

CC 09-15-20

Study Session #1
Small Cell

Presentation

SMALL CELL FACILITIES PERMITTING GUIDELINES

STUDY SESSION
9/15/2020



CUPERTINO

What are Small Cells?

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



Laws and Regulations

- Authority to Regulate Aesthetics and Manage Public Right of Way
- Regulation Must Not Be Based on Health Concerns
- Regulation Must Not Prohibit Wireless Service
- “Shot Clocks” for Application Review

Background

- Previous study sessions
 - May 16, 2017
 - July 17, 2019
 - May 5, 2020
 - Council recommended enhancements

Council Recommendations

- Preferred Siting Guidelines
- Minimum and Maximum height limits
 - 26' Min Height Limit
 - 41' Max Height Limit in Non-Res Zones
 - 36' Max Height Limit in Res Zones
- Permit required to modify existing facilities
- Increase to notification radius and period
- Minimum spacing guidelines

Preferred Siting Guidelines

- Category 1 – Preferred Locations
- Category 2 – Less Preferred Locations
 - Further broken down by street type
- Category 3 – Least Preferred Locations
 - Locations in proximity to occupied structures, schools, playgrounds and intersections.

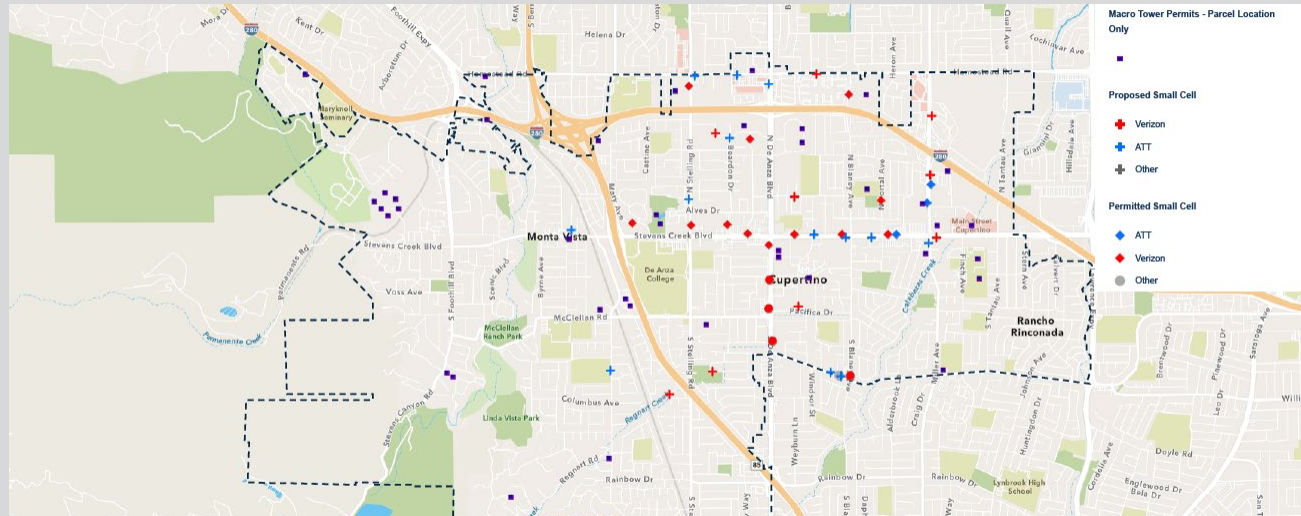
Public Notification Comparisons

Cupertino	-	500' Radius – 21 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

5 Stages of Permitting in Cupertino

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

City Web-based Notification & GIS Map



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

Questions?



CC 09-15-20

#6

Reducing Exposure to
Secondhand Smoke

Presentation

Reducing Exposure to Secondhand Smoke

September 15, 2020



**CITY OF
CUPERTINO**



Background

- Tobacco remains the #1 preventable cause of death & disease
- SCC Healthy Cities recommends evidence-based tobacco control policies



Background

- City received grant and technical assistance from County
- **November 2019:** Council required tobacco retailer permit, prohibited flavored tobacco
- **February 2020:** Council prohibited e-cigarette sales



Recommended Action

Provide direction on policy options to reduce exposure to secondhand smoke:

- In multi-unit housing
- In outdoor areas

An abstract graphic on the left side of the slide, featuring a dark blue background with lighter blue geometric shapes, including triangles and curved lines, creating a dynamic, sunburst-like pattern.

Secondhand Smoke

- No safe level of exposure to secondhand smoke
- Classified as a toxic air contaminant
- Only way to protect nonsmokers is to eliminate exposure to smoke
- Greater concern during COVID-19



Policy Options

Require smoke-free:

- Multi-unit housing
- Entryways
- Public events
- Service areas
- Outdoor worksites

Smoking

- Cigarettes, cigars, cigarillos, hookah, and pipes
- Electronic smoking devices
- Marijuana





Smoke-free Multi-Unit Housing

- 1/3 of adults in SCC multi-unit housing smelled drifting tobacco smoke
- Smoke transfers between units: doorways, wall cracks, vents, etc.
- Policies protect public health, reduce fire risk, and cleaning costs

Smoke-free Multi-Unit Housing

Shared wall or ceiling, e.g.,

- Apartments
- Condominiums
- Townhomes
- Duplexes
- Attached single-family, etc.



Smoke-free Multi-Unit Housing

Common Areas:

- Indoor
- Outdoor:
 - Courtyards
 - Walkways
 - Pools
 - Parking lots, etc.





Smoke-free Multi-Unit Housing

Buffer Zones:

- No smoking within 25 feet of doorways, windows, etc. of multi-unit housing
- Landlords may create outdoor designated smoking area

Smoke-free Multi-Unit Housing

Individual Units:

- Inside unit
- Includes balconies and patios
- 4 cities in SCC and County have laws



Smoke-free Entryways

Current law: no smoking in

- Outdoor dining
- 25 feet from restaurants



Smoke-free Entryways

- Policy option: no smoking 25-30 feet of doorways, windows, vents to all non-smoking buildings
- 9 cities in SCC and County have laws



Smoke-free Public Events

- Examples: farmer's markets, parades, music events
- 8 cities in SCC have laws



Smoke-free Service Areas

Lines to receive a service. Examples:

- Grocery store
 - ATM
 - Transit stops
- 4 cities in SCC
have laws



Smoke-free Outdoor Worksites

- Construction, utilities, etc.





Enforcement

- Becomes part of City law
- Landlords add to lease
- Phase-in period
- Complaint-driven
- Education and warnings effective in encouraging compliance
- County provides signs for multi-unit housing and businesses

Proposed Outreach

- Online survey
- Community forums
- Mailers





Conclusion

- Protect residents, employees, visitors from secondhand smoke
- City would receive an “A” grade from American Lung Association on tobacco policies

Questions?



