- Manage indoor air pollution
- Control fugitive dust during construction
- Control construction exhaust

### **Greenhouse Gas Emissions and Energy**

- Reduce greenhouse gas emissions and energy use

### **Biological Resources**

- Avoid nesting birds during construction
- Avoid special-status roosting bats during construction

### **Cultural Resources**

- Protect archaeological resources and tribal cultural resources
- Protect human remains and Native American burials

### **Hazardous Materials**

- Manage soil and/or groundwater contamination

### **Hydrology and Water Quality**

- Control stormwater runoff contamination

### **Noise and Vibration**

- Manage vibration during construction
- Implement notice and signage requirements
- Manage noise during construction

### **Paleontological Resources**

- Protect paleontological resources during construction

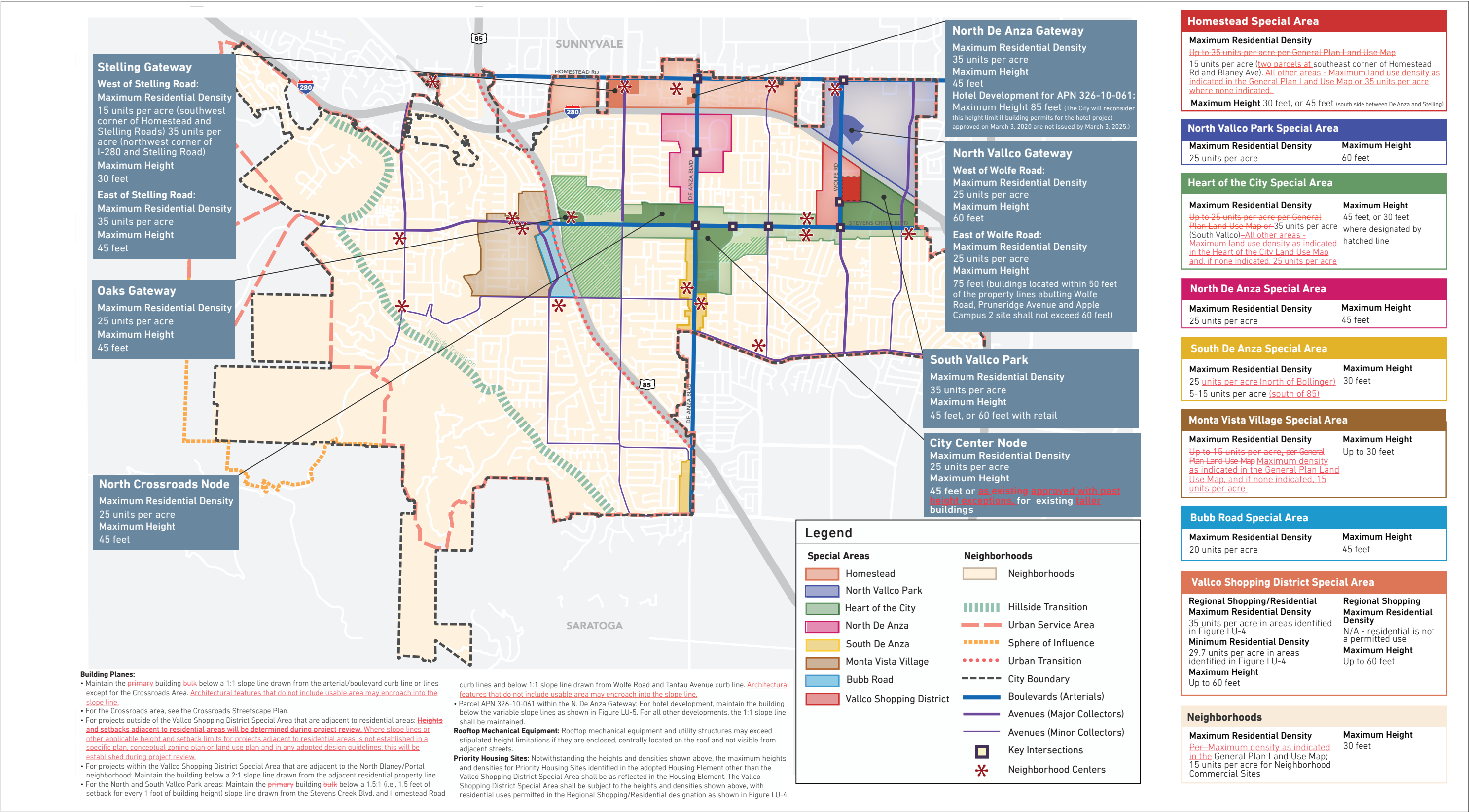
### **Utilities and Service Systems**

- Manage wastewater inflow and infiltration to sewer system
- Ensure adequate water supply and infrastructure

### **Vehicle Miles Traveled**

- Evaluate vehicle miles traveled or VMT.

3. Project Description



Source: City of Cupertino, 2021.

Figure 3-1  
Community Form Diagram

PROJECT DESCRIPTION

*This page intentionally left blank.*

## 4. Environmental Analysis

---

As previously described in Section 2, Standard for Preparation of an Addendum, this Addendum has been prepared pursuant to CEQA Guidelines Sections 15162 and 15164 to determine whether implementation of the Modified Project would result in any new impacts or substantially more severe significant environmental impacts than were previously analyzed in the Certified EIR. Accordingly, this Addendum only considers the extent to which the proposed changes could result in new or substantially more severe significant impacts; it does not reevaluate impacts that would remain consistent with the analysis in the Certified EIR. The environmental topic areas analyzed in the Certified EIR includes:

- |                                      |                                  |
|--------------------------------------|----------------------------------|
| ■ Aesthetics                         | ■ Hydrology and Water Quality    |
| ■ Agriculture and Forestry Resources | ■ Land Use and Planning          |
| ■ Air Quality                        | ■ Mineral Resources              |
| ■ Biological Resources               | ■ Noise and Vibration            |
| ■ Cultural Resources                 | ■ Population and Housing         |
| ■ Geology, Soils, and Seismicity     | ■ Public Services and Recreation |
| ■ Greenhouse Gas Emissions           | ■ Transportation and Traffic     |
| ■ Hazards and Hazardous Materials    | ■ Utilities and Service Systems  |

The Modified Project is a plan-level project. It does not include any site-specific designs or proposals, nor does it grant any entitlements for development that would have the potential to result in physical impacts on the environment or involve any ground disturbance. Any future construction-level projects occurring from implementation of the Modified Project would be subject to applicable federal, State, and/or City regulations and undergo an appropriate level of environmental review as required.

As described in Section 3.4, Proposed Changes, the Modified Project would consist of minor text revisions to Chapter 3, Land Use and Community Design Element, and Chapter 6, Environmental Resources and Sustainability Element, of the General Plan, and minor revisions to Figure LU-2, Community Form Diagram. In addition to these edits, the Modified Project includes the proposed addition of Chapter 17.04, Standard Environmental Protection Requirements, to the CMC that would serve as objective conditions of approval intended to mitigate potentially significant impacts for the applicable projects identified in the proposed chapter (see Appendix A, Resolution No. [To Be Determined]). The proposed Standard Environmental Protection Requirements concern the environmental topic areas of air quality, greenhouse gas emissions and energy, biological resources, cultural resources, hazardous materials, hydrology and water quality, noise and vibration, paleontological resources, and utilities and service systems.

