

CC 07-07-20

Study Session #1  
General Plan Amendment  
Authorization  
  
Presentation

# General Plan Amendment Authorization

City Council Study Session  
July 7, 2020



**CUPERTINO**



## Background

1. Procedures prior to 2015
2. Development and Adoption of GPA Authorization Procedure
  - Community Concerns
  - Online Survey
  - Additional Analysis
3. Adoption of new procedures



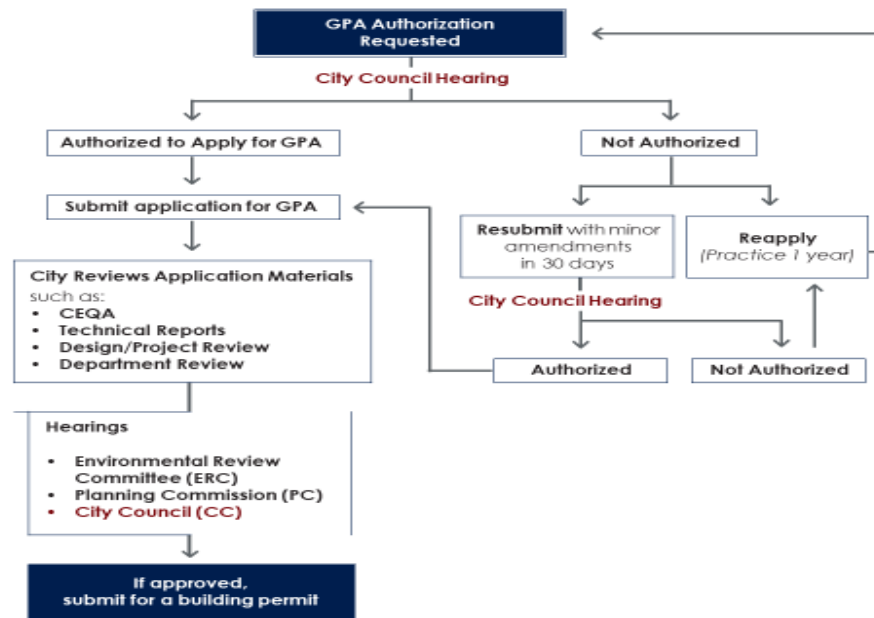
## Current Procedure

1. GPA applications are considered twice annually;
2. Application materials are posted on city website;
3. Postcard notification;
4. Council authorization of GPA submission is not approval of project;
5. Second chance of presentation may be granted by City Council – reconsideration;
6. If denied, project must wait until the next round to resubmit.



## GENERAL PLAN AMENDMENT AUTHORIZATION WORKFLOW

ATTACHMENT B





## Benefits of the Procedure

1. Provide for more orderly development;
2. Ensure that additional development improves quality of life for the community;
3. Provide opportunity for early community input;
4. Provide city staff advance notice of projects;
5. Provide direction early in the process;



## Concerns on Procedure

1. Misconception of City Council's authorization;
2. The process for changing the project after GPA authorization.
3. The community benefits from project to project have been inconsistent.
4. The community benefits offered may not provide the intended benefits.
5. The number of public outreach meetings should be increased to solicit more public input.



## Concerns on Procedure

6. More details on the projects and application materials;
7. City-wide public notice is conducted via bulk mail and not a more secure form of mailing.





## Options for the General Plan Amendment Procedure

1. Retain the existing Procedures as is.
2. Refine the existing Procedure to address concerns,
3. Repeal the existing Procedure
4. Consider additional methods to manage development.



## **Recommended Action**

That the City Council receive this report and provide direction on any next steps regarding the GPA Authorization Procedure.

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#2

Civic Center Parking  
Analysis and  
Recommendations

Presentation

# Civic Center Parking Analysis Report

July 7, 2020



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# Outreach

- Library Patron Intercept Survey (Oct. '19)
- Employee Surveys (March '19, Aug. '19 and March '20)



# Existing Parking

Existing surface parking stalls: 226

On-street parking stalls: +96

Total Existing Parking Capacity 322

Existing Parking Stall Deficiency 25

# Future Parking Demands

- City Hall
- Community Hall
- Library

# Parking Supply Increase Improvements

Recommended Action	Equivalent increase in parking stalls	Estimated Cost per parking stall	Estimated Total Cost of Improvement or Annual Operating cost
Convert one Rodrigues Avenue parking space into motorcycle parking	4	\$50	\$200 (one-time)
Add pick-up/drop-off return to Torre Ave	13	\$385	\$5,000 (one-time)

