

PC 10-112022

Oral Communications

Written Comments

Cyrah Caburian

Subject: FW: Planning Commission Meeting

From: Cathy Helgerson <cathyhelger@gmail.com>

Sent: Saturday, October 8, 2022 7:03 AM

To: Darcy Paul <DPaul@cupertino.org>; Liang Chao <LiangChao@cupertino.org>; Kitty Moore <Kmoore@cupertino.org>; Hung Wei <HWei@cupertino.org>; Jon Robert Willey <JWilley@cupertino.org>; City Clerk <CityClerk@cupertino.org>

Subject: Fwd: Planning Commission Meeting

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 All especially City Clerk,

Please forward this e-mail message to the Planning Commission, City Council and to any one else that is involved with these matters it seems that this is the only way to contact everyone.

Thanks,

Cathy Helgerson - 408-253-0490

----- Forwarded message -----

From: Cathy Helgerson <cathyhelger@gmail.com>

Date: Sat, Oct 8, 2022 at 6:12 AM

Subject: Re: Planning Commission Meeting

To: <cupertino@public.govdelivery.com>

Hello,

It is time to put all commissions and meetings Cupertino has at the City Hall for all people to come to the meeting. I ask that you change your meeting over to accommodate those who wish to attend in-house meetings.

I am against signs being put up at the storage units near the 280 freeway. It is bad enough that the storage units are there and that the public can see them from the freeway and now you want to put up signs to please stop this allowance from taking place.

I think it is fine to have more than one unit on a very large piece of the single family home plots but under certain circumstances as long as it does not interfere with the neighboring properties this should be really observed case by case. I would also like to see tiny houses put on the property but there are restrictions with the footage from the fence line and the house in place this may need to be adjusted on another piece of ordinance in the future please see that it happens.

I also have issues and have had issues about the Apple Computer R & D facility next to my home for years they have been polluting the homes nearby and I would like to see them moved this building is zoned for commercial and residential it is not zoned for industrial and that is what this R & D Facility is so please see what you can do about this my family and I have suffered long enough from their pollution to the Air, Water and Soil. Apple installed a massive HVAC system on top of this building so it is very evident what is going on in secret the Fire Department will not act in any way to stop this. In the past the BAAQMD and the EPA have done nothing to correct this problem so I will be bringing this before the City of Cupertino's City Council.

Please provide my concerns to the commissions for their review meetings that need to be conducted at City Hall but if you wish to have them also on the web that is ok with me. I would also like to stress that having meeting of any kind especially the City Council meetings that last late into the evening does not accomodate all of the public's needs and views please set up a 10:00 PM limit.

I also ask that the City council old and new members coming in will receive my comments from this e-mail message. These matters are serious and I also have a great deal more issues that I have constantly been sending e-mails to the City and Council about that have not been rectified.

I ask that someone get back to me ASAP!

Thanks,
Cathy Helgerson - Environmental Enforcement Advocate
CAP-Citizens Against Pollution
408-253-0490

On Fri, Oct 7, 2022 at 5:00 PM City of Cupertino <cupertino@public.govdelivery.com> wrote:

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**CITY OF
CUPERTINO**

Planning Commission Meeting

Tuesday, October 11 at 6:45 p.m.

To register for this teleconference meeting, please refer to the agenda linked below.

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Contact Phone: (408) 777-3308



cupertino.org



**CITY OF
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City of Cupertino, California

Website | 408.777.3200

10300 Torre Avenue, Cupertino, CA 95014-3202



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PC 10-11-2022

Item #2

Public Hearing,
20565 Valley Green Dr.
(EXC-2022-003)

Written Comments

Cyrah Caburian

From: Rhoda Fry <fryhouse@earthlink.net>
Sent: Monday, October 10, 2022 2:51 PM
To: City of Cupertino Planning Commission
Cc: City Clerk
Subject: RE: Planning Commission 10/11/22 Agenda Item #2 Not in Favor of Sign Exemption

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.

I have additional comments pertaining to this item. I am concerned that these signs will be distracting to motorists, particularly on Highway 280 after dark. This issue is addressed twice within the municipal code that applies to signage as follows:

19.104.050 Sign Permit Application–Review Criteria.

B. The proposed sign's color and illumination is not in conflict with the safe flow of traffic on the City streets.

19.104.220 Design Criteria–Permanent Signs.

G. The sign's color and illumination shall not produce distraction to motorists or nearby residents.

Sincerely,
Rhoda Fry

Cyrah Caburian

From: Rani Fischer <ranif@scvas.org>
Sent: Monday, October 10, 2022 4:58 PM
To: City of Cupertino Planning Commission
Cc: Shani Kleinhaus
Subject: Item 2 on the October 11 Agenda- illuminated Signs at 20565 Valley Green Drive
Attachments: Cupertino Illuminated Signs.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 Cahar Scharf and Planning Commissioners,

The Santa Clara Valley Audubon Society is an environmental organization based in Cupertino. We have engaged in many Cupertino planning efforts over the past twenty years, and write today to express our opposition to freeway- facing illuminated signs. Please see our letter attached.

