

CC 05-5-20

Study Session #1
Small Cell

Presentation

SMALL CELL FACILITIES

STUDY SESSION

5/5/2020



CUPERTINO

What are Small Cells?

- Wireless Antenna
- Placed on Streetlights
- Compared to typical Cell Tower:
 - Smaller in size
 - Lower power output
 - Reduced coverage area



Federal Limitations

- Health Concerns
 - Cannot deny on health grounds if within FCC RF limits
- No Prohibitions
 - Cannot create “impossible” rules
- “Shot Clocks”
 - Cities have limited time to review

An abstract blue geometric pattern consisting of various shades of blue, including dark navy and lighter cerulean, forming angular, sunburst-like shapes that radiate from the left side of the frame.

What Has Cupertino Done?

- Set Reasonable Requirements
- Reviews Each Application
- Requires Public Notification
- Established Testing Policy
- Created Acceptable Design
- Works Closely with Providers

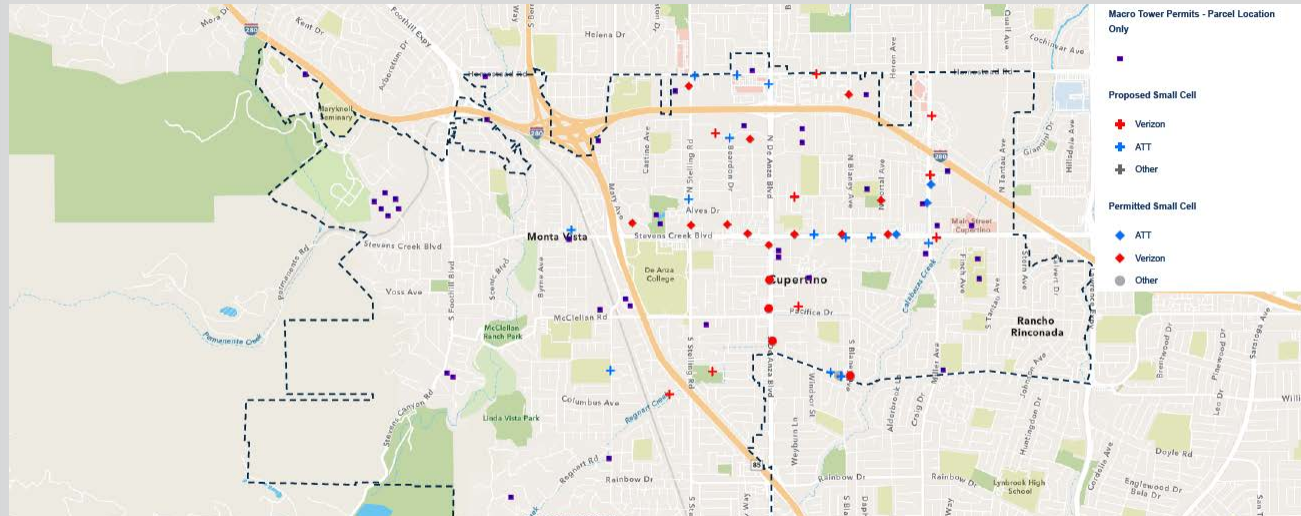
5 Stages of Permitting in Cupertino

- 1) Preliminary Assessment
- 2) Initial Submittal
- 3) Public Notification
- 4) Final Submittal
- 5) Permit Close Out

Public Notification Comparisons

Cupertino	-	300' Radius – 14 Days
Campbell	-	300' Radius – 14 Days
Los Altos	-	500' Radius – 10 Days
Los Gatos	-	300' Radius – 20 Days
Mountain View	-	300' Radius – 7 Days
Palo Alto	-	600' Radius – 14 Days
Saratoga	-	Adjacent Properties
San Jose	-	250' Radius – 20 Days
Sunnyvale	-	300' Radius – 14 Days

City Web-based Notification & GIS Map



<https://www.cupertino.org/our-city/departments/public-works/permitting-development-services/small-cell-information>



Notable Differences from other Cities

- In Person Submittals
- Required Public Meetings
- Onsite Posting
- Spacing Restrictions
- Exceptions Required in Residential Zones
- Setbacks from Residential Structures
- Setbacks from Schools

Recommended Updates

- Supplement design standards
- Create Application and Review Checklists
- Clarify spacing guidelines for carriers facilities
- Clarify MLA's permit ROW, not PUE's.
- Require posting on the pole
- Limit facilities within 20' of residences
- Set min. and max. elevations for antennae
- Consider time and materials permitting fees

Questions?



