

CC 11-02-21

Study Session #1

SB 9 Objective
Standards and
Regulations

Written Comments

Cyrah Caburian

From: Jennifer Griffin <grenna5000@yahoo.com>
Sent: Tuesday, November 2, 2021 3:59 PM
To: City Council
Cc: grenna5000@yahoo.com
Subject: SB 9 Study Session on November 2021

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:

I find SB 9 to be objectionable in every context and in every way possible. There is no way this bill could ever be rewritten to make it even usable, except as an example of how far gone the laws in California have gone astray to allow a travesty like SB 9 to be inflicted on the public of California.

The bill is insulting to the public and seems to be as if a communistic entity had taken over the state in that sections of SB 9 are supposed to be invoked ministerially and "by right" on the public. This type of approach to the public is insulting and demeaning and acts as if the public has no intelligence to recognize how much their rights are being taken away and as well as their voice to be heard.

SB 9 as well as its fiendish cousin SB 10 are unconstitutional and makes a mockery of the California legal system. So there are no public hearings allowed under SB 9? Wow! What sort of Stalinistic group came up with this baloney? Neighbors always have a right to ask what is going on, especially when it comes to what is being built adjacent to their property.

SB 9 is an example of Special Interests getting lots of money to pass totally unconstitutional bills and making the California Legislature their Private Play Ground.

The reason the public is being excluded from making comments on these outlandish bills as SB 9 (and SB 10) is that, apparently, the public is the only entity as a whole who can see through the fallacies of these bills. That is why the authors of the bills don't want the public to be able to say anything. These bills are a total give away to developers and Special Interests and the areas being given away are the cities, the neighborhoods and local control of California.

The public is bright enough to see SB 9 (and SB 10) for what they are, and the public demands that SB 9 (SB 10) be rescinded.

SB 9 and SB 10 are an affront to every person in California and make a mockery of any type of democratic legislation in this state.

Thank you.

Sincerely,

Jennifer Griffin

CC 11-02-21

Oral Communications

Written Comments

Cyrah Caburian

From: Munisekar <msekar@gmail.com>
Sent: Monday, November 1, 2021 11:35 PM
To: City Council
Cc: City Clerk; Cupertino City Manager's Office; Munisekaran Madhhipatla
Subject: Oral Communication: CEQA and Traffic Impact of School Closures.

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 Mayor and City Council,

My name is Muni Madhhipatla, a Cupertino resident serving on the Planning Commission. I am writing this email as an individual resident and community member.

Recently, I learned from parents that the CUSD board has decided to close quite a few schools in our School district and distribute kids from the closed schools to remaining schools within the city. I wonder if they did CEQA study and traffic impact analysis of their decisions as I expect increased traffic within the city.

As a concerned resident, I would like the council to stand up for the community and challenge the CUSD board decision to close schools without CEQA report.

Thank you.

Muni Madhhipatla
Cupertino Resident.

Cyrah Caburian

From: Jennifer Griffin <grenna5000@yahoo.com>
Sent: Tuesday, November 2, 2021 6:20 PM
To: City Council
Cc: Jennifer Griffin
Subject: Trees on Lots from SB 9

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:

How are we supposed to protect our street trees in our city from being cut down from the shared driveway drama in SB 9? So we are supposed to sacrifice our city street trees to the stupidity of the caprice of SB 9?

No way.

