

CC 04-20-21

Oral Communications

Written Comments

Cyrah Caburian

From: Jean Bedord <Jean@bedord.com>
Sent: Tuesday, April 20, 2021 4:14 PM
To: City Clerk
Subject: Presentation for Oral Communications April 20, 2021
Attachments: Bedord Council - 2021-04-20 Oral Communication.pptx

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Please show the following PPT slides for Oral Communications when I speak.

Also distribute in the written communications for this meeting.

Thanks much!

Warm regards,

Jean Bedord

Cell: 408-966-6174 / Land line: 408-252-5220

Responsible Support of Education



- Jean Bedord
- Cupertino City Council
- April 20, 2021

1

Support Local School Districts

- Endorsement of Measure A for CUSD vote by May 4
 - Needed for fiscal solvency in year 3 of state mandated 3 Year budget due June 30, 2021
- Need to Increase Property Valuation
 - Cupertino: \$117,385,764 local property tax for 16,945 students
 - Santa Clara: \$173,139,905 for 15,387 students
 - Palo Alto: \$183,453,943 for 11,992 students
 - Sunnyvale: \$69,830,231 for 6,664 students

Source: Citizens Advisory Committee (CAC) handbook

2

Missed Opportunities

- Vallco lawsuit – lost at least two years of development
- Westport delays
- Over-regulation of projects
- Anti-housing legislation for ALL income levels

Policy decisions by city council have a direct impact on school district finances

Cyrah Caburian

From: Fryhouse <fryhouse@earthlink.net>
Sent: Tuesday, April 20, 2021 4:35 PM
To: City Council; City Clerk; City of Cupertino Planning Commission
Subject: Public Comment - Update about Lehigh from Los Altos Town Crier and Proposed Water Board Fine and Landslide
Attachments: Stipulated Order.pdf; Public_Notice.pdf; SeleniumStudyProposal.pdf; 04-23-19 Reclamation Plan - HTHJ Comments (00398207) - page 26 - slide e....pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,

For Public Comment 4/20/21

Here's a quick update regarding Lehigh.

1. In its RPA, Lehigh has no intention of repairing the landslide above Permanente Creek which County documents claim is a health and safety hazard to structures and homes downstream (see third attachment).
2. The first 3 attachments are from the Water Boards regarding a fine for 2 events at Lehigh that caused releases of chlorinated water to the Permanente Creek. 1 release was 5.25 million gallons for a \$50K fine and the other was an unknown amount of water for a \$10K fine. The fines seem rather small to me given that Lehigh is a \$45B company with about 55K employees. There is no fine for about 200-person years of water wasted. Lehigh will volunteer to do fish studies and I think that they should be required to tell people that the fish study came as a result of an enforcement action. Additionally, I think that Lehigh should have a 3-rd party water-wise survey and make necessary repairs. I am worried about the big mess that the taxpayers might be left with when the area is converted to Open Space. One of several court cases claims that Lehigh was dissatisfied with about \$8M of work completed there (I think it might have been drainage systems and the like), with some of that money allegedly getting kicked backed to 3 Lehigh managers.
3. Below please find an article from the Los Altos Town Crier that is quite informative.

Regards,
Rhoda Fry

<https://www.losaltosonline.com/news/sections/news/297-news-features/64293-questions-arise-on-status-of-idle-cement-plant-and-quarry>

Questions arise on status of idle cement plant and quarry

Published: 14 April 2021

Written by **Bruce Barton**

Located in the foothills just south of Los Altos, Lehigh Southwest Cement Co. – formerly Permanente Cement Co. and historically the Bay Area's foremost cement producer – has been quiet over the past year. But discussions of the current status and future of the high-polluting plant and quarry have been anything but.

In addition to Lehigh's recently filed lawsuit against the Santa Clara County Planning Department over processing its controversial reclamation plan amendment, local leaders and residents have raised questions about current operations, plans and litigation surrounding the 3,510-acre site.

At the April 6 county Board of Supervisors meeting, District 5 Supervisor Joe Simitian, who represents Los Altos, Los Altos Hills, Cupertino and other cities near the site, asked county staff about current operations at the cement plant and quarry, and at what point their nonoperation could trigger “abandonment” of the cement plant’s use permit, in place since 1939.

According to deputy county counsel Elizabeth Pianca, stoppage of operations over a 12-month period “could create an abandonment of the use permit” under county code. She also indicated that Lehigh’s reclamation plan, governed by state law, could be suspended after an extended period of nonoperation, but could not offer a specific timeline.

Along with the county Planning Department, numerous regional, state and federal agencies oversee and regulate Lehigh operations. Jacqueline Onciano, director of county planning and development, said her department did not know to what extent Lehigh has been idle, and vowed to report back with an answer.

Also addressed was the condition of Lehigh facilities. Three of the plant’s 80-year-old silos were repaired last year, and Simitian asked about permits. Onciano said the department’s initial finding was that permits were not needed for the repairs, but she would confirm within the week.

The plant’s cement kiln overheated in 2019 and sustained damage due to improper installation of refractory bricks. It is currently not being used.

POTENTIAL SALE?

Adding intrigue to Lehigh’s status are rumors of a potential sale of the huge property and a curious comment last month from Dominik von Achten, CEO of Lehigh’s parent company, HeidelbergCement of Germany, about “mothballing” the cement plant.

“You know that we have switched our strategy already in parts of the U.S. and notably up on the West Coast with the current mothballing of the Permanente plant, where we switched imports,” he said in a March 18 call with financial investors. “If I look at our results, that has not hurt the results. It has rather improved quite significantly.”

Lehigh’s environmental director Erika Guerra relayed the company’s position on its local operations and clarified the “mothballing” comment.

“Due to the business interruption of the global pandemic, the cement kiln has not been operating,” Guerra said in a statement. “However, we have continued to sell material to the market through a mix of reserves and imports. How and when we will continue operations has not yet been determined.”

Guerra said there are no current plans to sell the property.

“We understand that there are market rumors circulating regarding a potential sale,” she noted. “It is our long-standing practice not to comment on market rumors, which by their nature are speculative and uncertain. We are not planning any changes that will affect the ownership or operation of the Permanente site.”

As for von Achten’s comment, Guerra offered: “During the pandemic, the mix of imports and local supply has allowed us to serve the local markets and maintain our bottom line. This was not a forward-looking statement about how we may do so in the future, but instead a comment on how we have managed during the pandemic period.”

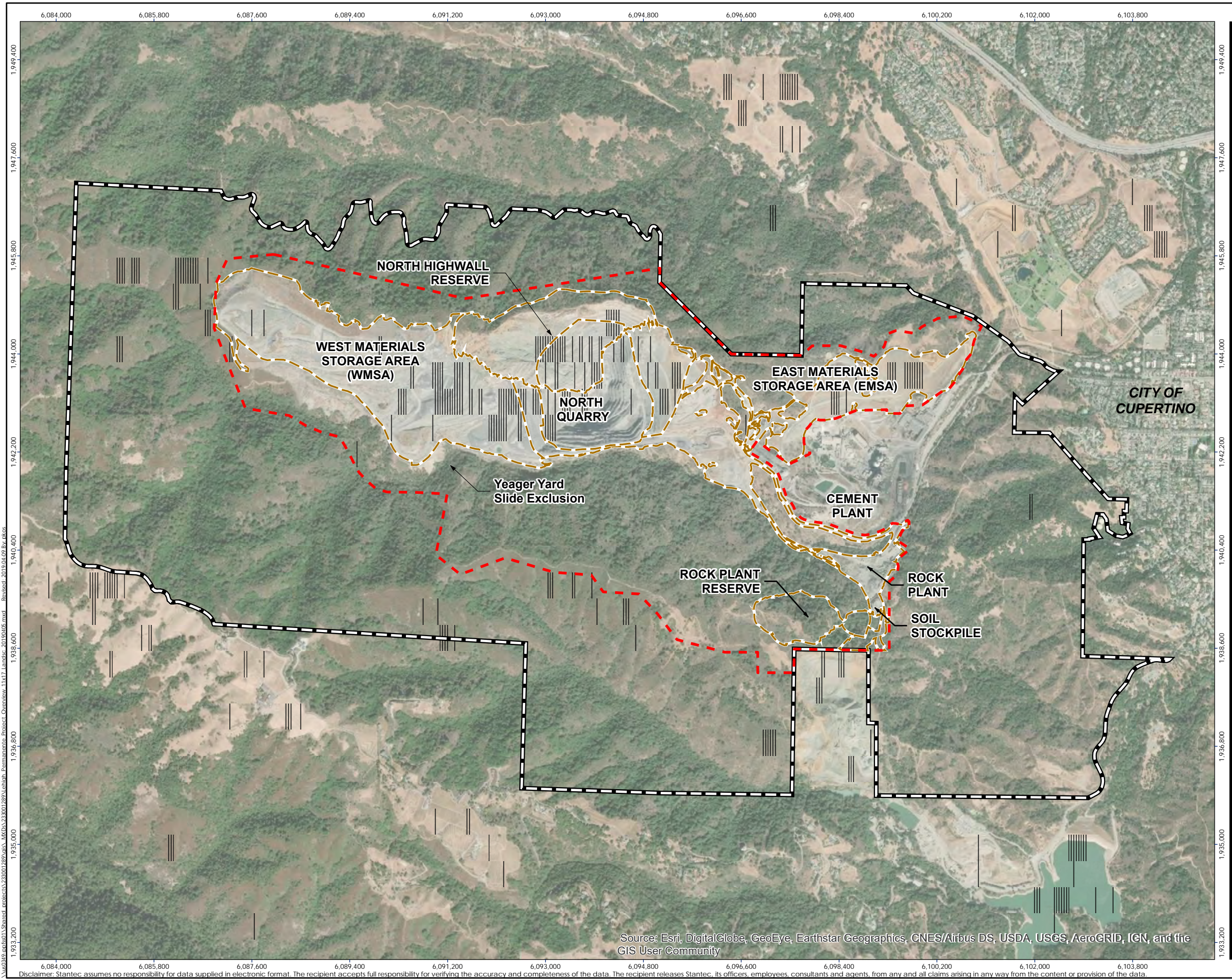
VESTED RIGHTS


For decades, Lehigh has harvested limestone and aggregate, providing for as much as 50% of the Bay Area's cement needs. As a plant surrounded closely by residential development, its operations have been especially scrutinized.

With mining in the area dating back to the early 20th century and the cement plant's opening (as Kaiser Permanente) in 1939, Lehigh has vested mining rights that preclude use permits other than the one issued with the initial cement plant's opening. However, it's subjected to reclamation plans that dictate how the company will reclaim impacted land.

At the same time, such plans offer an opportunity for expansion, as is the case with the latest general plan amendment proposed in 2019. Plans include importing fill from outside the quarry, resulting in more than 600 truck trips a day; digging a second pit in a 30-acre area; decreasing a ridge crest by 100 feet, violating a 1972 ridgeline protection agreement; and increasing the reclamation plan area by 73.4 acres. As county planners worked to determine whether Lehigh's vested rights applied to its new proposals, the company sued the department in February claiming the county was unduly delaying the application process. The company and county are working to resolve issues over scope for work and payment for an environmental impact report.

In the meantime, fines continue to accumulate for Lehigh, most recently a \$60,000 penalty levied by the San Francisco Bay Regional Water Quality Control Board for discharging 5.25 million gallons of chlorinated water into Permanente Creek. The fines stem from discharging events in March 2020 and last January. Along with the fines, the company must complete a selenium fish tissue monitoring study.





Stantec

Project Areas

RPA Boundary

Property Boundary

N

0

1,800

3,600

Feet

1:21,600 (At original document size of 11x17)

Notes

1. Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

2. Basemap Image: DigitalGlobe (8/28/2017)

Project Location

107S, R02W
Santa Clara County, CA

Review

Prepared by CBB on 2018-12-18
Technical Review by PK on 2018-12-19
Finalized on 2019-04-05

Client/Project

Lehigh Southwest Cement Company
Permanente Quarry

Figure No.

1.2

Title

Project Overview

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

NOTICE OF PROPOSED SETTLEMENT AGREEMENT AND STIPULATED ORDER
in the matter of

LEHIGH SOUTHWEST CEMENT COMPANY
UNAUTHORIZED CHLORINATED WATER DISCHARGE
CUPERTINO, SANTA CLARA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (Water Board) Prosecution Team and Lehigh Southwest Cement Company (Discharger) have entered into a proposed Settlement Agreement and Stipulated Order (proposed settlement order). The proposed settlement order imposes an administrative civil liability against the Discharger in the amount of \$60,000, for alleged two separate unauthorized discharges of chlorinated water to waters of the United States.

The proposed liability is based on allegations that the Discharger violated California Water Code section 13376 and Federal Clean Water Act section 301 in March 2020 and January 2021.

The proposed settlement includes that the Discharger agrees to implement a *Selenium Fish Tissue Monitoring Study* for Guadalupe Creek and a second creek (either Calabazas Creek or Stevens Creek) in Santa Clara County.

The proposed settlement order is available at https://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.html#ACL. Persons may comment on the proposed settlement order by submitting written comments no later than 5:00 p.m. on April 28, 2021.

For additional information and updates, please contact prosecution staff Habte Kifle at (510) 622-2371 or Habte.Kifle@waterboards.ca.gov or check the Water Board website link cited above for documents and future developments associated with this matter.

Dated: March 29, 2021

December 15, 2020

Ms. Erika Guerra
Environmental Director – Cement
Lehigh Hanson, Inc.
24001 Stevens Creek Blvd.
Cupertino, CA 95014

SENT VIA EMAIL

Subject: Proposal to Provide Professional Services to Conduct Selenium Fish Tissue Monitoring Study in Santa Clara County, California

Dear Ms. Guerra:

Please accept this proposal from Robertson-Bryan, Inc. (RBI) to provide professional services to develop and implement a monitoring study of selenium in fish tissues in coordination with, and that will be submitted to, the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) to support basin planning efforts.

The Regional Water Board has identified discharges, such as those of treated groundwater from Volatile Organic Carbon (VOC) pump-and-treat operations in Santa Clara County, may contain selenium exceeding the California Toxics Rule (CTR) criterion of 5 µg/L. Selenium is bioaccumulative and can cause chronic toxicity in fish and birds when present in excess within tissues (Ohlendorf 2003; Regional Water Board 2009). Tissue selenium concentrations are most predictive of the observed biological endpoint of concern, reproductive toxicity, and tissue-based selenium criteria reflect biological uptake through diet, the predominant pathway for selenium toxicity. For this reason, USEPA (2018a¹) has proposed replacing the CTR concentration-based water quality criterion with tissue-based water quality criteria for fish and birds. Although, for example, discharges of localized groundwater in Santa Clara County have exceeded the CTR criterion at times, tissue monitoring data is needed to determine whether fish or birds in their receiving waters are impaired with regards to selenium. The Regional Water Board is pursuing collection of selenium fish-tissue data for affected waterbodies in Santa Clara County to help determine whether to adopt site-specific selenium objectives based on the proposed USEPA (2018a) criteria.

¹ USEPA. 2018a. *Water Quality Standards; Establishment of a Numeric Criterion for Selenium for the State of California Proposed Rule*. RIN 2040-AF79. U.S. Environmental Protection Agency, Washington, D.C. November 30. Available online at: <https://www.epa.gov/wqs-tech/water-quality-standards-establishment-numeric-criterion-selenium-fresh-waters-california>

To hone the area of study, Regional Water Board staff provided information for groundwater pump-and-treat discharges in Santa Clara County. Four creeks receive multiple pump-and-treat discharges, which are listed below.

- Calabazas Creek – 3 discharges, 280 gallons per minute [gpm] total permitted discharge rate.
- Guadalupe River – 6 discharges, 1,170 gpm total permitted discharge rate.
- Matadero Creek – 2 discharges, 720 gpm total permitted discharge rate.
- Stevens Creek – 5 discharges, 725 gpm total permitted discharge rate. Note that only 3 discharges occur to the freshwater segment of this creek (SUMCO/Phoenix Group, Schlumberger, and Raytheon; 300 gpm, total)

Lehigh is proposing to conduct a selenium fish-tissue monitoring study for the Guadalupe River and a second creek (either Calabazas Creek or Stevens Creek). The Guadalupe River was selected because it receives the greatest volume of pump-and-treat discharges, all the groundwater discharges appear to occur within the freshwater segment of this waterbody, there are many miles of freshwater habitat available to sample, and this waterbody provides the greatest potential to have a variety of freshwater fish. Task 1 (site visit and refine approach) will be used to select the second target creek from among Calabazas Creek and Stevens Creek based on the need to avoid state/federally listed species (e.g., steelhead), habitat availability, site accessibility, and other factors. These two creeks appear to have approximately one (1) mile of (non-concrete lined) habitat between the saline-affected portion of the creeks and upstream groundwater discharges. Each creek receives approximately 300 gpm of discharge to their freshwater segments from three groundwater pump-and-treated operations. This scope of work assumes fish tissue sampling will occur during one (1) event at these two waterbodies and include one (1) upstream reference site on the Guadalupe River.

As required by their National Pollutant Discharge Elimination System (NPDES) permit, Lehigh is pursuing a similar selenium fish tissue study for Permanente Creek, the receiving water for Lehigh's Permanente Quarry and Cement Plant (also located in Santa Clara County). Information developed by Lehigh for Permanente Creek will supplement and directly benefit the Regional Water Board's efforts to identify whether to establish site-specific objectives for regional freshwater waterbodies using the USEPA (2018a) tissue-based selenium criteria.

RBI has significant experience in aquatic resource assessments, selenium aquatic toxicology, biological sampling, and development of site-specific water quality objectives. Our proposed scope of work for this effort is provided below.

I. SCOPE OF WORK

TASK 1. SITE VISIT AND REFINE APPROACH

In task, RBI will collect information necessary to refine the project approach and prepare study documentation (Task 2). It will include time for two RBI staff to visit the Guadalupe River, Calabazas Creek, and Stevens Creek. Time is provided to conduct a preliminary review of waterbody information, species present, fish life histories, creek flows, and pertinent information on groundwater pump-and-treat discharges. Federal and state resources agencies will be contact to identify sampling issues related to the presence of state or federally listed aquatic species. After the site visit and review of background information, RBI will communicate to Lehigh if the approach described herein can be implemented as currently scoped or if changes are needed to the sample locations/timing or other aspects of the project approach. RBI will consult with Lehigh and Regional Water Board staff to seek concurrence on major refinements to the study approach, including selection of the second creek to target for fish sampling. RBI has assumed two conference calls to present and discuss the refined project approach with Lehigh and/or Regional Water Board staff.

TASK 2. QUALITY ASSURANCE PROJECT PLAN (QAPP) & SAMPLING AND ANALYSIS PLAN (SAP)

A detailed Sampling and Analysis Plan (SAP) and Quality Assurance Project Plan (QAPP) will be prepared. A QAPP is required by the State Water Resources Control Board for monitoring data to be considered of sufficient quality to use for Clean Water Act 303(d) listing purposes. Its purpose is to provide a clear, concise, and complete plan describing the data generating activities of a planned environmental project. The QAPP describes the project and its goals, the data to be collected and how it will be collected, decisions to be made with the data collected, and data quality objectives to ensure a known data quality. The SAP, an attachment to the QAPP, will contain maps of site locations, anticipated species, justification for target sample timing, collection techniques, sample types, targeted number of samples per location and by species, avoidance techniques for special status species, field data sheets, contract analytical lab information, etc. The draft QAPP/SAP will be finalized after one round of review by Lehigh and one round of review by Regional Water Board staff.

Deliverables:

- *Draft QAPP/SAP*
- *Final QAPP/SAP*

TASK 3: CDFW & SCVWD PERMITTING

A regional scientific collection permit must be obtained from the California Department of Fish and Wildlife (CDFW) to collect fish samples from the Guadalupe River and the second creek. CDFW may also require coordination with the U.S. Fish and Wildlife Service (USFWS). An encroachment permit must be obtained from the Santa Clara Valley Water District (SCVWD) to access the creeks. Time provided in this task will be used to apply for

these permits and prepare supplemental materials, communicate with agencies, and fulfill reporting requirements.

TASK 4: SAMPLING

Sampling will consist of a single sampling event in which the two waterbodies are each sampled at one (1) primary target segment, approximately one (1) mile in length, intensively for the fish species that are present in the waterbody downstream of groundwater pump-and-treat outfalls. A background segment on the Guadalupe River, upstream of groundwater pump-and-treated outfalls identified by the Regional Water Board, will also be monitored. Sampling will be conducted by two (2) RBI biologists and is assumed to last five (5) consecutive 10-hour days. Fish will be collected from sub-segments at each location, with the target number of composite samples of each target species (if present) being collected at each sub-segment to be described in the QAPP/SAP. Composite samples will be collected according to USEPA guidance and will consist of three to five fish within a similar size range (i.e., the California Office of Environmental Health Hazard Assessment “75 percent rule”; OEHHA 2005). We intend to analyze composites consisting of whole-body fish, which is appropriate for small fish or small individuals of larger fish species. If large individuals of large fish species are collected, consideration will be given to following USEPA guidance on collection and analysis of muscle tissue (fillets). Use of whole-body fish versus fillets will be explained in the QAPP.

This task includes time for laboratory coordination, mobilization, demobilization, obtaining/returning rental equipment (rental vehicle, fish sampling equipment—electroshocker, seines, minnow traps), processing samples, and shipping samples. Fish will be sent to a qualified analytical laboratory for selenium analysis. A water sample will also be collected from the sampling area at the time of sample collection for selenium analysis to support interpretation of fish tissue concentration data.

Direct expenses will cover analytical costs, renting sampling equipment and vehicles, shipping samples, lodging and meals, and other various expenses. A mileage allocation will account for a second vehicle in the event it must be used to ensure proper social distancing during travel.

TASK 5: REPORTING

A report will be prepared to present data on fish tissue selenium concentrations from the collected samples. Data on fish species, fork-length, sex (if possible), location, and total selenium concentrations will be provided in the report. This task includes time to review data and coordinate with the lab on any quality assurance/quality control (QA/QC) issues. All study data will be tabulated in a Microsoft Excel spreadsheet. A draft and final report will be prepared for review and comment by Lehigh and Regional Water Board staff.

Deliverables:

- *Draft Study Report*
- *Final Study Report*

TASK 6: PROJECT MANAGEMENT

Project management time shall primarily be used by the Principal-in-charge and the designated Project Manager to coordinate and direct the project activities to assure that all tasks are conducted efficiently and effectively. In addition, this task provides time for project coordination by phone, email, and fax with other project team members and the Regional Water Board, review of preliminary work products, budget, invoice, and schedule tracking, and other duties to coordinate and administer the project.

TASK 7: CONTINGENCY

Unanticipated efforts and expenses can occur during special field monitoring studies that warrant a project contingency. The time allocated for the contingency will be used if greater effort is needed to coordinate with resource agencies, to extend the sampling window, analyze additional samples, or for other unanticipated costs.

II. SCHEDULE

RBI can begin providing professional services associated with the tasks defined herein upon receipt of a contract or written authorization to proceed. Efforts for Tasks 1–3 should begin as soon as possible so they are complete by August 2021, if possible. Sampling is assumed to occur in September/October 2021. In accordance with this schedule, a final report can be prepared by April 2022. This schedule is tentative and may be adjusted during project planning or due to unforeseen delays during project implementation.

If you have any questions regarding this scope of work, please do not hesitate to contact me at (916) 405-8918. We look forward to supporting Lehigh with this important project.

Sincerely,



Paul D. Bedore, M.S.
Senior Scientist

Attachment 1: Selenium Fish Tissue & Water Analysis Assumptions

ATTACHMENT 1

SELENIUM FISH TISSUE & WATER ANALYSIS ASSUMPTIONS

Fish Tissue & Water Analysis	Guadalupe River		Calabazas or Stevens Creek
	Affected Segment	Background Segment	Affected Segment
Fish Tissue Analysis			
No. Species Targeted (per site)	5	5	5
No. Samples (per species)	5	5	5
Total No. Samples (per site)	25	25	25
Total No. Samples	75		
Selenium Water Analysis			
No. Samples (per site)	1	1	1
Total No. Samples	3		

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

In the matter of:

**LEHIGH SOUTHWEST CEMENT
COMPANY
SANTA CLARA COUNTY**

**SETTLEMENT AGREEMENT AND
STIPULATION FOR ENTRY OF
ADMINISTRATIVE CIVIL LIABILITY
ORDER**

PROPOSED ORDER

Section I: INTRODUCTION

This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (Stipulated Order) is entered into by and between the California Regional Water Quality Control Board, San Francisco Bay Region (Regional Water Board), Prosecution Team and the Lehigh Southwest Cement Company (Lehigh) (collectively, Parties), and is presented to the Regional Water Board or its delegate for adoption as an order by settlement pursuant to Government Code section 11415.60. This Stipulated Order resolves the violation alleged herein by the imposition of administrative civil liability against Lehigh in the amount of **\$60,000**. As a condition of settlement, Lehigh has agreed to complete the study described in Attachment B.

Section II: RECITALS

1. Lehigh operates the Permanente Plant (Facility), located at 24001 Stevens Creek Blvd., Cupertino, Santa Clara County. The Facility is a limestone quarry and cement production facility that also produces construction aggregate. Hanson Permanente Cement, Inc. owns the property on which the Facility is located.
2. The Regional Water Board reissued waste discharge requirements and NPDES Permit No. CA0030210 for the Facility on July 22, 2019, via Order No. R2-2019-0024. This permit contains prohibitions, limitations, and provisions regulating surface water discharges from the Facility.
3. The Facility discharges process wastewater from cement manufacturing, quarry dewatering, aggregate materials processing, truck washing, and dust control. It also discharges industrial stormwater. These discharges occur at six discharge points described in the permit.
4. The Facility's six discharge points are the only permissible point source discharge locations authorized for process wastewater and industrial stormwater.

5. On March 23, 2020, Lehigh reported an alleged discharge of potable water due to an unplanned overflow from the “Fresh Water Tank” located downstream of Pond 14. The Fresh Water Tank holds potable water from the local water supply agency, San Jose Water, for purposes of providing potable water for Facility consumptive uses.
6. Lehigh learned of the discharge from an unaffiliated contractor performing work at a neighboring downstream property. The Fresh Water Tank is located in a remote portion of the Facility not frequently visited or easily observed from more frequently traveled locations. Lehigh’s third-party contractor, who performs Facility inspections, observed flow in the area on March 18, 2020, but did not initially realize it was an unauthorized discharge from the Fresh Water Tank due to recent rains.
7. Lehigh notified the Regional Water Board regarding the discharge on March 23, 2020, via voicemail, and supplemented the notice with written reports on April 1, 2020, and April 10, 2020, and follow up responses to Regional Water Board staff inquiries on June 4, 2020. Lehigh estimated that the discharge took place from March 18, 2020, through March 23, 2020. Although the discharge likely started on March 18, 2020, the precise time is unknown. The total duration is not believed to have exceeded 120 hours (5 days).
8. The Fresh Water Tank overflow was caused by a malfunctioning clayton valve controlling potable water flow into the tank; the clayton valve became stuck in the open position. Lehigh closed the clayton valve and stopped the overflow on the same day that it notified the Regional Water Board. Lehigh has undertaken additional remedial work to ensure proper operation of the clayton valve and systems checks to timely detect changes to potable water flows.
9. Lehigh reported that the discharge likely reached Permanente Creek at least 50 feet downstream of the Fresh Water Tank. Lehigh estimated the discharge volume by calculating water inflow to, and consumption from, the Fresh Water Tank from March 18 through 23, 2020.
10. On March 23, 2020, Lehigh sampled the Fresh Water Tank and Permanente Creek for parameters regulated by the permit, and sampled Permanente Creek for pH and total residual chlorine (TRC). TRC was detected at 0.88 mg/L in the water emanating from the Fresh Water Tank, but it was not detected in the creek. All other parameters were within the permit effluent limits at both locations.
11. While TRC at elevated levels can have deleterious effects on fish and other aquatic biota, Lehigh observed no evidence of harm following the discharge.
12. On January 26, 2021, at a separate location from the Fresh Water Tank, on the entrance road between the guard gate and the Cement Plant, Lehigh discovered that a gate valve along the potable water supply line mechanically failed and potable water traveled overland to the bridge and down the hillside into Pond 14, an off-

channel pond adjacent to Permanente Creek. A small amount of flow was observed re-entering the creek downstream from Pond 14. The leak was detected within approximately five minutes of the occurrence, and Lehigh personnel promptly bypassed the valve, ending the outflow of potable water from the supply line. Sampling was performed and results for Pond 14 and downstream Permanente Creek receiving water results indicated compliance with applicable water quality standards.

13. Section 301 of the Federal Water Pollution Control Act (Clean Water Act) (33 U.S.C. §1311) prohibits the discharge of pollutants to waters of the United States, except in compliance with an NPDES permit. A person who violates Clean Water Act section 301 is liable civilly under California Water Code (Water Code) section 13385, subdivision (a)(5). Pursuant to Water Code section 13385, subdivision (c), the above referenced unauthorized discharge is subject to administrative civil liability not to exceed \$10,000 per day of violation and \$10 per gallon discharged and not cleaned up in excess of 1,000 gallons.
14. Lehigh is subject to administrative penalties for this alleged unauthorized discharge. Attachment A describes how the Regional Water Board calculated the administrative penalties for the discharge pursuant to the Enforcement Policy.
15. To resolve the discharge violation occurring in March 2020 and January 2021 by consent and without further administrative proceedings, the Parties have agreed to the imposition of an administrative civil liability of **\$60,000** against Lehigh.
16. The Parties have further agreed to incorporate a Selenium Fish Tissue Monitoring Study into this settlement agreement as an incentive to resolve the matter. Lehigh shall implement the study as described in Attachment B. The study area is geographically distinct from, but complements, a study Lehigh is required to implement in Permanente Creek pursuant to the permit. Specifically, Lehigh will attempt to collect and analyze fish tissue in two additional watersheds. The Regional Water Board and regulated community at large will use the information to evaluate whether Santa Clara Valley waters meet selenium water quality criteria proposed by U.S. EPA and thereby inform ongoing basin planning efforts to ensure protection of beneficial uses. The Study is not a Supplemental Environmental Project or Enhanced Compliance Action because no penalties are being suspended in exchange for completing the study.
17. The Parties have agreed to settle this matter without administrative or civil litigation, and to present this Stipulated Order to the Regional Water Board or its delegate for adoption as an order by settlement, pursuant to Government Code section 11415.60.
18. The Prosecution Team contends that the resolution of the alleged violation is fair and reasonable, and fulfills all its enforcement objectives; that no further action is

warranted concerning the violation, except as provided in this Stipulated Order; and that this Stipulated Order is in the public's best interest.

Section III: STIPULATIONS

The Parties incorporate the foregoing Recitals and stipulate to the following:

1. **Administrative Civil Liability:** Lehigh hereby agrees to the imposition of an administrative civil liability of \$60,000 to resolve the alleged violation as set forth herein.
2. **Selenium Fish Tissue Monitoring Study:** Lehigh hereby agrees to implement the Selenium Fish Tissue Monitoring Study described in Attachment B. If additional time is necessary to perform the study due to environmental (e.g., lack of rainfall/flows) or other conditions (e.g., COVID-19 restrictions), Lehigh may request an extension, which will not be unreasonably withheld by the Regional Water Board.
3. **Payment of Administrative Civil Liability:**
 - a. To resolve the alleged violation identified herein, no later than 30 days after the Regional Water Board or its delegate signs this Stipulated Order, Lehigh shall submit a check for \$60,000 made payable to the "State Water Pollution Cleanup and Abatement Account," referencing the Order number on page one of this Stipulated Order.
 - b. All payments shall be mailed to:
State Water Resources Control Board Accounting Office
Attn: ACL Payment
P.O. Box 1888
Sacramento, CA 95812-1888
 - c. Lehigh shall provide a copy of the check via e-mail to the State Water Resources Control Board, Office of Enforcement (Julie.Macedo@waterboards.ca.gov) and the Regional Water Board (Habte.Kifle@waterboards.ca.gov).
 - d. **Payment for Selenium Fish Tissue Monitoring Study:** Lehigh is responsible for funding the activities required to implement the Selenium Fish Tissue Monitoring Study described in Attachment B. Lehigh shall be responsible for administrative and oversight costs associated with the Study, other than the Regional Water Board's staff time associated with reviewing deliverables and determining completion of the Study.
4. **Publicity Associated with the Study:** Whenever Lehigh, or its agents or subcontractors, publicizes one or more elements of the study, it shall state in a prominent manner that the study is undertaken as part of a settlement in a Regional Water Board enforcement action against Lehigh.

5. **Regional Water Board Not Liable:** Neither the Regional Water Board, its members, or its staff shall be held as parties to or guarantors of any contract entered into by Lehigh or its directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Stipulated Order.
6. **Compliance with Applicable Laws:** Lehigh understands that payment of administrative civil liability in accordance with the terms of this Stipulated Order and/or compliance with the terms of this Stipulated Order is not a substitute for compliance with applicable laws, and that continuing violations of the type alleged herein may subject it to further enforcement, including additional administrative civil liability.

7. **Party Contacts for Communications related to this Stipulated Order:**

For the Regional Water Board:

Staff:
San Francisco Bay Regional Water
Quality Control Board
Attn: Habte Kifle
1515 Clay Street, 14th Floor
Oakland, CA 94612
Habte.Kifle@waterboards.ca.gov
(510) 622-2300

Counsel:
Julie Macedo, Attorney IV
Office of Enforcement
State Water Resources Control Board
801 K Street, Suite 2300
Sacramento, CA 95814
Julie.Macedo@waterboards.ca.gov
(916) 323-6847

For Lehigh:

Lehigh Southwest Cement
Company
Attn: Erika Guerra, Environmental
Director - Environmental and Land
Resource Development
24001 Stevens Creek Blvd.
Cupertino, CA 95014
Erika.Guerra@LehighHanson.com
(408) 996-4269

Counsel:
Nicole E. Granquist
Downey Brand LLP
Attorney for Lehigh Southwest
Cement Company
621 Capitol Mall, 18th Floor
Sacramento, CA 95814
ngranquist@downeybrand.com
(916) 520-5369

8. **Attorney's Fees and Costs:** Except as otherwise provided herein, each Party shall bear all attorneys' fees and costs arising from the Party's own counsel in connection with the matters set forth herein.
9. **Matters Addressed by This Stipulated Order:** Upon the Regional Water Board's or its delegate's adoption, this Stipulated Order represents a final and binding resolution and settlement of the alleged unauthorized discharges that occurred in March 2020 and January 2021. The provisions of this paragraph are expressly conditioned on the full payment of the administrative civil liability by the deadline

specified above and Lehigh's completion of the Selenium Fish Tissue Monitoring Study described in Attachment B.

10. **Public Notice:** Lehigh understands that this Stipulated Order must be noticed for a 30-day public review and comment period prior to consideration by the Regional Water Board or its delegate. If significant new information is received that reasonably affects the propriety of presenting this Stipulated Order to the Regional Water Board or its delegate for adoption, the Prosecution Team may unilaterally declare this Stipulated Order void and decide not to present it to the Regional Water Board or its delegate. Lehigh agrees that it may not rescind or otherwise withdraw its approval of this proposed Stipulated Order.
11. **Addressing Objections Raised During Public Comment Period:** The Parties agree that the procedure contemplated for public review of this Stipulated Order and the Regional Water Board's or its delegate's adoption of this Stipulated Order is lawful and adequate. The Parties understand that the Regional Water Board or its delegate has the authority to require a public hearing on this Stipulated Order. If procedural objections are raised or the Regional Water Board requires a public hearing prior to the Stipulated Order becoming effective, the Parties agree to meet and confer concerning any such objections, and may agree to revise or adjust the procedure and/or this Stipulated Order as necessary or advisable under the circumstances.
12. **Interpretation:** This Stipulated Order shall be construed as if the Parties prepared it jointly. Any uncertainty or ambiguity shall not be interpreted against any one Party. The Parties are represented by counsel in this matter.
13. **Modification:** The Parties shall not modify this Stipulated Order by oral representation made before or after its execution. All modifications must be in writing, signed by all Parties, and approved by the Regional Water Board or its delegate.
14. **If the Order Does Not Take Effect:** If this Stipulated Order does not take effect because the Regional Water Board or its delegate does not approve it, or because the State Water Resources Control Board or a court vacates it in whole or in part, the Parties acknowledge that they expect to proceed to a contested evidentiary hearing before the Regional Water Board to determine whether to assess administrative civil liabilities for the underlying alleged violation, unless the Parties agree otherwise. The Parties agree that all oral and written statements and agreements made during the course of settlement discussions will not be admissible as evidence in the hearing. The Parties agree to waive any and all objections based on settlement communications in this matter, including, but not limited to, the following:
 - a. Objections related to prejudice or bias of any of the Regional Water Board members or their advisors, or any other objections that are premised in whole or

in part on the fact that the Regional Water Board members or their advisors were exposed to some of the material facts and the Parties' settlement positions as a consequence of reviewing the Stipulated Order, and therefore may have formed impressions or conclusions prior to any contested evidentiary hearing on the violations alleged herein in this matter; or

- b. Laches or delay or other equitable defenses based on the time period for administrative or judicial review to the extent this period has been extended by these settlement proceedings.

15. **Waiver of Hearing:** Lehigh has been informed of the rights Water Code section 13323, subdivision (b), provides and hereby waives its right to a hearing before the Regional Water Board prior to the Stipulated Order's adoption.
16. **Waiver of Right to Petition or Appeal:** Lehigh hereby waives its right to petition the Regional Water Board's adoption of the Stipulated Order for review by the State Water Resources Control Board, and further waives its rights, if any, to appeal the same to a California Superior Court and/or any California appellate court.
17. **Covenant Not to Sue:** Lehigh covenants not to sue or pursue any administrative or civil claims against the State of California, any State agency, or its officers, Board members, employees, representatives, agents, or attorneys arising out of or relating to any matter expressly resolved by this Stipulated Order.
18. **No Admission of Liability:** In settling this matter, Lehigh does not admit to any of the allegations stated herein, or that it has been or is in violation of the Water Code or any other federal, State or local law or ordinance, with the understanding that in the event of any future enforcement actions by the Regional Water Board, the State Water Resources Control Board, or any other Regional Water Quality Control Board, this Stipulated Order may be used as evidence of a prior enforcement action consistent with Water Code section 13327 or section 13385, subdivision (e).
19. **Necessity for Written Approvals:** All approvals and decisions of the Regional Water Board under the terms of this Stipulated Order shall be communicated to Lehigh in writing. No oral advice, guidance, suggestions, or comments from Regional Water Board employees or officials regarding submissions or notices shall be construed to relieve Lehigh of its obligation to obtain any final written approval this Stipulated Order requires.
20. **Authority to Bind:** Each person executing this Stipulated Order in a representative capacity represents and warrants that he or she is authorized to execute this Stipulated Order on behalf of, and to bind, the entity on whose behalf he or she executes the Stipulated Order.

21. **No Third Party Beneficiaries:** This Stipulated Order is not intended to confer any rights or obligations on any third party and no third party shall have any right of action under this Stipulated Order for any cause whatsoever.
22. **Severability:** This Stipulated Order is severable; if any provision is found invalid, the remainder shall remain in full force and effect.
23. **Counterpart Signatures; Facsimile and Electronic Signature:** This Stipulated Order may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one document. Further, this Stipulated Order may be executed by facsimile or electronic signature, and any such facsimile or electronic signature by any Party hereto shall be deemed to be an original signature and shall be binding on such Party to the same extent as if such facsimile or electronic signature were an original signature.
24. **Effective Date:** This Stipulated Order shall be effective and binding on the Parties upon the date the Regional Water Board or its delegate enters the Order incorporating the terms of this Stipulated Order.