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CC 09-15-20

#8

Short Term Rental
Registration Fee

Presentation

Short-Term Rental Registration Fee

September 15, 2020



CUPERTINO



Background

- August 18 – Council appropriated \$283,889 for enforcement costs for the STR program including:
 - \$34,289 for third-party short-term rental monitoring technology
 - \$249,600 for approximately 2,080 hours of contract code enforcement



Background

- ~400 STRs in Cupertino prior to COVID-19
- ~200 STRs currently
- Numbers slowly increasing

300 STRs will be used as an estimated basis for this analysis

Full Cost-Recovery Fee

- Costs included:
 - \$34,289 for third-party short-term rental monitoring technology
 - \$249,600 for contract code enforcement
 - \$286 per registration for 1 hour of staff time for review and processing
- **\$1,232 fee per STR**



Alternative: Minimal Cost-Recovery Fee

- Costs included:
 - \$34,289 for third-party short-term rental monitoring technology
 - \$286 per registration for 1 hour of staff time for review and processing
- **\$400 fee per STR**

Short-Term Rental Registration Fees	
City	Registration Fee
Cupertino	Up to \$1,232
San Francisco	\$450 for 2 years
South Lake Tahoe	\$250-\$1,325 annually (based on the # of occupants)
Santa Monica	\$104 for 1st year \$50 renewal
Pacific Grove	\$388 for 1st year \$238 renewal fee \$640 annual licensing fee
Mountain View	\$165 for 1st year \$33 renewal
Santa Cruz	\$283 annually
Los Altos Hills	\$205 for 1st year \$108 renewal
Los Gatos	\$262.50 for 1st year \$176.70 change of owner \$0 renewal by same owner



Recommended Action

- Full cost-recovery is recommended
- Adopt the draft resolution (Attachment A) amending the Fiscal Year 2020-21 Fee Schedule to establish a new fee for Short-Term Rental of \$1,232

Questions?



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CC 09-15-20

#9

Rainbow Crosswalk

Presentation

Rainbow Crosswalk Report



CUPERTINO

September 15, 2020



Background

At the Council meeting of July 21, 2020 staff was directed to investigate potential installations of rainbow-colored treatments at crosswalks, intersections or other alternatives.

Crosswalks



West Hollywood



San Francisco



Seattle



Philadelphia

Pavement Murals

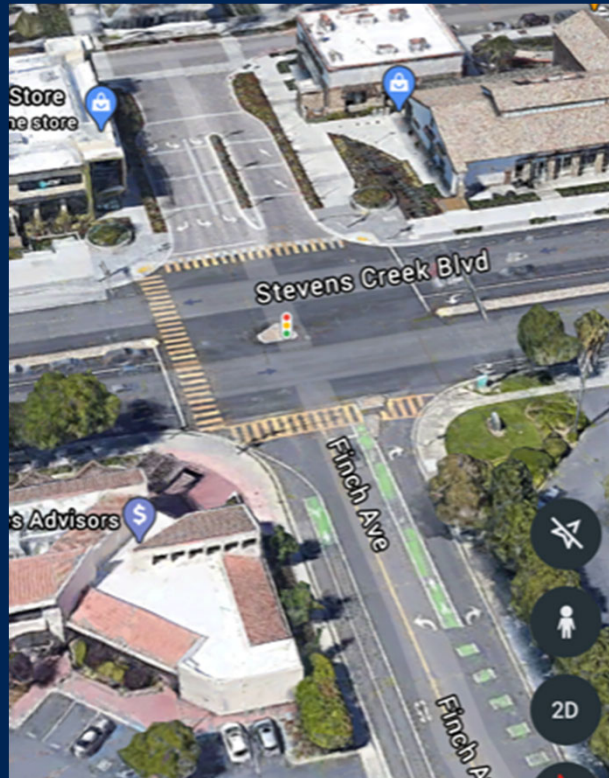


Fort Lauderdale

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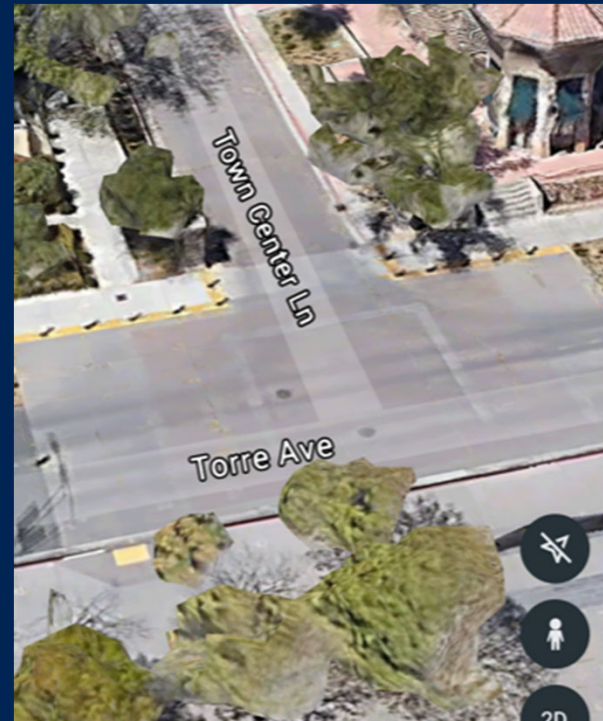
Vehicle Travelled Areas Include

- Arterials (higher speed and volumes, such as De Anza and Stevens Creek Blvds)
- Collectors (moderate speeds and volumes, such as Stelling and McClellan Roads)
- Local Roads (slower speeds and volumes, such as Torre Ave near library)



Stevens Creek Blvd/
Finch Ave

Torre Ave/
Town Center Lane



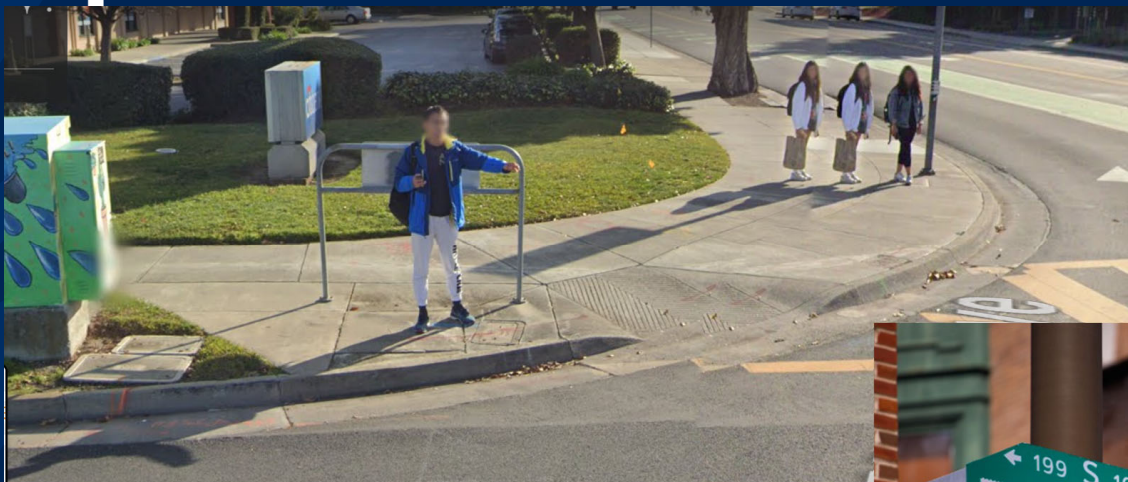
An abstract graphic on the left side of the slide, consisting of various shades of blue forming geometric shapes like triangles and lines, creating a dynamic, sunburst-like pattern.

