

CC 10-21-2025

Oral
Communications

Written Comments

Protect Our Safety and Quality of Life! **VOTE NO on this location.** It isn't the right place!

Sincerely,

Maria L. Lopez 9/8/25
Sign Date

Sign Date

Maria L. Lopez
Print Name

Print Name

Dear Cupertino City Council, City Manager and **PublicComments:**

Subject: Concerns of Mary Ave Villas housing project

The project is estimated to remove **19.5 feet, or 26%** of its current width/public-right-of way. **No community hearing was held for residents to voice their concerns about vacating public right of way to create the parcel from the road.**

This is in the context of **increased traffic and parking usage** by adding 40 housing units + their cars, visitors, service providers, deliveries, etc. AND 5 future adjacent developments.

**Mary Ave Villas Project:
Net loss 19.5 ft (26%)
of public right-of-way**



There will be a net removal of 89 parking spots on Both Sides of Mary Avenue.

As it is, current parking spots fill up with Memorial Park Activities, Westport Development, DeAnza College Students. The loss of 89 parking spaces will create enormous hazards to the public.

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This narrow strip of land is **illogical** for high density housing, and there are FIVE future developments that will force more cars looking for parking on Mary Ave:

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- (3) De Anza College's new Cultural Arts Building
- (4) De Anza's new EVENT CENTER
- (5) De Anza's new Student Services Center.

Safety risks:

- ### Quality of life impact:

- This area connects families, bikers, school kids, commuters between:**

- Sincerely,




Sign _____ Date 10-8-25

ANNA GIKAS

Print Name

Sign _____ Date _____

Print Name _____

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Problems with narrowing traffic, buffer, bike, and pedestrian lanes in an area with diverse users

Safety risks:

1. Increased risk of roadway accidents!
2. Less buffer between bike and traffic lane. Unsafe for families and especially kids
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5. Does it work for City public works trucks (~10 ft wide) and emergency vehicles?
Even if the fire marshal 'signed off'?

Quality of life impact:

1. Narrower pedestrian areas make it difficult and congested for families and Homestead High School cross country runners that use this space daily
2. Narrower bike lanes increases the risk to cyclist
3. Worsened access to/from our homes

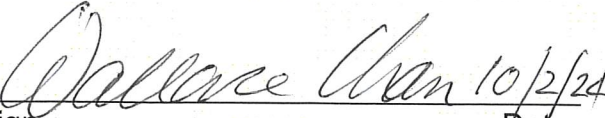
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Sign _____ Date 10/2/24

WALLACE CHAN
Print Name _____


Sign _____ Date 10/8/2025

HELENE CHAN 10/8/2025
Print Name _____

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Sign

10/08/25

Date

Sign

Date

MANAS BAGRODIA

Print Name

Print Name

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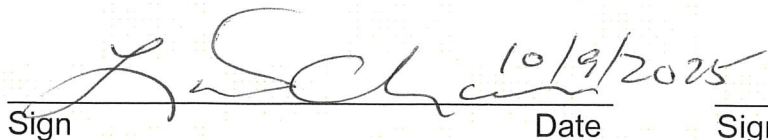
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10/9/2025

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Date

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Print Name

Print Name

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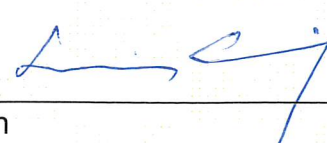
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 10/8/25

Sign Date

VRADEJ CHINDOKORWONG

Print Name

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Sign Date

LING M CHINDOKORWONG

Print Name

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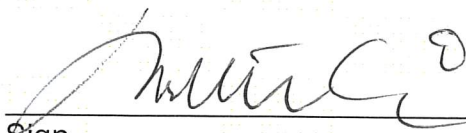
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Sign Date

WALTER LI

Print Name



Sign Date

MAY LI

Print Name

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Sign

10/8/2025

Date

Sign

Date

Youngsi Park

Print Name

Print Name

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Dawn Wolfm 10/8/2025

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Print Name

Print Name

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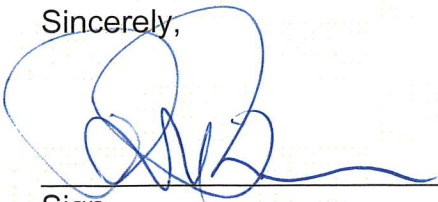
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Sign

Date

Sign

Date

Dan Ramsauer

Print Name

Print Name

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Protect Our Safety and Quality of Life! **VOTE NO on this location.** It isn't the right place!