Thank you,

Rani Fischer
Santa Clara Valley Audubon Society
Environmental Advocacy Assistant



October 10, 2022

Cupertino Planning Commission
planningcommission@cupertino.org

Re: Item 2 on the October 11 Agenda:

Please do not allow illuminated Signs at 20565 Valley Green Drive

Dear Chair Scharf and Planning Commissioners,

The Santa Clara Valley Audubon Society is an environmental organization based in Cupertino. We have engaged in many Cupertino planning efforts over the past 20 years, and write today to express our concern regarding freeway facing illuminated signs. We ask:

- Please do not approve a Sign Exception to allow any illuminated/electronic wall signs on the storage facility buildings.
- If illuminated/electronic signs are considered, please:
 - Conduct a public survey to gauge community support
 - Require CEQA analysis to study the impact on aesthetic, driver safety, and biological resources.

Previous Approval On June 18, 2019, City Council approved a Development Permit (DP-2018-03), Architectural Site Approval (ASA-2018-04), Fence Exception (EXC-2018-01), and Tree Removal Permit (TR-2019-11) to allow the construction of a new storage facility consisting of two (2) four (4) story buildings. Signage details were excluded from those permit applications. Staff has now evaluated signage proposals. Our concerns are focused on the lighting of the proposed signs, and we ask the commission not to approve lighting on any sign.

1. City Code

City code section 19.104.220 Design Criteria–Permanent Signs, G. provides, “The sign’s color and illumination shall not produce distraction to motorists or nearby residents.” (Ord. 21-2234, Att. A (§ 9, part), 2021; Ord. 2085, § 2 (part), 2011)

The intent of freeway facing signs is clearly to distract motorists and draw their attention. Thus, freeway facing signs, especially illuminated signs, are not consistent with Cupertino’s design criteria.

2. CEQA

We believe that the proposed freeway facing illuminated signs must require CEQA review and public outreach to analyze and mitigate impacts to the scenic quality of the I-280 corridor.

Interstate 280 in Santa Clara County, including the section along Cupertino, is eligible for Scenic Highway designation (see Figure 1). Electronic, digital and illuminated signs clutter and degrade visual quality and aesthetic resources. I-280 in this section has wide shoulders, berms and trees all intended to create a visual buffer along the freeway, and limit visual interference from businesses and urban activities (see Figure 2). The impacts of I-280 facing illuminated signs should be analyzed in a public CEQA process.

Figure 1:

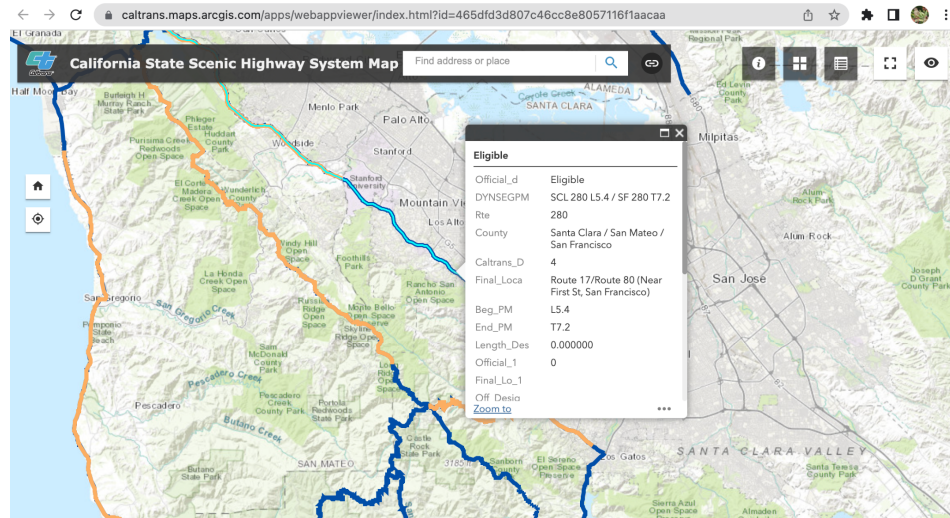


Figure 2:



Thank you for your attention,

Rani Fischer
Santa Clara Valley Audubon Society
Environmental Advocacy Assistant

Cyrah Caburian

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From: Cathy Helgerson <cathyhelger@gmail.com>

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I also have issues and have had issues about the Apple Computer R & D facility next to my home for years they have been polluting the homes nearby and I would like to see them moved this building is zoned for commercial and residential it is not zoned for industrial and that is what this R & D Facility is so please see what you can do about this my family and I have suffered long enough from their pollution to the Air, Water and Soil. Apple installed a massive HVAC system on top of this building so it is very evident what is going on in secret the Fire Department will not act in any way to stop this. In the past the BAAQMD and the EPA have done nothing to correct this problem so I will be bringing this before the City of Cupertino's City Council.

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Thanks,
Cathy Helgerson - Environmental Enforcement Advocate
CAP-Citizens Against Pollution
408-253-0490

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Cyrah Caburian

From: Brian Schmidt <brian@greenfoothills.org>
Sent: Tuesday, October 11, 2022 5:58 PM
To: City of Cupertino Planning Commission; City Clerk
Subject: Planning Commission 10/11/22 Agenda Item #2: Please do not allow illuminated signs facing Highway 280 Exemption

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 Planning Commission:

Green Foothills strongly supports the protection of the night sky and applauds Cupertino for its Dark Sky ordinance. In keeping with the spirit of protecting the night sky, we ask you not to approve any illuminated signs facing Highway 280. Besides being a distraction for drivers, they add cumulatively to the light pollution while not assisting local traffic. In the modern age of smart phone maps, people do not need these signs to find a business, and the light pollution hurts everyone.

