

CC 4-20-2021

Study Session #1

Small Cell Facilities  
Permitting Guidelines

Presentation

# SMALL CELL FACILITIES PERMITTING GUIDELINES

STUDY SESSION

4/20/2021



**CUPERTINO**

# 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
- FCC 2018 Order:  
<https://docs.fcc.gov/public/attachments/FCC-18-133A1.pdf>



## Background

- Previous study sessions
  - May 16, 2017
  - July 17, 2019
  - May 5, 2020
    - Council recommended enhancements guidelines
  - September 15, 2020

([www.cupertino.org/our-city/departments/public-works/permitting-development-services/small-cell-information](http://www.cupertino.org/our-city/departments/public-works/permitting-development-services/small-cell-information))



## 5 Stages of Permitting in Cupertino

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



## Preferred Siting Guidelines

- Category 1 – Preferred Locations
  - Non-Residential
- Category 2 – Less Preferred Locations
  - Residential
- Category 3 – Least Preferred Locations
  - Close proximity to occupied structures, schools, playgrounds.
  - Prohibited if can be located in Categories 1 & 2 and meet needs.

## Category 3 Setbacks

Distance from  
Occupied  
Structures

Percentage of  
Streetlight Poles  
within Setback

20'

8%

25'

21%

30'

41%

40'

68%

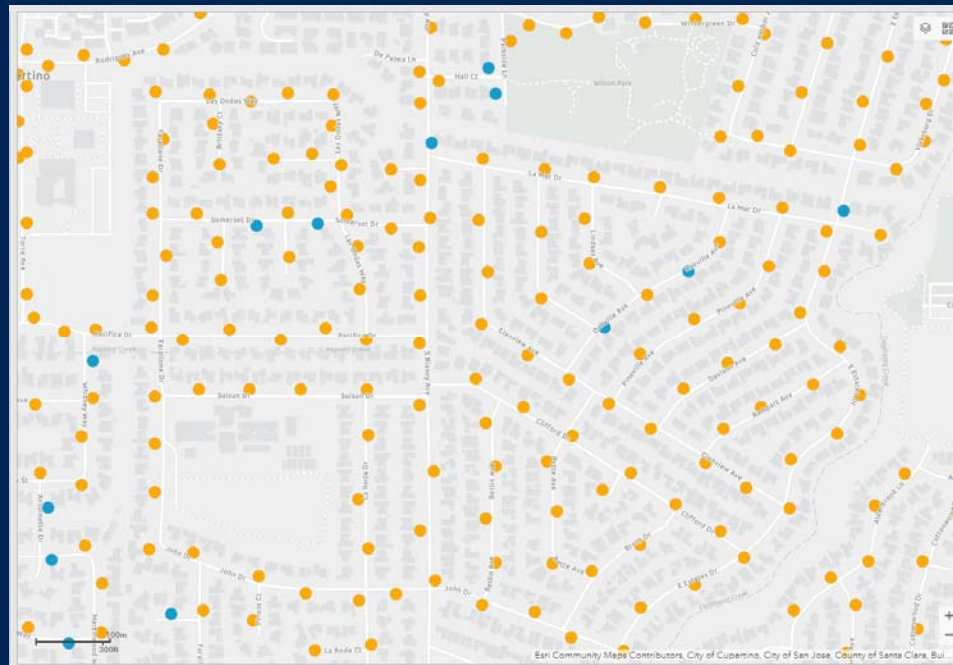
60'

81%

100'

