

CC 12-20-2022

Oral
Communications

Written
Communications

From: [Noel Eberhardt](#)
To: [City Clerk](#)
Subject: Fix the Housing Element Draft
Date: Monday, December 19, 2022 11:57:36 PM

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.

City Clerk Kirsten Squarcia,

I am writing out of concern for the current status of the recently released Cupertino housing element draft, which is clearly incomplete and inconsistent with the extreme housing needs in Cupertino and the greater bay area. I am optimistic that we can craft an ambitious housing element, with the visionary abilities of this new city council and ample community feedback. Failure to do so will result in an extended period of loss of local control and continuous increases in housing insecurity and homelessness.

To adequately meet the housing needs of our community, I fully support Cupertino for All's recommendations to the housing element draft. The organization's requested changes are as follows:

1. Site Inventory: Reduce reliance on pipeline projects, expand the number of planned units in the "heart of the city," and avoid planning homes that are unlikely to be built. Nearly $\frac{2}{3}$ of the planned inventory is pipeline projects, with roughly 80% of those projects being Vallco and the Hamptons. The Hamptons in particular is unlikely to actually be built out as 600 units, given no recent developer interest and recent renovations from Irvine Company. Meanwhile, less than 5% of the inventory is composed of the heart of the city, the main portion of Cupertino, where most development should be slated.
2. Programs and Policies: Urge staff and consultants to focus on new policies and programs modeled after other cities' housing elements—with a framework of the 3 Ps in mind: production of homes, preservation of existing homes, and protection of renters. Cities like Emeryville and Mountain View have robust policies for all three of these planks. Cupertino's current draft introduces few new policies, instead relying almost entirely on our existing ones, which have obviously failed to meet our housing needs. Additionally, the draft unnecessarily restricts proposed policies, such as only limiting parking requirements for SROs and studios, instead of applying a reduction in parking to all new homes.
3. Needs Analysis: The needs analysis is woefully inadequate for the unique housing context of Cupertino, with no references to the extreme unmet housing needs of our daytime residents—instead choosing to focus on those who already can afford to live here. In particular, we see tremendous housing struggles among De Anza college students, adjunct faculty, teachers, low-wage workers, non-profit workers, young adults, and seniors. For example, Cupertino severely lacks in apartments and smaller units that would be ideal for a young professional or

community college student. Additionally, with regard to AFFH, our draft does not provide a realistic assessment of segregation in our region; we know that Cupertino has one of the lowest Latino/Latinx populations of surrounding cities—of just 3-4% compared to San Jose's 30%. As such, one of our intended outcomes should be to bridge this gap and greatly increase housing opportunities for Latino, Black, and Southeast Asian communities of color.

4. Constraints Analysis: Several constraints appear to be missing, including but not limited to (1) local control and neighborhood opposition, (2) underutilized land such as dying strip malls, (3) relatively low surface area for development, (4) state law evasion/loopholes, (5) permit processing times. Additionally, several other state laws are missing that are in need of compliance like AB 2097 and AB 2011.

5. Community Outreach: While Cupertino has done some community outreach with regard to the housing element, it does not seem to have actually translated into actual policies or programs. The purpose of community outreach is to hear from traditionally underserved communities, so new ideas emerge for how to meet these specific housing needs. Instead, there are dozens of pages of outreach, with no actual effect on the resulting sites, programs, or policies. Additionally, much of the feedback critical of Cupertino's approach to the inventory appears to be missing. The City must also be honest about its failures in approaching community outreach, such as the last City Council dismantling the stakeholder engagement group, or the anti-housing bias within the housing survey.

6. Transit-Oriented Development & mixed use: Cupertino's housing element draft does not seem to contain a vision for the built-environment, as it isolates the thousands of planned homes from a much needed coinciding growth of bicycle and pedestrian infrastructure, reduced car use, and vibrant, mixed-use spaces. Instead, it makes few references to transit-oriented development and even unnecessarily restricts mixed-use. We should be planning our housing future around the reduction of car reliance and the promotion of our Climate Action Plan 2.0.

7. Timeline: Cupertino is last in the entire county and will no doubt lose local control under the builder's remedy. Council should direct its staff and consultant team to focus entirely on more-or-less redoing the housing element draft as quickly as possible. The community would like to see an actual timeline and plan of action for achieving an ambitious housing element in a short period of time.

Noel Eberhardt
neberhardt@sbcglobal.net
21407 Krzich Place
Cupertino, California 95014

From: [John Zhao](#)
To: [City Clerk](#)
Subject: The Housing Element needs to be overhauled
Date: Monday, December 19, 2022 10:24:49 PM

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.

City Clerk Kirsten Squarcia,

I have reviewed the Housing Element draft and am deeply concerned with how incomplete and insufficient it is. The housing element is not even a completed document, and the content that it does contain does not meet state requirements to ensure that Cupertino can adequately address housing needs in our community. I am hopeful that with our new City Council, we can work collaboratively between Council, staff, and different segments of the public (including renters, homeowners, daytime residents, etc.) to put forth a bold vision for how we plan our city over the next 8 years.

Contrary to the statements of certain (previous) elected officials who have insisted that we will make the deadline for the Housing Element, it is very clear that we will be late. That being said, I think we should take this as an opportunity to regroup and make our best faith effort to make a good Housing Element. It IS possible for a Housing Element to be approved on first submission, as we can see with the City of Emeryville. And if we wanted to, Cupertino could earn the Prohousing Designation and join the cities of Citrus Heights, Fontana, Oakland, Roseville, San Diego, and West Sacramento.

To adequately meet the housing needs of our community, I support Cupertino For All's recommendations to overhaul the Housing Element draft. The organization's requested changes are as follows:

1. Site Inventory: Reduce reliance on pipeline projects, expand the number of planned units in the "Heart of the City," and avoid planning homes that are unlikely to be built. Nearly $\frac{2}{3}$ of the planned inventory is pipeline projects, with roughly 80% of those projects being Vallco and the Hamptons. The Hamptons in particular is unlikely to actually be built out as 600 units, given no recent developer interest and recent renovations from Irvine Company. Meanwhile, very little of the proposed sites are located in Cupertino's Priority Development Areas (PDAs), which are where development is supposed to be focused under smart, transit-oriented planning principles.
2. Programs and Policies: Urge staff and consultants to focus on NEW policies and programs modeled after other cities' housing elements—with a framework of the 3 Ps in mind: production of homes, preservation of existing homes, and protection of renters. Cities like Emeryville and Mountain View have robust policies for all three of these planks. Cupertino's current draft introduces few new policies, instead relying almost entirely on our existing ones, which have obviously failed to meet our housing needs. Additionally, the draft unnecessarily restricts

proposed policies, such as only limiting parking requirements for SROs and studios, instead of applying a reduction in parking to all new homes. The City of San Jose just recently removed all parking minimums -- perhaps our city could benefit from examining whether parking requirements are limiting our ability to plan a more sustainable and affordable city.

3. Needs Analysis: The needs analysis is woefully inadequate for the unique housing context of Cupertino, with no references to the extreme unmet housing needs of our daytime residents—instead choosing to focus on those who already can afford to live here. In particular, we see tremendous housing struggles among De Anza college students, adjunct faculty, teachers, low-wage workers, non-profit workers, young adults, and seniors. (Personally, as a non-profit worker, it is unlikely I would be able to live here if I wasn't able to live with my parents.) For example, Cupertino severely lacks in apartments and smaller units that would be ideal for a young professional or community college student. Additionally, with regard to AFFH, our draft does not provide a realistic assessment of segregation in our region; we know that Cupertino has one of the lowest Latino/Latinx populations of surrounding cities—of just 3-4% compared to San Jose's 30%. As such, one of our intended outcomes should be to bridge this gap and greatly increase housing opportunities for Latino, Black, and Southeast Asian communities of color.

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6. Transit-Oriented Development & Mixed Use Development: Cupertino's housing element draft does not seem to contain a vision for the built-environment, as it isolates the thousands of planned homes from a much needed coinciding growth of bicycle and pedestrian infrastructure, reduced car use, and vibrant, mixed-use spaces. Instead, it makes few references to transit-oriented development and even unnecessarily restricts mixed-use. We should be planning our housing future around the reduction of car reliance and the promotion of our Climate Action Plan 2.0.

7. Timeline: Cupertino is last in the entire county and will no doubt lose local control under the builder's remedy. Council should direct its staff and consultant team to focus entirely on more-

or-less redoing the housing element draft as quickly as possible. I would like to see an actual timeline and plan of action for achieving an ambitious housing element in a short period of time.

John Zhao

jzhao098@gmail.com

10411 Lansdale Ave

Cupertino, California 95014

From: [Philip Nguyen](#)
To: [City Clerk](#)
Subject: Fix the Housing Element Draft
Date: Monday, December 19, 2022 10:15:59 PM

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City Clerk Kirsten Squarcia,

I am writing out of concern for the current status of the recently released Cupertino housing element draft, which is clearly incomplete and inconsistent with the extreme housing needs in Cupertino and the greater bay area. I am optimistic that we can craft an ambitious housing element, with the visionary abilities of this new city council and ample community feedback. Failure to do so will result in an extended period of loss of local control and continuous increases in housing insecurity and homelessness.

I strongly believe that to be meet sustainability goals along with housing needs is to speed up production on mixed-use, higher density housing near transit so that Cupertino residents can have a sense of a walkable city as well as adequate transit freedom. Reducing the need for car-dependent suburbs by increasing supply of affordable housing is the key to keeping Cupertino thriving and sustainability for the years ahead.

To adequately meet the housing needs of our community, I fully support Cupertino for All's recommendations to the housing element draft. The organization's requested changes are as follows:

1. Site Inventory: Reduce reliance on pipeline projects, expand the number of planned units in the "heart of the city," and avoid planning homes that are unlikely to be built. Nearly $\frac{2}{3}$ of the planned inventory is pipeline projects, with roughly 80% of those projects being Vallco and the Hamptons. The Hamptons in particular is unlikely to actually be built out as 600 units, given no recent developer interest and recent renovations from Irvine Company. Meanwhile, less than 5% of the inventory is composed of the heart of the city, the main portion of Cupertino, where most development should be slated.

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Thank you,
Philip Nguyen

Philip Nguyen
vietwhammies@gmail.com

743 Lakewood Dr
Sunnyvale, California 94089

From: [Nicole Phan](#)
To: [City Clerk](#)
Subject: Fix the Housing Element Draft
Date: Monday, December 19, 2022 9:51:10 PM

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City Clerk Kirsten Squarcia,

Knowing that housing is already a huge issue, especially in Cupertino, the current status of the recently released Cupertino housing element draft is especially concerning. It is clearly incomplete and inconsistent with the dire housing needs in Cupertino and the greater bay area. Now is not the time to let this draft slide. Now is the city's opportunity to take a step in the right direction and positively impact thousands of lives and futures.

With the visionary abilities of this new city council and ample community feedback, I am confident an ambitious housing element can be drafted and put forth into action. Failure to do so will result in an extended period of loss of local control and continuous increases in housing insecurity and homelessness.

I love Cupertino and can confidently say many of my friends, family, peers, and visitors from afar love it too, but it is truly heartbreaking to only wish we could live here, that none of us could ever say we could afford a place to live here. Why does it have to be this way? This is our chance to change that. Creating housing will allow residents to continue to bring more life, energy, art, creation, innovation, and more - all while thriving.

To adequately meet the housing needs of our community, I fully support Cupertino for All's recommendations to the housing element draft. The organization's requested changes are as follows:

1. Site Inventory: Reduce reliance on pipeline projects, expand the number of planned units in the "heart of the city," and avoid planning homes that are unlikely to be built. Nearly $\frac{2}{3}$ of the planned inventory is pipeline projects, with roughly 80% of those projects being Vallco and the Hamptons. The Hamptons in particular is unlikely to actually be built out as 600 units, given no recent developer interest and recent renovations from Irvine Company. Meanwhile, less than 5% of the inventory is composed of the heart of the city, the main portion of Cupertino, where most development should be slated.
2. Programs and Policies: Urge staff and consultants to focus on new policies and programs modeled after other cities' housing elements—with a framework of the 3 Ps in mind: production of homes, preservation of existing homes, and protection of renters. Cities like Emeryville and Mountain View have robust policies for all three of these planks. Cupertino's current draft introduces few new policies, instead relying almost entirely on our existing ones, which have

obviously failed to meet our housing needs. Additionally, the draft unnecessarily restricts proposed policies, such as only limiting parking requirements for SROs and studios, instead of applying a reduction in parking to all new homes.

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6. Transit-Oriented Development & mixed use: Cupertino's housing element draft does not seem to contain a vision for the built-environment, as it isolates the thousands of planned homes from a much needed coinciding growth of bicycle and pedestrian infrastructure, reduced car use, and vibrant, mixed-use spaces. Instead, it makes few references to transit-oriented development and even unnecessarily restricts mixed-use. We should be planning our housing future around the reduction of car reliance and the promotion of our Climate Action Plan 2.0.

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Nicole Phan

rollie.pollie268@gmail.com
866 Lily Ave
Cupertino, California 95014

From: [Rajat Mehndiratta](#)
To: [City Clerk](#)
Subject: Cupertino Can Build Housing For All
Date: Monday, December 19, 2022 9:51:01 PM

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.

City Clerk Kirsten Squarcia,

First of all, thank you, Mayor Wei, Vice-Mayor Mohan, Councilmember Fruen and the rest of the new city leadership, for bringing some much-needed perspective back to our city. I appreciated your remarks at the swearing-in ceremony: about how this city has an obligation to not just its current residents but also its daytime residents, future residents, and neighbors. Indeed, Cupertino cannot continue as the fiefdom of those with spare time to spend hours on public comment on a weekday meeting most of this town has no idea is going on. It's about time this city begins to represent its tenants, workers, displaced former residents, daytime residents, the teachers that can't afford to live near their students, the students we educate and then shoo off, the seniors that get priced out away from their families, and the kids this community raises then casts off to preserve its luxury character. It's about time we eschew our myopia, and I'm proud to have a council that can see this.

However, I read the Housing Element draft from October- all 492 pages(!), including the copy-pasted stuff about Larkspur(!!)- and I fear from its sorry state that we have much, much more perspective to recover. Cupertino has been a poverty trap for far too long- a wealthy community that hoards the best schools, the best minds, the best jobs, the best paths to opportunity in America, and gates them behind luck, residential tenure, and incomes unattainable for most of America. Those who pass the filter get access to the fast-track to the American Dream. Those who don't? Tough luck, move to Phoenix. That's the message we send, and the price of our folly is measured in real harm to real people- like a friend of mine, a trans woman who has to worry each and every day about how she'll continue to afford living someplace that's, y'know, not Arizona. We have taken the ladder of the American Dream and turned it into a cliff, and we push so many people off that cliff.

For far too long, we have been a city that can't- can't even put the Housing Element on the agenda, can't permit anything at the site of a dilapidated mall, can't escape our shrinking tax base, can't allow such and such development without so and so new red tape, can't find housing for its students, can't do right by its teachers, can't meet its RHNA targets, can't include in its processes displaced residents and tenants, can't do anything with the feedback it gets from community surveys, can't seriously entertain the notion of a Cupertino that's mixed-income & inclusive.

Please, let's build a city that can! Cupertino didn't become world-famous by holding itself to low standards like this Housing Element draft. It became world famous because of generations of

people- from intrepid indigenous civilizations to early builders at Vallco and HP to kids hacking in garages- gave in to the most fundamental American instinct of looking around at the world, deciding it's not good enough, and having the audacity to try and build something better. We must become a pro-housing city, one that can escape its scarcity mindset and create an open, prosperous heart of Silicon Valley. It's time to rebuild the American ladder, and it's time our city government leads the charge with a vision of what this county could be.

I trust this new council can and will aim higher. Cupertino For All has some excellent ideas to start with:

1. Site Inventory: Reduce reliance on pipeline projects, expand the number of planned units in the “heart of the city,” and avoid planning homes that are unlikely to be built. Nearly ⅔ of the planned inventory is pipeline projects, with roughly 80% of those projects being Vallco and the Hamptons. The Hamptons in particular is unlikely to actually be built out as 600 units, given no recent developer interest and recent renovations from Irvine Company. Meanwhile, less than 5% of the inventory is composed of the heart of the city, the main portion of Cupertino, where most development should be slated.
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Rajat Mehndiratta
housingpls@rajats.site
19608 Pruneridge Avenue #8303
Cupertino, California, California 95014

From: [Yvonne Thorstenson](#)
To: [City Clerk](#)
Subject: Fix the Housing Element Draft
Date: Monday, December 19, 2022 7:31:56 PM

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.

City Clerk Kirsten Squarcia,

Planning for the future is an important function for any government. Cupertino is lucky to have the framework of the Housing Element to help visualize a plan for future housing.

I am optimistic that we can craft an ambitious housing element, with the visionary abilities of this new city council and ample community feedback. Failure to do so will result in an extended period of loss of local control and continuous increases in housing insecurity and homelessness.

To adequately meet the housing needs of our community, I fully support Cupertino for All's recommendations to the housing element draft. The organization's requested changes are as follows:

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Yvonne Thorstenson
yrthor@gmail.com
7744 Robindell Way
Cupertino, California 95014

From: [Ian Greensides](#)
To: [City Clerk](#)
Subject: Fix the Housing Element Draft
Date: Monday, December 19, 2022 6:40:59 PM

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.

City Clerk Kirsten Squarcia,

I am writing out of concern for the current status of the recently released Cupertino housing element draft, which is clearly incomplete and inconsistent with the extreme housing needs in Cupertino and the greater bay area. I am optimistic that we can craft an ambitious housing element, with the visionary abilities of this new city council and ample community feedback. Failure to do so will result in an extended period of loss of local control and continuous increases in housing insecurity and homelessness.

To adequately meet the housing needs of our community, I fully support Cupertino for All's recommendations to the housing element draft. The organization's requested changes are as follows:

1. Site Inventory: Reduce reliance on pipeline projects, expand the number of planned units in the "heart of the city," and avoid planning homes that are unlikely to be built. Nearly $\frac{2}{3}$ of the planned inventory is pipeline projects, with roughly 80% of those projects being Vallco and the Hamptons. The Hamptons in particular is unlikely to actually be built out as 600 units, given no recent developer interest and recent renovations from Irvine Company. Meanwhile, less than 5% of the inventory is composed of the heart of the city, the main portion of Cupertino, where most development should be slated.
2. Programs and Policies: Urge staff and consultants to focus on new policies and programs modeled after other cities' housing elements—with a framework of the 3 Ps in mind: production of homes, preservation of existing homes, and protection of renters. Cities like Emeryville and Mountain View have robust policies for all three of these planks. Cupertino's current draft introduces few new policies, instead relying almost entirely on our existing ones, which have obviously failed to meet our housing needs. Additionally, the draft unnecessarily restricts proposed policies, such as only limiting parking requirements for SROs and studios, instead of applying a reduction in parking to all new homes.
3. Needs Analysis: The needs analysis is woefully inadequate for the unique housing context of Cupertino, with no references to the extreme unmet housing needs of our daytime residents—instead choosing to focus on those who already can afford to live here. In particular, we see tremendous housing struggles among De Anza college students, adjunct faculty, teachers, low-wage workers, non-profit workers, young adults, and seniors. For example, Cupertino severely lacks in apartments and smaller units that would be ideal for a young professional or

community college student. Additionally, with regard to AFFH, our draft does not provide a realistic assessment of segregation in our region; we know that Cupertino has one of the lowest Latino/Latinx populations of surrounding cities—of just 3-4% compared to San Jose's 30%. As such, one of our intended outcomes should be to bridge this gap and greatly increase housing opportunities for Latino, Black, and Southeast Asian communities of color.

4. Constraints Analysis: Several constraints appear to be missing, including but not limited to (1) local control and neighborhood opposition, (2) underutilized land such as dying strip malls, (3) relatively low surface area for development, (4) state law evasion/loopholes, (5) permit processing times. Additionally, several other state laws are missing that are in need of compliance like AB 2097 and AB 2011.