IT IS SO STIPULATED.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION, PROSECUTION TEAM**

Date: March 16, 2021

By:



**Thomas Mumley
Assistant Executive Officer**

Approved as to form:

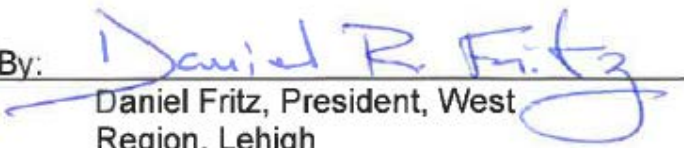
By:




**Julie Macedo, Attorney IV
State Water Resources Control Board
Office of Enforcement**

LEHIGH SOUTHWEST CEMENT COMPANY

Date: 03/23/2021

By: 
Daniel Fritz, President, West
Region, Lehigh

Approved as to form:


By: _____
Nicole E. Granquist, Attorney
Downey Brand LLP

ORDER OF THE REGIONAL WATER BOARD

1. This Stipulated Order incorporates the foregoing sections I through III by this reference as if set forth fully herein.
2. In accepting this Stipulation, the Regional Water Board has considered, where applicable, each of the factors prescribed in Water Code sections 13327 and/or 13385, subdivision (e), and the State Water Resource Control Board's Enforcement Policy, which is incorporated herein by this reference. The Regional Water Board's consideration of these factors and application of the Penalty Calculation Methodology is based upon information obtained by the Prosecution Team in investigating the allegations set forth in the Stipulation or otherwise provided to the Regional Water Board.
3. This is an action to enforce the laws and regulations administered by the Regional Water Board. Issuance of this Stipulated Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, § 21000 et seq.) in accordance with section 15321, subdivision (a)(2), Title 14, of the California Code of Regulations.
4. The Executive Officer of the Regional Water Board is authorized to refer this matter directly to the Attorney General for enforcement if Lehigh fails to perform any of its obligations under this Stipulated Order.

IT IS HEREBY ORDERED pursuant to Water Code section 13323 and Government Code section 11415.60, on behalf of the California Regional Water Quality Control Board, San Francisco Bay Region.

Michael Montgomery
Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region

Date

Attachment A

Stipulated Order No. R2-2021-00XX Specific Factors Considered Lehigh Southwest Cement Company Santa Clara County

For the first discharge event, from March 18 through 23, 2020, Lehigh Southwest Cement Company (Lehigh) allegedly discharged without authorization approximately 5,247,000 gallons of potable water to Permanente Creek, a water of the State and United States, in violation of Clean Water Act section 301.

San Francisco Bay Regional Water Quality Control Board (Regional Water Board) prosecution staff and Lehigh have considered each factor listed in the Enforcement Policy as presented below. Water Code section 13385 and the Enforcement Policy allow the Regional Water Board to choose whether to pursue enforcement based on the number of days of violation or the volume discharged or both. The proposed penalty is based on the number of days of violation. The discharge is believed to have started on March 18, 2020, but the precise time is unknown, and the discharge duration is not believed to have exceeded 120 hours. Therefore, the proposed penalty is based on 5 days of violation.

Factor	Selection	Rationale
Toxicity	3	The chlorine concentration of the water prior to discharge, 0.88 mg/L, exceeded known risk factors for aquatic life. According to U.S. EPA's 1984 <i>Ambient Water Quality Criteria for Chlorine</i> (https://www.epa.gov/sites/production/files/2019-03/documents/ambient-wqc-chlorine-1984.pdf), aquatic life can be harmed if exposed to 0.013 mg/L for one hour.
Harm	1	Based on the characteristics of the discharge, short-term harm to Permanente Creek aquatic life was possible, but the discharge traveled at least 50 feet before reaching Permanente Creek, no chlorine was detected in Permanente Creek, and no harm was observed (e.g., no dead fish were found).
Susceptibility to Cleanup	1	The discharge commingled with Permanente Creek waters and was not susceptible to cleanup.
Deviation from Requirement	major	The discharge was a major deviation from requirement because it was not authorized by any State or federal permit. The Clean Water Act and California Water Code require dischargers to apply for and obtain permits prior to discharge.
Per-Day Factor	0.15	As specified in the Enforcement Policy, the Per-Day Factor is based on the total Potential for Harm score of 5 (3+1+1) and the major Deviation from Requirement.

Attachment A
Administrative Civil Liability Order
R2-2021-00XX

Initial Liability	\$7,500	The initial liability is \$10,000 per day times 5 days times 0.15.
Degree of Culpability	1	A neutral assessment is warranted because Lehigh acted in a reasonable and prudent manner. The discharge was accidental. The tank was in a remote location and could not have been expected to fail.
History of Violations	1.1	Lehigh has a history of violations, although previous violations were not related to the current violation.
Cleanup and Cooperation	1	A neutral assessment is warranted because, although the discharge was not quickly discovered due to precipitation, Lehigh responded in a reasonable and timely manner upon discovery. Lehigh collected samples, but it could not recover the discharge.
Total Base Liability	\$8,250	The total base liability is the initial liability times the Degree of Culpability, History of Violations, and Cleanup and Cooperation factors (\$7,500 x 1 x 1.1 x 1).
Economic Benefit	<i>de minimus</i>	Because Lehigh could not have readily anticipated the discharge, Lehigh enjoyed little economic benefit from the violation. Prosecution staff estimates Lehigh's economic benefit was <i>de minimus</i> . In fact, Lehigh incurred costs related to replacing a valve and implementing other remedial measures.
Other Factors as Justice Requires	increase to \$50,000	For a large corporation like Lehigh (and similarly situated dischargers), a penalty of \$8,250 would be an insufficient deterrent against similar future violations. A more just penalty would be \$50,000, the maximum daily penalty based on 5 days of violation. This higher penalty is expected to deter similar violations and more than accounts for the Regional Water Board's investigation and enforcement costs.
Minimum and Maximum Liabilities	<i>de minimus</i> to \$52.5 million	According to the Enforcement Policy, the minimum liability is the economic benefit plus ten percent. The maximum liability Water Code section 13385 allows is \$10,000 per day of violation and \$10 per gallon discharged and not cleaned up in excess of 1,000 gallons, or about \$52.5 million based on the 5 days of violation and 5,247,000 gallons discharged.
Ability to Pay	no change	Lehigh has the ability to pay \$50,000 and continue in business.
Final Liability (for March 2020 discharge)	\$50,000	The proposed penalty recovers any economic benefit, is a just deterrent against repeat violations, and is within the minimum and maximum liabilities allowed by law.

For the second discharge event on January 26, 2021, the Regional Water Board utilized the same methodology as set forth above to impose an additional statutory maximum per day violation of \$10,000, bringing the total liability proposed for both events to \$60,000.

Attachment B

Selenium Fish Tissue Monitoring Study

CC 04-20-21

Study Session #1

Permitting
Guidelines for Small
Cell Facilities within
Public Right-of-Way

Written Comments

Cyrah Caburian

From: Peter Chu <peterchu@gmail.com>
Sent: Tuesday, April 20, 2021 4:14 PM
To: City Clerk
Cc: R Pandit
Subject: Presentation for today's Study Session at 5:30pm
Attachments: Cupertino_ Sensible 5G Deployment Apr 21.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi CityClerk,

My name is Peter Chu and there will be two of us who wish to use these slides at today's meeting.

Since we will each be allotted 3 mins, two of us will speak to the same slides.

Rajul Pandit will be the other speaker. She will cover the first slide on page 2.

I, Peter Chu, will cover the 3rd and 4th slides on page 3 and 4.

Thank you,

Peter Chu
#enough #stopasianhate

Sensible 5G Deployment for Cupertino- Study Session

Rajul Pandit and Peter Chu
Apr. 20, 2021

Residential Zone installations must be the last resort

- **Pass ordinance for minimum 100' of distance from residences**
 - But allow a process for limited permits to accommodate FCC ruling
- **To accommodate FCC ruling, City requires carriers to demonstrate their “need” to invoke right of way to locate cell sites between 60'-100' or less than 1500' from other cell sites of same carrier**
 - Carrier must formally notify residents before applying for permit
 - Must publicly show that all non-residential or more preferred alternatives (Category 1 & 2 sites) have been exhausted
 - Update or retrofit the many light poles which are deemed unacceptable alternatives for reasons such as overhead power lines into the light poles
- **Issue provisional permits for upto 3 years for all residential zone sites**
 - For review as we learn about the regulatory, technology and other impacts

Pass ordinances that are at par with the low end of what other cities are doing (Los Altos, Mill Valley, Calabasas, Sonoma City, Petaluma, Encinitas)

23 feet from Creekside residence





Guide our City into the Future with Sensible Leadership

We need maximum density control of cell sites from multiple carriers - because aesthetically, we would like to avoid the use of every light pole

- Because the number of potential carriers could increase to include TMobile and Sprint and increase the cell site density by 3X or more.
- Require 1500' distance for all cell sites from a single carrier - Verizon's own statements touts 1500' range for cell sites.
- Staff has concerns about restricting sites from different carriers to be 500' apart.
 - But there are no legal challenge precedence to other city's ordinances?
- Consider sharing or co-location of cell site?
- Urge the city to consider underground cell sites as Palo Alto is doing with Crown Castle (Since Verizon doesn't have to pay for fiber infrastructure perhaps they can invest in more advanced and aesthetically pleasing solutions)

Done properly with the support of the residents, many of us welcome 5G to bring new wireless services to our community

Near Wilson Park



Many CA cities (Los Altos, Mill Valley, Calabasas, Sonoma City, Petaluma, Encinitas) have more stringent 5G ordinances- why don't we follow their lead?

Cupertino Residents want transparency and have input in 5G rollout

- What would be the residents' reactions if we informed everyone that they can expect a 5' tall cell tower on top of every light pole in Cupertino?
- Guidelines allow potential sites to be as close as 20' from residences, which is a huge concern
- Won't they be concerned about the negative impact on home values and aesthetics of quality of life?

Petition from 150+ residents want 100' minimum setback, 500' distance between any cell sites, and provisional permits.





Thank you!

Cupertino for Sensible 5G Deployment

Email: Cupertino4Sensible5G@gmail.com

Petition: <https://tinyurl.com/3tr8myae>

Cyrah Caburian

From: City of Cupertino Written Correspondence
Subject: FW: 5G Study Session - Peggys slides
Attachments: Study Session-Peggys slides.pdf

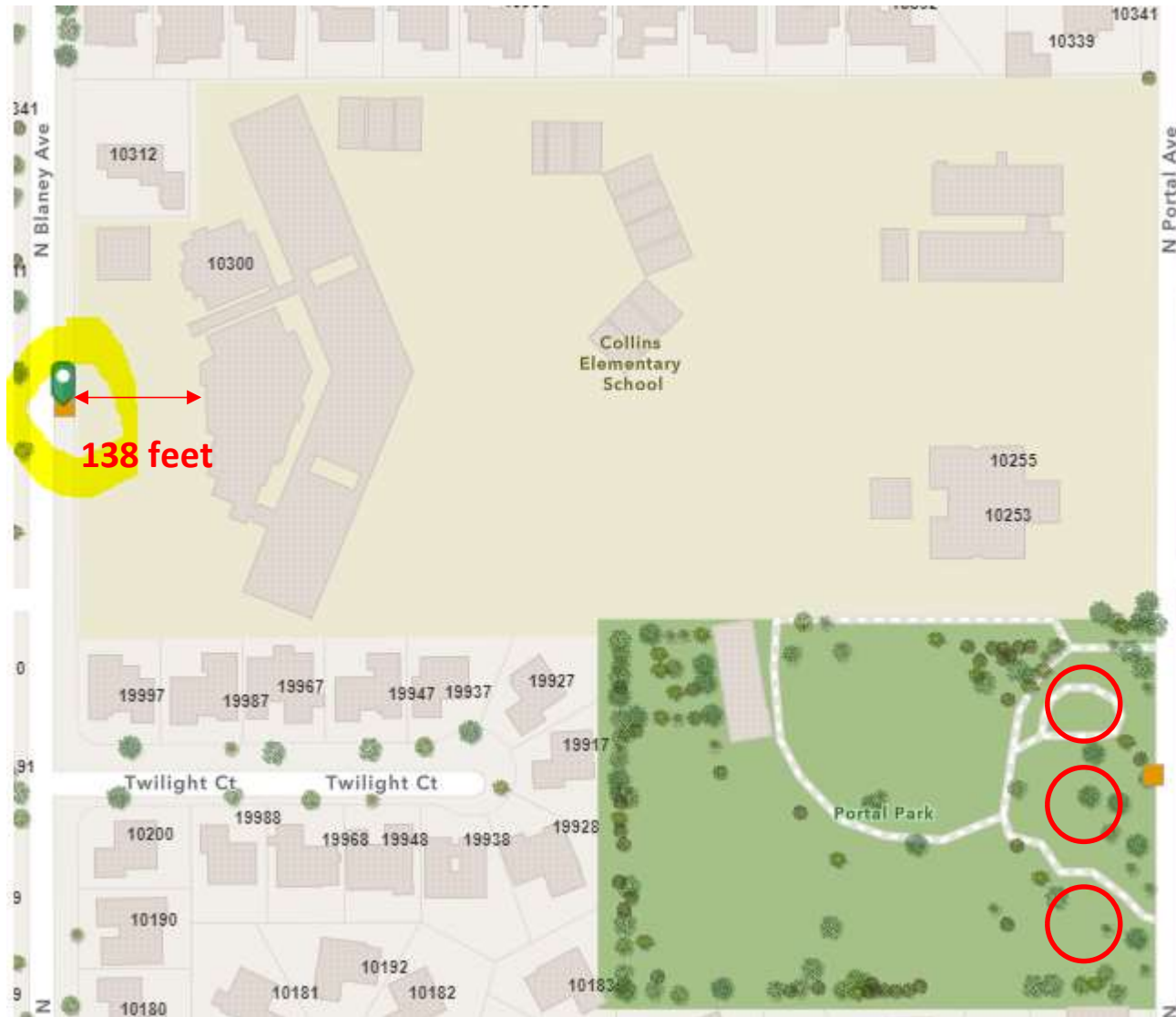
From: Peggy Griffin <griffin@compuserve.com>
Sent: Tuesday, April 20, 2021 6:08 PM
To: Kirsten Squarcia <KirstenS@cupertino.org>
Subject: 5G Study Session - Peggys slides

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kirsten,

Here are my slides for 5G Study Session, if I get to speak.

Thank you,
Peggy





[Radius Poles - for Dashboard \(arcgis.com\)](https://arcgis.com)

CC 4-20-2021

#7

April 6, 2021 Minutes

Written Communications

3) Approve a Budget Modification #2021-114 to increase appropriations in 100-71-702 750-090 by \$75,757 for the residential and mixed-use residential design standards for the fiscal year 2020-21 Work Program; and

Modifications:

- amend the scope of work to state that the stakeholder interviews will also include residents.
- create an ad hoc subcommittee comprised of two Councilmembers to review and approve the stakeholder participants.
- revisit the issue about the subcommittee members being present at all stakeholder interviews at a later date. (Chao and Wei accepted the friendly amendment).

Chao's motion as amended carried with Moore and Willey voting no.

Chao moved and Wei seconded to comprise the subcommittee members of Wei and Willey. The motion carried unanimously.

Council recessed from 9:06 p.m. to 9:12 p.m.

15. Subject: Authorization of a Sixth Amendment to Agreement 15-206 between the City of Cupertino and Professional Turf Management, extending the contract for one year and resulting in \$205,200 in new turf maintenance related expenses for FY 2021-22.

Recommended Action: Approve the Sixth Amendment of Agreement 15-206 between the City of Cupertino and Professional Turf Management, extending the contract for one year and resulting in \$205,200 in new turf maintenance related expenses for FY 2021-22.

~~Approved the Sixth Amendment of Agreement 15-206 between the City of Cupertino and Professional Turf Management, extending the contract for one year and resulting in \$205,200 in new turf maintenance related expenses for FY 2021-22.~~

SECOND READING OF ORDINANCES

16. Subject: Municipal Code Amendments to adopt glazing and lighting regulations to implement the Fiscal Year 2019/20 City Council Work Program items related to Dark Sky and Bird-Safe Design. (Application No. MCA-2019-003 and MCA-2019-004; Applicant: City of Cupertino; Location: City-wide)

CC 04-20-21

#8

Approval of Portion
of Carmen Road as
Semi-Rural

Written Comments

Cyrah Caburian

From: City of Cupertino Written Correspondence
Subject: FW: Item 8 slides for peggy
Attachments: 2019-07-17 Rural and Semi-Rural neighborhoods.pdf

From: Peggy Griffin <griffin@compuserve.com>
Sent: Tuesday, April 20, 2021 9:05 PM
To: Kirsten Squarcia <KirstenS@cupertino.org>
Subject: Item 8 slides for peggy

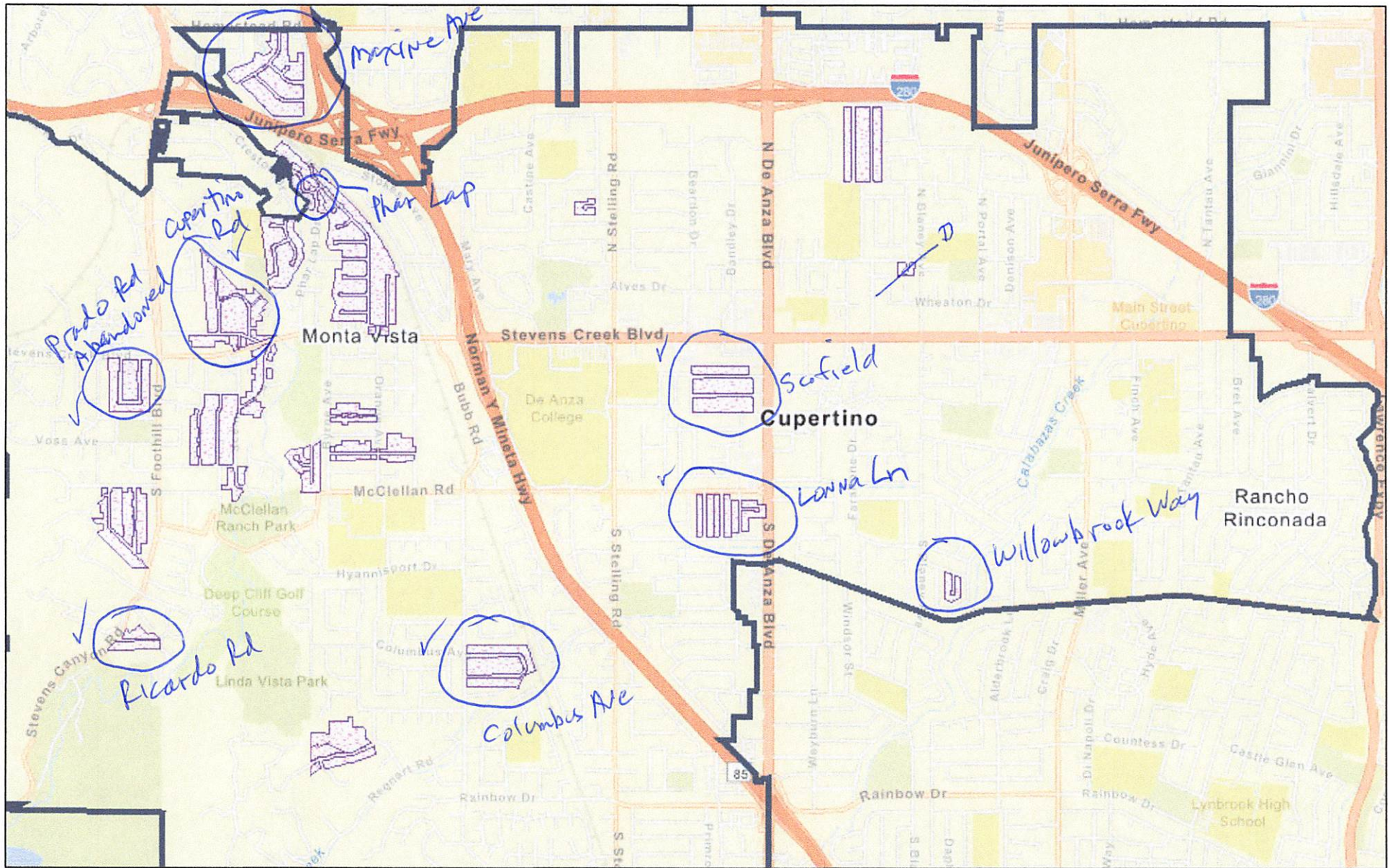
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kirsten,

Please display this page when I speak.

Thank you,
Peggy

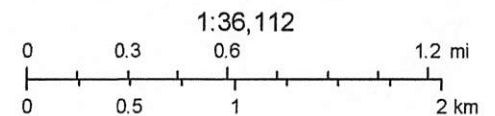
Rural & Semi-rural designated areas



July 17, 2019

- Public Works - Rural Semi-Rural
- gisdata.CUPERTINO.ParcelCondos

D = denied



City of Cupertino

Cyrah Caburian

From: Jennifer Shearin <shearin.jen@gmail.com>
Sent: Tuesday, April 20, 2021 4:36 PM
To: Deborah L. Feng; City Council; City Clerk
Subject: Consent Calendar item #8 - Please deny approval

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Esteemed Mayor Paul, City Councilmembers, and City Manager Feng,

I write to you today to urge you to not approve the petition for an item that was placed on the Consent Calendar for tonight's City Council meeting. This is item number 8, to *Approve a Semi-Rural Designation, Eliminating the Requirement for Sidewalks on Carmen Road*. It would be beneficial to the city as a whole to not approve this application and future applications of a rural designation to encourage building more sidewalks in Cupertino.

Many councilmembers over the past few years have stated that they wished for more sidewalks in our city, including our most recent two Councilmembers elected to our City Council in their statements prior to election: Councilmember Kitty Moore stated, "I would work on adding sidewalks in areas which have none," and Councilmember Hung Wei stated, "I support moving Cupertino forward as a biking and **walking** friendly City" (*emphasis added*). Approving this item will make it impossible to add sidewalks in a location where they could be possible.

Allowing neighborhoods of suburban homes to designate themselves "rural" in a city of 60,000+ people is not equitable for all residents. This deprives the rest of the residents the ability to walk safely on a sidewalk and not in the street, and reduces the walkability of our city. No sidewalks are currently planned for this location, but making it impossible to build them is a step in the wrong direction.

A small consideration should also be that if the Carmen Bridge is built, students (from Stevens Creek Elementary) and seniors (from Sunnyview Center) using the bridge over Stevens Creek must walk in the street—a sidewalk can never be created in this area. A reference is made in the staff report that there isn't a crossing over Stevens Creek now, and there isn't any school traffic now—but no note that there could be in the future and a Feasibility Study has already been created for such a project.

I urge you today to not approve this petition, as it is not beneficial to our city or equitable for our residents. Thank you for your consideration.

Best Wishes,
Jennifer Shearin
Cupertino resident

CC 04-20-21

#9

Supplemental
Economic
Development
Staffing Services

Written Comments

Cyrah Caburian

From: Lisa Warren <la-warren@att.net>
Sent: Friday, April 16, 2021 9:16 PM
To: Darcy Paul; Liang Chao; Jon Robert Willey; Kitty Moore; Hung Wei
Subject: Consent Calendar #9 April 20, 2021 CC mtg agenda - Pease pull this item from consent

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mayor Paul,
Please consider this email as a public request to pull item 9 from the consent calendar listed in agenda for city council's meeting on April 20, 2021

Thank you.
Lisa Warren

Cyrah Caburian

From: Peggy Griffin <griffin@compuserve.com>
Sent: Tuesday, April 20, 2021 3:51 PM
To: City Council
Cc: City Clerk
Subject: 2021-04-20 CC CONSENT Item #9 Econ Development Contract - Please pull item

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please include this in the Written Communication for the 04-20-2021 City Council Meeting.

Dear City Council,

Please pull CONSENT ITEM #9 so it can be discussed.

I do not feel that small businesses in our city that get kicked out of their leases/locations are getting the support they need to relocate in Cupertino. They build community. They provide local services and gathering places and they contribute sales tax revenue.

Also, if the manager had remained knowledgeable and informed about space available, it would have been them instead of members of Council who brought the Torre property to the attention of the City.

Maybe it's time to re-think this manager-for-hire approach and get someone who is fully committed to our city for the long term, not just a year-to-year contract. Maybe someone who lives in Cupertino or maybe the job description is too broad!

Sincerely,
Peggy Griffin

Proposal for Extension of Economic Development Services

At your request on March 17, 2021, HdL ECONSolutions is providing this proposal for supplemental staffing services.

HdL ECONSolutions shall provide supplemental Economic Development (ED) staffing services for the City of Cupertino through the fiscal year ending on June 30, 2021. The additional authorization would cover continued service, including the following components.

As needed and directed by the City Manager the scope of work may be refined to best meet the needs of the City of Cupertino.

- HdL shall be the point of contact for interested parties looking for information about economic development possibilities in Cupertino including new businesses, business expansion, reuse possibilities and/or development opportunities in Cupertino.
- HdL staff working on the ED services for Cupertino shall be knowledgeable and informed about the Cupertino community and economic development opportunities available for Cupertino.
- HdL staff shall maintain relationships with property owners, property managers and commercial brokers to stay knowledgeable and informed of space availabilities and tenant needs.
- HdL staff shall assist business owners, property owners and commercial brokers in navigating through the planning, entitlement and permit process in Cupertino.
- HdL staffing for Cupertino will be Angela Tsui, Senior Advisor.
- HdL shall provide a customized email address and phone number for ED services to ensure the highest level of customer service for interested parties to inquire about economic development possibilities in Cupertino.
- HdL shall continue work on the projects included in Exhibit A of the Professional/Consulting Services Agreement, as well as:
 - Serving as the business liaison to provide guidance, support, and resource updates to local small businesses affected by the COVID-19 pandemic.
 - Supporting the City's executive management team's efforts in providing pertinent information and resources to the Cupertino community during the COVID-19 pandemic.

Term shall be for the period ending on June 30, 2021 and may be extended if mutually agreeable.

CC 04-20-21

#10

Density Bonus
Ordinance
Municode
Amendment

Written Comments

Cyrah Caburian

From: Shilpa Iyer <info@sg.actionnetwork.org>
Sent: Tuesday, April 20, 2021 11:41 AM
To: Liang Chao
Subject: Vote no Item 10 (Density Bonus Ordinance)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Liang Chao,

I am writing to you out of concern for the city's proposed zoning reforms which would create a maximum density bonus of 40%, as opposed to the state's newly mandated 50% under AB 2345.

The City has not provided evidence that their alternative would produce more affordable housing, but here's what is guaranteed—(1) We will open ourselves up to legal issues. The State struck down a similar ordinance just a few weeks ago in Encinitas that was aimed around circumventing AB 2345 (2) the overall number of housing units allowed in a project will go down, (3) The City Council will prevent taller, denser projects from being feasible at a time when we need to be more cognizant of our region being an urban center and the subsequent environmental impacts from driving, (4) Cupertino will have its own unique rules that no other city has, further convoluting the process and reducing desires to build in Cupertino. (Already, Cupertino received only a small handful of project proposals in all of 2020)

Cupertino continues to be the most expensive rental housing market in Silicon Valley yet the proposed City ordinance would reduce both the percentage (from 15% to 13%) of required inclusionary very low-income housing and the percentage of density bonus units (from 50% to 40%) below those authorized under new state law.

Given that the city began this process last minute in 2020 before AB 2345 took effect, bypassing normal procedural practices, our city comes across as attempting to evade state law. The carveout is intended to maximize affordable housing, but our program does not demonstrably accomplish this. PLEASE do not move forward with this density bonus program.

Shilpa Iyer
ssiyer@ucdavis.edu
7528 Donegal Drive
Cupertino, California 95014

Cyrah Caburian

From: Shilpa Iyer <info@sg.actionnetwork.org>
Sent: Tuesday, April 20, 2021 11:41 AM
To: Darcy Paul
Subject: Vote no Item 10 (Density Bonus Ordinance)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Darcy Paul,

I am writing to you out of concern for the city's proposed zoning reforms which would create a maximum density bonus of 40%, as opposed to the state's newly mandated 50% under AB 2345.

The City has not provided evidence that their alternative would produce more affordable housing, but here's what is guaranteed—(1) We will open ourselves up to legal issues. The State struck down a similar ordinance just a few weeks ago in Encinitas that was aimed around circumventing AB 2345 (2) the overall number of housing units allowed in a project will go down, (3) The City Council will prevent taller, denser projects from being feasible at a time when we need to be more cognizant of our region being an urban center and the subsequent environmental impacts from driving, (4) Cupertino will have its own unique rules that no other city has, further convoluting the process and reducing desires to build in Cupertino. (Already, Cupertino received only a small handful of project proposals in all of 2020)

Cupertino continues to be the most expensive rental housing market in Silicon Valley yet the proposed City ordinance would reduce both the percentage (from 15% to 13%) of required inclusionary very low-income housing and the percentage of density bonus units (from 50% to 40%) below those authorized under new state law.

Given that the city began this process last minute in 2020 before AB 2345 took effect, bypassing normal procedural practices, our city comes across as attempting to evade state law. The carveout is intended to maximize affordable housing, but our program does not demonstrably accomplish this. PLEASE do not move forward with this density bonus program.

Shilpa Iyer
ssiyer@ucdavis.edu
7528 Donegal Drive
Cupertino, California 95014

Cyrah Caburian

From: Shilpa Iyer <info@sg.actionnetwork.org>
Sent: Tuesday, April 20, 2021 11:41 AM
To: Jon Robert Willey
Subject: Vote no Item 10 (Density Bonus Ordinance)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jon Wiley,

I am writing to you out of concern for the city's proposed zoning reforms which would create a maximum density bonus of 40%, as opposed to the state's newly mandated 50% under AB 2345.

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ssiyer@ucdavis.edu
7528 Donegal Drive
Cupertino, California 95014

Cyrah Caburian

From: Shilpa Iyer <info@sg.actionnetwork.org>
Sent: Tuesday, April 20, 2021 11:41 AM
To: Hung Wei
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Hung Wei,

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ssiyer@ucdavis.edu
7528 Donegal Drive
Cupertino, California 95014

Cyrah Caburian

From: Shilpa Iyer <info@sg.actionnetwork.org>
Sent: Tuesday, April 20, 2021 11:41 AM
To: Kitty Moore
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Shilpa Iyer
ssiyer@ucdavis.edu
7528 Donegal Drive
Cupertino, California 95014

Cyrah Caburian

From: Connie Cunningham <info@sg.actionnetwork.org>
Sent: Tuesday, April 20, 2021 10:33 AM
To: Hung Wei
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Connie Cunningham (self only) Housing Commission

Connie Cunningham
cunninghamconniel@gmail.com
1119 Milky Way
Cupertino, California 95014

Cyrah Caburian

From: Connie Cunningham <info@sg.actionnetwork.org>
Sent: Tuesday, April 20, 2021 10:33 AM
To: Darcy Paul
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Cupertino, California 95014

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From: Connie Cunningham <info@sg.actionnetwork.org>
Sent: Tuesday, April 20, 2021 10:33 AM
To: Kitty Moore
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Connie Cunningham
cunninghamconniel@gmail.com
1119 Milky Way
Cupertino, California 95014

Cyrah Caburian

From: Connie Cunningham <info@sg.actionnetwork.org>
Sent: Tuesday, April 20, 2021 10:33 AM
To: Liang Chao
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Liang Chao,

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Connie Cunningham
cunninghamconniel@gmail.com
1119 Milky Way
Cupertino, California 95014

Cyrah Caburian

From: Connie Cunningham <info@sg.actionnetwork.org>
Sent: Tuesday, April 20, 2021 10:33 AM
To: Jon Robert Willey
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Jon Wiley,

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Connie Cunningham
cunninghamconniel@gmail.com
1119 Milky Way
Cupertino, California 95014

Cyrah Caburian

From: Laura Bianchi Payne <info@sg.actionnetwork.org>
Sent: Tuesday, April 20, 2021 10:21 AM
To: Hung Wei
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Hung Wei,

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Laura Bianchi Payne
bianchipayne@icloud.com
10061 Bianchi Way, Unit B
Cupertino, California 95014

Cyrah Caburian

From: Laura Bianchi Payne <info@sg.actionnetwork.org>
Sent: Tuesday, April 20, 2021 10:21 AM
To: Liang Chao
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Liang Chao,

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bianchipayne@icloud.com
10061 Bianchi Way, Unit B
Cupertino, California 95014

Cyrah Caburian

From: Laura Bianchi Payne <info@sg.actionnetwork.org>
Sent: Tuesday, April 20, 2021 10:21 AM
To: Jon Robert Willey
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Jon Wiley,

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10061 Bianchi Way, Unit B
Cupertino, California 95014

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From: Laura Bianchi Payne <info@sg.actionnetwork.org>
Sent: Tuesday, April 20, 2021 10:21 AM
To: Kitty Moore
Subject: Vote no Item 10 (Density Bonus Ordinance)

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bianchipayne@icloud.com
10061 Bianchi Way, Unit B
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From: Laura Bianchi Payne <info@sg.actionnetwork.org>
Sent: Tuesday, April 20, 2021 10:21 AM
To: Darcy Paul
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Darcy Paul,

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Laura Bianchi Payne
bianchipayne@icloud.com
10061 Bianchi Way, Unit B
Cupertino, California 95014

Cyrah Caburian

From: Sean Hughes <info@sg.actionnetwork.org>
Sent: Tuesday, April 20, 2021 8:06 AM
To: Darcy Paul
Subject: Vote No Item 10 (Density Bonus Ordinance)

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Darcy Paul,

For years, I have watched as time and time again we seek to lower the bar for housing development, and fight against sustainable development. Cupertino's lack of ambition is disappointing, immoral, and embarrassing. This proposal is yet another example of Cupertino's disinterest in an inclusive and sustainable future.

I am concerned and strongly opposed to the city's proposed zoning reforms that would create a maximum density bonus of 40%, as opposed to the state's newly mandated 50% under AB 2345.

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Regards,
Sean

Sean Hughes
jxseanhughes@gmail.com
7752 Huntridge Lane
Cupertino, California 95014

Cyrah Caburian

From: Sean Hughes <info@sg.actionnetwork.org>
Sent: Tuesday, April 20, 2021 8:06 AM
To: Liang Chao
Subject: Vote No Item 10 (Density Bonus Ordinance)

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Liang Chao,

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Regards,
Sean

Sean Hughes
jxseanhughes@gmail.com
7752 Huntridge Lane
Cupertino, California 95014

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From: Sean Hughes <info@sg.actionnetwork.org>
Sent: Tuesday, April 20, 2021 8:06 AM
To: Hung Wei
Subject: Vote No Item 10 (Density Bonus Ordinance)

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inclusionary very low-income housing and the percentage of density bonus units (from 50% to 40%) below those authorized under new state law.

Given that the city began this process last minute in 2020 before AB 2345 took effect, bypassing normal procedural practices, our city comes across as attempting to evade state law. The carveout is intended to maximize affordable housing, but our program does not demonstrably accomplish this. PLEASE do not move forward with this density bonus program.

Regards,
Sean

Sean Hughes
jxseanhughes@gmail.com
7752 Huntridge Lane
Cupertino, California 95014

Cyrah Caburian

From: Sean Hughes <info@sg.actionnetwork.org>
Sent: Tuesday, April 20, 2021 8:06 AM
To: Kitty Moore
Subject: Vote No Item 10 (Density Bonus Ordinance)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kitty Moore,

For years, I have watched as time and time again we seek to lower the bar for housing development, and fight against sustainable development. Cupertino's lack of ambition is disappointing, immoral, and embarrassing. This proposal is yet another example of Cupertino's disinterest in an inclusive and sustainable future.

I am concerned and strongly opposed to the city's proposed zoning reforms that would create a maximum density bonus of 40%, as opposed to the state's newly mandated 50% under AB 2345.

The City has not provided evidence that their alternative would produce more affordable housing, but instead have guaranteed the following:

(1) We will open ourselves up to legal issues. The State struck down a similar ordinance just a few weeks ago in Encinitas that was aimed around circumventing AB 2345

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From: Sean Hughes <info@sg.actionnetwork.org>
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jxseanhughes@gmail.com
7752 Huntridge Lane
Cupertino, California 95014

Cyrah Caburian

From: Santosh Rao <santo_a_rao@yahoo.com>
Sent: Tuesday, April 20, 2021 6:32 AM
To: City Council
Subject: Please reject and cancel the Density bonus ordinance.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Cupertino City Council members,

I am writing to you today regarding the density bonus ordinance that is on the city council agenda for today (04/20).

I urge you to reject this ordinance and not proceed with this ordinance in order to maintain the pristine charm of the city of Cupertino.

The recent covid pandemic has shown the need for caution in the development of high density projects as density and a pandemic have mutual conflicting requirements. A panic requires the safe distancing across populace. High density is the desire to pack populace close together.

With this covid pandemic we are not sure where we are in this cycle. Variants are emerging. Vaccines are not proven against variants. Vaccination may be in need of annual repeat doses. New pandemic may occur again increasingly more frequently as the threat of bio warfare has risen and there continue to be questions about the origins of covid-19.

As a result of all of these factors, companies have resorted to hybrid work and also de centralized work environments. Companies are RE-visiting high density designs and re-architecting to low density designs.

The biggest employer in Cupertino has been expanding in locations outside of Cupertino and even in states outside of CA. Several offices have been asked to clean out as they consolidate and de-centralize.

Many other employers are choosing long term remote friendly policies.

There is no longer the original pressure to pack residents in as high a density as possible in offices and the resulting pressures on accompanying need for housing close to high density campuses.

This pandemic should cause the council to think about low density and safe distancing not high density.

The future of communities is development of safe pandemic resilient density regulations.

In addition the city is facing a failing school districts with imminent closures expected of schools due to the lack of quality education, the prioritization of distance learning which has led to shortened teaching hours of 10 hours per week instead of 30.

Cupertino was long known for being a city with good schooling and this is no longer the case. Schools will eventually have to be shutdown. Future residents will no longer be moving into Cupertino that may have previously given the draw of good schooling.

I urge the city council to reject this density bonus ordinance in light of all the various factors ranging from the desire to maintain the pristine charm of the city to concerns about pandemic safe distancing requirements to a crumbling and failing school district.

I appeal to the city to please focus your energies on preserving the charm of the city and leaving it better than you found it, not destroying the pristine beauty of the city of Cupertino.

Thank you.

Subject: Consider amendments to Cupertino Municipal Code Sections 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 (Application No: MCA-2021-002; Applicant: City of Cupertino;

Location: Citywide. (Continued from April 6) Recommended Action: That the City Council conduct the first reading of Ordinance No. 21-2226, "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.

Staff Report

A - Draft Ordinance

B- Sally Nielsen, Hausrath Economics Group, Economic Evaluation of City of Cupertino Housing Program to Incentivize the Production of Affordable Housing C - California Rural Legal Assistance Foundation and Western Center on Law & Poverty, Letter in Opposition to AB 2345

Thanks,
Santosh Rao

Cyrah Caburian

From: Jennifer Griffin <grenna5000@yahoo.com>
Sent: Tuesday, April 20, 2021 2:42 AM
To: City Council
Cc: City Clerk
Subject: SB 9 Is a Bad Bill and Getting Worse

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council:

Senate Bill 9 by Senator Scott Wiener and Senator Toni Atkins will allow single family lots in California to be cut up into separate mini lots and then have four feet setbacks for sideyard setback and four feet setbacks for back yard setbacks.

This is complete lunacy. How can you have four feet from each side of the lot and four feet from the back yard of the lot?

And, get this, this is supposedly to be able to be done ministerially. No oversight. No telling the neighbors. I mean, in what universe, are these people writing these bills operating? Czarist Russia? Stalin Land? Did they ever go to school to learn about world history or what civics are in California or let alone the rest of the country? Do they even have any comprehension of what sort of political setup is in this country currently? They seem to be doing their best to try to propagate some sort of Czarist Autocratia or Stalin Era Dictatorship in the draconian way they are writing these bills and pumping them out of Sacramento. Or has Sacramento been taken over and we don't know about it yet?

I think the SB 9 and SB 10 bill writers and Co-authors and sponsors all seem to think we are their subjects in Czarist Russia. I am sorry. But, who made them Czar?

Four foot setbacks on all sides of a lot or minilot? Where do you put the trees? Where do you put the flowers? Where do you put the children? Where do you put the dogs?

Someone tried to take over our Federal Government in January, 2021. Now, not only do we have to deal with that, we also have to deal with people trying to take over our state government in California.

The writers of these mini lot, four foot setback bills such as SB 9 and SB 10 and AB 1401 are trying to take over our state government and turn the state into Czarist Russia or Stalinville. They want to dictate their dogma with no one asking questions like. Okay, where do we put the trees?

I think the writers and co-writers and supporters of SB 9 and SB 10 and AB 1401 need to get on back to school and finish World History 101 and Civics 101. Their education stopped at the School of Dictatorship and Short Sightedness. I think their degrees must be in Dictatorship and Short Sightedness also.

Maybe they never had classes in History or Politics or Civics at all. You have as much insight as I do, judging from how inane and sophomoric some of these housing bills have become in content, context, reasoning and implementation.

SB 9 is bad and getting worse. No yards, no trees etc. Like two year olds running the state.