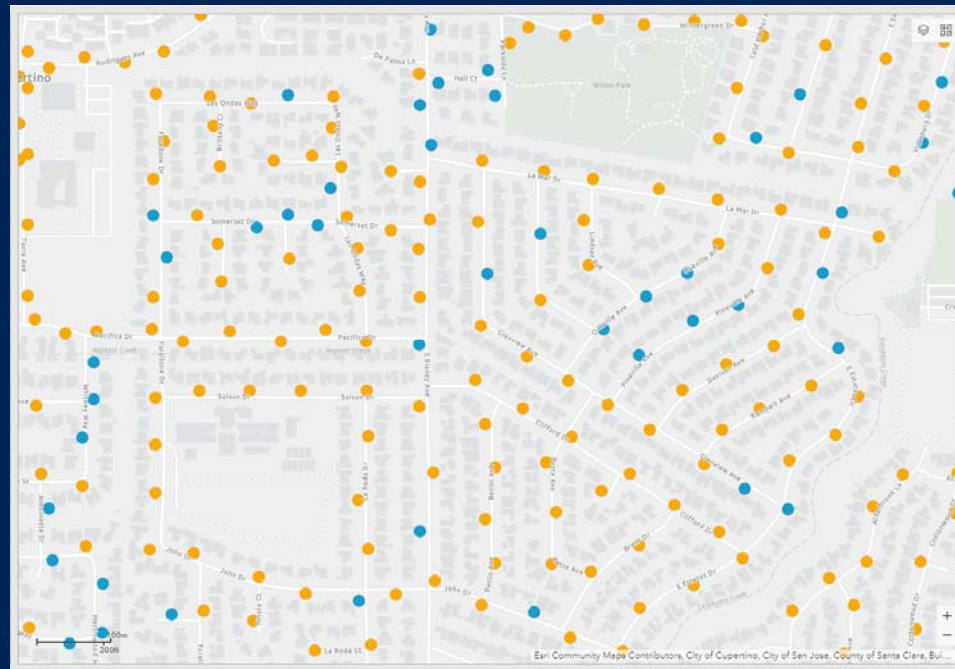
93%

# 20' Setback

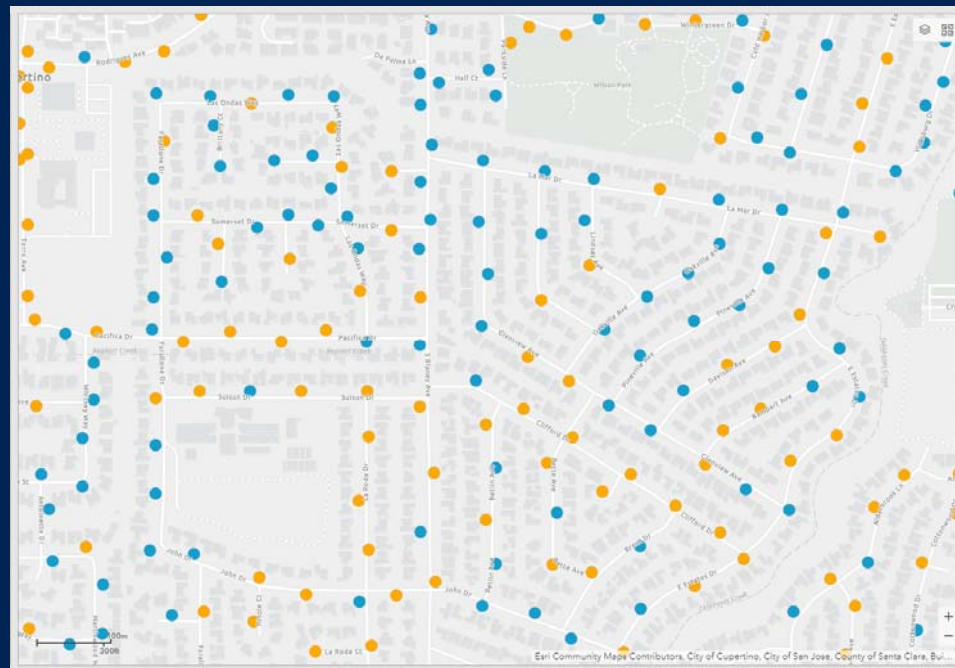




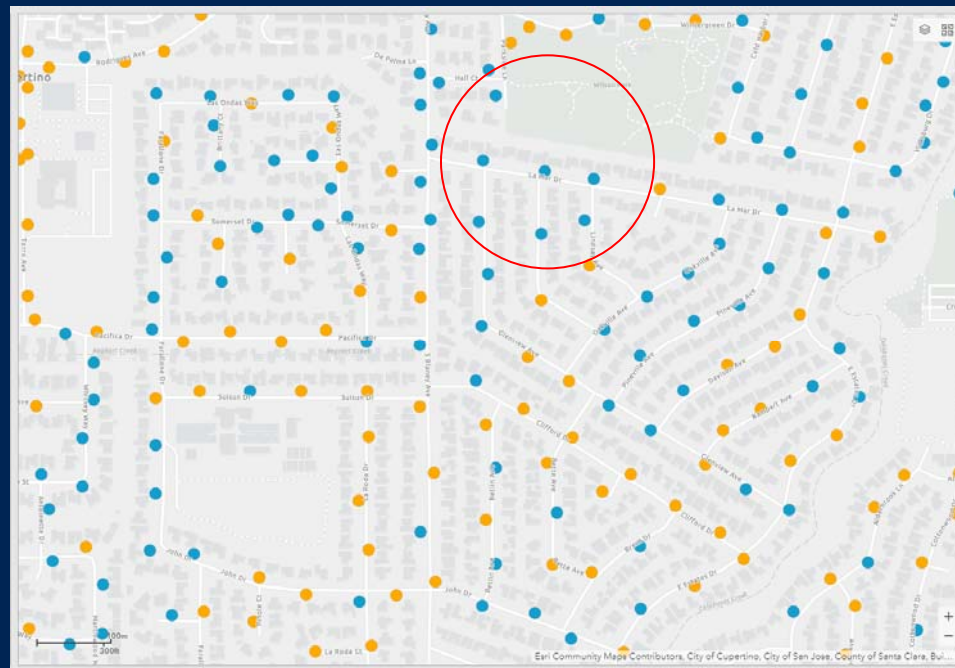
# 25' Setback



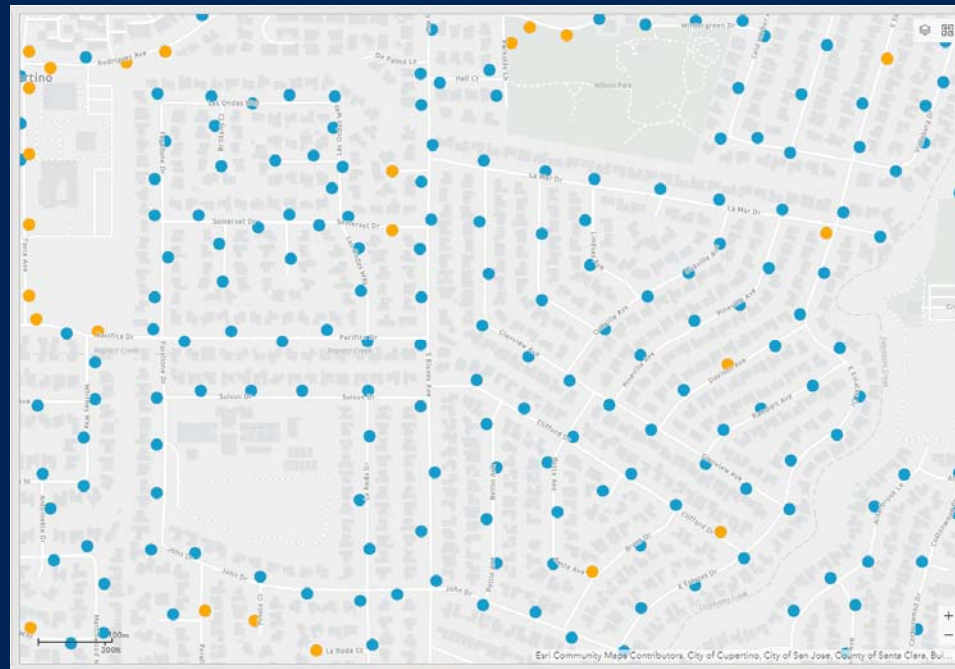
# 30' Setback



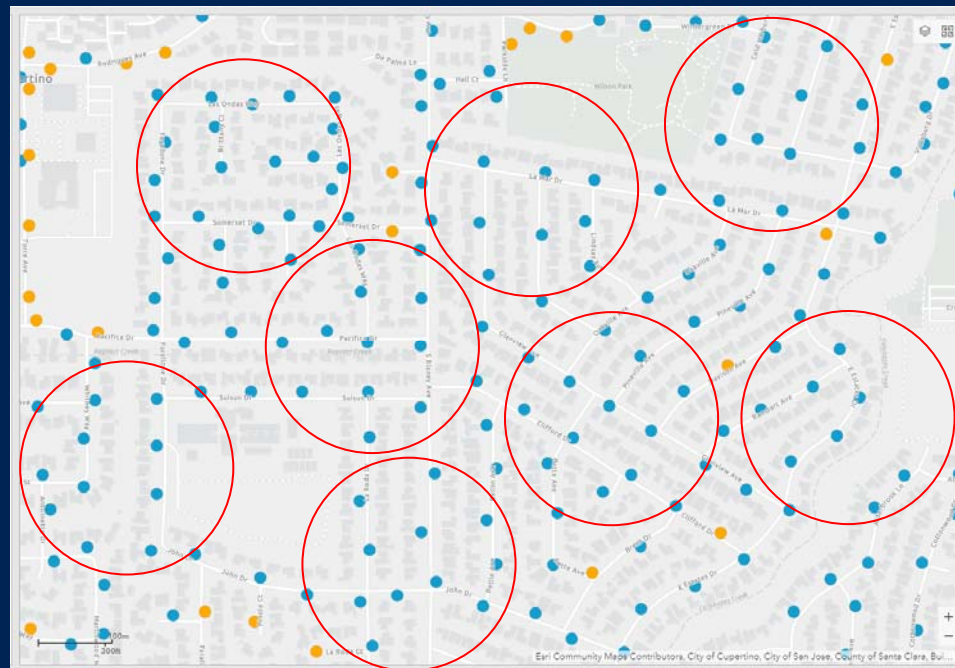
# 30' Setback



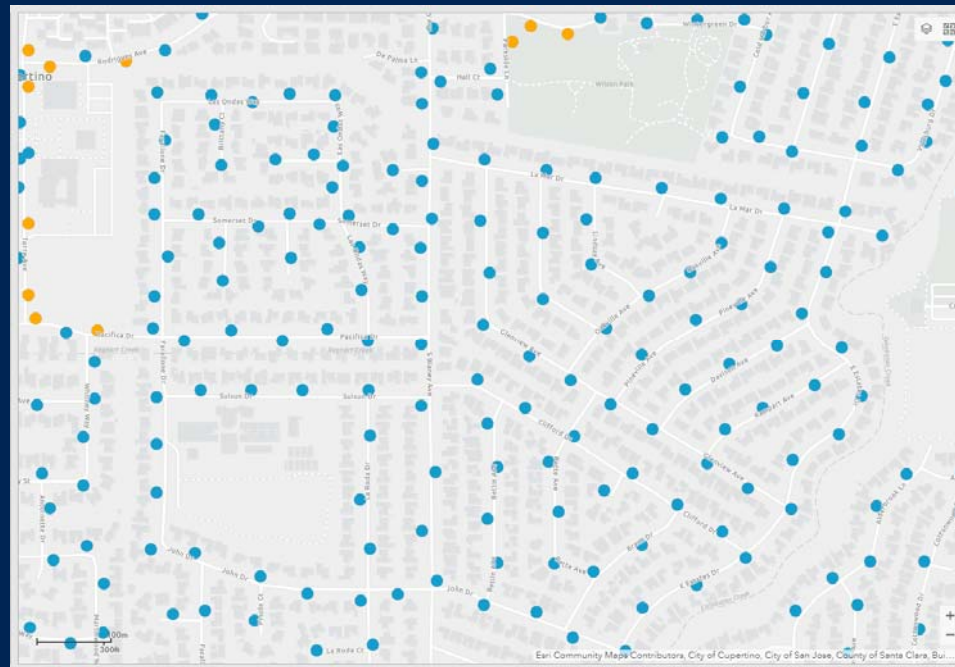
# 40' Setback



# 40' Setback



# 60' Setback





Map of Cupertino, California, showing a dense network of blue dots representing individual buildings. The map includes street names, a scale bar (0 to 200m), and a north arrow. The map is credited to Esri Community Maps Contributors, City of Cupertino, City of San Jose, County of Santa Clara, and Bing.