CC 05-5-20

#9 Municode
Amendments to Title 1

Presentation

Title 1: General Provisions

MCA-2020-01

Cupertino City Council
May 5, 2020



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2019-2020 Work Program Item #14

- Administrative Penalty Limits
- Code Enforcement Best Practices

Also:

- Consistency with State Law
- Clarification, Readability and Internal Consistency

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Administrative Penalty Limits

(Section 1.10.150)

Existing	\$1,000/violation/day AND \$100,000 Limit
Proposed	\$1,000/violation/day AND \$100,000 Limit

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Best Practices

Public Nuisances (Chapter 1.09)

Existing	<u>No abatement</u> until after: 1. Council public hearing 2. Resolution declaring public nuisance adopted
Proposed	<ul style="list-style-type: none">▪ Administrative process▪ Requires noticing▪ Allows appeals

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What do other cities do?

Nuisance Abatement at Administrative Level

- Palo Alto
- Sunnyvale
- Saratoga
- Santa Clara
- Mountain View
- Los Altos
- Campbell
- San Jose

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Proposed Abatement Process

- Authorizes staff to investigate complaints
- Authorizes abatement work to proceed if violator does not comply (need a warrant)
- Establishes an emergency abatement process
- Establishes process for collection of abatement costs (property liens and special assessments)

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Consistency with State Law

- Increased fine amounts for building code violations (*Sec. 1.10.170*)
- Clarification that fine amounts apply to each violation versus each citation (*Sec. 1.10.070*)
- Addition of hardship waiver process for reduction of administrative fines (*Sec. 1.10.080 new*)
- Deletion of an invalid lien procedure

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Clarification, Readability, and Internal Consistency

- *New Section 1.04.030*
 - Summarizes code enforcement remedies available to City (*moved from Section 1.10.010*)
- *Chapter 1.08, Right of Entry*
 - Clarification for when warrant is needed to conduct inspections on private property

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Clarification, Readability, and Internal Consistency *(Chapter 1.10)*

- Sec. 1.10.010, Applicability
- Sec. 1.10.020, Definitions
- Sec. 1.10.050, Administrative Citation – Issuance
- Sec. 1.10.070, Administrative Citation Fines
- Sec. 1.10.090, Appeal of Administrative Citation

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Clarification, Readability, and Internal Consistency *(Chapter 1.10)*

- Sec. 1.10.120, Administrative Citation Appeal Hearing
- Sec. 1.10.130, Hearing Officer's Decision on Administrative Citation
- Sec. 1.10.150, Administrative Penalties Imposed by Council

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Clarification, Readability, and Internal Consistency

- Chapter 1.12, General Penalty and Criminal Enforcement
- Section 1.12.010, Violation of Code
- Section 1.12.030, Public Nuisance Abatement (*Moved to Chapter 1.09*)

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Recommended Action:

That the City Council:

1. Find that the proposed actions are exempt from CEQA; and
2. Conduct the first reading of Ordinance No. 20-2203, entitled: "An Ordinance Of The City Council Of The City Of Cupertino Amending Chapter 1.04, General Provisions; Chapter 1.08, Right Of Entry For Inspection; Chapter 1.09, Nuisance Abatement; Chapter 1.10, Administrative Citations, Fines, And Penalties; Chapter 1.12, General Penalty" to improve process efficiency by adopting Best Practices, readability and internal consistency.

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CC 05-5-20

#10 FY 20-21 Grant
Funding Allocations

Presentation

CC 5/5/20, #10

FY 2020-21 Grant Funding Allocations



CUPERTINO


Kerri Heusler, Housing Manager
May 5, 2020

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Timeline

<u>Nov 12, 2019</u>	Annual Notice of Funding Availability (NOFA) / Request for Proposals(RFP) issued
<u>Feb 7, 2020</u>	NOFA/RFP deadline
<u>Mar 12, 2020</u>	Housing Commission meeting
<u>Apr 21, 2020</u>	City Council meeting