Sincerely,

Jennifer Griffin

Cyrah Caburian

From: Kelsey Banes <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 11:19 PM
To: Hung Wei
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Hung Wei,

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Kelsey Banes
kelsey@yimbyaction.org
3427 Greer Road
Palo Alto, California 94303

Cyrah Caburian

From: Kelsey Banes <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 11:19 PM
To: Liang Chao
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Palo Alto, California 94303

Cyrah Caburian

From: Kelsey Banes <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 11:19 PM
To: Darcy Paul
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Darcy Paul,

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To: Jon Robert Willey
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To: Kitty Moore
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From: April Nicholson <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 11:18 PM
To: Jon Robert Willey
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April Nicholson
april.jnicholson8@gmail.com
801 Miller Avenue
Cupertino , California 95014

Cyrah Caburian

From: April Nicholson <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 11:18 PM
To: City Clerk
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Kirsten Squarcia,

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Sent: Monday, April 19, 2021 11:18 PM
To: Hung Wei
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The City has not provided evidence that their alternative would produce more affordable housing, but here's what is guaranteed—(1) We will open ourselves up to legal issues. The State struck down a similar ordinance just a few weeks ago in Encinitas that was aimed around circumventing AB 2345 (2) the overall number of housing units allowed in a project will go down, (3) The City Council will prevent taller, denser projects from being feasible at a time when we need to be more cognizant of our region being an urban center and the subsequent environmental impacts from driving, (4) Cupertino will have its own unique rules that no other city has, further convoluting the process and reducing desires to build in Cupertino. (Already, Cupertino received only a small handful of project proposals in all of 2020)

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Given that the city began this process last minute in 2020 before AB 2345 took effect, bypassing normal procedural practices, our city comes across as attempting to evade state law. The carveout is intended to maximize affordable housing, but our program does not demonstrably accomplish this. PLEASE do not move forward with this density bonus program.

April Nicholson
april.jnicholson8@gmail.com
801 Miller Avenue
Cupertino , California 95014

Cyrah Caburian

From: Michelle Jenny <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 8:06 PM
To: Darcy Paul
Subject: Vote no Item 10 (Density Bonus Ordinance)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Darcy Paul,

For years, I have felt that the city has been out of alignment with the values of inclusivity and welcome toward a broad range of citizens. I urge you to vote no on Item 10.

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Michelle Jenny
michellekatyajenny@gmail.com
22022 Lindy Ln
Cupertino, California 95014

Cyrah Caburian

From: Michelle Jenny <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 8:06 PM
To: Liang Chao
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Liang Chao,

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Michelle Jenny

michellekatyajenny@gmail.com

22022 Lindy Ln

Cupertino, California 95014

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From: Michelle Jenny <info@sg.actionnetwork.org>
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To: Kitty Moore
Subject: Vote no Item 10 (Density Bonus Ordinance)

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22022 Lindy Ln
Cupertino, California 95014

Cyrah Caburian

From: Michelle Jenny <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 8:06 PM
To: Jon Robert Willey
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Jon Wiley,

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michellekatyajenny@gmail.com
22022 Lindy Ln
Cupertino, California 95014

Cyrah Caburian

From: Michelle Jenny <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 8:06 PM
To: Hung Wei
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Hung Wei,

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michellekatyajenny@gmail.com
22022 Lindy Ln
Cupertino, California 95014

Cyrah Caburian

From: Nadia Aziz <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 7:41 PM
To: Hung Wei
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Nadia Aziz
naziz219@gmail.com
10711 North Stelling Road
Cupertino, California 95014

Cyrah Caburian

From: Nadia Aziz <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 7:41 PM
To: Kitty Moore
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Kitty Moore,

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naziz219@gmail.com
10711 North Stelling Road
Cupertino, California 95014

Cyrah Caburian

From: Nadia Aziz <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 7:41 PM
To: Liang Chao
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Liang Chao,

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Cupertino, California 95014

Cyrah Caburian

From: Nadia Aziz <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 7:41 PM
To: Jon Robert Willey
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Jon Wiley,

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10711 North Stelling Road
Cupertino, California 95014

Cyrah Caburian

From: Nadia Aziz <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 7:41 PM
To: Darcy Paul
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Darcy Paul,

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Nadia Aziz
naziz219@gmail.com
10711 North Stelling Road
Cupertino, California 95014

Cyrah Caburian

From: Ryan McManus <wyntermute@gmail.com>
Sent: Monday, April 19, 2021 7:38 PM
To: City Council
Subject: Public Comment: Vote NO on Item 10

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Council members:

I'm writing to you out of concern for the city's proposed zoning reforms which would create a maximum density bonus of 40%, as opposed to the state's newly mandated 50% under AB 2345.

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PLEASE do not move forward with this density bonus program. I thank you for your time.

Ryan McManus
wyntermute@gmail.com
19899 Lindenbrook la
Cupertino, California 95014



Cyrah Caburian

From: Zoe Vulpe <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 7:35 PM
To: Kitty Moore
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Zoe Vulpe
zoe.vulpe@gmail.com
1935 W Hedding St
San Jose, California 95126

Cyrah Caburian

From: Zoe Vulpe <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 7:35 PM
To: Hung Wei
Subject: Vote no Item 10 (Density Bonus Ordinance)

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To: Liang Chao
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Jon Wiley,

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The City has not provided evidence that their alternative would produce more affordable housing, but here's what is guaranteed—(1) We will open ourselves up to legal issues. The State struck down a similar ordinance just a few weeks ago in Encinitas that was aimed around circumventing AB 2345 (2) the overall number of housing units allowed in a project will go down, (3) The City Council will prevent taller, denser projects from being feasible at a time when we need to be more cognizant of our region being an urban center and the subsequent environmental impacts from driving, (4) Cupertino will have its own unique rules that no other city has, further convoluting the process and reducing desires to build in Cupertino. (Already, Cupertino received only a small handful of project proposals in all of 2020)

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Zoe Vulpe
zoe.vulpe@gmail.com
1935 W Hedding St
San Jose, California 95126

Cyrah Caburian

From: Clinton Liddick <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 6:26 PM
To: Darcy Paul
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Darcy Paul,

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Clinton Liddick

clint@clintonliddick.com

19480 Richwood Ct, Apt 2

Cupertino, California 95014

Cyrah Caburian

From: Clinton Liddick <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 6:26 PM
To: Hung Wei
Subject: Vote no Item 10 (Density Bonus Ordinance)

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To: Jon Robert Willey
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19480 Richwood Ct, Apt 2

Cupertino, California 95014

Cyrah Caburian

From: Clinton Liddick <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 6:26 PM
To: Liang Chao
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Liang Chao,

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Clinton Liddick

clint@clintonliddick.com

19480 Richwood Ct, Apt 2

Cupertino, California 95014

Cyrah Caburian

From: Clinton Liddick <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 6:26 PM
To: Kitty Moore
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Kitty Moore,

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Clinton Liddick

clint@clintonliddick.com

19480 Richwood Ct, Apt 2

Cupertino, California 95014

Cyrah Caburian

From: Ryan McManus <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 5:39 PM
To: Kitty Moore
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Kitty Moore,

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PLEASE do not move forward with this density bonus program. I thank you for your time.

Ryan McManus
wyntermute@gmail.com
19899 Lindenbrook la
Cupertino, California 95014

Cyrah Caburian

From: Ryan McManus <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 5:39 PM
To: Liang Chao
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Liang Chao,

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Ryan McManus
wyntermute@gmail.com
19899 Lindenbrook la
Cupertino, California 95014

Cyrah Caburian

From: Ryan McManus <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 5:39 PM
To: Hung Wei
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Hung Wei,

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wyntermute@gmail.com
19899 Lindenbrook la
Cupertino, California 95014

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From: Ryan McManus <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 5:39 PM
To: Jon Robert Willey
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Jon Wiley,

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wyntermute@gmail.com
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Cupertino, California 95014

Cyrah Caburian

From: Ryan McManus <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 5:39 PM
To: Darcy Paul
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Darcy Paul,

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wyntermute@gmail.com
19899 Lindenbrook la
Cupertino, California 95014

Cyrah Caburian

From: Eric Crouch <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 5:25 PM
To: Kitty Moore
Subject: Potential Violation of State Law through Density Bonus Changes

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Kitty Moore,

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Best,
Eric Crouch

Eric Crouch
crouch.eric@gmail.com
10221 Phar Lap Dr
Cupertino, California 95014

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From: Eric Crouch <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 5:25 PM
To: Jon Robert Willey
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crouch.eric@gmail.com
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To: Hung Wei
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crouch.eric@gmail.com
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From: Eric Crouch <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 5:25 PM
To: Liang Chao
Subject: Potential Violation of State Law through Density Bonus Changes

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Liang Chao,

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To: Darcy Paul
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Eric Crouch

Eric Crouch
crouch.eric@gmail.com
10221 Phar Lap Dr
Cupertino, California 95014

Cyrah Caburian

From: Dinelle Rudd <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 5:24 PM
To: Liang Chao
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Given that the city began this process last minute in 2020 before AB 2345 took effect, bypassing normal procedural practices, our city comes across as attempting to evade state law. The carveout is intended to maximize affordable housing, but our program does not demonstrably accomplish this. PLEASE do not move forward with this density bonus program.

Dinelle Rudd
dinelle.rudd@gmail.com
19899 Lindenbrook Ln
Cupertino, California 95014

Cyrah Caburian

From: Dinelle Rudd <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 5:24 PM
To: Hung Wei
Subject: Vote no Item 10 (Density Bonus Ordinance)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hung Wei,

I am writing to you out of concern for the city's proposed zoning reforms which would create a maximum density bonus of 40%, as opposed to the state's newly mandated 50% under AB 2345.

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From: Dinelle Rudd <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 5:24 PM
To: Darcy Paul
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Darcy Paul,

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Cyrah Caburian

From: Dinelle Rudd <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 5:24 PM
To: Jon Robert Willey
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Jon Wiley,

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19899 Lindenbrook Ln
Cupertino, California 95014

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From: Dinelle Rudd <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 5:24 PM
To: Kitty Moore
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Kitty Moore,

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From: Neil Park-McClintick <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 5:24 PM
To: Jon Robert Willey
Subject: Vote no Item 10 (Density Bonus Ordinance)

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801 Miller Avenue
CUPERTINO, California 95014

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Sent: Monday, April 19, 2021 5:24 PM
To: Darcy Paul
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From: Neil Park-McClintick <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 5:24 PM
To: Hung Wei
Subject: Vote no Item 10 (Density Bonus Ordinance)

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CUPERTINO, California 95014

Cyrah Caburian

From: Neil Park-McClintick <info@sg.actionnetwork.org>
Sent: Monday, April 19, 2021 5:24 PM
To: Liang Chao
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Liang Chao,

I am writing to you out of concern for the city's proposed zoning reforms which would create a maximum density bonus of 40%, as opposed to the state's newly mandated 50% under AB 2345.

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Neil Park-McClintick
cupertinoforall@gmail.com
801 Miller Avenue
CUPERTINO, California 95014

Cyrah Caburian

From: Joseph Fruen <jrfruen@gmail.com>
Sent: Tuesday, April 20, 2021 9:36 PM
To: City Clerk; City Council; Cupertino City Manager's Office; Darcy Paul; Kitty Moore; Jon Robert Willey; Liang Chao; Hung Wei; Deborah L. Feng; Kirsten Squarcia; Heather Minner Law Email; City Attorney's Office
Subject: Re: Item 10 - Consider amendments to Cupertino Municipal Code Sections 19.56.030A(Table 19.56.030) and 19.56.030F (Density Bonus Ordinance)
Attachments: HCD Technical Guidance.pdf; HCD Notice of Violation.pdf

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Mayor Paul and Members of the City Council:

I write to you to bring your attention to recent letters from the California Department of Housing and Community Development ("HCD") regarding a similar density bonus ordinance enacted by the City of Encinitas at the close of 2020 that bears on Cupertino's proposed action at Item 10 tonight. The first consists of technical guidance supplied on December 16, 2020 ("HCD Technical Guidance"); the second is a notice of violation dated March 25, 2021 ("HCD Notice of Violation") finding Encinitas' density bonus ordinance in violation of state law. Both are attached herewith.

While the Encinitas ordinance in question (Ordinance No. 2020-09) is more elaborate than what Cupertino proposes tonight, it is important that this body examine both the proposed ordinance before you and the two HCD letters so that the city avoids a similar result and the potential for litigation and reputational damage that attend it.

Exemption from the effect of AB 2345--one of the intended effects of tonight's proposed ordinance--is only available to jurisdictions that adopt a housing program, ordinance, or both that allows density bonuses in excess of the maximum 35% available to applicants through the end of 2020 provided that they "incentivize" affordable housing. (Gov. Code, § 65915, subd. (s).) In its initial technical guidance to Encinitas, HCD defined "incentivize" according to its dictionary definition: "It is something that boosts, encourages, incites, or goads or similar. It is more than 'allow,' which means to 'permit' or 'to fail to restrain or prevent.'" (HCD Technical Guidance at p. 3.)

Among the many *independent* reasons HCD found Encinitas Ordinance No. 2020-09 in violation of state law, was the fact that the ordinance merely *allowed* additional densities, but did nothing to "incentivize" the production of affordable housing beyond the provisions of the state's Density Bonus Law as it existed prior to the effective date of AB 2345 (January 1, 2021). In HCD's own words: "[t]he subdivision (s) exemption to AB 2345 clearly contemplates something more than 'allowing' or permitting an applicant to request more units." (HCD Technical Guidance at p. 3.)

The proposed Cupertino ordinance purports to do more than just "allow" more density than the state's Density Bonus Law as of the end of 2020, but that "something more" is to *require* an additional percentage of affordable housing units in lock step with increases in the percentage of bonus density allowed. Though the net effect *may* be more affordable housing than the state of the law prior to January 1, 2021, nothing in the Hausrath Economics Group (HEG) report on which the city relies tonight shows that the proposed ordinance would be *more* effective at generating greater overall quantities of affordable housing--or housing generally--than AB 2345. Perhaps most importantly, the proposed Cupertino ordinance consists entirely of modifications

of the density bonus formula. It does nothing to adjust the concession, incentive, waiver, or parking reduction regime in the state's Density Bonus Law prior to the end of 2020.

HCD elaborates on why reliance on just the density bonus formula is insufficient and does not constitute an "incentive" within the meaning of subdivision (s) of Government Code section 65915. In its Notice of Violation to Encinitas, HCD explains that over time, the law has evolved because the state has realized that "substantial enticements beyond density bonus (additional units over zoning) are needed to incentivize the development of affordable housing[.]" indicating that the mere density bonus formula is not enough on its own. (HCD Notice of Violation at p. 8.) Instead, HCD referenced various other cost-reducing enticements: "incentives and concessions, waivers, and reduced parking standards—that have been deemed *essential* to incentivize affordable housing." (HCD Notice of Violation at p. 8, emphasis added.) The Notice of Violation goes on to cite studies noting that these enticements have often been more important than the density bonus units themselves. (See HCD Notice of Violation at p. 8 (citing Jon Goetz and Tom Sakai, Guide to the California Density Bonus Law (Meyers Nave, January 2020, p. 2.).) The proposed Cupertino ordinance does not offer additional such concessions, incentives, waivers or reduced parking requirements. Instead, the proposed ordinance seeks to escape a more relaxed concession, waiver, and parking requirement regime under AB 2345. Because the proposed Cupertino ordinance relies only on adjustments of the density bonus formula, it fails to clearly "incentivize" affordable housing production as HCD understands that term.

Curiously, the city's economic analysis likewise fails to take into account *any* of the concessions or incentives, waivers or reductions in parking standards that a project applicant might be eligible for in its economic analysis. Similarly, it fails to analyze the more generous concession regime afforded applicants in AB 2345 in comparison to Cupertino's proposed ordinance. As a result, the HEG report's lack of analysis creates an incomplete picture of costs to demonstrate that the proposed Cupertino ordinance would be more attractive to project applicants and thereby "incentivize" more affordable housing development even by its own apparent definition of that term, which appears to be "greater feasibility."

Overall, HCD view and the city's analysis appear to rely on divergent understandings of the meaning of the word "incentivize" as that word is intended in the exemption embodied at subdivision (s) of Government Code section 65915. HCD's definition as described above mandates that a city do *more* to reduce costs than just tweak its density bonus formula. The city's economic analysis appears to define "incentivize" as merely "ensure greater feasibility." Cupertino's proposed ordinance only increases affordable housing production over and above prior state Density Bonus Law to the extent that it *requires* additional percentages of affordable homes in a project in order to access increasing percentages of density bonus homes. Notably, HCD's definition of "incentivizing" does not describe that term as "requiring," which is distinctly dissimilar from the words "encourage, incite, or goad"—all of which speak to some degree of agency that the word "require" lacks. As such, HEG and HCD are speaking different languages when they use the term "incentivize" and the two simply do not match.

Moreover, in requiring additional percentages of affordable homes in a project to access corresponding increases in permissible density bonus homes, the proposed Cupertino ordinance imposes new costs that even the Encinitas ordinance did not do. This structure improperly confuses costs with incentives by classing a specific set of costs as an "incentive." On a pure cost basis--assuming all else equal--an ordinance that merely increases permissible density bonus homes for no additional affordability requirements imposes *fewer* costs than one that does mandate additional affordability requirements. Yet HCD found Encinitas in violation of state law for exactly that reason. If lower costs from lower affordability requirements fail to "incentivize" as HCD defines that term, then it is hard to see how a density bonus ordinance that increases such costs meets HCD's definition of "incentivize." Indeed, HCD's separate grounds for finding Encinitas' ordinance in violation of state law were that it impermissibly increased other costs. (See HCD Notice of Violation at p. 8 ("The [exemption] to AB 2345 accordingly contemplates something more than simply allowing someone to request a density bonus that is only slightly higher than the 35 percent maximum bonus in effect at the close of 2020, while, at the same time, creating disincentives elsewhere within its ordinance that have a net negative effect on incentivizing affordable housing. Here, the ordinance substantially raises the hurdles to qualify for incentives, concessions, and waivers (by introducing new burdensome requirements) and effectively reduces the net number of units available (by moving to net density calculation instead of gross density).".))

Finally, the net result of the proposed Cupertino ordinance is to reduce the total number of units that a project might otherwise be eligible for under AB 2345. When this matter came before the Planning Commission in February, Vice-Chair Scharf noted as follows: “So it sounds like if we just let the state law take effect, the developer--they would get 10 more units in that [density bonus] chart, but they would have to provide another two VLI units over what they would have to do with the proposed Cupertino law. So, I mean, to me, that’s the question: is it worth letting them have the 10 more market rate units to get those two VLI units?” The HCD Notice of Violation answers that question in the affirmative: “AB 2345 does not authorize the City to adopt an ordinance further disincentivizing housing generally.” (HCD Notice of Violation at p. 9.) The proposed Cupertino ordinance goes further than disincentivizing housing generally--it prohibits it by escaping the effect of AB 2345.

Our city is already under the spotlight for a reputation--deserved or otherwise--for being a bad actor in the state’s housing crisis. Provoking a similar Notice of Violation from HCD or ensuing litigation would only cement that reputation, waste time and resources, and diminish the likelihood of new projects by creating uncertainty in the law.

Accordingly, in the interest of genuinely incentivizing more affordable housing, I ask that you refrain from enacting Item 10 and that you take the item back to consider an alternative regime that does more to incentivize affordable housing production as HCD understands that term.

Respectfully yours,

J.R. Fruen
Cupertino resident

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA. 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



March 25, 2021

Pamela Antil, City Manager
City of Encinitas
505 S. Vulcan Avenue
Encinitas, CA 92024

RE: City of Encinitas Notice of Violation, Ordinance No. 2020-09 (Density Bonus)

Dear Pamela Antil:

The California Department of Housing and Community Development (HCD) has reviewed the City's Ordinance No. 2020-09 under its authority pursuant to Government Code section 65585, which extends to State Density Bonus Law (Gov. Code, § 65915). HCD must notify the City and may notify the Office of the Attorney General when a city takes actions that violate Government Code section 65915. (Gov. Code, § 65585, subd. (j).)

On December 16, 2020, the City adopted Ordinance No. 2020-09 titled, "An Ordinance of the City Council of the City of Encinitas, California, Adopting Amendments to Chapter 30.16.020(C) (Density Bonus Regulations) of the Encinitas Municipal Code to be Consistent with State Law." HCD acknowledges receipt of correspondence dated February 1, 2021, from the City's attorneys, Goldfarb and Lipman, regarding the City's density bonus ordinance.

As described in greater detail below, HCD finds that the ordinance conflicts with State Density Bonus Law (SDBL) requirements pre- Assembly Bill (AB) 2345 by adding burdensome requirements for projects to access development concessions, incentives, and waivers, as well as changing the density calculation to effectively reduce the net number of units available to a given project. In addition, HCD finds that the ordinance does not qualify for the exemption from the new State Density Bonus Law (SDBL) standards. Accordingly, the City must process density bonus applications in accordance with current SDBL law and take immediate steps to repeal Ordinance No. 2020-09.

State Density Bonus Law Is a Critical Tool for Resolving the Housing Crisis

California is experiencing a housing crisis, and remedying that shortage is of vital statewide importance. To resolve the crisis, all levels of government must work together and do their part. (Gov. Code, § 65580.) SDBL is a critical part of the solution. Recognizing this, the Legislature recently adopted, and on September 28, 2020, the Governor signed, AB 2345 to substantially strengthen SDBL. The changes to SDBL became effective on January 1, 2021.

SDBL incentivizes affordable housing using a number of tools, including the following:

- **Density Bonus Units:** SDBL requires local agencies to grant an increase to the allowable residential density over the otherwise maximum eligible density. (Gov. Code § 65915, subds. (f), (g).) This density bonus is a foundational tool to incentivize affordable housing. However, it is generally understood that the density provision is not as effective at incentivizing affordable housing as the other provisions of SDBL, and it is purposefully complemented by other tools to incentivize affordable development.¹ The law has been strengthened over time, as early versions were not deemed to be sufficiently incentivizing. Thus, it was amended (1) to require progressively more “concessions or incentives” and “waivers” in addition to a density bonus; (2) to make it easier to get concessions, incentives, and waivers; and (3) to include parking incentives. These are described below.
- **Incentives and Concessions:** Local agencies are required to provide one or more “incentives” or “concessions” to each project that qualifies for a density bonus. A concession or incentive is defined as a reduction in site development standards or a modification of zoning code or architectural design requirements, such as a reduction in setback or minimum square footage requirements; approval of mixed-use zoning; or other regulatory incentives or concessions that result in identifiable and actual cost reductions. (Gov. Code, § 65915, subd. (k).) The number of required incentives or concessions is based on the percentage of affordable units in the project. (Gov. Code, § 65915, subd. (d).)
- **Waiver or Reduction of Development Standards:** Beyond the concessions or incentives, if any city or county development standard physically prevents the project from being built at the permitted higher density with the granted concessions/incentives, the developer may propose to have those standards waived or reduced. The city or county is not permitted to apply any development standard that physically precludes the construction of the project at its permitted density and with the granted concessions/incentives. (Gov. Code, § 65915, subd. (e).)
- **Reduced parking requirements:** Local agencies are also required to reduce parking requirements for projects that qualify for a density bonus even if the developer does not request density bonus, incentives, or waivers. (Gov. Code, § 65915, subd. (p).)

AB 2345 Substantially Strengthens SDBL by Increasing Density Bonuses as well as Reducing the Threshold for Obtaining Concessions and Incentives

AB 2345 modified the calculations for awarding density bonuses relative to the number of units of affordable housing included in the proposed project. AB 2345

¹ See, e.g., Jon Goetz and Tom Sakai, Guide to the California Density Bonus Law (Meyers Nave, January 2020), p. 2.

increased the maximum density bonus from 35 percent to 50 percent for projects with 44 percent moderate-income units, 24 percent lower-income units, or 15 percent very low-income units.

In addition to an increased density bonus, AB 2345 reduced the threshold required to qualify for incentives/concessions. The prior threshold to qualify for two incentives/concessions was 20 percent for lower-income households; as of January 1, 2021, the threshold is 17 percent. (Gov. Code, § 65915, subd. (d)(2)(B).) The prior threshold to qualify for three incentives/concessions was 30 percent for lower income households; as of January 1, 2021, the threshold is 24 percent. (Gov. Code, § 65915, subd. (d)(2)(C).)

However, where a program, ordinance, or both “that ***incentivizes the development of affordable housing*** that allows for density bonuses that exceed the density bonuses required by the [SDBL] effective through December 31, 2020,” the city or county with such a program or ordinance is not required by SDBL to amend or otherwise update its ordinance or housing program to comply with certain changes made in AB 2345 and is exempt from complying with the incentive and concession calculation amended by AB 2345. (Gov. Code, § 65915, subd. (s), emphasis added.)

Ordinance No. 2020-09 Contravenes SDBL by Introducing New Burdensome Requirements and Changing Density Calculation

The City’s proposed ordinance is impermissibly inconsistent with SDBL because it increases, rather than decreases, the costs and burdens on applicants (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 830 [SDBL preempts inconsistent provisions in these municipal ordinances]), including by, without limitation, imposing the following:

- (1) *Report and burden of proof*. In order to obtain requested incentives or concessions, the ordinance mandates that the applicant provide a financial analysis or report to show that the “requested concessions and incentives will: 1) result in identifiable and actual cost reductions; and 2) are required in order to provide for affordable housing costs as defined in Health and Safety Code Section 50052.5, or for rents for the affordable units to be set as specified in Government Code Section 65915(c).” To add to the burden of this request, the City also requires the applicant to pay for a consultant to review the report. (Municipal Code Section 30.16.020(C).) This mandate exceeds the “reasonable documentation” standard set forth in SDBL.

The requirement to include an additional “financial analysis or report” is expressly prohibited under SDBL. (Gov. Code, § 65915, subd. (a)(2) [“local government shall not condition the submission, review, or approval of an application pursuant to this chapter on the preparation of an additional *report or study*”], emphasis added.) While

early versions of SDBL required the applicant to prove that the incentives, concessions, and waivers would result in identifiable cost reductions, SDBL has long since reversed that burden. SDBL now requires that the city or county approve requested incentives, concessions, or waivers unless the city or county can find no identifiable cost reduction or other specific reasons for denying them. (Gov. Code, § 65915, subds. (d), (e).) While the applicant may have to provide a *basic explanation* showing why the application is eligible for an incentive or concession or to demonstrate the incentive or concession meets the definition set forth in subdivision (k), the city cannot require any report or study of any sort as “reasonable documentation” under subdivision (j). (Gov. Code, § 65915, subds. (a)(2), (j), (k).) The Legislature was clear that no additional studies, reports, or analysis were to be required. (See also Sen. Rules Com., Analysis of Assem. Bill No. 2501 (2015 – 2016 Reg. Sess.), as amended August 1, 2016, p. 6.) The City can require the submission of a reasonable amount of documentation, such as drawings and the like, to establish eligibility for a density bonus, incentives, concessions, waivers, reductions, or parking ratios. However, the overall intent of AB 2501 is to create a presumption that incentives and concessions provide cost reductions, and therefore contribute to affordable housing development. A municipality has the burden of proof of demonstrating that a concession or incentive would not generate cost savings.²

Further, the ordinance substantially heightens the demonstration required to obtain a concession or incentive in the city, contrary to SDBL. Under the city’s ordinance, an applicant would have to show that an incentive or concession would (1) result in identifiable and actual cost reductions *and* (2) that such reductions “**are required**” in order to provide for affordable housing costs as defined in Health and Safety Code Section 50052.5, or for rents for the affordable units to be set as specified in Government Code Section 65915(c).” SDBL merely requires that such cost reductions help free up funds for affordable housing, not that they are essential to the provision of affordable housing. (Gov. Code, § 65915, subds. (a)(2), (j), (k).) The showing is not substantial: “If a development provides the required affordable housing, the applicable density bonus and reduced parking standards must be provided. There are no grounds in the statute to deny a developer’s request.” (Lynn E. Hutchins and Karen Tiedemann, Goldfarb & Lipman “Not Just Density Bonuses: Dealing with Demands Beyond the Bonus” (League of California Cities, 2016, at p. 2.) These requirements in the City’s ordinance are contrary to SDBL and **disincentivize** affordable housing.

² This interpretation is consistent with the weight of the commentary as well. (See, e.g., Jon Goetz and Tom Sakai, Guide to the California Density Bonus Law (Meyers Nave, 2020), at pp. 3, 5; Karl E. Geier “Going for the Capillaries: Legislative Tinkering with California Planning and Zoning Laws to Address the Housing Shortage” (March 2017) 27(4) Miller & Starr, Real Estate Newsalert NL 1; David Blackwell and Timothy Hutter, “California Governor Signs Four Bills Affecting Density Bonus Projects” (September 29, 2016); City of Santa Rosa, “White Paper: Density Bonus Ordinance Update” (Undated), at pp. 16, 20, 54.)

Cost reductions resulting from incentives or concessions should be apparent from the project application, thus negating any need for a “financial analysis or report.” Additionally, the City’s February 1, 2021 correspondence to HCD asserts Encinitas has had a “model density bonus program” that has “incentivized more affordable and market-rate units than in the City of San Diego” and “Almost every project of 5 units or more in the City utilizes Density Bonus Law in some fashion.” As such, it is unclear why the City would add burdensome requirements to what it claims was a successful program.

- (2) *Documentation of other alternatives*: In order to obtain requested waivers, the ordinance mandates that the applicant provide not only reasonable documentation establishing that development standards preclude development at the allowed density, but also (1) reports, (2) drawings and elevations, (3) consultants, and (4) alternative designs. (Municipal Code Section 30.16.020(C).)

These additional requirements are not permitted under SDBL and include evidentiary showings that go well beyond SDBL’s “reasonable documentation” standard. (Gov. Code, § 65915, subd. (a)(2); *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1346-1347.) Courts have held, for instance, that SDBL does not require a housing development project to be void of amenities to accommodate needed densities with fewer waivers. (*Wollmer, supra.*) The project applicant need not consider various alternatives that might be accommodated on site without the concessions, incentives, or waivers. If the project meets the requirements for a density bonus, the City must waive development standards requested pursuant to section (e) that preclude development of the project as proposed. These requirements are contrary to SDBL and **disincentivize** affordable housing.

- (3) *Change in base density calculation*: The ordinance modifies key definitions, which would have the actual effect of reducing the number of affordable units and implementing a net density that is explicitly contrary to state law. In particular, the City proposes to include the following definitions:

“Maximum Allowable Residential Density” means the density allowed under the zoning ordinance and land use element of the general plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail. In Encinitas, maximum allowable residential density allowed in the General Plan is based on net acreage.

“Maximum Allowable Gross Residential Density” means the maximum number of dwelling units allowed under the General Plan per net acre of land.

Notably, the previous version of the City's ordinance calculated density based on *gross* acres, rather than *net* acres. The City previously adopted its ordinance taking a gross acres approach on the advice of its counsel that this was mandated by SDBL. Indeed, SDBL refers to gross density, not net density. (Gov. Code, § 65915, subd. (f).) Accordingly, "the City has since 2017 consistently used gross acreage to calculate base density for density bonus purposes." (Nick Zornes, City of Encinitas, Agenda Report Item #10A, December 9, 2020, p. 10.) The City cites no legal basis for changing its ordinance in this manner, and indeed the City's own attorney advises against the change. For these reasons, HCD advises that this change is contrary to SDBL (Gov. Code, § 65915, subds. (f) and (r)) and further **disincentivizes** affordable housing.

Further, the implementation of a net density standard potentially impacts the feasibility of proposed development, particularly given the absence of any grandfathering provisions for pending development applications.

The City's February 1, 2021 letter to HCD asserts that because HCD's *Housing Element Site Inventory Guidebook* allows for use of net density, it is appropriate to do so in the City's density bonus ordinance. This is faulty logic and compares apples to oranges. Calculating realistic capacity for a housing element site inventory pursuant to the provisions of Government Code section 65583.2, subdivision (c), is irrelevant to the calculations required pursuant to SDBL. SDBL has its own terms, its own definitions, and occupies a completely different chapter of Government Code. SDBL explicitly requires the use of gross acreage.

The City's February 1, 2021 letter further justifies the use of net acreage because some of its neighboring jurisdictions do so. The erroneous application of the law in one or more jurisdictions does not justify its widespread adoption. HCD appreciates the information and will be following up with those cities.

- (4) *Lack of grandfathering provisions*: The ordinance, as currently adopted, appears to lack grandfathering provisions for developments currently in the entitlement process, including developments that are proposed on sites recently rezoned as a result of housing element requirements. The lack of grandfathering provisions impacts the feasibility of development and adds additional timing delays. The lack of grandfathering provisions is especially troublesome when considered in combination with significant constraints such as the City's density-related definitions. The Department reminds the City of the requirements of Government Code section 65589.5, subdivision (o)(1), "... a housing development project shall be subject only to the ordinances, policies, and standards adopted and in effect when a preliminary application including all of the information required by subdivision (a) of Section 65941.1 was submitted."

(5) *Other disincentivizing impediments to affordable housing:* In other respects, the proposed ordinance includes new requirements that shift mandates, increase the time needed to prepare an application, cause regulatory confusion, and increase costs of housing development.³ For instance, the new ordinance dictates that affordable units must be at least 75 percent of the average square footage of market rate units. SDBL does not mandate the size of either the density bonus units or the affordable units in the development. SDBL references only the requirements for replacement units, which is based upon bedroom count, not square footage. (Gov. Code, § 65915, subd. (c)(3).) The imposition of a 75 percent requirement is arbitrary—the City provided no data or other evidentiary basis for its decision. In addition, the ordinance mandates the cost of the review of reasonable documentation supporting the request of concessions or incentives, and waivers be borne by the applicant. Furthermore, the ordinance anticipates hiring a consultant to review documentation. SDBL places the burden of proof for denial of requested concessions or incentives on the City – not on the applicant. (Gov. Code, § 65915, subd. (d)(4).) SDBL allows the request of only reasonable documentation for requested concessions or incentives, and waivers. (Gov. Code, § 65915, subd. (a)(2).) The burden of developing such findings is placed squarely on the city or county.

Government Code section 65915, subdivision (r), provides, “This chapter shall be interpreted liberally in favor of producing the maximum number of total housing units.” An ordinance that nominally allows slightly greater densities but that has the primary effect of increasing the costs and burdens of applying for a density bonus cannot be reasonably construed as one that maximizes the number of housing units developed. For all the reasons above, the City’s Ordinance No. 2020-09 violates SDBL.

Ordinance No. 2020-09 Fails to Meet Exemption Threshold: “Incentivize the Development of Affordable Housing that Allows for Density Bonuses that Exceed the Density Bonuses Required By [SDBL] Effective Through December 31, 2020.”

The City argues that it is exempt from SCBL mandates because it falls within the exemption set out in Government Code section 65915, subdivision (s). As a threshold matter, the City misapprehends the scope of that exemption. Government Code section 65915, subdivision (s), does not authorize a city or county to replace its SDBL mandates with a wholesale new ordinance that supplants the established mandates of SDBL. As a result, even if a city or county qualifies for the exemption from the new SDBL mandates, the remainder of SDBL continues to apply to the jurisdiction in 2021.

³ These restrictions are concerning from a fair housing perspective as well: “Examples of land use practices that violate the Fair Housing Act under a discriminatory effects standard include minimum floor space or lot size requirements that increase the size and cost of housing if such an increase has the effect of excluding persons from a locality or neighborhood because of their membership in a protected class, without a legally sufficient justification.” (United States Department of Justice and United States Department of Housing and Urban Development, “Joint Statement: Local Land Use Laws and Practices and the Application of the Fair Housing Act” (November 10, 2016) (“Joint Statement”), p. 5.)

In this case, however, the City appears to also err in its determination that it has satisfied the exemption. To meet the exemption threshold, the City's ordinance must be an ordinance "that incentivizes the development of affordable housing." What does it mean to incentivize in the context of the SDBL? The City asserts that its ordinance satisfies the exemption in subdivision (s) because it "allows a housing development to request a density bonus that is higher than the ... 35 percent maximum" set out in SDBL in 2020, and accordingly "the City would not be required to implement the amendments contained in AB 2345 with respect to the increase in density bonus (50 percent maximum) or incentive/concessions." (Nick Zornes, City of Encinitas, Agenda Report Item #10A, December 9, 2020, p. 5.)

However, the term "incentivize" in this context takes meaning from the history of SDBL, which shows that the Legislature, over time, has realized that substantial enticements beyond density bonus (additional units over zoning) are needed to incentivize the development of affordable housing. As noted above, SDBL includes several provisions beyond density bonus—such as incentives and concessions, waivers, and reduced parking standards—that have been deemed essential to incentivize affordable housing. It is generally recognized that these "other tools are even more helpful to project economics than the density bonus itself." (See, e.g., Jon Goetz and Tom Sakai, Guide to the California Density Bonus Law (Meyers Nave, January 2020, p. 2.).) The subdivision (s) exemption to AB 2345 accordingly contemplates something more than simply allowing someone to request a density bonus that is only *slightly higher* than the 35 percent maximum bonus in effect at the close of 2020, while, at the same time, creating disincentives elsewhere within its ordinance that have a net negative effect on incentivizing affordable housing. Here, the ordinance substantially raises the hurdles to qualify for incentives, concessions, and waivers (by introducing new burdensome requirements) and effectively reduces the net number of units available (by moving to net density calculation instead of gross density). SDBL "shall be interpreted liberally in favor of producing the maximum number of total housing units." (Gov. Code, § 65915, subd. (r).)

In defense of its ordinance the City's February 1, 2021 letter to HCD refers to the UC Berkeley Turner Center for Housing Innovation's (Turner Center) July 2020 Policy Brief entitled "Revisiting California's Density Bonus Law: Analysis of SB 1085 and AB 2345." The City's letter states that "AB 2345 was marginally less attractive than existing density bonus law." This is an incomplete characterization of the Turner Center's conclusion as the document also states, "In addition to added density, developers may also take advantage of other incentives allowed under density bonus law that can sometimes prove just as valuable—or even more valuable than additional units." Thus, the Turner Center agrees with Goetz and Sakai that other elements of density bonus law are often more incentivizing, concluding: "Our California Residential Land Use Survey found that developers do not always choose to utilize the added density afforded by density bonus law, but other concessions are frequently received." In no way does the Turner Center advocate efforts to avoid compliance with AB 2345: "SB 1085 and AB 2345 represent a

step in the right direction for legislation that prioritizes affordability while recognizing the need for offsets to achieve financial feasibility.”

The City also argues that modifications to its density bonus ordinance are justified due to its prior success with the law, citing 33 project approvals over two decades that resulted in a total of 908 new units, about 97 of which were affordable. It suggests that its density bonus ordinance is more successful than San Diego’s prior to that city’s adoption of a new density bonus program that served as the model for AB 2345. This appears to be incorrect, however. Between 2005 and 2017, a briefer period than Encinitas’ sample, San Diego approved 36 projects with 3,959 units under its density bonus ordinance, about 454 were affordable.⁴ Initial data from San Diego’s implementation suggest that its new ordinance is even more successful at producing housing generally and affordable units in particular.⁵

Further, even assuming Encinitas’ prior density bonus program was successful (though it is also possible that Encinitas’ generally restrictive practices deterred multifamily production outside of its density bonus program), any such past successes by the City using density bonuses alone is not sufficient to trigger an exemption from SDBL now. The City complains that its ordinance resulted in too many market-rate homes and too few affordable homes. AB 2345 does not authorize the City to adopt an ordinance further disincentivizing housing generally.

Conclusion

In sum, HCD has reviewed the City’s Ordinance No. 2020-09 under its authority pursuant to Government Code section 65585, which extends to State Density Bonus Law (Gov. Code, § 65915). HCD has found that Ordinance No. 2020-09, violates separate SDBL requirements by adding burdensome requirements for projects to access development concessions, incentives, and waivers, as well as by changing the density calculation to effectively reduce the net number of units available to a given project. In addition, HCD finds that the City does not meet the threshold for exemption from recent legislative changes. Accordingly, the City must apply State Density Bonus Law by processing density bonus applications in accordance with AB 2345 and take immediate steps to repeal Ordinance No. 2020-09. As noted above, HCD is hereby notifying the City of the above findings and violations pursuant to Government Code section 65585, subdivision (j).

⁴ See Colin Parent, *Early Win for Affordable Homes Bonus Program* (Circulate San Diego, October 18, 2017) [Density Bonus Production Figures Data at <<https://www.circulatesd.org/ahbpreport>>].

⁵ See Parent, *supra*, at p. 6.