Regulatory Guidance in Vehicle and Bicycle Travelled Ways

Federal Highway Administration (FHWA) establishes standards and guidance for signs and striping on public streets:

- Colored pavement between crosswalk lines should not degrade the contrast of white crosswalk lines
- Rainbow crosswalks not in compliance with FHWA guidance
- Earth tones (such as paver treatments) are ok

Alternative Right of Way Locations



Cupertino



Philadelphia

Alternative location – not a travelled way



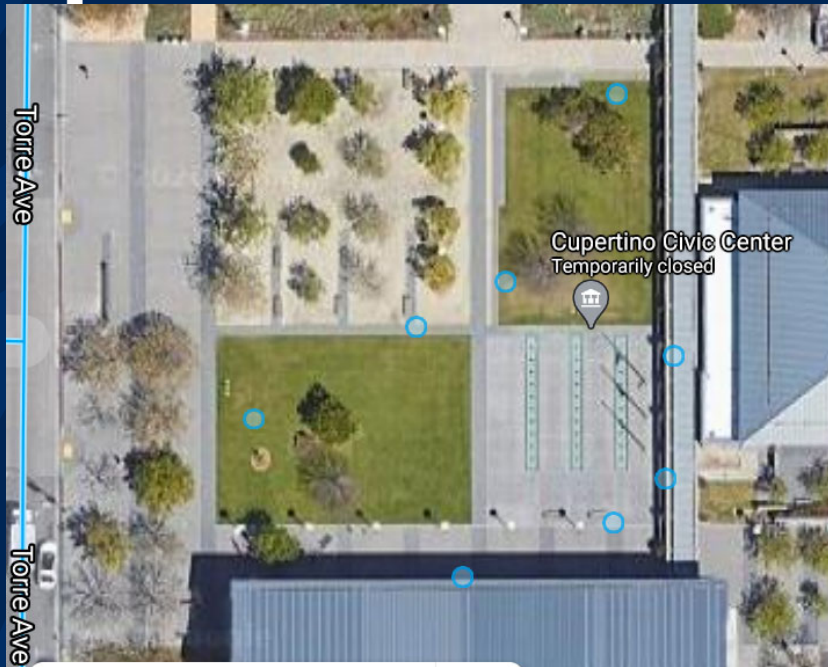
Median Tips



Traffic Calming Areas



Other Alternatives



Civic Center Plaza



City Hall Parking Lot

A vertical decorative bar on the left side of the slide, featuring a dark blue background with a complex, abstract pattern of lighter blue geometric shapes, including triangles and curved lines, creating a sense of depth and movement.

Recommendations

- Public Plazas / street names signs
- Public parking lots
- Street areas not used by cars or bikes
- Sidewalks / median tips

Not Recommended

- Vehicle traveled areas in the street
- Bikelanes



Costs

- **Areas out of the travelled way, plaza, parking lot treatments or sidewalk:** Depends on scope of treatment, \$500-\$5,000 or more
- **Street name signs:** \$200 per sign
- **Crosswalk:** \$20k or more, plus \$5-\$10k for removal of existing crosswalk
- **Pavement murals:** up to \$20k



Recommended Action

Receive report on the consideration of installing a rainbow crosswalk or intersection on City streets or alternative locations and provide input.

END SLIDE

Rainbow Crosswalk Report



CUPERTINO

September 15, 2020

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#10

Cupertino 2020A
Certificates of
Participation

Presentation

2020A Certificates of Participation

City Council and Cupertino Public Facilities
Corporation Board Presentation

September 15, 2020



**CITY OF
CUPERTINO**



Financing Team

- **Urban Futures, Inc.**, Municipal Advisor
- **Stradling Yocca Carlson & Rauth**, Special Counsel and Disclosure Counsel
- **Stifel, Nicolaus & Company, Incorporated**, Underwriter
- **The Bank of New York Mellon Trust Company, N.A.**, Trustee and Escrow Bank



2012 Certificates of Participation

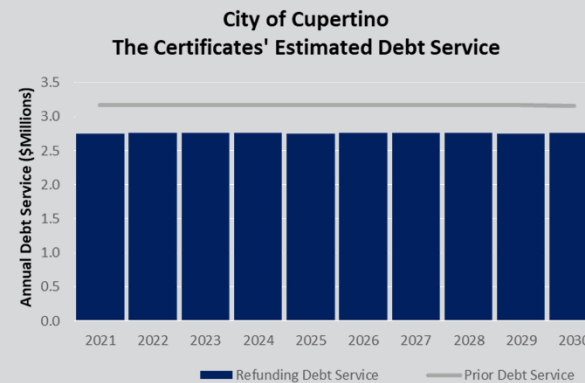
- Rated AA+
- Originally issued \$43.940 million and currently outstanding in the amount of \$27.010 million
- Interest rates ranging from 3.000% to 3.125%
- Final maturity of July 1, 2030
- Can be currently refunded for debt service savings without penalty (interest rates are near historical lows)

2020A Certificates of Participation

Issuance of \$22.695 million 2020A Certificates of Participation (COPs) to refund the 2012 Certificates of Participation (Results are preliminary and subject to change)

Sources & Uses	
Sources	
Par Amount	\$22,695,000
Premium	3,285,067
Prior Debt Service Reserve Fund	1,631,055
Total Sources	\$27,611,123
Uses	
Refunding Escrow	\$27,297,300
Issuance Costs ⁽¹⁾	313,822
Total Uses	\$27,611,123

(1) Includes underwriter's discount and costs of issuance.





Estimated Savings *(Preliminary and subject to change)*

- \$4.15 million in total debt service savings
- \$415,000 in annual debt service savings
- \$2.26 million in net present value savings
- 8.36% of refunded par
- Savings are net of all costs of issuance and will benefit the General Fund



Security for the 2020A COPs

- Lease payments for the Leased Premises from any source of legally available funds of the City (annual appropriation covenant, subject to abatement, ability to re-enter and re-let)
- Leased Premises: City Hall and Administrative Offices, Community Hall/City Council Chambers, Quinlan Community Center

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Public Facilities Corporation

- Nonprofit public benefit corporation formed in 1986
- Operates under existing laws of the State of California
- Authority to assist in the financing and refinancing of the construction, reconstruction, modernization and equipping of certain capital improvements on behalf of the City of Cupertino
- The City Council comprises the Board of Directors and include the President, Vice President, Secretary (1 or more), and Treasurer (1 or more) of the Corporation



City and Corporation Actions

City Council and Corporation Board consider adoption of Resolution to authorize issuance of 2020A COPs (not to exceed \$27 million), approve financing team, and approve final form of financing documents

City Documents

- Site Lease
- Lease Agreement
- Trust Agreement
- Escrow Agreement
- Termination Agreement
- Certificate Purchase Agreement
- Preliminary Official Statement
- Amended Debt Management Policy

Corporation Documents

- Site Lease
- Lease Agreement
- Assignment Agreement
- Trust Agreement
- Termination Agreement
- Preliminary Official Statement
- Amended Debt Management Policy



Financing Schedule

- **Sept 16:** Meeting with S&P Global Ratings
- **Sept 23 or 24:** Receive rating
- **Sept 24 or 28:** Post Preliminary Official Statement
- **Week of Sept 28 or Oct 5:** Price COPs (Certificate Purchase Agreement signed)
- **Week of Oct 19 or Oct 26:** Bond Issuance/Closing



Questions?