5. Community Outreach: While Cupertino has done some community outreach with regard to the housing element, it does not seem to have actually translated into actual policies or programs. The purpose of community outreach is to hear from traditionally underserved communities, so new ideas emerge for how to meet these specific housing needs. Instead, there are dozens of pages of outreach, with no actual effect on the resulting sites, programs, or policies. Additionally, much of the feedback critical of Cupertino's approach to the inventory appears to be missing. The City must also be honest about its failures in approaching community outreach, such as the last City Council dismantling the stakeholder engagement group, or the anti-housing bias within the housing survey.

6. Transit-Oriented Development & mixed use: Cupertino's housing element draft does not seem to contain a vision for the built-environment, as it isolates the thousands of planned homes from a much needed coinciding growth of bicycle and pedestrian infrastructure, reduced car use, and vibrant, mixed-use spaces. Instead, it makes few references to transit-oriented development and even unnecessarily restricts mixed-use. We should be planning our housing future around the reduction of car reliance and the promotion of our Climate Action Plan 2.0.

7. Timeline: Cupertino is last in the entire county and will no doubt lose local control under the builder's remedy. Council should direct its staff and consultant team to focus entirely on more-or-less redoing the housing element draft as quickly as possible. The community would like to see an actual timeline and plan of action for achieving an ambitious housing element in a short period of time.

Ian Greensides
ian@greensides.com
19925 Stevens Creek Blvd #100
Cupertino, California 95014

From: [Connie Cunningham](#)
To: [City Clerk](#)
Subject: Fix the Housing Element Draft
Date: Monday, December 19, 2022 3:34:34 PM

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City Clerk Kirsten Squarcia,

Hello, I am Connie Cunningham, I have served on the Housing Commission for four years and attended countless City Council, Planning Commission and other meetings related to the topic of housing around the community. Before the pandemic, most of these meetings were in-person while during the pandemic all were virtual.

Although we have learned a lot about the unhoused population during the pandemic, our city, and other cities in our area, have not taken the steps needed to build enough homes for all our residents. It is embarrassing, but true, that the more one has, the less one can understand how truly traumatic it is to live outdoors. Even the pastime of camping does not begin to reveal the horrors of living outside. Our camping equipment is designed to protect us, and if all else fails, we can just go home.

How does it feel to not be able to say, "I think I will just go home today."

Because: "It is too cold. Or too hot." "I don't like the food at the restaurants/cafeterias." "I didn't buy enough food before I came." "They don't put soap or towels (or hooks to hang things on) in the bathrooms." "The shower won't accept my quarters." "I think I will just go home today. Over 10,000 people in our area suffer this way.

If you cannot "just go home," where do you go? Where would you go? If you can say you would just "go to the tennis/golf club to shower," you realize you aren't even close to understanding. Or if you can say you would "just go to your friends/family's house," you may not realize that plan can only last a limited time. Home is a very special place. By keeping our unhoused residents forever wondering where their next home is, we are, unintentionally, or intentionally, acting in the most cruel of ways. Not seeing. Not hearing. Not understanding. Not seeing. Not hearing.

Where would you go if you could not say, "I will just go home."

I am writing out of concern for the current status of the recently released Cupertino housing element draft, which is clearly incomplete and inconsistent with the extreme housing needs in Cupertino and the greater bay area. I am optimistic that we can craft an ambitious housing element, with the visionary abilities of this new city council and ample community feedback. Failure to do so will result in an extended period of loss of local control and continuous increases in housing insecurity and homelessness.

To adequately meet the housing needs of our community, I fully support Cupertino for All's recommendations to the housing element draft. The organization's requested changes are as follows, with some thoughts of my own:

1. Site Inventory: Reduce reliance on pipeline projects, expand the number of planned units in the "heart of the city," and avoid planning homes that are unlikely to be built. Nearly $\frac{2}{3}$ of the planned inventory is pipeline projects, with roughly 80% of those projects being Vallco and the Hamptons.

The Hamptons would displace hundreds of families. This is unacceptable. I certainly hope that it is true that the Hamptons is unlikely to be built.

Meanwhile, less than 5% of the inventory is composed of the heart of the city, the main portion of Cupertino, where most development should be slated.

I agree that most development should be along large streets with busses and amenities that people need. Exactly how crazy is it to say (as the Planning Commission did) that the plan should go into the suburbs, and in the same list of goals, say that no upzoning should be done. Concurrently, to push back on transit changes, bicycle infrastructure, and parking reductions. Sometimes people call that "planning a square circle." Funnier, but perhaps less direct, than the word "crazy."

2. Programs and Policies: Urge staff and consultants to focus on new policies and programs modeled after other cities' housing elements—with a framework of the 3 Ps in mind: production of homes, preservation of existing homes, and protection of renters. Cities like Emeryville and Mountain View have robust policies for all three of these planks. Cupertino's current draft introduces few new policies, instead relying almost entirely on our existing ones, which have obviously failed to meet our housing needs. Additionally, the draft unnecessarily restricts proposed policies, such as only limiting parking requirements for SROs and studios, instead of applying a reduction in parking to all new homes.

Our Housing Commission (which focuses on Below Market Rate housing) has an ordinance stating its purpose. It could use a refresh, too. It should include all 3 P's. Currently it focuses on building (production). Building is good, but just one of three critical needs described above.

3. Needs Analysis: The needs analysis is woefully inadequate for the unique housing context of Cupertino, with no references to the extreme unmet housing needs of our daytime residents—instead choosing to focus on those who already can afford to live here. In particular, we see tremendous housing struggles among De Anza college students, adjunct faculty, teachers, low-wage workers, non-profit workers, young adults, and seniors. For example, Cupertino severely lacks in apartments and smaller units that would be ideal for a young professional or community college student. Additionally, with regard to AFFH, our draft does not provide a realistic assessment of segregation in our region; we know that Cupertino has one of the lowest Latino/Latinx populations of surrounding cities—of just 3-4% compared to San Jose's 30%. As such, one of our intended outcomes should be to bridge this gap and greatly increase housing opportunities for Latino, Black, and Southeast Asian communities of color.

This Housing Element does not address Extremely Low Income Housing nor the newer, and even lower-income, "Acutely Low Income." When the law has to add a definition for low income, it is a stark reflection of rising prices and stagnant income. All of the issues in paragraph 3 apply here.

4. Constraints Analysis: Several constraints appear to be missing, including but not limited to (1) local control and neighborhood opposition, (2) underutilized land such as dying strip malls, (3) relatively low surface area for development, (4) state law evasion/loopholes, (5) permit processing times. Additionally, several other state laws are missing that are in need of compliance like AB 2097 (Prohibits public agencies from enforcing minimum automobile parking requirements for developments located close to public transit.) and AB 2011 (by-right approval for affordable housing on commercially-zoned lands....)

It is staggering (to me) that so much state effort is required to induce cities to build homes for their residents. Cities should be happy to build homes for new residents. Many cities do not even want to allow existing homeowners to build on their own lots. Think of the pushback on Accessory Development Units (ADU) (granny units). So, it is not just new people they do want in. They do not want existing homeowners to age in place or to enlarge their home for growing families.

5. Community Outreach: While Cupertino has done some community outreach with regard to the housing element, it does not seem to have actually translated into actual policies or programs. The purpose of community outreach is to hear from traditionally underserved communities, so new ideas emerge for how to meet these specific housing needs. Instead, there are dozens of pages of outreach, with no actual effect on the resulting sites, programs, or policies. Additionally, much of the feedback critical of Cupertino's approach to the inventory appears to be missing. The City must also be honest about its failures in approaching community outreach, such as the last City Council dismantling the stakeholder engagement group, or the anti-housing bias within the housing survey.

Outreach did not include people who might want to move here. Think teachers, students, workers. They must commute long distances to work here. Why do we think that is OK? As the old saying goes, "I have more of your time, than I have of mine." It is not OK for working people to travel 2 hours one way to a job. It is not OK.

6. Transit-Oriented Development & mixed use: Cupertino's housing element draft does not seem to contain a vision for the built-environment, as it isolates the thousands of planned homes from a much needed coinciding growth of bicycle and pedestrian infrastructure, reduced car use, and vibrant, mixed-use spaces. Instead, it makes few references to transit-oriented development and even unnecessarily restricts mixed-use. We should be planning our housing future around the reduction of car reliance and the promotion of our Climate Action Plan 2.0. Our CAP 2.0 recognizes that increasing biodiversity is a critical issue. It is an existential issue. Biodiversity is plunging worldwide. Cities can change that by planting native trees, plants and grasses. We can do it by planting native trees, plants and grasses among the denser infill homes. Denser infill housing, also, saves energy.

7. Timeline: Cupertino is last in the entire county and will no doubt lose local control under the builder's remedy. Council should direct its staff and consultant team to focus entirely on redoing the housing element draft as quickly as possible. The community would like to see an actual timeline and plan of action for achieving an ambitious housing element in a short period of time.

Being the last has some silver-lining--we can see the plans that have been successful and use some "Best Practices." We can become first by creating the best Housing Element in the state.

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

From: [Debra Timmers](#)
To: [City Clerk](#)
Subject: Fix the Housing Element Draft
Date: Monday, December 19, 2022 3:02:51 PM

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City Clerk Kirsten Squarcia,

I have been attending Community Engagement meetings throughout this past year and am concerned about the current status of the recently released Cupertino housing element draft. It does little to address the extreme housing needs in Cupertino and the greater bay area. With this new city council, I am hopeful that we can craft a housing element that HCD will accept as compliant. If we fail to do this, I fear we will lose local control for months. In addition, we need to fix the continuous increases in housing insecurity and homelessness. I was fortunate enough to be able to purchase a house 9 years ago. If I had to purchase at the inflated prices today, I don't think I'd be able to afford living here. I want to make it possible for anyone who works or goes to school here and to be able to afford to live here.

To adequately meet the housing needs of our community, I fully support Cupertino for All's recommendations to the housing element draft. The organization's requested changes are as follows:

1. Site Inventory: Reduce reliance on pipeline projects, expand the number of planned units in the "heart of the city," and avoid planning homes that are unlikely to be built. Nearly $\frac{2}{3}$ of the planned inventory is pipeline projects, with roughly 80% of those projects being Vallco and the Hamptons. The Hamptons in particular is unlikely to actually be built out as 600 units, given no recent developer interest and recent renovations from Irvine Company. Meanwhile, less than 5% of the inventory is composed of the heart of the city, the main portion of Cupertino, where most development should be slated.
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tremendous housing struggles among De Anza college students, adjunct faculty, teachers, low-wage workers, non-profit workers, young adults, and seniors. For example, Cupertino severely lacks in apartments and smaller units that would be ideal for a young professional or community college student. Additionally, with regard to AFFH, our draft does not provide a realistic assessment of segregation in our region; we know that Cupertino has one of the lowest Latino/Latinx populations of surrounding cities—of just 3-4% compared to San Jose's 30%. As such, one of our intended outcomes should be to bridge this gap and greatly increase housing opportunities for Latino, Black, and Southeast Asian communities of color.

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Debra Timmers
datimmers@gmail.com
22701 Medina Lane
Cupertino, California 95014

From: [Ayushi S](#)
To: [City Clerk](#)
Subject: Fix the Cupertino Housing Element Draft
Date: Monday, December 19, 2022 2:43:09 PM

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Ayushi S
ayushi_sen@yahoo.com
10341 Tonita Way,
Cupertino, California 95014

From: [Connie Cunningham](#)
To: [Grymes Rose](#); [City Clerk](#)
Subject: Re: Speak up to restore Blackberry Farm Golf Course to natural habitat!
Date: Sunday, December 18, 2022 7:17:33 PM

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 Rose, Marilyn said that she does not need the extra time. If you would like to join the Zoom, you can send your email and ask (in the email) for Kirsten to read it into the record. Send it to cityclerk@cupertino.org Or you can just sent the email with words at the top saying to please put it in the written record.
Thank you!
Connie

On Dec 18, 2022, at 2:24 PM, Connie Cunningham
<CunninghamConnieL@gmail.com> wrote:

Hi Rose, thank you for making time to either “donate” your time or to send an email. I have asked the other speaker, Marilyn Beck, if she needs extra time, and will let you know what she says. I do not need extra time for my comments. I am sending an email right after this with updates.

It is a VIRTUAL meeting on Dec 20.

Best!
Connie

On Dec 13, 2022, at 6:11 PM, Rose Grymes <ragrymes@gmail.com>
wrote:

We’re on our way back—Hispaniola came up as the geographic description
I can submit email in advance or for reading, or log in and donate time.

Sent from my iPhone

On Dec 13, 2022, at 6:46 PM, Connie Cunningham
<cunninghamconniel@gmail.com> wrote:

Hi Rose, thank you! I will remember that you might be able to donate time. I can let our two speakers know (and me). Of course, if you are able to speak that would take priority. Or an email, if that works better for you.

There is an option where you can send in the email at the time of Oral Communications, and the City Clerk (Kirsten Squarcia) will read it out loud into the record. You just have to put that request at the top of your email when you send it in.

Are you going away or coming back from home?
Interesting to call the island by its whole name rather than one of its two countries.

Thank you!
Connie

On Dec 13, 2022, at 2:27 PM, Rose Grymes
<ragrymes@gmail.com> wrote:

I might be able to speak, Connie, or raise my hand and donate time. Family will be with me this coming week, but I am deeply interested in Blackberry Farm.

How can I help? At this moment I'm in the Atlantic nearing Hispaniola.

Rose

Sent from my iPhone

On Dec 13, 2022, at 3:07 PM,
Connie Cunningham
<cunninghamconniel@gmail.com> wrote:

Good morning, Restore Nature
Volunteers!

The Dec 6 City Council meeting went very well! Thank you to John Kehoe for his presentation, with a direct ask for the Council to choose Option B! I plan to put this in our Google Docs soon. as well as the other comments that have been made. He spoke to drought conditions and water usage by golf courses. He had several good ideas for the

Council to consider for other things they can do with city parks. He applauded the Council for their efforts in expanding natural areas. The added information that he had been a volunteer at Ulistac was excellent! It spoke to how a golf course had been successfully turned into nature.

I spoke about biodiversity and the UN Biodiversity Summit that same week where scientists recommend six action items—one is greater involvement of local communities.

Thank you, Janny Choy and Marilyn Beck, who have signed up to speak up for nature on Tuesday, December 20! Your voices will be a wonderful addition to those who have already spoken on Nov 15 and Dec 6. It will be a really good time for people to speak since the newly-elected City Council* will be in place.

I would like to get together over coffee or lunch with you and, also, with anyone who would like to join us. The newly relocated Holders Country Inn works well. Parking is behind the building, but not far away. If you cannot meet during the day, please let me know. I have flexible hours. Maybe Monday, Dec 19 at 11:00 am?

10088 N Wolfe Rd STE 130,
Cupertino, CA, United States,
California

[Home | Country Inn](#)
cupertinocountryinn.com

*City Council has two new members, JR Fruen and Sheila Mohan. JR Fruen is Councilmember along with Liang Chao (who was re-elected) and Kitty Moore. Hung Wei was selected for Mayor, and Sheila Mohan was selected for Vice Mayor. It will be a perfect time to be able to speak to them at the beginning of this new term.

Please contact me by email, text or phone, if you have any questions.

Best!

Connie

408-569-1026 Cell/text

Kirsten Squarcia

From: Sayareh Farsio <sayareh.farsio@gmail.com>
Sent: Tuesday, December 20, 2022 11:25 AM
To: Kirsten Squarcia
Cc: Setareh Farsio; Alan Enterprise LLC - Google
Subject: Alan Row, oral communication city council tonight
Attachments: Monitoring agreement 22690 Stevens Creek Boulevard, Cupertino .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 Kristen ,
Below please see our presentation for tonight

Thank you ,

Sayareh Farsio

>
>

>> Dear honorable Mayor Wei and Council members,

>> We are planning to speak at tonight's public communication session, since we only have a few minutes wanted to update you in advance on our communication.

>> Tamien Nation:

>> Our project is one of the first projects with Tamien Nation requesting to be involved, therefore there are no set rules, policies, or limits of charges implemented by the City. One of the conditions of the City in order for us to receive our permit was to have Tamien Nation involved, with no set requirements.

>> We absolutely welcome Tamien Nation's involvement and want to assist in any way we can to help Tamien Nation find any valuables if so, (we have instructed our team to alert us as soon as they find any artwork/valuable items, and we will inform Tamien Nation immediately) but they have assigned a monitor there even during the time we are not doing underground, paying the monitor that has been placed here from Fresno to pay for his commute, hotel and meals are outrageous and totally unacceptable. We did reach out to the chairwomen of Tamien Nation with strong rejection that our project can get shut down.

>> We are a small developer who is honored to be part of the Cupertino community, but this estimated cost of \$250,000 for the next 6 months is a hardship to us, going through the economic crisis right now, we are already very challenged by this project as it took 3 years to get our permit from the City. the construction cost is skyrocketing, with the high-interest rate now, inflation, and supply chain demand. Yes we were forced by the city to sign the agreement with Tamien Nation, but was blinded of how much this is going to cost us. We don't believe the City had any idea either since it's their first experience with Tamien Nation, therefore we are coming back to the City for resolution. (Attached please see two documents, the agreement we signed with Tamien Nation and The city condition).

>> We respectfully ask the honorable Mayor and City Councils to visit this ambiguous condition without any cost to us or at the very least have a set limit of \$5,000 no more for the monitor. we can not afford anything more as we did not budget this in our project. Our goal is to complete this project for the citizens of Cupertino by February 2024. This land has been empty for over 10 years now and we like to see it through.

>> We are grateful for your support and partnership on this project.

>> Warmest regards,

>> Sayareh Farsio

>> Vice President
>> Alan Enterprise, LLC
>> 415-517-3755



c. CULTURAL RESOURCES

Mitigation Measure CULT-1: A representative from the Tamien Nation shall be retained and permitted on-site at all times during ground disturbance (including grading, demolition and/or construction) to monitor for potential prehistoric or historic subsurface cultural resources. Notice shall be given to the Tamien Nation in a manner requested by the Tamien Nation at least five (5) days before any ground disturbing activity. Prior to ground disturbance activities, construction workers conducting the ground disturbing activities shall undergo cultural resource sensitivity training conducted by the on-site Tamien Nation representative.

If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing (including grading, demolition and/or construction) activities

- All work within 50 feet of the resources shall be halted, the City shall be notified, and a qualified archaeologist and Tamien Nation representative shall be consulted. The contractor shall cooperate in the recovery of the materials. Work may proceed on other parts of the project site while mitigation for tribal cultural resources, historical resources or unique archaeological resources is being carried out.
- The qualified archaeologist shall prepare a report for the evaluation of the resource to the California Register of Historical Places and the City Building Department. The report shall also include appropriate recommendations in collaboration with a Tamien Nation representative regarding the significance of the find and appropriate mitigations as follows:
 - If the resource is a non-tribal resource, the archaeologist shall assess the significance of the find according to CEQA Guidelines Section 15064.5.
 - If the resource is a tribal resource – whether historic or prehistoric – the consulting archaeologist shall consult with the Tamien Nation to evaluate the significance of the resource and to recommend appropriate and feasible avoidance, testing, preservation, or mitigation measures, in light of factors such as the significance of the find, proposed project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) may be implemented.
- All significant non-tribal cultural materials recovered shall be, as necessary, and at the discretion of the consulting archaeologist, subject to scientific



**TAMIEN NATION
CULTURAL RESOURCES**

PO Box 8053, San Jose CA 95155

(707) 295-4011 tamien@tamien.org

Standard Monitoring Agreement
Between
Tamien Nation
And

This MONITORING AGREEMENT ("Agreement") is made and entered into as of _____, by and between the Tamien Nation, a Tribe recognized by the California Native American Heritage Commission ("Tamien Nation") on the one hand, and _____ (**hereinafter "Contractor"**) on the other hand. Contractor are collectively referenced hereinafter as the "Parties".

I. RECITALS

A. Subject Matter: This Agreement concerns the use and/or development of real property located within the area of _____ California, and which is the subject of development by Contractor. The development is commonly known as _____, hereinafter referenced as the "Project" and is described in Attachment I of this Agreement. As used herein, the Area of Potential Effect (or APE) includes _____.