---

## ENVIRONMENTAL ANALYSIS

The Modified Project would have no impacts to agriculture, forestry, or mineral resources, because those resources are not found within the City of Cupertino. The Modified Project, therefore, would not result in any new or substantially more severe significant impacts to agriculture, forestry, or mineral resources than were analyzed and disclosed in the Certified EIR.

The Modified Project does not modify the assumption that infill, mixed-use, multi-family development is anticipated within the Special Areas and major corridors. The Modified Project includes minor edits to provide clarification to the existing text in the General Plan, and that do not change the content of the General Plan. For this reason, the Modified Project would result in the same land use and planning impacts as disclosed in the Certified EIR, and would not result in any new or substantially more severe significant land use impacts than were analyzed and disclosed in the Certified EIR.

The Standard Environmental Protection Requirements (also referred to in this discussion as “standard requirements”) that would be added to the CMC are proposed for the purpose of reducing potential environmental impacts and would, therefore, not cause a new significant impact or a substantial increase in the severity of the impacts analyzed and disclosed in the Certified EIR. Standard requirements may involve temporary physical effects during construction or short-term physical effects during operation that would have the potential to create or contribute to an effect on the environment. For example, some standard requirements could have minor aesthetic effects by requiring the installation of signage during construction, the use of temporary construction fencing, or the incorporation of solid barriers to improve air quality for sensitive uses in certain areas. Other standard requirements may require the use of equipment to, for example, collect soil samples or install landscaping. Construction and operational activities and equipment use could involve water and energy consumption, generate noise, and/or create air emissions. However, the environmental effects of implementing the standard requirements would generally be nominal when compared to the overall effects of construction and operation of the future development projects with which they are associated. In addition, implementation of some of the standard requirements would be temporary during construction, and it would be speculative to attempt to quantify their effects when implemented as part of future development projects. For example, standard requirements include preconstruction surveys to protect nesting birds and roosting bats during construction, control of construction exhaust and fugitive dust during construction, monitoring for and compliance with applicable regulations to protect cultural and paleontological resources from development, and conducting of Phase I and Phase II environmental site assessments for evaluation of potentially existing hazardous materials prior to development. These requirements would reduce potential impacts to biological resources, air quality, cultural resources, paleontological resources, and impacts from hazardous materials. Other standard requirements that would reduce environmental impacts include control of diesel particulate matter from non-residential projects during operation through conducting health risk assessments and use of best available control technologies for toxic air contaminants and management of indoor air pollution, completion of the City’s Climate Action Plan Development Consistency Checklist for reduction of greenhouse gas emissions and energy usage,

## ENVIRONMENTAL ANALYSIS

compliance with the City's Municipal Code for control of stormwater runoff contamination, demonstration that projects would be adequately accommodated for with existing sewer and water supply systems prior to project approval, and evaluation of vehicle miles traveled to ensure compliance with City municipal code standards. In summary, the combined effect of the standard requirements, when implemented as part of construction and operation of future development projects, would be to reduce environmental effects.

The physical condition and characteristics of the properties within the City have not substantially changed since the certification of the Certified EIR. The urban nature, trees, soil characteristics, seismic potential, and drainage on-site are in the same or similar condition as they were in 2014. The Modified Project would not change any of the potential development under the General Plan that was already analyzed in the Certified EIR. For this reason, the Modified Project would result in the same impacts to biological resources, cultural resources, geology and soils, hazards and hazardous materials, and hydrology and water quality as disclosed in the Certified EIR and would not result in any new or substantially more severe significant impacts to these resources than were analyzed and disclosed in the Certified EIR.

The number of residential units that could be built in the City would not be affected by the Modified Project compared to the analysis contained in the Certified EIR. The residential densities would remain unchanged, and no changes are proposed to the residential development allocation in the General Plan. For this reason, the Modified Project would have the same population and housing impacts as disclosed in the Certified EIR and would not result in any new or substantially more severe significant impacts to these resources than were analyzed and disclosed in the Certified EIR.

Because no changes are proposed to the overall development program analyzed in the Certified EIR, there would be no changes to the daily or peak hour vehicle trips. For this reason, the Modified Project would not result in new or substantially more severe significant traffic impacts than were analyzed and disclosed in the Certified EIR. In addition, there would be no changes to pollutant emissions, noise and vibration, and energy and utility demand compared to the analysis in the Certified EIR.

The Certified EIR project identifies height limitations and includes slope line criteria for development; these standards are not impacted by the Modified Project. Therefore, implementation of the proposed text amendments in the General Plan and standard environmental protection requirements in the CMC would not result in greater impacts to aesthetics, air quality, energy, greenhouse gas emissions, public services, recreation, transportation, and utilities and service systems than were analyzed and disclosed in the Certified EIR because the amount of development analyzed remains the same.

The City does not anticipate that the Modified Project would result in reduced amounts of development as compared to the Approved Project. However, the Certified EIR evaluated alternatives to the Approved Project that included reduced amounts of development, and concluded that these alternatives would result in essentially the same impacts as the Approved Project.

**ENVIRONMENTAL ANALYSIS**

CEQA identifies and analyzes the significant effects on the environment, where “significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical condition (CEQA Guidelines Section 15382). The proposed changes would not alter the meaning of the policies or result in new adverse physical impacts to the environment.

Table 4-1, *Comparison of Impacts of the Approved Project and Modified Project*, summarizes the impacts of the proposed modifications to the Certified EIR compared to Approved Project.

**Table 4-1: Comparison of Impacts of the Approved Project and Modified Project**

	Compared to Impacts Disclosed in the Certified EIR, the Impacts of the Modified Project:		
	Same	Lesser	New Significant or More Substantial
Aesthetics	X		
Agricultural and ForestryResources	X		
Air Quality	X		
Biological Resources	X		
Cultural Resources	X		
Geology, Soils, and Seismicity	X		
Greenhouse Gas Emissions	X		
Hazards and Hazardous Materials	X		
Hydrology and Water Quality	X		
Land Use and Planning	X		
Mineral Resources	X		
Noise and Vibration	X		
Population and Housing	X		
Public Services and Recreation	X		
Transportation and Traffic	X		
Utilities and Service Systems	X		

Based on the information provided in this Addendum, implementation of the Modified Project would not result in any new impacts or increase the severity of previously identified significant impacts analyzed in the Certified EIR. The proposed modifications to the Approved Project would not result in a substantial change to the project and, therefore, additional environmental review is not necessary.