CC 09-15-20

11

Blackberry Farm Entrance
Road Feasibility Study

Presentation

Blackberry Farm Entrance Road Improvements Feasibility Study Report

September 15, 2020



CUPERTINO

Goal of Project

- Identify & evaluate alternatives to improve pedestrian & bicycle access to Blackberry Farm at San Fernando Ave
- Identify assoc. land dedication needed at 10301 Byrne Avenue to implement improvements



Purpose of Meeting

- Present feasible alternatives
- Review results of evaluation and public input
- Note the proposed dedication at 10301 Byrne Avenue

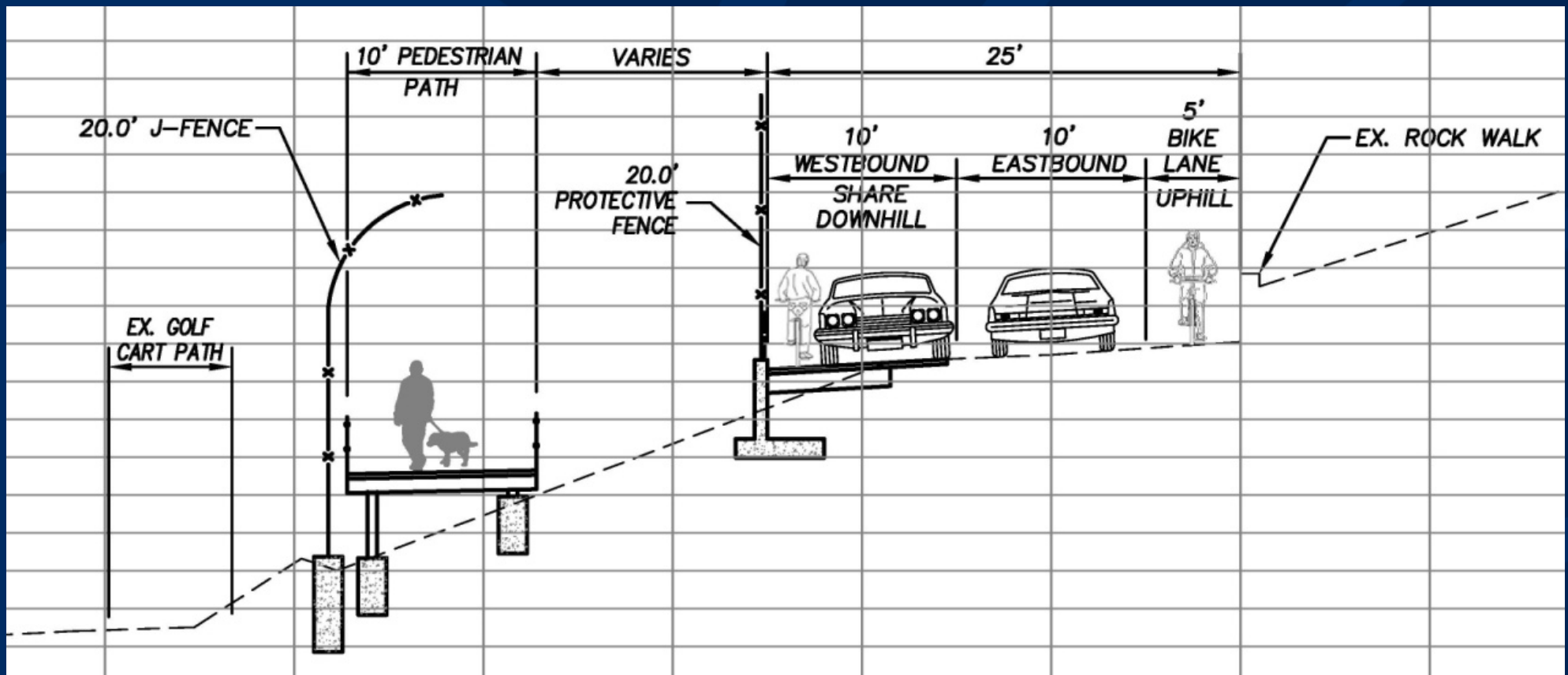
Recommended Action

- Endorse a preferred alternative for future review under CEQA

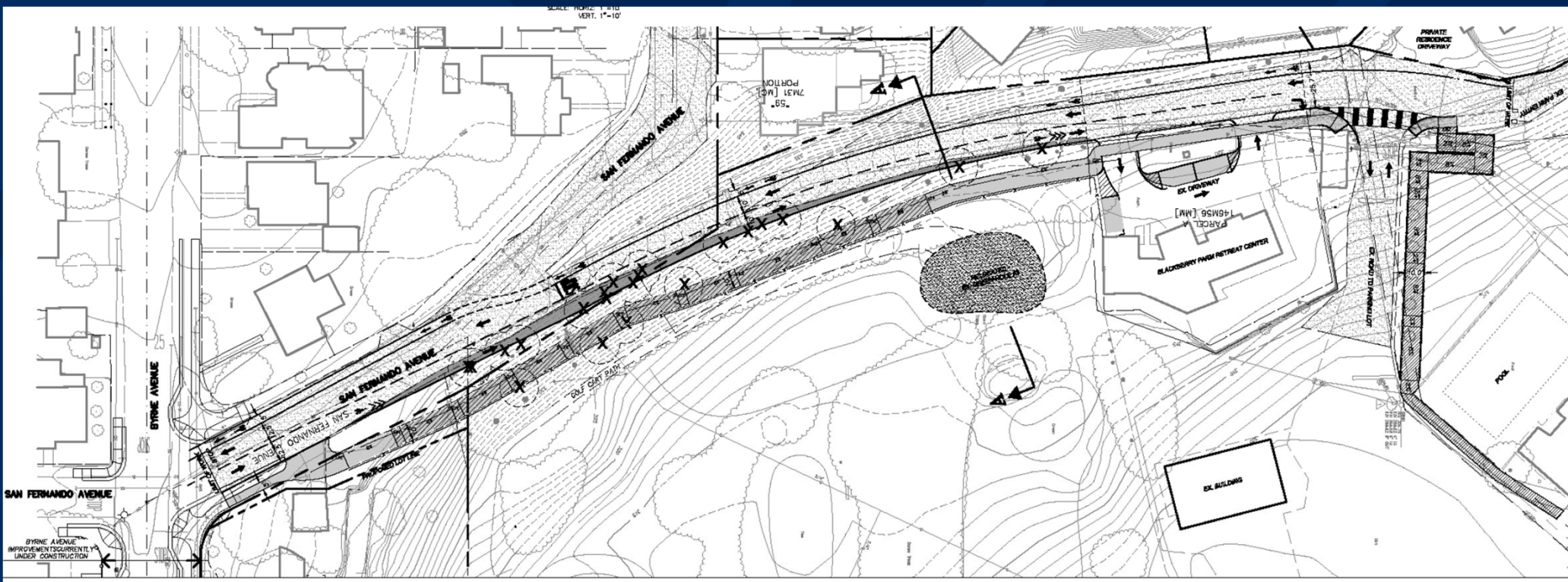