B. Purpose: The purpose of this Agreement is to establish fee schedules and terms for the use of Tamien Nation tribal monitors for the Project; establish protocols for the relationship between Tamien Nation and the Contractor; formalize procedures for the treatment of Native American human remains, grave goods, ceremonial items and any cultural artifacts, in the event that any are found in conjunction with the Project's development, including archaeological studies, excavation, geotechnical investigations, grading and any ground disturbing activity. This Agreement is entered into as mitigation under the California Environmental Quality Act ("CEQA") and/or the National Environmental Policy Act ("NEPA") and Section 106 of the National Historic Preservation Act ("Section 106"), and any such mitigation may be a condition of approval for said Project.

C. Cultural Affiliation: The Tribe traditionally occupied, and can trace its historical ties to, land in the Project's Area of Potential Effect ("APE" or "Project Area"). The Project is within the boundaries of the Tamien Nation Linguistic Territory. Thus, cultural resources identified in the APE are related to the history and tradition of the Tamien Nation. Tamien Nation has designated its Cultural Resources Department to act on its behalf with respect to the provisions of this Agreement. Any Native American human remains, grave goods, ceremonial items, and cultural items or artifacts that are found in conjunction with the development of this Project shall be treated in accordance with the Provisions of this Agreement.

II. TERMS

A. Incorporation of Recitals and Attachments: All of the foregoing recitals are accurate and are incorporated in this Agreement by reference. In the event of a conflict between this Agreement and Attachments I and II, the [applicable Attachment] shall prevail.



TAMIEN NATION CULTURAL RESOURCES

B. Term: This Agreement shall be effective as of the date of execution and it shall remain in effect until the Project's completion.

C. Scope of Services and Specifications: Given the nature and sensitivity of archaeological sites and cultural resources that are or may be within the Project area (a map of which is shown and attached hereto as Attachment I). Tamien Nation shall provide tribal monitoring and consultation for the Project during the archaeological investigations and all ground disturbing activities required for the Project. Tamien Nation monitors will work in collaboration with the archaeologists and Project engineers hired/employed by the Contractor.

D. Communication: Tamien Nation will be included in all project discussions/decisions related to cultural resources including all schedule communication of ground disturbing activities and additional relevant project related communication upon request.

E. Fee Schedule:

The hourly fee schedule for the use of Tamien Nation monitors and staff is as follows;

Native American Monitoring	\$125.00 hourly rate (per monitor)
Tribal Cultural Resource Officer / Cultural Resources Director (4 hour minimum)	\$200.00 hourly rate
Tribal Executives (4 hour minimum)	\$225.00 hourly rate
Hazard Pay (Hazwoper Certified Monitor)	\$200.00 hourly rate
*Overtime	1.5 times the hourly rate
Holiday Pay	2 times the hourly rate
Cultural Sensitivity Training	\$450.00 per training
Administrative Fee	15% of Invoice

*Overtime is defined as over 8 hours in a day, over 40 hours in a work week, and weekends. Monitors will bill for time on site and one additional hour for reportering per day.

Tamien Nation shall be reimbursed for all costs associated with travel to and from the Project. Eligible items for cost reimbursement shall include, but not be limited to, mileage hotel, and per diem (GSA rate). Payment Due Net 30; Interest at 1% per month after 30 days.

The Developer agrees to provide the Tribe in writing a minimum five (5) day advance notice in writing prior to the commencement of ground disturbing activities. If less than a five (5) day advance notice is provided and a regular monitor cannot be scheduled, the Tribal Cultural Resource Officer, Director, or Executive will be scheduled. The Developer agrees to a \$1500 fee per day for ground disturbing activities of unmonitored soil completed without the oversight of a Tribal Monitor or without prior notification to the Tribe in writing in accordance with the terms of the mitigation measures or conditions of permitting.

Tribal executive initial visit - Senior staff rate at a 4-hour minimum and applicable travel charges will be charged at the start of the project and up to one additional visit per month. Any other Tribal executive visits will notify the Client of any additionally intended visits.

Tamien Nation will provide documentation to support the billed amount to the Client with the invoice.



TAMIEN NATION CULTURAL RESOURCES

E. Coordination with County Coroner's Office: In the event human remains are discovered on or near the Project site during its development, Contractor shall immediately contact the Coroner, the Tamien Nation Tribal Historic Preservation Officer (THPO), the Tribal Chairperson and/or the Tamien Nation Cultural Resources Director. In order to facilitate this Agreement's implementation, the appropriate County Coroner's Office shall be provided a copy of this Agreement either before any earth disturbing activities or upon request of the Tribe.

Tamien Nation agrees to provide Contractor the needed contact information in order to comply with this provision. The Coroner shall be asked by the Contractor to determine if the remains are (1) human, (2) prehistoric, and further, the Contractor shall request the Coroner notify the State of California's Native American Heritage Commission in the event the remains are determined to be Native American. The Contractor will compensate the Coroner for reasonable fees and costs, if applicable and required by the County Coroner's office.

F. Most Likely Descendant (MLD): The Tamien Nation as the MLD for any Human Remains, Associated Funerary Objects and Artifacts found within the exterior boundaries of the Tamien Nation Linguistic Territory. Human Remains have been discovered within the Tamien Nation Linguistic Territory on occasion and in all of those cases, the Native American Heritage Commission ("NAHC") designated the Tamien Nation as the Most Likely Descendent ("MLD") under California Public Resources Code section 5097.98.

G. Treatment and Disposition of Remains. Where Native American human remains are discovered during the Project's development, and where Tamien Nation has been designated the Most Likely Descendant (MLD), the following provisions shall apply to the Parties:

I. The Tribe shall be allowed, under California Public Resources Code sections 5097.98 (a) and 21083.2 and State CEQA Guidelines section 15064.5 (e), to: (1) inspect the site of the discovery; and (2) make recommendations as to how the human remains and grave goods shall be treated and disposed of with appropriate dignity.

II. The Tribe shall complete its inspection within twenty-four (24) hours of receiving notification from either the Contractor or the NAHC, as required by California Public Resources Code section 5097.98 (a). The Parties agree to discuss, in good faith, what constitutes "appropriate dignity" as that term is used in the applicable statutes.

III. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code sections 5097.98 (a) and (b) and 21083.2 and State CEQA Guidelines section 15064.5 (e).

IV. The Parties are aware that Tamien Nation may wish to rebury the human remains and associated ceremonial and cultural items (artifacts) on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. Should Tamien Nation recommend reburial of the human remains and associated ceremonial and cultural items (artifacts) on or near the site of their discovery, the Contractor shall make good faith efforts to accommodate the Tribe's request.

V. The term "human remains" encompasses more than human bones because Tamien Nation traditions periodically necessitated the ceremonial burning of human remains, and monitors shall make recommendations for removal of cremations. Grave goods are those artifacts associated with any human remains. These items and the soil, in an area encompassing up to two (2) feet in diameter around the burial, and other funerary remnants and their ashes, are to be treated in the same manner as human bone fragments or bones that remain intact



TAMIEN NATION CULTURAL RESOURCES

H. **Treatment and Disposition of Cultural Items (Artifacts).** Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Tribe. Contractor agrees to return all Native American ceremonial items and items of cultural patrimony that may be found on the Project site to the MLD for appropriate treatment, unless Contractor is ordered to do otherwise by a court or agency of competent jurisdiction. In addition, the Tribe requests the return of all other cultural items (artifacts) that are recovered during the course of archaeological investigations on or adjacent to the Project site. Where appropriate (from the perspective of Tamien Nation, and agreed upon in advance by Tamien Nation), certain analyses of certain artifact types will be permitted, which may include, but which may not necessarily be limited to, shell, bone, ceramic, stone and/or other artifacts.

I. **Ownership Relinquishment.** Contractor waives any and all claims to ownership of Native American ceremonial and cultural artifacts that may be found on the Project site. If examination of cultural artifacts by an entity or individual other than the MLD is necessary, that entity or individual shall return said artifacts to the MLD within thirty (30) days, or any other agreed upon time frame from the initial recovery of the items.

J. **The Description of Work:** Description of work for Tamien Nation monitors for the grading and ground disturbing operations at the Project site is provided in **Attachment II** to this Agreement and incorporated herein by this reference. **Section I of Attachment II specifies the duties and responsibilities of the identified tribal monitoring crew and other specified parties. Section II of Attachment II identifies the geographical area over which the tribal monitoring crew shall oversee cultural resource mitigation and monitoring in accordance with California Public Resources Code section 21083.2 (c) and (k). Sections III and IV of Attachment II mandate compensation of the tribal monitoring crew by the Contractor.**

K. **Confidentiality.** Unless otherwise required by law, the site of any reburial of Native American human remains shall not be disclosed and will not be governed by public disclosure requirements of the California Public Records Act, Cal. Govt. Code § 6250 et seq. The County Coroner shall withhold public disclosure of information related to such reburial pursuant to the specific exemption set forth in California Government Code Section 6254(r). Moreover, all records relative to consultation between the Parties shall be confidential and not subject to public disclosure as required by the California Public Records Act, Cal. Govt. Code § 6250 et seq.

L. **Severability:** If any provision of this Agreement is held by a court of competent jurisdiction to be illegal, invalid, unenforceable, unauthorized, annulled, voided or set aside, under present or future laws, the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by such provision or by its severance from this Agreement. In the event of any such determination, the Parties shall enter into good faith negotiations to replace the prohibited or invalid provision with a valid provision, the effect of which comes as close as possible to that of the invalid provision.



TAMIEN NATION CULTURAL RESOURCES

Executed by:

Date:

Tamien Nation

Quirina Geary
Tribal Chairwoman

Date:



TAMIEN NATION CULTURAL RESOURCES

ATTACHMENT I



TAMIEN NATION CULTURAL RESOURCES

Attachment II

NATIVE AMERICAN MONITORING OF GRADING AND GROUND DISTURBING ACTIVITIES

- I. Specifications:** Given the nature and sensitivity of the archaeological sites and cultural resources that are in or may be within the Project area, the Tamien Nation, a state recognized Indian tribe and the Most Likely Descendant as identified by the Native American Heritage Commission, shall provide the tribal monitoring, consultation and facilitation for this Project during the archaeological investigations, and all ground disturbing activities for the Project. Tamien Nation monitors will work in concert with the archaeologists and Project engineers hired/employed by Contractor. The tribal monitors or Project archaeologists will be empowered to halt all earthmoving equipment in the immediate area of discovery when cultural items or features are identified until further evaluation can be made in determining their significance. It is understood that all surface and subsurface artifacts of significance shall be collected and mapped during this operation following standard archaeological practices. After discovery of cultural items or features' discussions between the tribal monitors and project archaeologist will occur to determine the significance of the situation and best course of action for avoidance, protection of resources, and/or data recovery, as applicable.
- II. Project to be Monitored:** Monitoring shall encompass the area known as _____ shall be known as the Project area. It is agreed that monitoring shall be allowed for all archaeological studies, excavations, and groundbreaking activities occurring in conjunction with the development of the Project. Monitoring shall encompass the area known as _____ Project and shall be known as the Project area. It is agreed that monitoring shall be allowed for all archaeological studies, excavations, and groundbreaking activities occurring in conjunction with the development of the Project. Contractor agrees to (1) provide adequate means of radio communication between operator and monitors as a safety measures; (2) supply gardening hoes and rakes to thoroughly inspect spoil piles; and (3) if needed, allow for an additional day of work to survey, inspect and remove any exposed cultural items prior to start of construction.



TAMIEN NATION CULTURAL RESOURCES

- III. **Project Crew Size:** The Parties to this Agreement, the need for a tribal monitoring crew size is to be determined by the size of the and scope of the work. Monitors must be able to view all ground disturbing activities. If The compensation rate shall be made directly from Contractor to the Tribe in accordance with Section IV. If human remains are found, the coordination of the reburial of those remains and any associated cultural and ceremonial items shall be conducted in accordance with Sections III and IV of this Agreement.
- IV. **Compensation:** Contractor shall directly compensate the Tribe in accordance with the compensation rates and procedures set forth in Section II.D of the Agreement. Invoices will be submitted on a monthly basis and shall be paid within 30 days of submittal to assure timely tribal monitor compensation and to further assure that tribal monitoring will not be terminated for the Project. Payment Due Net 30; Interest at 1% per month after 30 days. A minimum half-day charge ("show up" time) shall be charged to Contractor for unannounced work stoppages of the tribal monitors that are not due to actions by Tamien Nation.
Invoices shall be billed to:
- V. **Rights of Access/Stoppage/Consultation Upon Discovery:** Contractor shall provide Tamien Nation tribal monitors with unencumbered access to the Project site as reasonably necessary for the monitors to effectively perform the services required by this Agreement. It is understood that all surface and subsurface artifacts, Native American human remains, funerary objects, items of cultural patrimony, and any other cultural items shall be treated in accordance with an agreed upon artifact treatment and disposition plan.

After discovery of cultural items or features, discussions between the tribal monitors and project archaeologist will occur to determine its significance and the best course of action for avoidance, protection of resources, and/or data recovery, as applicable. While determinations will be mostly in the field, Tamien Nation's tribal monitors may need to seek further guidance from the Tribal Historic Preservation Officer (THPO) and/or Most Likely Descendent, Tamien Nation Executive Committee. If this rare occurrence should arise, Tamien Nation reserves the right to request stoppage of work accordance with State laws.



TAMIEN NATION CULTURAL RESOURCES

Where circumstances warrant, the Contractor may be required, at its sole expense, to provide security personnel or remove unnecessary persons from the Project site. For example, where the safety of tribal monitors is at risk due to controversy or other circumstances surrounding a particular Project's development, security personnel would be provided at the Contractor's expense and members of the public excluded from the site. Likewise, where the protocol for the treatment of Native American human remains, funerary objects, artifacts, or items of cultural patrimony deems culturally required or appropriate, Contractor agrees unnecessary personnel will leave the site during the relevant time period.

From: m.shovlin@comcast.net
To: [City Clerk](#)
Subject: Fix the Housing Element Draft
Date: Tuesday, December 20, 2022 1:23:11 PM

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.

City Clerk Kirsten Squarcia,

I am writing out of concern for the current status of the recently released Cupertino housing element draft, which is clearly incomplete and inconsistent with the extreme housing needs in Cupertino and the greater bay area. I am optimistic that we can craft an ambitious housing element, with the visionary abilities of this new city council and ample community feedback. Failure to do so will result in an extended period of loss of local control and continuous increases in housing insecurity and homelessness.

To adequately meet the housing needs of our community, I fully support Cupertino for All's recommendations to the housing element draft. The organization's requested changes are as follows:

1. Site Inventory: Reduce reliance on pipeline projects, expand the number of planned units in the "heart of the city," and avoid planning homes that are unlikely to be built. Nearly $\frac{2}{3}$ of the planned inventory is pipeline projects, with roughly 80% of those projects being Vallco and the Hamptons. The Hamptons in particular is unlikely to actually be built out as 600 units, given no recent developer interest and recent renovations from Irvine Company. Meanwhile, less than 5% of the inventory is composed of the heart of the city, the main portion of Cupertino, where most development should be slated.
2. Programs and Policies: Urge staff and consultants to focus on new policies and programs modeled after other cities' housing elements—with a framework of the 3 Ps in mind: production of homes, preservation of existing homes, and protection of renters. Cities like Emeryville and Mountain View have robust policies for all three of these planks. Cupertino's current draft introduces few new policies, instead relying almost entirely on our existing ones, which have obviously failed to meet our housing needs. Additionally, the draft unnecessarily restricts proposed policies, such as only limiting parking requirements for SROs and studios, instead of applying a reduction in parking to all new homes.
3. Needs Analysis: The needs analysis is woefully inadequate for the unique housing context of Cupertino, with no references to the extreme unmet housing needs of our daytime residents—instead choosing to focus on those who already can afford to live here. In particular, we see tremendous housing struggles among De Anza college students, adjunct faculty, teachers, low-wage workers, non-profit workers, young adults, and seniors. For example, Cupertino severely lacks in apartments and smaller units that would be ideal for a young professional or

community college student. Additionally, with regard to AFFH, our draft does not provide a realistic assessment of segregation in our region; we know that Cupertino has one of the lowest Latino/Latinx populations of surrounding cities—of just 3-4% compared to San Jose's 30%. As such, one of our intended outcomes should be to bridge this gap and greatly increase housing opportunities for Latino, Black, and Southeast Asian communities of color.

4. Constraints Analysis: Several constraints appear to be missing, including but not limited to (1) local control and neighborhood opposition, (2) underutilized land such as dying strip malls, (3) relatively low surface area for development, (4) state law evasion/loopholes, (5) permit processing times. Additionally, several other state laws are missing that are in need of compliance like AB 2097 and AB 2011.

5. Community Outreach: While Cupertino has done some community outreach with regard to the housing element, it does not seem to have actually translated into actual policies or programs. The purpose of community outreach is to hear from traditionally underserved communities, so new ideas emerge for how to meet these specific housing needs. Instead, there are dozens of pages of outreach, with no actual effect on the resulting sites, programs, or policies. Additionally, much of the feedback critical of Cupertino's approach to the inventory appears to be missing. The City must also be honest about its failures in approaching community outreach, such as the last City Council dismantling the stakeholder engagement group, or the anti-housing bias within the housing survey.

6. Transit-Oriented Development & mixed use: Cupertino's housing element draft does not seem to contain a vision for the built-environment, as it isolates the thousands of planned homes from a much needed coinciding growth of bicycle and pedestrian infrastructure, reduced car use, and vibrant, mixed-use spaces. Instead, it makes few references to transit-oriented development and even unnecessarily restricts mixed-use. We should be planning our housing future around the reduction of car reliance and the promotion of our Climate Action Plan 2.0.

7. Timeline: Cupertino is last in the entire county and will no doubt lose local control under the builder's remedy. Council should direct its staff and consultant team to focus entirely on more-or-less redoing the housing element draft as quickly as possible. The community would like to see an actual timeline and plan of action for achieving an ambitious housing element in a short period of time.

8. Do not be afraid of building UP rather than only considering building OUT. Cupertino already has a few "high rise" buildings - and could use more, especially along streets that are on transit corridors - so let us use those areas.

m.shovlin@comcast.net
10277 Vista Knoll Blvd.
Cupertino, California 95014

From: [Jenny Griffin](#)
To: [City Council](#); [City Clerk](#)
Cc: grenna5000@yahoo.com; [City of Cupertino Planning Commission](#)
Subject: In Person City Council Meetings
Date: Tuesday, December 20, 2022 3:41:53 PM

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 am very concerned to find out the City Council meeting tonight, December 20, 2022, is not being held in person in our City Council Chambers.

I feel as if the public is being excluded from the City Council process. Why are we not having a hybrid or in-person City Council meeting?

This is very unusual and of great concern that the public cannot see their City Council and their City Council meetings in person.

Please have the City Council meetings set up for hybrid or in person in the future. I am sure then that the public will feel they are being included in the City Council process.

Thank you.

Sincerely,

Jennifer Griffin

From: [Connie Cunningham](#)
To: [Austin Donna](#)
Cc: [Neil Park-McClintick](#); [Cupertino City Manager's Office](#); [City Clerk](#); [City Council](#); [membership](#)
Subject: Re: Comprehensive redo of housing element draft needed
Date: Tuesday, December 20, 2022 3:06:20 PM

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.