If you have any questions, or would like to discuss the content of this letter, please contact Robin Huntley of our staff at Robin.Huntley@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Megan Kirkeby', followed by a period.

Megan Kirkeby
Deputy Director

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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December 16, 2020

Mayor Catherine Blakespear and Councilmembers
City of Encinitas
505 S. Vulcan Avenue
Encinitas, CA 92024

Dear Mayor and Councilmembers:

RE: Review of the City of Encinitas' Proposed Density Bonus Ordinance – Letter of Technical Assistance

The Department of Housing and Community Development (Department or HCD) understands the City of Encinitas is proposing to update its density bonus ordinance in an effort to comply with recent amendments to State Law. While the Department acknowledges the City's efforts, the ordinance appears contrary to the intent of State Density Bonus Law (SDBL) and potentially other housing laws and negatively impacts the feasibility of pending development. **HCD recommends the City pull the ordinance from its consent calendar** to facilitate a full discussion of an appropriate ordinance for adoption. HCD offers the following technical assistance that addresses some of HCD's early observations.

State Density Bonus Law: Incentivizing Affordable Housing

The SDBL was adopted in 1979 to address California's affordable housing needs. As originally enacted, the SDBL sought to increase the production of affordable housing by requiring local agencies to grant an increase to the maximum allowable residential density over the otherwise maximum eligible density. The law has been strengthened over time as early versions were not deemed to be sufficiently incentivizing. Thus, it was amended (1) to require progressively more "concessions or incentives" and "waivers" in addition to a density bonus and (2) to make it easier to get concessions, incentives, and waivers.

The current version of the law applicable during 2020 is substantially more incentivizing of affordable housing than earlier iterations. The density bonus that is authorized is set on a sliding scale based upon the percentage of affordable units in the project, ranging from 5% to 35% additional units over the number ordinarily permitted. Likewise, the law provides for a progressive approach to incentives or concessions, allowing up to four incentives or concessions in some cases. (Gov. Code, § 65915, subd. (d)(2).) It also includes incentivization in the form of waivers from development standards, which do not count as incentives or concessions, and are unlimited (Gov. Code, § 65915, subd. (e)) and limits on parking requirements (*id.* at subd. (p)). For projects located near

transit stops, additional concessions are afforded under the SDBL. (See, e.g., *id.* at subds. (f)(3)(D)(ii), (p)(2), (p)(3)(A)).

Importantly, the law has reversed the burden of proof from the applicant to the city or county for incentives and concessions, and waivers; whereas before the applicant had to prove that they would result in identifiable cost reductions, now the city or county must approve requested incentives or concessions unless the city can find no identifiable cost reduction or other specific reasons for denying it. (Gov. Code, § 65915, subd. (d).) While the applicant may have to provide a basic explanation showing why the application is eligible for an incentive or concession with reasonable documentation under subdivision (k), the city cannot require any report or study of any sort to support this. (Gov. Code, § 65915, subds. (a)(2), (j), (k).)

AB 2345: Requirements and Exemption

On September 28, 2020, the Governor signed into law Assembly Bill (AB) 2345, which made significant changes to the SDBL and housing law generally with an effective date of January 1, 2021. In key part, the bill modifies the calculations for awarding density bonuses relative to the number of units of affordable housing included in the proposal. AB 2345 includes a maximum density bonus of up to 50% for projects with 44% moderate income units, 24% lower income units, and 15% very low-income units. In addition to an increased density bonus, AB 2345 reduces the threshold required to qualify for incentives/concessions. The current threshold to qualify for two incentives/concessions is 20 percent for lower income households, and as of January 1, 2021 the threshold will be reduced to 17 percent. The current threshold to qualify for three incentives/concessions is 30 percent for lower income households, and as of January 1, 2021 the threshold will be reduced to 24 percent.

That said, the law allows flexibility for cities and counties that have already or are interested in adopting creative programs or ordinances to incentivize the development of affordable housing. Where those programs or ordinances “***incentivizes*** the development of affordable housing that allows for density bonuses that exceed the density bonuses required by the Density Bonus Law effective through December 31, 2020” the city or county with such a program is not required to amend or otherwise update its ordinance or housing program to comply with the amendments made in AB 2345 and is exempt from complying with the incentive and concession calculation amended by AB 2345. (Gov. Code, § 65915, subd. (s), emphasis added, effective date January 1, 2021.) Thus, in 2021, Government Code section 65915, subdivision (s), will provide:

(s) Notwithstanding any other law, if a city, including a charter city, county, or city and county has adopted an ordinance or a housing program, or both an ordinance and a housing program, that ***incentivizes*** the development of affordable housing that allows for density bonuses that exceed the density bonuses required by the version of this section effective through December 31, 2020, that city, county, or city and county is not required to amend or otherwise update its ordinance or corresponding affordable housing incentive program to comply with the amendments made to this section by the act adding this subdivision, and is exempt

from complying with the incentive and concession calculation amendments made to this section by the act adding this subdivision as set forth in subdivision (d), particularly subparagraphs (C) and (D) of paragraph (2) of that subdivision, and the amendments made to the density tables under subdivision (f).

What does it mean to incentivize in the context of the State Density Bonus Law?

The City asserts that its ordinance would “incentivize” affordable housing consistent if it “allows a housing development to request a density bonus that is higher than the current 35 percent maximum” set out in SDBL now, and accordingly “the City would not be required to implement the amendments contained in AB 2345 with respect to the increase in density bonus (50 percent maximum) or incentive/concessions.” (Nick Zornes, City of Encinitas, Agenda Report Item #10A, December 9, 2020, p. 5.) In the context of SDBL, “incentivize” means more than allowing someone to request a bonus higher than 35 percent.

Incentivize means “to provide with an incentive” (Merriam-Webster, online). It is something that boosts, encourages, incites, or goads or similar. It is more than “allow,” which means to “permit” or “to fail to restrain or prevent.” An expansive reading of this term is consistent with the directives of statute that SDBL “shall be interpreted liberally in favor of producing the maximum number of total housing units.” (Gov. Code, § 65915, subd. (r).) The meaning of “incentivize” in this context takes meaning from the history of density bonus law noted above. The history shows that the Legislature over time has realized that substantial incentives beyond density bonus are needed to induce the development of affordable housing. As noted above, SDBL includes several provisions beyond density bonus—such as incentives and concessions, waivers, and parking incentives—that have been deemed necessary already to incentivize affordable housing.

The subdivision (s) exemption to AB 2345 clearly contemplates something more than “allowing” or permitting an applicant to request more units. HCD recommends the City revisit its proposal to evaluate ways in which the City could incentivize affordable housing.

Subdivision (s) does not excuse cities and counties from compliance with SDBL.

Even if a city or county qualifies for the exemption set out in Government Code section 65915, subdivision (s), it is important to remember that the remainder of SDBL still applies to the jurisdiction in 2021. *If* a jurisdiction has a program or ordinance that *actually* incentivizes affordable housing beyond what is authorized in 2020, then the city or county can utilize that program or ordinance in lieu of modifying its Density Bonus Ordinance to comply with the AB 2345 provisions. Nothing in AB 2345 frees the city from complying with SDBL as it is written in 2020.

The City's draft ordinance as currently written does not appear to incentivize affordable housing.

Government Code section 65915, subdivision (s), does not authorize a city or county to replace its SDBL mandates with a wholesale new ordinance that supplants the established mandates of SDBL. Those provisions still apply. To the extent that the City's proposed ordinance is impermissibly inconsistent with SBDL to increase the costs and burdens on applicants, the ordinance **disincentivizes** affordable housing.

- (1) *Report and Burden of Proof:* In order to obtain requested incentives or concessions, the ordinance would mandate that the applicant provide a financial analysis or report. Proposed revisions to Municipal Code Section 30.16.020(C) would include the following new requirement:

Except where mixed-use zoning is proposed as an incentive, reasonable documentation to show that any requested incentive or concession will result in identifiable and actual cost reductions to provide for affordable housing costs or rents, including submittal of a financial analysis or report providing reasonable documentation that the requested concessions and incentives will: 1) result in identifiable and actual cost reductions; and 2) are required in order to provide for affordable housing costs as defined in Health and Safety Code Section 50052.5, or for rents for the affordable units to be set as specified in Government Code Section 65915(c). The cost of reviewing any required financial information, including, but not limited to, the actual cost to the City for hiring a consultant to review the financial data, shall be borne by the applicant.

The requirement to include an additional "financial analysis or report" is specifically prohibited under the current density bonus law. (Gov. Code, § 65915, subd. (a)(2).) Further, the ordinance substantially heightens the demonstration required to obtain a concession or incentive in the city, contrary to SDBL. Under the city's proposed law, an applicant would have to show that an incentive or concession would (1) result in identifiable and actual cost reductions *and* (2) that such reductions "**are required**" in order to provide for affordable housing costs as defined in Health and Safety Code Section 50052.5, or for rents for the affordable units to be set as specified in Government Code Section 65915(c)." SDBL merely requires that such cost reductions help free up funds for affordable housing, not that they are essential to the provision of affordable housing. (Gov. Code, § 65915, subd. (k).) These requirements are contrary to SDBL and **disincentivize** affordable housing.

- (2) *Change in Base Density Calculation:* The proposed ordinance would modify key definitions which would have the actual effect of reducing the number of affordable units. In particular, the City proposes to include the following definitions:

“Maximum Allowable Residential Density” means the density allowed under the zoning ordinance and land use element of the general plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail. In Encinitas, maximum allowable residential density allowed in the General Plan is based on net acreage.

“Maximum Allowable Gross Residential Density” means the maximum number of dwelling units allowed under the General Plan per net acre of land.

The current version of the City’s ordinance calculates density based on gross acres, rather than net acres. The City adopted gross acres on the advice of its counsel that this was mandated by SDBL. Indeed, SDBL refers to gross density, not net density. (Gov. Code, § 65915, subd. (f).) Accordingly, “the City has since 2017 consistently used gross acreage to calculate base density for density bonus purposes.” (Nick Zornes, City of Encinitas, Agenda Report Item #10A, December 9, 2020, p. 10.) The City cites no legal basis for changing its ordinance in this manner, and indeed the City’s own attorney advises against the change. For these reasons, HCD advises that this change is contrary to SDBL (Gov. Code, § 65915, subds. (f) and (r)) and **disincentivizes** affordable housing.

The ordinance as currently adopted appears to lack grandfathering provisions for developments currently in the entitlement process, including developments that are proposed on sites recently rezoned as a result of housing element requirements. The lack of grandfathering provisions impacts the feasibility of development and adds additional timing delays. The lack of grandfathering provision is especially troublesome when considered in combination with significant constraints such as the City’s density-related definitions.

In other respects, the proposed ordinance includes new requirements which shifts mandates, increase the time to prepare an application, cause regulatory confusion, and increase costs on the applicant. For instance, the new ordinance dictates that affordable units must be at least 75% of the average square footage of market rate units. While HCD has not reviewed these provisions in every respect against SDBL, the Department notes that an ordinance that nominally allows greater densities but that has the primary effect of increasing the costs and burdens of applying for a density bonus cannot be reasonably be construed as one that *incentivizes* affordable housing.

HCD recommends that the City reevaluate the proposed ordinance to eliminate these new barriers to affordable housing so that the overall effect of the ordinance would be, as required by subdivision (s), one that clearly incentivizes affordable housing.

The Department is committed to assist the City in addressing all statutory requirements of State Density Bonus Law. If you have any questions or need additional technical assistance, please contact Robin Huntley, of our staff, at (916) 263-7422 or robin.huntley@hcd.ca.gov.

Mayor Catherine Blakespear and Councilmembers
City of Encinitas
Page 6

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West". The signature is fluid and cursive, with the first name "Shannan" written in a larger, more prominent script than the last name "West".

Shannan West
Land Use & Planning Unit Chief

Cyrah Caburian

From: Genevieve Kolar <info@sg.actionnetwork.org>
Sent: Tuesday, April 20, 2021 5:37 PM
To: Liang Chao
Subject: Vote no Item 10 (Density Bonus Ordinance)

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Liang Chao,

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Genevieve Kolar
genevieve.kolar@gmail.com
950 University Ave
Los Altos, California 94024

Cyrah Caburian

From: Genevieve Kolar <info@sg.actionnetwork.org>
Sent: Tuesday, April 20, 2021 5:37 PM
To: Hung Wei
Subject: Vote no Item 10 (Density Bonus Ordinance)

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To: Jon Robert Willey
Subject: Vote no Item 10 (Density Bonus Ordinance)

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vanzoeren@gmail.com

1105 Milky Way
Cupertino, CA, California 95014

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To: Darcy Paul
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To: Liang Chao
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John Geis
jgeis4401@gmail.com

10714 Deep Cliffe Dr
Cupertino, California 95014

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Jon Wiley,

I am writing to you out of concern for the city's proposed zoning reforms which would create a maximum density bonus of 40%, as opposed to the state's newly mandated 50% under AB 2345.

The City has not provided evidence that their alternative would produce more affordable housing, but here's what is guaranteed—(1) We will open ourselves up to legal issues. The State struck down a similar ordinance just a few weeks ago in Encinitas that was aimed around circumventing AB 2345 (2) the overall number of housing units allowed in a project will go down, (3) The City Council will prevent taller, denser projects from being feasible at a time when we need to be more cognizant of our region being an urban center and the subsequent environmental impacts from driving, (4) Cupertino will have its own unique rules that no other city has, further convoluting the process and reducing desires to build in Cupertino. (Already, Cupertino received only a small handful of project proposals in all of 2020)

Cupertino continues to be the most expensive rental housing market in Silicon Valley yet the proposed City ordinance would reduce both the percentage (from 15% to 13%) of required inclusionary very low-income housing and the percentage of density bonus units (from 50% to 40%) below those authorized under new state law.

Given that the city began this process last minute in 2020 before AB 2345 took effect, bypassing normal procedural practices, our city comes across as attempting to evade state law. The carveout is intended to maximize affordable housing, but our program does not demonstrably accomplish this. PLEASE do not move forward with this density bonus program.

John Geis
jgeis4401@gmail.com

10714 Deep Cliffe Dr
Cupertino, California 95014

CC 04-20-21

#11

Secondhand
Smoke Exposure
Policies Municode
Amendment

Written Comments

CC 4-20-2021

#12

FY 21-22 Fee Schedule

Written Communications



ADMINISTRATIVE SERVICES DEPARTMENT

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3220 • FAX: (408) 777-3109
CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Meeting: April 20, 2021

Subject

Fiscal Year (FY) 2021-22 Fee Schedule Update.

Recommended Action

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.

Summary

User fees are reviewed each year in conjunction with budget preparation. City policy ensures that, to the extent possible, fees cover the cost of providing services. The majority of the fees proposed for adoption are based on the estimated actual cost to perform the service. Some fees, such as those for recreational purposes, are based on market conditions or fees charged by outside service providers and other governments. Fees that do not generate sufficient revenue to cover the cost of providing the service are subsidized by the General Fund.

Background and Recommendation

The FY 2016-17 Fee Schedule was revised after a comprehensive Fee Study was completed in conjunction with a Cost Allocation Study. Both studies relied upon the same data to determine costs that can be allocable between City departments and costs that can be recovered through fees charged to the public. These studies are conducted approximately every seven years, and in between studies, the City adjusts fees using either the Bay Area consumer price index (CPI), Bay Area construction cost index (CCI), or the estimated increase in the cost of labor derived through the City's budget process. For FY 21-22, the CPI increase is 1.6%, CCI increase is 2.5%, and the cost of labor increase is 5.7% as shown below.

CPI for All Urban Consumers (CPI-U)

February 2020	299.690
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March 2020	12,810.67
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Index Increase	326.49
% Increase	2.5%

The CPI was applied to Schedule A and C, the CCI was applied to Schedule B, and the estimated increase in FY 2021-22 labor costs was applied to Schedules B, C, and D to produce the City's recommendations as described in more detail below. Schedule E was revised to simplify and increase consistency.

In FY 2016-17, a comprehensive Fee Study was conducted by a City consultant, Matrix, which allowed the City Council to update the City fee schedules for FY2016-17. The changes to fees since FY 2016-17 are summarized in the table below:

Fiscal Year	Schedule A – General Fees	Schedule B – Engineering Fees	Schedule C – Planning Fees	Schedule D – Building Fees
2021-22 (proposed)	1.6% CPI	2.5% CCI 5.7% Estimated Labor Cost Increase	5.7% Estimated Labor Cost Increase 1.6% CPI	5.7% Estimated Labor Cost Increase
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2016-17	Varied and comprehensive changes due to Fee Study.			

New Fees and Substantial Changes

Schedule A – General: This schedule is being updated by CPI of 1.6% across all applicable fees. Increases to these fees are mostly impacted by the cost of materials or external prices that are not under the control of the City. In the process of finalizing this schedule for the FY 2021-22 Fee Schedule update, the following addition was made:

- *An annual “Commercial Kennel Permit Fee”* is being proposed at a rate of \$302 per year which is the Community Development staff rate for one hour of work. In accordance with Cupertino Municipal Code Section 8.05.010, a permit is required for operating a kennel and the City Council may fix an annual permit fee. The City has received complaints about residents operating dog kennel businesses. Charging a fee for this permit would assist cost-recovery levels in the Community Development Department for issuing permits and conducting inspections and enforcement. The Community Development Director estimates that \$302 per year would not exceed the City’s reasonable regulatory costs for these activities.

Schedule B – Engineering: In addition to applying a 5.7% increase for anticipated labor cost increases and 2.5% CCI for FY 2021-22, the fee schedule includes the following adjustments:

- *Professional Services 3rd Party Consultant Review* – Previously, Fee Schedule B included a “geotechnical” and “structural” review fee at a “cost of review + City administrative” fee. In order to expand the scope of services for these specialized reviews and clarify the City’s fee schedule, it is proposed to rename the fee to “3rd Party Consultant Review.” Note, third party reviews are also covered under “Outside Agency Review/Services” in Schedule A at the same rate.
- *Park Land Dedication In-Lieu Fee* – The FY 20-21 Fee Schedule B included a fee for “ADU 750 SF or less” and should have been stated as “ADU 750 SF or more.” No fiscal impact in FY 20-21 was noted.

Schedule C – Planning: A 5.7% increase for anticipated labor cost increases for FY 21-22 has been applied for all fees in Schedule C, except the Housing Mitigation In-lieu fees. The Housing Mitigation In-lieu fees increase annually (on July 1 of each year) by the Consumer Price Index (CPI) for All Urban Consumers for San Francisco, CA. Additionally, the following additions are being proposed:

- *Mobile Vending Registration Fee* – This is a new fee for the required permit for mobile vendors in the City. This annual fee will be charged at a rate of \$302 per year, which covers one-hour of Community Development staff time. The permit application process has yet to be finalized, but is anticipated to be complete before fiscal year end 2021. The Community Development Director estimates that \$302

per year would not exceed the City's reasonable regulatory costs for conducting inspections and enforcement of mobile vendors.

Schedule D – Building: The Building Fee Schedule contains four tables which have been numbered to facilitate reference between them. The tables are numbered as follows:

1. Table 1 – Plan Check Fees Only
2. Table 2 – Inspection Fees Only
3. Table 3 – Mechanical, Electrical and Plumbing Fees
4. Table 4 – Miscellaneous Items

All of the fees in the Schedule D tables have been increased by the 5.7% anticipated labor cost increases for FY 2021-22. The following fees are proposed additions to the Schedule:
Table 3 – Mechanical, Electrical, and Plumbing Fees

- *Repair/Alter/Add heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system, including installation of controls* – This fee is being modified to include “split system.” This will ensure Residential and Commercial units that operate on a “split system” will be charged the appropriate fee amount.
- *Building or trailer park sewer* – This fee is recommended to be modified to state “Building sewer lateral or sewer clean-out” for purposes of applicability and clarity.

Table 4 – Miscellaneous Items

- *“Board of Appeals”* – this fee is a new proposed fee to ensure cost-recovery for applicants that choose to appeal a determination made by the Building Official. Typically, these appeal hearings require 4 hours of staff time; however, in the event a hearing requires more or less time, a “per hour” rate of \$221 for Building staff time is being proposed.

Schedule E – Parks & Recreation: City staff are proposing the following modifications to the schedule:

- *Senior Center*
 - Resident and non-resident rates are increasing by \$2 to better align with membership pricing offered by neighboring agencies (Attachment O).
 - A \$7 Flex Pass fee is being added to the schedule as it had been omitted from the schedule in previous years. This is a drop-in pass for Senior Center members to try out specific fitness classes listed in *The 50+ Scene*.
- *Sports Center/Teen Center*
 - Various day pass and drop in packages are to be removed from the schedule as they are rarely utilized. A single “Day Pass” fee charge is recommended to simplify and shorten the process for customers.
 - Monthly and annual membership fee amounts are being revised to maintain a 20% increase for non-residents compared to residents.

- Childcare fees are being removed from the schedule. Due to cost-recovery limitations and low enrollment, the service is being eliminated.
- *Outdoor Facilities*
 - Field attendant fee amount is increasing from \$14 to \$17 per hour to align with minimum wage requirements.
 - Memorial Softball Field fees are increasing by \$5 and \$10 for residents and non-residents, respectively. This will incrementally align with the revised fees in the Joint Use Agreement for the field fees.
- *Sports Field Fees*
 - The sports field fees were updated to incorporate an hourly fee schedule rather than the prior flat rate. This was done in an effort to bring the fees into better alignment with neighboring agencies in the County. However, this shift to an hourly rate results in increased costs for permitted field users. To ease in this increase, the currently proposed fees are set to achieve 17% to 20% cost recovery and placing the City well below the average for the agencies surveyed (see Attachment N). It is intended that fees can be gradually increased annually until 40% cost recovery is achieved. The proposed hourly field use fees ranging from \$10 to \$60 based on resident or non-resident and adult or youth non-profit/for profit.
- *Community Garden*
 - With the opening of Community Garden in the Spring of 2021, it is recommended fees be enacted at a 40% cost recovery level. Garden beds will be charged a \$110 fee with a \$55 PG&E CARES Program Discount. A refundable security deposit of \$150 with a \$75 PG&E CARES Program Discount will also be required (see Attachment M). Because the Community Garden is opening in the Spring of 2021, the FY 2020-21 Fee Schedule E is being amended to incorporate the new fee. There are no changes in the Community Garden fee from FY 20-21 to FY 21-22.
- *Blackberry Farm Golf Course*
 - Weekdays, Resident Second 9 Holes (all players) rates are increasing from \$11 to \$12 to reflect a correction of an error in previous fee schedules. Additionally, club rental rates are recommended to be a flat \$10 for all age groups.

Sustainability Impact

None.

Fiscal Impact

Based on a three-year historical average (FY18 – FY20) and factoring the proposed fee schedule increases, additional revenues of \$351,022 in the General Fund and \$180,000 in Parks & Recreation’s Enterprise Funds is estimated in FY 2021-22. If increases are not adopted, the cost of providing the corresponding services will be further subsidized by the General Fund and the service cost will compete with tax dollars used for City

services benefitting the general public. Revenues derived from changes to Schedule E mostly increase Enterprise Funds of the City and not the General Fund.

The recommended increase in fees and estimated revenue are summarized as follows:

Fee Schedule	Additional Revenue	Factor and Basis
Schedule A – General	\$4,115	1.6% CPI for Bay Area
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Schedule D – Building	\$217,846	5.7% for labor costs
Schedule E – Parks & Recreation	No increase from existing fees. \$180,000 from changes to existing fees.	Primarily market driven

Prepared by: Zach Korach, Finance Manager

Reviewed by: Kristina Alfaro, Director of Administrative Services

Approved for Submission by: Dianne Thompson, Assistant City Manager

Attachments:

- A – FY 21-22 Proposed Fee Schedule A – General (Redline)
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- C – FY 21-22 Proposed Fee Schedule C – Planning (Redline)
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- E – FY 21-22 Proposed Fee Schedule E – Parks & Recreation (Redline)
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Prepared by: Zach Korach, Finance Manager

Reviewed by: Kristina Alfaro, Director of Administrative Services

Approved for Submission by: Dianne Thompson, Assistant City Manager

Attachments:

- A – FY 21-22 Proposed Fee Schedule A – General (Redline)
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- C – FY 21-22 Proposed Fee Schedule C – Planning (Redline)
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CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective July 1, 2021
Schedule C - Planning

DEFINITIONS

A. Parcel Map: up to four (4) parcels (CMC Chapter 18.20).

B. Tentative map: Five (5) or more parcels (CMC Chapter 18.16).

C. Minor: Up to 10,000 square feet commercial/office/non-residential/industrial; up to six (6) residential units (CMC Chapter 19.12)

D. Major: 10,000 or more square feet commercial/office/non-residential/industrial; six (6) or more residential units (CMC Chapter 19.12).

E. Minor Architectural and Site Approval - Duplex/Residential: Architectural approval of single family homes in a planned development zoning district, redevelopment or modification of duplexes, and associated landscaping, where such review is required (CMC Chapter 19.12).

F. Minor Architectural and Site Approval: Architectural approval of the following: minor building modifications, landscaping, signs and lighting for new development, redevelopment or modification in such zones where such review is required (CMC Chapter 19.12).

G. Major Architectural and Site Approval: Architectural approval of all other development projects (CMC Chapter 19.12).

H. Exceptions: An exception to the zoning standards for which an exception process and findings are identified in the Municipal Code. These include Fence, Sign, Height, Hillside, Parking, R-1, A, A-1, and R1 cluster zone exceptions. This also includes exceptions identified in the City's Specific Plans (CMC Chapter 19.12 and Title 20).

I. Minor Modification: An application that is administratively reviewed by staff either at an advertised public hearing/meeting or in a non-hearing process (CMC Chapter 19.164).

J. Temporary Sign Permit: A review of a temporary sign application for banners, A-frame signs and other temporary signs (CMC Chapter 19.104).

K. Extension Permit: A one-time one-year extension of the planning permit expiration date (CMC Chapter 19.12).

L. Appeal: A request from the project applicant or interested party to reverse or amend a decision made by the approval authority. Fee Exemption for: an appointed public official serving on the board that made the decision subject to the appeal, an appointed public official serving on a board that is directly affected by the decision and City Council members. At the conclusion of a City Council appeal hearing, it may choose to, at its sole discretion, refund all, a portion of, or none of the appeal fee (CMC Chapter 19.12).

M. Legal Noticing Fee: Assessed for all permit applications that require noticing (CMC Chapter 19.12).

N. Housing Mitigation Fee: A fee assessed in accordance with the City's General Plan Housing Element, Municipal Code (CMC 19.172) and the City's BMR Housing Mitigation Program Procedural Manual.

Note: Mixed use applications will be classified based upon the highest intensity and review process. The Director of Community Development will have discretion to classify projects based upon the above criteria.

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective July 1, 2021
Schedule C - Planning

Fee Description	FY 20-21 Fee	\$ Change	% Change	FY 21-22 Fee
Planning Staff Hourly Rate ¹	\$286	\$16	5.7%	\$302
General Plan				
Authorization	Staff Hourly Rate			Staff Hourly Rate
Amendment				
Zoning				
Zoning Map Amendment	Staff Hourly Rate			Staff Hourly Rate
Zoning Text Amendment				
Single-Story Overlay District				
Study Session	Staff Hourly Rate			Staff Hourly Rate
Subdivision				
Parcel Map (See Definition A)	\$17,975	\$1,025	5.7%	\$19,000
Tentative Map (See Definition B)	\$29,899	\$1,704	5.7%	\$31,603
Conditional Use/Development Permit				
Temporary Use Permit	\$3,987	\$227	5.7%	\$4,214
Administrative Conditional Use Permit	\$6,602	\$376	5.7%	\$6,978
Minor (See Definition C)	\$18,083	\$1,031	5.7%	\$19,114
Major (See Definition D)	\$30,132	\$1,718	5.7%	\$31,850
Amendment to Conditional Use/Development Permit				
Minor (See Definition C)	\$8,307	\$473	5.7%	\$8,780
Major (See Definition D)	\$15,171	\$865	5.7%	\$16,036
Architectural and Site Approval Permit				
Minor Duplex / Residential (See Definition E)	\$6,353	\$362	5.7%	\$6,715
Minor (See Definition F)	\$12,510	\$713	5.7%	\$13,223
Major (See Definition G)	\$18,620	\$1,061	5.7%	\$19,681
Single Family (R-1) Residential Permits				
Minor Residential Permit	\$3,262	\$186	5.7%	\$3,448
Two-Story Permit without Design Review	\$4,236	\$241	5.7%	\$4,477
Two-Story Permit with Design Review	\$5,083	\$290	5.7%	\$5,373
Director Minor Modification (See Definition I)	\$4,456	\$254	5.7%	\$4,710
Exceptions (See Definition H)				
Fence Exception - R1 & R2	\$1,213	\$69	5.7%	\$1,282
Fence Exception - Other	\$4,081	\$233	5.7%	\$4,314
Sign exception	\$4,645	\$265	5.7%	\$4,910
R-1 Exception	\$6,597	\$376	5.7%	\$6,973
Heart of the City Exception	\$18,442	\$1,051	5.7%	\$19,493
Hillside Exception	\$19,114	\$1,089	5.7%	\$20,203
Exception - Other	\$6,366	\$363	5.7%	\$6,729
Variance	\$7,295	\$416	5.7%	\$7,711
Reasonable Accommodation	\$1,059	\$60	5.7%	\$1,119

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective July 1, 2021
Schedule C - Planning

Fee Description	FY 20-21 Fee	Change		FY 21-22 Fee
Tree Removal Permit				
Tree Removal Permit (no Arborist review required)				
First Tree	\$282	\$16	5.7%	\$298
Each Additional Tree	\$142	\$8	5.7%	\$150
Tree Removal Permit (Arborist review required)				
First Tree	\$423	\$24	5.7%	\$447
Each Additional Tree	\$212	\$12	5.7%	\$224
Retroactive Tree Removal (per tree)	\$4,695	\$268	5.7%	\$4,963
Heritage Tree Designation	\$353	\$20	5.7%	\$373
Tree Management Plan	\$6,638	\$378	5.7%	\$7,016
Signs				
Temporary Sign Permit (See Definition J)	\$450	\$26	5.7%	\$476
Sign Program	\$3,645	\$208	5.7%	\$3,853
Planning Commission Interpretation	\$6,722	\$383	5.7%	\$7,105
Extension of Approved Entitlements (See Definition K)	\$1,807	\$103	5.7%	\$1,910
Environmental Assessment				
Environmental Impact Report (Plus State & County Filing Fees)	Contract+Admin Fee			Contract+Admin Fee
Negative Declaration - Major (Plus State & County Filing Fees)	Contract+Admin Fee			Contract+Admin Fee
Negative Declaration - Minor (Plus State & County Filing Fees)	Contract+Admin Fee			Contract+Admin Fee
Categorical Exemption (Plus County Filing Fee)	\$325	\$19	5.7%	\$344
Appeals (See Definition L)				
Planning Commission	\$325	\$19	5.7%	\$344
City Council	\$325	\$19	5.7%	\$344
Miscellaneous Fees				
Legal Noticing Fee (See Definition M)	\$378	\$22	5.7%	\$400
Zoning Verification Letter	\$477	\$27	5.7%	\$504
Public Convenience and Necessity Letter (Alcoholic Beverage License)	\$239	\$14	5.7%	\$253
Short-Term Rental	\$200	\$11	5.7%	\$211
Mobile Vending Permit Registration Fee	\$0	\$302		\$302
Fees Assessed at Building Permit Issuance				
Wireless Master Plan Fees				
Equipment Mounted on Existing Light/Utility Pole	\$8.75	\$0.50	5.7%	\$9.25
New Personal Wireless Facility (not mounted on light/utility pole)	\$1,906	\$109	5.7%	\$2,015
Zoning, Planning, Municipal Code Fees				
All Non-Residential and Multi-Family (per sq.ft.)	\$0.43	\$0.02	5.7%	\$0.45
Residential Single Family (per sq. ft.)	\$0.21	\$0.01	5.7%	\$0.22
General Plan Office Allocation Fee (per sq. ft.)	\$0.39	\$0.02	5.7%	\$0.41

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective July 1, 2021
Schedule C - Planning

FOR INFORMATIONAL PURPOSES ONLY: ²				
<i>Housing Mitigation In-Lieu Fees ² (See Definition N)</i>				
Residential - Ownership (per sq. ft.)				
Detached Single Family Residence	\$18.98	\$0.30	1.6%	\$19.28
Small Lot Single Family Residence or Townhome	\$20.88	\$0.33	1.6%	\$21.21
Multi-family Attached Townhome, Apartment, or Condominium (up to 35 du/ac)	\$25.31	\$0.40	1.6%	\$25.71
Multi-family Attached Townhome, Apartment, or Condominium (over 35 du/ac)	\$25.31	\$0.40	1.6%	\$25.71
Residential - Rental (per sq. ft.)				
Multi-family Attached Townhome, Apartment, or Condominium (up to 35 du/ac)	\$25.31	\$0.40	1.6%	\$25.71
Multi-family Attached Townhome, Apartment, or Condominium (over 35 du/ac)	\$31.64	\$0.50	1.6%	\$32.14
Non-Residential (per sq. ft.)				
Office, Research and Development, or Industrial	\$30.00	\$0.47	1.6%	\$30.47
Hotel	\$15.00	\$0.24	1.6%	\$15.24
Self-storage, employee unit provided	\$0.56	\$0.01	1.6%	\$0.57
Self-storage, employee unit not provided	\$1.18	\$0.02	1.6%	\$1.20
Warehouse	\$41.67	\$0.65	1.6%	\$42.32
Commercial/Retail	\$12.66	\$0.20	1.6%	\$12.85

¹Applications may be subject to a Planning Staff Hourly Rate fee for applicable staff time, and vendor invoice. These fees apply to projects that require a level of staff support greater than the scope of work included in the regular fee schedule and will be based on the time and materials required to process the entire project. The applicant will be notified if these fees are applicable to their project. The applicant will be required to enter into a Reimbursement Agreement with the City for such projects.

²All Housing Mitigation Fees are assessed in accordance with the BMR Housing Mitigation Manual. Non-residential Housing Mitigation In-lieu Fees are based on the 2015 and the 2020 Supplement to the Non-Residential Nexus Analysis by Keyser Marsten. Residential Housing Mitigation In-lieu Fees ~~is~~ are based on the 2015 Nexus Study. These fees increase automatically annually (on July 1 of each year) by the Consumer Price Index of All Urban Consumers for San Francisco, CA.

An administrative fee (15%) will be charged for outside agency review/consultant services per Schedule A - General Fees.

If plans are submitted on paper, these must be sent to an outside agency for scanning. The cost of scanning the plans, plus the administrative fee per Schedule A - General Fees will be charged.

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective July 1, 2021
Schedule C - Planning

DEFINITIONS

- A. Parcel Map: up to four (4) parcels (CMC Chapter 18.20).
- B. Tentative map: Five (5) or more parcels (CMC Chapter 18.16).
- C. Minor: Up to 10,000 square feet commercial/office/non-residential/industrial; up to six (6) residential units (CMC Chapter 19.12)
- D. Major: 10,000 or more square feet commercial/office/non-residential/industrial; six (6) or more residential units (CMC Chapter 19.12).
- E. Minor Architectural and Site Approval - Duplex/Residential: Architectural approval of single family homes in a planned development zoning district, redevelopment or modification of duplexes, and associated landscaping, where such review is required (CMC Chapter 19.12).
- F. Minor Architectural and Site Approval: Architectural approval of the following: minor building modifications, landscaping, signs and lighting for new development, redevelopment or modification in such zones where such review is required (CMC Chapter 19.12).
- G. Major Architectural and Site Approval: Architectural approval of all other development projects (CMC Chapter 19.12).
- H. Exceptions: An exception to the zoning standards for which an exception process and findings are identified in the Municipal Code. These include Fence, Sign, Height, Hillside, Parking, R-1, A, A-1, and R1 cluster zone exceptions. This also includes exceptions identified in the City's Specific Plans (CMC Chapter 19.12 and Title 20).
- I. Minor Modification: An application that is administratively reviewed by staff either at an advertised public hearing/meeting or in a non-hearing process (CMC Chapter 19.164).
- J. Temporary Sign Permit: A review of a temporary sign application for banners, A-frame signs and other temporary signs (CMC Chapter 19.104).
- K. Extension Permit: A one-time one-year extension of the planning permit expiration date (CMC Chapter 19.12).
- L. Appeal: A request from the project applicant or interested party to reverse or amend a decision made by the approval authority. Fee Exemption for: an appointed public official serving on the board that made the decision subject to the appeal, an appointed public official serving on a board that is directly affected by the decision and City Council members. At the conclusion of a City Council appeal hearing, it may choose in its sole discretion, refund all, a portion of, or none of the appeal fee (CMC Chapter 19.12).
- M. Legal Noticing Fee: Assessed for all permit applications that require noticing (CMC Chapter 19.12).
- N. Housing Mitigation Fee: A fee assessed in accordance with the City's General Plan Housing Element Municipal Code (CMC 19.172) and the City's BMR Housing Mitigation Program Procedural Manual.
- Note: Mixed use applications will be classified based upon the highest intensity and review process. The Director of Community Development will have discretion to classify projects based upon the

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective July 1, 2021
Schedule C - Planning

Fee Description	FY 21-22 Fee
Planning Staff Hourly Rate ¹	\$302
General Plan	
Authorization	Staff Hourly Rate
Amendment	
Zoning	
Zoning Map Amendment	Staff Hourly Rate
Zoning Text Amendment	
Single-Story Overlay District	
Study Session	Staff Hourly Rate
Subdivision	
Parcel Map (See Definition A)	\$19,000
Tentative Map (See Definition B)	\$31,603
Conditional Use/Development Permit	
Temporary Use Permit	\$4,214
Administrative Conditional Use Permit	\$6,978
Minor (See Definition C)	\$19,114
Major (See Definition D)	\$31,850
Amendment to Conditional Use/Development Permit	
Minor (See Definition C)	\$8,780
Major (See Definition D)	\$16,036
Architectural and Site Approval Permit	
Minor Duplex / Residential (See Definition E)	\$6,715
Minor (See Definition F)	\$13,223
Major (See Definition G)	\$19,681
Single Family (R-1) Residential Permits	
Minor Residential Permit	\$3,448
Two-Story Permit without Design Review	\$4,477
Two-Story Permit with Design Review	\$5,373
Director Minor Modification (See Definition I)	\$4,710
Exceptions (See Definition H)	
Fence Exception - R1 & R2	\$1,282
Fence Exception - Other	\$4,314
Sign exception	\$4,910
R-1 Exception	\$6,973
Heart of the City Exception	\$19,493
Hillside Exception	\$20,203
Exception - Other	\$6,729
Variance	\$7,711
Reasonable Accommodation	\$1,119

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective July 1, 2021
Schedule C - Planning

Fee Description	Effective July 1, 2021
<i>Tree Removal Permit</i>	
Tree Removal Permit (no Arborist review required)	
First Tree	\$298
Each Additional Tree	\$150
Tree Removal Permit (Arborist review required)	
First Tree	\$447
Each Additional Tree	\$224
Retroactive Tree Removal (per tree)	\$4,963
Heritage Tree Designation	\$373
Tree Management Plan	\$7,016
<i>Signs</i>	
Temporary Sign Permit (See Definition J)	\$476
Sign Program	\$3,853
Planning Commission Interpretation	\$7,105
Extension of Approved Entitlements (See Definition K)	\$1,910
<i>Environmental Assessment</i>	
Environmental Impact Report (Plus State & County Filing Fees)	Contract+Admin Fee
Negative Declaration - Major (Plus State & County Filing Fees)	Contract+Admin Fee
Negative Declaration - Minor (Plus State & County Filing Fees)	Contract+Admin Fee
Categorical Exemption (Plus County Filing Fee)	\$344
Appeals (See Definition L)	
Planning Commission	\$344
City Council	\$344
<i>Miscellaneous Fees</i>	
Legal Noticing Fee (See Definition M)	\$400
Zoning Verification Letter	\$504
Public Convenience and Necessity Letter (Alcoholic Beverage License)	\$253
Short-Term Rental	\$211
Mobile Vending Registration Fee	\$302
<i>Fees Assessed at Building Permit Issuance</i>	
<i>Wireless Master Plan Fees</i>	
Equipment Mounted on Existing Light/Utility Pole	\$9.25
New Personal Wireless Facility (not mounted on light/utility pole)	\$2,015
<i>Zoning, Planning, Municipal Code Fees</i>	
All Non-Residential and Multi-Family (per sq.ft.)	\$0.45
Residential Single Family (per sq. ft.)	\$0.22
General Plan Office Allocation Fee (per sq. ft.)	\$0.41

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective July 1, 2021
Schedule C - Planning

FOR INFORMATIONAL PURPOSES ONLY:²	
<i>Housing Mitigation In-Lieu Fees² (See Definition N)</i>	
Residential - Ownership (per sq. ft.)	
Detached Single Family Residence	\$19.28
Small Lot Single Family Residence or Townhome	\$21.21
Multi-family Attached Townhome, Apartment, or Condominium (up to 35 du/ac)	\$25.71
Multi-family Attached Townhome, Apartment, or Condominium (over 35 du/ac)	\$25.71
Residential - Rental (per sq. ft.)	
Multi-family Attached Townhome, Apartment, or Condominium (up to 35 du/ac)	\$25.71
Multi-family Attached Townhome, Apartment, or Condominium (over 35 du/ac)	\$32.14
Non-Residential (per sq. ft.)	
Office, Research and Development, or Industrial	\$30.47
Hotel	\$15.24
Self-storage, employee unit provided	\$0.57
Self-storage, employee unit not provided	\$1.20
Warehouse	\$42.32
Commercial/Retail	\$12.85

¹Applications may be subject to a Planning Staff Hourly Rate fee for applicable staff time, and vendor invoice. These fees apply to projects that require a level of staff support greater than the scope of work included in the regular fee schedule and will be based on the time and materials required to process the entire project. The applicant will be notified if these fees are applicable to their project. The applicant will be required to enter into a Reimbursement Agreement with the City for such projects.