Blackberry Farm Entrance Road



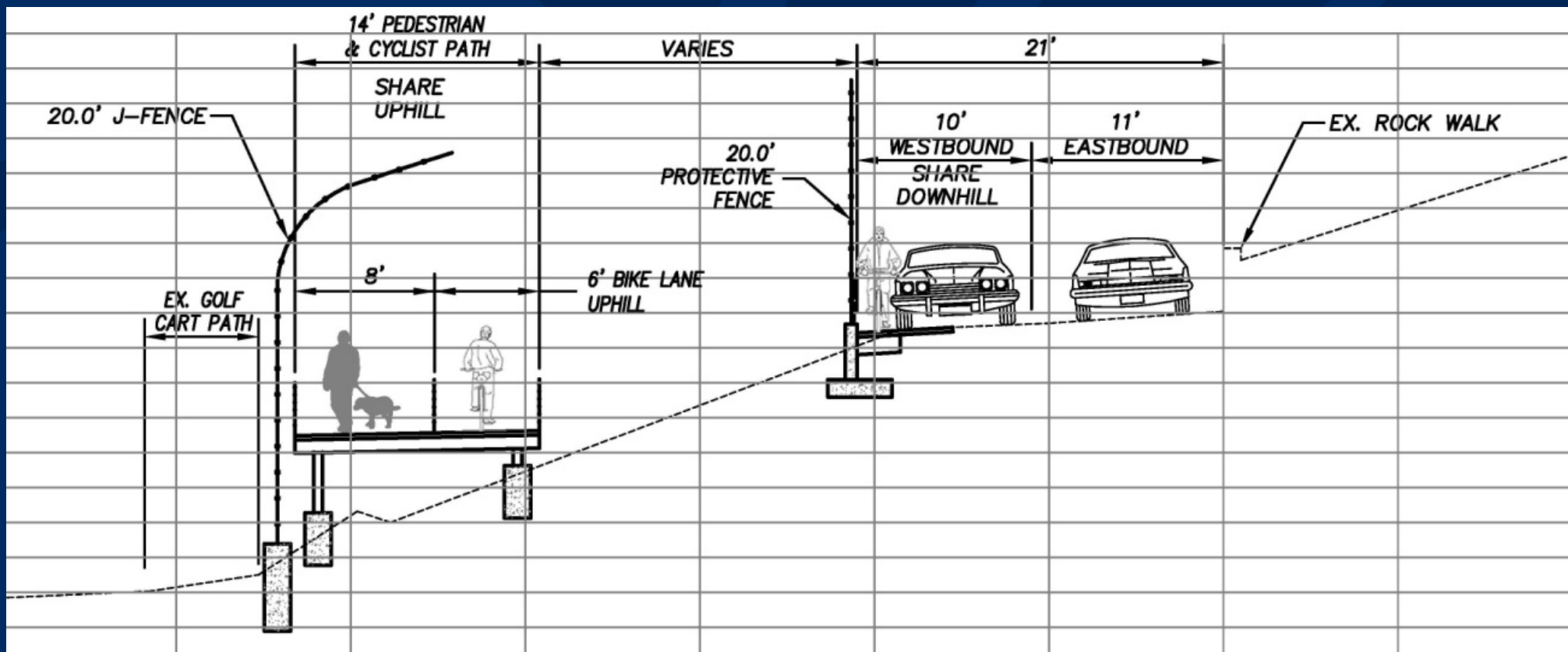
Alt. A – Cross Section



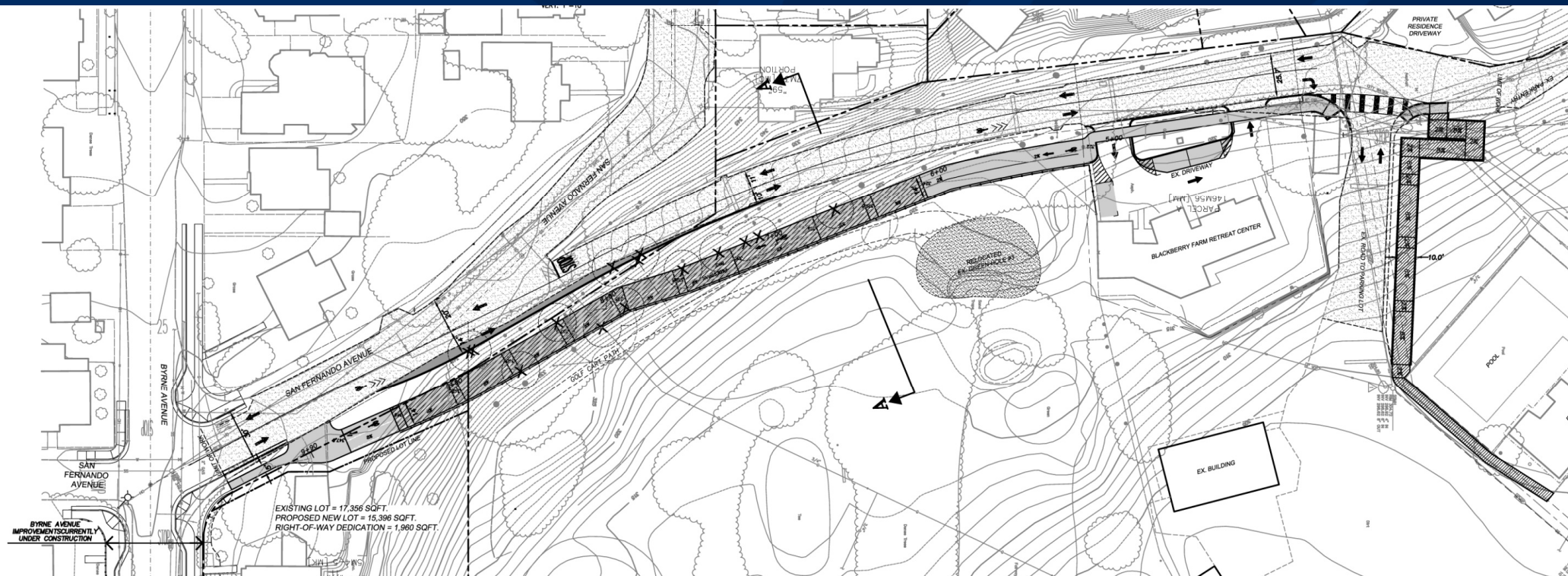
Alt. A – Site Plan



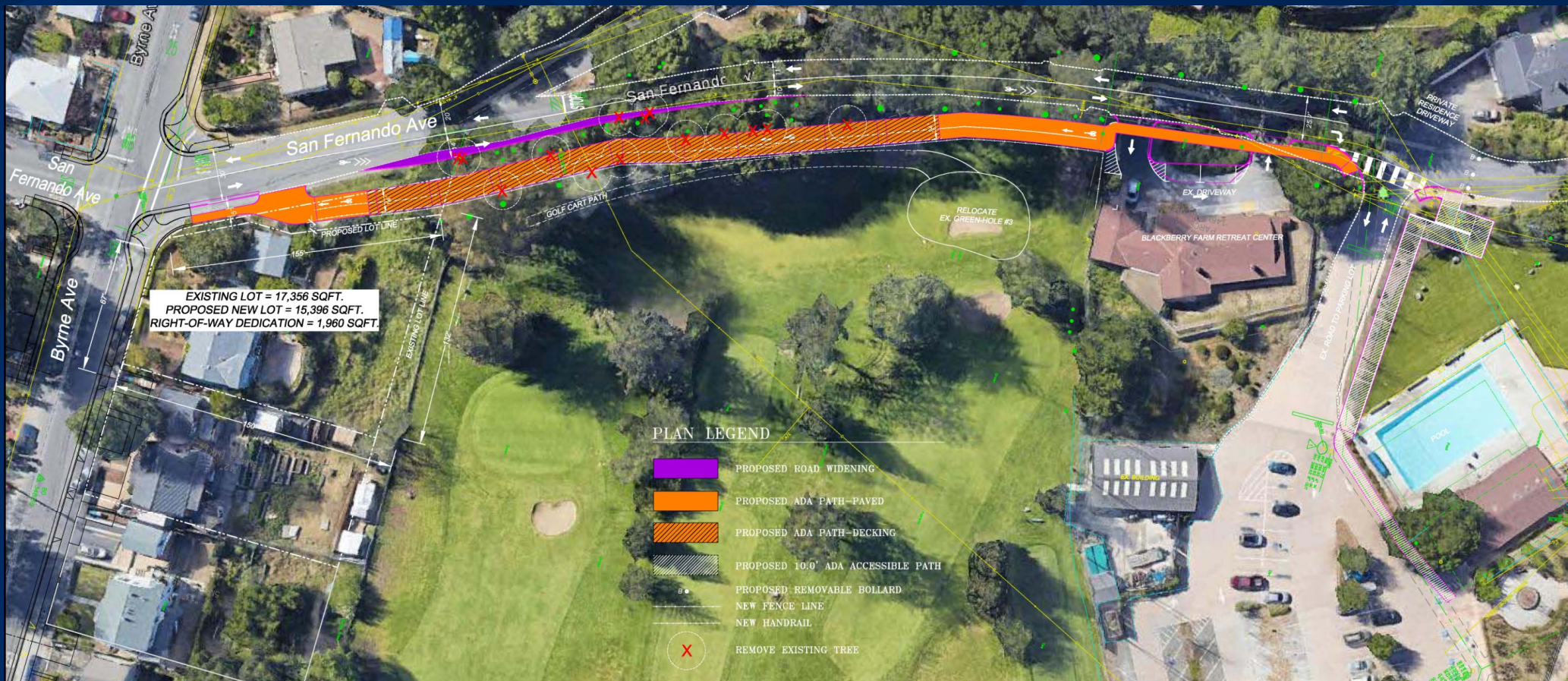
Alt. B – Cross Section



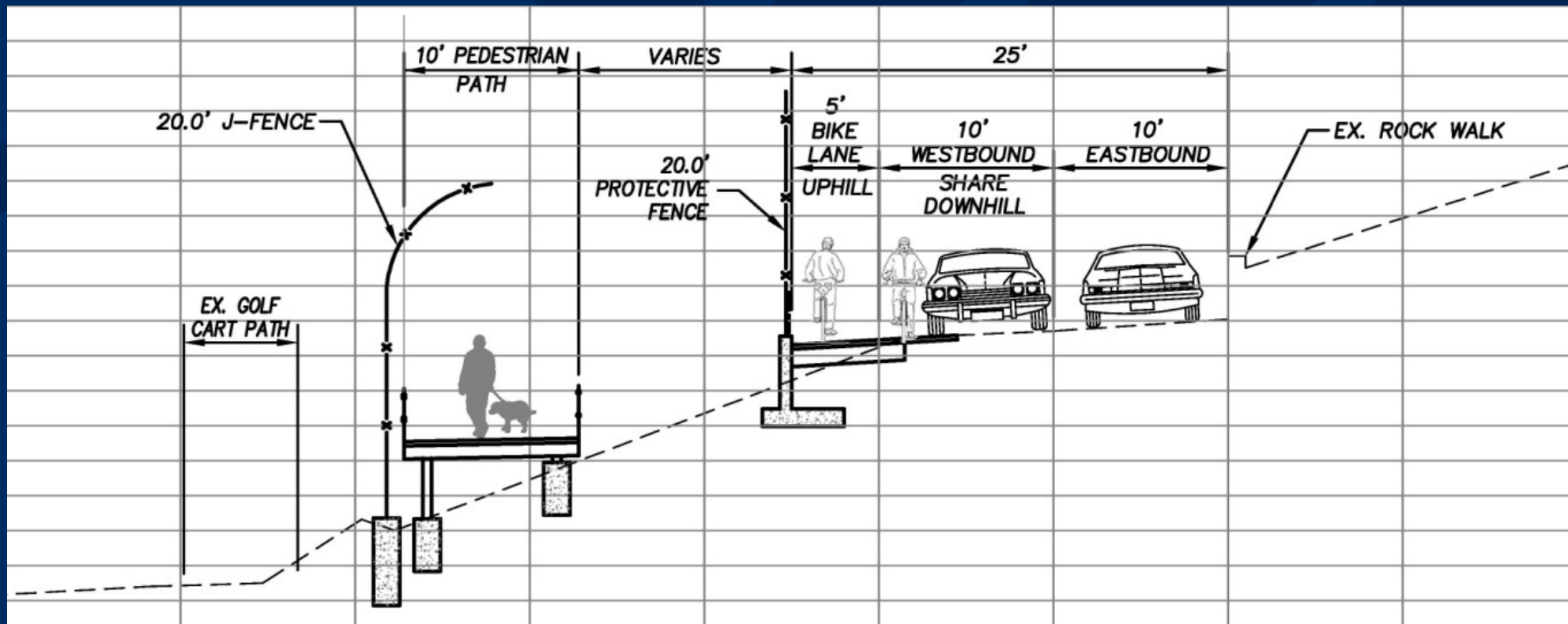
Alt. B – Site Plan



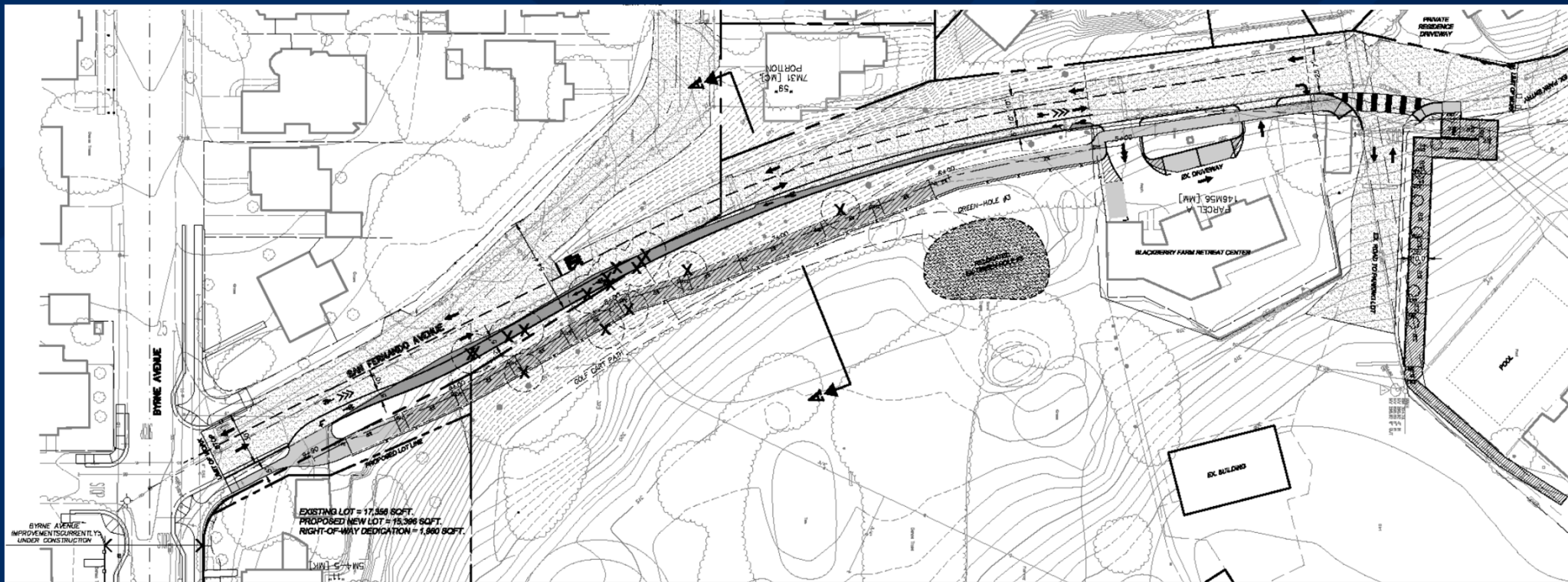
Alternative B (color rendering)