Sincerely,

Jennifer Griffin

Cyrah Caburian

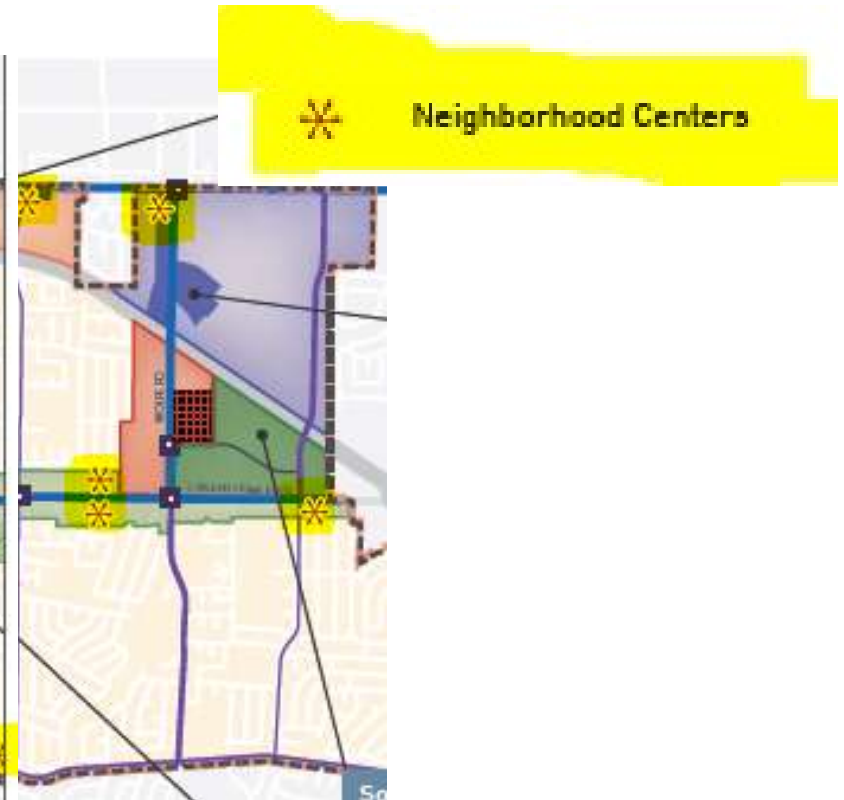
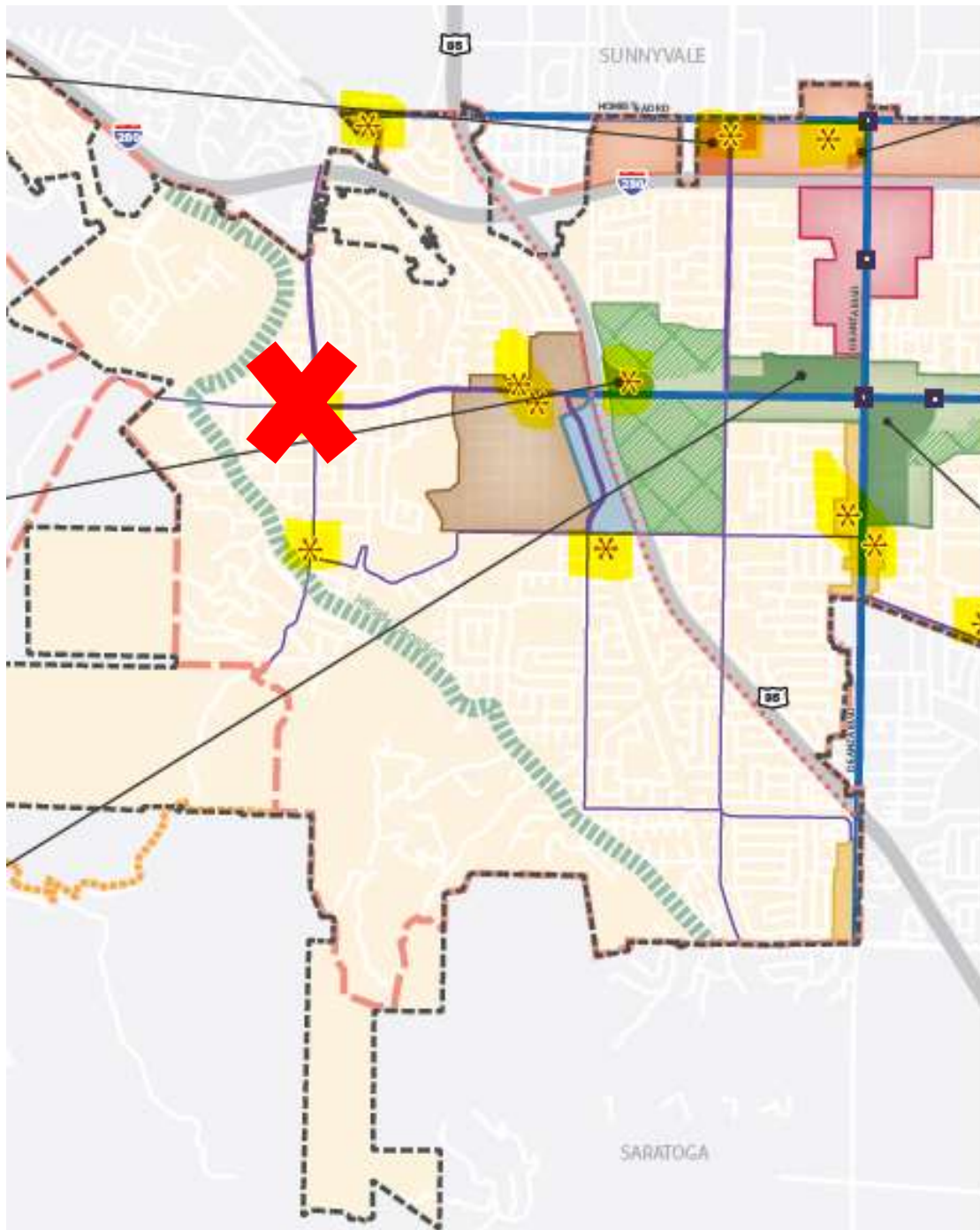
From: Peggy Griffin <griffin@compuserve.com>
Sent: Tuesday, November 2, 2021 6:45 PM
To: City Council; Christopher Jensen; Greg Larson
Cc: City Clerk
Subject: 2021-11-02 CC Mtg - Oral Communications
Attachments: Peggys Slides - ORAL COMMUNICATION.pdf