Sincerely,

Usha
Sign

10/8/25
Date

Jayant
Sign

10/8/25
Date

Usha Jain
Print Name

Jayant Jain
Print Name

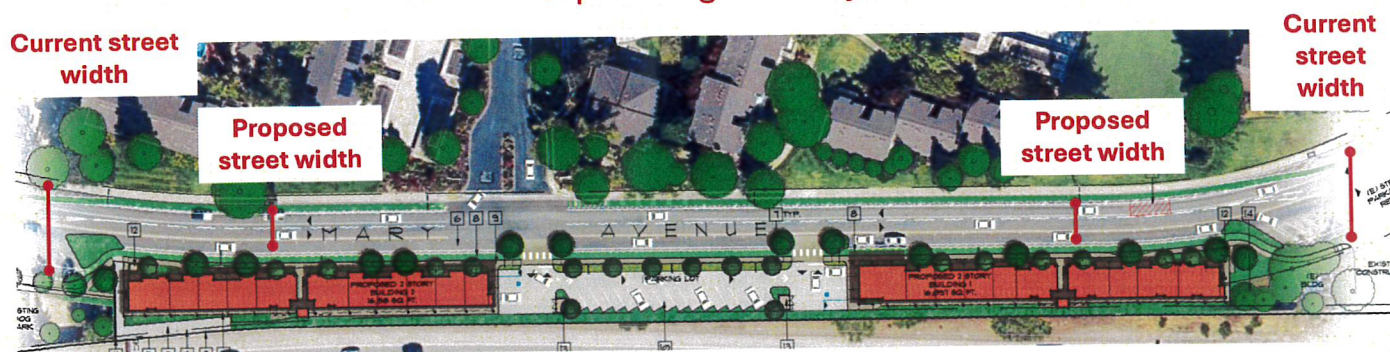
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Edgardo M. del Rosario 10/9/25
Sign Date

EDGARDO M. del ROSARIO
Print Name

Remedios V. del Rosario 10/9/25
Sign Date

REMEDIOS V. DEL ROSARIO
Print Name

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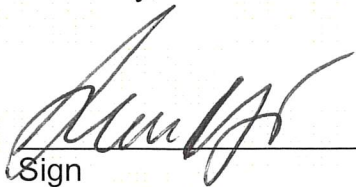
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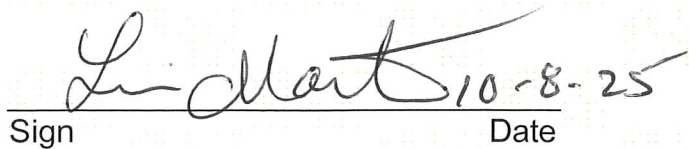
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Sincerely,

 10-8-25
Sign Date

SHANE MARTIN
Print Name

 10-8-25
Sign Date

LINA MARTIN
Print Name

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Sign Date

SHUO-HAO CHEN
Print Name

Su-Ling Liou 10/8/2025
Sign Date

Su-Ling Liou
Print Name

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It will be too congested ; this place is being used by bicyclist and runners now.

*I use Eggi Reader
10/09/2025*

*Larry Linder
10/09/20/25*

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Susan Eugenio Lessler 10/09/25
Sign Date

Susan Eugenio Lessler
Print Name

Larry I. Lessler 10/09/25
Sign Date

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Print Name

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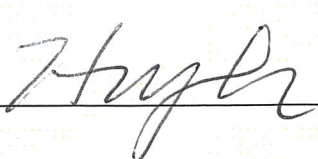
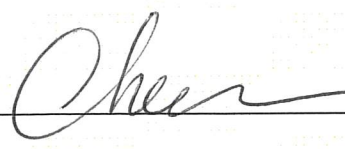
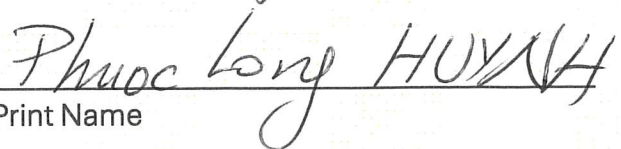
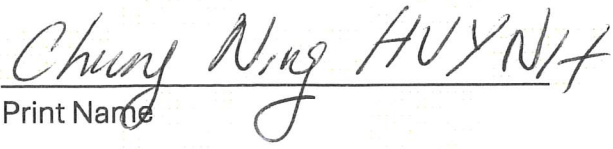
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10/8/2025	10/08/25
_____ Sign	_____ Sign
_____ Date	_____ Date
	
_____ Print Name	_____ Print Name

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Sincerely,

 10/18/2025

Sign

Date

Sign

Date

Ramachandran Krishnaswamy.