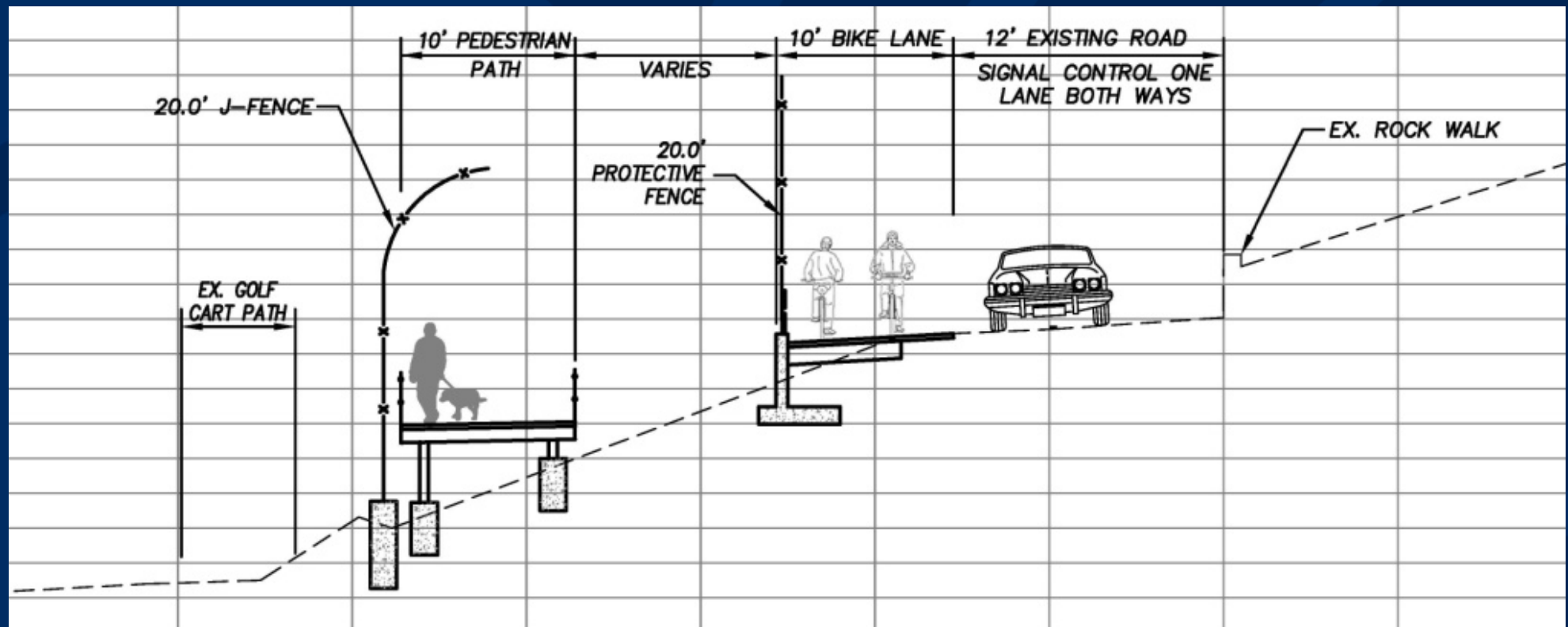
Alt. C – Cross Section



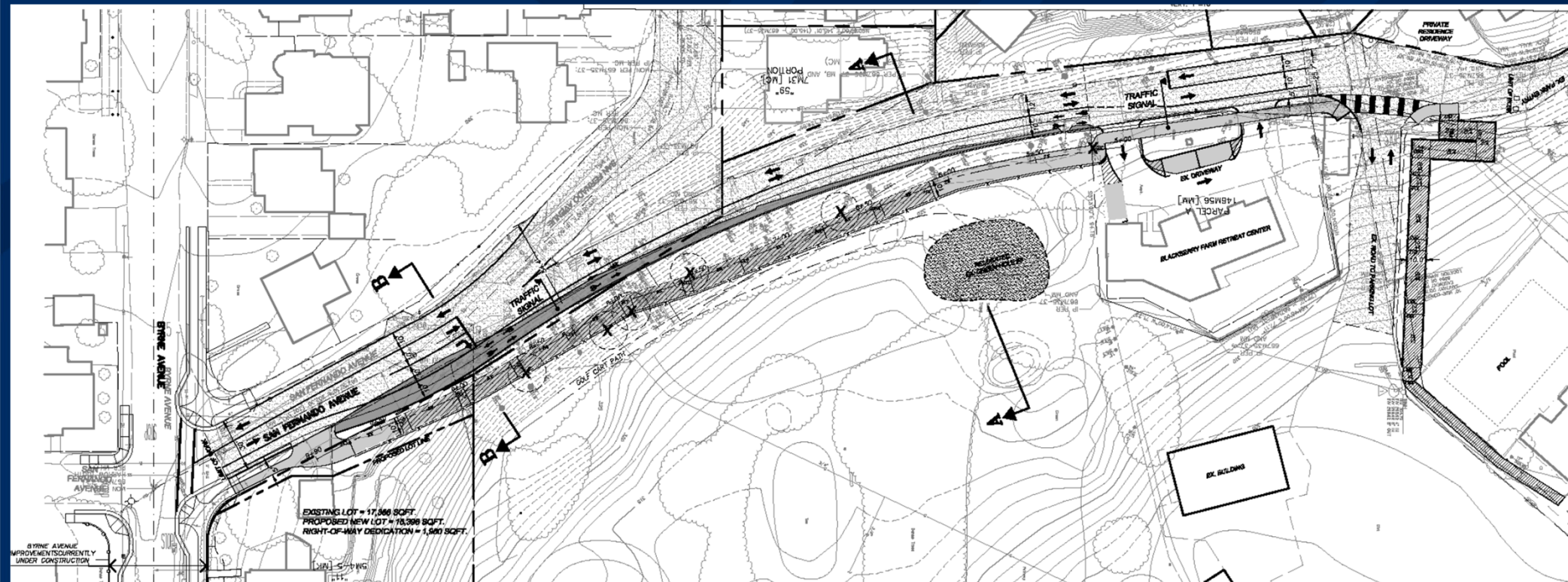
Alt. C – Site Plan



Alt. D – Cross Section



Alt. D – Site Plan



Alternative E

- Roadway would be widened to 30 feet
- A 5-foot wide sidewalk is provided on both sides for pedestrians
- There is no separate detached walkway since peds will have a sidewalk
- The roadway travel lanes are each 10 feet wide, uphill & downhill. Both lanes are shared by vehicles & cyclists.