**Total Equivalent Reduction to Demand:**

**17**

**Total Physical Improvement Cost (one-time expenditure):**

**\$5,200**

**Total Annual Costs to Implement (ongoing costs):**

**\$0**



# Parking Demand Decrease Measures

Recommended Action	Equivalent increase in parking stalls	Estimated Cost per parking stall	Estimated Total Cost of Improvement or Annual Operating cost
Continue provide option for employees to telecommute	15	--	-- (annual)
Designate carpool spaces	8	\$100	\$800 (one-time)
Add secure bicycle parking close to City Hall entrance	2	\$7,500	\$15,000 (one-time)
Continue the guaranteed ride home program	29	\$24/year	\$700 (annual)
Create healthy families program to encourage families to bike/walk to the Library	20	\$500/year	\$10,000 (annual)
Education on Transportation Demand Management (TDM)	6	\$1,667/year	\$10,000 (annual)

# Parking Demand Decrease Measures (cont.)

Recommended Action	Equivalent increase in parking stalls	Estimated Cost per parking stall	Estimated Total Cost of Improvement or Annual Operating cost
Continue to provide commuter checks to employees to encourage biking, walking, carpooling and transit ridership	17	\$1,300/year	\$22,100 (annual)
Provide a free Via shuttle from local schools to the library after school	36	\$833/year	\$30,000 (annual)
Parking cash out for employees (\$5/day)	41	\$1,300/year	\$53,300 (annual)
Reduce 4-Hour parking to 2-Hour parking	14	\$5,357/year	\$75,000 (annual)

# Parking Demand Decrease Measures (cont.)

Total Equivalent Reduction to Demand:	188
Total Physical Improvement Cost (one-time expenditure):	\$15,800
Total Annual Costs to Implement (ongoing costs):	\$201,100

# Parking Management Measures

Recommended Action	Equivalent increase in parking stalls	Estimated Cost per parking stall	Estimated Total Cost of Improvement or Annual Operating cost
Parking Management Measures			
Add valet parking for large events	30	\$1,600/year	\$48,000

**Total Equivalent Reduction to Demand:**

**30**

**Total Physical Improvement Cost (one-time expenditure):**

**\$0**

**Total Annual Costs to Implement (ongoing costs):**

**\$48,000**

# **Total Physical and 2-Year Cost to Implement**

<b>Total Equivalent Stall Increase:</b>	<b>235</b>
<b>Total Physical Improvement Cost:</b>	<b>\$21,000</b>
<b>Total Annual Costs to Implement for Two Years:</b>	<b>\$498,200</b>
<b>Total Cost: \$519,200</b>	



## Recommendation

Provide input on the recommended actions to reduce parking demand and to increase and manage parking supply at the Civic Center.

# Civic Center Parking Analysis Report

July 7, 2020



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#8

Municipal Code  
Amendments to Regulate  
Short-Term Rental Activity

Presentation



# Short-Term Rental Ordinance

July 7, 2020



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## Background

- Pre-Covid SIP - ~400 STRs
- Post-Covid - ~ 240 STRs
- Currently allowed as Home Occupation
- Required to remit TOT



# Outreach

- Online survey
- Public outreach meeting
- Planning Commission
- CC Study Session
- Platform Outreach



# City Council Study Session

- Maximum # of users
- STR Activity in condos/townhomes, and multi-family
- Restrict guest activity
- Regulating Parking
- Revocation of Registration
- Regulation on Hosting Platforms



# Proposed STR Regulations: Definitions

- Host
- Hosted Stay
- Short-Term Rental
- Un-Hosted Stay
- Hosting Platform
- Local Contact
- Transient

# Proposed STR Regulations: Activity

- Allowed within primary residence (not ADUs)
- No commercial activities
- # of guests
- Parking
- One agreement per night
- Hosted and Un-Hosted Stays
- Guest Manual
- Quiet Hours



# Proposed STR Regulations: Registration

- Host Name and Contact Information
- Site Plan and/or floor plan with STR location
- Consent to inspection
- Proof of primary residence
- HOA or Property Owner approval
- Property Location
- Acknowledgement of compliance with city requirements
- Local Contact
- Identification of off-street parking
- Proof of remittance of TOT



# Proposed STR Regulations: Revocation

- Revocation
- Process
- Appeal





# Proposed STR Regulation: Hosting Platforms

- Collecting TOT
- Maintain records
- Preventing non-registered STR bookings



## **Other Municipal Code Amendments**

- Clarify some definitions
- Processing of permit applications and revocations



# Fundamental Enforcement Benefits

## Current:

STRs are a permitted use, subject to regulations.