## 5. Comparison to the Conditions Listed in CEQA Guidelines Section 15162

---

### 5.1 SUBSTANTIAL CHANGES TO THE PROJECT

The proposed changes to the General Plan are minor text revisions and are not a substantial change to the Approved Project analyzed in the Certified EIR; nor are the proposed additions to the CMC a substantial change to the Approved Project analyzed in the Certified EIR, because the additions serve to mitigate or reduce potential environmental impacts, such as through preconstruction surveys, control of construction emissions, compliance with applicable regulations, conducting of Phase I and Phase II environmental site assessments, conducting of health risk assessments, and demonstration that projects would be adequately accommodated with existing utilities systems, and more. Consequently, there are no substantial changes proposed to the Approved Project that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

### 5.2 SUBSTANTIAL CHANGES IN CIRCUMSTANCES

As described above in Section 4, Environmental Analysis, the Modified Project would not result in new significant environmental impacts beyond those identified in the Certified EIR, would not substantially increase the severity of significant environmental effects identified in the Certified EIR, and thus would not require major revisions to the Certified EIR. The Modified Project, therefore, is not substantial and does not require major revisions to the Certified EIR or a subsequent EIR. In addition, the physical conditions within the City have not changed substantially since the certification of the Certified EIR, although some structures have been improved and others have been demolished.

### 5.3 NEW INFORMATION

No new information of substantial importance, which was not known and could not have been known when the Certified EIR was certified, has been identified which shows that the Modified Project would be expected to result in: 1) new significant environmental effects not identified in the Certified EIR; 2) substantially more severe environmental effects than shown in the Certified EIR; 3) mitigation measures or alternatives previously determined to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project sponsor declines to adopt the mitigation or alternative; or 4) mitigation measures or alternatives which are considerably different from



## **COMPARISON TO THE CONDITIONS LISTED IN CEQA GUIDELINES SECTION 15162**

those identified in the Certified EIR would substantially reduce one or more significant effects of the project but the project sponsor declines to adopt the mitigation measure or alternative.

## 6. Conclusion

---

For the reasons stated above, the City has concluded that the Modified Project would not result in any new impacts not previously identified in the Certified EIR; nor would it result in a substantial increase in the severity of any significant environmental impact previously identified in the Certified EIR. For these reasons, a subsequent EIR is not required and an addendum to the Certified EIR is the appropriate CEQA document to address the proposed amendments to the General Plan and the CMC.

## CONCLUSION

*This page intentionally left blank.*

## 7. List of Preparers

---

### LEAD AGENCY

#### City of Cupertino

*Benjamin Fu .....Director of Community Development*  
*Piu Ghosh..... Planning Manager*

### REPORT PREPARERS

#### PlaceWorks

*Terri McCracken..... Associate Principal, Principal-in-Charge*  
*Allison Dagg ..... Associate, Project Manager*  
*Alexis Mena..... Senior Associate*

## **LIST OF PREPARERS**

*This page intentionally left blank.*

## Appendix A Resolution No. [To Be Determined]

## **APPENDIX**

*This page intentionally left blank.*

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY  
OF CUPERTINO RECOMMENDING THAT THE CITY COUNCIL  
ADOPT AN ORDINANCE ADDING A NEW CHAPTER 17.04  
(STANDARD ENVIRONMENTAL PROTECTION REQUIREMENTS)  
TO THE CUPERTINO MUNICIPAL CODE**

---

The Planning Commission recommends that the City Council:

1. Determine that Project is not a project under the requirements of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq., and the State CEQA Guidelines, California Code of Regulations Section 15000 et. seq., (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that it is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines Section 15061(b)(3) (General Rule) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action, the adoption of new standard environmental protection requirements, would have no or only a de minimis effect on the environment because it does not commit the City to any particular project. In addition, the new standard environmental protection requirements consist of previously adopted mitigation measures, City conditions of approval, existing regulatory requirements, and other best practices and are adopted for the purpose of reducing the effects of land use development and infrastructure projects on the environment.
2. Adopt the proposed amendments to the Municipal Code as indicated in Exhibit A.

---

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Cupertino this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_, by the following roll call vote:

AYES:

NOES:



Ordinance No. \_\_\_\_\_

Page 2

ABSENT:

ABSTAIN:

**ATTEST:**

**APPROVED:**

---

Piu Ghosh  
Planning Manager

---

R. Wang  
Chair, Planning Commission

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO  
ADDING CHAPTER 17.04 (STANDARD ENVIRONMENTAL PROTECTION  
REQUIREMENTS) TO THE CUPERTINO MUNICIPAL CODE**

The City Council of the City of Cupertino finds that:

1. WHEREAS, requiring all projects involving construction, grading, excavation, or tree removal activity that require a permit or approval by the City to comply with applicable standard environmental protection requirements, based on objective standards, will reduce the environmental consequences of projects that are not subject to review under the California Environmental Quality Act; and
2. WHEREAS, amending the Cupertino Municipal Code to specify the standard environmental protection requirements that apply to projects for which City permits for or approval of construction, grading, excavation, or tree removal activity is required will provide certainty to project applicants; and
3. WHEREAS, the City Council desires to have objective standards applicable to projects that are clear and understandable to ensure there are no unacceptable risks to human health or safety or the environment; and
4. WHEREAS, the Planning Commission held a duly noticed public hearing on September 28, 2021 regarding the proposed ordinance; and
3. WHEREAS, the City of Cupertino wishes to adopt the standard environmental protection requirements.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUPERTINO DOES  
ORDAIN AS FOLLOWS:**

**SECTION 1. Adoption.**

The City of Cupertino hereby adopts Standard Environmental Protection Requirements and amends the Cupertino Municipal Code as set forth in Attachment A.

**SECTION 2: Severability and Continuity.**

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this

Ordinance No. \_\_\_\_\_

Page 4

ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of such portion, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Cupertino Municipal Code, these provisions shall be construed as continuations of those provisions and not as an amendment to or readoption of the earlier provisions.

### **SECTION 3: California Environmental Quality Act.**

This Ordinance is not a project under the requirements of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq., and, together with related State CEQA Guidelines, California Code of Regulations Section 15000 et. seq., (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines Section 15061(b)(3) (General Rule) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

In this circumstance, the proposed action, adoption of new standard environmental protection requirements, would have no or only a de minimis effect on the environment because it does not commit the City to any particular project. In addition, the new standard environmental protection requirements consist of previously adopted mitigation measures, City conditions of approval, existing regulatory requirements, and other best practices and are adopted for the purpose of reducing the effects of land use development and infrastructure projects on the environment. The foregoing determination is made by the City Council in its independent judgment.

### **SECTION 4: Effective Date.**

This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code Section 36937.

Ordinance No. \_\_\_\_\_

Page 5

**SECTION 5: Publication.**

The City Clerk shall give notice of adoption of this Ordinance as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be prepared by the City Clerk and published in lieu of publication of the entire text. The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the Ordinance listing the names of the City Council members voting for and against the ordinance.