²All Housing Mitigation Fees are assessed in accordance with the BMR Housing Mitigation Manual. Non-residential Housing Mitigation In-lieu Fees are based on the 2015 and the 2020 Supplement to the Non-Residential Nexus Analysis by Keyser Marsten. Residential Housing Mitigation In-lieu Fees ~~is~~ are based on the 2015 Nexus Study. These fees increase automatically annually (on July 1 of each year) by the Consumer Price Index of All Urban Consumers for San Francisco, CA.

An administrative fee (15%) will be charged for outside agency review/consultant services per Schedule A - General Fees.

If plans are submitted on paper, these must be sent to an outside agency for scanning. The cost of scanning the plans, plus the administrative fee per Schedule A - General Fees will be charged.

RESOLUTION NO: 21-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO AMENDING PREVIOUS FEE SCHEDULES

WHEREAS, the State of California requires fees charged for service rendered not to exceed the cost of delivering said services; and

WHEREAS, a public hearing has been held to review user fees; and

WHEREAS, In 2016 the City conducted a Cost of Service (User Fee) Study and conducts annual updates pursuant to economic factors discussed in the staff report for this item to ensure that the fees charged do not exceed the cost of delivering the services.

NOW, THEREFORE, BE IT RESOLVED that:

1. User fees are amended per attached Schedules A, B, C, D, and E to this Resolution, effective July 1, 2021.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 20th day of April, 2021 by the following vote:

Vote

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

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

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective July 1, 2021
Schedule A - General

Fee Description	FY2020-21			FY2021-22	
	Fee	\$ Change	% Change	Fee	
Abatement Fee	Actual Cost *			Actual Cost *	
All Municipal Code Parking Violations (including County and State fees)	\$71.90	\$1.13	1.6%	\$73.03	
Bingo Permit (new)	\$179.18	\$2.81	1.6%	\$181.99	
Business License Database	\$21.68	\$0.34	1.6%	\$22.02	
Candidate Statement Fee (County Regulated Fee)	Current County Registrar Cost			Current County Registrar Cost	
City Administrative Fee	15%			15%	
Code Enforcement	Actual Cost *			Actual Cost *	
Community Festivals - One-time Business License (correction)	\$11.19	\$0.18	1.6%	\$11.36	
Community Festivals - Business Partners	\$57.06	\$0.90	1.6%	\$57.96	
Community Festivals - Additional 10' x 10' space (includes an additional table and	\$10.29	\$0.16	1.6%	\$10.45	
Community Festivals - Non-profit partners	\$10.29	\$0.16	1.6%	\$10.45	
Compilation of New Records	Actual Cost *			Actual Cost *	
CVC Parking Citation Dismissals Admin Fee (State Regulated Fee)	\$29.67	\$0.47	1.6%	\$30.14	
Damage to City Property					
Grounds, Streets, Facilities, Traffic Engineering/Maintenance	Actual Cost *			Actual Cost *	
Dangerous Dog Annual Registration Fee	\$227.11	\$3.57	1.6%	\$230.68	
Commercial Kennel Permit	\$0.00	\$302.00		\$302.00	
Duplicate Business Licenses	\$11.41	\$0.18	1.6%	\$11.59	
Event Video Taping/Editing	Actual Cost *			Actual Cost *	
False Alarms	\$86.74	\$1.36	1.6%	\$88.10	
Farmers Market	\$2.86	\$0.04	1.6%	\$2.90	
Fingerprinting Processing (State Fee \$32 plus County Fee \$20)	\$59.35	\$0.93	1.6%	\$60.28	
Flea Markets (per month)	\$12.10	\$0.19	1.6%	\$12.29	
Public Requests for GIS Printed Maps					
Standard pre-formatted maps					
Plotted maps	\$31.96	\$0.50	1.6%	\$32.46	
Printed maps	\$2.34	\$0.04	1.6%	\$2.38	
Custom request maps	Actual Cost *			Actual Cost *	
Prints/plots of aerial photography (see Engineering fees)					
Graffiti Cleanup	Actual Cost *			Actual Cost *	
Handbill Permit	\$141.03	\$2.21	1.6%	\$143.24	
Renewals	\$70.52	\$1.11	1.6%	\$71.62	
Internet Processing Fee	\$2.34	\$0.04	1.6%	\$2.38	
Late Payment on 30 Day Delinquent City Invoices	12% per annum			12% per annum	
Massage Establishment Fee (Includes fingerprinting/background					
check and business start-up inspection)	\$317.32	\$4.98	1.6%	\$322.31	
Renewals (Includes two inspections per year)	\$106.14	\$1.67	1.6%	\$107.81	
Massage Managing Employee (Includes fingerprint/bkgrnd ck)	\$281.89	\$4.43	1.6%	\$286.32	
Renewals	\$106.14	\$1.67	1.6%	\$107.81	
Massage Permit Appeal (Denial/Revocation)	\$705.30	\$11.07	1.6%	\$716.37	
Microfilm/Microfiche Printout	\$0.61	\$0.01	1.6%	\$0.62	
Municipal Code Book	Vendor Invoice			Vendor Invoice	
New Business Monthly Reports	\$39.94	\$0.63	1.6%	\$40.57	

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective July 1, 2021
Schedule A - General

Fee Description	FY2020-21			FY2021-22	
	Fee	\$ Change	% Change	Fee	
Noise Variances	\$219.12	\$3.44	1.6%	\$222.56	
Notary Fee (State Regulated Fee)	\$15.00/signature			\$15.00/signature	
Outside Agency Review / Services	Vendor Invoice + City Admin Fee			Vendor Invoice + City Admin Fee	
Petitions for Reconsideration	\$328.68	\$5.16	1.6%	\$333.84	
Photocopies - per sheet					
Standard sizes	\$0.26	\$0.00	1.6%	\$0.26	
For 11 x 17 sizes or color sheets	\$0.60	\$0.01	1.6%	\$0.61	
For Large format prints	\$29.84	\$0.47	1.6%	\$30.31	
Fair Political Practices Commission	\$0.10	\$0.00	1.6%	\$0.10	
Fair Political Practices Commission (older than five (5) years)	\$5.15	\$0.08	1.6%	\$5.23	
Property Liens Administrative Fee	\$47.93	\$0.75	1.6%	\$48.68	
Returned Check Charge	\$29.67	\$0.47	1.6%	\$30.14	
Sign Removal (Public Right-of-Way) (All except Political Signs)	\$5.71	\$0.09	1.6%	\$5.80	
Sign Recovery Fee for Political Signs	\$3.42	\$0.05	1.6%	\$3.47	
Small Income Business License	\$79.89	\$1.25	1.6%	\$81.14	
Solicitor Permit (Includes fingerprinting)	\$282.07	\$4.43	1.6%	\$286.50	
Renewals	\$70.76	\$1.11	1.6%	\$71.87	
Taxi Driver Permit (Includes fingerprinting/background check)	\$368.63	\$5.79	1.6%	\$374.42	
Renewals	\$70.76	\$1.11	1.6%	\$71.87	
Tobacco Retailer (County Regulated Fee)					
Application Fee	Current County Cost			Current County Cost	
Annual Fee	Current County Cost			Current County Cost	
Trash Fees					
Plan Review - Trash Enclosure	No Charge			No Charge	
Plan Review - Trash Management Plan	No Charge			No Charge	
Williamson Act Filings	\$126.68	\$1.99	1.6%	\$128.67	
Use Permit					
Application / Processing	\$1,145.83	\$17.99	1.6%	\$1,163.82	
Non-Conforming Use	\$305.86	\$4.80	1.6%	\$310.66	
Video/Audio Service					
DVD/CD	\$23.97	\$0.38	1.6%	\$24.35	
Flash Drive	\$14.84	\$0.23	1.6%	\$15.07	

* Actual cost is: 1) Employee hourly rate plus 55% for benefits and overhead, and
2) cost of materials, contractors, and supplies.

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective July 1, 2021
Schedule B - Engineering

FEE DESCRIPTION	FY 2020-21 Fee	\$ Change	% Change	FY 2021-22 Fee
Encroachment Permits				
- Minor Encroachment Permits (Local Streets)	\$556	\$32	5.7%	\$588
- Minor Encroachment Permits (Utility)	\$384	\$22	5.7%	\$406
- Major Encroachment Permits (Arterials and Collectors)	\$958	\$55	5.7%	\$1,013
- Work without Permit	Double the permit cost			Double the permit cost
- Small Cell Facility Encroachment Permit	\$1,915	\$109	5.7%	\$2,024
Street Cuts Miscellaneous				
- Minor Street Cuts	\$1,534	\$87	5.7%	\$1,621
- Major Street Cuts	\$3,095	\$176	5.7%	\$3,271
- Special Major Permit (projects in excess of \$30,000 or over 15 working days)	5% of Project Costs and/or \$80 per inspection			5% of Project Costs and/or \$80 per inspection
Permit Extension	\$450	\$26	5.7%	\$476
Grading permit				
- <10,000 s.f. lot	\$1,183	\$67	5.7%	\$1,250
- 10,000 s.f. or greater	Greater of \$3,450 min. or 6% of cost of improvement	\$197	5.7%	Greater of \$3,647 min. or 6% of cost of improvement
Parcel Map/Tract Map (Map Checking Fee)				
- Parcel Map (1-4 lots)	\$7,021	\$400	5.7%	\$7,421
- Tract Map (> 4 lots)	\$11,527	\$657	5.7%	\$12,184
Plan Check and Inspection				
- Review of Building Permit Only	\$1,046	\$60	5.7%	\$1,106
Additional Plan Review - 3 or more reviews (Each)	\$239	\$14	5.7%	\$253/hr
Revisions to Plans and Permits	\$239/hr	\$14	5.7%	\$253/hr
Review of Public/Private Improvement Plans:				
- Residential	greater of \$4,634 min. or 5% of cost of improvement	\$264	5.7%	greater of \$4,898 min. or 5% of cost of improvement
- Commercial	greater of \$8,668 min. or 6% of cost of improvement	\$494	5.7%	greater of \$9,162 min. or 6% of cost of improvement
Geotechnical Professional Services 3rd Party Consultant Review	*Cost of review + City Administrative Fee			*Cost of review + City Administrative Fee
Structural Review	*Cost of review + City Administrative Fee			*Cost of review + City Administrative Fee
*Per Outside Agency Review/Services on Schedule A - General				
Public Works Confirmation	\$465	\$27	5.7%	\$492
Annexation (plus County filing fee)	\$2,534	\$144	5.7%	\$2,678
Certificates of Compliance				
- Initial Review	\$1,087	\$62	5.7%	\$1,149
- Finalize Certificates	\$1,087	\$62	5.7%	\$1,149
Lot Line Adjustment	\$3,497	\$199	5.7%	\$3,696
Transportation Impact Fee				
- Single Family	\$6,631/unit	\$166	2.5%	\$6,797/unit
- Multi-Family	\$4,112/unit	\$103	2.5%	\$4,215/unit
(Includes apartments, condos, and townhomes)				
- Retail	\$10.67/s.f.	\$0	2.5%	\$10.94/s.f.
- Office	\$18.68/s.f.	\$0	2.5%	\$19.15/s.f.
- Hotel	\$3,637/room	\$91	2.5%	\$3,728/room
- Other (per PM trip)	\$6,695/trip	\$167	2.5%	\$6,862/trip
Transportation Permit (State Regulated Fee)				
- Single	\$16			\$16
- Annual Utility Company	\$90			\$90
- Additional Engineering Investigation or Coordination	\$239/hr	\$34	5.7%	\$253/hr

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective July 1, 2021
Schedule B - Engineering

FEE DESCRIPTION	FY 2020-21 Fee	\$ Change	% Change	FY 2021-22 Fee
Banners				
- Large Banners Across Stevens Creek Boulevard	\$634	\$36	5.7%	\$673
Special Events/Parades	\$3,888	\$222	5.7%	\$4,110
Block Party	No Charge			No Charge
Vacation of Public Street ROW/PUE				
- Summary Vacation	\$2,657	\$151	5.7%	\$2,808
- Full Vacation	\$4,132	\$236	5.7%	\$4,368
Rural/Semi-Rural Classification Application				
- Application Phase	\$2,164	\$123	5.7%	\$2,287
- Implementation phase	\$1,324	\$75	5.7%	\$1,399
Certificate of Correction	\$992	\$57	5.7%	\$1,049
Floodplain Evaluation/Elevation Certificate Review	\$233	\$13	5.7%	\$246
Permit Parking Study				
- Application Phase	\$1,324	\$75	5.7%	\$1,399
- Implementation phase	\$1,083	\$62	5.7%	\$1,145
- Permit Parking Bi-annual Fee	No Charge			No Charge
Streamside Permit	\$425	\$24	5.7%	\$449
<u>Master Storm Drain Area Fees:</u>				
Low-Density Residential (Less than one dwelling unit per acre hillside zoning only)	\$3,875/dwelling unit	\$97	2.5%	\$3,972/dwelling unit
Single-Family Residential greater than one dwelling unit per acre and less than 5.2 dwelling units per	\$5,263/acre	\$132	2.5%	\$5,395/acre
Multiple Family greater than 5.2 dwelling units per acre	\$3,777/acre+	\$94	2.5%	\$3,871/acre+
	\$286/unit*	\$7	2.5%	\$293/unit*
*Maximum chargeable dwelling units of 20 units per acre.				
Commercial and Industrial	\$10,169/acre	\$254	2.5%	\$10,423/acre
Public Educational Uses	\$3,875/acre	\$97	2.5%	\$3,972/acre
Public Facility Uses	\$1,957/acre	\$49	2.5%	\$2,006/acre
Stormwater Permit Inspections - Commercial				
Initial Inspection	No charge			No charge
Re-Inspection for Violations	\$295	\$7	2.5%	\$302
Storm Management Plan Fee	\$1,484	\$37	2.5%	\$1,521
Public Works Staff Time	\$239/hr	\$14	5.7%	\$253/hr
<u>Park Land Dedication In-Lieu Fee*</u>				
<u>Density of Dwelling Units/Ac</u>				
0 - 5	\$105,000/DU			\$105,000/DU
5 - 10	\$60,000/DU			\$60,000/DU
10 - 20	\$60,000/DU			\$60,000/DU
20+	\$54,000/DU			\$54,000/DU
Senior Citizen Housing Dev.	\$30,000/DU			\$30,000/DU
ADU 750 SF or less	\$15,000 or proportional to the size of the main DU, whichever is less			\$15,000 or proportional to the size of the main DU, whichever is less
ADU 750 SF or less more**				
* Park Land Dedication Fees are calculated per Municipal Code section 13.08. On an annual basis, Public Works Department updates the fair market value of land based on appraised values of land sales.				
** ADU Park Land Dedication Fee is based on the density of the property per Municipal Code section 13.08, or proportionally to the size of the main dwelling unit as stipulated by State ADU mandates.				
<u>New Public Tree Cost Schedule:</u>				
Public Tree Planting Cost:				
24" Street Tree	\$427	\$11	2.5%	\$438
36" Street Tree or Larger	Actual costs			Actual costs

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective July 1, 2021
Schedule B - Engineering

PUBLIC TREE DAMAGE OR REMOVAL FEE SCHEDULE:

This fee schedule is defined in Chapter 14.12 and establishes the fee to be paid to the City for damage to and/or removal of public trees.

1st time offenders, as defined in Chapter 14.12, shall be subject to a fee of 10% of the Public Tree Damage Fee or 10% of the Public Tree Removal Fee as defined below or \$600, whichever is higher, per public tree damaged and/or removed. No additional costs, such as stump removal, trimming, or replanting will apply.

Repeat offenders, intentional actors and professionals, as defined in Chapter 14.12, shall be subject to the following fees:

Public Tree Damage Fee:

\$100 per cumulative diameter inch of branch or root plus, if any, the actual costs incurred for immediate corrective pruning plus, if any, the calculated costs for future corrective pruning, as may be required to maintain the health of the tree.

Public Tree Removal Fee:

The fee for each tree removed shall be based upon the unmodified value of the tree removed (based upon diameter), multiplied by the species rating, multiplied by the condition rating.

FEE = UNMODIFIED TREE VALUE x SPECIES RATING x CONDITION RATING

For inputs, use the following values:

UNMODIFIED TREE	Refer to Unmodified Tree Value Table
SPECIES RATING	Refer to Species Rating Table
CONDITION RATING	Good = 1.00, Fair = 0.75, Poor = 0.50

The fee for trees less than 4 inches in diameter shall not be reduced by species or condition rating.

Trees larger than 40" shall have the fee determined by the most recent edition of the 'Guide for Plant Appraisal', published by the Council of Tree and Landscape Appraisers, using the trunk formula method.

No additional costs, such as stump removal, trimming or replanting will apply.

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective July 1, 2021
Schedule B - Engineering

Unmodified Tree Value Table:

Tree size (diameter of trunk)

1" to 2"	\$348
2" to 3"	\$348
3" to 4"	\$1,039
4" to 5"	\$1,039
5" to 6"	\$1,404
6" to 7"	\$1,851
7" to 8"	\$2,378
8" to 9"	\$2,987
9" to 10"	\$3,677
10" to 11"	\$4,449
11" to 12"	\$5,301
12" to 13"	\$6,235
13" to 14"	\$7,249
14" to 15"	\$8,345
15" to 16"	\$9,522
16" to 17"	\$10,780
17" to 18"	\$12,120
18" to 19"	\$13,540
19" to 20"	\$15,042
20" to 21"	\$16,625
21" to 22"	\$18,290
22" to 23"	\$20,036
23" to 24"	\$21,862
24" to 25"	\$23,769
25" to 26"	\$25,758
26" to 27"	\$27,829
27" to 28"	\$29,980
28" to 29"	\$32,212
29" to 30"	\$34,527
30" to 31"	\$36,920
31" to 32"	\$39,396
32" to 33"	\$41,954
33" to 34"	\$44,593
34" to 35"	\$47,312
35" to 36"	\$50,113
36" to 37"	\$52,995
37" to 38"	\$55,958
38" to 39"	\$59,003
39" to 40"	\$62,128

Measurement shall be measured 4.5 feet above the ground level and rounded down to the nearest whole inch.

If the tree is multi-trunk, use 1.5 times the diameter of the largest trunk to determine fee.

If there is tree damage 4-5 feet above the ground, trunk diameter is to be measured 1 foot above ground level and 1 inch is to be subtracted from the diameter to determine fee.

If the tree is removed to the ground, tree inventory data will be used to determine the trunk diameter.

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective July 1, 2021
Schedule B - Engineering

Species Rating Table

Common Name	Species	Rating%
Acacia	ACACIA	60
Blackwoodacacia	ACACIA MELANOXYLON	60
Trident maple	ACER BUERGERIANUM	90
Big leaf maple	ACER MACROPHYLLUM**	100
Japanese maple	ACER PALMATUM	90
Red maple	ACER REBRUM	70
Silver maple	ACER SACCHARINUM	80
California buckeye	AESCULUS CALIFORNICA**	100
Red hoursechesnut	AESCULUS X CARNEA	90
Tree of heaven	AILANTHUS ALTISSIMA	0
Silk tree	ALBIZIA JULIBRISSIN	50
Black Alder	ALNUS GLUTINOSA	80
Strawberry madrone	ARBUTUS MARINA	90
Madrone	ARBUTUS MENZIESII	100
Hong Kong orchid	BAUHIHIA BLAKEANA	75
Birch	BETULA ALBA	60
Incense cedar	CALOCEDRUS DECURRENS	80
Horsetail tree	CASUARINA EQUISEITIFOLIA	75
Blue atlas cedar	CEDRUS ATLANTICA**	100
Deodora cedar	CEDRUS DEODARA**	100
Chinese hackberry	CELTUS SINENSIS	65
Carob tree	CERATONIA SILIQUA	70
Redbud(eastern)	CERCIS CANADENSIS	75
Camphor tree	CINNAMOMUM CAMPHORA	70
Citrus	CITRUS SP	40
English hawthorn	CRATAEGUS LAEVIGATA	70
Cypress	CUPRESSACEAE	80
Italian cypress	CUPRESSUS SEMPERVIREN	80
Japanese persimmon	DIOSPYROS KAKI	40
Loquat	ERIOPHYTUM DEFLEXA	60
Blue gum tree	EUCALYPTUS GLOBULUS	70
Eucalyptus	EUCALYPTUS SP	60
Mission fig	FICUS CARICA	40
Autumn purple ash	FRAXINUS AMERICANA	80
Raywood ash	FRAXINUS ANGUSTIFOLIA 'RAYWOOD'	80
Moraine ash	FRAXINUS HOLOTRICHA	80
Shamel ash	FRAXINUS UHDEI	80
Modesto ash	FRAXINUS VELUTINA 'MODESTO'	80
Australian willow	GEIJERA PARVIFOLIA	80
Maidenhair	GINKGO BILOBA	80
Honey locust	GLADISTIA TRIACANTHOS	70
Silk oak tree	GREVILLEA ROBUSTA	70
English holly	ILLEX AQUIFOLIUM	40
Jacaranda	JACARANDA MIMMOSIFOLIA	70
Walnut	JUGLANS	70

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective July 1, 2021
Schedule B - Engineering

Species Rating Table

Common Name	Species	Rating%
Black walnut	JUGLANS HINDSII	70
Chinese flame tree	KOELREUTERIA BIPINNATA	80
Muskogee crape myrtle	LAGERSTROMIA 'MUSKOGEE'	80
Nanchez crape myrtle	LAGERSTROMIA 'NANCHEZ'	80
Tuscarora crape myrtle	LAGERSTROMIA 'TUSCARORA'	80
Sweet bay	LAURUS NOBILIS	80
Japanese privet	LIGUSTRUM JAPONICUM	30
American sweetgum	LIQUIDAMBER STYRACIFLUA	40
Tulip tree	LIRIODENDRON	60
Brisbane box tree	LOPHOSTEMON CONFERTUS	90
Magnolia	MAGNOLIA GRANDIFOLIA RUSSET	75
Magnolia (dwarf)	MAGNOLIA GRANDIFOLIA ST MARY	75
Saucer magnolia	MAGNOLIA SOLINGIANA	75
Crabapple tree	MALUS FLORIBUNDA	90
Apple	MALUS SP	40
Mayten tree	MAYTENUS	70
Malaleuca(broad leaf)	MELALEUCA LEUCADENDRA	60
Malaleuca(narrow leaf)	MELALEUCA LINARIFOLIA	60
Dawn redwood	METASAQUOIA GLYPTOSTROBOIDES	100
Fruitless mulberry	MORUS ALBA	40
Black mulberry	MORUS NIGRA	40
Myoprum	MYOPORUM LAETUM	70
Oleander tree	NERIUM OLEANDER	40
Olive	OLEA EUROPAEA	70
Devilwood	OSMANTHUS AMERICANUS	0
Palm	PALM*	40
Avocado	PERSEA AMERICANA	60
Red leaf photinia	PHOTINIA GLABRA	60
Spruce	PICEA	80
Colorado spruce	PICEA PUNGENS	80
Colorado blue spruce	PICEA PUNGENS 'GLAUCA'	80
Italian stone pine	PINUS PINEA	90
Pine	PINUS SP	30
Chinese pistacio	PISTACIA CHINENSIS	80
Lemonwood tree	PITTOSPORUM EUGENIODES	40
Japanese cheesewood	PITTOSPORUM TOBIRA	40
London plane 'colombiana'	PLATANUS COLUMBIANA	95
Western Sycamore	PLATANUS RACEMOSA**	100
London plane 'bloodgood'	PLATANUS X HISPANICA 'BLOODGOOD'	95
Yew pine	PODOCURPUS MACROPHYLLUS	75
Poplar	POPULUS	60
Flowering cherry	PRUNUS AKEBONO	80
Wild Plum	PRUNUS AMARACANA	40
Almond tree	PRUNUS ALMOND	50
Apricot tree	PRUNUS APRICOT	40

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective July 1, 2021
Schedule B - Engineering

Species Rating Table

Common Name	Species	Rating%
Fruiting cherry	PRUNUS AVIUM	0
Carolina cherry	PRUNUS CAROLINIANA	60
Purple leaf plum	PRUNUS CERASFERA KRAUTER VESUVIUS	70
Peach tree	PRUNUS PERSICA	40
Douglas fir	PSEUDOTSUGA MENZIESII	80
Guava	PSIDIMUM GUAJAVA	40
Pomegranate	PUNICA GRANATUM	40
Aristocrat Flowering pear tree	PYRUS CALLERYANA 'ARISTOCRAT'	75
Bradford flowering pear	PYRUS CALLERYANA 'BRADFORD'	75
Chanticleer flowering pear	PYRUS CALLERYANA 'CHANTICLEER'	75
Evergreen flowering pear	PYRUS KAWAKAMII	75
Asian pear	PYRUS PYRIFOLIA	40
Oak	QUERCUS	90
Coast live oak	QUERCUS AGRIFOLIA**	100
White oak	QUERCUS ALBA	90
Texas red oak	QUERCUS BUCKEYI	90
Sierra oak	QUERCUS CAMBII	90
Blue oak	QUERCUS DOUGLASII**	100
Forest green oak	QUERCUS FRAINETTO	90
Holly oak	QUERCUS ILEX	90
Black oak	QUERCUS KELLOGGII**	100
Valley oak	QUERCUS LOBATA**	100
Red oak	QUERCUS SUBER	90
Cork oak	QUERCUS SUBER	90
Southern live oak	QUERCUS VIRGINIANA	100
Interior live oak	QUERCUS WISLIZENI**	100
African sumac	RHUS LANCIA	70
Weeping willow	SALIX BABYLONICA	40
Wild willow	SALIX SCOULERIANA	0
California pepper tree	SCHINUS MOLE	40
Brazilian pepper tree	SCHINUS TEREBINTHEFOLIUS	40
Coast redwood	SEQUIOA SEMPRIVIRONIS	95
Giant sequoia	SEQUIOIA DENDRON GIGANTEUM	80
Japanese pogoda	SOPHORIA JAPONICA	70
Chinese tallow	TRIADICA SEBIFERA	50
Water gum	TRISTANIA LAURINA	70
Bosque chinese elm	ULMAS PARVIFOLIA 'BOSQUE'	90
Chinese elm	ULMUS PARVIFOLIA	70
Siberian elm	ULMUS PUMILA	60
Bay laurel	UMBELLULARIA CALIFORNICA**	100
Mexican fan palm	WASHINGTON ROBUSTA	0
Spanish dagger yucca	YUCCA GLORIOSA	0
Zelkova	ZELKOVA SERRATA	65

*All palms on Palm Avenue are protected heritage trees and will be rated @ 100%

**Protected tree species

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective July 1, 2021
Schedule C - Planning

DEFINITIONS

A. Parcel Map: up to four (4) parcels (CMC Chapter 18.20).

B. Tentative map: Five (5) or more parcels (CMC Chapter 18.16).

C. Minor: Up to 10,000 square feet commercial/office/non-residential/industrial; up to six (6) residential units (CMC Chapter 19.12)

D. Major: 10,000 or more square feet commercial/office/non-residential/industrial; six (6) or more residential units (CMC Chapter 19.12).

E. Minor Architectural and Site Approval - Duplex/Residential: Architectural approval of single family homes in a planned development zoning district, redevelopment or modification of duplexes, and associated landscaping, where such review is required (CMC Chapter 19.12).

F. Minor Architectural and Site Approval: Architectural approval of the following: minor building modifications, landscaping, signs and lighting for new development, redevelopment or modification in such zones where such review is required (CMC Chapter 19.12).

G. Major Architectural and Site Approval: Architectural approval of all other development projects (CMC Chapter 19.12).

H. Exceptions: An exception to the zoning standards for which an exception process and findings are identified in the Municipal Code. These include Fence, Sign, Height, Hillside, Parking, R-1, A, A-1, and R1 cluster zone exceptions. This also includes exceptions identified in the City's Specific Plans (CMC Chapter 19.12 and Title 20).

I. Minor Modification: An application that is administratively reviewed by staff either at an advertised public hearing/meeting or in a non-hearing process (CMC Chapter 19.164).

J. Temporary Sign Permit: A review of a temporary sign application for banners, A-frame signs and other temporary signs (CMC Chapter 19.104).

K. Extension Permit: A one-time one-year extension of the planning permit expiration date (CMC Chapter 19.12).

L. Appeal: A request from the project applicant or interested party to reverse or amend a decision made by the approval authority. Fee Exemption for: an appointed public official serving on the board that made the decision subject to the appeal, an appointed public official serving on a board that is directly affected by the decision and City Council members. At the conclusion of a City Council appeal hearing, it may choose to, at its sole discretion, refund all, a portion of, or none of the appeal fee (CMC Chapter 19.12).

M. Legal Noticing Fee: Assessed for all permit applications that require noticing (CMC Chapter 19.12).

N. Housing Mitigation Fee: A fee assessed in accordance with the City's General Plan Housing Element, Municipal Code (CMC 19.172) and the City's BMR Housing Mitigation Program Procedural Manual.

Note: Mixed use applications will be classified based upon the highest intensity and review process. The Director of Community Development will have discretion to classify projects based upon the above criteria.

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective July 1, 2021
Schedule C - Planning

Fee Description	FY 20-21 Fee	\$ Change	% Change	FY 21-22 Fee
Planning Staff Hourly Rate ¹	\$286	\$16	5.7%	\$302
General Plan				
Authorization	Staff Hourly Rate			Staff Hourly Rate
Amendment				
Zoning				
Zoning Map Amendment	Staff Hourly Rate			Staff Hourly Rate
Zoning Text Amendment				
Single-Story Overlay District				
Study Session	Staff Hourly Rate			Staff Hourly Rate
Subdivision				
Parcel Map (See Definition A)	\$17,975	\$1,025	5.7%	\$19,000
Tentative Map (See Definition B)	\$29,899	\$1,704	5.7%	\$31,603
Conditional Use/Development Permit				
Temporary Use Permit	\$3,987	\$227	5.7%	\$4,214
Administrative Conditional Use Permit	\$6,602	\$376	5.7%	\$6,978
Minor (See Definition C)	\$18,083	\$1,031	5.7%	\$19,114
Major (See Definition D)	\$30,132	\$1,718	5.7%	\$31,850
Amendment to Conditional Use/Development Permit				
Minor (See Definition C)	\$8,307	\$473	5.7%	\$8,780
Major (See Definition D)	\$15,171	\$865	5.7%	\$16,036
Architectural and Site Approval Permit				
Minor Duplex / Residential (See Definition E)	\$6,353	\$362	5.7%	\$6,715
Minor (See Definition F)	\$12,510	\$713	5.7%	\$13,223
Major (See Definition G)	\$18,620	\$1,061	5.7%	\$19,681
Single Family (R-1) Residential Permits				
Minor Residential Permit	\$3,262	\$186	5.7%	\$3,448
Two-Story Permit without Design Review	\$4,236	\$241	5.7%	\$4,477
Two-Story Permit with Design Review	\$5,083	\$290	5.7%	\$5,373
Director Minor Modification (See Definition I)	\$4,456	\$254	5.7%	\$4,710
Exceptions (See Definition H)				
Fence Exception - R1 & R2	\$1,213	\$69	5.7%	\$1,282
Fence Exception - Other	\$4,081	\$233	5.7%	\$4,314
Sign exception	\$4,645	\$265	5.7%	\$4,910
R-1 Exception	\$6,597	\$376	5.7%	\$6,973
Heart of the City Exception	\$18,442	\$1,051	5.7%	\$19,493
Hillside Exception	\$19,114	\$1,089	5.7%	\$20,203
Exception - Other	\$6,366	\$363	5.7%	\$6,729
Variance	\$7,295	\$416	5.7%	\$7,711
Reasonable Accommodation	\$1,059	\$60	5.7%	\$1,119

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective July 1, 2021
Schedule C - Planning

Fee Description	FY 20-21 Fee	Change		FY 21-22 Fee
Tree Removal Permit				
Tree Removal Permit (no Arborist review required)				
First Tree	\$282	\$16	5.7%	\$298
Each Additional Tree	\$142	\$8	5.7%	\$150
Tree Removal Permit (Arborist review required)				
First Tree	\$423	\$24	5.7%	\$447
Each Additional Tree	\$212	\$12	5.7%	\$224
Retroactive Tree Removal (per tree)	\$4,695	\$268	5.7%	\$4,963
Heritage Tree Designation	\$353	\$20	5.7%	\$373
Tree Management Plan	\$6,638	\$378	5.7%	\$7,016
Signs				
Temporary Sign Permit (See Definition J)	\$450	\$26	5.7%	\$476
Sign Program	\$3,645	\$208	5.7%	\$3,853
Planning Commission Interpretation	\$6,722	\$383	5.7%	\$7,105
Extension of Approved Entitlements (See Definition K)	\$1,807	\$103	5.7%	\$1,910
Environmental Assessment				
Environmental Impact Report (Plus State & County Filing Fees)	Contract+Admin Fee			Contract+Admin Fee
Negative Declaration - Major (Plus State & County Filing Fees)	Contract+Admin Fee			Contract+Admin Fee
Negative Declaration - Minor (Plus State & County Filing Fees)	Contract+Admin Fee			Contract+Admin Fee
Categorical Exemption (Plus County Filing Fee)	\$325	\$19	5.7%	\$344
Appeals (See Definition L)				
Planning Commission	\$325	\$19	5.7%	\$344
City Council	\$325	\$19	5.7%	\$344
Miscellaneous Fees				
Legal Noticing Fee (See Definition M)	\$378	\$22	5.7%	\$400
Zoning Verification Letter	\$477	\$27	5.7%	\$504
Public Convenience and Necessity Letter (Alcoholic Beverage License)	\$239	\$14	5.7%	\$253
Short-Term Rental	\$200	\$11	5.7%	\$211
Mobile Vending Registration Fee	\$0	\$302		\$302
Fees Assessed at Building Permit Issuance				
Wireless Master Plan Fees				
Equipment Mounted on Existing Light/Utility Pole	\$8.75	\$0.50	5.7%	\$9.25
New Personal Wireless Facility (not mounted on light/utility pole)	\$1,906	\$109	5.7%	\$2,015
Zoning, Planning, Municipal Code Fees				
All Non-Residential and Multi-Family (per sq.ft.)	\$0.43	\$0.02	5.7%	\$0.45
Residential Single Family (per sq. ft.)	\$0.21	\$0.01	5.7%	\$0.22
General Plan Office Allocation Fee (per sq. ft.)	\$0.39	\$0.02	5.7%	\$0.41

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective July 1, 2021
Schedule C - Planning

FOR INFORMATIONAL PURPOSES ONLY: ²				
<i>Housing Mitigation In-Lieu Fees ² (See Definition N)</i>				
Residential - Ownership (per sq. ft.)				
Detached Single Family Residence	\$18.98	\$0.30	1.6%	\$19.28
Small Lot Single Family Residence or Townhome	\$20.88	\$0.33	1.6%	\$21.21
Multi-family Attached Townhome, Apartment, or Condominium (up to 35 du/ac)	\$25.31	\$0.40	1.6%	\$25.71
Multi-family Attached Townhome, Apartment, or Condominium (over 35 du/ac)	\$25.31	\$0.40	1.6%	\$25.71
Residential - Rental (per sq. ft.)				
Multi-family Attached Townhome, Apartment, or Condominium (up to 35 du/ac)	\$25.31	\$0.40	1.6%	\$25.71
Multi-family Attached Townhome, Apartment, or Condominium (over 35 du/ac)	\$31.64	\$0.50	1.6%	\$32.14
Non-Residential (per sq. ft.)				
Office, Research and Development, or Industrial	\$30.00	\$0.47	1.6%	\$30.47
Hotel	\$15.00	\$0.24	1.6%	\$15.24
Self-storage, employee unit provided	\$0.56	\$0.01	1.6%	\$0.57
Self-storage, employee unit not provided	\$1.18	\$0.02	1.6%	\$1.20
Warehouse	\$41.67	\$0.65	1.6%	\$42.32
Commercial/Retail	\$12.66	\$0.20	1.6%	\$12.85

¹Applications may be subject to a Planning Staff Hourly Rate fee for applicable staff time, and vendor invoice. These fees apply to projects that require a level of staff support greater than the scope of work included in the regular fee schedule and will be based on the time and materials required to process the entire project. The applicant will be notified if these fees are applicable to their project. The applicant will be required to enter into a Reimbursement Agreement with the City for such projects.

²All Housing Mitigation Fees are assessed in accordance with the BMR Housing Mitigation Manual. Non-residential Housing Mitigation In-lieu Fees are based on the 2015 and the 2020 Supplement to the Non-Residential Nexus Analysis by Keyser Marsten. Residential Housing Mitigation In-lieu Fees ~~is~~ are based on the 2015 Nexus Study. These fees increase automatically annually (on July 1 of each year) by the Consumer Price Index of All Urban Consumers for San Francisco, CA.

An administrative fee (15%) will be charged for outside agency review/consultant services per Schedule A - General Fees.

If plans are submitted on paper, these must be sent to an outside agency for scanning. The cost of scanning the plans, plus the administrative fee per Schedule A - General Fees will be charged.