## Summary

- Under federal law City cannot create prohibited service areas
- Large setbacks limit City's ability to redirect small cells to more preferred locations
- [gis.cupertino.org/webmap/poles\\_radius/](https://gis.cupertino.org/webmap/poles_radius/)

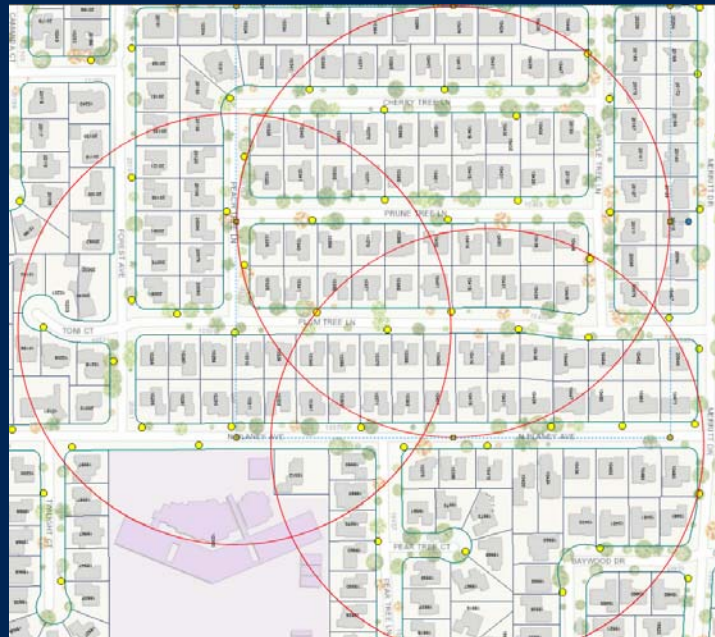




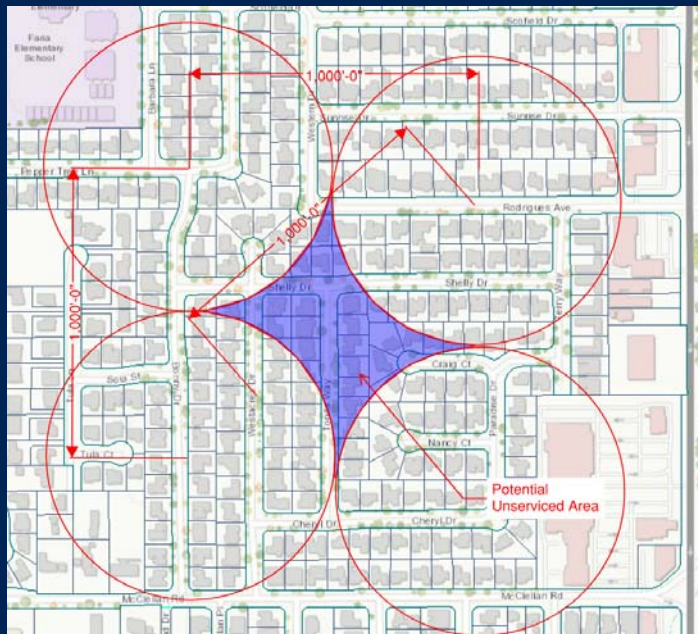
# Minimum Spacing Requirements

- 500' between small cells of same carrier
- Signal strength reduces proportionally to square of distance (Inverse Square Law)
  - Every doubling of distance reduces strength by factor of 4

# Minimum Spacing Requirements



# Minimum Spacing Requirements

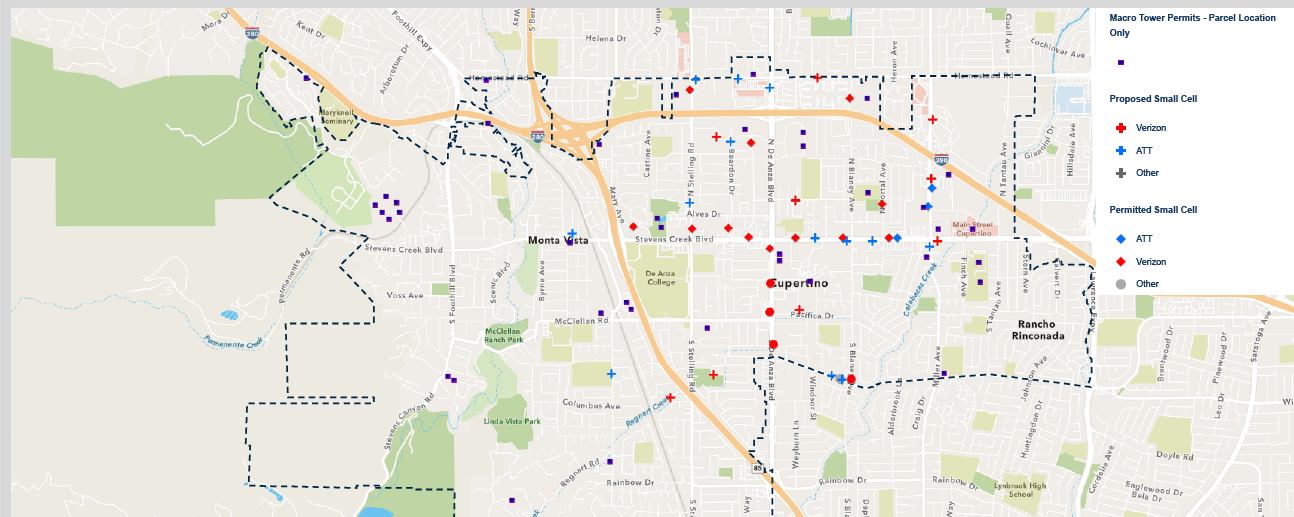




## Public Commenting Period

Cupertino	-	21 Days
Campbell	-	14 Days
Los Altos	-	10 Days
Los Gatos	-	20 Days
Mountain View	-	7 Days
Palo Alto	-	14 Days
San Jose	-	20 Days
Sunnyvale	-	14 Days

# City Web-based Notification & GIS Map



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

# Questions?



CC 4-20-2021

#9

Proposed amendment to  
the Professional Consulting  
Services Agreement

Presentation

# Proposed Amendment Professional/Consulting Services Agreement with HdL ECONSolutions

## City Council Meeting

April 20, 2021

**Benjamin Fu**, Director of Community Development



CUPERTINO





## **Item:**

Proposed amendment to the Professional/Consulting Services Agreement between the City of Cupertino and HdL ECONsolutions of an additional \$40,800 as an extension of the contract terms and conditions to provide supplemental Economic Development (ED) staffing services for the City of Cupertino through the fiscal year ending on June 30, 2021.