**INTRODUCED** at a regular meeting of the Cupertino City Council on October 19, 2021, and **ENACTED** at a regular meeting of the Cupertino City Council on November 2, 2021, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:  _____ Darcy Paul, Mayor City of Cupertino	  _____ Date
ATTEST:  _____ Kirsten Squarcia, City Clerk	  _____ Date
APPROVED AS TO FORM:  _____ Chris Jensen, City Attorney	  _____ Date

## **Attachment A – Adding Chapter 17.04 (Standard Environmental Protection Requirements)**

*The sections of the Cupertino Municipal Code set forth below are adopted as follows:*

Add new Chapter 17.04 (Standard Environmental Protection Requirements) to Title 17

### **CHAPTER 17.04 Standard Environmental Protection Requirements**

#### **Section**

17.04.010 Purpose

17.04.020 Definitions

17.04.030 Applicability

17.04.040 Standard Environmental Protection Technical Report Submittal Requirements

17.04.050 Standard Environmental Protection Permit Submittal Requirements

17.04.060 Violations

#### **17.04.010 Purpose.**

The purpose of this chapter is to identify standard environmental protection requirements that all construction projects must meet, including but not limited to environmental mitigation measures identified in any environmental documents required as part of a General Plan update.

#### **17.04.020 Definitions.**

The following words and phrases when used in this chapter shall have the following meanings set forth in this section:

- A. “Applicable Construction Document” means a construction management plan or a permit plan, which are the project plans associated with permit applications.
- B. “Approval” means issuance of permits under Title 18 or Title 19, and when permits pursuant to Title 18 or Title 19 are not required issuance of other required City permits by the City of Cupertino.
- C. “Construction Management Plan” means a document that includes the details the construction manager is required to enforce to minimize potential construction impacts related to construction crew parking, equipment staging, off-site circulation, noise, and air quality on residents and commercial operations during the construction phase.

- D. "Construction" or "Ground-disturbing activities" include any paving, excavation, soil removal, grading, utility trenching, removal of foundations and structures, regardless of whether the soils have been previously disturbed or not.
- E. "Permit" means any discretionary or ministerial permit or approval that is required pursuant to Title 14, Title 16, Title 18, or Title 19 of the Cupertino Municipal Code to allow a project.
- F. "Permit Plan" means any project plan(s) that are required for permit approval pursuant to Title 14, Title 16, Title 18, or Title 19 of the Cupertino Municipal Code to allow a project.
- G. "Project" means any construction, ground-disturbing activity, or tree removal activity.
- H. "Project Applicant" means the project proponent or property owner.
- I. "Regulated Projects" means any development that is subject to oversight by an environmental regulatory agency, including but not limited to oversight by the State Water Resources Control Board and other similar agencies.
- J. "Sensitive Receptor" means the types of land uses, populations, and buildings or structures that are considered sensitive to air pollution, noise, and vibration.
  - 1. Air quality-sensitive population groups include children, the elderly, the acutely ill, and the chronically ill, especially those with cardiorespiratory diseases. Disadvantaged communities identified in CalEnviroScreen 3.0 (i.e., environmental justice communities), as subsequently revised, supplemented, or replaced, may be disproportionately affected by and vulnerable to poor air quality.
  - 2. Noise-sensitive receptors include land uses where quiet environments are necessary for enjoyment and public health and safety. Residences, schools, hotels, libraries, religious institutions, hospitals, and nursing homes are examples.
  - 3. Vibration-sensitive receptors include land uses residences and buildings where people normally sleep (e.g., residences and hotels, and buildings or structures that are susceptible to architectural damage (e.g., non-engineered timber and masonry buildings and historic buildings).
- K. "Tenant Improvement" means any construction activity that modifies interior space in non-residential space.
- L. "Tree" means Protected Trees and Public Trees under the Cupertino Municipal Code, unprotected trees, or any other vegetation suitable for nesting birds.

#### **17.04.030 Applicability and Demonstration of Compliance.**

- A. Every project within the City of Cupertino shall comply with all applicable standard environmental protection requirements identified in Section 17.04.040 and Section 17.04.050.
- B. Compliance with the requirements shall be demonstrated as follows:
1. For all non-residential projects, residential projects involving the development of four or more residential units, and mixed-use projects, compliance shall be demonstrated through submittal and implementation of a construction management plan and/or permit plans, as applicable, prior to issuance of an approval to the satisfaction of the City.
  2. For residential projects with three or fewer units, for residential additions/remodels and Tenant Improvements, compliance shall be demonstrated on permit plans to the satisfaction of the City.
  3. For projects that do not require the issuance of a permit and for tree removal projects, the property owner must demonstrate compliance by ensuring that all applicable standard environmental protection requirements are implemented.

#### **17.04.040 Standard Environmental Protection Technical Report Submittal Requirements.**

Every project shall implement the following standard environmental protection technical report submittal requirements, which reports are subject to third-party peer review under the direction of the City at the applicant's cost, prior to the approval of the project unless they are not applicable to the project as demonstrated by a written explanation of why any standard environmental protection technical report submittal requirement is not applicable to the project, subject to the review and approval of the Director of Community Development and/or the City Engineer, or his or her designee, as appropriate:

##### **A. Air Quality**

1. **Control Diesel Particulate Matter from Non-Residential Projects During Operation.** Applicants for new non-residential land uses within the city that either have the potential to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered Transport Refrigeration Units (TRUs), or are within 1,000 feet of a sensitive land use (e.g., residential, schools, hospitals, nursing homes), as measured from the property line of the project to the property line of the nearest sensitive use, shall:
  - a. Prepare and submit an operational Health Risk Assessment (HRA) for approval by the City prior to approval of the project.

- b. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment (OEHHA) and the Bay Area Air Quality Management District (BAAQMD).
- c. If the HRA shows that the incremental cancer risk exceeds ten in one million ( $10E-06$ ),  $PM_{2.5}$  concentrations exceed 0.3 micrograms per cubic meter ( $\mu g/m^3$ ), or the appropriate noncancer hazard index exceeds 1.0, the project applicant shall be required to identify and demonstrate that Best Available Control Technologies for Toxics (T-BACTs) are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms.
- d. T-BACTs identified in the HRA shall be indicated in the appropriate applicable construction document prior to approval of the project. T-BACTs may include the following measures from BAAQMD's *Planning Healthy Places Guidebook* but are not limited to:
  - i. Restricting nonessential idling on-site to no more than two minutes.
  - ii. Providing electric charging capable truck trailer spaces to accommodate Zero Emissions (ZE) Trucks.
  - iii. Providing electric charging capable warehousing docks to accommodate ZE Transport Refrigeration Units (TRUs).
  - iv. Requiring use of Near Zero Emissions (NZE) or ZE equipment (e.g., yard trucks and forklifts) and/or vehicles.
  - v. Restricting offsite truck travel through the creation of truck routes.

## **2. Manage Indoor Air Pollution.**

- a. Applicants for residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) in areas identified on the Bay Area Air Quality Management District's (BAAQMD) "Conduct Further Study" on the Planning Healthy Places Map shall:
  - i. Prepare and submit an operational Health Risk Assessment (HRA) to the City prior to approval of the project.
  - ii. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment (OEHHA) and BAAQMD. The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children ages 0 to 16 years.