Sincerely,
Brian Schmidt

--



Brian Schmidt

Policy and Advocacy Director

(415) 994-7403 | greenfoothills.org

Celebrating 60 years of protecting local nature.

[Get tickets](#) for our *Nature's Inspiration extravaganza on September 25th!*



Cyrah Caburian

From: Cyrah Caburian
Sent: Thursday, October 13, 2022 10:33 AM
To: Rhoda Fry
Subject: RE: Why didn't my comments make it into the public record?

(City Clerk and Planning Commission moved to bcc)

Good morning Rhoda,

Thank you for the email and apologize that your email from Sunday evening was not included though the emails were. I just uploaded the late written communications this morning around the time of your email (which includes Brian of Greenfoothill's email); that being said, I will reupload to include your comments as submitted. Feel free to contact me with any questions.

Best,



Cyrah Caburian

Administrative Assistant
Community Development
cyrahc@cupertino.org
(408) 777-1374



From: Rhoda Fry <fryhouse@earthlink.net>
Sent: Thursday, October 13, 2022 10:04 AM
To: City Clerk <CityClerk@cupertino.org>; City of Cupertino Planning Commission <PlanningCommission@cupertino.org>
Subject: Why didn't my comments make it into the public record?

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Hi City Clerk,
I'm looking at the public record for this meeting and do not see my comments posted as shown below. I understand that Greenfoothills also wrote the Planning Commission and do not see their comments either. Can you correct the administrative record?
Thanks,
Rhoda

From: Rhoda Fry [<mailto:fryhouse@earthlink.net>]
Sent: Sunday, October 9, 2022 1:00 AM
To: 'planningcommission@cupertino.org' <planningcommission@cupertino.org>
Cc: 'City Clerk' <CityClerk@cupertino.org>
Subject: Planning Commission 10/11/22 Agenda Item #2 Not in Favor of Sign Exemption

Dear Planning Commission,

I am writing you regarding the Planning Commission on 10/11/22 Agenda Item #2 for a sign exemption. I am not in favor of large illuminated signs that would face Highway 280. Two illuminated signs, totaling ~320 square feet, would directly face the freeway and a third of ~50 square feet would likely be visible from the freeway. This agenda item can be found here:

<https://cupertino.legistar.com/LegislationDetail.aspx?ID=5868412&GUID=E33E36EA-CD6C-45FE-AB5C-8114692E266E&Options=&Search=>

Concerns:

1. Has this item been reviewed by the Environmental Review Committee?
2. The City of Cupertino recently passed a Dark Sky Ordinance to protect birds and other wildlife and it is surprising to see that the City would consider approving an exemption for illuminated signage that would increase the number of allowed signs.
3. Having an illuminated sign facing Highway 280 would create a significant and unavoidable impact to a portion of Highway 280 that is eligible to be a State Scenic Highway (adjacent portions of Highway 280 are already designated as State Scenic Highways). <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways> Consequently, I do not believe that this project is not exempt from CEQA.
4. Please consider this story from KQED that explains, “Why Aren’t Any Billboards on 280?” <https://www.kqed.org/news/11805469/why-arent-any-billboards-on-280>
5. Page 5 of the Staff Report states, “This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Sections 15301: Existing Facilities.” However, this project has not even completed construction according to the building permit history. Out of 8 permits pulled, only two are finalized – for demolition and temporary power. Even more confusing, a permit was already issued for illuminated signs (it appears to have expired). All of this makes the project really look like it is piecemealing or segmenting of CEQA; this does not look good and it might not even be allowable. Consequently, this project is likely not exempt from CEQA. Please read on to find the permit history.
6. According to the staff report, “The City’s Building Division, Public Works Department, Environmental Services Division, and the Santa Clara County Fire Department have reviewed the project and have no objections.” How about the California Department of Transportation / Caltrans?
7. If you absolutely must approve signs facing 280, please do not allow them to be illuminated.
8. Does the City of Cupertino want to be known for defiling one of California’s eligible State Scenic Highways?

Please find below a permit history (extracted from the database on 10/09/2022):

Date: 11/18/2019

Permit #: BLD-2019-1380

Status: Issued

Description: PUBLIC STORAGE - BUILDING B - NEW 4 STORY BUILDING WITH BASEMENT (137,140 SF)REV #1- REVISED SHORING PLAN TO SHOW ONE EXCAVATION FOR BUILDINGS B IN LIEU OF SEPARATE EXCAVATIONS PER BUILDING; REVISED ASSOCIATED ARCHITECTURAL AND CONSULTANT PLANS (SEE NARRATIVE IN DOCUMENTS PORTLET/PDOX FOR COMPLETE DESCRIPTION OF CHANGES) - APPROVED 2/24/2021REV #2 - REVISE A FEW UTILITY ITEMS PER CALWATER AND CLEAN UP ROOF DRAINS DISCREPANCIES - CIVIL AND PLUM BULLETIN 2; REVISE DOORS IN FARE WALL TO BE ADA COMPLIANT, REVISE DOOR HARDWARE - ACRH - ELEC BULLETIN 4; REVISE DIMENSIONS AND NOTING TO CLEAN UP DISCREPANCIES - STRUCT BULLETIN 4; ADD EXHAUST FAN FRO FIRE PUMP ROOM - MECH BULLETIN 4 - APPROVED 7/21/2021REV # 3 - REVISED DISCREPANCIES ON ROOF DRAINS (CIVIL & PLUMBING - BULLETIN 7); REVISED METAL PANEL AND SOME PAINT CALL OUT THE ELEVATION AND SECTIONS - BULLETIN 7. UPDATED THE SOLAR PANEL SPECIFICATIONSREV #4 - ADD TWO HOUR RATED SHAFT AROUND FIRE SPRINKLE PIPING BEHIND ELEVATORS - APPROVED 7/1/2022REV#5 - SEE NARRATIVE - DEF#1 - ELEVATOR PACKAGE - APPROVED 5/26/21DEF#2 - REVISED ACCESS CONTROL SYSTEM-APPROVED 4/21/2021DEF#3 - EXTERIOR METAL CANOPY - APPROVED 11/9/21DEF#4 - UNIT STORAGE LOCKERS - APPROVED 07/28/2021-DEF#5 - EXTERIOR PANELS - APPROVED 04/05/2022DEF#4 REV#1 - LOCKER DOORS ADJUSTED (9)-