CITY OF CUPERTINO, CA
Resolution 21-xxx
Fees Effective FY 2021-22
SCHEDULE D - TABLE 1 PLAN CHECK FEES ONLY

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)

			Construction Type IA, IB		Construction Type IIA, IIB, IIIA, IIIB, IV		Construction Type VA, VB	
IBC Class	IBC Occupancy Type	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *
A-1	Assembly—Fixed Seating	1,000	\$9,590	\$63.09	\$7,992	\$52.57	\$6,393	\$42.06
	Theater, Concert Hall	5,000	\$12,113	\$70.66	\$10,094	\$58.88	\$8,076	\$47.11
		10,000	\$15,646	\$55.53	\$13,039	\$46.27	\$10,431	\$37.02
		20,000	\$21,199	\$11.78	\$17,666	\$9.82	\$14,133	\$7.86
		50,000	\$24,734	\$12.10	\$20,612	\$10.09	\$16,489	\$8.07
		100,000	\$30,785	\$30.79	\$25,654	\$25.65	\$20,523	\$20.52
A-2	Assembly—Food & Drink	250	\$6,482	\$170.60	\$5,402	\$142.17	\$4,322	\$113.73
	Restaurant, Night Club, Bar	1,250	\$8,188	\$191.05	\$6,824	\$159.20	\$5,459	\$127.36
		2,500	\$10,576	\$150.11	\$8,814	\$125.09	\$7,051	\$100.07
		5,000	\$14,329	\$31.85	\$11,941	\$26.54	\$9,553	\$21.23
		12,500	\$16,718	\$32.75	\$13,932	\$27.29	\$11,145	\$21.83
		25,000	\$20,811	\$83.25	\$17,343	\$69.37	\$13,874	\$55.50
A-3	Assembly—Worship, Amusement	1,000	\$12,153	\$79.95	\$10,127	\$66.62	\$8,102	\$53.30
	Arcade, Church, Community Hall	5,000	\$15,351	\$89.54	\$12,792	\$74.61	\$10,234	\$59.69
		10,000	\$19,828	\$70.37	\$16,523	\$58.65	\$13,218	\$46.92
		20,000	\$26,865	\$14.91	\$22,388	\$12.42	\$17,910	\$9.94
		50,000	\$31,337	\$15.36	\$26,114	\$12.80	\$20,892	\$10.24
		100,000	\$39,015	\$39.01	\$32,512	\$32.51	\$26,010	\$26.01
A-4	Assembly—Indoor Sport Viewing	500	\$7,401	\$97.39	\$6,168	\$81.16	\$4,934	\$64.93
	Arena, Skating Rink, Tennis Court	2,500	\$9,349	\$109.05	\$7,791	\$90.88	\$6,233	\$72.70
		5,000	\$12,076	\$85.72	\$10,063	\$71.43	\$8,050	\$57.15
		10,000	\$16,362	\$18.18	\$13,635	\$15.15	\$10,908	\$12.12
		25,000	\$19,089	\$18.69	\$15,907	\$15.58	\$12,726	\$12.46
		50,000	\$23,763	\$47.53	\$19,802	\$39.60	\$15,842	\$31.68
A-5	Assembly—Outdoor Activities	500	\$7,831	\$103.06	\$6,526	\$85.88	\$5,221	\$68.70
	Amusement Park, Bleacher, Stadium	2,500	\$9,893	\$115.41	\$8,244	\$96.18	\$6,595	\$76.94
		5,000	\$12,778	\$90.68	\$10,648	\$75.56	\$8,519	\$60.45
		10,000	\$17,312	\$19.23	\$14,426	\$16.02	\$11,541	\$12.82
		25,000	\$20,196	\$19.81	\$16,830	\$16.51	\$13,464	\$13.21
		50,000	\$25,148	\$50.30	\$20,957	\$41.91	\$16,765	\$33.53
A	A Occupancy Tenant Improvements	500	\$4,930	\$64.87	\$4,109	\$54.06	\$3,287	\$43.25
		2,500	\$6,228	\$72.64	\$5,190	\$60.53	\$4,152	\$48.42
		5,000	\$8,044	\$57.10	\$6,703	\$47.58	\$5,362	\$38.07
		10,000	\$10,899	\$12.10	\$9,082	\$10.09	\$7,266	\$8.07
		25,000	\$12,714	\$12.45	\$10,595	\$10.37	\$8,476	\$8.30
		50,000	\$15,825	\$31.65	\$13,188	\$26.38	\$10,550	\$21.10
B	Business—Bank	500	\$6,685	\$87.95	\$5,571	\$73.29	\$4,457	\$58.63
		2,500	\$8,444	\$98.53	\$7,037	\$82.11	\$5,630	\$65.69
		5,000	\$10,908	\$77.40	\$9,090	\$64.50	\$7,272	\$51.60
		10,000	\$14,778	\$16.42	\$12,315	\$13.69	\$9,852	\$10.95
		25,000	\$17,241	\$16.90	\$14,368	\$14.08	\$11,494	\$11.27
		50,000	\$21,466	\$42.93	\$17,888	\$35.78	\$14,311	\$28.62

CITY OF CUPERTINO, CA
Resolution 21-xxx
Fees Effective FY 2021-22
SCHEDULE D - TABLE 1 PLAN CHECK FEES ONLY

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)

IBC Class	IBC Occupancy Type	Project Size Threshold	Construction Type IA, IB		Construction Type IIA, IIB, IIIA, IIIB, IV		Construction Type VA, VB	
			Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *
B	Business—Laundromat	200	\$5,742	\$188.88	\$4,785	\$157.40	\$3,828	\$125.92
		1,000	\$7,253	\$211.55	\$6,044	\$176.29	\$4,835	\$141.03
		2,000	\$9,369	\$166.20	\$7,807	\$138.50	\$6,246	\$110.80
		4,000	\$12,693	\$35.28	\$10,577	\$29.40	\$8,462	\$23.52
		10,000	\$14,809	\$36.26	\$12,341	\$30.22	\$9,873	\$24.17
		20,000	\$18,435	\$92.18	\$15,363	\$76.81	\$12,290	\$61.45
B	Business—Clinic, Outpatient	500	\$6,888	\$90.62	\$5,740	\$75.52	\$4,592	\$60.41
		2,500	\$8,701	\$101.53	\$7,250	\$84.61	\$5,800	\$67.69
		5,000	\$11,239	\$79.73	\$9,366	\$66.44	\$7,493	\$53.15
		10,000	\$15,225	\$16.91	\$12,688	\$14.09	\$10,150	\$11.27
		25,000	\$17,762	\$17.41	\$14,801	\$14.51	\$11,841	\$11.61
		50,000	\$22,115	\$44.23	\$18,429	\$36.86	\$14,743	\$29.49
B	Business—Professional Office	1,000	\$7,606	\$74.26	\$6,338	\$61.89	\$5,071	\$49.51
		5,000	\$10,576	\$63.88	\$8,814	\$53.24	\$7,051	\$42.59
		10,000	\$13,771	\$45.17	\$11,475	\$37.64	\$9,180	\$30.11
		20,000	\$18,288	\$10.67	\$15,240	\$8.89	\$12,192	\$7.11
		50,000	\$21,488	\$11.46	\$17,907	\$9.55	\$14,326	\$7.64
		100,000	\$27,219	\$27.22	\$22,682	\$22.68	\$18,146	\$18.15
B	B Occupancy Tenant Improvements	300	\$5,273	\$115.63	\$4,394	\$96.36	\$3,515	\$77.09
		1,500	\$6,661	\$129.51	\$5,551	\$107.93	\$4,440	\$86.34
		3,000	\$8,603	\$101.76	\$7,170	\$84.80	\$5,736	\$67.84
		6,000	\$11,656	\$21.58	\$9,713	\$17.98	\$7,771	\$14.39
		15,000	\$13,598	\$22.20	\$11,332	\$18.50	\$9,065	\$14.80
		30,000	\$16,929	\$56.43	\$14,107	\$47.02	\$11,286	\$37.62
E	Educational — Preschool / School	100	\$5,676	\$373.45	\$4,730	\$311.20	\$3,784	\$248.96
		500	\$7,170	\$418.22	\$5,975	\$348.52	\$4,780	\$278.81
		1,000	\$9,261	\$328.64	\$7,718	\$273.87	\$6,174	\$219.09
		2,000	\$12,547	\$69.72	\$10,456	\$58.10	\$8,365	\$46.48
		5,000	\$14,639	\$71.67	\$12,199	\$59.73	\$9,759	\$47.78
		10,000	\$18,223	\$182.23	\$15,186	\$151.86	\$12,148	\$121.48
E	E Occupancy Tenant Improvements	100	\$4,459	\$293.33	\$3,716	\$244.44	\$2,972	\$195.55
		500	\$5,632	\$328.55	\$4,693	\$273.79	\$3,755	\$219.03
		1,000	\$7,275	\$258.13	\$6,062	\$215.11	\$4,850	\$172.09
		2,000	\$9,856	\$54.75	\$8,213	\$45.63	\$6,571	\$36.50
		5,000	\$11,499	\$56.32	\$9,582	\$46.93	\$7,666	\$37.55
		10,000	\$14,314	\$143.14	\$11,929	\$119.29	\$9,543	\$95.43
F-1	Factory Industrial—Moderate Hazard	1,000	\$6,965	\$19.87	\$5,804	\$16.56	\$4,643	\$13.25
		5,000	\$7,760	\$31.79	\$6,467	\$26.49	\$5,173	\$21.19
		10,000	\$9,349	\$34.44	\$7,791	\$28.70	\$6,233	\$22.96
		20,000	\$12,793	\$5.29	\$10,661	\$4.41	\$8,529	\$3.53
		50,000	\$14,379	\$3.19	\$11,983	\$2.66	\$9,586	\$2.12
		100,000	\$15,973	\$15.97	\$13,311	\$13.31	\$10,649	\$10.65

CITY OF CUPERTINO, CA
Resolution 21-xxx
Fees Effective FY 2021-22
SCHEDULE D - TABLE 1 PLAN CHECK FEES ONLY

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)

IBC Class	IBC Occupancy Type	Project Size Threshold	Construction Type IA, IB		Construction Type IIA, IIB, IIIA, IIIB, IV		Construction Type VA, VB	
			Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *
F-2	Factory Industrial—Low Hazard	1,000	\$7,162	\$47.13	\$5,969	\$39.27	\$4,775	\$31.42
		5,000	\$9,048	\$52.78	\$7,540	\$43.98	\$6,032	\$35.19
		10,000	\$11,687	\$41.48	\$9,739	\$34.56	\$7,791	\$27.65
		20,000	\$15,834	\$8.77	\$13,195	\$7.31	\$10,556	\$5.85
		50,000	\$18,467	\$9.04	\$15,389	\$7.54	\$12,311	\$6.03
		100,000	\$22,988	\$22.99	\$19,157	\$19.16	\$15,325	\$15.33
F	F Occupancy Tenant Improvements	1,000	\$5,243	\$34.50	\$4,369	\$28.75	\$3,495	\$23.00
		5,000	\$6,623	\$38.63	\$5,519	\$32.19	\$4,415	\$25.75
		10,000	\$8,554	\$30.35	\$7,128	\$25.29	\$5,703	\$20.23
		20,000	\$11,589	\$6.43	\$9,658	\$5.36	\$7,726	\$4.29
		50,000	\$13,520	\$6.63	\$11,267	\$5.52	\$9,013	\$4.42
		100,000	\$16,833	\$16.83	\$14,027	\$14.03	\$11,222	\$11.22
H-1	High Hazard Group H-1	100	\$5,316	\$349.73	\$4,430	\$291.44	\$3,544	\$233.15
		500	\$6,715	\$391.72	\$5,596	\$326.43	\$4,477	\$261.14
		1,000	\$8,674	\$307.76	\$7,228	\$256.47	\$5,782	\$205.17
		2,000	\$11,751	\$65.30	\$9,793	\$54.41	\$7,834	\$43.53
		5,000	\$13,710	\$67.14	\$11,425	\$55.95	\$9,140	\$44.76
		10,000	\$17,067	\$170.67	\$14,222	\$142.22	\$11,378	\$113.78
H-2	High Hazard Group H-2	100	\$6,379	\$419.68	\$5,316	\$349.73	\$4,253	\$279.79
		500	\$8,058	\$470.06	\$6,715	\$391.72	\$5,372	\$313.37
		1,000	\$10,408	\$369.31	\$8,674	\$307.76	\$6,939	\$246.21
		2,000	\$14,101	\$78.36	\$11,751	\$65.30	\$9,401	\$52.24
		5,000	\$16,452	\$80.56	\$13,710	\$67.14	\$10,968	\$53.71
		10,000	\$20,480	\$204.80	\$17,067	\$170.67	\$13,654	\$136.54
H-3	High Hazard Group H-3	100	\$6,960	\$457.85	\$5,800	\$381.54	\$4,640	\$305.23
		500	\$8,791	\$512.79	\$7,326	\$427.33	\$5,861	\$341.86
		1,000	\$11,355	\$402.91	\$9,462	\$335.76	\$7,570	\$268.61
		2,000	\$15,384	\$85.48	\$12,820	\$71.24	\$10,256	\$56.99
		5,000	\$17,948	\$87.90	\$14,957	\$73.25	\$11,966	\$58.60
		10,000	\$22,344	\$223.44	\$18,620	\$186.20	\$14,896	\$148.96
H-4	High Hazard Group H-4	100	\$5,568	\$366.28	\$4,640	\$305.23	\$3,712	\$244.19
		500	\$7,033	\$410.23	\$5,861	\$341.86	\$4,688	\$273.49
		1,000	\$9,084	\$322.33	\$7,570	\$268.61	\$6,056	\$214.88
		2,000	\$12,307	\$68.39	\$10,256	\$56.99	\$8,205	\$45.59
		5,000	\$14,359	\$70.32	\$11,966	\$58.60	\$9,573	\$46.88
		10,000	\$17,875	\$178.75	\$14,896	\$148.96	\$11,917	\$119.17
H-5	High Hazard Group H-5	100	\$5,568	\$366.28	\$4,640	\$305.23	\$3,712	\$244.19
		500	\$7,033	\$410.23	\$5,861	\$341.86	\$4,688	\$273.49
		1,000	\$9,084	\$322.33	\$7,570	\$268.61	\$6,056	\$214.88
		2,000	\$12,307	\$68.39	\$10,256	\$56.99	\$8,205	\$45.59
		5,000	\$14,359	\$70.32	\$11,966	\$58.60	\$9,573	\$46.88
		10,000	\$17,875	\$178.75	\$14,896	\$148.96	\$11,917	\$119.17

CITY OF CUPERTINO, CA
Resolution 21-xxx
Fees Effective FY 2021-22
SCHEDULE D - TABLE 1 PLAN CHECK FEES ONLY

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)

			Construction Type IA, IB		Construction Type IIA, IIB, IIIA, IIIB, IV		Construction Type VA, VB	
IBC Class	IBC Occupancy Type	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *
H	H Occupancy Tenant Improvements	100	\$4,107	\$270.16	\$3,422	\$225.14	\$2,738	\$180.11
		500	\$5,187	\$302.61	\$4,323	\$252.18	\$3,458	\$201.74
		1,000	\$6,700	\$237.75	\$5,584	\$198.13	\$4,467	\$158.50
		2,000	\$9,078	\$50.41	\$7,565	\$42.01	\$6,052	\$33.61
		5,000	\$10,590	\$51.89	\$8,825	\$43.25	\$7,060	\$34.60
		10,000	\$13,185	\$131.85	\$10,987	\$109.87	\$8,790	\$87.90
I-1	Institutional—7+ persons, ambulatory	500	\$6,977	\$91.81	\$5,814	\$76.51	\$4,651	\$61.21
		2,500	\$8,813	\$102.80	\$7,344	\$85.67	\$5,876	\$68.54
		5,000	\$11,384	\$80.80	\$9,486	\$67.33	\$7,589	\$53.86
		10,000	\$15,423	\$17.13	\$12,853	\$14.27	\$10,282	\$11.42
		25,000	\$17,992	\$17.64	\$14,993	\$14.70	\$11,995	\$11.76
		50,000	\$22,402	\$44.80	\$18,668	\$37.34	\$14,934	\$29.87
I-2	Institutional—6+ persons, non-ambulatory	500	\$8,451	\$111.20	\$7,043	\$92.67	\$5,634	\$74.14
		2,500	\$10,675	\$124.52	\$8,896	\$103.77	\$7,117	\$83.01
		5,000	\$13,788	\$97.86	\$11,490	\$81.55	\$9,192	\$65.24
		10,000	\$18,682	\$20.76	\$15,568	\$17.30	\$12,454	\$13.84
		25,000	\$21,796	\$21.33	\$18,164	\$17.78	\$14,531	\$14.22
		50,000	\$27,129	\$54.26	\$22,608	\$45.22	\$18,086	\$36.17
I-3	Institutional—6+ persons, restrained	500	\$7,775	\$102.31	\$6,479	\$85.25	\$5,184	\$68.20
		2,500	\$9,821	\$114.58	\$8,185	\$95.49	\$6,548	\$76.39
		5,000	\$12,686	\$90.05	\$10,572	\$75.04	\$8,457	\$60.03
		10,000	\$17,189	\$19.08	\$14,324	\$15.90	\$11,459	\$12.72
		25,000	\$20,050	\$19.63	\$16,709	\$16.36	\$13,367	\$13.09
		50,000	\$24,958	\$49.92	\$20,798	\$41.60	\$16,639	\$33.28
I-4	Institutional—6+ persons, day care	500	\$7,775	\$102.31	\$6,479	\$85.25	\$5,184	\$68.20
		2,500	\$9,821	\$114.58	\$8,185	\$95.49	\$6,548	\$76.39
		5,000	\$12,686	\$90.05	\$10,572	\$75.04	\$8,457	\$60.03
		10,000	\$17,189	\$19.08	\$14,324	\$15.90	\$11,459	\$12.72
		25,000	\$20,050	\$19.63	\$16,709	\$16.36	\$13,367	\$13.09
		50,000	\$24,958	\$49.92	\$20,798	\$41.60	\$16,639	\$33.28
I	I Occupancy Tenant Improvements	100	\$4,111	\$270.46	\$3,426	\$225.38	\$2,741	\$180.31
		500	\$5,193	\$302.92	\$4,327	\$252.43	\$3,462	\$201.94
		1,000	\$6,707	\$238.00	\$5,590	\$198.34	\$4,472	\$158.67
		2,000	\$9,087	\$50.48	\$7,573	\$42.07	\$6,058	\$33.65
		5,000	\$10,602	\$51.95	\$8,835	\$43.29	\$7,068	\$34.63
		10,000	\$13,199	\$131.99	\$10,999	\$109.99	\$8,800	\$88.00
M	Mercantile	2,000	\$10,947	\$36.00	\$9,122	\$30.00	\$7,298	\$24.00
		10,000	\$13,826	\$40.36	\$11,522	\$33.63	\$9,218	\$26.91
		20,000	\$17,862	\$31.70	\$14,885	\$26.41	\$11,908	\$21.13
		40,000	\$24,201	\$6.71	\$20,168	\$5.59	\$16,134	\$4.47
		100,000	\$28,226	\$6.92	\$23,522	\$5.76	\$18,817	\$4.61
		200,000	\$35,143	\$17.57	\$29,285	\$14.64	\$23,428	\$11.71

CITY OF CUPERTINO, CA
Resolution 21-xxx
Fees Effective FY 2021-22
SCHEDULE D - TABLE 1 PLAN CHECK FEES ONLY

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)

			Construction Type IA, IB		Construction Type IIA, IIB, IIIA, IIIB, IV		Construction Type VA, VB	
IBC Class	IBC Occupancy Type	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *
M	M Occupancy Tenant Improvements	300	\$4,865	\$106.68	\$4,054	\$88.90	\$3,243	\$71.12
		1,500	\$6,145	\$119.46	\$5,121	\$99.55	\$4,096	\$79.64
		3,000	\$7,937	\$93.90	\$6,614	\$78.25	\$5,291	\$62.60
		6,000	\$10,754	\$19.89	\$8,961	\$16.58	\$7,169	\$13.26
		15,000	\$12,544	\$20.50	\$10,453	\$17.09	\$8,363	\$13.67
		30,000	\$15,619	\$52.06	\$13,016	\$43.39	\$10,413	\$34.71
R-1	Residential—Hotels & Motels	3,000	\$16,236	\$7.12	\$13,530	\$5.93	\$10,824	\$4.75
		15,000	\$17,090	\$22.79	\$14,242	\$18.99	\$11,393	\$15.19
		30,000	\$20,508	\$2.87	\$17,090	\$2.39	\$13,672	\$1.91
		60,000	\$21,368	\$3.79	\$17,806	\$3.16	\$14,245	\$2.53
		150,000	\$24,779	\$0.58	\$20,649	\$0.48	\$16,519	\$0.39
		300,000	\$25,652	\$8.55	\$21,377	\$7.13	\$17,101	\$5.70
R-2	Residential—Apartment Building	800	\$14,741	\$24.25	\$12,284	\$20.21	\$9,828	\$16.17
		4,000	\$15,517	\$77.56	\$12,931	\$64.63	\$10,345	\$51.71
		8,000	\$18,620	\$9.71	\$15,516	\$8.10	\$12,413	\$6.48
		16,000	\$19,397	\$12.93	\$16,164	\$10.78	\$12,931	\$8.62
		40,000	\$22,500	\$1.95	\$18,750	\$1.62	\$15,000	\$1.30
		80,000	\$23,279	\$29.10	\$19,399	\$24.25	\$15,519	\$19.40
R-2	Residential—Apartment Building - Repeat Unit	800	\$210	\$0.34	\$175	\$0.28	\$140	\$0.23
		4,000	\$221	\$1.11	\$184	\$0.93	\$147	\$0.74
		8,000	\$265	\$0.13	\$221	\$0.10	\$177	\$0.08
		16,000	\$275	\$0.20	\$229	\$0.16	\$183	\$0.13
		40,000	\$322	\$0.02	\$269	\$0.01	\$215	\$0.01
		80,000	\$329	\$0.41	\$275	\$0.34	\$220	\$0.27
R-3	Dwellings—Custom Homes, Models, First Master Plan	499	SEE MISCELLANEOUS FEE SCHEDULE					
		1,000	\$7,387	\$22.05	\$6,156	\$18.37	\$4,924	\$14.70
		2,500	\$7,717	\$88.32	\$6,431	\$73.60	\$5,145	\$58.88
		4,000	\$9,042	\$16.54	\$7,535	\$13.78	\$6,028	\$11.03
		6,000	\$9,373	\$66.23	\$7,811	\$55.19	\$6,249	\$44.16
		8,000	\$10,698	\$16.54	\$8,915	\$13.78	\$7,132	\$11.03
		10,000	\$11,029	\$110.29	\$9,190	\$91.90	\$7,352	\$73.52
R-3	Dwellings—Production Phase of Master Plan (repeats)	1,000	\$2,869	\$10.06	\$2,391	\$8.38	\$1,912	\$6.71
		2,500	\$3,020	\$40.26	\$2,516	\$33.55	\$2,013	\$26.84
		4,000	\$3,623	\$7.59	\$3,020	\$6.32	\$2,416	\$5.06
		6,000	\$3,775	\$30.15	\$3,146	\$25.13	\$2,517	\$20.10
		8,000	\$4,378	\$7.61	\$3,649	\$6.34	\$2,919	\$5.07
		10,000	\$4,530	\$45.30	\$3,775	\$37.75	\$3,020	\$30.20
R-3	Dwellings—Alternate Materials	1,000	\$6,538	\$22.94	\$5,449	\$19.12	\$4,359	\$15.30
		2,500	\$6,882	\$91.75	\$5,735	\$76.46	\$4,588	\$61.17
		4,000	\$8,259	\$17.24	\$6,882	\$14.36	\$5,506	\$11.49
		6,000	\$8,603	\$68.81	\$7,170	\$57.34	\$5,736	\$45.87
		8,000	\$9,980	\$17.19	\$8,316	\$14.33	\$6,653	\$11.46
		10,000	\$10,323	\$103.23	\$8,603	\$86.03	\$6,882	\$68.82

CITY OF CUPERTINO, CA
Resolution 21-xxx
Fees Effective FY 2021-22
SCHEDULE D - TABLE 1 PLAN CHECK FEES ONLY

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)

IBC Class	IBC Occupancy Type	Project Size Threshold	Construction Type IA, IB		Construction Type IIA, IIB, IIIA, IIIB, IV		Construction Type VA, VB	
			Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *
R-3	Dwellings—Hillside - Custom Homes	1,000	\$8,635	\$30.30	\$7,196	\$25.25	\$5,757	\$20.20
	, Models First Master Plan	2,500	\$9,090	\$121.18	\$7,575	\$100.98	\$6,060	\$80.79
		4,000	\$10,907	\$22.74	\$9,089	\$18.95	\$7,271	\$15.16
		6,000	\$11,362	\$90.88	\$9,468	\$75.73	\$7,575	\$60.59
		8,000	\$13,180	\$22.72	\$10,983	\$18.93	\$8,786	\$15.15
		10,000	\$13,634	\$136.34	\$11,362	\$113.62	\$9,089	\$90.89
R-3	Dwellings—Hillside - Production Phase	1,000	\$2,869	\$10.06	\$2,391	\$8.38	\$1,912	\$6.71
	of Master Plan (repeats)	2,500	\$3,020	\$40.26	\$2,516	\$33.55	\$2,013	\$26.84
		4,000	\$3,623	\$7.59	\$3,020	\$6.32	\$2,416	\$5.06
		6,000	\$3,775	\$30.15	\$3,146	\$25.13	\$2,517	\$20.10
		8,000	\$4,378	\$7.61	\$3,649	\$6.34	\$2,919	\$5.07
		10,000	\$4,530	\$45.30	\$3,775	\$37.75	\$3,020	\$30.20
R-3	Dwellings—Hillside - Alternate Materials	1,000	\$6,538	\$22.94	\$5,449	\$19.12	\$4,359	\$15.30
		2,500	\$6,882	\$91.75	\$5,735	\$76.46	\$4,588	\$61.17
		4,000	\$8,259	\$17.24	\$6,882	\$14.36	\$5,506	\$11.49
		6,000	\$8,603	\$68.81	\$7,170	\$57.34	\$5,736	\$45.87
		8,000	\$9,980	\$17.19	\$8,316	\$14.33	\$6,653	\$11.46
		10,000	\$10,323	\$103.23	\$8,603	\$86.03	\$6,882	\$68.82
R-3.1	Group Care	1,000	\$12,212	\$16.07	\$10,177	\$13.39	\$8,142	\$10.71
		5,000	\$12,855	\$51.44	\$10,713	\$42.86	\$8,570	\$34.29
		10,000	\$15,427	\$6.40	\$12,856	\$5.33	\$10,285	\$4.27
		20,000	\$16,067	\$8.56	\$13,389	\$7.13	\$10,711	\$5.71
		50,000	\$18,635	\$1.28	\$15,529	\$1.06	\$12,423	\$0.85
		100,000	\$19,272	\$19.27	\$16,060	\$16.06	\$12,848	\$12.85
R-4	Group Care	100	\$6,893	\$90.69	\$5,744	\$75.57	\$4,595	\$60.46
		500	\$7,255	\$290.23	\$6,046	\$241.86	\$4,837	\$193.49
		1,000	\$8,706	\$36.26	\$7,255	\$30.22	\$5,804	\$24.17
		2,000	\$9,069	\$48.38	\$7,558	\$40.32	\$6,046	\$32.25
		5,000	\$10,520	\$7.25	\$8,767	\$6.04	\$7,014	\$4.83
		10,000	\$10,883	\$108.83	\$9,069	\$90.69	\$7,255	\$72.55
R	R Occupancy Tenant Improvements	80	\$4,017	\$66.06	\$3,347	\$55.05	\$2,678	\$44.04
		400	\$4,228	\$211.42	\$3,523	\$176.18	\$2,819	\$140.94
		800	\$5,074	\$26.44	\$4,228	\$22.03	\$3,382	\$17.62
		1,600	\$5,285	\$35.22	\$4,404	\$29.35	\$3,523	\$23.48
		4,000	\$6,130	\$5.30	\$5,109	\$4.42	\$4,087	\$3.54
		8,000	\$6,343	\$79.28	\$5,286	\$66.07	\$4,228	\$52.86
S-1	Storage—Moderate Hazard	600	\$5,620	\$61.63	\$4,683	\$51.36	\$3,747	\$41.08
		3,000	\$7,099	\$69.03	\$5,916	\$57.53	\$4,733	\$46.02
		6,000	\$9,170	\$54.24	\$7,642	\$45.20	\$6,113	\$36.16
		12,000	\$12,425	\$11.50	\$10,354	\$9.58	\$8,283	\$7.66
		30,000	\$14,494	\$11.82	\$12,078	\$9.85	\$9,663	\$7.88
		60,000	\$18,040	\$30.07	\$15,033	\$25.05	\$12,026	\$20.04

CITY OF CUPERTINO, CA
Resolution 21-xxx
Fees Effective FY 2021-22
SCHEDULE D - TABLE 1 PLAN CHECK FEES ONLY

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)

IBC Class	IBC Occupancy Type	Project Size Threshold	Construction Type IA, IB		Construction Type IIA, IIB, IIIA, IIIB, IV		Construction Type VA, VB	
			Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *
S-2	Storage—Low Hazard	10,000	\$12,976	\$8.52	\$10,813	\$7.10	\$8,651	\$5.68
		50,000	\$16,385	\$9.58	\$13,654	\$7.98	\$10,923	\$6.39
		100,000	\$21,175	\$7.52	\$17,646	\$6.27	\$14,117	\$5.01
		200,000	\$28,696	\$1.59	\$23,913	\$1.32	\$19,131	\$1.06
		500,000	\$33,464	\$1.63	\$27,886	\$1.36	\$22,309	\$1.09
		1,000,000	\$41,634	\$4.16	\$34,695	\$3.47	\$27,756	\$2.78
S	S Occupancy Tenant Improvements	600	\$5,070	\$55.58	\$4,225	\$46.32	\$3,380	\$37.06
		3,000	\$6,404	\$62.29	\$5,337	\$51.91	\$4,269	\$41.53
		6,000	\$8,273	\$48.93	\$6,894	\$40.78	\$5,515	\$32.62
		12,000	\$11,209	\$10.36	\$9,341	\$8.64	\$7,473	\$6.91
		30,000	\$13,074	\$10.68	\$10,895	\$8.90	\$8,716	\$7.12
		60,000	\$16,278	\$27.13	\$13,565	\$22.61	\$10,852	\$18.09
U	Accessory—Private Garage /	999	SEE MISCELLANEOUS FEE SCHEDULE					
	Agricultural Building	2,000	\$3,571	\$43.72	\$2,976	\$36.43	\$2,381	\$29.14
		4,000	\$4,445	\$111.14	\$3,705	\$92.61	\$2,964	\$74.09
	Deferred Submittal - All Except R-3	1,000	\$1,082	\$7.12	\$902	\$5.93	\$721	\$4.75
		5,000	\$1,367	\$7.99	\$1,139	\$6.66	\$911	\$5.33
		10,000	\$1,766	\$6.25	\$1,472	\$5.20	\$1,177	\$4.16
		20,000	\$2,391	\$1.32	\$1,992	\$1.10	\$1,594	\$0.88
		50,000	\$2,787	\$1.37	\$2,322	\$1.14	\$1,858	\$0.91
		100,000	\$3,469	\$3.47	\$2,891	\$2.89	\$2,313	\$2.31
	Deferred Submittal - R-3	1,000	\$1,082	\$18.98	\$902	\$15.82	\$721	\$12.65
		2,500	\$1,367	\$26.55	\$1,139	\$22.12	\$911	\$17.70
		4,000	\$1,765	\$31.36	\$1,471	\$26.13	\$1,176	\$20.91
		6,000	\$2,392	\$19.90	\$1,993	\$16.58	\$1,595	\$13.27
		8,000	\$2,790	\$34.20	\$2,325	\$28.50	\$1,860	\$22.80
		10,000	\$3,474	\$34.74	\$2,895	\$28.95	\$2,316	\$23.16
	Standard Comm. Foundation	500	\$4,454	\$11.71	\$3,712	\$9.76	\$2,969	\$7.81
	w/o Podium	2,500	\$4,688	\$37.52	\$3,907	\$31.26	\$3,126	\$25.01
		5,000	\$5,626	\$4.68	\$4,688	\$3.90	\$3,751	\$3.12
		10,000	\$5,860	\$6.26	\$4,883	\$5.22	\$3,907	\$4.17
		25,000	\$6,799	\$0.92	\$5,666	\$0.76	\$4,533	\$0.61
		50,000	\$7,029	\$14.06	\$5,857	\$11.71	\$4,686	\$9.37
	Standard Comm. Foundation	3,000	\$4,779	\$12.43	\$3,982	\$10.36	\$3,186	\$8.29
	with Podium	15,000	\$5,099	\$38.32	\$4,249	\$31.93	\$3,400	\$25.55
		30,000	\$6,158	\$5.30	\$5,132	\$4.42	\$4,105	\$3.54
		60,000	\$6,580	\$6.39	\$5,483	\$5.32	\$4,387	\$4.26
		150,000	\$7,632	\$1.04	\$6,360	\$0.87	\$5,088	\$0.70
		300,000	\$8,049	\$14.40	\$6,708	\$12.00	\$5,366	\$9.60

CITY OF CUPERTINO, CA
Resolution 21-xxx
Fees Effective FY 2021-22
SCHEDULE D - TABLE 1 PLAN CHECK FEES ONLY

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)

			Construction Type IA, IB		Construction Type IIA, IIB, IIIA, IIIB, IV		Construction Type VA, VB	
IBC Class	IBC Occupancy Type	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *
SHELL BUILDINGS								
	All Shell Buildings	500	\$4,322	\$56.87	\$3,601	\$47.39	\$2,881	\$37.92
		2,500	\$5,459	\$63.68	\$4,549	\$53.06	\$3,639	\$42.45
		5,000	\$7,051	\$50.05	\$5,876	\$41.71	\$4,701	\$33.37
		10,000	\$9,553	\$10.62	\$7,961	\$8.85	\$6,369	\$7.08
		25,000	\$11,147	\$10.92	\$9,289	\$9.10	\$7,431	\$7.28
		50,000	\$13,878	\$27.76	\$11,565	\$23.13	\$9,252	\$18.50

* Each additional 100 square feet, or portion thereof, up to the next highest project size threshold.

CITY OF CUPERTINO, CA
Resolution 21-XXX
Fees Effective FY 2021-22
SCHEDULE D - TABLE 2 INSPECTION FEES ONLY

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)

IBC Class	IBC Occupancy Type	Project Size Threshold	Construction Type IA, IB		Construction Type IIA, IIB, IIIA, IIIB, IV		Construction Type VA, VB	
			Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *
A-1	Assembly—Fixed Seating	1,000	\$5,307	\$43.19	\$4,423	\$35.99	\$3,538	\$28.80
	Theater, Concert Hall	5,000	\$7,035	\$46.90	\$5,863	\$39.08	\$4,690	\$31.27
		10,000	\$9,380	\$20.98	\$7,817	\$17.48	\$6,254	\$13.99
		20,000	\$11,478	\$6.18	\$9,565	\$5.15	\$7,652	\$4.12
		50,000	\$13,333	\$10.37	\$11,111	\$8.64	\$8,889	\$6.91
		100,000	\$18,519	\$18.52	\$15,432	\$15.43	\$12,346	\$12.35
A-2	Assembly—Food & Drink	250	\$4,683	\$152.48	\$3,903	\$127.07	\$3,122	\$101.66
	Restaurant, Night Club, Bar	1,250	\$6,208	\$165.53	\$5,173	\$137.94	\$4,139	\$110.35
		2,500	\$8,277	\$74.07	\$6,897	\$61.72	\$5,518	\$49.38
		5,000	\$10,129	\$21.79	\$8,441	\$18.16	\$6,752	\$14.52
		12,500	\$11,763	\$36.58	\$9,802	\$30.48	\$7,842	\$24.38
		25,000	\$16,335	\$65.34	\$13,612	\$54.45	\$10,890	\$43.56
A-3	Assembly—Worship, Amusement	1,000	\$7,961	\$64.79	\$6,634	\$53.99	\$5,307	\$43.19
	Arcade, Church, Community Hall	5,000	\$10,553	\$70.35	\$8,794	\$58.63	\$7,035	\$46.90
		10,000	\$14,070	\$31.47	\$11,725	\$26.23	\$9,380	\$20.98
		20,000	\$17,218	\$9.27	\$14,348	\$7.73	\$11,478	\$6.18
		50,000	\$20,000	\$15.56	\$16,667	\$12.96	\$13,333	\$10.37
		100,000	\$27,778	\$27.78	\$23,149	\$23.15	\$18,519	\$18.52
A-4	Assembly—Indoor Sport Viewing	500	\$4,608	\$75.02	\$3,840	\$62.52	\$3,072	\$50.01
	Arena, Skating Rink, Tennis Court	2,500	\$6,109	\$81.46	\$5,090	\$67.88	\$4,072	\$54.31
		5,000	\$8,145	\$36.44	\$6,788	\$30.37	\$5,430	\$24.29
		10,000	\$9,967	\$10.70	\$8,306	\$8.92	\$6,645	\$7.13
		25,000	\$11,572	\$18.00	\$9,644	\$15.00	\$7,715	\$12.00
		50,000	\$16,072	\$32.14	\$13,393	\$26.79	\$10,714	\$21.43
A-5	Assembly—Outdoor Activities	500	\$5,058	\$82.34	\$4,215	\$68.62	\$3,372	\$54.89
	Amusement Park, Bleacher, Stadium	2,500	\$6,705	\$89.38	\$5,587	\$74.48	\$4,470	\$59.59
		5,000	\$8,939	\$40.00	\$7,449	\$33.33	\$5,959	\$26.67
		10,000	\$10,939	\$11.76	\$9,116	\$9.80	\$7,293	\$7.84
		25,000	\$12,703	\$19.74	\$10,586	\$16.45	\$8,469	\$13.16
		50,000	\$17,638	\$35.28	\$14,699	\$29.40	\$11,759	\$23.52
A	A Occupancy Tenant Improvements	500	\$5,058	\$82.34	\$4,215	\$68.62	\$3,372	\$54.89
		2,500	\$6,705	\$89.38	\$5,587	\$74.48	\$4,470	\$59.59
		5,000	\$8,939	\$40.00	\$7,449	\$33.33	\$5,959	\$26.67
		10,000	\$10,939	\$11.76	\$9,116	\$9.80	\$7,293	\$7.84
		25,000	\$12,703	\$19.74	\$10,586	\$16.45	\$8,469	\$13.16
		50,000	\$17,638	\$35.28	\$14,699	\$29.40	\$11,759	\$23.52
B	Business—Bank	500	\$5,245	\$85.40	\$4,371	\$71.17	\$3,497	\$56.93
		2,500	\$6,953	\$92.69	\$5,794	\$77.24	\$4,635	\$61.79
		5,000	\$9,270	\$41.48	\$7,725	\$34.56	\$6,180	\$27.65
		10,000	\$11,344	\$12.19	\$9,453	\$10.16	\$7,563	\$8.13
		25,000	\$13,173	\$20.50	\$10,977	\$17.09	\$8,782	\$13.67
		50,000	\$18,299	\$36.60	\$15,249	\$30.50	\$12,199	\$24.40

CITY OF CUPERTINO, CA
Resolution 21-XXX
Fees Effective FY 2021-22
SCHEDULE D - TABLE 2 INSPECTION FEES ONLY

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)

IBC Class	IBC Occupancy Type	Project Size Threshold	Construction Type IA, IB		Construction Type IIA, IIB, IIIA, IIIB, IV		Construction Type VA, VB	
			Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *
B	Business—Laundromat	200	\$4,683	\$190.58	\$3,903	\$158.82	\$3,122	\$127.05
		1,000	\$6,208	\$206.94	\$5,173	\$172.45	\$4,138	\$137.96
		2,000	\$8,277	\$92.56	\$6,898	\$77.13	\$5,518	\$61.70
		4,000	\$10,128	\$27.24	\$8,440	\$22.70	\$6,752	\$18.16
		10,000	\$11,763	\$45.73	\$9,802	\$38.11	\$7,842	\$30.49
		20,000	\$16,336	\$81.68	\$13,613	\$68.07	\$10,890	\$54.45
B	Business—Clinic, Outpatient	500	\$5,339	\$86.90	\$4,449	\$72.42	\$3,559	\$57.93
		2,500	\$7,077	\$94.37	\$5,897	\$78.64	\$4,718	\$62.91
		5,000	\$9,436	\$42.19	\$7,863	\$35.16	\$6,291	\$28.13
		10,000	\$11,546	\$12.42	\$9,621	\$10.35	\$7,697	\$8.28
		25,000	\$13,408	\$20.86	\$11,173	\$17.38	\$8,939	\$13.91
		50,000	\$18,623	\$37.25	\$15,519	\$31.04	\$12,416	\$24.83
B	Business—Professional Office	1,000	\$7,118	\$57.94	\$5,932	\$48.28	\$4,746	\$38.63
		5,000	\$9,436	\$62.92	\$7,863	\$52.43	\$6,291	\$41.95
		10,000	\$12,582	\$28.14	\$10,485	\$23.45	\$8,388	\$18.76
		20,000	\$15,396	\$8.26	\$12,830	\$6.88	\$10,264	\$5.51
		50,000	\$17,873	\$13.90	\$14,895	\$11.58	\$11,916	\$9.27
		100,000	\$24,824	\$24.82	\$20,686	\$20.69	\$16,549	\$16.55
B	B Occupancy Tenant Improvements	300	\$4,121	\$111.81	\$3,434	\$93.17	\$2,747	\$74.54
		1,500	\$5,463	\$121.41	\$4,552	\$101.17	\$3,642	\$80.94
		3,000	\$7,284	\$54.33	\$6,070	\$45.27	\$4,856	\$36.22
		6,000	\$8,914	\$15.97	\$7,428	\$13.31	\$5,942	\$10.65
		15,000	\$10,351	\$26.84	\$8,626	\$22.37	\$6,901	\$17.89
		30,000	\$14,377	\$47.92	\$11,981	\$39.94	\$9,585	\$31.95
E	Educational— Preschool / School	100	\$4,027	\$327.81	\$3,356	\$273.17	\$2,685	\$218.54
		500	\$5,339	\$355.92	\$4,449	\$296.60	\$3,559	\$237.28
		1,000	\$7,118	\$159.22	\$5,932	\$132.68	\$4,746	\$106.14
		2,000	\$8,710	\$46.83	\$7,259	\$39.02	\$5,807	\$31.22
		5,000	\$10,115	\$78.66	\$8,429	\$65.55	\$6,743	\$52.44
		10,000	\$14,048	\$140.48	\$11,707	\$117.07	\$9,365	\$93.65
E	E Occupancy Tenant Improvements	100	\$3,746	\$304.93	\$3,122	\$254.11	\$2,498	\$203.29
		500	\$4,966	\$331.08	\$4,138	\$275.90	\$3,311	\$220.72
		1,000	\$6,622	\$148.14	\$5,518	\$123.45	\$4,414	\$98.76
		2,000	\$8,103	\$43.57	\$6,752	\$36.31	\$5,402	\$29.05
		5,000	\$9,410	\$73.20	\$7,842	\$61.00	\$6,273	\$48.80
		10,000	\$13,070	\$130.70	\$10,892	\$108.92	\$8,713	\$87.13
F-1	Factory Industrial—Moderate Hazard	1,000	\$5,959	\$43.04	\$4,966	\$35.87	\$3,973	\$28.70
		5,000	\$7,681	\$45.04	\$6,401	\$37.53	\$5,121	\$30.02
		10,000	\$9,933	\$23.83	\$8,278	\$19.86	\$6,622	\$15.89
		20,000	\$12,316	\$6.61	\$10,264	\$5.51	\$8,211	\$4.41
		50,000	\$14,299	\$11.12	\$11,916	\$9.27	\$9,533	\$7.41
		100,000	\$19,859	\$19.86	\$16,549	\$16.55	\$13,239	\$13.24