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Funding Sources

- 1. Community Development Block Grant (CDBG)
- 2. Below Market Rate (BMR) Affordable Housing Fund (AHF)
- 3. General Fund Human Services Grant (HSG) Program

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1. CDBG FY 2020-21 Budget

FY 2020-21 CDBG Budget	
Entitlement Amount	\$389,308.00
Program Income FY 2018-19	\$7,944.00
Sub-Total	\$397,252.00
Program Administration (20%)	\$79,450.40
Public Service (15%)	\$59,587.80
Capital/Housing Projects (65%)	\$258,213.80
Total	\$397,252.00

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1. CDBG Capital Housing Funds

FY 2020-21 Grant Application Summary	Funding Recommendations
a Rebuilding Together Silicon Valley- Housing Repair and Rehabilitation Project	\$83,363.40
b West Valley Community Services (WVCS) - Vista Village Renovation Project	\$174,850.40
Sub-Total	\$258,213.80

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1. CDBG Public Service Funds

FY 2020-21 Grant Application Summary	Funding Recommendations
a Live Oak Adult Day Services- Senior Adult Day Care / Caregiver Respite	\$21,155.73
b SALA- Legal Assistance to Elders*	<i>Recommended to be funded with HSG funds</i>
c WVCS- Community Access to Resource and Education	\$38,432.07
Sub-Total	\$59,587.80

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2. BMR AHF Capital Housing Funds

- \$6,000,000 balance
- No applications

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2. BMR AHF Public Service Funds

FY 2020-21 Grant Application Summary	Funding Recommendations
<div><div>a</div><div>Project Sentinel - Fair Housing and Tenant-Landlord Counseling and Dispute Resolution Services</div></div>	\$50,000.00
Sub-Total	\$50,000.00

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3. General Fund Human Services Grant Funds

	FY 2020-21 Grant Application Summary	Funding Recommendations
a	Catholic Charities of Santa Clara County- Long-Term Care Ombudsman	\$10,000.00
b	Maitri- MTH Direct Client Services	\$25,000.00
c	SALA- Legal Assistance to Elders*	\$15,000.00
d	WVCS- Haven to Home*	\$65,780.00
	Sub-Total	\$115,780.00

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Reporting and Monitoring

- Ongoing Technical Assistance
- Quarterly / Annual Reports
- CDBG Compliance

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Next Steps

- Adopt draft resolution
- Approve implementation of three-year funding cycle for CDBG public service, BMR AHF public service, and HSG grants commencing in FY 2020-21.
- Increase the General Fund allocation towards the HSG fund from \$100,000 to an annual amount of \$125,000 starting in FY 2020-21.
- Authorize the City Manager to negotiate and execute FY 2020-21, 2021-22, and 2022-23 CDBG, BMR AHF, and HSG grant agreements.

CC 05-5-20

#11 Urgency Ordinance
Extending Entitlement and
Permit Deadlines

Presentation

May 5, 2020 CC Item #11

Urgency Ordinance Extending Entitlement and Permit Deadlines

May 5, 2020



CUPERTINO

A decorative blue geometric pattern consisting of various triangles and lines, located on the left side of the slide.

COVID-19 Shelter-in-Place

- Mar 16, 2020 (County) – To March 31st
- Mar 19, 2020 (State) – Indefinite
- Mar 31, 2020 (County) – To May 4th
- Apr 29, 2020 (County) – To May 31st



Impact on Construction Projects

- March 31, 2020
 - Increased construction restrictions
- April 29, 2020
 - Comply with Construction Project Safety Protocols beginning May 4th
 - Incentives to speed up work
- Impact on design professionals

Extension of Permits

Type of Permit	Extension
Building Permit Applications	180 days
Issued Building Permits	180 days
Approved Planning Permits	Length of SiP Orders plus 180 days



Permit Processing Deadlines

- State Law specifies timelines
- Continue business as normal
- Extends deadlines if allowed by State law or Executive Order
- Executive Order N-54-20
 - CEQA Deadlines



Noticing and Public Comment

- No noticing required

Environmental Impact (CEQA)

- CEQA Section 15378
- CEQA Section 15061(b)(3)



Sustainability Impact

- No fiscal impact

Fiscal Impact

- No fiscal impact

Recommended Action

- Find the proposed action exempt from CEQA and
- Enact Urgency Ordinance No. 20-2204