Date: 11/18/2019

Permit #: BLD-2019-1381

Status: Issued

PUBLIC STORAGE - SITE IMPROVEMENTSREV # 1 - REVISED A FEW UTILITY ITEMS PER CAL WATER AND CLEANED UP A FEW DISCREPANCIES ON ROOF DRAINS (CIVIL AND PLUMBING - BULLETIN 2 & 5); REVISED WATER SERVICE FOR LANDSCAPE -BULLETIN 5; SHIFTED DRAINS - BULLETIN 7

Date: 11/18/2019

Permit #: BLD-2019-1385

Status: Issued

PUBLIC STORAGE - BUILDING A - NEW 4-STORY BUILDING WITH BASEMENT (134,358 SF) REV #1 - REVISED SHORING PLAN TO SHOW ONE EXCAVATION FOR BUILDINGS A IN LIEU OF SEPARATE EXCAVATIONS PER BUILDING; REVISED ASSOCIATED ARCHITECTURAL AND CONSULTANT PLANS (SEE NARRATIVE IN DOCUMENTS PORTLET/PDOX FOR DESCRIPTION OF CHANGES.) - APPROVED 02/24/2021REV #2 - REVISE A FEW UTILITY ITEMS PER CALWATER AND CLEAN UP ROOF DRAINS DISCREPANCIES - CIVIL AND PLUM - BULLETIN 2; REVISE DOORS IN FARE WALL TO BE ADA COMPLIANT, REVISE DOOR HARDWARE - ACRH -ELEC BULLETIN 4; REVISE DIMENSIONS AND NOTING TO CLEAN UP DISCREPANCIES - STRUCT BULLETIN 4; ADD EXHAUST FAN FOR FIRE PUMP ROOM - MECH BULLETIN 4 - APPROVED 09/27/2021 REV # 3 - REVISED DISCREPANCIES ON ROOF DRAINS (CIVIL & PLUMBING - BULLETIN 7); REVISED METAL PANEL AND SOME PAINT CALL OUT THE ELEVATION AND SECTIONS REV # 4 - REVISED OFFICE PLAN AND ADDED A UNISEX RESTROOM BESIDE OFFICE - (BULLETIN 8) REV#5 - SEE NARRATIVE-DEF#1 - ELEVATOR PACKAGE-APPROVED 5/25/2021DEF#2 - REVISED ACCESS CONTROL SYSTEM-APPROVED 4/21/2021DEF # 3 - EXTERIOR METAL CANOPY - APPROVED 09/28/2021DEF#4 - UNIT STORAGE LOCKERS - APPROVED 07/28/21DEF# 4 - REV # 1 - REVISE LOCKERS FOR BUILDING (A) - APPROVED 07/13/2022DEF#5 - EXTERIOR PANELS - APPROVED 07/13/2022

Date: 12/4/2019

Permit #: BLD-2019-1495

Status: Finaled

DEMO (9) ONE STORY STORAGE BUILDINGS AND SITE WORK (54,186 SF).

Date: 11/20/2020

Permit #: BLD-2020-1945

Status: Issued

TEMPORARY CONSTRUCTION TRAILER (480 SF).

Date: 1/5/2021

Permit #: BLD-2021-0020

Status: Issued

PUBLIC STORAGE (N) 306-PANEL ROOF MOUNTED PV SYSTEM (100 kW); (N) SOLAR PANELBOARD (200 AMP); (N) FUSED AC DISCONNECT.REV#1 - UPDATED THE SOLAR PANEL SPECIFICATIONS-APPROVED 8/3/2021

Date: 1/28/2021

Permit #: BLD-2021-0191

Status: Finaled

PUBLIC STORAGE - TEMP POWER FOR CONSTRUCTION SITE (2) 100 AMP SUB-PANELS; AND (1) 100 AMP SUB-PANEL FOR THE CONSTRUCTION TRAILER.

Date: 7/6/2021

Permit #: BLD-2021-1294

Status: Issued

PUBLIC STORAGE - INSTALL (7) (N) SIGNS (648 SF) TOTAL : - (3) ILLUMINATED CHANNEL LETTER WALL SIGNS: SIGN #1 (82 SF), SIGN #3 (265 SF) , SIGN #6 (265 SF) - (3) DIRECTIONAL SIGNS NON ILLUMINATED: SIGN #2 (3 SF), SIGN #4 (2 SF), SIGN #5 (2 SF)- (1) GROUND LED ILLUMINATED MONUMENT SIGN: SIGN # 7 (30 SF)

Thank You for your consideration.