CITY OF CUPERTINO, CA
Resolution 21-XXX
Fees Effective FY 2021-22
SCHEDULE D - TABLE 2 INSPECTION FEES ONLY

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)

IBC Class	IBC Occupancy Type	Project Size Threshold	Construction Type IA, IB		Construction Type IIA, IIB, IIIA, IIIB, IV		Construction Type VA, VB	
			Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *
F-2	Factory Industrial—Low Hazard	1,000	\$7,024	\$57.18	\$5,854	\$47.65	\$4,683	\$38.12
		5,000	\$9,312	\$62.09	\$7,760	\$51.74	\$6,208	\$41.40
		10,000	\$12,416	\$27.78	\$10,347	\$23.15	\$8,278	\$18.52
		20,000	\$15,194	\$8.15	\$12,662	\$6.79	\$10,129	\$5.43
		50,000	\$17,638	\$13.74	\$14,699	\$11.45	\$11,759	\$9.16
		100,000	\$24,510	\$24.51	\$20,425	\$20.43	\$16,340	\$16.34
F	F Occupancy Tenant Improvements	1,000	\$4,720	\$38.43	\$3,934	\$32.02	\$3,147	\$25.62
		5,000	\$6,258	\$41.71	\$5,215	\$34.75	\$4,172	\$27.80
		10,000	\$8,343	\$18.68	\$6,952	\$15.56	\$5,562	\$12.45
		20,000	\$10,211	\$5.48	\$8,509	\$4.57	\$6,807	\$3.65
		50,000	\$11,854	\$9.24	\$9,879	\$7.70	\$7,903	\$6.16
		100,000	\$16,474	\$16.47	\$13,729	\$13.73	\$10,983	\$10.98
H-1	High Hazard Group H-1	100	\$3,372	\$274.45	\$2,810	\$228.71	\$2,248	\$182.97
		500	\$4,470	\$297.97	\$3,725	\$248.31	\$2,980	\$198.65
		1,000	\$5,959	\$133.29	\$4,966	\$111.07	\$3,973	\$88.86
		2,000	\$7,292	\$39.21	\$6,077	\$32.67	\$4,862	\$26.14
		5,000	\$8,469	\$65.87	\$7,057	\$54.89	\$5,646	\$43.91
		10,000	\$11,762	\$117.62	\$9,802	\$98.02	\$7,841	\$78.41
H-2	High Hazard Group H-2	100	\$4,046	\$329.34	\$3,372	\$274.45	\$2,697	\$219.56
		500	\$5,364	\$357.57	\$4,470	\$297.97	\$3,576	\$238.38
		1,000	\$7,151	\$159.95	\$5,959	\$133.29	\$4,768	\$106.63
		2,000	\$8,751	\$47.05	\$7,292	\$39.21	\$5,834	\$31.37
		5,000	\$10,162	\$79.04	\$8,469	\$65.87	\$6,775	\$52.69
		10,000	\$14,114	\$141.14	\$11,762	\$117.62	\$9,410	\$94.10
H-3	High Hazard Group H-3	100	\$5,058	\$411.68	\$4,215	\$343.06	\$3,372	\$274.45
		500	\$6,704	\$446.96	\$5,587	\$372.47	\$4,470	\$297.97
		1,000	\$8,939	\$199.93	\$7,449	\$166.61	\$5,959	\$133.29
		2,000	\$10,939	\$58.81	\$9,115	\$49.01	\$7,292	\$39.21
		5,000	\$12,703	\$98.80	\$10,586	\$82.34	\$8,469	\$65.87
		10,000	\$17,643	\$176.43	\$14,702	\$147.02	\$11,762	\$117.62
H-4	High Hazard Group H-4	100	\$4,046	\$329.34	\$3,372	\$274.45	\$2,697	\$219.56
		500	\$5,364	\$357.57	\$4,470	\$297.97	\$3,576	\$238.38
		1,000	\$7,151	\$159.95	\$5,959	\$133.29	\$4,768	\$106.63
		2,000	\$8,751	\$47.05	\$7,292	\$39.21	\$5,834	\$31.37
		5,000	\$10,162	\$79.04	\$8,469	\$65.87	\$6,775	\$52.69
		10,000	\$14,114	\$141.14	\$11,762	\$117.62	\$9,410	\$94.10
H-5	High Hazard Group H-5	100	\$4,046	\$329.34	\$3,372	\$274.45	\$2,697	\$219.56
		500	\$5,364	\$357.57	\$4,470	\$297.97	\$3,576	\$238.38
		1,000	\$7,151	\$159.95	\$5,959	\$133.29	\$4,768	\$106.63
		2,000	\$8,751	\$47.05	\$7,292	\$39.21	\$5,834	\$31.37
		5,000	\$10,162	\$79.04	\$8,469	\$65.87	\$6,775	\$52.69
		10,000	\$14,114	\$141.14	\$11,762	\$117.62	\$9,410	\$94.10

CITY OF CUPERTINO, CA
Resolution 21-XXX
Fees Effective FY 2021-22
SCHEDULE D - TABLE 2 INSPECTION FEES ONLY

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)

IBC Class	IBC Occupancy Type	Project Size Threshold	Construction Type IA, IB		Construction Type IIA, IIB, IIIA, IIIB, IV		Construction Type VA, VB	
			Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *
H	H Occupancy Tenant Improvements	100	\$3,222	\$262.24	\$2,685	\$218.54	\$2,148	\$174.83
		500	\$4,271	\$284.74	\$3,559	\$237.28	\$2,847	\$189.83
		1,000	\$5,695	\$127.37	\$4,746	\$106.14	\$3,796	\$84.92
		2,000	\$6,968	\$37.46	\$5,807	\$31.22	\$4,646	\$24.97
		5,000	\$8,092	\$62.93	\$6,743	\$52.44	\$5,395	\$41.95
		10,000	\$11,238	\$112.38	\$9,365	\$93.65	\$7,492	\$74.92
I-1	Institutional – 7+ persons,	500	\$4,496	\$73.19	\$3,746	\$60.99	\$2,997	\$48.79
	ambulatory	2,500	\$5,959	\$79.47	\$4,966	\$66.23	\$3,973	\$52.98
		5,000	\$7,946	\$35.55	\$6,622	\$29.62	\$5,298	\$23.70
		10,000	\$9,724	\$10.45	\$8,103	\$8.70	\$6,482	\$6.96
		25,000	\$11,290	\$17.58	\$9,409	\$14.65	\$7,527	\$11.72
		50,000	\$15,687	\$31.37	\$13,072	\$26.14	\$10,458	\$20.92
I-2	Institutional – 6+ persons,	500	\$5,620	\$91.48	\$4,683	\$76.24	\$3,746	\$60.99
	non-ambulatory	2,500	\$7,449	\$99.34	\$6,208	\$82.78	\$4,966	\$66.23
		5,000	\$9,933	\$44.43	\$8,277	\$37.03	\$6,622	\$29.62
		10,000	\$12,154	\$13.06	\$10,129	\$10.88	\$8,103	\$8.70
		25,000	\$14,113	\$21.98	\$11,761	\$18.32	\$9,409	\$14.65
		50,000	\$19,608	\$39.22	\$16,340	\$32.68	\$13,072	\$26.14
I-3	Institutional – 6+ persons, restrained	500	\$5,620	\$91.48	\$4,683	\$76.24	\$3,746	\$60.99
		2,500	\$7,449	\$99.34	\$6,208	\$82.78	\$4,966	\$66.23
		5,000	\$9,933	\$44.43	\$8,277	\$37.03	\$6,622	\$29.62
		10,000	\$12,154	\$13.06	\$10,129	\$10.88	\$8,103	\$8.70
		25,000	\$14,113	\$21.98	\$11,761	\$18.32	\$9,409	\$14.65
		50,000	\$19,608	\$39.22	\$16,340	\$32.68	\$13,072	\$26.14
I-4	Institutional – 6+ persons, day care	500	\$5,620	\$91.48	\$4,683	\$76.24	\$3,746	\$60.99
		2,500	\$7,449	\$99.34	\$6,208	\$82.78	\$4,966	\$66.23
		5,000	\$9,933	\$44.43	\$8,277	\$37.03	\$6,622	\$29.62
		10,000	\$12,154	\$13.06	\$10,129	\$10.88	\$8,103	\$8.70
		25,000	\$14,113	\$21.98	\$11,761	\$18.32	\$9,409	\$14.65
		50,000	\$19,608	\$39.22	\$16,340	\$32.68	\$13,072	\$26.14
I	I Occupancy Tenant Improvements	100	\$3,147	\$256.16	\$2,623	\$213.46	\$2,098	\$170.77
		500	\$4,172	\$278.10	\$3,476	\$231.75	\$2,781	\$185.40
		1,000	\$5,562	\$124.44	\$4,635	\$103.70	\$3,708	\$82.96
		2,000	\$6,806	\$36.59	\$5,672	\$30.49	\$4,538	\$24.39
		5,000	\$7,904	\$61.49	\$6,587	\$51.24	\$5,269	\$41.00
		10,000	\$10,979	\$109.79	\$9,149	\$91.49	\$7,319	\$73.19
M	Mercantile	2,000	\$7,961	\$32.41	\$6,634	\$27.01	\$5,307	\$21.61
		10,000	\$10,554	\$35.16	\$8,795	\$29.30	\$7,036	\$23.44
		20,000	\$14,070	\$15.74	\$11,725	\$13.11	\$9,380	\$10.49
		40,000	\$17,218	\$4.62	\$14,348	\$3.85	\$11,478	\$3.08
		100,000	\$19,989	\$7.77	\$16,657	\$6.47	\$13,326	\$5.18
		200,000	\$27,756	\$13.88	\$23,130	\$11.56	\$18,504	\$9.25

CITY OF CUPERTINO, CA
Resolution 21-XXX
Fees Effective FY 2021-22
SCHEDULE D - TABLE 2 INSPECTION FEES ONLY

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)

IBC Class	IBC Occupancy Type	Project Size Threshold	Construction Type IA, IB		Construction Type IIA, IIB, IIIA, IIIB, IV		Construction Type VA, VB	
			Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *
M	M Occupancy Tenant Improvements	300	\$4,683	\$127.06	\$3,903	\$105.88	\$3,122	\$84.71
		1,500	\$6,208	\$137.95	\$5,173	\$114.96	\$4,139	\$91.97
		3,000	\$8,277	\$61.73	\$6,898	\$51.45	\$5,518	\$41.16
		6,000	\$10,129	\$18.14	\$8,441	\$15.12	\$6,753	\$12.09
		15,000	\$11,762	\$30.51	\$9,801	\$25.42	\$7,841	\$20.34
		30,000	\$16,338	\$54.46	\$13,615	\$45.38	\$10,892	\$36.31
R-1	Residential – Hotels & Motels	3,000	\$13,111	\$13.66	\$10,926	\$11.38	\$8,740	\$9.11
		15,000	\$14,750	\$10.95	\$12,292	\$9.12	\$9,833	\$7.30
		30,000	\$16,392	\$8.17	\$13,660	\$6.81	\$10,928	\$5.45
		60,000	\$18,843	\$1.22	\$15,702	\$1.02	\$12,562	\$0.82
		150,000	\$19,944	\$2.01	\$16,620	\$1.68	\$13,296	\$1.34
		300,000	\$22,966	\$7.66	\$19,138	\$6.38	\$15,311	\$5.10
R-2	Residential – Apartment Building	800	\$10,330	\$40.35	\$8,608	\$33.62	\$6,886	\$26.90
		4,000	\$11,621	\$32.30	\$9,684	\$26.92	\$7,747	\$21.53
		8,000	\$12,913	\$24.20	\$10,761	\$20.16	\$8,609	\$16.13
		16,000	\$14,849	\$3.60	\$12,374	\$3.00	\$9,899	\$2.40
		40,000	\$15,713	\$5.89	\$13,095	\$4.91	\$10,476	\$3.92
		80,000	\$18,068	\$22.59	\$15,057	\$18.82	\$12,045	\$15.06
R-2	Residential – Apartment Building - Repeat Unit	800	\$8,264	\$32.28	\$6,886	\$26.90	\$5,509	\$21.52
		4,000	\$9,297	\$25.84	\$7,747	\$21.53	\$6,198	\$17.23
		8,000	\$10,330	\$19.36	\$8,609	\$16.13	\$6,887	\$12.91
		16,000	\$11,879	\$2.88	\$9,899	\$2.40	\$7,919	\$1.92
		40,000	\$12,571	\$4.71	\$10,476	\$3.92	\$8,380	\$3.14
		80,000	\$14,455	\$18.07	\$12,045	\$15.06	\$9,636	\$12.05
R-3	Dwellings – Custom Homes, Models, First Master Plan	499	SEE MISCELLANEOUS FEE SCHEDULE					
		1,000	\$7,946	\$66.20	\$6,622	\$55.16	\$5,297	\$44.13
		2,500	\$8,939	\$66.21	\$7,449	\$55.18	\$5,959	\$44.14
		4,000	\$9,932	\$74.52	\$8,277	\$62.10	\$6,621	\$49.68
		6,000	\$11,422	\$33.06	\$9,519	\$27.55	\$7,615	\$22.04
		8,000	\$12,084	\$91.06	\$10,070	\$75.88	\$8,056	\$60.70
		10,000	\$13,905	\$139.05	\$11,587	\$115.87	\$9,270	\$92.70
R-3	Dwellings – Production Phase of Master Plan (repeats)	1,000	\$7,946	\$66.20	\$6,622	\$55.16	\$5,297	\$44.13
		2,500	\$8,939	\$66.21	\$7,449	\$55.18	\$5,959	\$44.14
		4,000	\$9,932	\$74.52	\$8,277	\$62.10	\$6,621	\$49.68
		6,000	\$11,422	\$33.06	\$9,519	\$27.55	\$7,615	\$22.04
		8,000	\$12,084	\$91.06	\$10,070	\$75.88	\$8,056	\$60.70
		10,000	\$13,905	\$139.05	\$11,587	\$115.87	\$9,270	\$92.70
R-3	Dwellings – Alternate Materials	1,000	\$7,946	\$66.20	\$6,622	\$55.16	\$5,297	\$44.13
		2,500	\$8,939	\$66.21	\$7,449	\$55.18	\$5,959	\$44.14
		4,000	\$9,932	\$74.52	\$8,277	\$62.10	\$6,621	\$49.68
		6,000	\$11,422	\$33.06	\$9,519	\$27.55	\$7,615	\$22.04
		8,000	\$12,084	\$91.06	\$10,070	\$75.88	\$8,056	\$60.70
		10,000	\$13,905	\$139.05	\$11,587	\$115.87	\$9,270	\$92.70

CITY OF CUPERTINO, CA
Resolution 21-XXX
Fees Effective FY 2021-22
SCHEDULE D - TABLE 2 INSPECTION FEES ONLY

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)

IBC Class	IBC Occupancy Type	Project Size Threshold	Construction Type IA, IB		Construction Type IIA, IIB, IIIA, IIIB, IV		Construction Type VA, VB	
			Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *
R-3	Dwellings— Hillside - Custom Homes,	1,000	\$8,211	\$68.43	\$6,842	\$57.02	\$5,474	\$45.62
	Models, First Master Plan	2,500	\$9,237	\$68.41	\$7,698	\$57.01	\$6,158	\$45.61
		4,000	\$10,263	\$76.96	\$8,553	\$64.13	\$6,842	\$51.30
		6,000	\$11,803	\$34.20	\$9,835	\$28.50	\$7,868	\$22.80
		8,000	\$12,487	\$94.08	\$10,405	\$78.40	\$8,324	\$62.72
		10,000	\$14,368	\$143.68	\$11,973	\$119.73	\$9,579	\$95.79
R-3	Dwellings— Hillside - Production	1,000	\$8,211	\$68.43	\$6,842	\$57.02	\$5,474	\$45.62
	Phase of Master Plan (repeats)	2,500	\$9,237	\$68.41	\$7,698	\$57.01	\$6,158	\$45.61
		4,000	\$10,263	\$76.96	\$8,553	\$64.13	\$6,842	\$51.30
		6,000	\$11,803	\$34.20	\$9,835	\$28.50	\$7,868	\$22.80
		8,000	\$12,487	\$94.08	\$10,405	\$78.40	\$8,324	\$62.72
		10,000	\$14,368	\$143.68	\$11,973	\$119.73	\$9,579	\$95.79
R-3	Dwellings— Hillside - Alternate	1,000	\$8,211	\$68.43	\$6,842	\$57.02	\$5,474	\$45.62
	Materials	2,500	\$9,237	\$68.41	\$7,698	\$57.01	\$6,158	\$45.61
		4,000	\$10,263	\$76.96	\$8,553	\$64.13	\$6,842	\$51.30
		6,000	\$11,803	\$34.20	\$9,835	\$28.50	\$7,868	\$22.80
		8,000	\$12,487	\$94.08	\$10,405	\$78.40	\$8,324	\$62.72
		10,000	\$14,368	\$143.68	\$11,973	\$119.73	\$9,579	\$95.79
R-3.1	Group Care	1,000	\$10,594	\$33.12	\$8,829	\$27.60	\$7,063	\$22.08
		5,000	\$11,919	\$26.46	\$9,933	\$22.05	\$7,946	\$17.64
		10,000	\$13,242	\$19.88	\$11,035	\$16.56	\$8,828	\$13.25
		20,000	\$15,230	\$2.95	\$12,692	\$2.46	\$10,153	\$1.97
		50,000	\$16,116	\$4.83	\$13,430	\$4.03	\$10,744	\$3.22
		100,000	\$18,534	\$18.53	\$15,445	\$15.44	\$12,356	\$12.36
R-4	Group Care	100	\$6,622	\$206.93	\$5,518	\$172.44	\$4,414	\$137.95
		500	\$7,449	\$165.55	\$6,208	\$137.96	\$4,966	\$110.37
		1,000	\$8,277	\$124.14	\$6,898	\$103.45	\$5,518	\$82.76
		2,000	\$9,518	\$18.40	\$7,932	\$15.33	\$6,346	\$12.27
		5,000	\$10,070	\$30.35	\$8,392	\$25.29	\$6,714	\$20.23
		10,000	\$11,588	\$115.88	\$9,657	\$96.57	\$7,725	\$77.25
R	R Occupancy Tenant Improvements	80	\$5,827	\$227.62	\$4,856	\$189.68	\$3,885	\$151.75
		400	\$6,555	\$182.07	\$5,463	\$151.72	\$4,370	\$121.38
		800	\$7,284	\$136.56	\$6,070	\$113.80	\$4,856	\$91.04
		1,600	\$8,376	\$20.25	\$6,980	\$16.87	\$5,584	\$13.50
		4,000	\$8,862	\$33.40	\$7,385	\$27.83	\$5,908	\$22.26
		8,000	\$10,198	\$127.48	\$8,498	\$106.23	\$6,799	\$84.98
S-1	Storage— Moderate Hazard	600	\$4,196	\$56.93	\$3,497	\$47.44	\$2,797	\$37.95
		3,000	\$5,562	\$61.82	\$4,635	\$51.51	\$3,708	\$41.21
		6,000	\$7,417	\$27.63	\$6,181	\$23.03	\$4,944	\$18.42
		12,000	\$9,075	\$8.14	\$7,562	\$6.78	\$6,050	\$5.43
		30,000	\$10,540	\$13.65	\$8,783	\$11.37	\$7,027	\$9.10
		60,000	\$14,634	\$24.39	\$12,195	\$20.32	\$9,756	\$16.26

CITY OF CUPERTINO, CA
Resolution 21-XXX
Fees Effective FY 2021-22
SCHEDULE D - TABLE 2 INSPECTION FEES ONLY

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)

IBC Class	IBC Occupancy Type	Project Size Threshold	Construction Type IA, IB		Construction Type IIA, IIB, IIIA, IIIB, IV		Construction Type VA, VB	
			Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *
S-2	Storage—Low Hazard	10,000	\$12,083	\$9.83	\$10,069	\$8.19	\$8,055	\$6.55
		50,000	\$16,016	\$10.68	\$13,346	\$8.90	\$10,677	\$7.12
		100,000	\$21,354	\$4.79	\$17,795	\$3.99	\$14,236	\$3.19
		200,000	\$26,144	\$1.40	\$21,787	\$1.16	\$17,430	\$0.93
		500,000	\$30,330	\$2.35	\$25,275	\$1.96	\$20,220	\$1.57
		1,000,000	\$42,082	\$4.21	\$35,068	\$3.51	\$28,054	\$2.81
S	S Occupancy Tenant Improvements	600	\$4,964	\$67.34	\$4,137	\$56.12	\$3,309	\$44.89
		3,000	\$6,580	\$73.13	\$5,483	\$60.94	\$4,387	\$48.75
		6,000	\$8,774	\$32.70	\$7,312	\$27.25	\$5,849	\$21.80
		12,000	\$10,736	\$9.63	\$8,947	\$8.03	\$7,157	\$6.42
		30,000	\$12,470	\$16.14	\$10,392	\$13.45	\$8,313	\$10.76
		60,000	\$17,312	\$28.85	\$14,426	\$24.04	\$11,541	\$19.24
U	Accessory—Private Garage /	999	SEE MISCELLANEOUS FEE SCHEDULE					
	Agricultural Building	2,000	\$6,352	\$123.51	\$5,293	\$102.93	\$4,234	\$82.34
		4,000	\$8,822	\$220.55	\$7,352	\$183.79	\$5,881	\$147.03
	Deferred Submittal - All Except R-3	1,000	\$5,339	\$43.45	\$4,449	\$36.21	\$3,559	\$28.96
		5,000	\$7,077	\$47.16	\$5,897	\$39.30	\$4,718	\$31.44
		10,000	\$9,435	\$21.11	\$7,862	\$17.59	\$6,290	\$14.07
		20,000	\$11,546	\$6.21	\$9,621	\$5.17	\$7,697	\$4.14
		50,000	\$13,408	\$10.43	\$11,173	\$8.69	\$8,939	\$6.95
		100,000	\$18,623	\$18.62	\$15,519	\$15.52	\$12,416	\$12.42
	Deferred Submittal - R-3	1,000	\$5,620	\$121.98	\$4,683	\$101.65	\$3,746	\$81.32
		2,500	\$7,449	\$165.52	\$6,208	\$137.93	\$4,966	\$110.35
		4,000	\$9,932	\$111.11	\$8,277	\$92.59	\$6,621	\$74.08
		6,000	\$12,154	\$98.00	\$10,129	\$81.66	\$8,103	\$65.33
		8,000	\$14,114	\$274.47	\$11,762	\$228.73	\$9,410	\$182.98
		10,000	\$19,604	\$196.04	\$16,336	\$163.36	\$13,069	\$130.69
	Standard Comm. Foundation	500	\$6,886	\$43.03	\$5,739	\$35.86	\$4,591	\$28.68
	w/o Podium	2,500	\$7,747	\$34.43	\$6,456	\$28.69	\$5,165	\$22.95
		5,000	\$8,608	\$25.85	\$7,173	\$21.54	\$5,738	\$17.24
		10,000	\$9,900	\$3.84	\$8,250	\$3.20	\$6,600	\$2.56
		25,000	\$10,476	\$6.31	\$8,730	\$5.26	\$6,984	\$4.21
		50,000	\$12,054	\$24.11	\$10,045	\$20.09	\$8,036	\$16.07
	Standard Comm. Foundation	3,000	\$6,219	\$16.87	\$5,183	\$14.06	\$4,146	\$11.25
	with Podium	15,000	\$8,244	\$18.32	\$6,870	\$15.27	\$5,496	\$12.21
		30,000	\$10,991	\$8.20	\$9,159	\$6.83	\$7,328	\$5.47
		60,000	\$13,452	\$2.42	\$11,210	\$2.02	\$8,968	\$1.62
		150,000	\$15,633	\$4.05	\$13,027	\$3.37	\$10,422	\$2.70
		300,000	\$21,703	\$7.23	\$18,086	\$6.03	\$14,469	\$4.82

CITY OF CUPERTINO, CA
Resolution 21-XXX
Fees Effective FY 2021-22
SCHEDULE D - TABLE 2 INSPECTION FEES ONLY

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)			Construction Type IA, IB		Construction Type IIA, IIB, IIIA, IIIB, IV		Construction Type VA, VB	
IBC Class	IBC Occupancy Type	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *
SHELL BUILDINGS								
	All Shell Buildings	500	\$3,746	\$60.98	\$3,122	\$50.82	\$2,498	\$40.65
		2,500	\$4,966	\$66.24	\$4,138	\$55.20	\$3,311	\$44.16
		5,000	\$6,622	\$29.62	\$5,518	\$24.68	\$4,415	\$19.75
		10,000	\$8,103	\$8.71	\$6,752	\$7.26	\$5,402	\$5.81
		25,000	\$9,410	\$14.65	\$7,842	\$12.21	\$6,273	\$9.77
		50,000	\$13,072	\$26.14	\$10,893	\$21.79	\$8,715	\$17.43

* Each additional 100 square feet, or portion thereof, up to the next highest project size threshold.

CITY OF CUPERTINO, CA
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule D - Table 3 Mechanical, Electrical & Plumbing Fees

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)

FEE DESCRIPTION

UNIT

FY2021-22

Fee

STAND ALONE M/E/P PERMIT FEES

Travel and Documentation	each	\$74
Permit Issuance	each	\$56

MECHANICAL PERMIT FEE

Stand Alone Mechanical Plan Check (hourly rate)	per hour	\$221
Other Mechanical Inspections (hourly rate)	per hour	\$221
MECHANICAL UNIT FEES:		
Install/Relocate forced air or gravity-type furnace or burner (including attached ducts and vents) up to and including 100,000 Btu/h (each)		
up to and including 100,000 Btu/h	each	\$221
over 100,000 Btu/h	each	\$221
Install/Relocate floor furnace, including vent (each)	each	\$110
Install or relocate suspended heater, recessed wall heater, or floor-mounted unit		
Residential	each	\$110
Commercial	each	\$221
Install, relocate or replace appliance vent installed and not included in an appliance permit		
Residential	each	\$110
Commercial	each	\$221
Repair/Alter/Add heating appliance, refrigeration unit, cooling unit, absorption unit, split system , or each heating, cooling, absorption, or evaporative cooling system, including installation of controls		
Residential	each	\$110
Commercial	each	\$221
Install or relocate boiler or compressor		
up to and including 3HP, or absorption system up to and including 100,000 Btu/h	each	\$221
over 3HP and up to and including 15 HP, or absorption system over 100,000 Btu/h and up to and including 500,000 Btu/h	each	\$221
over 15 HP and up to and including 30 HP, or absorption system over 500,000 Btu/h and up to and including 1,000,000 Btu/h	each	\$277
over 30 HP and up to and including 50 HP, or absorption system over 1,000,000 Btu/h and up to and including 1,750,000 Btu/h	each	\$277
over 50 HP, or absorption system over 1,750,000 Btu/h	each	\$331

CITY OF CUPERTINO, CA
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule D - Table 3 Mechanical, Electrical & Plumbing Fees

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)		FY2021-22
FEE DESCRIPTION	UNIT	Fee

Air-handling unit, including attached ducts. (Note: this fee shall not apply to an air-handling unit that is a portion of a factory-assembled appliance, cooling unit, evaporative cooler, or absorption unit for which a permit is required elsewhere)		
Residential	each	\$110
Commercial	each	\$331
Air-handling unit over 10,000 CFM	each	\$221
Ventilation fan connected to a single duct	each	\$110
Ventilation system that is not a portion of any heating or air-conditioning system authorized by a permit	each	\$165
Hood installation that is served by mechanical exhaust, including the ducts for such hood		
Residential	each	\$110
Commercial	each	\$331
Appliance or piece of equipment not classed in other appliance categories, or for which no other fee is listed	each	\$165

ELECTRICAL PERMIT FEE

Electrical Plan Check	per hour	\$221
Electrical Inspections	per hour	\$221
ELECTRICAL UNIT FEES:		
Residential Whole-House Rewire (up to 2500 sq ft)	each	\$442
Each Additional 1000 sq ft	each 1,000 sf	\$221
Receptacle, switch, lighting, or other outlets at which current is used or controlled, except services, feeders, and meters		
First 20	first 20	\$74
Each Additional	each	\$6
Lighting fixtures, sockets, or other lamp-holding devices		
First 20	first 20	\$110
Each Additional	each	\$8
Pole or platform-mounted lighting fixtures	each	\$24
Theatrical-type lighting fixtures or assemblies	each	\$22

CITY OF CUPERTINO, CA
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule D - Table 3 Mechanical, Electrical & Plumbing Fees

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)

FEE DESCRIPTION

UNIT

FY2021-22

Fee

Appliances		
Fixed residential appliances or receptacle outlets for same, including wall-mounted electric ovens; counter mounted cooking tops; electric ranges; self-contained room console or through-wall air conditioners; space heaters; food waste grinders; dishwashers; washing machines; water heaters; clothes dryers; or other motor-operated appliances not exceeding one horsepower (HP) in rating	each	\$37
Residential appliances and self-contained factory-wired, nonresidential appliances not exceeding one horsepower (HP), kilowatt (kW), or kilovolt-ampere (kVA) in rating, including medical and dental devices; food, beverage, and ice cream cabinets; illuminated show cases; drinking fountains; vending machines; laundry machines; or other similar types of equipment	each	\$74
Power Apparatus		
Motors, generators, transformers, rectifiers, synchronous converters, capacitors, industrial heating, air conditioners and heat pumps, cooking or baking equipment, and other apparatus. Rating in horsepower (HP), kilowatts (kW), or kilovolt-amperes (kVA), or kilovolt-amperes-reactive (kVAR)	each	\$221
Busways		
Trolley and plug-in-type busways	each 100 lf	\$110
Signs, Outline Lighting, and Marquees		
Supplied from one branch circuit	each	\$74
Additional branch circuits within the same sign, outline lighting system, or marquee	each	\$37
Services (including Temporary Power)		
600 volts or less, up to 200 amperes in rating	each	\$74
600 volts or less, 201 to 1000 amperes in rating	each	\$110
Over 600 volts or over 1000 amperes in rating	each	\$221
Electrical apparatus, conduits, and conductors for which a permit is required, but for which no fee is herein set forth	each	\$221

CITY OF CUPERTINO, CA
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule D - Table 3 Mechanical, Electrical & Plumbing Fees

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)		FY2021-22
FEE DESCRIPTION	UNIT	Fee

PLUMBING/GAS PERMIT FEES

Stand Alone Plumbing Plan Check	per hour	\$221
Other Plumbing and Gas Inspections	per hour	\$221
PLUMBING/GAS UNIT FEES:		
Residential Whole-House Re-Plumbing (up to 2500 sq ft)	each	\$442
Each Additional 1000 sq ft	each 1,000 sf	\$221
Plumbing fixture or trap or set of fixtures on one trap, including water, drainage piping, and backflow protection	each	\$15
Building sewer lateral or trailer park sewer sewer clean-out		
Residential	each	\$56
Commercial	each	\$110
Rainwater system inside building	per drain	\$15
Private sewage disposal system	each	\$221
Water Heater (Gas or Solar) and/or Vent		
Residential	each	\$56
Commercial	each	\$165
Industrial waste pretreatment interceptor, including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps	each	\$165
Install, alter or repair water piping and/or water treating equipment	each	\$74
Repair/Alter drainage or vent piping	each fixture	\$74
Lawn sprinkler system on any one meter, including backflow protection devices	each	\$110
Backflow devices not included in other fee services (e.g., building/trailer park	each	\$110
Atmospheric-type vacuum breakers not included in other fee services (e.g., building/trailer park sewer)	each 5	\$110
Gas piping system per outlet	each 4	\$110
Water Service	each	\$56
Partial Re-pipe		
Residential	per fixture	\$22
Commercial	per fixture	\$14

CITY OF CUPERTINO, CA
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule D - Table 4 Miscellaneous Items

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)	Unit	FY 2020-21 Fee	Change	FY 2021-22 Fee
Standard Hourly Rate - Building	per hour	\$209	\$12	\$221
Accessibility Hardship Exemption	1 hour	\$209	\$12	\$221
Acoustical Review				
Single Family Home/Duplex— New	each	\$522	\$30	\$552
Single Family Home/Duplex— Addition/Alteration	each	\$313	\$18	\$331
Multi-Family/Commercial	each	\$522	\$30	\$552
Additions (Non Hillside R3 Occupancy) - Plan Check Fees				
Plan Check Fees	up to 250 sf	\$419	\$24	\$443
Plan Check Fees	251-499 sf	\$834	\$48	\$882
Additions (Non Hillside R3 Occupancy) - Inspection Fees				
Inspection Fees	up to 250 sf	\$1,043	\$59	\$1,102
Inspection Fees	251-499 sf	\$1,252	\$71	\$1,323
Accessory Dwelling Unit (Non Hillside ADU) - Plan Check Fees				
Plan Check Fees	up to 500 sf	\$834	\$48	\$882
Plan Check Fees	500-1000 sf	\$1,667	\$95	\$1,762
Accessory Dwelling Unit (Non Hillside ADU) - Inspection Fees				
Inspection Fees	up to 500 sf	\$1,252	\$71	\$1,323
Inspection Fees	500-1000 sf	\$2,082	\$119	\$2,201
Address Assignment	per hour	\$209	\$12	\$221
Board of Appeals	per hour		\$221	\$221
Clerical Fee	1/2 hour	\$104	\$6	\$110
Alternate Materials and Methods of Construction	1 hour	\$209	\$12	\$221
Antenna— Telecom Facility				
Radio	each	\$522	\$30	\$552
Cellular/Mobile Phone, free-standing	each	\$1,148	\$65	\$1,213
Cellular/Mobile Phone, attached to building	each	\$940	\$54	\$994
Arbor/Trellis	each	\$419	\$24	\$443
Awning/Canopy (supported by building)	each	\$419	\$24	\$443
Balcony Addition	each	\$940	\$54	\$994
Battery Energy Storage System	up to three (3)	\$209	\$12	\$221
Each Additional	each	\$105	\$6	\$111
Carport	each	\$730	\$42	\$772
Certifications				
Field Evaluation Certification	each			
Special Inspector Qualifications (initial review)	each	\$419	\$24	\$443
Special Inspector Qualifications (renewal / update)	each	\$209	\$12	\$221
Special Inspector Certification Application	each			
Materials Testing Lab Certification	each			
Chimney (new)	each	\$626	\$36	\$662
Chimney Repair	each	\$419	\$24	\$443
Close Existing Openings				
Interior wall	each	\$418	\$24	\$442
Exterior wall	each	\$626	\$36	\$662

CITY OF CUPERTINO, CA
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule D - Table 4 Miscellaneous Items

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)	Unit	FY 2020-21 Fee	Change	FY 2021-22 Fee
Commercial Coach (per unit)	each	\$940	\$54	\$994
Covered Porch	each	\$730	\$42	\$772
Deck (wood)	each	\$730	\$42	\$772
Deck Railing	each	\$419	\$24	\$443
Deferred Submittal (2 hour minimum)		based on work item		based on work item
Demolition				
Multi-Family and Commercial (up to 3,000 sf)	each	\$522	\$30	\$552
Multi-Family and Commercial (each additional 3,000 sf)	each 3,000 sf	\$209	\$12	\$221
Residential (R-3 Occ) (up to 3,000 sf)	each	\$419	\$24	\$443
Residential (R-3 Occ) (each additional 3,000 sf)	each 3,000 sf	\$209	\$12	\$221
Swimming Pool Residential	each	\$419	\$24	\$443
Swimming Pool Multi-Family and Commercial (up to 3,000 sf)	each	\$626	\$36	\$662
Swimming Pool Multi-Family and Commercial (each additional 3,000 sf)	each 3,000 sf	\$209	\$12	\$221
Disabled Access Compliance Inspection	per hour	\$209	\$12	\$221
Door				
New door (non structural)	each	\$313	\$18	\$331
New door (structural shear wall/masonry)	each	\$419	\$24	\$443
Duplicate / Replacement Job Card	each	\$104	\$6	\$110
Electric Vehicle Charging Station	each	\$209	\$12	\$221
Extensions				
Plan Check Applications (within 180 days of Submittal)	1 hour	\$209	\$12	\$221
Permits (within 180 days of Issuance)				
Start construction, without plans	1/2 hour	\$104	\$6	\$110
Resume or complete construction, without plans	1/2 hour	\$104	\$6	\$110
Start construction, with plans	1 hour	\$209	\$12	\$221
Resume or complete construction, with plans	2 hours	\$418	\$24	\$442
Fence				
Non-masonry, over 7 feet in height	up to 100 l.f.	\$419	\$24	\$443
Non-masonry, each additional 100 l.f.	each 100 l.f.	\$104	\$6	\$110
Masonry, over 7 feet in height	up to 100 l.f.	\$730	\$42	\$772
Masonry, each additional 100 l.f.	each 100 l.f.	\$419	\$24	\$443
Fireplace				
Masonry	each	\$730	\$42	\$772
Pre-Fabricated/Metal	each	\$419	\$24	\$443
Flag pole (over 20 feet in height)	each	\$419	\$24	\$443
Foundation Repair	each	\$940	\$54	\$994
Garage / Agricultural Buildings				
Wood frame up to 1,000 sf	each	\$1,356	\$77	\$1,433
Masonry up to 1,000 sf	each	\$1,775	\$101	\$1,876

CITY OF CUPERTINO, CA
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule D - Table 4 Miscellaneous Items

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)	Unit	FY 2020-21 Fee	Change	FY 2021-22 Fee
Green Building Deposit - Third Party Certification Process				
Single-Family Residential	sf	\$2/sf, \$1,000 max.		\$2/sf, \$1,000 max.
Multi-Family Residential	sf	\$2/sf, \$20,000 min; \$40,000 max.		\$2/sf, \$20,000 min; \$40,000 max.
		\$2/sf, \$35,000 min; \$75,000 max.		\$2/sf, \$35,000 min; \$75,000 max.
Non-Residential	sf			
Inspections				
Pre-Inspection Fee	per hour	\$209	\$12	\$221
Standard Inspection Hourly Rate	per hour	\$209	\$12	\$221
Progress Inspection	per hour	\$209	\$12	\$221
Partial Inspection	per hour	\$209	\$12	\$221
Courtesy Inspection - 2 hour minimum	per hour	\$209/hr, \$418 or 2 hr min.	\$31/\$62	\$219/hr, \$438 or 2 hr min.
Cancelled inspection w/out advance notice	1 hour	\$209	\$12	\$221
Reinspection	1 hour	\$209	\$12	\$221
Outside of normal business hours (2 hour minimum)	per hour	\$209/hr, \$418 or 2 hr min.	\$31/\$62	\$219/hr, \$438 or 2 hr min.
Inspection Supplemental Fee (Projects that require more inspections than average, the Building Official may charge additional inspection fees)				
First 1/2 hour minimum	first 1/2 hour	\$104	\$6	\$110
Each Additional hour	per hour	\$209	\$12	\$221
Life Safety Report	each	\$1,252	\$71	\$1,323
Lighting pole	each	\$522	\$30	\$552
each additional pole	each	\$209	\$12	\$221
Modular Structures	each	\$940	\$54	\$994
Modification of Technical Code	1 hour	\$209	\$12	\$221
Occupancy				
Certificate of Occupancy/Completion	each	\$419	\$24	\$443
Temporary Occupancy Permit	per six months	\$419	\$24	\$443
Partition—Commercial, Interior (up to 30 l.f.)	up to 30 l.f.	\$626	\$36	\$662
Additional partition	each 30 l.f.	\$209	\$12	\$221
Partition—Residential, Interior (up to 30 l.f.)	up to 30 l.f.	\$419	\$24	\$443
Additional partition	each 30 l.f.	\$104	\$6	\$110
Patio Cover / Gazebo				
Wood frame	up to 300 sf	\$502	\$29	\$531
Metal frame	up to 300 sf	\$502	\$29	\$531
Other frame	up to 300 sf	\$702	\$40	\$742
Additional patio	each 300 sf	\$301	\$17	\$318
Enclosed prefabricated Sun Room	up to 300 sf	\$702	\$40	\$742
Additional Sun Rooms	each 300 sf	\$401	\$23	\$424

