



CITY COUNCILMEMBER REPORT*

Meeting: Tuesday, October 15, 2024

+for the "Councilmember Reports" agenda item under the "COUNCIL REPORTS" section

Reporting Councilmember: Councilmember Liang Chao

Report Dates: 9/25/24 to 10/9/24

Section 1: Activities by Date (Date, Title, and Description):

NOTE:

- This list does not include internal meetings with staff only, such as prep sessions or meetings with the City Manager.
- This list includes activities to "represent the community I am elected to serve", "to respond to community needs and complaints," and "to communicate policies and programs to residents," among other [responsibilities](#) of a City Councilmember.
- Due to my work schedule, I have cut down on the event attendance for ceremonial purposes, especially those I have attended almost every year in the past. Instead, I focus more of my time on constituent services.

2024-09-17 Questions on TBD list Investment Policy - Estimated Interest Earnings

- For each \$10M that are not put in an account earning 1% more interest, we lose \$100,000 of interest income that we could have earned. So, for each \$20M that are not put in an account that might earn 3% more in interest, we lose \$600,000 a year.

2024-09-27 Attended Multicultural Festival at Hyde Middle School

- This is the second time I have attended the Multicultural Festival at Hyde. The attendees came from feeder schools, such as Eisenhower, and also nearby high schools. There were wonderful performances and food from all over the world. Some countries were hosted by only one or two Hyde families, such as Iran and Italian, while other countries have a large number of families, such as Taiwan, India and China.
- The most touching moment was when I saw a group of girls sitting at a table while a Chinese-looking girl was drawing the delicate Mehndi on the hand of another girl, while others were watching with interest. These girls come from different ethnicities. A true multicultural moment.

2024-09-28 Attended CoHNA's Bay Area Community Reception at Milpitas Tech Center

- [Coalition of Hindus of North America \(CoHNA\)](#) is a grassroots advocacy group representing the Hindu community of North America. The coalition seeks to protect the collective interests of the Hindu community by working on the issues faced by them and educating the public about Hindu heritage and tradition.
- CohNA presented a plaque to Councilmember Moore and me for our support of the Hindu community last year.

2024-09-29 Attended the Silicon Valley Residents Rally for Public Safety to support Prop. 36

- Many elected officials from surrounding cities attended and spoke. Prop. 36 would fix Prop. 47 to increase the penalty for repeat offenders of small property crimes, provide incentives for drug users to get treatment, and warn committed drug dealers that they might be charged with murder for any drug overdose caused by the product they sell.

2024-10-01 My Response to Residents - about HE and the frustrating process ([email](#))

2024-10-01 My response on the absence of Councilmember Wei since mid July ([email](#))

- A resident asked whether Gov. Code 36513 (Absence without permission from council meetings for 60 days from the last regular meeting) applies, which states "If a city councilmember is absent without permission from all regular city council meetings for 60 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy."
- My response based on what I know in [email](#): "As far as I know, the last regular council meeting Councilmember Wei attended was the July 16 Council meeting. ... That makes it 77 days from the July 16 Council meeting."
- At the 10/1 Council meeting, the Council asked the City Attorney for a memo to clarify this.

2024-10-02 VTA to Purchase UPRR track to Cupertino ([email](#))

- Follow up to a public comment brought up after the 10/1 Council meeting

2024-10-03 Cupertino [Press Release](#) on the Settlement for the audit by CDTFA

- The settlement reached with the CDTFA allows the City to keep the funds previously allocated and anticipated for receipt through August 2024 and avoid lengthy and costly litigation.

2024-10-04 Stevens Creek Corridor Steering Committee and Survey

- Follow up to a public comment brought up after the 10/1 Council meeting. The resident wishes that [Stevens Creek Blvd. Corridor study](#) will adopt the option to convert one vehicle lane to a dedicated bus lane, which is not the current proposal.
- The [survey for the Stevens Creek Blvd. Corridor study](#) is still open.

- Councilmember Wei was absent from the last Steering Committee meeting on Sep. 4th and no alternate was notified to attend. The next Steering Committee meeting will be held in December.

Steering Committee Meeting #6 (Hybrid)

Wednesday, December 18, 2024

10:00 AM - 12:00 PM

Santa Clara City Hall - Council Chambers

1500 Warburton Ave, Santa Clara, CA 95050

Online Zoom registration forthcoming.

[September 6 Steering Committee Meeting Summary](#) (Draft)

2024-10-04 Inquiries about Finch Property

- Before and after the Aug. 22, 2024 CUSD Board Meeting, multiple residents have reached out about the city's response to CUSD on the Finch property. Thus, I followed up to inquire about it.
- The City Manager responded "Chad and I met with CUSD representatives to discuss properties that the District currently owned, per CUSD Board's direction. The City was asked if there is any plan to lease or purchase the Finch property. I informed CUSD that the City has no plan to either lease or purchase the Finch property. This is not part of the current CIP project and the City was in no financial condition to make any further purchase."