Warm Regards,
Rhoda Fry

CC: Santa Clara Valley Audubon Society, Greenfoothills, City Council

PC 10-11-2022

Item #2

Public Hearing,
Senate Bill 9
Proposed Ordinance
(MCA-2022-001)

Written Comments

Cyrah Caburian

From: Tej Kohli <jetkohli@gmail.com>
Sent: Tuesday, October 11, 2022 4:44 PM
To: City of Cupertino Planning Commission
Cc: Emi Sugiyama; Piu Ghosh (she/her)
Subject: A short presentation for todays meeting
Attachments: Lot Split Oct 2022.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.

Hello Planning Commision team:

Thanks to the planning department for coming up with these new amendments to the interim guidance on SB9.

We had originally applied for an SB9 lot split way back in Jan 2022. It was rejected based on the interim rules. Looks like these new rules will allow us the original lot split that we had asked for. We thank you for that but it has caused a lot of unneeded delay and angst.

Have a few questions to understand go forward options for the potential buyer of our split lot.

Included in the presentation attached.

Thanks

Tej and Nitu Kohli
21411 Columbus Ave

21411 Columbus Ave Cupertino

SB9 Split Prelim Request

Oct, 2022

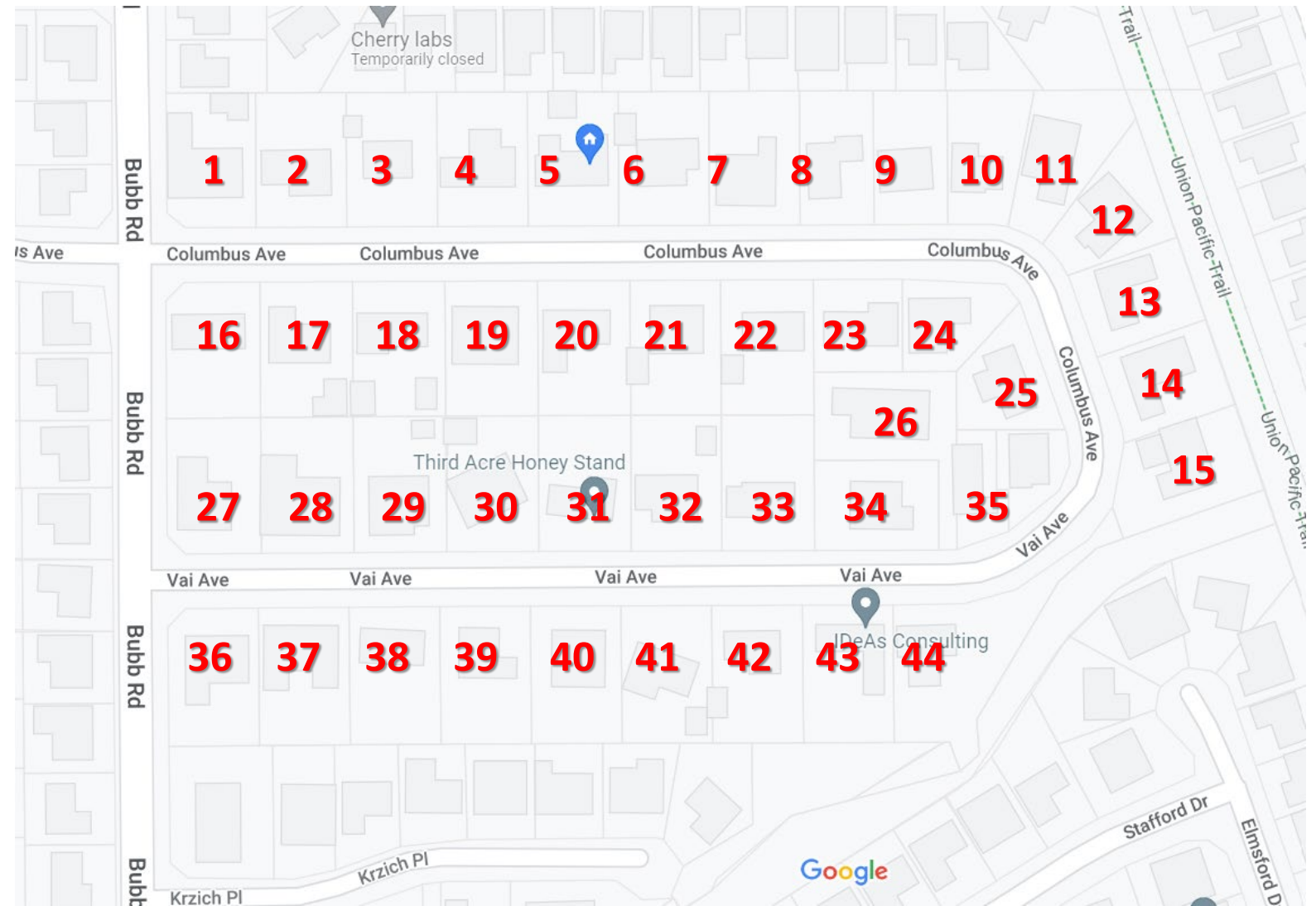
Original request was made Jan 2022!!!