Donna, I agree! Thank you Cupertino For All, and Neil !
Connie Cunningham

On Dec 20, 2022, at 2:54 PM, Donna austin <primadona1@comcast.net> wrote:

This is an excellent housing element
Guideline for our city of Cupertino. Thankyou Cupertino For All and Neil!
Donna Austin
Sent from my iPhone

On Dec 20, 2022, at 2:44 PM, Neil Park-McClintick <neil@cupertinoforall.org> wrote:



To:
City Clerk Kirsten Squarcia
Councilmember JR Fruen
Mayor Hung Wei
Councilmember Liang Chao
Councilmember Kitty Moore
City Manager Pamela Wu
Councilmember Sheila Mohan

Comprehensive redo of housing element draft needed

From the beginning of the housing element update process, community members have repeatedly demanded an **ambitious, honest, and conforming process** from the City of Cupertino. This means a resulting product that realistically outlines a path forward for not only building 4,000+ homes, but also

transforming the affordable housing landscape for families across all incomes and backgrounds. However, this outcome is only achievable if the leadership of Cupertino truly believes that the HE update is a unique opportunity of a lifetime, rather than a burdensome task. The recently released housing element draft unfortunately seems to indicate the latter rather than the former. **If we wish to preserve any hope of dictating our own future as a community, Council and staff must conduct a comprehensive redrafting process, with the following changes:**

1. **Site Inventory:** Reduce reliance on pipeline projects, expand the number of planned units in the “heart of the city,” and avoid planning homes that are unlikely to be built. Nearly $\frac{2}{3}$ of the planned inventory is pipeline projects, with roughly 80% of those projects being Vallco and the Hamptons. The Hamptons in particular is unlikely to actually be built out as 600 units, given no recent developer interest and recent renovations from Irvine Company. Meanwhile, less than 5% of the inventory is composed of the heart of the city, the main portion of Cupertino, where most development should be slated.
2. **Programs and Policies:** Urge staff and consultants to focus on new policies and programs modeled after other cities’ housing elements—with a framework of the 3 Ps in mind: production of homes, preservation of existing homes, and protection of renters. Cities like Emeryville and Mountain View have robust policies for all three of these planks. Cupertino’s current draft introduces few new policies, instead relying almost entirely on our existing ones, which have obviously failed to meet our housing needs. Additionally, the draft unnecessarily restricts proposed policies, such as only limiting parking requirements for SROs and studios, instead of applying a reduction in parking to all new homes.
 - a. **Sample 1: Adaptive Re-use. The City will examine opportunities to allow for the adaptive reuse/conversion or replacement of vacant or underperforming commercial spaces and parking structures to residential units. The City will analyze the feasibility of an Adaptive Reuse Ordinance that would target the conversion of select types existing structures and of spaces that may include ground-floor retail in an existing mixed-use structure, part or all of an office building or parking structure**
 - b.

Sample 2: Live/Work Units. Assess existing Live/Work regulations to see if any modification needs to be made to encourage development of Live/Work units in an effort to diversify the City's housing types. Encourage the development or conversion of affordable live/workspace units, and ensure owners of existing Live/Work units are aware of the Homebuyer Assistance Program available for their unit when marketing their unit for resale, in an effort to expand affordable homeownership options.

c.

Sample 3: Family Friendly Housing. Promote housing designs and unit mix to attract multigenerational households by encouraging developers to include housing features and more bedrooms (including four-bedroom units), as well as other on-site amenities, such as usable outdoor open space for multigenerational use, and multipurpose rooms that can be used for after-school homework clubs, computer, art, or other resident activities.

d.

Sample 4: The creation of a tenant relocation assistance ordinance. r more rental units have been displaced because of renovations, redevelopment, and similar activities. The City's ordinance is intended to help lower income households with moving costs, deposits, and securing replacement housing.

e.

Sample 5: Rental Preservation Program. The City will provide low interest rate loans to existing rental property owners to improve the habitable condition(s) of their rental units occupied by very low, low and moderate-income tenants. Performance Metric(s) # of rental units renovated; # of special need units assisted; Amount of Funds Expended

f.

Sample 6: Resident Engagement. The City will evaluate its current committees and commission membership to determine if the membership is reflective of the socio-economic and racial mix of Cupertino or if there are any missing voices. If it is determined, there are missing voices, the City will enhance its outreach efforts to encourage residents from all socio-economic groups and racial backgrounds to serve on committees and commissions when position become available. The City will investigate the restructuring of the Housing Committee to ensure that the

committee has at least one member that resides in a BMR unit, at least one member that is a tenant, and at least one member that is a homeowner.

g.

Sample 7: . Prohousing Designation. The City will seek a Prohousing Designation from the California Housing and Community Development for enacting favorable zoning and land use policies, policies to accelerate the production of housing, reduction of construction and development policies, and providing financial subsidies. The Prohousing designation will provide incentives, in the form of additional points or preferences in the scoring of competitive applications for housing and infrastructure.

3.

Needs Analysis: The needs analysis is woefully inadequate for the unique housing context of Cupertino, with no references to the extreme unmet housing needs of our daytime residents—instead choosing to focus on those who already can afford to live here. In particular, we see tremendous housing struggles among De Anza college students, adjunct faculty, teachers, low-wage workers, non-profit workers, young adults, and seniors. For example, Cupertino severely lacks in apartments and smaller units that would be ideal for a young professional or community college student. Additionally, with regard to AFFH, our draft does not provide a realistic assessment of segregation in our region; we know that Cupertino has one of the lowest Latino/Latinx populations of surrounding cities—of just 3-4% compared to San Jose’s 30%. As such, one of our intended outcomes should be to bridge this gap and greatly increase housing opportunities for Latino, Black, and Southeast Asian communities of color.

4.

Constraints Analysis: Several constraints appear to be missing, including but not limited to (1) local control and neighborhood opposition, (2) underutilized land such as dying strip malls, (3) relatively low surface area for development, (4) state law evasion/loopholes, (5) permit processing times. Additionally, several other state laws are missing that are in need of compliance like AB 2097 and AB 2011.

5.

Community Outreach: While Cupertino has done some community outreach with regard to the housing element, it does not seem to have actually translated into actual policies or programs. The purpose of community outreach is to hear from traditionally underserved communities, so new ideas emerge for how to meet these specific

housing needs. Instead, there are dozens of pages of outreach, with no actual effect on the resulting sites, programs, or policies. Additionally, much of the feedback critical of Cupertino's approach to the inventory appears to be missing. The City must also be honest about its failures in approaching community outreach, such as the last City Council dismantling the stakeholder engagement group, or the anti-housing bias within the housing survey.

6.

Transit-Oriented Development & mixed use: Cupertino's housing element draft does not seem to contain a vision for the built-environment, as it isolates the thousands of planned homes from a much needed coinciding growth of bicycle and pedestrian infrastructure, reduced car use, and vibrant, mixed-use spaces. Instead, it makes few references to transit-oriented development and even unnecessarily restricts mixed-use. We should be planning our housing future around the reduction of car reliance and the promotion of our Climate Action Plan 2.0.

7.

Timeline: Cupertino is last in the entire county and will no doubt lose local control under the builder's remedy. Council should direct its staff and consultant team to focus entirely on more-or-less redoing the housing element draft as quickly as possible. The community would like to see an actual timeline and plan of action for achieving an ambitious housing element in a short period of time.

8.

Rezoning of Vallco: The Rise (formerly Vallco) is the most important project for the City to meet its RHNA. It includes more than half of the City's total RHNA and 136% of its low income units. One impediment is that the current GP and zoning do not allow for a feasible project. While the SB 35 approval is currently in effect, if it were to lapse, the current GP/zoning designations are too restrictive and no project would occur. To be consistent with other housing element inventory sites, the City should amend the General Plan and zoning to be consistent with The Rise project. Strategy HE-1.3 that would make a residential-only project available "by right" is insufficient. The HE assumes that half of the units will be affordable, but that is only feasible if there are other supporting uses to help pay for the high cost of affordable housing, such as office space.

9.

Improving fee reduction language: The HE makes clear that the City's impact fees are both very high and an outlier in the region. This can inhibit the proliferation of new housing and deter affordable projects. One of the HE strategies calls for a reduction in fees, but does not establish a

clear path forward for which fees would be reduced or which steps would be taken. Additionally, fee waivers beyond parkland fees should be readily permissible in cases of affordable housing projects. As a whole, the fee regime should be thoughtfully restructured and reevaluated to strike a balance between fulfilling important city functions, while not impeding new housing development.

Members across the community look forward to working with this new council and City Manager's office to produce an ambitious housing element update that matches the innovation and ambition of our great town.

Sincerely,

Neil Park-McClintick



Chair, Cupertino for All

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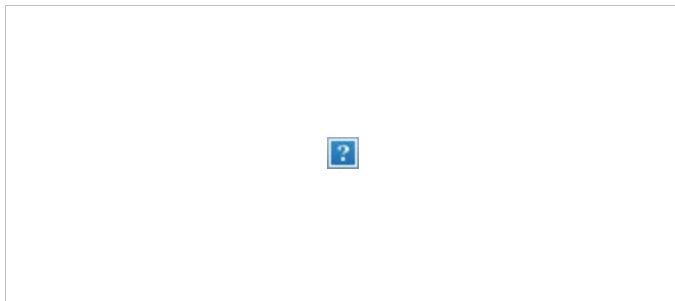
<https://groups.google.com/a/cupertinoforall.org/d/msgid/membership/ABE0C336-F1ED-40E7-8F6A-EEB6C4FE48BA%40comcast.net>.

From: [Donna austin](#)
To: [Neil Park-McClintick](#)
Cc: [Cupertino City Manager's Office](#); [City Clerk](#); [City Council](#); [membership](#)
Subject: Re: Comprehensive redo of housing element draft needed
Date: Tuesday, December 20, 2022 2:55:19 PM
Attachments: [CFA HEDRAFT Feedback.pdf](#)

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This is an excellent housing element
Guideline for our city of Cupertino. Thankyou Cupertino For All and Neil!
Donna Austin
Sent from my iPhone

On Dec 20, 2022, at 2:44 PM, Neil Park-McClintick <neil@cupertinoforall.org> wrote:



To:
City Clerk Kirsten Squarcia
Councilmember JR Fruen
Mayor Hung Wei
Councilmember Liang Chao
Councilmember Kitty Moore
City Manager Pamela Wu
Councilmember Sheila Mohan

Comprehensive redo of housing element draft needed

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conduct a comprehensive redrafting process, with the following changes:

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Programs and Policies: Urge staff and consultants to focus on new policies and programs modeled after other cities’ housing elements—with a framework of the 3 Ps in mind: production of homes, preservation of existing homes, and protection of renters. Cities like Emeryville and Mountain View have robust policies for all three of these planks. Cupertino’s current draft introduces few new policies, instead relying almost entirely on our existing ones, which have obviously failed to meet our housing needs. Additionally, the draft unnecessarily restricts proposed policies, such as only limiting parking requirements for SROs and studios, instead of applying a reduction in parking to all new homes.

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Sample 3: Family Friendly Housing. Promote housing designs and unit mix to attract multigenerational households by encouraging developers

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Sincerely,
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Chair, Cupertino for All

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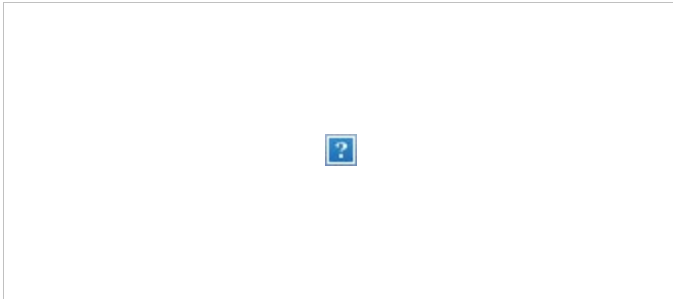
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From: [Neil Park-McClintick](#)
To: [Cupertino City Manager's Office](#); [City Clerk](#); [City Council membership](#)
Cc: [membership](#)
Subject: Comprehensive redo of housing element draft needed
Date: Tuesday, December 20, 2022 2:45:12 PM
Attachments: [CFA_HEDRAFT_Feedback.pdf](#)

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To:

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Councilmember JR Fruen
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Sincerely,
Neil Park-McClintick



Chair, Cupertino for All

From: m.shovlin@comcast.net
To: [City Clerk](#)
Subject: Fix the Housing Element Draft
Date: Tuesday, December 20, 2022 1:23:11 PM

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.

City Clerk Kirsten Squarcia,

I am writing out of concern for the current status of the recently released Cupertino housing element draft, which is clearly incomplete and inconsistent with the extreme housing needs in Cupertino and the greater bay area. I am optimistic that we can craft an ambitious housing element, with the visionary abilities of this new city council and ample community feedback. Failure to do so will result in an extended period of loss of local control and continuous increases in housing insecurity and homelessness.

To adequately meet the housing needs of our community, I fully support Cupertino for All's recommendations to the housing element draft. The organization's requested changes are as follows:

1. Site Inventory: Reduce reliance on pipeline projects, expand the number of planned units in the "heart of the city," and avoid planning homes that are unlikely to be built. Nearly $\frac{2}{3}$ of the planned inventory is pipeline projects, with roughly 80% of those projects being Vallco and the Hamptons. The Hamptons in particular is unlikely to actually be built out as 600 units, given no recent developer interest and recent renovations from Irvine Company. Meanwhile, less than 5% of the inventory is composed of the heart of the city, the main portion of Cupertino, where most development should be slated.
2. Programs and Policies: Urge staff and consultants to focus on new policies and programs modeled after other cities' housing elements—with a framework of the 3 Ps in mind: production of homes, preservation of existing homes, and protection of renters. Cities like Emeryville and Mountain View have robust policies for all three of these planks. Cupertino's current draft introduces few new policies, instead relying almost entirely on our existing ones, which have obviously failed to meet our housing needs. Additionally, the draft unnecessarily restricts proposed policies, such as only limiting parking requirements for SROs and studios, instead of applying a reduction in parking to all new homes.
3. Needs Analysis: The needs analysis is woefully inadequate for the unique housing context of Cupertino, with no references to the extreme unmet housing needs of our daytime residents—instead choosing to focus on those who already can afford to live here. In particular, we see tremendous housing struggles among De Anza college students, adjunct faculty, teachers, low-wage workers, non-profit workers, young adults, and seniors. For example, Cupertino severely lacks in apartments and smaller units that would be ideal for a young professional or

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4. Constraints Analysis: Several constraints appear to be missing, including but not limited to (1) local control and neighborhood opposition, (2) underutilized land such as dying strip malls, (3) relatively low surface area for development, (4) state law evasion/loopholes, (5) permit processing times. Additionally, several other state laws are missing that are in need of compliance like AB 2097 and AB 2011.

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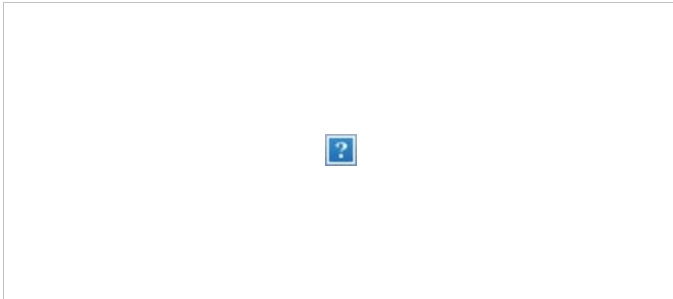
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8. Do not be afraid of building UP rather than only considering building OUT. Cupertino already has a few "high rise" buildings - and could use more, especially along streets that are on transit corridors - so let us use those areas.

m.shovlin@comcast.net
10277 Vista Knoll Blvd.
Cupertino, California 95014

From: [Neil Park-McClintick](#)
To: [Cupertino City Manager's Office](#); [City Clerk](#); [City Council membership](#)
Cc: [membership](#)
Subject: Comprehensive redo of housing element draft needed
Date: Tuesday, December 20, 2022 2:45:12 PM
Attachments: [CFA_HEDRAFT_Feedback.pdf](#)

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Sincerely,
Neil Park-McClintick



Chair, Cupertino for All

From: m.shovlin@comcast.net
To: [City Clerk](#)
Subject: Fix the Housing Element Draft
Date: Tuesday, December 20, 2022 1:23:11 PM

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.

City Clerk Kirsten Squarcia,

I am writing out of concern for the current status of the recently released Cupertino housing element draft, which is clearly incomplete and inconsistent with the extreme housing needs in Cupertino and the greater bay area. I am optimistic that we can craft an ambitious housing element, with the visionary abilities of this new city council and ample community feedback. Failure to do so will result in an extended period of loss of local control and continuous increases in housing insecurity and homelessness.

To adequately meet the housing needs of our community, I fully support Cupertino for All's recommendations to the housing element draft. The organization's requested changes are as follows:

1. Site Inventory: Reduce reliance on pipeline projects, expand the number of planned units in the "heart of the city," and avoid planning homes that are unlikely to be built. Nearly $\frac{2}{3}$ of the planned inventory is pipeline projects, with roughly 80% of those projects being Vallco and the Hamptons. The Hamptons in particular is unlikely to actually be built out as 600 units, given no recent developer interest and recent renovations from Irvine Company. Meanwhile, less than 5% of the inventory is composed of the heart of the city, the main portion of Cupertino, where most development should be slated.
2. Programs and Policies: Urge staff and consultants to focus on new policies and programs modeled after other cities' housing elements—with a framework of the 3 Ps in mind: production of homes, preservation of existing homes, and protection of renters. Cities like Emeryville and Mountain View have robust policies for all three of these planks. Cupertino's current draft introduces few new policies, instead relying almost entirely on our existing ones, which have obviously failed to meet our housing needs. Additionally, the draft unnecessarily restricts proposed policies, such as only limiting parking requirements for SROs and studios, instead of applying a reduction in parking to all new homes.
3. Needs Analysis: The needs analysis is woefully inadequate for the unique housing context of Cupertino, with no references to the extreme unmet housing needs of our daytime residents—instead choosing to focus on those who already can afford to live here. In particular, we see tremendous housing struggles among De Anza college students, adjunct faculty, teachers, low-wage workers, non-profit workers, young adults, and seniors. For example, Cupertino severely lacks in apartments and smaller units that would be ideal for a young professional or

community college student. Additionally, with regard to AFFH, our draft does not provide a realistic assessment of segregation in our region; we know that Cupertino has one of the lowest Latino/Latinx populations of surrounding cities—of just 3-4% compared to San Jose's 30%. As such, one of our intended outcomes should be to bridge this gap and greatly increase housing opportunities for Latino, Black, and Southeast Asian communities of color.

4. Constraints Analysis: Several constraints appear to be missing, including but not limited to (1) local control and neighborhood opposition, (2) underutilized land such as dying strip malls, (3) relatively low surface area for development, (4) state law evasion/loopholes, (5) permit processing times. Additionally, several other state laws are missing that are in need of compliance like AB 2097 and AB 2011.

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6. Transit-Oriented Development & mixed use: Cupertino's housing element draft does not seem to contain a vision for the built-environment, as it isolates the thousands of planned homes from a much needed coinciding growth of bicycle and pedestrian infrastructure, reduced car use, and vibrant, mixed-use spaces. Instead, it makes few references to transit-oriented development and even unnecessarily restricts mixed-use. We should be planning our housing future around the reduction of car reliance and the promotion of our Climate Action Plan 2.0.

7. Timeline: Cupertino is last in the entire county and will no doubt lose local control under the builder's remedy. Council should direct its staff and consultant team to focus entirely on more-or-less redoing the housing element draft as quickly as possible. The community would like to see an actual timeline and plan of action for achieving an ambitious housing element in a short period of time.

8. Do not be afraid of building UP rather than only considering building OUT. Cupertino already has a few "high rise" buildings - and could use more, especially along streets that are on transit corridors - so let us use those areas.

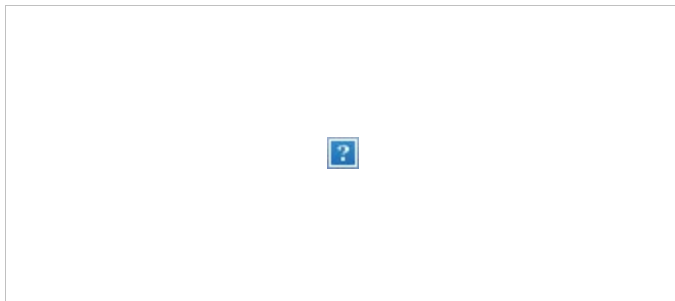
m.shovlin@comcast.net
10277 Vista Knoll Blvd.
Cupertino, California 95014

From: [Donna austin](#)
To: [Neil Park-McClintick](#)
Cc: [Cupertino City Manager's Office](#); [City Clerk](#); [City Council](#); [membership](#)
Subject: Re: Comprehensive redo of housing element draft needed
Date: Tuesday, December 20, 2022 2:55:19 PM
Attachments: [CFA HEDRAFT Feedback.pdf](#)

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This is an excellent housing element
Guideline for our city of Cupertino. Thankyou Cupertino For All and Neil!
Donna Austin
Sent from my iPhone

On Dec 20, 2022, at 2:44 PM, Neil Park-McClintick <neil@cupertinoforall.org> wrote:



To:
City Clerk Kirsten Squarcia
Councilmember JR Fruen
Mayor Hung Wei
Councilmember Liang Chao
Councilmember Kitty Moore
City Manager Pamela Wu
Councilmember Sheila Mohan

Comprehensive redo of housing element draft needed

From the beginning of the housing element update process, community members have repeatedly demanded an **ambitious, honest, and conforming process** from the City of Cupertino. This means a resulting product that realistically outlines a path forward for not only building 4,000+ homes, but also transforming the affordable housing landscape for families across all incomes and backgrounds. However, this outcome is only achievable if the leadership of Cupertino truly believes that the HE update is a unique opportunity of a lifetime, rather than a burdensome task. The recently released housing element draft unfortunately seems to indicate the latter rather than the former. **If we wish to preserve any hope of dictating our own future as a community, Council and staff must**

conduct a comprehensive redrafting process, with the following changes:

1.

