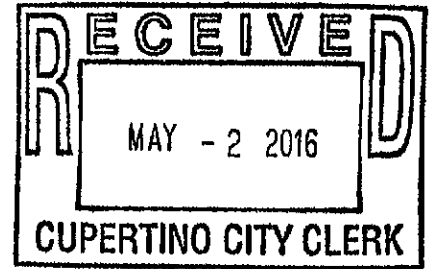




CUPERTINO

City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014
(408) 777-3223



RECONSIDERATION PETITION

NOTICE: *Reconsideration petitions are only accepted for adjudicatory matters that are quasi-judicial decisions by the City Council. The reconsideration petition is subject to the requirements of and must comply with section 2.08.096 of the Cupertino Municipal Code, available in the City Clerk's office or online at http://www.amlegal.com/cupertino_cal/. Please review this form carefully and provide a detailed explanation for each item. Failure to meet the requirements of section 2.08.096 may result in rejection of the reconsideration petition.*

1. Project for which you are requesting reconsideration:

Application No.: R - 2015 - 08
Applicant(s) Name: Kingkay Capital LLC

3. Contact information for party requesting reconsideration:

Name: Jan Kucera Jr.
Address: 21917 Oakview Lane
Phone: (408) 446-9984
Email: xckc43a@prodigy.net

4. Date of Council meeting considering the project for which you are requesting reconsideration: April 19, 2016

Reconsideration petitions must be filed within ten (10) calendar days of the date of the Clerk's notice.

5. Details of grounds for reconsideration (Cupertino Municipal Code Section 2.08.096). A petition for reconsideration must specify, in detail, each and every ground for reconsideration. Failure to specify the particular ground(s) for reconsideration will preclude any omitted ground(s) from being raised or litigated in a subsequent judicial proceeding.

In addition, the grounds for reconsideration are limited to the criteria listed below. Failure to meet these grounds may result in rejection of the petition for reconsideration. Check all grounds that apply and provide detailed explanations

of the facts supporting each ground for reconsideration (provide supporting documentation and attach additional sheets if necessary):

- An offer of new relevant evidence which, in the exercise of reasonable diligence, could not have been produced at any earlier city hearing.

Explanation of new evidence and why it could not have been produced earlier:

Thanks to advice from an attorney, my property is on a slope (more than a 10 ft drop across my property). Planning department NEVER visited my property to see the natural slope drop-off. Therefore the 28 ft height limit (19.28.070 section J) is clearly being violated in reference to property at 21917 Oakview Lane

- An offer of relevant evidence which was improperly excluded at any prior city hearing.

Explain relevant evidence and how, when it was excluded at a prior hearing:

I ran out of time in my 10 minute presentation to show that the proposed building was violating the 28 ft height limit with respect to my property. Planning department's Ms Arati Shrivastava (who has never been on my property) denied to the City Council that there was a violation.

- Proof of facts which demonstrate that the City Council proceeded without, or in excess of its, jurisdiction.

Explain facts and how those facts show that the Council operated outside its jurisdiction:

The facts show that the proposed house is **NOT** harmonious in SCALE & DESIGN with neighborhood. The original homes were 1,100 sq ft and 13 ft high. This monster home is 5,140 sq ft and 25 1/2 ft high. Our attorney says it clearly violates the code, and a jury of peers will agree with the facts & not the developer's desire to build a monster home.

- Proof of facts which demonstrate that the City Council failed to provide a fair hearing.

Explain facts and how those facts demonstrate failure to provide a fair hearing:

With the exception of Mr. Darcy Paul & Mr. Rod Sinks, the Council ignored the fact that the developer MAXIMIZED the proposed building size to within ONE sq ft of the allowed square footage. Therefore, building such a monster home in a single story neighborhood is a clear violation of the code. The only compromise is a single story home of \approx 5,000 sq ft.

- ✗ Proof of facts which demonstrate that the City Council abused its discretion by:
- (a) Not preceding in a manner required by law; and/or
 - (b) Rendering a decision which was not supported by findings of fact; and/or
 - (c) Rendering a decision in which the findings of fact were not supported by the evidence.

Explain facts and how those facts demonstrate abuse of discretion related to items (a)-(c):

The City Council is elected by the citizens of Cupertino, to serve the Cupertino community. The Council is NOT supposed to rubber stamp buildings by millionaire developers with NO voting rights in the City of Cupertino. Sixteen citizens who vote, signed a petition that they "DO NOT WANT" this monster home in their neighborhood. The City Council is ignoring the concerns of these and favoring a NON-VOTING developer!!

6. Signature(s)

Jan Kucera Jr.

Please complete form, include reconsideration fee of \$273 payable to City of Cupertino and return to the attention of the City Clerk, 10300 Torre Avenue, Cupertino, (408) 777-3223.

Acceptance of a petition by the City Clerk is for timeliness purposes only and does not constitute a determination that the petition meets the requirements for reconsideration under section 2.08.096 of the Municipal Code. The City reserves the right to review petitions after submission and reject those that do not meet the criteria set forth in Cupertino Municipal Code Section 2.08.096.