## Proposed:

STRs are prohibited unless registered and compliant with regulations



# Fundamental Enforcement Benefits

Through this shift in regulatory design, the City will have more leverage in effectively regulating STRs



# STR Enforcement

- Current Enforcement Resources
- Expectations
- Enforcement Approaches

# Enforcement Options

Enforcement Level	Services Provided		Expected Rate of Compliance (of known STRs)	Additional Contract Staffing Needs	Third-Party Monitoring	Total Estimated Cost
	Registration Enforcement	Complaint Response				
<b>Proactive</b>	Yes, with annual inspections	Reactive	> 90%	3,120 annual hours (\$374,400)	\$34,289	\$408,689
<b>Semi-Proactive</b>	Yes, with <u>no</u> annual inspections	Reactive	> 70%	2,080 annual hours (\$249,600)	\$34,289	\$283,889
<b>Reactive</b>	Only upon complaints	Reactive	> 30%	1,040 annual hours (\$124,800)	\$34,289	\$159,089



## STR Implementation

- Unclear impact of SiP on STRs
- Delayed operative date
  - Six months after normal travel is allowed to resume



# Environmental Review

- CEQA Exemptions:
  - 15378
  - 15061 (b) (3)
  - 15304





## Next Steps

- First reading of the ordinance
- Second reading on 7/21/2020

# Recommendation

Planning Commission recommended (4-0-1, Wang absent) that that the City Council adopt the proposed draft ordinance to:

1. Find that the proposed actions are exempt from CEQA; and,
2. Amend the Municipal Code by adding Chapter 5.08 and amending Chapters 3.12 (Transient Occupancy Tax), Chapter 19.08 (Definitions), Chapter 19.12 (Administration) and Chapter 19.120 (Home Occupations).



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#9

Renewal of Stormwater  
Parcel Fees for FY20-21

Presentation

# **Renewal of Stormwater Parcel Fees for FY20-21**

**July 7, 2020**



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## Two Stormwater Fees

- 1992 Storm Drainage Charge
  - \$12/single family parcel;
  - \$144/acre for commercial/apartments/industrial parcels;
  - \$36/acre for unimproved parcels

- 2019 Clean Water and Storm Protection Fee

Land Use Category		Fee	
Single Family Residential*			
	Small ( <i>under 0.13 acre</i> )	\$	36.58 per parcel
	Medium ( <i>0.13 - 0.22 acre</i> )	\$	44.42 per parcel
	Large ( <i>0.23 - 0.40 acre</i> )	\$	55.58 per parcel
	Extra Large ( <i>over 0.40 acre</i> )	\$	106.42 per parcel
	Condo 1 (1 story)	\$	36.58 per parcel
	Condo 2 (2+ stories)	\$	11.99 per parcel
Non-Single-Family Residential**			
	Multi-Family Residential	\$	30.88 per 0.1 acre
	Commercial/Retail/Industrial	\$	40.38 per 0.1 acre
	Office	\$	30.88 per 0.1 acre
	Church/Institutional	\$	26.13 per 0.1 acre
	School (w/playfield)	\$	19.00 per 0.1 acre
	Park	\$	7.13 per 0.1 acre
	Vacant	\$	2.38 per 0.1 acre
	Open Space/Agricultural		no charge
Low Impact Development Adjustment***		25% Fee Reduction	

\*Single-Family Residential (SFR) category also includes du-tri-and four-plex units

\*\*Non-SFR parcels are charged per the tenth of an acre or portion thereof

\*\*\*Low Impact Development Adjustment only applies to condominium and non-SFR

## **No increase recommended for FY20-21**

- Council has option to approve increase the Clean Water & Storm Protection Fee (CPI with a 3% cap) if actual program expenditures increase.
- Expenses came in under budget for 19-20 (short-staffed, need for allocation adjustments, COVID-19) so no increase recommended.



## **Audit and Review**

- NonPoint Source Program expenses and revenues will be subjected to internal audit for FY 19-20 during City's usual audit schedule.
- Going forward, new schedule of auditing will review a full year in advance of this renewal process. (Mar-Feb for review by Audit Committee at normal April meeting).

## Tonight's Recommended Actions

- 1. Adopt Resolution No. 20-XXX approving the renewal and collection of the 1992 storm drain fee with no increase in rates for fiscal year 2020-2021; and
- 2. Adopt Resolution No. 20-XXX approving the renewal and collection of the 2019 Clean Water and Storm Protection Fee with no increase in rates for fiscal year 2020-2021; and
- 3. Assign the Audit Committee the task of reviewing externally-audited findings regarding the Nonpoint Source Program on an annual basis.