Site Inventory: Reduce reliance on pipeline projects, expand the number of planned units in the “heart of the city,” and avoid planning homes that are unlikely to be built. Nearly $\frac{2}{3}$ of the planned inventory is pipeline projects, with roughly 80% of those projects being Vallco and the Hamptons. The Hamptons in particular is unlikely to actually be built out as 600 units, given no recent developer interest and recent renovations from Irvine Company. Meanwhile, less than 5% of the inventory is composed of the heart of the city, the main portion of Cupertino, where most development should be slated.

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Programs and Policies: Urge staff and consultants to focus on new policies and programs modeled after other cities’ housing elements—with a framework of the 3 Ps in mind: production of homes, preservation of existing homes, and protection of renters. Cities like Emeryville and Mountain View have robust policies for all three of these planks. Cupertino’s current draft introduces few new policies, instead relying almost entirely on our existing ones, which have obviously failed to meet our housing needs. Additionally, the draft unnecessarily restricts proposed policies, such as only limiting parking requirements for SROs and studios, instead of applying a reduction in parking to all new homes.

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Sample 1: Adaptive Re-use. The City will examine opportunities to allow for the adaptive reuse/conversion or replacement of vacant or underperforming commercial spaces and parking structures to residential units. The City will analyze the feasibility of an Adaptive Reuse Ordinance that would target the conversion of select types existing structures and of spaces that may include ground-floor retail in an existing mixed-use structure, part or all of an office building or parking structure

b.

Sample 2: Live/Work Units. Assess existing Live/Work regulations to see if any modification needs to be made to encourage development of Live/Work units in an effort to diversify the City's housing types. Encourage the development or conversion of affordable live/workspace units, and ensure owners of existing Live/Work units are aware of the Homebuyer Assistance Program available for their unit when marketing their unit for resale, in an effort to expand affordable homeownership options.

c.

Sample 3: Family Friendly Housing. Promote housing designs and unit mix to attract multigenerational households by encouraging developers

to include housing features and more bedrooms (including four-bedroom units), as well as other on-site amenities, such as usable outdoor open space for multigenerational use, and multipurpose rooms that can be used for after-school homework clubs, computer, art, or other resident activities.

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Sample 4: The creation of a tenant relocation assistance ordinance. r more rental units have been displaced because of renovations, redevelopment, and similar activities. The City's ordinance is intended to help lower income households with moving costs, deposits, and securing replacement housing.

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Sample 5: Rental Preservation Program. The City will provide low interest rate loans to existing rental property owners to improve the habitable condition(s) of their rental units occupied by very low, low and moderate-income tenants. **Performance Metric(s)** # of rental units renovated; # of special need units assisted; Amount of Funds Expended

f.

Sample 6: Resident Engagement. The City will evaluate its current committees and commission membership to determine if the membership is reflective of the socio-economic and racial mix of Cupertino or if there are any missing voices. If it is determined, there are missing voices, the City will enhance its outreach efforts to encourage residents from all socio-economic groups and racial backgrounds to serve on committees and commissions when position become available. The City will investigate the restructuring of the Housing Committee to ensure that the committee has at least one member that resides in a BMR unit, at least one member that is a tenant, and at least one member that is a homeowner.

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Sample 7: . Prohousing Designation. The City will seek a Prohousing Designation from the California Housing and Community Development for enacting favorable zoning and land use policies, policies to accelerate the production of housing, reduction of construction and development policies, and providing financial subsidies. The Prohousing designation will provide incentives, in the form of additional points or preferences in the scoring of competitive applications for housing and infrastructure.

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Neil Park-McClintick



Chair, Cupertino for All

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From: [Connie Cunningham](#)
To: [Austin Donna](#)
Cc: [Neil Park-McClintick](#); [Cupertino City Manager's Office](#); [City Clerk](#); [City Council](#); [membership](#)
Subject: Re: Comprehensive redo of housing element draft needed
Date: Tuesday, December 20, 2022 3:06:20 PM

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Donna, I agree! Thank you Cupertino For All, and Neil !
Connie Cunningham

On Dec 20, 2022, at 2:54 PM, Donna austin <primadona1@comcast.net> wrote:

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Guideline for our city of Cupertino. Thankyou Cupertino For All and Neil!
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Sent from my iPhone

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To:
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Councilmember JR Fruen
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Sincerely,

Neil Park-McClintick



Chair, Cupertino for All

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To unsubscribe from this group and stop receiving emails from it, send an email to membership+unsubscribe@cupertinoforall.org.

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<CFA_HEDRAFT_Feedback.pdf>

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From: [Jenny Griffin](#)
To: [City Clerk](#)
Subject: Fwd: In Person City Council Meetings
Date: Tuesday, December 20, 2022 3:54:26 PM

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. Please kindly include this communication in the public record for tonight's City Council meeting. Thank you very much.

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

Subject: In Person City Council Meetings
From: Jenny Griffin <grenna5000@yahoo.com>
Sent: Tuesday, December 20, 2022, 3:41 PM
To: citycouncil@cupertino.org,cityclerk@cupertino.org
CC: grenna5000@yahoo.com,planningcommission@cupertino.org

Dear City Council:

I am very concerned to find out the City Council meeting tonight, December 20, 2022, Is not being held in person in our City Council Chambers.

I feel as if the public is being excluded from the City Council process. Why are we not having a hybrid or in-person City Council meeting?

This is very unusual and of great concern that the public cannot see their City Council and their City Council meetings in person.

Please have the City Council meetings set up for hybrid or in person in the future. I am sure then That the public will feel they are being included in the City Council process.

Thank you.

Sincerely,

Jennifer Griffin

From: [louise saadati](#)
To: [Connie Cunningham](#)
Cc: [Austin Donna](#); [Neil Park-McClintick](#); [Cupertino City Manager's Office](#); [City Clerk](#); [City Council](#); [membership](#)
Subject: Re: Comprehensive redo of housing element draft needed
Date: Tuesday, December 20, 2022 4:05:21 PM

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.

The Cupertino for All comprehensive email below is excellent and I would urge the City Council, relevant committees and City staff to include this guideline in their final housing element draft.

Louise Saadati

Sent from my iPhone

On Dec 20, 2022, at 3:06 PM, Connie Cunningham
<cunninghamconniel@gmail.com> wrote:

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Connie Cunningham

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<neil@cupertinoforall.org> wrote:



To:
City Clerk Kirsten Squarcia

Councilmember JR Fruen
Mayor Hung Wei
Councilmember Liang Chao
Councilmember Kitty Moore
City Manager Pamela Wu
Councilmember Sheila Mohan

Comprehensive redo of housing element draft needed

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Cupertino's current draft introduces few new policies, instead relying almost entirely on our existing ones, which have obviously failed to meet our housing needs. Additionally, the draft unnecessarily restricts proposed policies, such as only limiting parking requirements for SROs and studios, instead of applying a reduction in parking to all new homes.

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- c. **Sample 3: Family Friendly Housing. Promote housing designs and unit mix to attract multigenerational households by encouraging developers to include housing features and more bedrooms (including four-bedroom units), as well as other on-site amenities, such as usable outdoor open space for multigenerational use, and multipurpose rooms that can be used for after-school homework clubs, computer, art, or other resident activities.**

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Timeline: Cupertino is last in the entire county and will no doubt lose local control under the builder's remedy. Council should direct its staff and consultant team to focus entirely on more-or-less redoing the housing element draft as quickly as possible. The community would like to see an actual timeline and plan of action for achieving an ambitious housing element in a short period of time.

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Members across the community look forward to working with this new council and City Manager's office to produce an ambitious housing element update that matches the innovation and ambition of our great town.

Sincerely,
Neil Park-McClintick



Chair, Cupertino for All

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<CFA_HEDRAFT_Feedback.pdf>

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From: [J Shearin](#)
To: [City Clerk](#)
Subject: Fwd: Public Comment response to City of Cupertino Draft Housing Element
Date: Tuesday, December 20, 2022 4:14:21 PM

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.

Forgot to also send to you, Kirsten!

Thanks,
Jennifer

Begin forwarded message:

From: J Shearin <shearin.jen@gmail.com>
Subject: Public Comment response to City of Cupertino Draft Housing Element
Date: December 20, 2022 at 4:12:57 PM PST
To: citycouncil@cupertino.org

Dear Honorable Cupertino City Council,

I write today in response to the draft Housing Element for our city. I see several areas of concern in this draft, including that it is clearly not ready for public review. The draft includes many areas of cross-outs and red highlighting which is puzzling for a draft ready to be shared with the public. It is not clear if staff plans to update these areas further or why the older information was included. In B1-8, cut and pasted information was not updated, as the city name listed is "Larkspur" instead of Cupertino.

The greatest concern I have with this draft is in the overall process to create the Housing Element, especially the required community outreach to reach the Housing Element goals. The Housing Element lists several forms of community outreach including surveys, Community Workshops, and online mapping. Unfortunately, these community outreach actions did not drive the final Cupertino Housing Element to (per AFFH), "address significant disparities in housing needs and in access to opportunity."

The Community Workshops were listening sessions, wherein those who most need housing (renters, students, young adults, the unhoused) had a chance to tell their stories for other community members to greater understand their needs. Though on the surface these sessions appeared to bring marginalized viewpoints into the process, in practice the input did not influence the final Housing Element. Stated needs from these underserved communities were not incorporated when choosing locations, densities, or heights of the new housing sites.

One of the Cupertino *Housing Element Strategy Team* members, all of whom are Single-Family Homeowners (SFHO) and proponents of the group *Better Cupertino*, a group known for its anti-growth stance, led the site determination sessions. The input from the public at the meetings came overwhelmingly from SFHO and those who are longtime residents (generally 20 years+), especially those who speak often at City Council meetings. The Housing Site meetings did not focus on the unmet housing needs of those wishing or struggling to live in Cupertino, but instead centered the needs and wants of those who can already afford to live here.

Furthermore, input from the online survey also skewed toward homeowners. 68% of survey respondents own their own home, while the vast majority of respondents (77%) live in single family homes. 94% of people who answered the survey already live in Cupertino. The output from this survey clearly does not capture those underserved by the current housing situation in Cupertino. Using it to guide the ultimate Housing Element plan for Cupertino will naturally result in building housing where current homeowners want it, instead of where it could most benefit those who need it.

One further overall concern regarding the Housing Element is the reliance on "pipeline" projects to fulfill Cupertino's share of the regional housing need. One of these projects, the Hamptons, has had an approved plan to expand their current apartment

complex for over six years but has yet to take any steps toward doing so. It would be surprising if they did build the expansion as doing so would be a loss of all income from current tenants during a long construction phase. A bigger concern for the community is that it would remove that housing with the displacement of those tenants during that period. This displacement would cause a further housing shortage (albeit temporary) for Cupertino—the exact opposite of what the Housing Element is supposed to address.

Thank you for considering my feedback during this Public Comment period. I wish you success in crafting a Housing Element that addresses the needs of all residents, current and future.

Sincerely,

Jennifer Shearin
Cupertino resident

From: [Jean Bedord](#)
To: [louise saadati](#)
Cc: [Connie Cunningham](#); [Austin Donna](#); [Neil Park-McClintick](#); [Cupertino City Manager's Office](#); [City Clerk](#); [City Council](#); [membership](#)
Subject: Re: Comprehensive redo of housing element draft needed
Date: Tuesday, December 20, 2022 4:23:21 PM

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.

Neil,
Excellent! Well thought out policies...
Warm regards,
Jean Bedord
Cell: 408-966-6174 / Land line: 408-252-5220

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Neil Park-McClintick



Chair, Cupertino for All

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From: [Elizabeth Tu](#)
To: [City Clerk](#)
Subject: Fix the Housing Element Draft
Date: Tuesday, December 20, 2022 4:26:54 PM

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City Clerk Kirsten Squarcia,

I am writing out of concern for the current status of the recently released Cupertino housing element draft, which is clearly incomplete and inconsistent with the extreme housing needs in Cupertino and the greater bay area. I am optimistic that we can craft an ambitious housing element, with the visionary abilities of this new city council and ample community feedback. Failure to do so will result in an extended period of loss of local control and continuous increases in housing insecurity and homelessness.

To adequately meet the housing needs of our community, I fully support Cupertino for All's recommendations to the housing element draft. The organization's requested changes are as follows:

1. Site Inventory: Reduce reliance on pipeline projects, expand the number of planned units in the "heart of the city," and avoid planning homes that are unlikely to be built. Nearly $\frac{2}{3}$ of the planned inventory is pipeline projects, with roughly 80% of those projects being Vallco and the Hamptons. The Hamptons in particular is unlikely to actually be built out as 600 units, given no recent developer interest and recent renovations from Irvine Company. Meanwhile, less than 5% of the inventory is composed of the heart of the city, the main portion of Cupertino, where most development should be slated.
2. Programs and Policies: Urge staff and consultants to focus on new policies and programs modeled after other cities' housing elements—with a framework of the 3 Ps in mind: production of homes, preservation of existing homes, and protection of renters. Cities like Emeryville and Mountain View have robust policies for all three of these planks. Cupertino's current draft introduces few new policies, instead relying almost entirely on our existing ones, which have obviously failed to meet our housing needs. Additionally, the draft unnecessarily restricts proposed policies, such as only limiting parking requirements for SROs and studios, instead of applying a reduction in parking to all new homes.
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Elizabeth Tu
etu@comcast.net
1024 Tuscany Place
Cupertino, California 95014

From: [Jean Bedord](#)
To: [louise saadati](#)
Cc: [Connie Cunningham](#); [Austin Donna](#); [Neil Park-McClintick](#); [Cupertino City Manager's Office](#); [City Clerk](#); [City Council](#); [membership](#)
Subject: Re: Comprehensive redo of housing element draft needed
Date: Tuesday, December 20, 2022 4:23:21 PM

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.

Neil,
Excellent! Well thought out policies...
Warm regards,
Jean Bedord
Cell: 408-966-6174 / Land line: 408-252-5220

On Tue, Dec 20, 2022 at 4:05 PM louise saadati <lwsaadati@gmail.com> wrote:
The Cupertino for All comprehensive email below is excellent and I would urge the City Council, relevant committees and City staff to include this guideline in their final housing element draft.

Louise Saadati

Sent from my iPhone

On Dec 20, 2022, at 3:06 PM, Connie Cunningham
<cunninghamconniel@gmail.com> wrote:

Donna, I agree! Thank you Cupertino For All, and Neil !
Connie Cunningham

On Dec 20, 2022, at 2:54 PM, Donna austin
<primadonal@comcast.net> wrote:

This is an excellent housing element
Guideline for our city of Cupertino. Thankyou Cupertino For All and
Neil!
Donna Austin
Sent from my iPhone

On Dec 20, 2022, at 2:44 PM, Neil Park-McClintick
<neil@cupertinoforall.org> wrote:



To:

City Clerk Kirsten Squarcia
Councilmember JR Fruen
Mayor Hung Wei
Councilmember Liang Chao
Councilmember Kitty Moore
City Manager Pamela Wu
Councilmember Sheila Mohan

Comprehensive redo of housing element draft needed

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Housing and Community Development for enacting favorable zoning and land use policies, policies to accelerate the production of housing, reduction of construction and development policies, and providing financial subsidies. The Prohousing designation will provide incentives, in the form of additional points or preferences in the scoring of competitive applications for housing and infrastructure.

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Members across the community look forward to working with this new council and City Manager's office to produce an ambitious housing element update that matches the innovation and ambition of our great town.

Sincerely,
Neil Park-McClintick



Chair, Cupertino for All

--

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<CFA_HEDRAFT_Feedback.pdf>

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From: [Jenny Griffin](#)
To: [City Council](#); [City of Cupertino Planning Commission](#); [City Clerk](#)
Cc: grenna5000@yahoo.com
Subject: City Council Meetings in January
Date: Tuesday, December 20, 2022 9:22:16 PM

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:

Do we know how the City Council meetings will be conducted in the Month of January? The vote on the meetings was very confusing and did not seem to indicate to the public what the status of the meetings are.

I must say this City Council meeting tonight has been the weirdest City Council Meeting I have attended in 22 years.

I have grave concerns about the public being able to attend the City Council meetings because they are being running so differently.

I guess the first question is how are the City Council Meetings being conducted in January?

Thank you.

Sincerely,

Jennifer Griffin

From: [Jenny Griffin](#)
To: [City Clerk](#)
Subject: Fwd: Democratic Meetings
Date: Tuesday, December 20, 2022 7:45:58 PM

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. Please add to the Public Record for the City Council Meeting. Thank you.

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

Subject: Democratic Meetings

From: Jenny Griffin <grenna5000@yahoo.com>

Sent: Tuesday, December 20, 2022, 7:43 PM

To: citycouncil@cupertino.org,planningcommission@cupertino.org,cityclerk@cupertino.org

CC: grenna5000@yahoo.com

Dear City Council:

Am I going to be denied the ability to see my City Council in action in my City Council Chambers? I think that it is very important that we have hybrid meetings. People Can attend on Zoom or in person. When does democracy begin again in our City Council Chambers?

Thank you.

Sincerely,

Jennifer Griffin

From: [John Zhao](#)
To: [City Council](#); [City Clerk](#); [Cupertino City Manager's Office](#); [Luke Connolly](#)
Subject: Coordination between Housing Element and VTA Planning Processes?
Date: Tuesday, December 20, 2022 8:02:54 PM

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 Councilmembers, et al.,

I am writing to highlight that VTA has begun the planning process for their Visionary Network (VN) [\[1\]](#) [\[2\]](#) and Valley Transportation Plan 2050 (VTP 2050) [\[3\]](#). Given how interlinked housing, transportation, and land use are, I believe it would be wise for the City of Cupertino to coordinate its Housing Element planning with VTA. To my understanding, VTA staff will be meeting with city staff to get an understanding of our city's needs.

I know that many community members are unsatisfied with VTA service in Cupertino. Is the City planning to conduct any of its own community engagement to ensure that our community's needs are addressed in this process?

Additionally, repeating my points in my previous email regarding Housing Element feedback, I think that our Housing Element's site inventory and programs and policies should encourage transit-oriented development, particularly along Stevens Creek Boulevard and De Anza Boulevard, which have been designated as Priority Development Areas (PDAs) under MTC-ABAG's Plan Bay Area 2050 ([see map](#)).

Thank you for your consideration. I hope we can collaborate within our city and with VTA to plan sustainably for our future.

Sincerely,
John Zhao

From: [Marilyn Beck](#)
To: [City Council](#)
Cc: [Neil Park-McClintick](#); [City Clerk](#); [Cupertino City Manager's Office](#)
Subject: Re: Comprehensive redo of housing element draft needed
Date: Tuesday, December 20, 2022 7:40:52 PM

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 also agree with Neil's careful and thorough analysis of the housing element draft.

My kids can't afford to live here, just like so many other young adults who grew up in Cupertino. I would love to see more affordable housing options going forward.

Marilyn

On Tue, Dec 20, 2022 at 7:09 PM Frank Geefay <fgeefay@gmail.com> wrote:

Neil,

Your comprehensive summary of the inequities of the current Housing Element draft is great and good enough to use as an outline for the next draft redo. It has vision of what is needed for the sustainable growth of our city to reduce car dependency and traffic by strategic walkable housing and shopping developments. Thank you.