## **Current Contract:**

- Not to exceed \$170,000 for economic development staffing services for the Fiscal Year 2020-2021.
- Economic Development staffing services provided by HdL Senior Advisor Angela Tsui is charged at an hourly rate of \$170/hour (total 1,000 hours).
- As of January 31, 2021, 830 work hours had already been billed.



## Background

- It was anticipated that approximately 78 hours a month would be sufficient to maintain an adequate level of economic development services.
- The COVID-19 pandemic was not expected to escalate as it did and has had a devastating impact on Cupertino's local business community requiring additional assistance and supportive services.

## Increased staffing hours and work items:

To support the community and local businesses during the pandemic the following unanticipated projects and tasks were undertaken:

- Small Business Emergency Relief Grant Program providing \$5,000 grants to 37 Cupertino small businesses (program development, launch, and oversight)
- COVID Resources for Businesses webpages and Re-opening Toolkit for Businesses [www.cupertino.org/covid19businessinfo](http://www.cupertino.org/covid19businessinfo) (ongoing)
- Temporary Outdoor Dining (TOD) Permit (assistance and outreach)
- Special Temporary Outdoor Operations Permit (STOOP) (assistance and outreach)
- Face mask distribution of over 60,000 masks to date (ongoing)
- Coordinating and hosting small business webinars (ongoing)
- Increased outreach and communication with businesses (ongoing)

## Ongoing and Routine ED Work:

Additional ongoing routine work includes, but is not limited to:

- Regular communication and outreach to businesses and residents
- Mobile Vendors ordinance
- Council Work Program items
- Negotiations and acquisition of the 10455 Torre Avenue property
- Assisting the WCFMA in finding a new permanent location for the Sunday Farmers Market
- Continued business attraction and retention efforts
- Ongoing assistance to business applicants through the City's permitting process
- Oversight of City's annual minimum wage program
- Tracking economic development issues and market trends

## **Proposed Contract Amendment:**

- The proposed increase of \$40,800 equates to an additional 240 hours of economic development staffing services.
- Economic development services hourly rate of \$170/hour.
- The City Manager's Contingency fund balance will fund the \$40,800 proposed amendment amount.



## **Recommended Action**

Approve the proposed amendment of an additional \$40,800 to prevent an interruption in economic development staffing services.

CC 4-20-2021

#10

Density Bonus Ordinance

Presentation



# Municipal Code Amendment Density Bonus Ordinance

City Council  
April 20, 2021



**CITY OF  
CUPERTINO**

1

## Background

- Affordable Housing strategies (City Work Program Item FY20/21) includes
  - Updates to City's Density Bonus Ordinance
    - Inclusion of adopted housing program in ordinance
    - Other amendments

2

## State Law

	Former Program	Jan. 1, 2021
Density Bonus	- Maximum 35% - 100% affordable projects get more bonuses	- Maximum 50% bonus <b>OR</b> - Local housing program > 35%

3

## Proposed changes to Density Bonus Ord.

	Existing		Proposed	
Target Group	Proportion of Total Affordable Dwelling Units	Maximum Density Bonus	Proportion of Total Affordable Dwelling Units	Maximum Density Bonus
Very Low Income	5%	20%	<b>No change</b>	
	6% - 10% <sup>(1)</sup>	22.5% - 32.5%	6% - 12% <sup>(1)</sup>	22.5% - 37.5%
	11% or more	35%	13% or more	40%
Low Income	10%	20%	<b>No change</b>	
	11% - 19% <sup>(2)</sup>	21.5% - 33.5%	11% - 22% <sup>(2)</sup>	21.5% - <b>38%</b>
	20% or more	35%	23% or more	40%
Mod. Income (Common interest developments)	10%	5%	<b>No change</b>	
	11% - 39% <sup>(3)</sup>	6% - 34%	11% - 44% <sup>(3)</sup>	6% - 39%
	40% or above	35%	45% or above	40%
Senior Citizen	35 units (minimum)	20%	<b>No change</b>	

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

<sup>(2)</sup> For every 1% increase over 10% of target units, density bonus shall increase by 1.5% up to maximum of ~~35~~ 40%.

<sup>(3)</sup> For every 1% increase over 10% of target units, density bonus shall increase by 1% up to maximum of ~~35~~ 40%.

Correction to table (in red) (discussed later)

4



## Economic Evaluation Conclusions

- City's program will incentivize rental housing production
  - 40% bonus allows enough additional market rate units to offset cost of more VLI units
  - Will improve feasibility of rental development projects
- Improvement in rate of return is particularly notable for higher density rental apartment developments

5



## Economic Evaluation Conclusions

- For condo development, neither City's proposed program nor AB 2345 program improve rate of return over that of 2020 City requirements
- Density bonuses most successful in incentivizing very low income housing
  - City of San Diego program inspired AB 2345
  - Developers in San Diego used very low income units to obtain density bonus (rental or ownership)
- Will continue to incentivize very low-income rental housing, serving households with greatest need

6

## Other reasons

Cupertino experience	San Diego experience
Existing ordinance provided adequate incentives to include affordable housing	Density bonus not used to any significant extent until local program adopted.
Cupertino developers familiar with density bonus law and used regularly	

7

## Other reasons

- Groups like CA Rural Legal Assistance Foundation and Western Center on Law and Poverty opposed formula contained in AB 2345
  - Concerned might disincentivize production of low-income units by making it harder to compete against market-rate developers for sites
  - Recommended that pattern of increases follow same pattern as density for affordability ratio existing in density bonus law prior to passage of AB 2345
    - Cupertino's housing program does this

8

## Planning Commission Review

- Reviewed amendments on February 23, 2021
- Recommended approval on 4-1 vote (Kapil – no)

9

## Typographical Correction and clarifications

Income Level of unit	Proportion of Total Affordable Dwelling Units	Maximum Density Bonus
<u>Very Low Income</u> <sup>(1)</sup>	5%	20%
	6% - 12% <sup>(1)</sup>	22.5% - 37.5%
	13% or more	40%
Low Income <sup>(2)</sup>	10%	20%
	11% - 22% <sup>(2)</sup>	21.5% - <del>38.538</del> %
	23% or more	40%
Moderate Income <sup>(3)</sup> (Common interest developments)	10%	5%
	11% - 44% <sup>(3)</sup>	6% - 39%
	45% or above	40%

**Changes do not change conclusions of economic evaluation conducted by the Hausrath Economics Group**

10



## Recommended Action

- That the City Council conduct the first reading of Ordinance No. 21-\_\_\_\_\_, "An Ordinance of the City Council of the City of Cupertino Amending Cupertino Municipal Code Section 19.56.030A (Table 19.56.030) and 19.56.030F (Density Bonus Ordinance) to Incentivize the Development of Affordable Housing by Allowing for Density Bonuses of up to 40 Percent," which includes a finding that adoption of the ordinance is exempt from the California Environmental Quality Act.