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, City Attorney and City Manager,

Attached are the slides I will be using during Oral Communications tonight.

Sincerely,
Peggy Griffin



This map is from the General Plan
Figure LU-2 COMMUNITY FORM
DIAGRAM

Q1: What justification was used to ignore ALL the existing GP Goals, Policies, Strategies and Land Use Definitions?

RESOLUTION NO. 12-098

MAIN STREET PROJECT

TARGET EXPRESS SITE: In the ASA Building 6 – 21,000 sq ft “Major Retail”

8. RETAIL CONDOMINIUM OWNERSHIP REQUIREMENTS (PARCEL 5)

The developer shall construct no more than one retail condominium adjacent to the rental market rate loft apartments. This retail condominium shall be owned by the same ownership as the rest of the retail on Retail Parcel 1 and not be sold separately.

9. MAXIMUM PERCENTAGE OF RESTAURANTS

The maximum square footage of food service uses permitted within the retail space of the mixed-use development shall not be more than 40% of the total retail square footage of 130,500 square feet (or a maximum of 52,600 square feet of restaurant uses) based upon the approved development plan dated August 15, 2012 in accordance with the Main Street Cupertino – Revised Proposed Project Analysis report as Appendix A in the Second Addendum to the Final Certified 2009 EIR prepared by Fehr and Peers. Any future refinements to the restaurant percentage may be approved by the Director of Community Development if a subsequent parking and traffic analysis indicates that there is adequate parking for the various mixtures of uses and there are no additional and/or new significant traffic impacts compared to thresholds studied in the original 2009 Environmental Impact Report and 2012 Addendum.

10. TENTATIVE MAP

Approval of a Tentative Map is granted to subdivide the property from three parcels into six parcels per Pages TM-1 through TM-8 as follows:

- a. Parcel 1 – 11 acres for the retail buildings, park and town square
- b. Parcel 2 – 1.5 acres for the office building on the corner
- c. Parcel 3 – 1.5 acres for the office building along Valco Parkway
- d. Parcel 4 – 1.5 acres for the hotel
- e. Parcel 5 – 1.5 acres for the live/work loft apartment building with a 9,146 square foot two-unit retail condominium parcel
- f. Parcel 6 – 1.5 acres for the Common Area Parcel for the benefit of Parcels 1 through 4.

TARGET EXPRESS SITE: In the ASA Building 6 – 21,000 sq ft “Major Retail”

**“Sold” to the public, especially those close by,
as a place to by groceries or maybe a pharmacy.**

Q1: Is a banquet hall being considered?

Q2: If so, does total restaurant space exceed 40% of the retail space?

**Q3: If so, has there been a “subsequent parking and traffic analysis” done
as specified in Item 9 of this resolution?**

Q4: If so, where are the documents?