Frank

On Tue, Dec 20, 2022 at 2:44 PM Neil Park-McClintick <neil@cupertinoforall.org> wrote:

To:

City Clerk Kirsten Squarcia
Councilmember JR Fruen
Mayor Hung Wei
Councilmember Liang Chao
Councilmember Kitty Moore
City Manager Pamela Wu
Councilmember Sheila Mohan

Comprehensive redo of housing element draft needed

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Chair, Cupertino for All

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--

-Frank

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From: [Noel E](#)
To: [rajat mehndiratta](#)
Cc: [Frank Geefay](#); [Neil Park-McClintick](#); [City Clerk](#); [City Council](#); [Cupertino City Manager's Office](#); [membership](#)
Subject: Re: Comprehensive redo of housing element draft needed
Date: Tuesday, December 20, 2022 7:36:56 PM

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.

What an excellent, comprehensive, well thought out, and organized outline. I agree the council should use the outline for a redraft.

On Tue, Dec 20, 2022 at 7:25 PM rajat mehndiratta <r@jats.email> wrote:

Seconding everything said above. Appreciate the work from Neil & I hope our city considers and incorporates Neil's well-researched suggestions.

At the swearing in, Mayor Wei set an ambitious, commendable goal: representing not just present residents but also future residents- daytime residents, residents, students who would be residents, teachers who should be residents, and seniors who should be allowed to remain residents. I'm proud we have the kind of leaders that can set such a goal. But our Housing Element draft from October/November could not be further from pursuing this goal.

If we want to set the bar high for Cupertino's future, our government must raise that bar in the Housing Element.

rajat mehndiratta

r@jats.email | [\[re'd3et\]](tel:(415)435-1341) or [\[re'd3at\]](tel:(415)435-1341) | rajats.site

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Mayor Hung Wei
Councilmember Liang Chao
Councilmember Kitty Moore
City Manager Pamela Wu
Councilmember Sheila Mohan

Comprehensive redo of housing element draft needed

From the beginning of the housing element update process, community members have repeatedly demanded an **ambitious, honest, and conforming process** from the City of Cupertino. This means a resulting product that realistically outlines a path forward for not only building 4,000+ homes, but also transforming the affordable housing landscape for families across all incomes and backgrounds. However, this outcome is only achievable if the leadership of Cupertino truly believes that the HE update is a unique opportunity of a lifetime, rather than a

burdensome task. The recently released housing element draft unfortunately seems to indicate the latter rather than the former. **If we wish to preserve any hope of dictating our own future as a community, Council and staff must conduct a comprehensive redrafting process, with the following changes:**

1. **Site Inventory:** Reduce reliance on pipeline projects, expand the number of planned units in the “heart of the city,” and avoid planning homes that are unlikely to be built. Nearly $\frac{2}{3}$ of the planned inventory is pipeline projects, with roughly 80% of those projects being Vallco and the Hamptons. The Hamptons in particular is unlikely to actually be built out as 600 units, given no recent developer interest and recent renovations from Irvine Company. Meanwhile, less than 5% of the inventory is composed of the heart of the city, the main portion of Cupertino, where most development should be slated.
2. **Programs and Policies:** Urge staff and consultants to focus on new policies and programs modeled after other cities’ housing elements—with a framework of the 3 Ps in mind: production of homes, preservation of existing homes, and protection of renters. Cities like Emeryville and Mountain View have robust policies for all three of these planks. Cupertino’s current draft introduces few new policies, instead relying almost entirely on our existing ones, which have obviously failed to meet our housing needs. Additionally, the draft unnecessarily restricts proposed policies, such as only limiting parking requirements for SROs and studios, instead of applying a reduction in parking to all new homes.
 - a. **Sample 1: Adaptive Re-use.** The City will examine opportunities to allow for the adaptive reuse/conversion or replacement of vacant or underperforming commercial spaces and parking structures to residential units. The City will analyze the feasibility of an Adaptive Reuse Ordinance that would target the conversion of select types existing structures and of spaces that may include ground-floor retail in an existing mixed-use structure, part or all of an office building or parking structure
 - b. **Sample 2: Live/Work Units.** Assess existing Live/Work regulations to see if any modification needs to be made to encourage development of Live/Work units in an effort to diversify the City’s housing types. Encourage the development or conversion of affordable live/workspace units, and ensure owners of existing Live/Work units are aware of the Homebuyer Assistance Program available for their unit when marketing their unit for resale, in an effort to expand affordable homeownership options.
 - c. **Sample 3: Family Friendly Housing.** Promote housing designs and unit mix to attract multigenerational households by encouraging developers to include housing features and more bedrooms (including four-bedroom units), as well as other on-site amenities, such as usable outdoor open space for multigenerational use, and multipurpose rooms that can be used for after-school homework clubs, computer, art, or other resident activities.
 - d. **Sample 4: The creation of a tenant relocation assistance ordinance.** r more rental units have been displaced because of renovations, redevelopment, and similar activities. The City’s ordinance is intended to help lower income households with moving costs, deposits, and securing replacement housing.
 - e. **Sample 5: Rental Preservation Program.** The City will provide low interest rate loans to existing rental property owners to improve the habitable condition(s) of their rental units occupied by very low, low and moderate-income tenants. Performance Metric(s) # of rental units renovated; # of special need units assisted; Amount of Funds Expended
 - f. **Sample 6: Resident Engagement.** The City will evaluate its current committees and commission membership to determine if the membership is reflective of the socio-economic

and racial mix of Cupertino or if there are any missing voices. If it is determined, there are missing voices, the City will enhance its outreach efforts to encourage residents from all socio-economic groups and racial backgrounds to serve on committees and commissions when position become available. The City will investigate the restructuring of the Housing Committee to ensure that the committee has at least one member that resides in a BMR unit, at least one member that is a tenant, and at least one member that is a homeowner.

9. **Sample 7: . Prohousing Designation.** The City will seek a Prohousing Designation from the California Housing and Community Development for enacting favorable zoning and land use policies, policies to accelerate the production of housing, reduction of construction and development policies, and providing financial subsidies. The Prohousing designation will provide incentives, in the form of additional points or preferences in the scoring of competitive applications for housing and infrastructure.

3. **Needs Analysis:** The needs analysis is woefully inadequate for the unique housing context of Cupertino, with no references to the extreme unmet housing needs of our daytime residents—instead choosing to focus on those who already can afford to live here. In particular, we see tremendous housing struggles among De Anza college students, adjunct faculty, teachers, low-wage workers, non-profit workers, young adults, and seniors. For example, Cupertino severely lacks in apartments and smaller units that would be ideal for a young professional or community college student. Additionally, with regard to AFFH, our draft does not provide a realistic assessment of segregation in our region; we know that Cupertino has one of the lowest Latino/Latinx populations of surrounding cities—of just 3-4% compared to San Jose's 30%. As such, one of our intended outcomes should be to bridge this gap and greatly increase housing opportunities for Latino, Black, and Southeast Asian communities of color.
4. **Constraints Analysis:** Several constraints appear to be missing, including but not limited to (1) local control and neighborhood opposition, (2) underutilized land such as dying strip malls, (3) relatively low surface area for development, (4) state law evasion/loopholes, (5) permit processing times. Additionally, several other state laws are missing that are in need of compliance like AB 2097 and AB 2011.
5. **Community Outreach:** While Cupertino has done some community outreach with regard to the housing element, it does not seem to have actually translated into actual policies or programs. The purpose of community outreach is to hear from traditionally underserved communities, so new ideas emerge for how to meet these specific housing needs. Instead, there are dozens of pages of outreach, with no actual effect on the resulting sites, programs, or policies. Additionally, much of the feedback critical of Cupertino's approach to the inventory appears to be missing. The City must also be honest about its failures in approaching community outreach, such as the last City Council dismantling the stakeholder engagement group, or the anti-housing bias within the housing survey.
6. **Transit-Oriented Development & mixed use:** Cupertino's housing element draft does not seem to contain a vision for the built-environment, as it isolates the thousands of planned homes from a much needed coinciding growth of bicycle and pedestrian infrastructure, reduced car use, and vibrant, mixed-use spaces. Instead, it makes few references to transit-oriented development and even unnecessarily restricts mixed-use. We should be planning our housing future around the reduction of car reliance and the promotion of our Climate Action Plan 2.0.
7. **Timeline:** Cupertino is last in the entire county and will no doubt lose local control under the builder's remedy. Council should direct its staff and consultant team to focus entirely on more-or-less redoing the housing element draft as quickly as possible. The community would like to see an actual timeline and plan of action for achieving an ambitious housing element in a short period of time.
8. **Rezoning of Vallco:** The Rise (formerly Vallco) is the most important project for the City to meet its RHNA. It includes more than half of the City's total RHNA and 136% of its low income units. One impediment is that

the current GP and zoning do not allow for a feasible project. While the SB 35 approval is currently in effect, if it were to lapse, the current GP/zoning designations are too restrictive and no project would occur. To be consistent with other housing element inventory sites, the City should amend the General Plan and zoning to be consistent with The Rise project. Strategy HE-1.3 that would make a residential-only project available "by right" is insufficient. The HE assumes that half of the units will be affordable, but that is only feasible if there are other supporting uses to help pay for the high cost of affordable housing, such as office space.

9.

Improving fee reduction language: The HE makes clear that the City's impact fees are both very high and an outlier in the region. This can inhibit the proliferation of new housing and deter affordable projects. One of the HE strategies calls for a reduction in fees, but does not establish a clear path forward for which fees would be reduced or which steps would be taken. Additionally, fee waivers beyond parkland fees should be readily permissible in cases of affordable housing projects. As a whole, the fee regime should be thoughtfully restructured and reevaluated to strike a balance between fulfilling important city functions, while not impeding new housing development.

Members across the community look forward to working with this new council and City Manager's office to produce an ambitious housing element update that matches the innovation and ambition of our great town.

Sincerely,

Neil Park-McClintick



Chair, Cupertino for All

--

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To unsubscribe from this group and stop receiving emails from it, send an email to

membership+unsubscribe@cupertinoforall.org.

To view this discussion on the web visit

https://groups.google.com/a/cupertinoforall.org/d/msgid/membership/CALFFouPs-nYxfLeYXiSGWmhP-Lk%3DQZZWNRZ1%3Duhf_WO5ncs2Gg%40mail.gmail.com.

--

-Frank

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<https://groups.google.com/a/cupertinoforall.org/d/msgid/membership/CAFO24cBrsHc%2Bx4-KTan%3Dsfn%2BkTK-8ZmgtCdm90WTnLE2pgN%2Bug%40mail.gmail.com>.

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Noel E

From: [Jenny Griffin](#)
To: [City Council](#); [City of Cupertino Planning Commission](#); [City Clerk](#)
Cc: grenna5000@yahoo.com
Subject: City Council in City Council Chambers
Date: Tuesday, December 20, 2022 7:13:38 PM

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:

When are we going to be conducting City Council Meetings in the Cupertino City Council Chambers?
Do we need to ask Senator Cortese or Evan Low or Mr. Simitian to ask the City Council to have our City Council meetings in person or hybrid?

Thank you.

Sincerely,

Jennifer Griffin

From: [Frank Geefay](#)
To: [Neil Park-McClintick](#)
Cc: [City Clerk](#); [City Council](#); [Cupertino City Manager's Office](#); [membership](#)
Subject: Re: Comprehensive redo of housing element draft needed
Date: Tuesday, December 20, 2022 7:09:39 PM

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.

Neil,

Your comprehensive summery of the inequities of the current Housing Element draft is great and good enough to use as an outline for the next draft redo. It has vision of what is needed for the sustainable growth of our city to reduce car dependency and traffic by strategic walkable housing and shopping developments. Thank you.

Frank

On Tue, Dec 20, 2022 at 2:44 PM Neil Park-McClintick <neil@cupertinoforall.org> wrote:



To:

City Clerk Kirsten Squarcia
Councilmember JR Fruen
Mayor Hung Wei
Councilmember Liang Chao
Councilmember Kitty Moore
City Manager Pamela Wu
Councilmember Sheila Mohan

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any hope of dictating our own future as a community, Council and staff must conduct a comprehensive redrafting process, with the following changes:

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2.

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Sample 1: Adaptive Re-use. The City will examine opportunities to allow for the adaptive reuse/conversion or replacement of vacant or underperforming commercial spaces and parking structures to residential units. The City will analyze the feasibility of an Adaptive Reuse Ordinance that would target the conversion of select types existing structures and of spaces that may include ground-floor retail in an existing mixed-use structure, part or all of an office building or parking structure

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Sample 3: Family Friendly Housing. Promote housing designs and unit mix to attract multigenerational households by encouraging developers to include housing features and more bedrooms (including four-bedroom units), as well as other on-site amenities, such as usable outdoor open space for multigenerational use, and multipurpose rooms that can be used for after-school homework clubs, computer, art, or other resident activities.

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Sincerely,

Neil Park-McClintick



Chair, Cupertino for All

--

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https://groups.google.com/a/cupertinoforall.org/d/msgid/membership/CALFFouPs-nYxfLeYXiSGWmhP-Lk%3DQZZWNRZ1%3Duhf_WO5ncs2Gg%40mail.gmail.com.

--

-Frank

From: [Jenny Griffin](#)
To: [City Council](#); [City of Cupertino Planning Commission](#); [City Clerk](#)
Cc: grenna5000@yahoo.com
Subject: Oral Communications
Date: Tuesday, December 20, 2022 7:07:21 PM

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Dear City Council:

The Oral Communications should be limited to three minutes. Why are people using The Oral Communications to become a ten minute long session on subjects? We should be In council chambers so we can all participate in oral communications equally.

Thank you.

Sincerely,

Jennifer Griffin

From: [Connie Cunningham](#)
To: [City Clerk](#); [City Council](#)
Subject: December 20, Oral Communications; Biodiversity
Date: Tuesday, December 20, 2022 7:02:35 PM

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2022-12-20 Oral Communications, Biodiversity

Good evening, Mayor Wei, Vice-Mayor Mohan, and Councilmembers:

My name is Connie Cunningham. Resident 34 years

First! Welcome to Councilmember JR Fruen and Vice-Mayor Mohan to the Council!

On November 15 & Dec 6, I spoke to City Council about Plunging Biodiversity worldwide.

Tonight, is a good time to discuss the interaction of the draft **Housing Element** and the **Climate Action Plan 2.0** to **protect Biodiversity**. There is an international call for planting native trees, plants, grasses to protect biodiversity. Environmental advocates advise that Protecting biodiversity and Climate Action Plans are equally urgent pillars. They will produce a combined effect greater than each working alone. The Climate Action Plan is part of the draft Housing Element.

Some governments are beginning to think about housing inside Climate Action Plans. The abstract of an ACSP published article, Angelo et al 2022, states, in part, "We find that **equity** language correlates with an increased presence of more systemic policy interventions, such as **dense and/or affordable housing**, in Climate Action Plans."

Cupertino has a strong organizational structure for sustainability. The Sustainability Team resides in the City Manager's office and oversees the Climate Action Plan. Secondly, there is an Environmental Programs Team that resides in the Public Works Department. Thirdly, there is a Sustainability Commission that provides advice to City Council.

Throughout Cupertino's planning documents, from the General Plan, to the Housing Element, to the Parks and Recreation Master Plan and Cupertino's Climate Action Plan 2.0, city leaders and residents have expressed strong environmental goals, particularly mentioning parks, open space, and trees. A search for the word "tree" would find dozens of references.

These documents also, include the goal of equity—that all our residents, including low-income residents, will benefit from all the changes being planned. A search for the word "equity" would find dozens of references.

Kudos to Council who had a 2022 work program item for analyzing the future of Blackberry Farm Golf Course. It included an option to restore nature. That our Council thought in such terms is a testament to the values of this community.

What can City Council do? Two things:

<!--[if !supportLists]-->1. <!--[endif]-->To protect biodiversity include a goal of 80% California Bay Area native trees, plants and grasses, in the goals of the General Plan, the Housing Element, the Climate Action Plan 2.0, and the Parks and Rec Master Plan.

<!--[if !supportLists]-->2. <!--[endif]-->In 2023, approve restoring nature, Option B, to Blackberry Farm Golf Course.

Thank you for this time to speak.

From: [John Kolski](#)
To: [RICHARD LOWENTHAL](#); [City Council](#); [Jean Bedord](#); [Jean Bedord](#); [Rod Sinks](#); [Kitty Moore](#); [City Clerk](#)
Cc: [John Kolski](#)
Date: Tuesday, December 20, 2022 7:00:35 PM
Attachments: [WebPage.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.

Is'nt this something. And no one told the residents that this was going on with the grand jury. Even Jean Bedford said nothing to anyone in her publications. Why did they not say anything, because they all make money off the corruption they continue to engage in. I have been saying for years now the Darcy Paul and Moore were corrupt and destroying this city.

Then only thing it does not cover is the corruption of the so-called.... COUNCIL OF MAYORS..... WHO RUN THE CITY WITH POLITICAL GAMES AND CORRUPTION ALL TO FILL THEIR POCKET WITH MONEY. AND THE ROTARY CLUB WHO ENGAGES IN THE RUNNING OF THE CITY WITH CORRUPTION AND MONEY.

To bad one one told the people of the city the issues were sign to a grand jury.. if they had I and many more would have given proof of the corruption.

All of the above named committed illegal acts to benefit themselves and should go to jail as to people who call themselves the council of mayors

Greed, power and control is all these people are about.

And what's really interesting is...who suffered and will suffer for year?...the residents of Cupertino. All the while the rich corrupt people go off and live their lives laughing at Cupertino and keep feeding off the people in Cupertino.

The issue will never change until Cupertino gets a entirely new city council, city attorney who are honest, transparent and accountable.

John Kolski

https://www.scsccourt.org/court_divisions/civil/cgi/2022/A House Divided - Cupertino City Council and City Staff.pdf

From: [Neil Park-McClintick](#)
To: [City Clerk](#)
Subject: Presentation for oral communication
Date: Tuesday, December 20, 2022 5:54:18 PM
Attachments: [Presentation to Council.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!

I would like to present the following presentation to Council+Staff tonight if that is possible. I plan on asking to borrow the time of a few community members to make this possible. Could this be screenshared as I go through it?

From: [Liana Crabtree](#)
To: [Lauren Sapudar](#)
Cc: [City Clerk](#)
Subject: Re: written communication, 12/20/2022 Council Meeting, Agenda Item 9, Consider the Appointment of 2023 Councilmember Committee Assignments
Date: Tuesday, December 20, 2022 5:20:51 PM

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Lauren, Thank You!

Liana

> On Dec 20, 2022, at 4:14 PM, Lauren Sapudar <LaurenS@cupertino.org> wrote:
>
> Good afternoon (Council Bcc'd on this e-mail), your email has been received and will be included with the written comments for Item No. 9 on the December 20, City Council meeting agenda.
>
> Regards,
>
> Lauren Sapudar
> Deputy City Clerk
> City Manager's Office
> LaurenS@cupertino.org
> (408) 777-1312
>
> -----Original Message-----
> From: Liana Crabtree <lianacrabtree@yahoo.com>
> Sent: Tuesday, December 20, 2022 4:06 PM
> To: Hung Wei <HWei@cupertino.org>; Sheila Mohan <SMohan@cupertino.org>; Liang Chao <LiangChao@cupertino.org>; J.R Fruen <JRFruen@cupertino.org>; Kitty Moore <Kmoore@cupertino.org>
> Cc: City Clerk <CityClerk@cupertino.org>
> Subject: written communication, 12/20/2022 Council Meeting, Agenda Item 9, Consider the Appointment of 2023 Councilmember Committee Assignments
>
> 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.
>
>
> Honorable Mayor Wei, Vice Mayor Mohan, Council Members Chao, Fruen, and Moore:
>
> Please include this letter as written communication for the 12/20/2022 Council Meeting, Agenda Item 9, Consider the Appointment of 2023 Councilmember Committee Assignments.
>
> I am writing to request that Council Member Kitty Moore be reinstated as Cupertino's representative to the VTA Policy Advisory Committee (VTA PAC) for the current term.
>
> Council Member Moore has served honorably as the Chair of the VTA PAC for the last 2 years. I have attended some of the VTA PAC meetings during Council Member Moore's tenure and have appreciated that meetings under her lead run efficiently, that she demonstrates respect for the public, staff, and fellow committee members, and that she encourages and allows adequate time for public comment for each agenda item.
>
> The learning curve for anyone coming into a VTA leadership role is steep. In 2022-2023 VTA launches its Valley Transportation Plan 2050 (VTA 2050) at a time when there is no plan to add BART or light rail service to

Cupertino. Cupertino's western neighborhoods and schools are also underserved by transit or not served at all, despite the fact that Cupertino is a major tax revenue generator for the County.