# Questions?

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#10

Approving an Internal  
Audit

Presentation

# Internal Audit Function

July 7, 2020



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# Agenda

- Background
- Purpose
- Recommended Action



## Background

- FY 2019-20 City Council Work Program
- FY 2019-20 Adopted Budget
- Internal Auditor Selection
  - Request for Proposal, September 2019
  - Sub-Committee selected Moss Adams
- Services to commence in Fiscal Year 2020-21



# Purpose

Ensuring City has proper controls, governance and risk management processes in place by independently reviewing:

- Processes
- Capital programs
- Governance and management
- Operations and service delivery
- Risk management
- Internal controls
- Organization and staffing
- Asset management
- Funding and economics
- Human resources
- Technology
- Compliance
- Procurement
- Accounting and financial reporting
- Public safety
- Fraud, waste, and abuse





## Recommended Action

- Adopt Resolution No. 20-091 establishing an Internal Audit Function
- Conduct first reading of Ordinance No. 20-2208 amending City Code Chapter 2.88: Audit Committee § 100 Duties-Powers-Responsibilities
  - Shall recommend appointment of internal auditors
  - Shall review internal audit reports



Questions?

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#11

Lawrence Mitty Acquisition

Presentation

# **Lawrence – Mitty Acquisition**

City Council – July 7, 2020



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[illegible]



## Negotiated Deal Points

- Purchase Price = \$2.69M
- Access from Lawrence Expwy for Maintenance and construction
- Removal of materials and debris



## Next Steps

- City Approval
- County Approval
- Due Diligence period
- Complete Purchase
- Develop park specific plan

VICINITY MAP

Attachment 8

North Arrow

Scale: 1 inch = 1 mile

Map showing the project location (red line) in a residential area. The map includes a north arrow, a scale bar, and labels for surrounding streets and landmarks. The project is located near the intersection of 1st St and 2nd St. The map shows a dense residential area with streets like 1st St, 2nd St, 3rd St, 4th St, 5th St, 6th St, 7th St, 8th St, 9th St, 10th St, 11th St, 12th St, 13th St, 14th St, 15th St, 16th St, 17th St, 18th St, 19th St, 20th St, 21st St, 22nd St, 23rd St, 24th St, 25th St, 26th St, 27th St, 28th St, 29th St, 30th St, 31st St, 32nd St, 33rd St, 34th St, 35th St, 36th St, 37th St, 38th St, 39th St, 40th St, 41st St, 42nd St, 43rd St, 44th St, 45th St, 46th St, 47th St, 48th St, 49th St, 50th St, 51st St, 52nd St, 53rd St, 54th St, 55th St, 56th St, 57th St, 58th St, 59th St, 60th St, 61st St, 62nd St, 63rd St, 64th St, 65th St, 66th St, 67th St, 68th St, 69th St, 70th St, 71st St, 72nd St, 73rd St, 74th St, 75th St, 76th St, 77th St, 78th St, 79th St, 80th St, 81st St, 82nd St, 83rd St, 84th St, 85th St, 86th St, 87th St, 88th St, 89th St, 90th St, 91st St, 92nd St, 93rd St, 94th St, 95th St, 96th St, 97th St, 98th St, 99th St, 100th St. Landmarks include the University of California, San Diego, and the San Diego State University. The map is titled 'VICINITY MAP' and 'Attachment 8'.



CC 07-07-20

#12

# Electronic Filing of Campaign Statements

## Presentation

# Electronic Filing of Campaign Statements

Cupertino City Council

July 7, 2020



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## **Draft Ordinance**

Adding Chapter 2.20.120 to City Code, Requiring Electronic Filing of Campaign Statements



## Draft Ordinance

Consistent with Gov Code section 84615, allowing local government agency to mandate e-filing for elected officer, candidate, committee.



## Draft Ordinance

- Ensures integrity of data
- Compatibility with Secretary of State system
- Available free of charge



## E-filing

- FPPC encourages electronic reporting
- E-filing easier to comply with reporting obligations
- Provides publicly accessible information and a consistent format.



## Other Cities

Gilroy, Los Gatos, Menlo Park, Morgan Hill, Mountain View, Palo Alto, San Jose, San Mateo, Santa Clara, Sunnyvale



## May 5 Update

- Council request to track campaign finance data
- Application for contributions and expenditures
- Extracts data from campaign statements
- Provides comprehensive view of campaign financials
- Available Late July





## Recommended Action

1. Receive update on City website tool for publishing campaign finance expenditures and contributions; and
2. Conduct the first reading of Ordinance No. 20-2209 “An Ordinance of the City Council of the of the City of Cupertino adding City Code Section 2.20.120 (Electronic Filing) to Title 2 (Administration and Personnel)”