2024-10-5 Flag Raising Ceremony of Taiwan Double Tenth Day at County Building

- Presented a Proclamation to the organizing committee of the event. Gave a speech about Cupertino's various connections with Taiwan, from sistership city with Hsinchu and friendship city with Taichung, Yilan and New Taipei City, the Kids Fun Festival and Night Market at De Anza College. Introduced other elected officials with Taiwanese ancestry from the school districts.

2024-10-06 Attended the Tai Ji Meng Anniversary Celebration for their Cupertino location and the new location in Santa Clara

- They presented their message for World Peace.

2024-10-06 Attended Bollywood Dance Night at the Quinlan Center

- The dance party is organized by a Cupertino resident and the tickets are sold out. The most wonderful feast is the many colorful pretty Indian dresses.

2024-10-07 - blocking free speech zone in front of the library

- Multiple residents have reached out about this issue, so I followed it up with some inquiries.
- Per California Election Code, there is no campaigning allowed within 100 feet of a ballot box, even though the law was originally meant for the voting center on Election Day.
- Even though no one actually fills out their ballot right at the ballot box, the Election Code

prevents any campaign materials within 100 feet of the ballot box for the entire month around every ballot box.

- **The area right in front of the Cupertino Library entrance has been a traditional open forum area, where different groups collect signatures to support petitions or advocate for their causes.**
- When the city put the ballot box near the entrance of the Library in the past, Cupertino residents have reached out to the City to avoid that location.
- In the past, the City had complied with the request by residents and moved the ballot box in front of the City Hall or in front of the Coffee Society.
- **But somehow this year, the City of Cupertino has forgotten about the past promises to the residents** and now has put the ballot box right in front of the Library entrance.

2024-10-08 Response to inquiries about political signs removed from Bollinger Road

- Multiple residents have reached out about this issue and referenced the San [Jose Spotlight article](#).
- City Manager responded: “city staff inadvertently removed these signs and I provided an apology to both Ms. Moore and Mr. Wang. We will also be responsible for reimbursing fully the cost of these signs.”
- The Code Enforcement process outlined by the Code Enforcement Officer Mr. Trybus in 2018 .
- [Relevant Muni Code](#) for the removal of Political Signs
- [A list of questions](#) which I normally ask on a code enforcement case to understand the situation - response pending

2024-10-08 Inquiry on Perimeter Fence separating Vallco site from our neighborhood ([email](#)) - response pending

Section 2: Committee Assignment

- No meeting this period.

Section 3: Other Information of Interest to My Constituents:

1. Update on the [Vallco \(the Rise\) project](#) (see the 2024-10-01 report)
2. [Housing Element Update](#)
 - **Highlights of the HE:** 4,588 units are required for the HE, but the current HE has planned 5,881 units, **about 28% more than required.** ([May 14 Agenda Item 1](#), [Minutes](#))
 - By not counting 1,500 units in already approved projects and underestimating the realistic capacity for mixed use projects (counting only 70%), **Cupertino upzoned more properties than required to meet the RHNA requirements.**

- The density (units/acre) of many sites will increase from 20 units/acre to 50-65 units/acre and some will increase to 65-80 units/acre.
- Some R1 lots in residential neighborhoods are upzoned to R3-TH designation to allow 5-10 units/acre.
- R1 corner lots will be allowed to develop with R2 standards to allow duplex, triplex or quadruplex. (Every R1 lot already allows up to 3 ADUs due to state laws)
- **Broken HE Process so far....**
 - The final draft of the Housing Element and the General Plan amendment are approved by the majority of the Council on May 14. Unfortunately, the environmental impact analysis has minimal information, even though we are looking at an unprecedented growth rate with over 6,200 units to be permitted in 8 years.
 - Although this is the first Council meeting where the draft Housing Element is on the agenda for discussion, there were no written answers provided from the staff, as normally provided for other items on the Council agenda. Given the time constraints, only a few questions were covered on the dais. Thus, many questions from the community and the council members still left unanswered:
 - Here are some questions submitted and some with answers: 15 more questions without answers, questions are corner lots with answers, additional questions from the community without answers.
- The result of the broken process is that **Cupertino up-zoned 2,600 units more than the legally required 4,588 units**. This overly densifies Cupertino than necessary and leaving little room for adjustment in the future.

Capacity compared to RHNA Valley Church removed (4 parcels)							
RHNA Category	2023-2031 RHNA	Pipeline Capacity	Residential Site Capacity with Rezone	Mixed Use Site Capacity with Rezone	Projected ADUs	Total Capacity	Surplus
Very Low	1,193	633	692	596	116	2,037	157
Low	687						
Moderate	755	49	305	436	57	847	92
Above Moderate	1,953	1,770	513	695	19	2,997	1,044
Total	4,588	2,452	1,510	1,727	192	5,881	1,294

Units NOT Counted due to "conservative" assumption:

- 767 units of pipeline projects.
- 25% of units on mixed used site = 549 units
- **Total = 1316 units NOT COUNTED.**

Cupertino HE Overly Densify Cupertino Than Necessary.