	Alternative A	Alternative B	Alternative C	Alternative D	Alternative E
Description/ From left to right	20-foot high J fence 10-foot aerial pedestrian pathway 20-foot high fence 10-foot downhill vehicle lane 10-foot uphill vehicle lane 5-foot uphill bike lane next to the rock retaining wall.	20-foot high J fence 14-foot aerial pedestrian pathway & bike lane 20-foot high fence 10-foot downhill vehicle lane 10-foot uphill vehicle lane next to the rock retaining wall.	20-foot high J fence 10-foot aerial pedestrian pathway 20-foot high fence 5-foot uphill bike lane 10-foot downhill vehicle lane 10-foot uphill vehicle lane next to the rock retaining wall.	Near the BBF entrance: 20-foot high J fence 10-foot aerial pedestrian pathway 20-foot high fence 5-foot bi-directional bike lane 12-foot single bi-directional vehicle lane next to the rock retaining wall.	20-foot high fence 5-foot sidewalk 10-foot downhill vehicle lane 10-foot uphill vehicle lane 5-foot sidewalk next to the rock retaining wall.
Factors/Score	High	High	Moderate	Lowest	Low
Safety	High	High	Moderate	Moderate	Low
Trees Loss (#)	High (21)	Moderate (15)	High (21)	Low (9)	High (29)
Traffic Impact	Low	Low	Low	High	Low
Constructability	Moderate	Easy	Moderate	Difficult	Difficult
Construction Cost	\$2,100,000	\$2,183,000	\$2,149,000	\$3,103,000	\$2,504,000

An aerial photograph overlaid with technical surveying information. The map shows a residential area with several lots. A red dashed line indicates the 'PROPOSED PROPERTY LINE'. A green hatched area represents the 'Right-of-Way Dedication'. Dimensions are provided for various segments: '67'' along Byrne Ave, '163'' for a central segment, '150'' for another segment, and '132'' for the eastern boundary labeled 'EX. PROPERTY LINE'. Specific widths are highlighted in green boxes: '4.00' wide ~' and '5' Wide ~'. Street names visible include 'San Fernando Ave' at the top and 'Byrne Ave' on the left. A north arrow points towards the bottom right corner.



Public Comment Process

- Public Meeting
February 12, 2020
- Bicycle Pedestrian Commission
February 19, 2020
- Parks and Recreation Commission
March 5, 2020

Public Comments

Primary comments (Pros):

- Alt. B is most popular
- Alt. A is 2nd most popular
- Cyclists on road, peds on separate path is good

Primary comments (Cons):

- Do not install signalized intersection
- Avoid widening road
- Avoid impacting golf course hole #3
- Keep loss of trees minimized
- Consider relocating entrance from San Fernando to Stevens Creek Blvd.

Other:

- Is special treatment for cyclists needed?

Commission Input

Bicycle Pedestrian Commission

- Majority preferred Alternative B
- Recommended that Council accept the Study

Parks & Recreation Commission

- Unanimously preferred Alternative B
- Recommended that Council accept the Study

Recommended Action

- Endorse an alternative to improve pedestrian and bicycle access improvements to Blackberry Farm Entrance Road, for future review under CEQA



Questions?

Blackberry Farm Entrance Road Improvements Feasibility Study Report

September 15, 2020



CUPERTINO

Blackberry Farm Entrance Road



CC 09-15-20

#12

Urgency Ordinance
Waive Fees for Signs and
Banners

Presentation

Urgency Ordinance Temporarily Waiving Permit Fees for Certain Temporary Commercial Signs and Banners

September 15, 2020

Benjamin Fu, Director of Community Development
Angela Tsui, Economic Development Manager



**CITY OF
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Current Sign Ordinance

- CMC19.104.270 provides for the temporary mounting of temporary commercial signs subject to the issuance of a permit, and the City charges a permit fee of \$384.
- Ordinance will temporarily waive the permit fee.



Permit Limitations

- Approved, conditionally approved or denied by Director of CDD.
- Application fee to be waived.
- Non-transferable.
- Current requirements and guidelines remain the same.



Sustainability Impact

- No sustainability impact.

Fiscal Impact

- Minimal fiscal impact of waiving one-time permitting fees is offset by the revival in sales tax revenue from local businesses continuing to operate.



Recommended Action

- Find the proposed action exempt from CEQA; and,
- Enact Urgency Ordinance No. 20-XXXX.
- **Please note:** Urgency ordinance must be adopted by at least four-fifths of the City Council pursuant to California Government Code Section 36937.



Noticing and Public Comment

- No noticing required

Environmental Impact (CEQA)

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



Sign and Banner Requirements

Current requirements and guidelines remain the same for **Commercial Banners**:

- Maximum 120-day display period within a 360-day period.
- Banners must be building mounted.
- Banners may have only one face (single-sided) and cannot exceed 100 square feet in area.



Sign and Banner Requirements

Current requirements and guidelines remain the same for **Portable Signs and Displays** (*including A-frame signs*):

- Allowed, but may not block paths of travel for pedestrians or automobiles.
- Cannot be permanently attached to any structures or to the ground.
- Only located at the business site during business hours and must be removed every evening.
- Sign may be displayed year-round.

CC 09-15-20

#14

Conflict of Interest Code

Presentation

Conflict of Interest Code

Cupertino City Council
September 15, 2020



CUPERTINO



Local Conflict of Interest Codes

Political Reform Act, Gov Code section 81000 et seq.

- Cities adopt conflict of interest codes
 - Enumerate positions
 - Disclose potential conflicts
 - Narrowly tailor disclosure requirements
- Make amendments when circumstances have changed
 - City Manager reports necessary amendments
 - City Council directs review and adoption



Draft Resolution

Clarifying amendments to conflict of interest code and requires electronic filing of all Statement of Economic Interest forms (Form 700s)



Local Agency Biennial Notice

Consistent with FPPC regulations,
verifies review and any amendments
to the code



Proposed Amendments

Updates disclosure categories:

- Assigns disclosure categories based on duties/responsibilities
- Consistent with state law
- City of Palo Alto's model

Proposed Amendments

Current Disclosure Categories	Proposed Disclosure Categories
1. 87200 FILERS (All Form 700 Schedules (A through E))	1. FULL DISCLOSURE (All Form 700 Schedules (A through E))
2. COMMISSIONS (Form 700 Schedules A-2, C)	2. ALL INCOME (Form 700 Schedules A, C, D, E)
3. DESIGNATED EMPLOYEES A (All Form 700 Schedules (A through E))	3. CITY-RELATED INCOME (Form 700 Schedules A, C, D, E)
4. DESIGNATED EMPLOYEES B (Form 700 Schedules A-2, C, E)	4. CITY-RELATED INCOME & REAL PROPERTY (All Form 700 Schedules (A through E))
	5. DEPARTMENT-RELATED INCOME (Form 700 Schedules A, C, D, E)
	6. DEPARTMENT-RELATED INCOME & REAL PROPERTY (All Form 700 Schedules (A through E))

Proposed Amendments

Updates list of designated positions:

- Organized by department and division
- Disclosure of interests related to department

Title	Assigned Disclosure Category
COMMUNITY DEVELOPMENT	
Director of Community Development	1
Assistant Director of Community Development	1
Planning	
Planning Manager	1
Senior Planner	1
Associate Planner	6
Assistant Planner	6
Management Analyst	6
Deputy Board Clerk	1
Building	
Building Official	4



Proposed Amendments

- Adds/deletes positions
- Amends position titles
- Requires 100% e-filing of Form 700s



Recommended Action:

- a.) Adopt Resolution No. 20-115 rescinding Resolution No. 18-092 and amending the City of Cupertino Conflict of Interest Code for officials and designated employees and requiring electronic filing of all Statements of Economic Interest; and
- b.) Authorize the City Manager to sign the required 2020 Local Agency Biennial Notice