CITY OF CUPERTINO, CA
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule D - Table 4 Miscellaneous Items

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)	Unit	FY 2020-21 Fee	Change	FY 2021-22 Fee
Photovoltaic System				
Residential	each	\$367	\$21	\$388
Multi-Family Res/Commercial, up to 8 kilowatts	up to 8 kW	\$522	\$30	\$552
Multi-Family Res/Commercial, each additional 1 kilowatt	each 1 kW	\$53	\$3	\$56
Pile Foundation				
Cast in Place Concrete (first 10 piles)	up to 10	\$940	\$54	\$994
Additional Piles (increments of 10)	each 10	\$626	\$36	\$662
Driven (steel, pre-stressed concrete)	up to 10	\$940	\$54	\$994
Additional Piles (increments of 10)	each 10	\$626	\$36	\$662
Product Review	per hour	\$209	\$12	\$221
Plan Review				
Standard Plan Review Hourly Rate	per hour	\$209	\$12	\$221
Expedite Plan Review	each	1.5 x PC Fee		1.5 x PC Fee
Overtime Plan Review (2 hour minimum)	per hour	\$209/hr, \$418 or 2 hr min.	\$31/\$62	\$219/hr, \$438 or 2 hr min.
Pre-Submittal Plan Review (2 hour minimum)	per hour	\$209/hr, \$418 or 2 hr min.	\$31/\$62	\$219/hr, \$438 or 2 hr min.
Plan Review Supplemental Fee (after 2nd review)				
First 1/2 hour minimum	first 1/2 hour	\$104	\$6	\$110
Each Additional hour	per hour	\$209	\$12	\$221
Pre-Construction Meeting	each	\$418	\$418	\$418
Remodel—Residential				
Kitchen	up to 300 sf	\$834	\$48	\$882
Bath	up to 300 sf	\$834	\$48	\$882
Other Remodel	up to 300 sf	\$626	\$36	\$662
Additional remodel	each 300 sf	\$313	\$18	\$331
Other Remodel	1000 sf	\$1,983	\$113	\$2,096
Additional remodel	each 300 sf	\$313	\$18	\$331
Other Remodel	2500 sf +	\$2,609	\$149	\$2,758
Additional remodel	each 300 sf	\$313	\$18	\$331
Re-roof			\$0	
Residential (maximum \$500 per building)	each 100 sf	\$23	\$1	\$24
Multi-Family Dwelling (maximum \$500 per building)	each 100 sf	\$23	\$1	\$24
Commercial			\$0	
Commercial (first 5,000 sf)	each	\$522	\$30	\$552
Commercial (each additional 2,500 sf)	each 2,500 sf	\$209	\$12	\$221
Retaining Wall (concrete or masonry)			\$0	
Standard (up to 50 l.f.)	up to 50 l.f.	\$940	\$54	\$994
Additional retaining wall	each 50 l.f.	\$626	\$36	\$662
Special Design, 3-10' high (up to 50 l.f.)	up to 50 l.f.	\$1,356	\$77	\$1,433
Additional retaining wall	each 50 l.f.	\$834	\$48	\$882
Special Design, over 10' high (up to 50 l.f.)	up to 50 l.f.	\$1,565	\$89	\$1,654
Additional retaining wall	each 50 l.f.	\$1,043	\$59	\$1,102

CITY OF CUPERTINO, CA
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule D - Table 4 Miscellaneous Items

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)	Unit	FY 2020-21 Fee	Change	FY 2021-22 Fee
Gravity/Crib Wall, 0-10' high (up to 50 l.f.)	up to 50 l.f.	\$1,356	\$77	\$1,433
Additional Gravity/Crib Wall	each 50 l.f.	\$834	\$48	\$882
Gravity/Crib Wall, over 10' high (up to 50 l.f.)	up to 50 l.f.	\$1,565	\$89	\$1,654
Additional Gravity/Crib Wall	each 50 l.f.	\$1,043	\$59	\$1,102
Revisions				
Commercial (New and Tenant Improvement)	each	\$940	\$54	\$994
Single Family Dwelling (New and Additions)	each	\$522	\$30	\$552
Remodel	each	\$419	\$24	\$443
Sauna—steam	each	\$730	\$42	\$772
Siding				
Stone and Brick Veneer (interior or exterior)	up to 400 sf	\$522	\$30	\$552
All Other	up to 400 sf	\$419	\$24	\$443
Additional siding	each 400 sf	\$104	\$6	\$110
Signs				
Directional	each	\$419	\$24	\$443
Each additional Directional Sign	each	\$209	\$12	\$221
Ground/Roof/Projecting Signs	each	\$419	\$24	\$443
Master Plan Sign Check	each	\$419	\$24	\$443
Rework of any existing Ground Sign	each	\$419	\$24	\$443
Other Sign	each	\$419	\$24	\$443
Reinspection Fee	each	\$104	\$6	\$110
Wall/Awning Sign, Non-Electric	each	\$313	\$18	\$331
Wall/Awning Sign, Electric	each	\$313	\$18	\$331
Shed over 120 square feet	each	\$940	\$54	\$994
Skylight				
50 sf or less (cumulative area)	each	\$522	\$30	\$552
Greater than 50 sf or structural	each	\$730	\$42	\$772
Stairs—First Flight	first flight	\$419	\$24	\$443
Each additional flight	per flight	\$209	\$12	\$221
Storage Racks				
0-8' high (up to 100 l.f.)	first 100 l.f.	\$522	\$30	\$552
each additional 100 l.f.	each 100 l.f.	\$104	\$6	\$110
over 8' high (up to 100 l.f.)	first 100 l.f.	\$522	\$30	\$552
each additional 100 l.f.	each 100 l.f.	\$104	\$6	\$110
Stucco Applications	up to 400 sf	\$419	\$24	\$443
Additional Stucco Application	each 400 sf	\$104	\$6	\$110

CITY OF CUPERTINO, CA
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule D - Table 4 Miscellaneous Items

ALL FEES ON SCHEDULE D INCREASED BY THE COST OF LABOR (5.7%)	Unit	FY 2020-21 Fee	Change	FY 2021-22 Fee
Swimming Pool/Spa				
Vinyl-lined	each	\$940	\$54	\$994
Fiberglass	each	\$940	\$54	\$994
Gunite (up to 800 sf)	each	\$1,356	\$77	\$1,433
Additional pool (over 800 sf)	each 100 sf	\$313	\$18	\$331
Commercial pool (up to 800 sf)	each	\$2,296	\$131	\$2,427
Additional pool (over 800 sf)	each 100 sf	\$626	\$36	\$662
Spa or Hot Tub (Pre-fabricated)	each	\$419	\$24	\$443
Temporary Structures	each	\$626	\$36	\$662
Tenant Improvement Preparation	each	\$419	\$24	\$443
Window or Sliding Glass Door				
Replacement (first 8 windows)	first 8	\$313	\$18	\$331
Replacement (each additional 8 windows)	each 8	\$104	\$6	\$110
New Window (non structural)	each	\$262	\$15	\$277
New window (structural shear wall/masonry)	each	\$366	\$21	\$387
Bay Window (structural)	each	\$366	\$21	\$387
Refunds - Plan Check Fees				
1st review not started (within 3 Business of Submittal)				100% of Plan Review Fees
Plan review more than 3 Business Days after the Date of Submittal				No refund
Refunds - Building Permit Fees				
No inspections and permit is active (not expired)				80% of permit fees
No inspections and permit is expired				No refund
Inspections were provided				No refund
Work without permit - based on current permit and plan check fees				Double fees
NOTE:				
Fee Adjustments: In instances where the strict application of fees from this schedule would constitute a substantial inequity to an applicant or to the City, the Chief Building Official shall be authorized to adjust such fees on a case-by-case basis. Any such adjustments shall be recorded in writing and entered into the appropriate files.				
Fees identified in this Table consist of 50% Plan Review Fee and 50% Inspection Fee				

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule E - Recreation

Recreation classes and excursion fees shall be determined as follows:

Classes

1. Determine the maximum hourly rate paid to instructor.
2. Multiply the instructor's hourly rate by the number of class meetings.
3. Determine the minimum number of participants and divide into the instructor's cost.
4. Add indirect overhead percent - 32%.
5. Add 20% to establish non-resident fee.
6. Add cost for specialized equipment or supplies.

Special Conditions: For classes taught by contract instructors, the indirect overhead is only added to the City's percentage.

Excursions

1. Transportation cost divided by the number of participants plus overhead transfer.
2. Add 20% to establish non-resident fee.
3. Add any admission cost, supplies or leadership cost.

Additional factors that may be used to determine the class or excursion user fee:

The total number of participants in a given activity may generate additional revenue whereby the total program cost may be reduced.

Classes that traditionally have waiting lists may have the user fee increased.

Programs in competition with adjacent cities or the private sector may require fees to be increased or decreased to remain competitive.

Facility Use Fee Schedule (Staff Use Only)

CLASSIFICATIONS:

- Group 1: Cupertino-serving non-profits with 1/3 resident membership/participation, a Cupertino business address, or demonstrated service to Cupertino; government organizations; sponsored clubs; functions held by non-profits that are free and open to the Cupertino public. These organizations must show an official structure and status.
- Group 2: Non-resident non-profit recreation, education or community service organizations for functions not open to the public. These organizations must show official structure and status.
- Group 3: Cupertino Residents - Private, special interest or business groups for functions not open to the public. These functions would include parties, banquets, receptions, industrial conferences, seminars, trade shows, etc. Must show proof of 95014 residency.
- Group 4: Non-Residents - Private, special interest or business groups for functions not open to the public. These functions would include parties, banquets, receptions, industrial conferences, seminars, trade shows, etc.

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule E - Recreation
Quinlan Community Center

ROOM RENTAL SCHEDULE PER HOURS

<u>Cupertino Room</u>	Mon-Fri up to 5:00pm	Overtime Fee*	Fri 5:00pm-Sun	Overtime Fee*
Cupertino Non-Profit (Group 1)	\$30	\$45	\$80	\$120
Non-Profit (Group 2)	\$48	\$72	\$128	\$192
Resident (Group 3)	\$168	\$252	\$280	\$420
Non-Resident (Group 4)	\$224	\$336	\$368	\$552
<u>Social Room</u>				
Cupertino Non-Profit (Group 1)	\$20	\$30	\$60	\$90
Non-Profit (Group 2)	\$32	\$48	\$96	\$144
Resident (Group 3)	\$72	\$108	\$120	\$180
Non-Resident (Group 4)	\$90	\$135	\$150	\$225
<u>Conference Room</u>				
Cupertino Non-Profit (Group 1)	\$10	\$15	\$25	\$38
Non-Profit (Group 2)	\$16	\$24	\$40	\$60
Resident (Group 3)	\$31	\$47	\$52	\$78
Non-Resident (Group 4)	\$39	\$59	\$65	\$98

Security Staff

Security staff is required when alcohol is served at any City facility. \$40.00 per hour. Minimum of 6 hours.

Overtime Fee*

Rentals exceeding, prior to or following the permitted reservation time, shall be charged the overtime fee for any time up to the first half-hour, and the overtime fee per hour for every hour thereafter. This charge will be deducted from the security deposit.

Security Deposit

A security deposit shall be required for all groups. Security deposit is due at time of reservation. The Department Director may also require or alter a deposit based on the nature of an event, deposits on account for other permits, etc. The security deposit will be refunded if no damage occurs, rooms are left in clean condition, and permits conclude on time.

Cupertino Room	\$500
Social Room	\$300

Insurance

General Liability Insurance may be required as determined by Department and stipulated in Department's Facility Use Insurance Requirement Policy.

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule E - Recreation
Community Hall

ROOM RENTAL SCHEDULE PER HOUR

	Mon-Fri Up to 5:00pm	Overtime Fee*	Fri 5:00pm to Sun	Overtime Fee*
Cupertino Non-Profit (Group 1)	\$30	\$45	\$80	\$120
Non-Profit (Group 2)	\$48	\$72	\$128	\$192
Resident (Group 3)	\$120	\$180	\$200	\$300
Non-Resident (Group 4)	\$200	\$300	\$300	\$450

Security Staff

Security staff is required when alcohol is served at any City facility. \$40.00 per hour. Minimum of 6 hours.

Overtime Fee*

Rentals exceeding, prior to or following the permitted reservation time, shall be charged the overtime fee for any time up to the first half-hour, and the overtime fee per hour for every hour thereafter. This charge will be deducted from the security deposit.

Security Deposit

A security deposit shall be required for all groups. Security deposit is due at time of reservation. The Department Director may also require or alter a deposit based on the nature of an event, deposits on account for other permits, etc. The security deposit will be refunded if no damage occurs, rooms are left in clean condition, and permits conclude on time.

Community Hall	\$500
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Insurance

General Liability Insurance may be required as determined by Department and stipulated in Department's Facility Use Insurance Requirement Policy.

Cupertino Library: Will be approved for a select number of uses of Community Hall without fee, based on approval from the ~~Recreation & Community Services~~ Department Director. The Library is exempt from the provision of deposits relating to the ~~use of Community Hall.~~ ~~use of Community Hall.~~

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule E - Recreation

Monta Vista Recreation Center/Creekside Park Building/Wilson Park Building

ROOM RENTAL SCHEDULE PER HOUR

WILSON PARK BUILDING/CREEKSIDE/MONTA VISTA- Multi-Purpose Room

	Mon-Fri Up to 5:00pm	Overtime Fee*	Fri 5:00pm to Sun	Overtime Fee*
Cupertino Non-Profit (Group 1)	\$24	\$36	\$39	\$59
Non-Profit (Group 2)	\$30	\$45	\$48	\$72
Resident (Group 3)	\$48	\$72	\$80	\$120
Non-Resident (Group 4)	\$60	\$90	\$100	\$150
	Resident	Non-Resident		
Bounce House (Memorial & Creekside Park Only)	\$25	\$25		

Security Staff

Security staff is required when alcohol is served at any City facility. \$40.00 per hour. Minimum of 6 hours.

Overtime Fee*

Rentals exceeding, prior to or following the permitted reservation time, shall be charged the overtime fee for any time up to the first half-hour, and the overtime fee per hour for every hour thereafter. This charge will be deducted from the security deposit.

Security Deposit

A \$100 security deposit shall be required for all groups. Security deposit is due at time of reservation. The Department Director may also require or alter a deposit based on the nature of an event, deposits on account for other permits, etc. The security deposit will be refunded if no damage occurs, rooms are left in clean condition, and permits conclude on time.

Creekside Park building security deposit \$100. If alcohol is served security deposit is \$250.

Insurance

General Liability Insurance may be required as determined by Department and stipulated in Department's Facility Use Insurance Requirement Policy.

Wilson Park Building rental would not include access to ceramic wheels, kiln, or specialized art equipment.

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule E - Recreation
Senior Center

Membership Fees

	Resident	Non-Resident
Annual Membership	\$23 \$25	\$28 \$30
Volunteer Membership*	\$18 \$20	\$23 \$25

Non-Member - Additional Fees

	Resident	Non-Resident
Day Pass Fee Visitor Pass (per day)	\$5	\$5
Classes Pass (per class)	\$10	\$10
Day Trips Pass (per trip)	\$20	\$20
Flex Pass (Members only)	\$7	\$7

ROOM RENTAL SCHEDULE PER HOUR

	Mon-Fri Up to 5:00pm	Overtime Fee*	Fri 5:00pm to Sun	Overtime Fee*
Reception Hall				
Cupertino Non-Profit (Group 1)	\$30	\$45	\$80	\$120
Non-Profit (Group 2)	\$48	\$72	\$128	\$192
Resident (Group 3)	\$144	\$216	\$240	\$360
Non-Resident (Group 4)	\$180	\$270	\$300	\$450
Bay Room/ Arts and Craft				
Cupertino Non-Profit (Group 1)	\$22	\$33	\$36	\$54
Non-Profit (Group 2)	\$27	\$41	\$45	\$68
Resident (Group 3)	\$43	\$65	\$72	\$108
Non-Resident (Group 4)	\$54	\$81	\$90	\$135
Classroom				
Cupertino Non-Profit (Group 1)	\$20	\$30	\$32	\$48
Non-Profit (Group 2)	\$24	\$36	\$40	\$60
Resident (Group 3)	\$38	\$57	\$64	\$96
Non-Resident (Group 4)	\$48	\$72	\$80	\$120
Conference Room				
Cupertino Non-Profit (Group 1)	\$10	\$15	\$25	\$38
Non-Profit (Group 2)	\$16	\$24	\$40	\$60
Resident (Group 3)	\$31	\$47	\$52	\$78
Non-Resident (Group 4)	\$39	\$59	\$65	\$98

Security Staff

Security staff is required when alcohol is served at any City facility. \$40.00 per hour. Minimum of 6 hours.

Overtime Fee*

Rentals exceeding, prior to or following the permitted reservation time, shall be charged the overtime fee for any time up to the first half-hour, and the overtime fee per hour for every hour thereafter. This charge will be deducted from the security deposit.

Security Deposit

A security deposit shall be required for all groups. Security deposit is due at time of reservation. The Department Director may also require or alter a deposit based on the nature of an event, deposits on account for other permits, etc. The security deposit will be refunded if no damage occurs, rooms are left in clean condition, and permits conclude on time.

*Members who have volunteered 20+ hours in the previous calendar year qualify for this rate.

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule E - Recreation
Senior Center

Reception Hall	\$500
All Other Rooms	\$300

Insurance

General Liability Insurance may be required as determined by Department and stipulated in Department's Facility Use Insurance Requirement Policy.

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule E - Recreation
Sports Center/~~Child Care~~/Teen Center

	Type	Resident	Non-Resident
<u>Day Passes</u>			
Single-Day Pass		\$10	\$13 \$12
Day Pass 5 Pack		\$45	\$59
Day Pass 10 Pack		\$90	\$117
Drop-In Fitness		\$10	\$10
Drop-In Fitness 5 Pack		\$45	\$45
Drop-In Fitness 10 Pack		\$90	\$90
Drop-In Sports		\$7	\$7
Drop-In Sports 5 Pack		\$32	\$32
Drop-In Sports 10 Pack		\$63	\$63
Body-Fat-Testing		\$25	\$25
Friday Night Social Members		\$3	\$3
Friday Night Social Non-Member		\$8	\$8
<u>Monthly Passes Memberships</u>			
One Month	Single	\$65	\$75 \$78
One Month	Couple*	\$85	\$100 \$102
One Month	Family*	\$105	\$125 \$126
One Month	Senior	\$50	\$60
One Month	Students	\$30	\$30 \$36
<u>Annual Passes Memberships</u>			
One Year	Single	\$440	\$475 \$528
One Year	Couple*	\$825	\$900 \$990
One Year	Family*	\$920	\$1,000 \$1,104
One Year	Senior	\$395	\$425 \$474
One Year	Corp. Single	\$350	\$350
One Year	Corp. Family	\$850	\$850
One Year	Tennis Only	\$420	\$440

* Family membership includes up to 2 adults and ~~2~~ 1 child ~~ren~~ under 18. *For residents*, each additional child is \$100 per year or \$8 per month.

For non-residents, each additional child is \$120 per year or \$10 per month.

*Couple and Family memberships must live in the same household.

ROOM RENTAL SCHEDULE PER HOUR

Conference Room	Current
Cupertino Non-Profit (Group 1)	\$10
Non-Profit (Group 2)	\$16
Resident (Group 3)	\$31
Non-Resident (Group 4)	\$39
Multi-Purpose Room/Sports Court	Current
Resident	\$60
Non-Resident	\$72

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule E - Recreation
Sports Center/~~Child Care~~/Teen Center

ADDITIONAL CONDITIONS

1. The Cupertino Tennis Club will be charged \$12.00/hour during primetime and \$8.00/hour per court during non-primetime for all C.T.C. sponsored activities other than U.S.T.A. leagues and practices.
2. All competitors in C.T.C./U.S.T.A. leagues participating at the Sports Center must purchase an annual ~~pass~~ membership.

~~3. Specials will be offered on an on-going basis.~~

~~Childcare Fees~~

One visit	\$7
Ten visits	\$63

Teen Center

Rental Rate (per 3 hours minimum)	\$210
Deposit	\$750
Overtime Rate: \$100.00 first hour; \$50.00 each half hour after.	
Extra Fees: \$35 each half hour (30 min); \$70 each hour (1 hr)	

	Teen Resident	Teen Non-Resident
Annual Rate	No Cost	\$25

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule E - Recreation
Outdoor Facilities

Memorial Softball Field

Cupertino residents/Resident business only	\$35 \$40/2 hrs
Non-Residents/Non-Resident business	\$50 \$60/2 hrs
Field can be reserved for a maximum of 4 hours. THERE IS NO FEE FOR CURRENT SOFTBALL TEAMS PLAYING IN CUPERTINO LEAGUES	
Field preparation (includes dragging, watering, chalking, and bases)	\$37
Field Attendant (2 hour minimum). Field Attendant is required any time lights or field preparation is requested.	\$14/hr \$17/hr
Lights	\$10/hr

Memorial Park Amphitheater

Residents/Cupertino Non-Profit	\$55/2 hours
Non-resident/Non-Profit	\$75/2 hours

Memorial Park Gazebo

Residents/Cupertino Non-Profit	\$55/2 hours
Non-resident/Non-Profit	\$75/2 hours

Picnic Areas (Daily Rate)

	Resident	Non-Resident
Memorial (113 capacity)	\$113	\$154
Linda Vista (136 capacity)	\$136	\$186
Portal (80 capacity)	\$80	\$109
Electricity at Memorial or Linda Vista Park	\$25	\$25
Bounce House (Memorial Park Picnic Rental and Creekside Building Rentals Only)	\$25	\$25

Sports Field Fees (Per Athletic Field Use Policy)

City of Cupertino at any field and Cupertino Union School District programs at Joint Use Agreement fields	No Charge
Non-profit organization serving individuals with a disability (*)	No Charge
Resident, non-profit youth organizations (*)	\$10/hour/field
Non-resident, non-profit youth organizations (*)	\$30/hour/field
Resident adult or for-profit youth organizations (*)	\$50/hour/field
Non-resident adult or for-profit youth organizations	\$60/hour/field

*Sports Field Fees Organization Requirements

Non-profit organization serving individuals with a disability: Organizations must provide documentation, subject to review by the Department Director.
Resident, non-profit youth organizations: Organizations must maintain Cupertino resident participation of 51% or greater and must be a recognized non-profit 501(c)(3) serving youth ages 18 or younger.
Non-resident, non-profit youth organizations: Organizations must be recognized non-profit 501(c)(3) serving youth ages 18 or younger.
Resident adult or for-profit youth organizations: Organizations must maintain Cupertino resident participation of 51% or greater.

Sports Field Fees (Per Athletic Field Use Policy)

Cupertino resident, youth, volunteer non-profit organization (*)	
Resident/player/season	\$11
Non-resident/player/season	\$22
Cupertino resident, youth, commercial non-profit organization (*)	
Resident/player/season	\$11
Non-resident/player/season	\$66
Cupertino resident, adult, volunteer non-profit organization	
2-hour minimum/hour/field	\$50
Deposit	\$600
Cupertino resident, adult, commercial non-profit organization	
2-hour minimum/hour/field	\$50
Base fee/site/seasonal use period	\$600
Deposit	\$600
Non-resident, youth, non-profit volunteer organization (*)	
Resident/player/season	\$11
Non-resident/player/season	\$66

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule E - Recreation
Outdoor Facilities

Non-resident, youth, commercial non-profit organization ^(*)	
Resident/player/season	\$11
Non-resident/player/season	\$88
Non-resident, adult, non-profit volunteer organization	
2-hour minimum/hour/field	\$50
Base fee/site/seasonal use period	\$600
Deposit	\$600
Non-resident, adult, commercial non-profit organization	
2-hour minimum/hour/field	\$100
Base fee/site/seasonal use period	\$600
Deposit	\$600
For-profit youth sports events	
2-hour minimum/hour/field	\$150
Base fee/site/seasonal use period	\$600
Deposit	\$600
For-profit adult sports events	
2-hour minimum/hour/field	\$175
Base fee/site/seasonal use period	\$600
Deposit	\$600

^(*) Represents whether an organization's members and board of directors are made up of 51% or more of either City residents or non-residents. After the category is determined, then the resident or non-resident fees are paid per the residency of each player.

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule E - Recreation
Blackberry Farm

Picnic Areas (Daily Rate) *

	Resident	Non-Resident
Area 1 - 250 Person Picnic Area- Blackberry Site	\$300	\$600
Area 2 - 100 Person Picnic Area- Sycamore Site	\$120	\$240
Area 3 - 100 Person Picnic Area- Owl Site	\$120	\$240
Area 4 - 50 Person Picnic Area- Steelhead Site	\$60	\$120
Area 5 - 50 Person Picnic Area- Bobcat Site	\$60	\$120
Area 6 - 25 Person Picnic Area- Acorn Site	\$30	\$60
All Sites- 525 Person Picnic Area	\$690	\$1,380
Pool Pass for Picnic Area Groups	\$4	\$5

Day-Use Pass Only

Weekday Tuesday - Friday	\$6	\$8
Weekend Saturday - Sunday	\$8	\$10

Picnic area fees are due in full at the time of reservation.

* Organizations may rent multiple areas.

Swim Pass Options

	Resident	Non-Resident
10-day Pass	\$60	\$80

Season Swim Pass (May-Sept)

Individual Pass	\$100	\$140
2-Person Pass	\$160	\$200
3-Person Pass	\$170	\$210
4-Person Pass	\$180	\$220
5-Person Pass	\$190	\$230
6-Person Pass*	\$200	\$240
*Each additional person added to a 6-person pass	\$6	\$8

*Swim pass prices may be adjusted due to current COVID related restrictions.

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule E - Recreation
Environmental Education Center

ROOM RENTAL SCHEDULE PER HOUR

Contracted Tenants and Partners*	No Fee	Overtime Fee*
Cupertino Non-Profit (Group 1)	\$30	\$45
Non-Profit (Group 2)	\$48	\$72
Resident (Group 3)	\$55	\$83
Non-Resident (Group 4)	\$88	\$132

*Onsite tenants and partnering organizations that have a current lease agreement with the City of Cupertino.

Security Staff

Security staff is required when alcohol is served at any City facility. \$40.00 per hour. Minimum of 6 hours.

Overtime Fee*

Rentals exceeding, prior to or following the permitted reservation time, shall be charged the overtime fee for any time up to the first half-hour, and the overtime fee per hour for every hour thereafter. This charge will be deducted from the security deposit.

Security Deposit

A security deposit of \$300 will be due at time of booking for rentals. (except for Contracted Tenants and Partners)

Insurance

General Liability Insurance may be required as determined by Department and stipulated in Department's Facility Use Insurance Requirement Policy.

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule E - Recreation
Park Special Events Permits

Application Fee (per event; non-refundable)	\$75
Memorial Park - 1/2 park per event day; 500 or fewer attendees	\$1,000
Memorial Park - full park per event day; 501 or more attendees	\$2,000
Event Day Staffing - City Staff	At Cost
Event Day Staffing - Sheriff's Office	At Cost

Memorial Park Special Event Permit for nonprofit/civic organizations only.

Additional permit fees may be charged for park uses, as determined by the ~~Department~~ Director ~~of Recreation & Community Services~~.

Security Deposit

A security deposit of \$1,000 is due 30 days prior to event. The security deposit payment is required before a Special Event Permit will be issued.

Insurance

General Liability Insurance is required as stipulated in the Department's Special Events Permit.

Community Gardens

Garden bed annual assessment	\$110
Garden bed annual assessment - PG&E CARES Program Discount	\$55
Garden bed refundable security deposit	\$150
Garden bed refundable security deposit - PG&E CARES Program Discount	\$75

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule E - Recreation
Blackberry Farm Golf Course

Daily Green Fee Schedule

<u>Weekends</u>	Resident	Non-Resident
9-Holes	\$18	\$20
Senior	\$18	\$20
Junior	\$15	\$17
Second 9 Holes (all players)	\$12	\$14
 <u>Weekdays</u>		
9-Holes	\$16	\$18
Senior	\$15	\$17
Junior	\$15	\$17
Second 9 Holes (all players)	\$11 \$12	\$14

All Groups and Tournaments pay the 9-Hole rate (Cupertino residents still applies). Staff is authorized to set merchandise fees according to current cost.

	Adults (17-50)	Jr/Sr
<u>Monthly Rate*</u>		
Cupertino Residents	\$165	\$150
Non-Residents	\$195	\$180
<u>Annual Rate (Weekdays Only)</u>		
Cupertino Residents	\$1,310	\$1,160
Non-Residents	\$1,610	\$1,460
<u>Semi-Annual Rate (Weekdays Only)</u>		
Cupertino Residents	\$710	\$630
Non-Residents	\$870	\$790
<u>Super Annual Rate (Good on Weekends & Holidays)</u>		
Cupertino Residents	\$1,650	\$1,500
Non-Residents	\$1,950	\$1,800
<u>Super Semi-Annual Rate (Good on Weekends & Holidays)</u>		
Cupertino Residents	\$880	\$800
Non-Residents	\$1,040	\$960

*Monthly rate valid 7 days a week and Holidays. Based on 1/10th of the Super Annual Rate.

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule E - Recreation
Blackberry Farm Golf Course

Power Cart Rental Packs

10 Pack	\$65	\$65
20 Pack	\$120	\$120
30 Pack	\$165	\$165
40 Pack	\$200	\$200
50 Pack	\$225	\$225

Rentals

Power Cart	\$7	\$7
Pull Cart	\$3	\$3
Soccer Balls	\$3	\$3
Clubs —Adult	\$6 \$10	\$6 \$10
Clubs—Junior	\$3.50	\$3.50

Daily Foot Golf Fee Schedule

Weekends

Adult	\$15	\$15
Junior	\$12	\$12
Spectator Fee	\$5	\$5

Week days

Adult	\$15	\$15
Junior	\$12	\$12
Spectator Fee	\$5	\$5
Second 9 holes	\$12	\$14

*Specials will be offered on an on-going basis

CITY OF CUPERTINO
Resolution 21-XXX
Fees Effective FY 2021-22
Schedule E - Recreation
Blackberry Farm Golf Course

~~Proposed~~ Quick Passes

<u>Base Rate</u>		<u>15</u>	<u>16</u>	<u>17</u>	<u>18</u>	<u>18</u>	<u>20</u>
		Weekday	Weekday	Weekday	Weekday	Weekend	Weekend
	Savings	Senior	Adult	Senior	Adult		
# of Plays	per round	Res.	Res.	NR	NR	Res.	NR
10	\$1	\$140	\$150	\$160	\$170	\$170	\$190
20	\$2	\$260	\$280	\$300	\$320	\$320	\$360
30	\$3	\$360	\$390	\$420	\$450	\$450	\$510
40	\$4	\$440	\$480	\$520	\$560	\$560	\$640
50	\$5	\$500	\$550	\$600	\$650	\$650	\$750

Golf fees may be increased/decreased at the discretion of the City Manager (Resolution No. 04-350)

~~* Monthly Passes valid 7 days a week and Holidays. Based on 1\10th of the Annual Rate.~~

CC 4-20-2021

#13

Athletic Field Use Policy

Written Communications

Current Policy Compared to Proposed Policy

	2004 Athletic Field Use Policy	Proposed Updated Athletic Field Use Policy
Sunday Use	<ul style="list-style-type: none"> Two Sunday tournaments per year per group (Set up can start at 9 a.m., games no earlier than 10 a.m.) <ul style="list-style-type: none"> Sunday permits are exclusive to those organizations already in possession of Monday-Saturday Permits An organization providing a unique recreational opportunity, such as one serving special needs youth, may be granted Sunday use 	<ul style="list-style-type: none"> Two Sunday tournaments per year per group (Set up can start at 9 a.m., games no earlier than 10 a.m.) <ul style="list-style-type: none"> Sunday permits are exclusive to those organizations already in possession of Monday-Saturday Permits An organization serving primarily individuals with disabilities may be granted Sunday use (as reasonable) Expand Sunday use 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.
Priority groups	<ol style="list-style-type: none"> Cupertino Parks and Recreation Department Cupertino resident, youth, volunteer nonprofit organization Cupertino resident, youth, commercial nonprofit organization Cupertino resident, adult, volunteer nonprofit organization Cupertino resident, adult, commercial nonprofit organization Nonresident, youth, volunteer nonprofit organization Nonresident, youth, commercial nonprofit organization Nonresident, adult, volunteer nonprofit organization 	<ol style="list-style-type: none"> City of Cupertino programs at any field and CUSD programs at JUA fields* Nonprofit organizations primarily serving individuals with a disability, with priority given to majority resident groups. Organizations must provide documentation, subject to review by the Director of Parks and Recreation.* Resident, nonprofit youth organizations: Organizations must maintain Cupertino resident participation of 51% or greater and must be a recognized nonprofit 501(c)(3) serving youth ages 18 or younger Non-resident, nonprofit youth organizations: Group must be recognized nonprofit 501(c)(3) serving youth ages 18 or younger

	<p>9. Nonresident, adult, commercial nonprofit organization</p> <p>10. For-profit youth sports events</p> <p>11. For-profit adult sports events</p> <p>12. Organizations that have previously violated the terms of the field use policy</p> <p>An organization providing a unique recreational opportunity, such as one serving special needs youth, may be assigned a special priority status following review of their offering by the Parks and Recreation Commission and approval by the City Council, including use of fields on Sunday.</p>	<p>5. Resident adult or resident for-profit youth organizations</p> <p>6. Non-resident adult or non-resident for-profit youth organizations</p> <p>7. Organizations that have violated the terms of the field use policy: Any group found violating any term of the field use policy or providing misleading or false information to the City of Cupertino will have last priority for scheduling field time. Any violations may affect future field use permit eligibility.</p> <p>*Priority groups 1 and 2 (see Priority section) will be scheduled as reasonable.</p>
Fees	<p>1. Cupertino Parks and Recreation Department - No charge</p> <p>2. Cupertino resident, youth, volunteer non-profit organization \$11/player/season for residents; \$22/player/season/nonresidents</p> <p>3. Cupertino resident, youth, commercial non-profit organization \$11/player/season for residents; \$66/player/season/nonresidents</p> <p>4. Cupertino resident, adult, volunteer non-profit organization \$50/hour/field, 2-hour minimum, \$600 refundable damage deposit</p> <p>5. Cupertino resident, adult, commercial non-profit organization</p>	<p>1. City of Cupertino at any field/CUSD programs at JUA fields—no charge</p> <p>2. Non-profit organizations primarily serving individuals with a disability—no charge</p> <p>3. Resident, nonprofit youth organizations -- \$10/hour/field</p> <p>4. Non-resident, nonprofit youth organizations-- \$30/hour/field</p> <p>5. Resident adult or resident for-profit youth organizations--\$50/hour/field</p> <p>6. Non-resident adult or non-resident for-profit youth organizations--\$60/hour/field</p>

	<p>\$50/hour/field, 2-hour minimum, \$600 base fee/site/seasonal use period and \$600 refundable damage deposit</p> <p>6. Nonresident, youth, nonprofit volunteer organization \$11/player/season for residents; \$66/player/season/nonresidents</p> <p>7. Nonresident, youth, commercial non-profit organization \$11/player/season for residents; \$88/player/season/nonresidents</p> <p>8. Nonresident, adult, nonprofit volunteer organization \$50/hour, 2-hour minimum, \$600 base fee/site/seasonal use period and \$600 refundable damage deposit</p> <p>9. Nonresident, adult, commercial non-profit organization \$100/hour, 2-hour minimum, \$600 base fee/site/seasonal use period and \$600 refundable damage deposit</p> <p>10. For-profit youth sports events \$150/hour, 2-hour minimum, \$600 base fee/site/seasonal use period and \$600 refundable damage deposit</p> <p>11. For-profit adult sports events \$175/hour, 2-hour minimum, \$600 base fee/site/seasonal use period and \$600 refundable damage deposit</p> <p>12. Organizations that have violated the terms of the field use policy. To be determined on a case-by-case basis, considering the type of organization and the nature of the violation.</p>	
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Field closures	Fields can be closed for maintenance and due to inclement weather on an as-needed basis.	Fields can be closed for maintenance and due to inclement weather on an as-needed basis. (No pre-scheduled annual field closure recommended at this time)
Insurance requirements	Not in policy. In permit application only.	Added to policy unchanged from permit.
Goals and equipment storage	Not in policy. In permit application only	Added to policy unchanged from permit.
Fingerprinting, mandated reporting, concussion protocol	Not in policy. In permit application only.	Added to policy unchanged from permit.
Schedule for JUA sites	All schools in the JUA during the school year Monday-Friday 4 p.m.-dusk	Kennedy/Hyde Middle School during the school year Monday-Thursday 5 p.m.-Dusk* *This change was approved by City Council on August 20, 2019 and has been incorporated in practice.

Cyrah Caburian

From: A Jasper <amyjasper@earthlink.net>
Sent: Tuesday, April 20, 2021 1:14 PM
To: City Council; City of Cupertino Parks and Recreation Commission; Cupertino Recreation and Community Services
Cc: CUP LL BOD new
Subject: April 20 City Council Meeting: proposed Athletic Field Use Policy

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council and Parks & Recreation Commission,

FIRST, THANK YOU!

My name is Amy Jasper and I volunteer at Cupertino Little League, specifically the Challenger Division for players with physical and/or intellectual difficulties.

Thank you for not making any Challenger changes in the proposed Athletic Field Use Policy. That in of itself sets Cupertino apart from other cities.

FEES INCREASE:

For the fees increase, I thank the Parks & Recreation commission for agreeing to a phased approach on the increase.

I see that the proposed increase is \$10/hour (instead of the current per player amount).

However, even this amount is a LOT. Cupertino Little League currently pays approximately just under \$4K for field use.

At the proposed \$10/hour, our fees would almost triple to about \$10,600. Most Little League budgets are around \$30K.

So even at \$10/hour, the fees increase is harmful to our budget. Leagues are also facing decreased enrollment (as also the elementary schools are seeing) causing our budgets to dwindle even more.

QUESTIONS:

When fields are closed by the City due to weather or other reasons, who/how determines the refund amount?

If we do not use a field, can we get a refund?

Or is it better to under estimate our hours and ask for more hours later?

Is there a proposed field use application form to review?

If this proposal passes without change, will it be used this year or in 2021?

Thank you.

Respectfully,
Amy Jasper
amyjasper@earthlink.net

Cyrah Caburian

From: George Chong <jumpshot@gmail.com>
Sent: Monday, April 19, 2021 1:42 PM
To: City Council
Subject: Comment on Athletic Field Use Policy

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,

As a resident and coach of a youth league in Cupertino (Cupertino Little League), it saddens me to see a large fee increase at a time when youth mental health and childhood obesity continues to increase.

While I can understand the fiscal need to cover costs, I am concerned that as we are trying to recoup a percentage of the entire cost of running parks, we are putting an unhealthy burden on some leagues when the entire cost of running parks includes many parks and sites that nobody is renting or using. Why are these leagues being saddled with cost recuperation from fields they do not rent?

I would hope we could revisit the analysis of the cost recuperations limited to those leagues and those fields that are actually being used. I am also hoping that the uniqueness of our community would merit revisiting these assumptions driven by the need to achieve parity with neighboring cities. Do we need to reach parity with Sunnyvale and other cities around us?

My hope is that the City Council will lean in towards promoting children's physical and mental health while also recalculating the assumptions around why we are proposing the cost recuperation. Our kids need to be outdoors more, not less, and the consequent inevitable fee increases will keep families from getting involved.

George Chong
Cupertino Resident since 2012