CC 4-20-2021

#11

Secondhand Smoke

Presentation

# Reducing Exposure to Secondhand Smoke

April 20, 2021



CUPERTINO





## Background

- 3/2/21: Council conducted first reading of Ordinance 21-2224 to reduce exposure to secondhand smoke
- Ordinance requires smoke-free
  - Multi-unit housing
  - Entryways
  - Public events, service areas, outdoor worksites



## Background

- 3/2/21: Ordinance 21-2224 amended to require *attached* ADUs to be smoke-free
- Council requested additional research on:
  - Designated smoking areas: setback from neighbors
  - Including *detached* ADUs and JADUs
- Draft ordinance includes proposed amendments



## **Designated Smoking Areas**

- Researched laws in Santa Clara and San Mateo County
- Only the City of Santa Clara restricts the location of designated smoking areas in proximity to neighboring property (30 feet)



## Designated Smoking Areas

- Ordinance 21-2224 allows properties to create a designated smoking area if it:
  - Is outdoors
  - Is 30 feet from areas used by kids or for physical activity
  - Is 30 feet from doors, windows of MUH
  - Has a clearly marked perimeter with signs
  - Has a receptacle for cigarette butts

## Designated Smoking Areas

- Proposed amendment would also require that designated smoking areas:
  - “Be a Reasonable Distance in any direction from a Nonsmoking Area and/or any operable doorway, window, opening or other vent into an enclosed area of adjacent private property”
  - Examples: a neighboring home or park



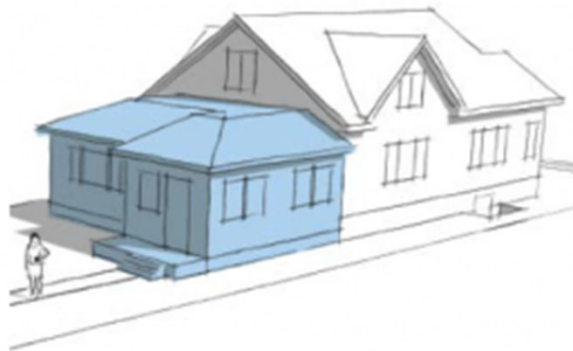
## Accessory Dwelling Units (ADUs)

- All other SCC multi-unit housing ordinances exempt ADUs from smoke-free multi-unit housing ordinances
- San Bruno, San Mateo, and South San Francisco include *attached* ADUs and exempt *detached* ADUs
- Albany and Pasadena include all ADUs in their smoke-free multi-unit ordinances

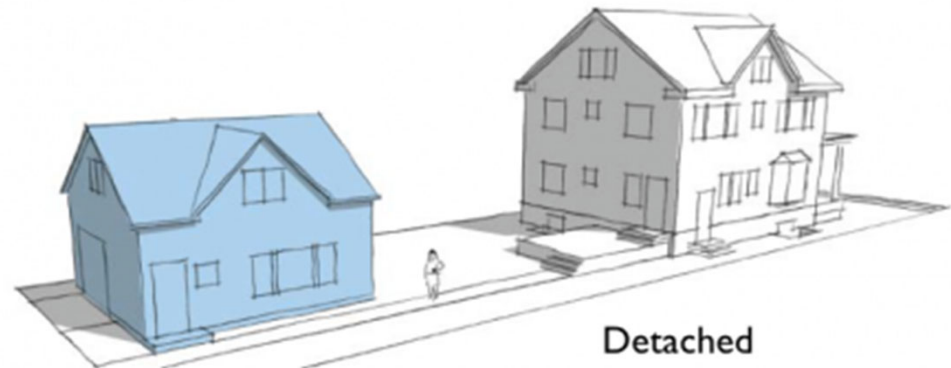
## Accessory Dwelling Units (ADUs)

- Ordinance 21-2224 amended on 3/2/21 to include *attached* ADUs within the definition of multi-unit housing
- Proposed amendment would prohibit smoking in attached *and* detached ADUs and JADUs
  - “Multi-unit Residence” also includes single-family homes with an attached or detached accessory dwelling unit, junior accessory dwelling unit, or second unit.

# ADUs



Attached



Detached

\*Image not representative of ADU regulations for setbacks from property lines



Jurisdiction	Reducing Exposure to Secondhand Smoke							
	Parks & Trails	Outdoor Dining Areas	Entryways	Service Areas	Public Events	Multi-Unit Housing	Common Areas of Multi- Unit Housing	Outdoor Worksites
% of County population covered by policy	92.6%	97.2%	39.3%	85.9%	31.6%	24.3%	79.9%	7.4%
County of Santa Clara	2010	2010	2010	2010		2010 (Exempts ADU's)	2010	
Campbell	2011	2011	2011	2011	2011			
Cupertino	2011	2014	2014					
Gilroy								
Los Altos	2011	2018	2018	2018	2018			
Los Altos Hills		n/a*		n/a*	n/a*	n/a*	n/a*	
Los Gatos	2013	pre-2010	2016	2016	2016	2016 (Exempts ADU's)	2016	pre-2010
Milpitas	2012	2017						
Monte Sereno	n/a*	n/a*	n/a*	n/a*	n/a*	2020 (Exempts ADU's)	2020	
Morgan Hill	2012	2012	2012	2012	2012			
Mountain View		2012	2012		2012			
Palo Alto	2013	2014	2014	2014	2014	2016 (Exempts ADU's)	2016	pre-2010
San Jose	pre-2010	2012		2012			2012	
Santa Clara	2019	2019	2019	2019	2019	2019 (Exempts ADU's)	2019	
Saratoga	pre-2010	2016	2016	2016	2016		2016	2016
Sunnyvale	2012	2016	2016	2016	2016	2016 (Exempts ADU's)	2016	



## **Recommended Action (Option 1)**

1. Reintroduce with amendments and conduct the first reading of Ordinance No. 21-2227: “An Ordinance of the City Council of the City of Cupertino amending City Code Chapter 10.90 of Title 10 (Public Peace, Safety, and Morals) to prohibit smoking in multi-unit housing and certain outdoor areas”
  - Adds additional setback requirements for designated smoking areas
  - Includes detached single-family homes with attached and detached ADUs



## **Recommended Action (Option 2)**

2. Conduct the second reading and enact Ordinance No. 21-2224 “An Ordinance of the City Council of the City of Cupertino amending City Code Chapter 10.90 of Title 10 (Public Peace, Safety, and Morals) to prohibit smoking in multi-unit housing and certain outdoor areas”
  - Does not include setback requirements for designated smoking areas
  - Includes single-family homes with attached ADUs

# Questions?



**CITY OF  
CUPERTINO**

CC 4-20-2021

#12

FY 21-22 Fee Schedule

Presentation

# FY 2021-22 Fee Schedule Update

City Council Regular Meeting

April 20, 2021



CUPERTINO



## Agenda

- What is a Fee?
- Fees for City Services
- Fee Development
- New Fees
- Fiscal Impact
- Recommendations



## What is a Fee?

A “user fee” is:

A fee or rate charged to an individual or group that receives a *private benefit* from services provided by the City.



## Fees for City Service

Fee Schedule	Description
<b>Schedule A - General Fees</b>	Miscellaneous fees not associated with one department or division (abatement fees, false alarms, PRA request, etc.)
<b>Schedule B - Engineering Fees</b>	Public Works - Engineering Design and Inspection Services
<b>Schedule C - Planning Fees</b>	Community Development - Planning Current Planning and Mid and Long Range Planning
<b>Schedule D - Building Fees</b>	Community Development - Building General Building, Construction Plan Check and Building Code Enforcement
<b>Schedule E - Parks &amp; Recreation</b>	Services offered by Parks & Recreation Department. Fees are market driven

# Fee Development

Fiscal Year	Schedule A - General	Schedule B - Engineering Fees	Schedule C - Planning Fees	Schedule D - Building Fees
2021-22	1.57% CPI	5.7% Estimated Labor Cost Increase, 2.5% CCI	5.7% Estimated Labor Cost Increase, 1.57% CPI	5.7% Estimated Labor Cost Increase
2020-21	2.906% CPI	17.31% Estimated Labor Cost Increase, 6.3% CCI	17.31% Estimated Labor Cost Increase, 2.906% CPI	17.31% Estimated Labor Cost Increase
2019-20	3.526% CPI	4.0% Estimated Labor Cost Increase, 1.0% CCI	4.0% Estimated Labor Cost Increase, 3.526% CPI	4.0% Estimated Labor Cost Increase
2018-19	3.546% CPI	4.10% Estimated Labor Cost Increase, 3.5% CCI	4.10% Estimated Labor Cost Increase, 3.546% CPI	4.10% Estimated Labor Cost Increase
2017-18	3.44% CPI	11.16% Estimated Labor Cost Increase	11.16% Estimated Labor Cost Increase, 3.44% CPI	11.16% Estimated Labor Cost Increase
2016-17	Varied and comprehensive changes due to Fee Study	Varied and comprehensive changes due to Fee Study	Varied and comprehensive changes due to Fee Study	Varied and comprehensive changes due to Fee Study