Print Name

Print Name

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Louisa Mei Wong 10/8/2025
Sign Date

LOUISA MEI WONG
Print Name

Anthony Wong 10/8/25
Sign Date

ANTHONY WONG
Print Name

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Sign Arlene Zimmerman Date 10/8/25 Sign _____ Date _____

Arlene Zimmerman

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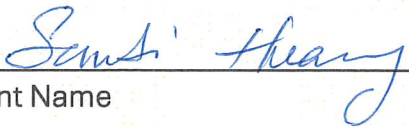
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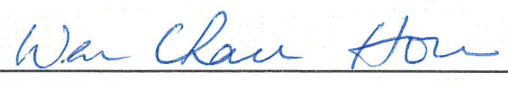
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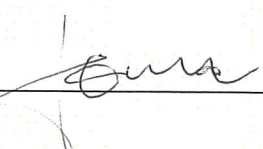
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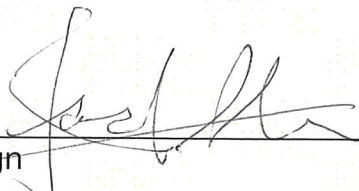
Sincerely,



Sign Date 10/10/2025

Wing Yan Poon

Print Name



Sign Date 10/10/2025

An Chan

Print Name

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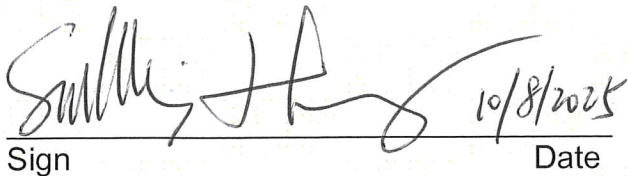
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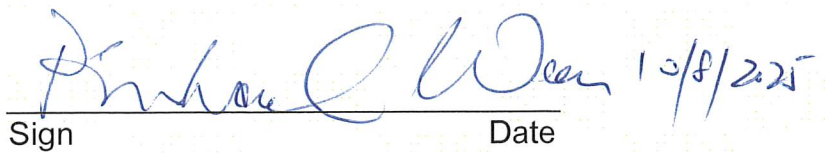
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Sign _____ Date 10/8/2025

So-Wei Huang
Print Name _____


Sign _____ Date 10/8/2025

MICHAEL WAN
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Tzou-Shin Ueng 10/8/2025
Sign Date

Print Name

Su-Fang S. Ueng Oct 8, 2025
Sign Date

Print Name

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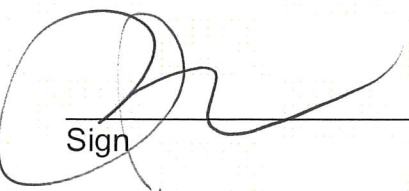
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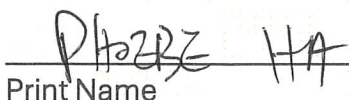
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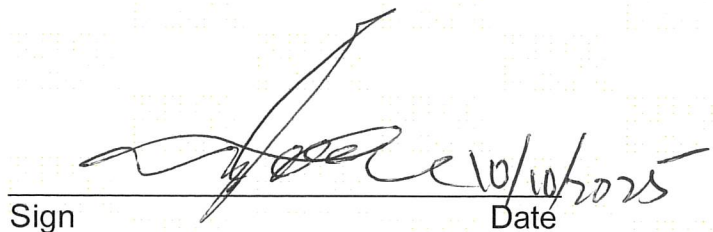
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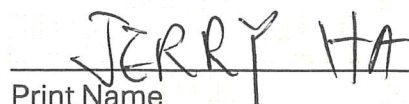
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Thomas R Capwell 10/9/25
Sign Date