Tej and Nitu Kohli

- We are proud 21 year Cupertino residents
- Our two kids (now adults) went thru Lincoln, Regnart, Kennedy and Monta Vista. They went on to UC Davis and SJSU
- We are proud to call Cupertino our home
- We are requesting a SB9 lot split to allow us to build a nice home for ourselves and another to welcome new Cupertino residents

Intro: Our unique corner of Cupertino

- Approx 44 homes (~15000 sqft lots)
- Unique U shaped road off Bubb
- Expansive 100 ft frontage homes
- Want to retain the charm of this unique street
- **Blue** marker is our house



Suggesting SB9 lot split (Golden Ratio 4:3)

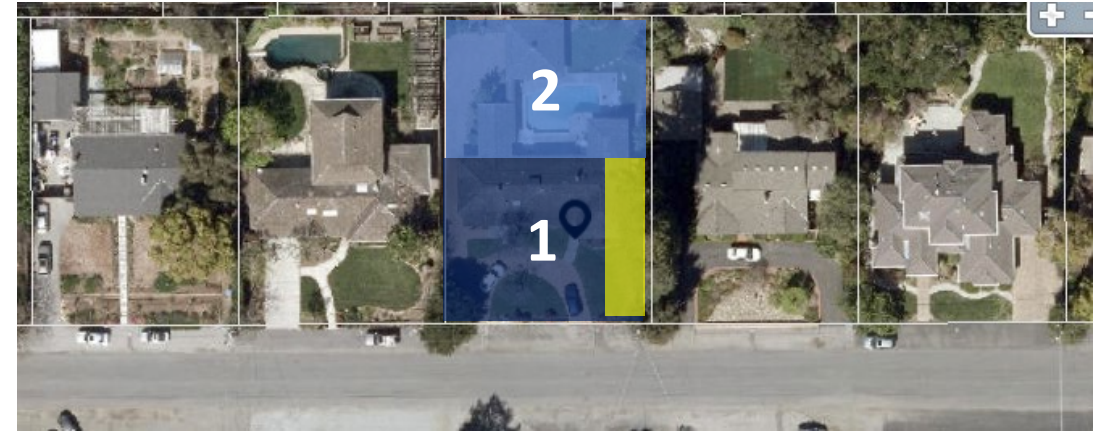
For our 15,000 sq ft size lot (100' x 150')



BEFORE SPLIT

Goals for split

- Want to maintain a congruous look on our street
- Good architectural proportions for buildability



AFTER SPLIT

- Build two env-friendly “green” houses
- Our current house was built in the 50s and is not in good shape
- Yellow Strip is 20 ft wide easement for shared access to both properties

Our proposal

Split to make two proportional 100'x75' lots



- + **Maintains and enhances the look and feel of the street**
- + Maintains the unique 100ft frontage
- + ALL our neighbors love this
- + Totally workable for 60/40 split or 50/50 splits

- + Very proportional 100'x75' lots (Golden Ratio)
 - + Architecturally appealing and highly sought after
 - + Privacy and open-air spaces are well maintained
 - + 100's of lots in Cupertino that meet these specs
 - + Setbacks are way more workable with these dimensions
- + East/West direction of street: Solar issues
 - + Both get East/West/South exposure
- + Meets the spirit and intent of SB9
- + Want to invest and build two new green & modern homes that fully integrate with our neighborhood

... all men are created equal Land is land

- We split our lot based on this new SB9 guidance
- A buyer buys this 7,500 sq ft lot
- To build there are now two building standards – the discretionary one and the SB9 ministerial one.
 - 1) Under discretionary
 - FAR will allow for a ~3,375 sq ft build
 - Allowed to have conforming basements and attics that are NOT included in FAR calculations
 - JADU and ADU per existing standards
 - 2) Under SB9
 - Will allow for max living space of 2,000 sq ft for 1 structure?
 - NOT allowed to have basements?
 - How much allowed for the second structure?
 - Does FAR come into play?
 - JADU and ADU per existing standards?
- What is the new lot split fee?
 - The old fee of \$19,000 was very excessive

To the Planning Committee, Planning Department & the City Council

- Thank you for working with residents to understand input and understand the special cases
- We intend to file as soon as there is final clarity
- We would like to finalize our architect and start the detailed planning as soon as this is approved

THANK YOU

Cyrah Caburian

Subject: FW: Planning Commission Meeting

From: Cathy Helgerson <cathyhelger@gmail.com>

Sent: Saturday, October 8, 2022 7:03 AM

To: Darcy Paul <DPaul@cupertino.org>; Liang Chao <LiangChao@cupertino.org>; Kitty Moore <Kmoore@cupertino.org>; Hung Wei <HWei@cupertino.org>; Jon Robert Willey <JWilley@cupertino.org>; City Clerk <CityClerk@cupertino.org>

Subject: Fwd: Planning Commission Meeting

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 All especially City Clerk,

Please forward this e-mail message to the Planning Commission, City Council and to any one else that is involved with these matters it seems that this is the only way to contact everyone.

Thanks,

Cathy Helgerson - 408-253-0490

----- Forwarded message -----

From: Cathy Helgerson <cathyhelger@gmail.com>

Date: Sat, Oct 8, 2022 at 6:12 AM

Subject: Re: Planning Commission Meeting

To: <cupertino@public.govdelivery.com>

Hello,

It is time to put all commissions and meetings Cupertino has at the City Hall for all people to come to the meeting. I ask that you change your meeting over to accommodate those who wish to attend in-house meetings.