## **New Fees**

### **Schedule A - General Fees**

- Commercial Kennel Permit - \$302



## **New Fees**

### **Schedule B - Engineering**

- Professional Services 3<sup>rd</sup> Party Consultant Review
- Park Land Dedication In-Lieu Fee



## **New Fees**

### **Schedule C - Planning**

- Mobile Vending Registration Fee - \$302



## **New Fees**

### **Schedule D - Building**

- Board of Appeals - \$221



## **New Fees**

### **Schedule E – Parks & Recreation**

#### Senior Center

- Membership fees +\$2
- Flex Pass \$7

#### Sports Center

- Day pass and drop in packages
- Membership fees for residents and non-residents (20%)



## **New Fees**

### **Schedule E – Parks & Recreation (Cont.)**

#### Outdoor Facilities

- Field attendant fees – \$14 to \$17
- Softball Field increasing \$5 and \$10 for resident and non-residents, respectively

#### Sports Field Fees

- Hourly rather than previous flat rate
- 20% cost recovery proposed and increased annually until 40% achieved





## **New Fees**

### **Schedule E – Parks & Recreation (Cont.)**

#### Community Garden

- \$110 fee with \$55 PG&E CARES Program Discount
- Refundable deposit required
- 40% cost-recovery
- Effective April 21, 2021

#### Blackberry Farm Golf

- Club rental rates flat \$10 for all age groups

## Fiscal Impact

Fee Schedule	Additional Estimated Revenue	Factor and Basis
Schedule A - General	\$4,115	1.57% CPI for Bay Area
Schedule B - Engineering	\$72,590	5.7% for labor costs, 2.5% CCI
Schedule C - Planning	\$56,471	5.7% for labor costs
Schedule D - Building	\$217,846	5.7% for labor costs
Schedule E - Parks & Recreation	\$180,000 based on new proposed fees	Primarily market driven



## **Recommendation**

1. Adopt Resolution No. 21-XXX amending FY 2020-21 Fee Schedule E to add a community garden fee effective April 21, 2021.
2. Adopt Resolution No. 21-XXX approving FY 2021-22 Fee Schedules A, B, C, D, and E effective July 1, 2021.

CC 4-20-2021

#13

Athletic Field Use Policy

Presentation

# Updated Athletic Field Use Policy

April 20, 2021



**CUPERTINO**

## Athletic Field Policy History

- Approved by City Council on October 18, 2004, effective January 1, 2005
- City Work Program item in Fiscal Year 2019-2020. Objective to assess the policy including a review of scheduling, the fee schedule, cost recovery, and Sunday reservation feasibility.
- The Parks and Recreation System Master Plan adopted in February 2020 indicates the need to evaluate and implement changes to field scheduling to increase capacity and usage.
- The updated Field Use Policy was reviewed at the Parks and Recreation Commission on April 8, 2021.

# Updates

- **Main Updates**
  - Additional Sunday Field Use
  - Hourly Fee Structure
  - Field Closures
- **Other Updates**
  - Incorporating existing guidelines for:
    - Storing equipment and goals
    - Insurance requirements
    - State and Federal Guidelines regarding mandated reporting, fingerprinting, and concussion protocols
  - Simplification of group prioritization for efficiency but remains largely consistent with current practice
  - Start time of middle school JUA fields changed from 4 p.m. to 5 p.m. per updated agreement in August 2019



## Community Outreach

- Dedicated webpage
- Citywide postcard
- Social media posts
- Online survey (February 17 – March 21)
- Online community meeting on March 9
- Meetings with all youth sports organizations that currently use the fields, collecting feedback about Sunday use, annual field closures, and the change in fees.



# Youth Sport Organization Sunday Field Use Feedback

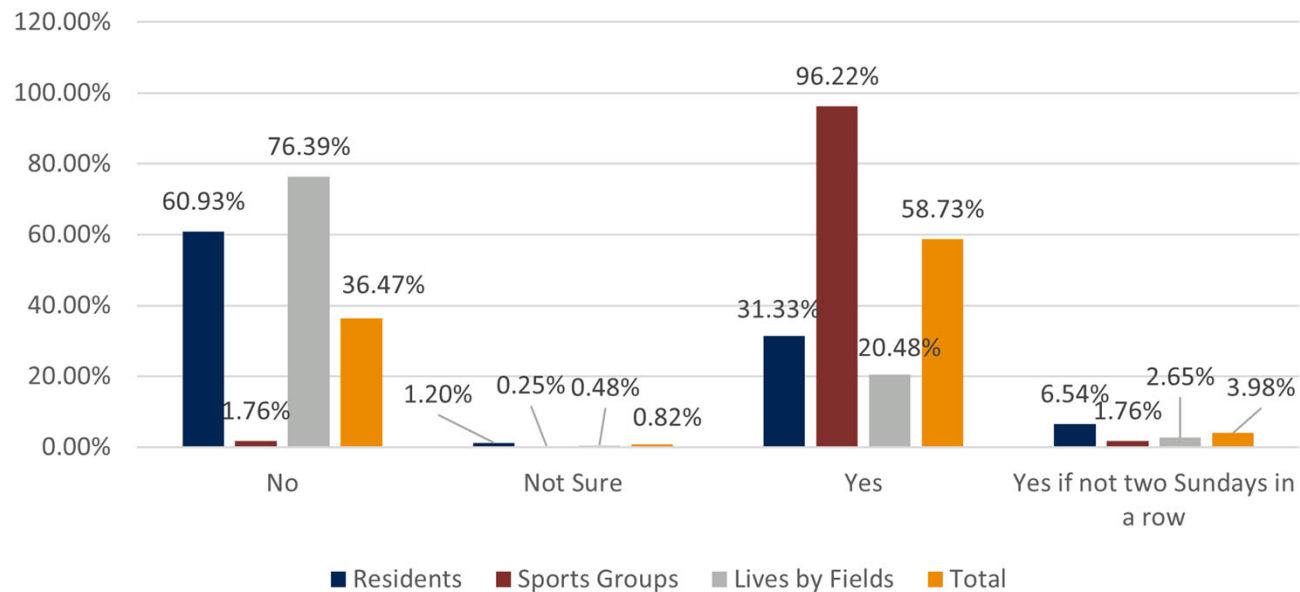
	Currently Allowed	Additional Sunday Use Requested		
	Actual Sunday Use	Requested Practices	Requested Games	Additional Requested Tournaments
<b>Resident Groups (≥ 51%)</b>				
American Youth Soccer - 35	2 tournaments	0	4 Make-Up	2
California Cricket Academy	2 tournaments	0	All	0
Cupertino Football Club (Soccer)	2 tournaments	0	0	2
Cupertino Little League	0	0	4-6	0
Golden Triangle Soccer	0	All	All	0
US Youth Volleyball League	0	0	3-6 Make-Up	0
<b>Non-resident Groups</b>				
American Youth Soccer - 64	2 tournaments	0	0	0
De Anza Youth Soccer	2 tournaments	0	20	0
Cupertino Girls Softball	1 tournament	0	7	0
<b>Groups primarily serving individuals with disabilities</b>				
Little League Challenger	4-6 half-day games	The current policy allows groups primarily serving individuals with disabilities to use fields on Sundays. This practice is continued in the proposed updated policy.		
South Bay VIP	20 half-day games			