- iii. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), PM<sub>2.5</sub> concentrations exceed 0.3 micrograms per cubic meter (µg/m<sup>3</sup>), or the appropriate noncancer hazard index exceeds 1.0, the project applicant shall identify and demonstrate measures that are capable of reducing potential cancer and non-cancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms.
- iv. Measures to reduce risk may include, but are not limited to:
  - 1. Air intakes located away from high volume roadways and/or truck loading zones.
  - 2. Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized Minimum Efficiency Reporting Value (MERV) filters.
- b. Applicants for residential and/or other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) must state in the applicable construction document where the site is located on the Bay Area Air Quality Management District (BAAQMD) Planning Healthy Places Map, as subsequently revised, supplemented, or replaced. If the site is located in an area identified as "Implement Best Practices," the project applicant shall implement, and include in applicable construction documents, the following best practices identified in the BAAQMD *Planning Healthy Places Guidebook*:
  - i. Install air filters rated at a MERV 13 or higher.
  - ii. Locate operable windows, balconies, and building air intakes as far away from any emission source as is feasible.
  - iii. Incorporate solid barriers or dense rows of trees in a minimum planter width of 5 feet per row of trees between the residential and/or sensitive land use, and the emissions source into site design.
  - iv. Do not locate residential and/or sensitive land use on the ground floor units of buildings near non-elevated sources (e.g., ground level heavily traveled roadways and freeways).
- c. The project applicant shall include the applicable measures identified in subsections (a) and (b) above in the applicable construction documents prior to approval of the project. Specifically, the air intake design and MERV filter requirements shall be included on all applicable construction documents submitted to the City and verified by the City's Planning Division.

**B. Hazardous Materials**

**Manage Soil and/or Groundwater Contamination.** Projects that involve tree removal only are not subject to this Section B. For all other projects, except as provided for in Section B.3, the project applicant shall complete Section B.1 and B.2, as required, prior to approval of the project.

- 1. Phase I ESA.** Retain the services of a qualified environmental consultant with experience preparing Phase I Environmental Site Assessments (ESAs) to prepare a Phase I ESA in accordance with the American Society for Testing and Materials (ASTM) Standards on Environmental Site Assessments, ASTM E 1527-13 (ASTM 1527-13) and in accordance with the U.S. Environmental Protection Agency's (EPA's) Standards and Practices for All Appropriate Inquiries (40 Code of Federal Regulations 312), published November 2005, as subsequently revised, supplemented, or replaced. The goal of an ASTM Phase I ESA is to evaluate site history, existing observable conditions, current site use, and current and former uses of surrounding properties to identify the potential presence of Recognized Environmental Conditions (RECs) as defined in ASTM E 1527-13, associated with the site. If the Phase I ESA does not identify any RECs, then no further action is needed. If the Phase I ESA identifies RECs, then a Phase II ESA shall be prepared as described in Section B.2.
- 2. Phase II ESA.** A Phase II ESA shall be prepared by a qualified environmental consultant and signed and stamped by a Professional Geologist or Professional Engineer hired by the project applicant. The Phase II ESA shall include the collection and analysis of samples designed to evaluate RECs identified in the Phase I ESA, in compliance with ASTM standards, and a health risk assessment to evaluate whether the RECs pose an unacceptable or potentially unacceptable health risk to future users of the site. Depending on the health risks identified in the Phase II ESA, the project applicant shall proceed as follows:
  - a. If the Phase II ESA identifies no unacceptable or potentially unacceptable health risk associated with the RECs, then no further action is needed.
  - b. If the Phase II ESA identifies an unacceptable or a potentially unacceptable health risk, the requirements related to soil remediation in Section 17.04.050B shall apply.
- 3. Focused Phase I and II ESAs.** Projects that are on sites which are known to have current or former orchards or other irrigated agricultural activities that were active in 1950 or later are assumed to contain RECs associated with organic pesticides and are required to prepare a Focused Phase I ESA that addresses only RECs other than those associated with organic pesticides. Depending on the

contaminants found in the Focused Phase I ESA, the project applicant shall proceed as follows:

- a. If the Focused Phase I ESA identifies no other unacceptable or potentially unacceptable health risks, then the project applicant shall prepare a Focused Phase II ESA that addresses only the potential hazards associated with organic pesticides.
- b. If the Focused Phase I ESA identifies RECs other than organic pesticides, then the project applicant shall prepare the Phase II ESA as described in Section B.2 to address both the organic pesticides RECs and all other RECs.

### **C. Vehicle Miles Traveled**

**Evaluate Vehicle Miles Traveled or VMT.** Project applicants shall prepare a vehicle miles traveled (VMT) analysis, which shall include a comparison of existing VMT and project-generated VMT, for review and approval prior to project approval, indicating that the project meets the standards in Section 17.08.040 (Vehicle Miles Traveled (VMT) Standards).

### **D. Vibration**

1. **Manage Vibration During Construction.** The project applicant shall provide a vibration study to determine vibration levels due to construction to the City, prior to approval of the project, when the following activities would occur within the screening distance to buildings or structures: pile driving within 100 feet, vibratory roller within 25 feet, or other heavy equipment (e.g., bulldozer) within 15 feet; and for historical structures: pile driving within 135 feet, vibratory roller within 40 feet, or other heavy equipment within 20 feet. If vibration levels due to construction activities exceeds 0.2 inches per second peak particle velocity (in/sec PPV) at nearby buildings or structures, or 0.12 in/sec PPV at historical structures, the project shall implement the following alternative methods/equipment:
  - a. For pile driving, one of the following options shall be used: caisson drilling (drilled piles), vibratory pile drivers, oscillating or rotating pile installation methods, or jetting or partial jetting of piles into place using a water injection at the tip of the pile.
  - b. For paving, use a static roller in lieu of a vibratory roller.
  - c. For grading and earthwork activities, off-road equipment that shall be limited to 100 horsepower or less.

**Section 17.04.050 Standard Environmental Protection Permit Submittal Requirements**

Every project shall implement the following standard environmental protection permit submittal requirements prior to the issuance of permits by the City unless they are not applicable to the project as demonstrated by a written explanation of why any standard environmental protection permit submittal requirement is not applicable to the project, subject to the review and approval of the Director of Community Development and/or the City Engineer, or his or her designee, as appropriate:

**A. Air Quality**

- 1. Control Fugitive Dust During Construction.** Projects shall implement the Bay Area Air Quality Management District Basic Control Measures included in the latest version of BAAQMD's CEQA Air Quality Guidelines, as subsequently revised, supplemented, or replaced, to control fugitive dust (i.e., particulate matter PM<sub>2.5</sub> and PM<sub>10</sub>) during demolition, ground disturbing activities and/or construction. The project applicant shall include these measures in the applicable construction documents, prior to issuance of the first permit.
- 2. Control Construction Exhaust.** Projects that disturb more than one-acre and are more than two months in duration, shall implement the following measures and the project applicant shall include them in the applicable construction document, prior to issuance of the first permit:
  - a. Utilize off-road diesel-powered construction equipment that is rated by the U.S. Environmental Protection Agency (EPA) as Tier 4 or higher for equipment more than 25 horsepower. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Tier 4 interim emissions standard for a similarly sized engine, as defined by the California Air Resources Board's (CARB) regulations. Applicable construction documents shall clearly show the selected emission reduction strategy for construction equipment over 25 horsepower.
  - b. Ensure that the construction contractor shall maintain a list of all operating equipment in use on the project site for verification by the City. The construction equipment list shall state the makes, models, and number of construction equipment on-site.
  - c. Ensure that all equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations.