CC 11-2-2021

#12

Cupertino Municipal
Water System

Desk Items

RESOLUTION NO. 21-XXX

A RESOLUTION OF THE CUPERTINO CITY COUNCIL

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
APPROVING A FIRST AMENDMENT TO THE AMENDED AND RESTATED
AGREEMENT FOR LEASE OF REAL PROPERTY (WATER SYSTEM) WITH
SAN JOSE WATER COMPANY**

WHEREAS, the production, treatment, and distribution of potable water within the Cupertino Municipal Water System (“Water System”) area is determined and declared to be a health, sanitary and safety measure necessary for the promotion, protection and preservation of the health, safety and general welfare of the people of the City of Cupertino; and

WHEREAS, the City Council of the City of Cupertino enacted provisions of the Municipal Code, in part, to satisfy applicable potable water safety and health requirements; and

WHEREAS, the City Council adopted on September 2, 1997, by Council Resolution 9950 the original Agreement for Lease of Real Property (Water System); and

WHEREAS, the City Council adopted on December 17, 2019, by Council Resolution 19-145 the Amended and Restated Agreement for Lease of Real Property (Water System) (“Amended Lease”); and

WHEREAS, pursuant to the Amended Lease all operations of the Water System are provided by a private water utility, lessee San Jose Water Company, pursuant to the terms of the Amended Lease and Cupertino Municipal Code; and

WHEREAS, pursuant to the terms of the Amended Lease, the term Amended Lease will expire on September 30, 2022 (“Term”); and

WHEREAS, the City wishes to ensure it has sufficient time to pursue a new lease agreement pursuant to Section 10061 of the Public Utilities Code and to potentially transition to a new lessee or to an alternate form of operation of the Water System before the Term expires; and

WHEREAS, pursuant to the terms of the First Amendment of the Amended Lease, the City at its sole discretion may either choose to not extend the Term, or to extend the Term by ~~six months~~^{one}, two years or three years; and

WHEREAS, pursuant to the terms of the First Amendment of the Amended Lease, no other terms are changed except that in the event the Term is extended, there will be a commensurate extension of lessee's obligations for Capital Improvement Funds, with reference to Section 7 of the Amended Lease; and

WHEREAS, the City has determined that the First Amendment of the Amended Lease is not a project under CEQA because it has no potential for resulting in a physical change in the environment, but even if it were, it would be exempt from environmental review pursuant to the exemption in 14 Cal. Code Regs. §15601(b)(3) in that it can be seen with certainty that there is no possibility that this action will have a significant effect on the environment because approval of the First Amendment to the Amended Lease merely provides a mechanism for extending the Term of the Lease with a commensurate extension of the expenditure requirements for Capital Improvements Funds, which are technical changes concerning the general administration of the lease of property and does not commit the City to a definite course of action, so this is not an activity subject to CEQA. Environmental review will be conducted as necessary for any changes to the water system that may be agreed upon in the future; and

WHEREAS, the City has further determined that the First Amendment of the Amended Lease is exempt from CEQA under CEQA Guidelines section 15301, which exempts from CEQA review any project that "consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use"; and

WHEREAS, the City Council, using its independent judgment, before taking action on this Resolution, determines that the action is not a project and/or exempt from CEQA for the reasons stated above; and

WHEREAS, the public was notified of a public hearing scheduled on the First Amendment to the Amended Lease by published notice in the *Cupertino Courier* beginning two weeks prior to the public hearing; and

WHEREAS, a public hearing notice regarding the First Amendment to the Amended Lease was also posted on the City's website on October 22, 2021; and

WHEREAS, all documentation to support consideration of this First Amendment of the Amended Lease was placed on file with the City Clerk for public inspection and review; and

WHEREAS, at its regular meeting on November 2, 2021, the City Council held a duly noticed public hearing to consider the First Amendment to the Amended Lease; and

WHEREAS, at the public hearing, interested persons had the opportunity to testify regarding the First Amendment of the Amended Lease; and

WHEREAS, the City Council of the City of Cupertino finds and determines as follows:

1. The above recitals are true and correct and material to the adoption of this Resolution.

2. Based on consideration of the First Amendment of the Amended Lease between the City and San Jose Water Company, the public's written comments and testimony received at this public hearing, and the staff report, and information presented at the hearing, the City Council hereby determines that the Amended and Restated Agreement for Lease of Real Property (Water System) adopted by Council Resolution 19-145 on December 17, 2019, should be amended as set forth in the First Amendment thereto.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby:

1. Approve the First Amendment to Amended and Restated Agreement for Lease of Real Property (Water System) with San Jose Water Company.