# Community Survey

- Survey available online February 17 – March 21
- 979 total respondents
- 581 residents
- 397 have a household member playing youth sports on Cupertino fields
- 415 live next to one of the field sites

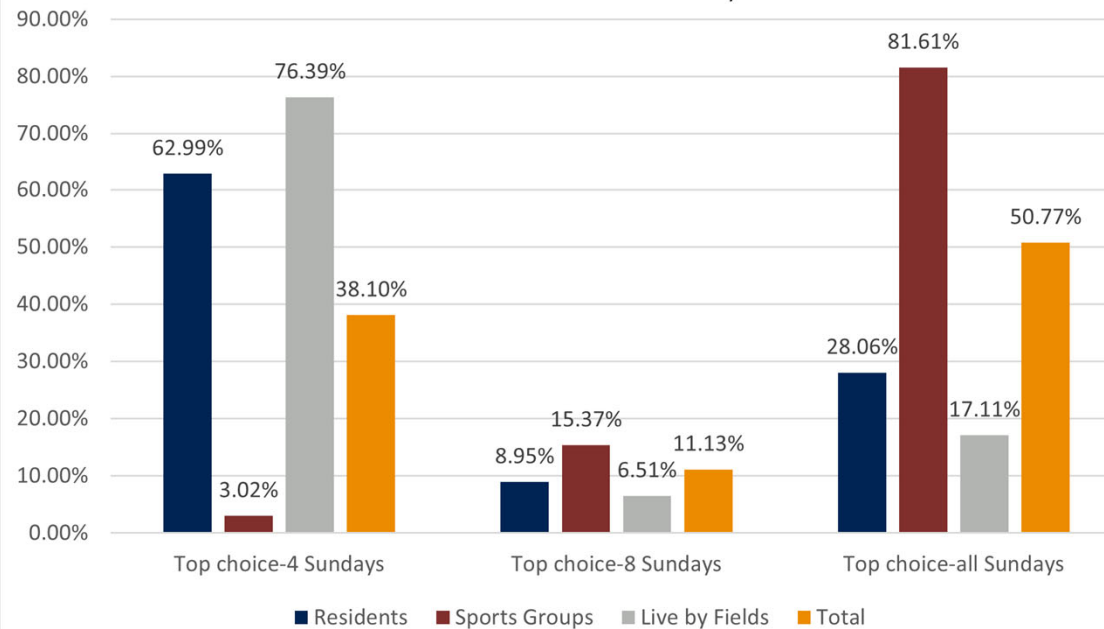


Currently, youth sports groups are the primary users of City-managed fields and have requested additional Sunday field use for general practice and games. Would you support allowing sports groups to use fields on Sundays for these purposes?

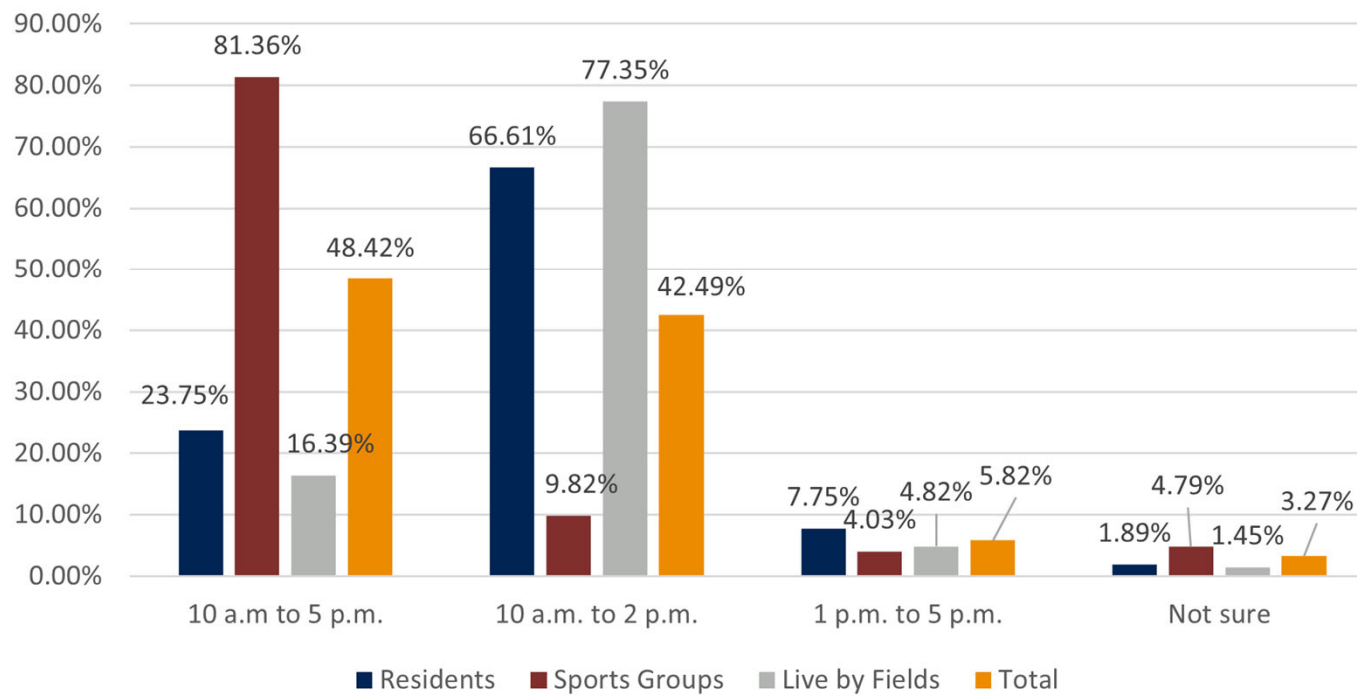


If Sunday use is expanded to allow general practice and games, please rank the following options in order of preference.

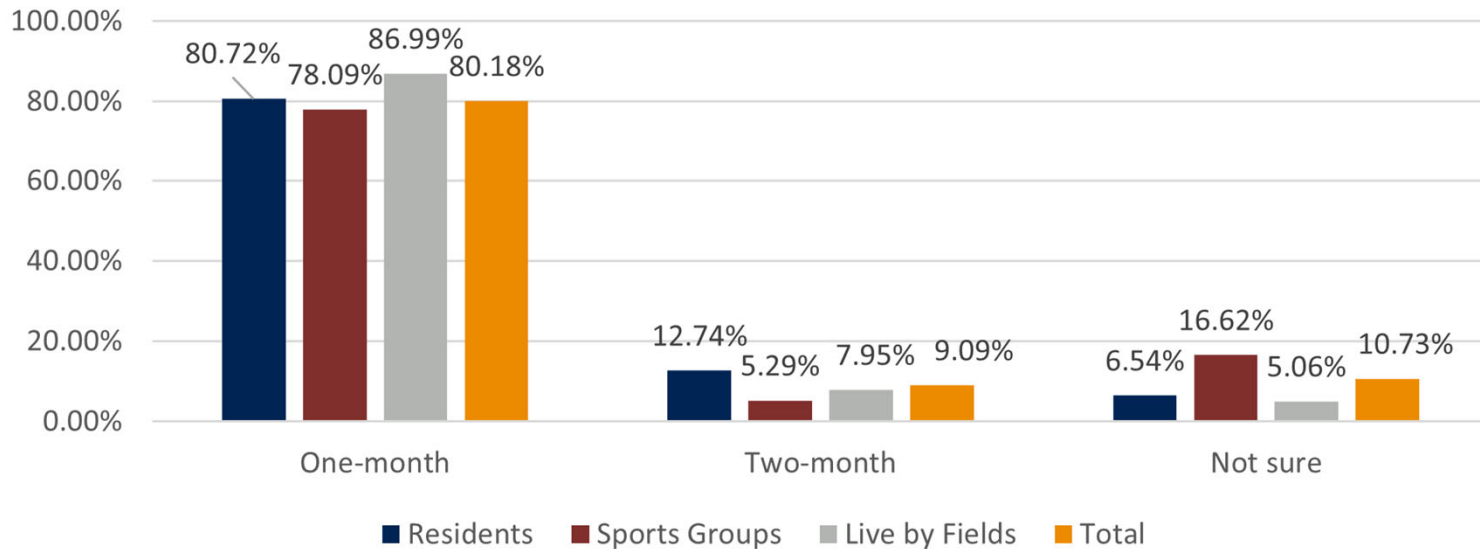
- Allow each sports group to use a field four (4) Sundays a year
- Allow each sports group to use a field eight (8) Sundays a year
- Allow sports groups to use fields on all Sundays, provided that no fields are scheduled for two Sundays in a row