3. **Control Volatile Organic Compound Emissions from Paint.** Projects shall use low-VOC paint (i.e., 50 grams per liter [g/L] or less) for interior and exterior wall architectural coatings. The project applicant shall include the use of low-VOC paint in the applicable construction documents prior to issuance of the first permit.

## **B. Hazardous Materials**

**Soil Remediation Required.** If a Focused or other Phase II ESA, as required pursuant to Section 17.04.040(B)(1), identifies an unacceptable or a potentially unacceptable health risk, the project applicant shall, depending on the contaminant, contact either the Environmental Protection Agency (EPA), Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (RWQCB) or local Certified Unified Program Agency (CUPA). The project applicant shall enter into a regulatory agency oversight program with an appropriate regulatory agency, or an established voluntary oversight program alternative with an appropriate regulatory agency, as determined by the City, and follow the regulatory agency's recommended response actions until the agency reaches a no further action determination, prior to issuance of any permit for a project that allows ground disturbing activity.

## **C. Greenhouse Gas Emissions and Energy**

**Reduce Greenhouse Gas Emissions (GHG) and Energy Use.** The project applicant shall complete the City of Cupertino Climate Action Plan – Development Project Consistency Checklist, for review and approval by the City Environment and Sustainability Department prior to issuance of the first permit, to demonstrate how the project is consistent with the Cupertino Climate Action Plan, as subsequently revised, supplemented, or replaced, in order to reduce greenhouse gas emissions and conserve energy.

## **D. Biological Resources**

1. **Avoid Nesting Birds During Construction.** For all projects that involve removal of a tree (either protected or unprotected) or other vegetation suitable for nesting birds, or construction or ground-disturbing activities defined in Section 17.04.020, the project applicant shall comply with, and the construction contractor shall indicate the following on all construction plans, when required to ensure the following measures are performed to avoid inadvertent take of bird nests protected under the federal Migratory Bird Treaty Act and California Department of Fish and Game Code when in active use:
  - a. Demolition, construction, ground-disturbing, and tree removal/pruning activities shall be scheduled to avoid the nesting season to the extent feasible.

If feasible, construction, ground-disturbing, or tree removal/pruning activities shall be completed before the start of the nesting season to help preclude nesting. The nesting season for most birds and raptors in the San Francisco Bay area extends from February 1 through August 31. Preconstruction surveys (described below) are not required for construction, ground-disturbing, or tree removal/pruning activities outside the nesting period.

- b. If demolition, construction, ground-disturbing, or tree removal/pruning activities occur during the nesting season (February 1 and August 31), preconstruction surveys shall be conducted as follows:
  - i. No more than 7 days prior to the start of demolition, construction, ground-disturbing, or tree removal/pruning activities, in order to identify any active nests with eggs or young birds on the site and surrounding area within 100 feet of construction or tree removal activities.
  - ii. Preconstruction surveys shall be repeated at 14-day intervals until demolition, construction, ground-disturbing, or tree removal/pruning activities have been initiated in the area, after which surveys can be stopped. As part of the preconstruction survey(s), the surveyor shall inspect all trees and other possible nesting habitats in, and immediately adjacent to, the construction areas for active nests, while ensuring that they do not disturb the nests as follows:
    1. For projects that require the demolition or construction one single-family residence, ground disturbing activities affecting areas of up to 500 square feet, or the removal of up to three trees, the property owner or a tree removal contractor, if necessary, is permitted to conduct the preconstruction surveys to identify if there are any active nests. If any active nests with eggs or young birds are identified, the project applicant shall retain a qualified ornithologist or biologist to identify protective measures.
    2. For any other demolition, construction and ground disturbing activity or the removal of four or more trees, a qualified ornithologist or biologist shall be retained by the project applicant to conduct the preconstruction surveys.
- c. If the preconstruction survey does not identify any active nests with eggs or young birds that would be affected by demolition, construction, ground-disturbing or tree removal/pruning activities, no further mitigating action is required. If an active nest containing eggs or young birds is found sufficiently close to work areas to be disturbed by these activities, their locations shall be

- documented, and the qualified ornithologist or biologist shall identify protective measures to be implemented under their direction until the nests no longer contain eggs or young birds.
- d. Protective measures may include, but are not limited to, establishment of clearly delineated exclusion zones (i.e., demarcated by identifiable fencing, such as orange construction fencing or equivalent) around each nest location as determined by the qualified ornithologist or biologist, taking into account the species of birds nesting, their tolerance for disturbance and proximity to existing development. In general, exclusion zones shall be a minimum of 300 feet for raptors and 75 feet for passerines and other birds. The active nest within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify signs of disturbance and confirm nesting status. The radius of an exclusion zone may be increased by the qualified ornithologist or biologist, if project activities are determined to be adversely affecting the nesting birds. Exclusion zones may be reduced by the qualified ornithologist or biologist only in consultation with California Department of Fish and Wildlife. The protection measures and buffers shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active.
  - e. A final report on nesting birds and raptors, including survey methodology, survey date(s), map of identified active nests (if any), and protection measures (if required), shall be prepared by the qualified ornithologist or biologist and submitted to the Director of Community Development or his or her designee, through the appropriate permit review process (e.g., demolition, construction, tree removal, etc.), and be completed to the satisfaction of the Community Development Director prior to the start of demolition, construction, ground-disturbing, or tree removal/pruning activities.

## **2. Avoid Special-Status Roosting Bats During Construction.**

- a. For all projects that involve demolition, renovation, or re-tenanting of an abandoned or vacant building or structure, where the property owner cannot show evidence to the satisfaction of the City of Cupertino Building Inspector that the building or structure was appropriately sealed at the time the building or structure was vacated to prevent bats from roosting, the project applicant shall retain a qualified biologist to conduct preconstruction surveys of the on-site buildings or structures prior to commencing any demolition, renovation, or re-tenanting activities. A building or structure is not appropriately sealed unless seal holes that are more than 0.5 inches in diameter or cracks that are 0.25 by 1.5 inches or larger are filled or closed with suitable material such as

caulking, putty, duct tape, self-expanding polyurethane foam, 0.25-inch mesh hardware cloth, 0.5-inch or smaller welded wire mesh, installing tighter-fitting screen doors, or steel wool.