2. Authorize the City Manager to execute the First Amendment.

3. Authorize the City Manager or his/her designee to take all action as may be reasonably necessary to effectuate the First Amendment.

BE IT FURTHER RESOLVED that this Resolution is not a project under the requirements of the California Quality Act of 1970, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

CEQA applies only to projects which have the potential of causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the First Amendment to the Amended and Restated Agreement for Lease of Real Property (Water System) would have no or only a de minimis impact on the environment. The foregoing determination is made by the City Council in its independent judgment.

BE IT FURTHER RESOLVED that this Resolution is exempt from CEQA under CEQA Guidelines section 15301 because it consists of the leasing of existing public facilities.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of the City of Cupertino this 2nd day of November, 2021, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

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

CC 11-02-2021

#13

Work Program Update

Supplemental Staff Report
Response to Council
Inquiries



CITY MANAGER'S OFFICE

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3223 • FAX: (408) 777-3366
CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

November 2, 2021

Subject

City Work Program Update
RESPONSE TO COUNCIL INQUIRIES

Recommended Action

No City Council action required, although the Council may “accept,” “acknowledge,” or “receive” the report.

Discussion

This is a supplemental report provided in response to Council inquiries. Inquiries have been consolidated and simplified for clarity.

1. **Regarding “City Plan to End Homelessness”: What is the current unhoused population in Cupertino? How does this compare to the number of the unhoused population before and during COVID? Where are the current unhoused camps in Cupertino?**

In 2019, Santa Clara County conducted the Homeless Census and Survey Report. According to the 2019 count, an estimated 159 individuals were then unhoused in Cupertino. Due to COVID, the bi-annual report was delayed a year from 2021 to January of 2022. We expect to receive a new count of unhoused individuals in July 2022. The City has treated encampment locations in a confidential manner with other agencies. The City Manager will determine the best way to keep the City Council informed on these matters.

2. **Regarding “Via Shuttle Bus Pilot Program Implementation”: How do seniors apply for discounted Via Shuttle costs?**

To receive the senior discount code, seniors can email viashuttle@cupertino.org with an image of their photo ID showing that they are age 65 or older. They will then receive the discount code, usually within 24 hours, that they can enter into the app to receive their discount or provide when calling in their ride. More information is available at cupertino.org/shuttle under the “Fares” tab.

3. Regarding other referrals and work items beyond the normal course of work that were not included in the Work Program:

***What are some examples of other referrals and work items?**

*** What % of service staff is related to residents' reports on issues relating to code enforcement, water usage, noise (lawn mowers), crimes, neighborhood traffic, park usage, etc.? How many cases do staff work on per day/week/month or what is the % of time that is devoted to these resident services?**

Some examples of other referrals and work items include work such as increased 311 inquiries/reports, new unhoused encampments, SB 9 urgency ordinance, code enforcement reform, and other items.

To provide an idea of the number of resident issues reported and the percentage of staff time required to address them, the below list provides information on some of the Departments that receive a significant number of resident issues.

- For resident issues reported to the Public Works Department, which are typically maintenance related such as for trees or roadways, about 100-175 are received monthly and take an estimated 30% of service staff time to address.
- For resident issues reported to the Parks and Recreation Department, which are typically code enforcement or park usage related, about 20-40 are received monthly and take an estimated 20% of the Department's staff time to triage and address. This does not include staff time to resolve the issue if it is referred to another department's division, such as Code Enforcement.

Sustainability Impact

The acceptance of this report will have no sustainability impact.

Fiscal Impact

The acceptance of this report will have no fiscal impact.

Prepared by: Katy Nomura, Deputy City Manager

Reviewed by: Dianne Thompson, Assistant City Manager

Approved by: Greg Larson, Interim City Manager