>

> Cupertino needs a VTA PAC representative who is familiar with VTA service and operations and can advocate for the needs of West Valley residents and commuters from Day 1.

>

> Council Member Moore has the knowledge and wisdom to represent Cupertino effectively on the VTA PAC. Please reinstate Council Member Moore to the VTA PAC for the term beginning in 2023.

>

> Sincerely,

>

> Liana Crabtree

> Cupertino resident and public transit rider

>

>

>

From: [S B](#)
To: [Cupertino City Manager's Office](#); [Housing](#)
Cc: [City Clerk](#); [Kitty Moore](#); [Liang Chao](#)
Subject: Re: Housing Element Comments
Date: Tuesday, December 20, 2022 4:58:56 PM

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.

To the city manager and Acting Director of Community Development,

The following is my feedback on the document

Some positive points about the document:

- (1) Very pleased to see that the pipeline projects have been taken into consideration. City council's jurisdiction is only up to approving projects, they have no control over the timeline for building these projects. Not taking the pipeline projects into consideration does not make any sense, very happy to see that this has been considered.
- (2) It is very nice to see that the projects suggested are distributed all over the city, often when development occurs only on one side of the city, the amenities and services such as parks and schools become compromised. We don't want to create multiple Cupertinos, we want to have one city and one city that has to bear the burden of the RHNA requirements, even if that happens to be in my backyard.
- (3) Last but not the least, I am very glad we have the opportunity to review this document, seeking your customer's (Cupertino's residents specifically) input is very critical and kudos to you for doing this,

A few ideas that we may consider with other cities in our county, to improve the buffer for the middle income level.

- (1) Apply a vacancy tax. This way the much needed housing is used up as it should be, and not have rents and house prices rising while apartments and homes are staying vacant. Especially those that qualify for the middle income category. Anyone in the middle income category can benefit from this.
- (2) Apartment owners receive a tax rebate or some other incentive so that they offer 10% of the available apartments to middle income essential service personnel that work in each city, at a discounted rate. My definition of middle income essential services personnel, are teachers, firefighters, police and some essential city staff. I do not believe that school district administrative staff qualify for this. Also, the assumption here is that the household income falls into the category of middle income level, and qualification is not based upon an individual's income if married, or not based upon occupation.
- (3) For middle income essential services personnel, like teachers, police and fireman, an option of rent to buy with some incentives to sellers, must also be considered. Also, the assumption here is that the household income falls into the category of middle income level, and qualification is not based upon an individual's income if married, or not based upon occupation.

Now the changes to be made to the document:

Chapter 4:

- (1) **Page 4-1 Section 4.2**, Under the paragraph “RHNA Summary”, second sentence has a typo there are only **four** income categories not five as stated in the document
- (2) **Page 4-2 Table 4-2** There is no purpose to unless it is filled out, given the tight schedule, perhaps it makes more sense to **remove the table** unless the information is readily available
- (3) **Page 4-3 Table 4-3 Add a NOTE** to make it clear that the ADUs are not accounted for in the total. So, if the ADUs are added, the percentage is much better than 117%.

Appendix B4

(1) Section B4.1 Introduction is the same as the introduction for Chapter 4, with the exception that the words RHNA and HCD have been expanded. Since this report is for HCD, I think this whole section must be removed, with the Appendix starting at the Site Inventory. It is referenced in Chapter 4 that the site selection will be provided in Appendix B, so the appendix can start at the site selection and repeating everything serves no purpose

(2) Section B4.2 Page B4-3 In the section titled “Overview of Selected Sites”, The 3rd paragraph, bullet (4) is unnecessary, this is not about schools, we are not building housing for filling the schools, we are building housing because HCD believes we need it. So, there is no need for this sentence. This sentence is copied below for your reference:

“(4) The housing Element should include new housing sites that could support the City’s public schools and help counteract declining enrollment trends that are occurring city and county wide.”

(3) Page B4-4 3rd Paragraph on the page This paragraph is incorrect and therefore needs to be removed. The first two lines are the controversial statements. The reasons for it being unnecessary are the following:

(a) HCD has not stipulated that the housing element cannot consist of pipeline units.

(b) HCD has not stipulated that the Very Low Income, Low income and Moderate Income RHNA requirements have to be met through pipeline projects either.

(c) Also the city meets all the RHNA requirements in all categories. For the Moderate income level we do not meet the HCD “recommended” buffer. The HCD requirements is 755 and we have allocated 769 as Moderate Income Level units. This is not including the 60 ADU units, which would make our allotted number increase to 829.

(d) the obvious grammatical error in the first sentence

The paragraph is copied below for your reference:

“Due to the significant amount of pipeline and units, the City is already exceeding its RHNA for the Low and above-moderate income categories for the 2023-2031 planning period. The city, however, was unable to meet its Very Low and moderate income RHNA requirements through the pipeline projects. Additionally, HCD recommends a “buffer” of between 15-30% additional units be included in the sites inventory for each of the below market rate income categories (Very low, Low and Moderate incomes) in accordance with the State “No Net loss” Law.

(4) Page B4-5 the paragraph under the Figure B4-1 is not relevant to the Figure, nor does it contain any information that makes sense. This paragraph would also be removed for the following reasons:

(a) The three areas listed in the paragraph are not shown in the picture.

(b) the number provided are incorrect - Stelling gateway/homestead should be 339 not 440, south de Anza should be 471 not 462.

(c) Providing a statistic of 71% of the 2090 recommend units, is unnecessary, it is not clear where did the 2090 recommended units come from?

(5) Page B4-91 the ADUs have not been added into the totals, a **NOTE** needs to be added to clarify that should these ADUs be added the percentage would be much better than 117%

regards

Sashi

PS; to my feedback you received from an earlier Email, it was accidentally sent from my Cupertino email. I am providing this input as a Cupertino resident and not in any other capacity. City Clerk please make a note of it.

From: [Sashi Begur](#)
To: [Cupertino City Manager's Office](#); [Housing](#)
Cc: [City Clerk](#); [Kitty Moore](#); [Liang Chao](#)
Subject: Housing Element Comments
Date: Tuesday, December 20, 2022 4:53:45 PM

To the city manager and Acting Director of Community Development,

The following is my feedback on the document

Some positive points about the document:

- (1) Very pleased to see that the pipeline projects have been taken into consideration. City council's jurisdiction is only up to approving projects, they have no control over the timeline for building these projects. Not taking the pipeline projects into consideration does not make any sense, very happy to see that this has been considered.
- (2) It is very nice to see that the projects suggested are distributed all over the city, often when development occurs only on one side of the city, the amenities and services such as parks and schools become compromised. We don't want to create multiple Cupertinos, we want to have one city and one city that has to bear the burden of the RHNA requirements, even if that happens to be in my backyard.
- (3) Last but not the least, I am very glad we have the opportunity to review this document, seeking your customer's (Cupertino's residents specifically) input is very critical and kudos to you for doing this,

A few ideas that we may consider with other cities in our county, to improve the buffer for the middle income level.

- (1) Apply a vacancy tax. This way the much needed housing is used up as it should be, and not have rents and house prices rising while apartments and homes are staying vacant. Especially those that qualify for the middle income category. Anyone in the middle income category can benefit from this.
- (2) Apartment owners receive a tax rebate or some other incentive so that they offer 10% of the available apartments to middle income essential service personnel that work in each city, at a discounted rate. My definition of middle income essential services personnel, are teachers, firefighters, police and some essential city staff. I do not believe that school district administrative staff qualify for this. Also, the assumption here is that the household income falls into the category of middle income level, and qualification is not based upon an individual's income if married, or not based upon occupation.
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(5) Page B4-91 the ADUs have not been added into the totals, a **NOTE** needs to be added to clarify that should these ADUs be added the percentage would be much better than 117%

regards
Sashi



Sashi Begur

Parks and Recreation Commission Vice Chair
SBegur@cupertino.org



From: [Connie Cunningham](#)
To: [City Clerk](#)
Subject: Fwd: Talking points on Blackberry Farm
Date: Wednesday, December 21, 2022 10:25:47 AM

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 Kirsten,

For yesterday's Oral Communications, a friend of mine wanted to make a statement. She could not be there herself so asked another friend to read it for her. Unfortunately, Rani had difficulties making the connection so could not read it. Is it possible at this time to put the email from Rose Grymes into the Written Communications for last night?

The email we exchanged with you earlier about whether you, as City Clerk, could read it, did come out in the Written Communications. Upon your guidance, we tried this other method and failed. Perhaps the Mayor would approve this late addition to the Written Communications for Dec 20.

Best regards,
Connie

Begin forwarded message:

From: Rose Grymes <ragrymes@gmail.com>
Subject: Talking points on Blackberry Farm
Date: December 19, 2022 at 11:22:19 PM PST
To: ranifisc@gmail.com
Cc: Connie Cunningham <cunninghamconniel@gmail.com>

Thanks, Rani, for your willingness to do this. My daughter and grandson—he's 4—are visiting this week, just arrived today, and he keeps me hopping! In a very good way.
:)

I gather that, with the new process, I don't need to send these remarks to Kristen or the Council, since it will be you raising your hand to read them into the record at the meeting.

Thanks again,
Rose

For the Council:

I wish to speak once again today to voice my support for the popularly supported—in fact, majority supported—plan option which transitions Blackberry Farm from its current golf course operation to a natural habitat with non-intrusive public enjoyment of trails, vistas, and open spaces. While the majority of

Cupertino residents polled by city staff share my view, no doubt for a variety of reasons, such a cross-section is not always available to speak directly to the Council during meetings. I'm an example of that today, as my comments are being read for the record by a generous volunteer.

While there are many reasons for selecting the natural habitat option presented to the Council, today I will focus on the impacts to Cupertino quality of life caused by undue disturbance to the habitat we share.

A recent scholarly article in the journal American Scientist describes how wildlife, from insects to birds to small mammals and larger predators, adjusts to living alongside human developments. Characteristically, across species they seek to avoid people; their immediate presence, certainly, but also their distant sounds and their artificial lights. Leaving isolated **corridors** for wildlife to pass is an inadequate response. We generally DO acknowledge that insects, birds, and animals contribute to our quality of life. But as they struggle with changing climate and water scarcity, and also with human construction and development activities, they alter roaming behaviors and activity levels. Sometimes these changes drive them further into conflict with human neighbors. The solutions we must strive to prioritize are those which lead to the greatest good. In the case of Blackberry Farm, the greatest good for this wonderful open space environment is allowing nature to re-create and restore a habitat as unobtrusive as possible to the wildlife it contains, so as to maximize the benefit of this land and minimize or eliminate unnaturally and undesirably driving wildlife into nearby neighborhoods under stress.

I will quickly add, if time allows, the enormously significant issue of watershed and water resources. Water requirements for golf course operations are expensive—both financially and in their use of an increasingly scarce resource. In contrast, restoring the natural habitat increases watershed availability, improves ground water recharge, and reduces water pollutants from fertilizer application and pest control.

Thank you for your consideration.

Sent from my iPad

From: [Hal and Janet Van Zoeren](#)
To: [Cupertino City Manager's Office](#); [City Clerk](#); [Hung Wei](#); [Sheila Mohan](#); [Liang Chao](#); [J.R. Fruen](#); [Kitty Moore](#)
Subject: Cupertino Housing Element Draft 1
Date: Wednesday, December 21, 2022 11:23:39 AM

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,

As many of you know, I am a long-time advocate for the adults in our community who have Developmental Disabilities and who would like the opportunity to live in the community where they grew up, but in their apartments where they can enjoy the freedom to live as other adults do and to make their own choices.

The previous Housing Element was completely ineffective in both

- ❖ Identifying the needs of people who have developmental disabilities and
 - ❖ Meeting the needs
- No units of extremely low or very low-income units were built with a preference to house adults with developmental disabilities.**

Unfortunately, the current Draft of the Cupertino Housing Element does little to Affirmatively Further Fair Housing for Cupertino's community members who have developmental disabilities because its incentives fall short.

- ❖ Sadly, it fails to identify their significant disparities in housing needs and it, unfortunately, seems to imply that people with developmental disabilities need specially designed units. Although some also have physical disabilities, many do not need special physical accommodations. Those units are not more costly to create. People with developmental disabilities were not interviewed and the report indicates that there are no people with disabilities that are unemployed in Cupertino. That is not the case for many who have developmental disabilities.
- ❖ It does not set any goal for how many units of extremely low housing units set aside for people with developmental disabilities are to be created during the upcoming housing element cycle.
- ❖ It misses the opportunity to incentivize the AUD program. The city could create a forgivable loan program for homeowners who build ADUs and rent them for at least 15 years at Extremely Low-income rent levels to people with developmental disabilities. This program might be able to add to the number of housing units created.
- ❖ Although it aims to provide some financing assistance using the Below Market-Rate Affordable Housing Fund, it does nothing to revise the BMR priorities that discriminate against people with developmental disabilities.
- ❖ It does not indicate a clear pathway between the needs of people with developmental disabilities and incentive pathways toward the creation of housing units for them!
- ❖ However, it does suggest that the city will prepare to identify the connection, or "nexus between new developments and the need for affordable housing." To ensure the mitigation fees continue to be adequate to mitigate the impacts of new development on affordable housing needs. This is important.
- ❖ It also states that the city will continue to explore and pursue various affordable housing resources available at the local, regional, state, and federal levels that could be used to address housing needs in the community. This is also good.

1.4 Affirmatively Furthering Fair Housing

- The AFFH requirement AFFH is derived from The Fair Housing Act of 1968, which

prohibited discrimination concerning the sale, rental, and financing of housing based on race, color, religion, national origin, or sex—and was later amended to include familial status and disability.

- The 2015 U.S. Department of Housing and Urban Development (HUD) Rule to Affirmatively Further Fair Housing and California Assembly Bill 686 (2018) mandates that each jurisdiction take meaningful action to address significant disparities in housing needs and access to opportunity.

For many years our surrounding communities have been able to figure out ways to include housing for people who have developmental disabilities. I do not believe that this is something that Cupertino cannot do as well, especially because its residents would like to see it happen. The Housing Element is a huge project and an opportunity to help people obtain housing in Cupertino. Let's make it happen even for people who have developmental disabilities. Thank you!

Enjoy your holidays and have a great 2023!

Most sincerely,

Janet Van Zoeren

CC 12-20-2022

Item No.8

Consider approval of
response to 2022 Civil
Grand Jury of Santa Clara
County

Written
Communications

From: [Pamela Wu](#)
To: [Peggy Griffin](#)
Cc: [City Council](#); [City of Cupertino Audit Committee](#); [City Clerk](#)
Subject: RE: Civil Grand Jury Findings - Cupertino
Date: Monday, December 19, 2022 10:16:15 AM

Peggy, the City Council will consider authorizing the City Attorney to provide a response to the Ballot Measure grand jury report tomorrow. The City Council will consider the second report in January.

Pamela



From: Peggy Griffin <griffin@compuserve.com>
Sent: Sunday, December 18, 2022 11:57 PM
To: Pamela Wu <PamelaW@cupertino.org>
Cc: City Council <CityCouncil@cupertino.org>; City of Cupertino Audit Committee <AuditCommittee@cupertino.org>; City Clerk <CityClerk@cupertino.org>
Subject: Civil Grand Jury Findings - Cupertino

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 Manager Wu,

I'm writing to ask if the City Council and Audit Committee's have been made aware of the two recently released reports by the Santa Clara County Civil Grand Jury regarding Cupertino? I've copied the City Council and the Audit Committee in case they are not aware of these reports.

The Civil Grand Jury published their findings on Dec. 14, 2022 for issues involving Cupertino:

1. Misleading ballot measure questions

"If you only Read the Ballot You're Being Duped"

https://www.sccscourt.org/court_divisions/civil/cgj/2022/If%20You%20Only%20Read%20the%20Ballot%20You%20Are%20Being%20Duped.pdf

NOTE: On Dec. 20, 2022 City Council Agenda Item #8

2. Failure to produce and submit to City Council a monthly Treasurer's Report containing specific required items.

"Show Me the Money: Financial Transparency Needed"

https://www.scsccourt.org/court_divisions/civil/cgi/2022/Show%20Me%20the%20Money%20-%20Financial%20Transparency%20Needed.pdf

I have attended several Audit Committee meetings and saw a great reluctance from some staff members for the need/requirement for producing a monthly Treasurer's Report which is required by law! I would like to commend the Audit Committee and the previous City Council for exercising their oversight in making sure the city came into compliance quickly. Nice job!

Sincerely,
Peggy Griffin

From: [Liana Crabtree](#)
To: [Hung Wei](#); [Sheila Mohan](#); [Liang Chao](#); [J.R. Fruen](#); [Kitty Moore](#); [Cupertino City Manager's Office](#)
Cc: [City Clerk](#); [City Attorney's Office](#)
Subject: written communication, 12/20/2022 Council Meeting, Agenda Item 8, Civil Grand Jury report: "If You Are Only Reading the Ballot, You Are Being Duped"
Date: Tuesday, December 20, 2022 1:12:14 PM

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.

Honorable Mayor Wei, Vice Mayor Mohan, Council Members Chao, Fruen, and Moore, and City Manager Wu:

Please include this letter as written communication for the 12/20/2022 Council Meeting, Agenda Item 8, Civil Grand Jury report: "If You Are Only Reading the Ballot, You Are Being Duped".

I am writing to request that City reconsider its draft reply to the 10/7/2022 Civil Grand Jury report "If You Are Only Reading the Ballot, You Are Being Duped" in light of Cupertino's recent history involving the process to draft, edit, and approve the ballot question for Measure C.

In 2016, after the Cupertino Citizens' Sensible Growth Initiative (Measure C) qualified for placement on the November ballot, the then City Attorney drafted the ballot question that was aligned with the Title and Summary and reasonable to the intent and stated limits of the ballot measure:

"Shall an initiative ordinance be adopted amending Cupertino's General Plan to limit redevelopment of the Vallco Shopping District, limit building heights along major mixed-use corridors, *establish a 45 feet maximum building height* in the Neighborhoods, limit lot coverages for large projects, establish new setbacks and building planes on major thoroughfares, and require voter approval for any changes to these provisions?"

However, Council was not satisfied with the City Attorney's ballot question and sought guidance from outside legal counsel, including attorneys representing the Cupertino commercial property owner who then spent millions to defeat Measure C and to launch its own competing ballot initiative, Measure D. Both ballot measures were defeated by Cupertino voters in November 2016.

The revised, final ballot question for Measure C included language not supported in the text of the measure anywhere. The revised, final ballot question appeared to be drafted to subvert the intent and purpose of Measure C:

"Shall an initiative ordinance be adopted amending Cupertino's General Plan to limit redevelopment of the Vallco Shopping District, limit building heights along major mixed-use corridors, *increase to 45 feet the maximum building height* in the Neighborhoods, limit lot

coverages for large projects, establish new setbacks and building planes on major thoroughfares, and require voter approval for any changes to these provisions?”

It appeared that the then Council’s decision to edit the ballot question was politically motivated and was intended to prejudice voters against Measure C.

Ballot questions must be drafted by the City Attorney. It is also the responsibility of the City Attorney to draft a ballot measure’s title and summary, neither of which should contradict the ballot question.

It is a disservice to residents to allow a Council to game the initiative process by inserting biased language into the ballot question that is offered by opponents or proponents of the ballot measure.

Please respond to the Civil Grand Jury report “If You Are Only Reading the Ballot, You Are Being Duped” in SUPPORT of County Counsel review of ballot questions drafted by the City Attorney and submitted by the City for inclusion on the Cupertino ballot.

Sincerely,

Liana Crabtree
Cupertino resident

From: [Rhoda Fry](#)
To: [City Clerk](#); [City Council](#)
Subject: Public Comment Agenda #8 Grand Jury
Date: Tuesday, December 20, 2022 3:53:13 PM

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,

Reading this report reminds me that I would like the City to get an explanation as to how our City of Cupertino 2022 ballots all had diamonds on the council candidates when not all candidates merited diamonds.