- b. The project applicant shall comply with, and the construction contractor shall include in the applicable construction documents, the following to ensure appropriate preconstruction surveys are performed and adequate avoidance provided for any special-status roosting bats, if encountered on the site. Preconstruction surveys shall:
  - i. Be conducted by a qualified biologist prior to tree removal or building demolition, renovation, or re-tenanting. Note that the preconstruction survey for roosting bats is required at any time of year since there is no defined bat roosting season as there is with nesting birds.
  - ii. Be conducted no more than 14 days prior to start of tree removal or demolition, renovation, or re-tenanting.
  - iii. Be repeated at 14-day intervals until construction has been initiated after which surveys can be stopped, unless construction activities are suspended for more than 7 consecutive days at which point the surveys shall be reinitiated.
  - iv. If no special-status bats are found during the survey(s), then no additional measures are warranted.
- c. Protective measures shall be included in the applicable construction documents and implemented prior to issuance of permits, if any special-status bat species are encountered or for any roosts detected within the existing structures, where individual bats could be inadvertently trapped and injured or killed during demolition unless passively evicted in advance of construction activities. Protective measures shall include:
  - i. If no maternity roosts are detected, adult bats can be flushed out of the structure or tree cavity using a one-way eviction door placed over the exit location for a minimum 48-hour period prior to the time tree removal or building demolition is to commence.
  - ii. Confirmation by the qualified biologist that the one-way eviction door was effective, and that all bats have dispersed from the roost location, modifying any exclusion efforts to ensure individual bats have been successfully evicted in advance of initiating tree removal or building demolition.
  - iii. If a maternity roost is detected, and young are found roosting in a building identified for demolition, renovation, or re-tenanting, work shall be



postponed until the young are flying free and are feeding on their own, as determined by the qualified biologist.

- iv. Once the qualified biologist has determined that any young bats can successfully function without the maternity roost, then the adults and young bats can be excluded from the structure to be demolished using the one-way eviction methods described above.
- v. Monitoring shall be provided by the qualified biologist as necessary to determine status of any roosting activity, success of any required bat exclusion, and status of any maternity roosting activity by bats, in the remote instance a maternity roost is encountered on the site.

## **E. Cultural Resources**

**1. Protect Archaeological Resources and Tribal Cultural Resources:** For all projects requiring ground-disturbing activities on land with no known archaeological or tribal cultural resources that has not been previously disturbed and/or where ground-disturbing activities would occur at a greater depth or affect a greater area than previously disturbed, the following shall be required:

**a. Areas with No Known Cultural Resources.** For all projects within areas where there are no known cultural resources, prior to soil disturbance, the project applicant shall provide written verification, including the materials provided to contractors and construction crews, to the City confirming that contractors and construction crews have been notified of basic archaeological site indicators, the potential for discovery of archaeological resources, laws pertaining to these resources, and procedures for protecting these resources as follows:

- i. Basic archaeological site indicators that may include, but are not limited to, darker than surrounding soils of a friable nature; evidence of fires (ash, charcoal, fire affected rock or earth); concentrations of stone, bone, or shellfish; artifacts of stone, bone, or shellfish; evidence of living surfaces (e.g., floors); and burials, either human or animal.
- ii. The potential for undiscovered archaeological resources or tribal cultural resources on site.
- iii. The laws protecting these resources and associated penalties, including, but not limited to, the Native American Graves Protection and Repatriation Act of 1990, Public Resources Code Section 5097, and California Health and Safety Code Section 7050 and Section 7052.

iv. The protection procedures to follow should construction crews discover cultural resources during project-related earthwork, include the following:

1. All soil disturbing work within 25 feet of the find shall cease.
2. The project applicant shall retain a qualified archaeologist to provide and implement a plan for survey, subsurface investigation, as needed, to define the deposit, and assessment of the remainder of the site within the project area to determine whether the resource is significant and would be affected by the project.
3. Any potential archaeological or tribal cultural resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation forms by a qualified archaeologist. If the resource is a tribal cultural resource, the consulting archaeologist shall consult with the appropriate tribe, as determined by the Native American Heritage Commission, to evaluate the significance of the resource and to recommend appropriate and feasible avoidance, testing, preservation or mitigation measures, in light of factors such as the significance of the find, proposed project design, costs, and other considerations. The archeologist shall perform this evaluation in consultation with the tribe.

**b. Areas with Known Cultural Resources.** For all projects within areas of known cultural resources as documented in the 2015 General Plan EIR Table 4.4-2, Cultural Resources in the Project Study Area and Vicinity, as subsequently revised, supplemented, or replaced by the City, and the archaeological or tribal cultural resources cannot be avoided, in addition to the requirements in Section E.1.a for all construction projects with ground-disturbing activities, the following additional actions shall be implemented prior to ground disturbance:

- i. The project applicant shall retain a qualified archaeologist to conduct a subsurface investigation of the project site, and to ascertain the extent of the deposit of any buried archaeological materials relative to the project's area of potential effects, in consultation with a tribal representative as applicable. The archaeologist shall prepare a site record and file it with the California Historical Resource Information System and the City of Cupertino.

- ii. If the resource extends into the project's area of potential effects as determined by the archaeologist, the resource shall be evaluated by a qualified archaeologist to determine if the resource is eligible for listing on the California Register of Historical Resources. If the qualified archaeologist determines that the resource is not eligible, no further action is required unless there is a discovery of additional resources during construction (as required above for all construction projects with ground-disturbing activities). If the qualified archaeologist determines that the resource is eligible, the qualified archaeologist shall identify ways to minimize the effect which the project applicant shall implement. A written report of the results of investigations and mitigations shall be prepared by the qualified archaeologist and filed with the California Historic Resources Information System Northwest Information Center and the City of Cupertino.
- 2. Protect Human Remains and Native American Burials.** The project applicant shall comply with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98.
- a. In the event of discovering human remains during construction activities, there shall be no further excavation or disturbance of the site within a 100-foot radius of the remains, or any nearby area reasonably suspected to overlie adjacent remains.
  - b. The Santa Clara County Coroner shall be notified immediately and shall make a determination as to whether the remains are Native American.
  - c. If the Santa Clara County Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission (NAHC) within 24 hours.
  - d. The NAHC shall attempt to identify descendants (Most Likely Descendant) of the deceased Native American.
  - e. The Most Likely Descendant has 48 hours following access to the project site to make recommendations or preferences regarding the disposition of the remains. If the Most Likely Descendant does not make recommendations within 48 hours after being allowed access to the project site, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance and provide documentation about this determination and the location of the remains to the NAHC and the City of Cupertino. Alternatively, if the owner does not accept the Most Likely Descendant's

recommendations, the owner or the descendent may request mediation by the NAHC. Construction shall halt until the mediation has concluded.

## F. Hydrology and Water Quality

**Control Stormwater Runoff Contamination.** The project applicant shall demonstrate compliance with Chapter 9.18 (Stormwater Pollution Prevention and Watershed Protection) of the Cupertino Municipal Code, to the satisfaction of the City of Cupertino. All identified stormwater runoff control measures shall be included in the applicable construction documents.