If sports groups are allowed to use fields on Sundays for general practice and games, which time frame would you prefer this use to be allowed?



An annual field closure is being proposed to rest fields and conduct maintenance. Fields would be closed to sports groups and the public during this closure and would most likely take place during December and/or January. Which would you prefer?





## Additional Sunday Field Use

- A review of neighboring cities including Campbell, Los Altos, Los Altos Hills, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, and Sunnyvale found that all allow permitted field use on all Sundays.
- Current policy allows two Sunday permit dates/year/organization may be granted by staff to accommodate special tournaments or events (not regularly scheduled league play), and Sunday play for groups serving individuals with disabilities.
- Limitations on Sunday field use allow Sundays to be used to rest the fields and allow residents to use the fields freely.

## Additional Sunday Field Use

- Youth sports groups have advocated for expanding Sunday use at prior City Council Meetings.
- Expanding Sunday field use would let youth sports teams schedule games, make-up games, and practices.
- It would also allow groups who do not hold tournaments to hold games on Sundays.







## Additional Sunday Field Use

- On April 8, the Parks and Recreation Commission considered the updated Athletic Field Use Policy.
  - Recognized that residents preferred no additional Sunday use while sports groups could benefit from opportunities for make-up games and limited Sunday use.
  - Wanted to continue to support the recreational use of fields by residents and families.
  - **Recommended allowing each group to reserve a field on two additional Sundays a year from 10 a.m.-2 p.m. for games and practices.**
  - This would be in addition to any Sunday use that is currently allowed such as tournaments and groups primarily serving individuals with disabilities.



## Hourly Fee Structure

- All the cities reviewed use an hourly fee structure.
- To better align with neighboring cities, it is recommended that Cupertino shift from the current per player fee structure to an hourly fee structure.
- This would improve cost recovery as well as encourage field reservations to be made more efficiently.
- It costs an estimated \$1,874,539 annually to maintain and operate the fields.
- The current per player fee structure results in an estimated 7% cost recovery.



## Hourly Fee Structure

- The Commission was concerned about the increase in fees but was supportive of more competitive fees in line with neighboring cities.
- **The Commission recommended:**
  - **Moving from a per player fee to an hourly fee structure**
  - **A phased approach for youth resident groups beginning at \$10/hr/field, with all other categories starting at 25% cost recovery**
  - The Commission suggested a \$5 increase per year until the 25% cost recovery schedule was reached but deferred to staff to determine appropriate increases in subsequent years based on actual use.

## Options for Field Use Hourly Fees

Proposed Fee categories	Average Cost in Neighboring Cities	Commission Recommendation (Estimated 17% to 20% Cost Recovery)	Estimated 25% Cost Recovery Option	Estimated 40% Cost Recovery Option
City of Cupertino at any field/CUSD programs at JUA fields	No charge	<b>No charge</b>	No charge	No charge
Non-profit organizations serving individuals with a disability	N/A*	<b>No charge</b>	No charge	No charge
Resident (≥ 51%), nonprofit youth organizations	\$30/hour/field	<b>\$10/hour/field</b>	\$20/hour/field	\$30/hour/field
Non-resident, nonprofit youth organizations	\$78/hour/field	<b>\$30/hour/field</b>	\$30/hour/field	\$50/hour/field
Resident adult (≥ 51%) or for-profit youth organizations	\$49/hour/field	<b>\$50/hour/field</b>	\$50/hour/field	\$60/hour/field
Non-resident adult or for-profit youth organizations	\$85/hour/field	<b>\$60/hour/field</b>	\$60/hour/field	\$80/hour/field

\*Other cities do not have a category for organizations serving individuals with a disability. Cupertino has historically assigned special priority status to groups providing a unique recreational experience for individuals with a disability, free of charge.

## Estimated Impact on Current Groups

Sports Groups	FY 18/19 Total Fees Paid	Commission Recommendation (Estimated 17% to 20% Cost Recovery)	Estimated 25% Cost Recovery Fees	Estimated 40% Cost Recovery Fees
Resident Groups (≥ 51%)				
AYSO-35	\$8,008	\$11,220	\$22,440	\$44,880
California Cricket Academy	\$1,177	\$7,760	\$15,520	\$31,040
Cupertino Little League	\$3,278	\$15,910	\$31,820	\$63,640
Cupertino Football Club	\$6,501	\$11,150	\$22,300	\$44,600
Golden Triangle Soccer	\$506 (new group-1 season only)	\$4,4400	\$8,800	\$17,600
U.S. Youth Volleyball League	\$2,794	\$800	\$1,600	\$2,400
Non-resident Groups				
AYSO-64	\$3,520	\$11,580	\$11,580	\$19,300
Cupertino Girls Softball	\$1,529	\$22,800	\$22,800	\$38,000
De Anza Youth Soccer	\$110,616	\$231,600	\$231,600	\$386,000
<b>Total</b>	\$137,929	\$317,220.00	\$368,460	\$647,460



## Annual Field Closure Period

- Campbell, Los Altos, Los Altos Hills, Mountain View, Palo Alto, Saratoga, and Sunnyvale all have annual winter field closures (2-3.5 months) to rest the fields and conduct maintenance. San Jose and Santa Clara do not have regularly scheduled closures.
- Need for an annual rest period would depend on how heavily fields are used under the new hourly rental structure.
- Due to feedback in favor of a shorter closure, it is **recommended that fields be closed only as-needed.**
  - Any planned field closures will be posted on the City website and sports groups will be notified.
  - **The Parks and Recreation Commission expressed support for this approach.**



## Parks and Recreation Commission Recommendation

**On April 8, the Parks and Recreation Commission unanimously recommended (with a Commissioner absent) that City Council adopt the Updated Athletic Field Use Policy with the following components:**

- Expand Sunday to allow each group to reserve a field on two additional Sundays a year from 10 a.m.-2 p.m. for games and practices.
- An hourly fee structure including:
  - City of Cupertino at any field/CUSD programs at JUA fields—no charge
  - Non-profit organizations primarily serving individuals with a disability—no charge
  - Resident, nonprofit youth organizations – \$10/hour/field
  - Non-resident, nonprofit youth organizations – \$30/hour/field
  - Resident adult or resident for-profit youth organizations – \$50/hour/field
  - Non-resident adult or non-resident for-profit youth organizations — \$60/hour/field
- Scheduling field closures as needed

## **Recommended Action**

Approve the updated Athletic Field Use Policy and provide any input.