Smaller sites were not needed to meet RHNA requirements.

Adopted HE:

- Required 4,588 units
- Adopted HE has 5,881 units.
- **1,293 units MORE THAN required.**
- **Added 28% MORE units than required** (suggested buffer: 15-30%)

Source: 2024-05-14 Council Meeting - Presentation for HE Adoption

- **Latest: The ordinance to upzone properties** is adopted at the July 2 Council meeting ([Agenda Item 7](#), [Minutes](#))
 - The staff recommendation already meets all legal standards and HCD's requirements, but Cupertino adopted an ordinance to upzone the HE sites plus unnecessary provisions proposed by Councilmembers Fruen and Wei to relax the

zoning standards.

- Chao moved and Moore seconded to approve the staff recommended action with minor adjustments. The motion did not pass. **Councilmembers Fruen and Wei proposed several significant revisions to relax the zoning standards after the public comment closed, which increased allowed floor-area-ratio, increased allowed lot coverage, reduced parking standards, reduced setback and given the staff authority to make more changes to increase “flexibility”.** The Council voted 3-2 to pass the much relaxed zoning standards.
- **Next Step:** There will be design standard updates, such as R2 standards for the corner lots. and other ordinances to implement the policies outlined in the Housing Element.

Section 4: Information Access Useful to My Constituents:

1. “Written Communication” for a City Council meeting:

- When will an email sent to the City Council be included in the “Written Communication” file of a Council meeting?
- From the City Clerk:
 - Emailed comments that are related to an agenda item and received following the agenda publication prior to or during the meeting will be posted to the City’s website.
 - Emailed comments related to non-agenda items and received following the agenda publication prior to or during the meeting will be posted ~~upon request~~ only if it is forwarded by a councilmember, to comply with the Muni Code.

2. Recordings of Commission Meetings:

Starting in June, commission meetings will be recorded for viewing later, although no teleconferencing to allow remote participation.

- Find the recordings [here](#) under each commission.

3. SB 330 Preliminary Application and Builders’ Remedy Projects

- An info memo is published on July 25: “[Scofield Drive SB330 Preliminary Application pursuant to Builder’s Remedy](#)” was posted (The memo was requested by the Council at the July 2 Council meeting after hearing public concerns on the project)
- The memo also includes a list of eight SB330 applications received so far. Four of them are utilizing the Builders’ Remedy (BR) provisions of HAA”.

4. Information Memo posted on the City website:

City Council Informational Memos are now available on the City website. The information can be accessed from the City website at cupertino.org/memos and the City Councilmembers page. You can also find the page via the “Our City” banner and by entering search terms in the “Search the Site” box at the top of the website. Anyone may use the eNotification signup to receive informational memo updates by email.

New memos posted:

- [September 26, 2024 - Cupertino City Hall facility - approach and options](#)
- [September 26, 2024 - Downzoning Residential Parcels \(provided to Council on September 23, 2024\)](#)
- [September 26, 2024 - Monthly Treasurer's Report for August 2024](#)
- [September 26, 2024 - Monthly Treasurer's Investment Report for August 2024](#)

4. How to Search an agenda item:

A community member showed me a way to search for items on the past city meetings:

- Go to this page: <https://cupertino.legistar.com/Calendar.aspx>
 - Make sure that "Calendar" is selected from the top row of tabs and the "List View" is selected from the bottom row of tabs.
 - Enter the search term, such as "investment report". Choose the year or select "All Years"

The screenshot shows the Cupertino City Council Calendar interface. At the top, there are navigation tabs: Home, Legislation, Calendar (selected), City Council, Commissions/Committees, View City Channel Videos, City Records, and YouTube Videos. Below these, there are view options: List View (selected) and Calendar View. A search bar contains the text 'investment report'. To the right of the search bar are dropdown menus for 'All Years' and 'City Council', and checkboxes for 'notes' and 'closed captions'. Below the search bar is a 'Search Calendar' button and a 'Help' link. A summary bar shows '144 records', 'Group', and 'Export' options. The main results table has columns: Name, Meeting Date, Meeting Time, Meeting Location, Meeting Details, Presentations, and Agenda. The first result is for the 'City Council' meeting on '5/21/2024' at '6:00 PM' at '10300 Torre Avenue and 10350 Torre Avenue and via Teleconference'. The meeting is noted as 'Non-Televised' and 'Closed Session'. Links for 'Meeting details', 'Presentations', and 'Agenda' are provided for this meeting.

Name	Meeting Date	Meeting Time	Meeting Location	Meeting Details	Presentations	Agenda
City Council	5/21/2024	6:00 PM	10300 Torre Avenue and 10350 Torre Avenue and via Teleconference <i>Non-Televised Closed Session</i>	Meeting details	Presentations	Agenda

(Last Activity Report in the [October 1, 2024 Council Meeting Agenda](#).)