I am against signs being put up at the storage units near the 280 freeway. It is bad enough that the storage units are there and that the public can see them from the freeway and now you want to put up signs to please stop this allowance from taking place.

I think it is fine to have more than one unit on a very large piece of the single family home plots but under certain circumstances as long as it does not interfere with the neighboring properties this should be really observed case by case. I would also like to see tiny houses put on the property but there are restrictions with the footage from the fence line and the house in place this may need to be adjusted on another piece of ordinance in the future please see that it happens.

I also have issues and have had issues about the Apple Computer R & D facility next to my home for years they have been polluting the homes nearby and I would like to see them moved this building is zoned for commercial and residential it is not zoned for industrial and that is what this R & D Facility is so please see what you can do about this my family and I have suffered long enough from their pollution to the Air, Water and Soil. Apple installed a massive HVAC system on top of this building so it is very evident what is going on in secret the Fire Department will not act in any way to stop this. In the past the BAAQMD and the EPA have done nothing to correct this problem so I will be bringing this before the City of Cupertino's City Council.

Please provide my concerns to the commissions for their review meetings that need to be conducted at City Hall but if you wish to have them also on the web that is ok with me. I would also like to stress that having meeting of any kind especially the City Council meetings that last late into the evening does not accomodate all of the public's needs and views please set up a 10:00 PM limit.

I also ask that the City council old and new members coming in will receive my comments from this e-mail message. These matters are serious and I also have a great deal more issues that I have constantly been sending e-mails to the City and Council about that have not been rectified.

I ask that someone get back to me ASAP!

Thanks,
Cathy Helgerson - Environmental Enforcement Advocate
CAP-Citizens Against Pollution
408-253-0490

On Fri, Oct 7, 2022 at 5:00 PM City of Cupertino <cupertino@public.govdelivery.com> wrote:

Having trouble viewing this email? [View it as a Web page.](#)



**CITY OF
CUPERTINO**

Planning Commission Meeting

Tuesday, October 11 at 6:45 p.m.

To register for this teleconference meeting, please refer to the agenda linked below.

View agenda:

[Agenda](#)

[Live Webcast](#)

To view the past minutes and webcast archives visit:

[Agenda, Minutes & Webcast Archives](#)

Contact Phone: (408) 777-3308



cupertino.org



**CITY OF
CUPERTINO**

City of Cupertino, California

Website | 408.777.3200

10300 Torre Avenue, Cupertino, CA 95014-3202



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This email was sent to cathyhelger@gmail.com using GovDelivery Communications Cloud, on behalf of: City of Cupertino, CA · 10300 Torre Avenue · Cupertino, CA 95014-3202

GOVDELIVERY

Cyrah Caburian

From: Jenny Griffin <grenna5000@yahoo.com>
Sent: Tuesday, October 11, 2022 9:08 PM
To: City of Cupertino Planning Commission
Subject: Fwd: SB 9 Authors are Incompetent

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.

FYI.

----- Original Message -----

Subject: SB 9 Authors are Incompetent
From: Jenny Griffin <grenna5000@yahoo.com>
Sent: Tuesday, October 11, 2022, 9:02 PM
To: CityCouncil@Cupertino.org
CC: grenna5000@yahoo.com

Dear City Council:

It is apparent that the people who wrote SB 9 are incompetent. The lack of land use Knowledge in the bill text is immediately evident. Trying to do a ministerial lot Split and have only four foot setbacks on new house construction are really bad Choices in land use. Evidently no one checked the fitness of the authors of sb 9 To write land use bills.

So the governor has signed SB 9. The governor has signed into law a bill that is basically Incompetent written by incompetent authors.

How does the public or the state deal with this?

Evidently, the governor is being advised poorly about the legitimacy of such bills as SB 9.

What recourse does the public or the city have to rectify this incompetency in a bill Like SB 9?

Do we have to declare the bill bill and void due to the incompetence of the bill And it's text? No one has revealed the bill's authors. Therefore, no one can know The competency of these authors to write such a bill as SB 9.

If the governor has been duped into signing such a incompetent bill as SB 9, What is the remedy for this action?

How do we remove such an incompetent bill? Do the politicians who advised the

Governor so poorly bear responsibility?

Thank you.

Sincerely,

Jennifer Griffin

Cyrah Caburian

From: Nagesh Vempaty <nvempaty@gmail.com>
Sent: Thursday, October 13, 2022 12:28 PM
To: City of Cupertino Planning Commission; City Council
Cc: Nagesh Vempaty; mohamed genidy; Emi Sugiyama
Subject: Please remove or change the grade restrictions in City of Cupertino's SB-9 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.

Dear Honorable Members of the City of Cupertino Planning Committee and the City Council,

I attended the City Planning Committee Meeting on SB-9 on Oct 11, 2022 via Zoom and spoke during the SB-9 session. I want to bring your attention to the Grade Change Limitation for SB-9 urban lot splits in the City of Cupertino. The City Planning Department Proposed changes in the Grading section of the Ordinance copied below this email.

Briefly, The City Planning Department proposed in the draft ordinance to 'allow a 12" grade change on lots with slopes between 0 – 5%, 24" grade change on lots with slopes between 6 – 10% and require a peer reviewed grading and drainage plan to confirm that grading on all slopes exceeding 10% is limited to the minimum extent necessary to accommodate on-site parking and living space.'