## G. Noise and Vibration

### 1. Notice and Signage:

- a. At least 10 days prior to the start of any demolition, ground disturbing, or construction activities, the project applicant shall send notices of the planned activity by first class mail as follows:
  - i. For projects on sites that are more than 0.5 acres or four or more residential units the notices shall be sent to off-site businesses and residents within 500 feet of the project site;
  - ii. For projects on sites between 0.25 to 0.5 acres, or two or three residential units (not including Accessory Dwelling Units) notices shall be sent to off-site businesses and residents within 250 feet of the project site; or
  - iii. For projects on sites less than 0.25 acres or one residential unit, the notices shall be sent to off-site businesses and residents within 100 feet of the project site.

The notification shall include a brief description of the project, the activities that would occur, the hours when activity would occur, and the construction period's overall duration. The notification should include the telephone numbers of the contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. The project applicant shall provide the City with evidence of mailing of the notice, upon request. If pile driving, see additional noticing requirements in subsection 3(b) below.

- b. At least 10 days prior to the start of construction activities, a sign shall be posted at the entrance(s) to the job site, clearly visible to the public, which includes permitted construction days and hours, as well as the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the

authorized contractor's representative receives a complaint, they shall investigate, take appropriate corrective action, and report the action to the City within three business days of receiving the complaint.

**2. Manage Noise During Construction.** Projects shall implement the following measures to reduce noise during construction and demolition activity:

- a. The project applicant and contractors shall prepare and submit a Construction Noise Control Plan to the City's Planning Department for review and approval prior to issuance of the first permit. The Construction Noise Plan shall demonstrate compliance with daytime and nighttime decibel limits pursuant to Chapter 10.48 (Community Noise Control) of Cupertino Municipal Code. The details of the Construction Noise Control Plan shall be included in the applicable construction documents and implemented by the on-site Construction Manager. Noise reduction measures selected and implemented shall be based on the type of construction equipment used on the site, distance of construction activities from sensitive receptor(s), site terrain, and other features on and surrounding the site (e.g., trees, built environment) and may include, but not be limited to, temporary construction noise attenuation walls, high quality mufflers. During the entire active construction period, the Construction Noise Control Plan shall demonstrate that compliance with the specified noise control requirements for construction equipment and tools will reduce construction noise in compliance with the City's daytime and nighttime decibel limits.
- b. Select haul routes that avoid the greatest amount of sensitive use areas and submit to the City of Cupertino Public Works Department for approval prior to the start of the construction phase.
- c. Signs will be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment will be turned off if not in use for more than 5 minutes.
- d. During the entire active construction period and to the extent feasible, the use of noise producing signals, including horns, whistles, alarms, and bells will be for safety warning purposes only. The construction manager will use smart back-up alarms, which automatically adjust the alarm level based on the background noise level or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and law.

**3. Manage Vibrations During Construction:** In the event pile driving is required, the project applicant shall:

- a. Notify all vibration-sensitive receptors within 300 feet of the project site of the schedule 10 days prior to its commencement and include the contact information for the person responsible for responding to complaints on site.
- b. The project applicant shall retain a qualified acoustical consultant or structural engineer, to prepare and implement a Construction Vibration Monitoring Plan, which is subject to third-party peer review under the direction of the City at the applicant's cost, for areas within 100 feet for pile driving, 25 feet for vibratory roller, or 15 feet for other heavy equipment (e.g., bulldozer); and for historical structures: within 135 feet for pile driving, 40 feet for vibratory roller, or 20 feet for other heavy equipment. The plan shall include surveying the condition of existing structures; and determining the number, type, and location of vibration sensors and establish a vibration velocity limit (as determined based on a detailed review of the proposed building), method (including locations and instrumentation) for monitoring vibrations during construction, location of notices displaying the contact information for on-site coordination and complaints on site, and method for alerting responsible persons who have the authority to halt construction should limits be exceeded or damaged observed.
- c. Submit final monitoring reports to the City upon completion of vibration related construction activities.
- d. Conduct a post-survey on any structure where either monitoring has indicated high vibration levels or complaints that damage has occurred are received.
- e. The project applicant shall be responsible for appropriate repairs as determined by the qualified acoustical consultant or structural engineer where damage has occurred as a result of construction activities.

**H. Paleontological Resources**

**Protect Paleontological Resources During Construction.** If paleontological resources are encountered during ground disturbing and/or other construction activities, all construction shall be temporarily halted or redirected to allow a qualified paleontologist, which shall be retained by the project applicant, to assess the find for significance. If paleontological resources are found to be significant, the paleontological monitor shall determine appropriate actions, in coordination with a qualified paleontologist, City staff, and property owner. Appropriate

actions may include, but are not limited to, a mitigation plan formulated pursuant to guidelines developed by the Society of Vertebrate Paleontology and implemented to appropriately protect the significance of the resource by preservation, documentation, and/or removal, prior to recommencing activities. Measures may include, but are not limited to, salvage of unearthened fossil remains and/or traces (e.g., tracks, trails, burrows); screen washing to recover small specimens; preparation of salvaged fossils to a point of being ready for curation (e.g., removal of enclosing matrix, stabilization and repair of specimens, and construction of reinforced support cradles); and identification, cataloging, curation, and provision for repository storage of prepared fossil specimens.

## **I. Utilities and Service Systems**

### **1. Manage Wastewater Inflow and Infiltration to Sewer System.** Project applicants shall implement the following measures to reduce wastewater flow:

- a. The project applicant shall demonstrate, to the satisfaction of the City of Cupertino and Cupertino Sanitary District (CSD) that the project would not exceed the peak wet weather flow capacity of the Santa Clara sanitary sewer system by implementing one or more of the following methods:
  - i. Reduce inflow and infiltration in the CSD system to reduce peak wet weather flows, or
  - ii. Increase on-site water reuse, such as increased grey water use, or reduce water consumption of the fixtures used within the proposed project, or other methods that are measurable and reduce sewer generation rates to acceptable levels, to the satisfaction of the CSD.

The project's estimated wastewater generation shall be calculated using the current generation rates used by the CSD unless alternative (i.e., lower) generation rates achieved by the project are substantiated by the project applicant based on evidence to the satisfaction of the CSD.

- b. The project applicant shall obtain a letter of clearance from the Cupertino Sanitary District and provide a copy of the letter of clearance to the City prior to issuance of the first permit.

### **2. Ensure Adequate Water Supply and Infrastructure.** The project applicant shall obtain written approval from the appropriate water service provider for water connections, service capability, and location and layout of water lines and backflow preventers, prior to issuance of the first permit.

#### **17.04.050 Violations**

Violation of any of the standard environmental protection requirements, except for any such standard environmental protection requirements that the Director of Community Development and/or the City Engineer, or his or her designee, has deemed inapplicable pursuant to Section 17.04.040 and Section 17.04.050, constitutes a violation of this Code.