Additionally the County failed to provide a remedy for voters who had already voted using the diamonds as their guide.

The public merits an explanation and the County must provide assurances that this egregious error will not happen again.

Warm Regards,

Rhoda Fry

From: [J Shearin](#)
To: [City Council](#); [City Clerk](#)
Subject: Agenda item 8 --Consent calendar; December 20, 2022 City Council meeting
Date: Tuesday, December 20, 2022 6:03:37 PM

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 City Councilmembers,

I will be speaking this evening at City Council, but I am also writing to add my input to the public written record.

My comments are regarding the findings on December 19, 2022 of the Civil Grand Jury of the Santa Clara County Superior Court, specifically their report titled, "A House Divided".

Though there are many items in the report that are a great cause of concern and require attention, I specifically wish to speak to the Ethics Policy section.

In November 2019, when I was formerly a Bicycle Pedestrian Commissioner, all commissioners were asked to give feedback on the draft Code of Ethics. My written feedback at that time that was, "The largest omission seems to be how will these ethics be policed...Having a Code of Ethics that neither Councilmembers nor Commissioners must abide by will make it a document that is without authority and therefore likely without meaning. "

I was concerned with the lack of reporting, enforcement, and consequences for violation that were all missing in the proposed code of ethics and even provided examples of violations within the previous 12 months by Councilmembers and Commissioners that were not addressed in any way. Since then, including on social media posts during the past year, I have restated my concerns with the policy.

This recent judgement by the Civil Grand Jury conclusively affirms these problems with the current code. As the report states, "A comprehensive Code of Ethics ...includes sanctions and consequences for deviations from the standard. The City's Ethics Policy is generic and lacks enforcement provisions and therefore fails to provide a framework to address ramifications for policy violations."

I urge you today to follow the recommendations of the Santa Clara County Civil Grand Jury regarding the current Ethics Policy. These recommendations include adding an independent Public Ethics Commission, adding enforcement procedures to the Code of Ethics, and publishing the Code of Ethics on the City's website, where it has not been available since January 2019.

Thank you for your time and considering on this issue, and your service on behalf of Cupertino.

Sincerely,

Jennifer Shearin
Resident of Cupertino

From: [S B](#)
To: [City Council](#)
Cc: [City Clerk; Cupertino City Manager's Office](#)
Subject: Agenda items 7.8 and 9
Date: Tuesday, December 20, 2022 5:01:37 PM

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.

To the mayor and members of the council.

I think we need see items 7.8 & 9 on the regular agenda with an opportunity for members of the public to comment and not be not he consent calendar

regards

Sashi

CC 12-20-2022

Item No.9

Consider appointment of
2023 Councilmember
Committee Assignments

Written
Communications

From: [Peggy Griffin](#)
To: [City Council](#)
Cc: [City Clerk](#)
Subject: 2022-12-20 CC Mtg Agenda Item 9 Committee Assignments
Date: Tuesday, December 20, 2022 3:26:53 PM

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 Wei and Council Members,

I realize there has been a “change in power” and that you are all chomping to get started but for the good of our city and our region, I’m asking you to keep Council Member Moore on the Audit Committee and the Santa Clara Valley Transportation Authority (VTA) PAC.

After the 2018 City Council election, when Rod Sinks found himself in the minority, the newly elected Mayor Scharf and Council let Council Member Sinks keep 5 of his 6 previous committee assignments. This was out of respect for him, a willingness to cooperate and to maintain consistency for the betterment of Cupertino, not an individual’s desires.

AUDIT COMMITTEE:

The progress the Audit Committee has made in helping the City become compliant with its Monthly Treasurer’s Report was due to Council member Moore. Once she found out the law required it, she identified and notified the appropriate people. The city has been non-compliant for years and no one did anything!

The City has had 14 years of embezzlement, verbal contracts with no deliverables, contract invoices that exceed the authorized limits, etc. Many of these have been identified by Kitty because she actually looks at the data and questions items that don’t make sense. She’s helped put committee procedures in place that improve oversight by having the Audit Committee review Accounts Payables and Monthly Treasurer’s Reports BEFORE they go to Council. This means experienced eyes reviewing these documents which in the past were not looked at carefully because they were placed on Consent on an often very loaded Council agenda. We need actual oversight – not rubber stamped documents!

At a time when there have been high risks identified in the Finance Dept, we need to keep making progress towards addressing these issues. Putting 2 new people (Vice Mayor Mohan and Council member Fruen) will set back this progress due to a learning curve. Also, I believe there is a conflict having Vice Mayor Mohan, an ex city finance employee, audit colleagues/workers. Also, she would need to recuse herself from voting on issues/reports associated with these past problems. The embezzlement is still an ongoing issue! The verbal contracts with the Chamber go way back.

VTA PAC:

Council member Moore is highly respected for her work on the VTA PAC. Seven people have left the VTA PAC so it’s CRITICAL to keep knowledge and experience on the VTA PAC as new members

transition on.

Please put away your differences and let Council member Moore remain on the Audit Committee and the VTA PAC. Thank you.

Sincerely,
Peggy Griffin

From: [Liana Crabtree](#)
To: [Hung Wei](#); [Sheila Mohan](#); [Liang Chao](#); [J.R. Fruen](#); [Kitty Moore](#)
Cc: [City Clerk](#)
Subject: written communication, 12/20/2022 Council Meeting, Agenda Item 9, Consider the Appointment of 2023 Councilmember Committee Assignments
Date: Tuesday, December 20, 2022 4:06:35 PM

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.

Honorable Mayor Wei, Vice Mayor Mohan, Council Members Chao, Fruen, and Moore:

Please include this letter as written communication for the 12/20/2022 Council Meeting, Agenda Item 9, Consider the Appointment of 2023 Councilmember Committee Assignments.

I am writing to request that Council Member Kitty Moore be reinstated as Cupertino's representative to the VTA Policy Advisory Committee (VTA PAC) for the current term.

Council Member Moore has served honorably as the Chair of the VTA PAC for the last 2 years. I have attended some of the VTA PAC meetings during Council Member Moore's tenure and have appreciated that meetings under her lead run efficiently, that she demonstrates respect for the public, staff, and fellow committee members, and that she encourages and allows adequate time for public comment for each agenda item.

The learning curve for anyone coming into a VTA leadership role is steep. In 2022-2023 VTA launches its Valley Transportation Plan 2050 (VTA 2050) at a time when there is no plan to add BART or light rail service to Cupertino. Cupertino's western neighborhoods and schools are also underserved by transit or not served at all, despite the fact that Cupertino is a major tax revenue generator for the County.

Cupertino needs a VTA PAC representative who is familiar with VTA service and operations and can advocate for the needs of West Valley residents and commuters from Day 1.

Council Member Moore has the knowledge and wisdom to represent Cupertino effectively on the VTA PAC. Please reinstate Council Member Moore to the VTA PAC for the term beginning in 2023.

Sincerely,

Liana Crabtree
Cupertino resident and public transit rider

From: [Rhoda Fry](#)
To: [City Clerk](#); [City Council](#)
Subject: Public Comment Agenda #9 Committee Assignments
Date: Tuesday, December 20, 2022 4:02:15 PM

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 was very surprised to see the committee assignments. I would like to see greater continuity provided on the committee assignments. Also, it is worrisome that some committees have no council representatives. Because the VTA committee has had quite a bit of turnover, I would recommend that Kitty remain as the representative rather than being assigned as an alternate. There is no continuity on our audit committee that previously had Darcy and Kitty as representatives. There should be at least one former representative on this committee with someone who has previous experience. Please put Kitty on the audit committee. Similarly, Kitty and Liang had been on the legislative committee and now neither are on this committee. Finally, when will other important committees be assigned representatives? These include the Environmental Review Committee (I am a former member). Kitty has done an excellent job there and should remain. No one is assigned to economic development or fiscal strategic planning. I would have come tonight, but I fell going up the stairs today (of all things), so I will not be in physical attendance and likely not phone attendance. A bit shook up! Happy Holidays to y'all.

Warm Regards,
Rhoda Fry

From: [Tessa Parish](#)
To: [City Clerk](#)
Subject: Public comment item #9
Date: Tuesday, December 20, 2022 6:16:22 PM

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, vice, mayor, and city council. I would like to request Kitty Moore remain on the Audit committee. Her hard work and attention to detail has uncovered many items previously unknown.

Her attention to detail has uncovered things such as contractors being paid without a written contract, violations to contract limits, etc. Kitty has a proven record and attention to detail necessary to do the job.

I urge this counsel to keep her in the audit committee.

Thank you,

Tessa Parish
Resident of Cupertino
Speaking only for myself

--

Tessa Parish
DRE#01158499
RHM Realty
www.ParishRealEstateGroup.com
408.396.8377

From: [Claudio Bono](#)
To: [Lauren Sapudar](#)
Cc: [City Clerk](#)
Subject: Re: City of Cupertino Economic Development Committee Interviews
Date: Tuesday, December 20, 2022 6:00:25 PM

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 note that I wish to also apply for Parks/Rec committee.

Claudio Bono

On Nov 28, 2022, at 6:35 PM, Lauren Sapudar <LaurenS@cupertino.org> wrote:

Hi Claudio,

I apologize but we are not able to move the interview dates at this time. If anything changes, I will be sure to let you know.

Regards,

Lauren Sapudar
Deputy City Clerk
City Manager's Office
<[image009.png](mailto:LaurenS@cupertino.org) LaurenS@cupertino.org
(408) 777-1312
<[image010.png](#)> <[image011.png](#)> <[image012.png](#)> <[image013.png](#)> <[image014.png](#)> <[image015.png](#)> <[image016.png](#)>

From: CLAUDIO BONO <bonoclaudio@aol.com>
Sent: Wednesday, November 23, 2022 11:20 AM
To: Lauren Sapudar <LaurenS@cupertino.org>
Cc: City Clerk <CityClerk@cupertino.org>
Subject: Re: City of Cupertino Economic Development Committee Interviews

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.

Thanks for the email. Traveling that day and in Europe. Sadly, if we cannot move it to another day, I won't be able to be part of it this time. Please advise.

Thank you,

Claudio Bono

On Nov 23, 2022, at 10:21 AM, Lauren Sapudar <LaurenS@cupertino.org> wrote:

Hi Claudio,

We can offer you a zoom interview at the same time on Tuesday. Please let me know if you'd like to have a zoom interview on the 29th at 6:20pm.
Thank you.

Lauren Sapudar
Deputy City Clerk
City Manager's Office
LaurenS@cupertino.org
(408) 777-1312

From: CLAUDIO BONO <bonoclaudio@aol.com>
Sent: Tuesday, November 22, 2022 7:12 PM
To: Lauren Sapudar <LaurenS@cupertino.org>
Cc: City Clerk <CityClerk@cupertino.org>
Subject: Re: City of Cupertino Economic Development Committee Interviews

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.

Lauren;
Thank you for your email. Sadly I am not in town on that day. I will be back on December 4th and available anytime afterwards.

Thank you,

Claudio Bono

On Nov 22, 2022, at 6:44 PM, Lauren Sapudar <LaurenS@cupertino.org> wrote:

Dear Committee applicant:

Council will conduct interviews for the Cupertino Economic Development Committee on Tuesday, November 29th beginning at 6:00 p.m. This will be an **in-person** meeting held in Community Hall, Council Chambers located at 10350 Torre Avenue. This is the building between City Hall and the Library. **Attached is the interview schedule with your specific time slot listed. Please email me back to confirm your attendance.**

Be prepared to provide a personal statement for up to one minute. Councilmembers will then have an opportunity to ask you questions. Enclosed are sample questions that you may be asked.

Regards,

Lauren Sapudar
Deputy City Clerk
City Manager's Office
LaurenS@cupertino.org
[\(408\) 777-1312](tel:(408)777-1312)

<112922.pdf>

<A - Interview Schedule.pdf>

<E - Economic Development Committee Interview Questions.pdf>

From: [Claudio Bono](#)
To: [Hung Wei](#); [Sheila Mohan](#); [Liang Chao](#); jfruen@cupertino.org; [Kitty Moore](#); [City Council](#); [Cupertino City Manager's Office](#); [City Clerk](#)
Cc: [Claudio Bono](#)
Subject: Item number 9 on City council Agenda December 20th, 2022.
Date: Tuesday, December 20, 2022 5:57:52 PM

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.

Honorable Mayor Wei, CouncilMembers, City Attorney; Madame Clerk & Staff;

Good evening. Attach, please find a link of the recently published Santa Clara Country Superior Court grand Jury report entitled "A House Divided - Cupertino City Council & City staff pdf version", detailing councilmanic interference amount a variety of various issues involving the difficult council/staff relationship.

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:6cf7e899-2bd3-3342-b7d6-4e232fe45b94>

I hope you will consider this report and its findings as you deliberate on committee assignments tonights based upon this report's findings. I think that Mayor Wei's proposed committee assignments/changes are well warranted.

Regards,

Claudio Bono
Cupertino Resident

From: [Jennifer Griffin](#)
To: [City Clerk](#)
Cc: [Jennifer Griffin](#)
Subject: Fw: Committee Assignment on Stevens Creek Corridor and Highway 85 Corridor
Date: Tuesday, December 20, 2022 5:41:07 PM

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. Please add to the Item 9 Public Record comments for tonight's City Council meeting. Thank you very much.

----- Forwarded Message -----

From: Jennifer Griffin <grenna5000@yahoo.com>
To: citycouncil@cupertino.org <citycouncil@cupertino.org>; City Clerk <cityclerk@cupertino.org>
Cc: Jennifer Griffin <grenna5000@yahoo.com>; City of Cupertino Planning Commission <planningcommission@cupertino.org>
Sent: Tuesday, December 20, 2022 at 05:39:25 PM PST
Subject: Committee Assignment on Stevens Creek Corridor and Highway 85 Corridor

Dear City Council:

Since Item 9 is being pulled from the Consent Calendar for tonight's December 20, 2022 City Council meeting, we need to discuss who is being appointed to the Stevens Creek Corridor Transit Steering Committee as well as the Star Route 85 Corridor Policy Advisory Board.

The Cupertino delegates to these two important transportation committees should be the Mayor as well as either Kitty Moore or Liang Chao. We would therefore have an excellent mix of 2022 and 2023 city council members with experience on these two prominent committees.

Thank you very much for your attention.

Sincerely,

Jennifer Griffin

From: [Jennifer Griffin](#)
To: [City Council](#); [City Clerk](#)
Cc: [Jennifer Griffin](#); [City of Cupertino Planning Commission](#)
Subject: Committee Assignment on Stevens Creek Corridor and Highway 85 Corridor
Date: Tuesday, December 20, 2022 5:39:34 PM

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:

Since Item 9 is being pulled from the Consent Calendar for tonight's December 20, 2022 City Council meeting, we need to discuss who is being appointed to the Stevens Creek Corridor Transit Steering Committee as well as the Star Route 85 Corridor Policy Advisory Board.

The Cupertino delegates to these two important transportation committees should be the Mayor as well as either Kitty Moore or Liang Chao. We would therefore have an excellent mix of 2022 and 2023 city council members with experience on these two prominent committees.

Thank you very much for your attention.

Sincerely,

Jennifer Griffin

From: [S B](#)
To: [City Council](#)
Cc: [City Clerk](#); [City Attorney's Office](#); [Cupertino City Manager's Office](#)
Subject: Committee assignments
Date: Tuesday, December 20, 2022 5:23:37 PM

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 Mayor,

I would like to understand your analysis for your committee assignments; wouldn't it make more sense to have continuity on committees with new members being added to bring in new perspectives. Replacing existing members with completely new members can create issues. Here is an example of one such committee:

Audit Committee (City of Cupertino) Council member Moore should have continued, two new members, for an important committee such as this does not make sense. Council member Moore focuses on details that I think new members of council are probably not aware and possibly will not understand.

Also why are the following committees Economic Development committee and Fiscal Strategic Planning committee on hold?

I look forward to a reply from you explaining your thought process

regards
Sashi

From: [Jennifer Griffin](#)
To: [City Clerk](#)
Cc: grenna5000@yahoo.com
Subject: Fw: City Council Committee Appointments
Date: Tuesday, December 20, 2022 5:15:19 PM

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. Please add this item to the Public Record for Item 9 from the Consent Calendar, Thank you.

----- Forwarded Message -----

From: Jennifer Griffin <grenna5000@yahoo.com>
To: CityCouncil@Cupertino.org <citycouncil@cupertino.org>; cityclerk@cupertino.org <cityclerk@cupertino.org>
Cc: grenna5000@yahoo.com <grenna5000@yahoo.com>; City of Cupertino Planning Commission <planningcommission@cupertino.org>
Sent: Tuesday, December 20, 2022 at 05:13:27 PM PST
Subject: City Council Committee Appointments

Dear City Council:

I would like to pull Item 9 from the Consent Calendar for the City Council meeting tonight, City Council Committee Appointments. on December 20, 2022.

The ABAG Committee should contain the Mayor and either Kitty Moore or Liang Chau. This is a very important committee considering the Housing Element and the issues concerning the miscalculations of the RHNA numbers.

Because of these issues, the ABAG commission should have representatives from the 2022 City council as well as the Mayor who is somewhat familiar with these issues and concerns with ABAG.

Thank you for your kind attention in this matter,

Sincerely,

Jennifer Griffin

From: [Jennifer Griffin](#)
To: [City Council](#); [City Clerk](#)
Cc: grenna5000@yahoo.com; [City of Cupertino Planning Commission](#)
Subject: City Council Committee Appointments
Date: Tuesday, December 20, 2022 5:13:34 PM

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 would like to pull Item 9 from the Consent Calendar for the City Council meeting tonight, City Council Committee Appointments. on December 20, 2022.

The ABAG Committee should contain the Mayor and either Kitty Moore or Liang Chau. This is a very important committee considering the Housing Element and the issues concerning the miscalculations of the RHNA numbers.

Because of these issues, the ABAG commission should have representatives from the 2022 City council as well as the Mayor who is somewhat familiar with these issues and concerns with ABAG.

Thank you for your kind attention in this matter,

Sincerely,

Jennifer Griffin

From: [Lisa Warren](#)
To: [City Council](#); [City Clerk](#)
Subject: 2023 Committee Assignments Item 9 Dec 20 2023 CC mtg
Date: Tuesday, December 20, 2022 5:08:56 PM

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Mayor and Council,

I am quickly sending this message with some general thoughts.

I am just now looking at meeting attachments for this evening and seeing the list for Committee Assignments.

I am noticing that there are four committees with no assignments at this point. I am actually surprised that there are not more 'unassigned' spots since I feel as though there have been open discussions about assignments in the past.

It is not clear what committees may 'require' that type of process , if any, but this seems to have been different. Including being a consent item.

I note a few things that I hope get some discussion tonight.

The Legislative Review Committee has not had the Mayor in the past.

This statement seems new *Mayor Recommended to serve for efficiency

I question the decision to replace Council Member Moore from both the Audit Committee and VTA PAC. This seems misguided, unless Councilmember Moore has indicated she is not interested in remaining on these two committees where she has served the city and community as a whole, so well. She is well respected by VTA and professionally handled some key issues and situations. CM Moore is also deserving of appreciation for recognizing, along with others, that the city needed a deep dive on financial issues.

Thank you
Lisa Warren

From: [Peggy Griffin](#)
To: [City Council](#)
Cc: [City Clerk](#)
Subject: 2022-12-20 CC Mtg Item 9- Committee Assignments missing
Date: Tuesday, December 20, 2022 4:52:06 PM

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 Wei and Council Members,

There are 4 committees that have “No appointment” on them for 2023:

- Economic Development Committee: 2 City Councilmembers
- Environmental Review Committee: 1 City Councilmember
- Fiscal Strategic Planning Committee
- Legislative Review Committee – important for our city!

These should be discussed and decided in public. Thank you.

Sincerely,
Peggy Griffin

From: [S B](#)
To: [City Council](#)
Cc: [City Clerk; Cupertino City Manager's Office](#)
Subject: Agenda items 7.8 and 9
Date: Tuesday, December 20, 2022 5:01:37 PM

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To the mayor and members of the council.

I think we need see items 7.8 & 9 on the regular agenda with an opportunity for members of the public to comment and not be not he consent calendar

regards

Sashi