THIS WAS REJECTED IN THE MEETING IN FAVOR OF ALLOWING UPTO A MAXIMUM OF 12" GRADE CHANGE IN ALL SITUATIONS.

This will not work especially in RHS lots with a hill slope. The argument made was to reduce the impact to hills. I want to bring your attention to the fact that there is already an onerous restriction of 2500 cubic yards of cut and fill permitted in the unsplit lot, which now applies to the combined cut and fill of 2500 cubic yards for the resulting two lots after a lot split. This is already very restrictive when two homes are to be built with a total limit of 2500 cubic yards of cut and fill. There is no need to make an additional restriction of a maximum of one foot on the grading allowed, as this restriction already protects the hills from excessive grading.

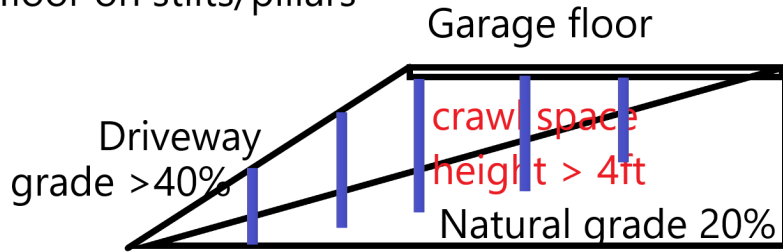
The current restriction of 6 six inches on grading was shown to be inadequate for a lot with 5% slope and a 20 foot deep garage.

The proposed change to the restriction of 12 inches on grading will be inadequate on lots with even a 6% slope. For example, to build a 20 ft deep garage on a 6% slope lot requires a 14.4 inch grade change. It is even higher on lots with steeper slopes.

The planning department correctly identified that one solution does not fit all and proposed a solution that scales to different situations, at the same time minimizing the grade change.

The discussed notion of building on stilts/pillars to eliminate grade change does not work as this results in a driveway with a steeper slope and a crawl space of more than 4feet depth, both of which are not permitted. This is illustrated in the attached diagram. And we are only talking about a garage, not even the rest of the living space. The average dimensions for living spaces are 40ftx30ft for a two story house and even larger elsewhere.

Illustration of problems with building a garage floor on stilts/pillars



I recommend the City of Cupertino's Council and the Planning Committee to revisit this issue and change to the City Planning Department's proposal of 'allow a 12" grade change on lots with slopes between 0 – 5%, 24" grade change on lots with slopes between 6 – 10% and require a peer reviewed grading and drainage plan to confirm that grading on all slopes exceeding 10% is limited to the minimum extent necessary to accommodate on-site parking and living space.'

This accommodates more situations.

Adding 12" limit specifically on SB-9 lot split while not applying it under regular zoning or even SB-9 developments without lot split means it is NOT an objective measure and is inconsistent with existing ordinances. It appears it is used as a tool to disqualify lot splits under SB-9 in R1/RHS zoning. The selective 12" limit appears to be tailored to circumvent SB-9 and hence not consistent with state intent that SB-9 applies to all R1/RHS zoning and rules should be objective and consistent with existing rules.

We currently own an RHS lot in Cupertino and our preliminary proposal for an SB-9 lot split is blocked by this item in the City Ordinance. I am requesting the City's Planning Commission and the City Council to pay attention to these details and rectify these issues adequately in the upcoming revision in Dec 2022.

If we need a further discussion, please let me know when and where.

Thanks,

Nageshwara Rao Vempaty

Proposed section pages 93-95 of 235 in PC 10-11-2022 City of Cupertino AGENDA Planning Commission Document. This proposal is workable for most sites.

E. Site Grading

1. Maximum

Grading

Quantity

a. Cumulative total of 2,500 cubic yards, cut plus fill.

Includes: grading for building pad, yard areas, driveway and all other areas requiring grading.

Excludes: basements

b. All cut and fill shall be rounded to contour with natural contours and planted with landscaping which meets the requirements in Section

19.40.050G

c. For each of the lots developed or created pursuant

to Government Code Sections 64411.7 and 65852.21, a cumulative total of 1,250 cubic yards, cut plus fill (including grading for building pad, yard areas, driveway, all other areas requiring grading, and basements), except if the original lot that was subdivided has already performed prior PC 10-11-2022

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grading, then the amount of grading that has previously occurred shall be reduced from the maximum grading quantity allowed cumulatively on the two resulting lots.

d. For each of the lots developed or created pursuant to Government Code Sections 64411.7 and 65852.21, unless required by the City Engineer or to meet Fire Code requirements, grading activity on lots with an average slope of:

i. Less than five percent shall not result in a change in grade elevation by more than 12-inches from existing natural grade.

ii. Between five and ten percent shall not result in a change in grade elevation by more than 24-inches from existing natural grade.

iii. Ten percent or more shall result in a change in elevation that is limited to the minimum extent necessary to accommodate on-site parking and living space, as demonstrated by a grading and drainage plan prepared by a registered civil engineer, subject to third-party peer review, at the applicant's cost.

In all cases, the following shall apply:

i. Change in grade elevation shall be limited to the minimum extent necessary to ensure adequate drainage and access as demonstrated by a grading and drainage plan prepared by a registered civil engineer.

ii. Split level designs shall be used to avoid additional change in grade elevation.

iii. Unless otherwise required by the City Engineer, spoils shall be balanced on site and shall match the existing grading and drainage pattern of the site.

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