Athena Capwell 10/9/25
Sign Date

THOMAS R CAPWELL
Print Name

Athena Capwell
Print Name

21103 GREENLEAF DR

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MBandodkar
Sign

10/08/2025
Date

Nihar Bandodkar
Sign

10/08/2025
Date

Mrunal Bandodkar
Print Name

NIHAR BANDODKAR
Print Name

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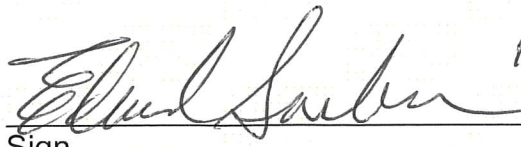
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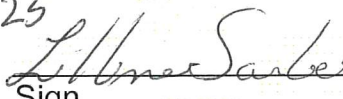
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Sign _____ Date 10/08/2025

EDWARD SARBER
Print Name


Sign _____ Date 10/8/2025

LILLINE SARBER
Print Name

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Hao Guo

Sign

10/8/2015

Date

Shu Lin

Sign

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Print Name

Shu Lin

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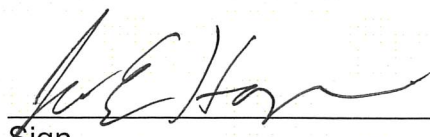
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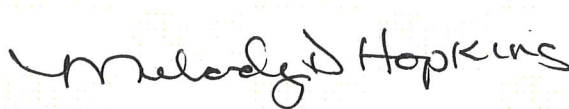
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Sign Date 10/08/25

JAY HOPKINS

Print Name

 10/7/25

Sign Date

Melody D. Hopkins

Print Name

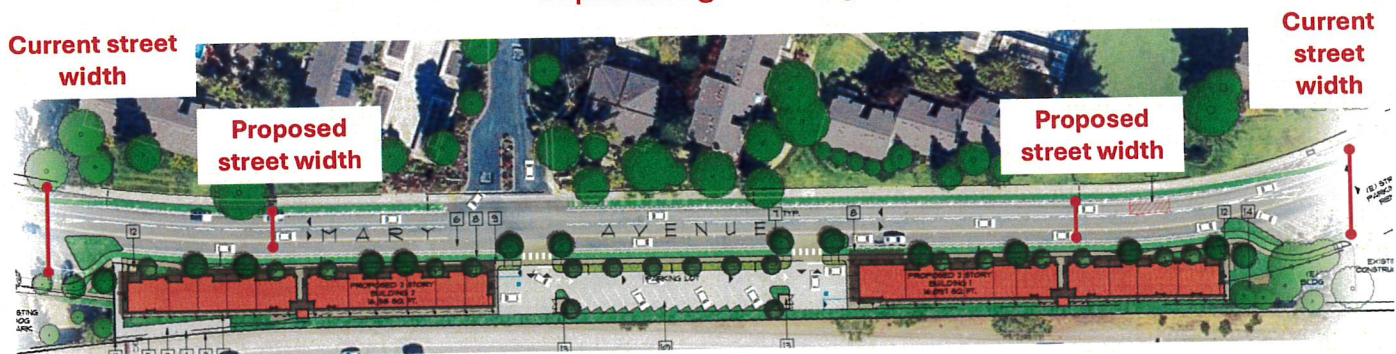
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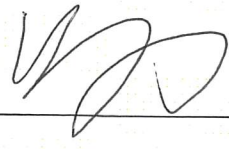
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Michael Chu
Print Name

 10/8/2025
Sign Date

Lucy Chu
Print Name

Dear Cupertino City Council, City Manager and **PublicComments:**

Subject: Concerns of Mary Ave Villas housing project

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- (4) De Anza's new EVENT CENTER
- (5) De Anza's new Student Services Center.

Problems with narrowing traffic, buffer, bike, and pedestrian lanes in an area with diverse users

Safety risks:

1. Increased risk of roadway accidents!
2. Less buffer between bike and traffic lane. Unsafe for families and especially kids
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 - o Especially when trucks and vehicles are double parked or loading
5. Does it work for City public works trucks (~10 ft wide) and emergency vehicles?
Even if the fire marshal 'signed off'?

Quality of life impact:

1. Narrower pedestrian areas make it difficult and congested for families and Homestead High School cross country runners that use this space daily
2. Narrower bike lanes increases the risk to cyclist
3. Worsened access to/from our homes

Please remember the uniqueness of Mary Ave and its diverse users.

This area connects families, bikers, school kids, commuters between:

- Memorial Park
- Senior Center
- Garden Gate Elementary School
- Don Burnett Bridge
- Dog Park
- Cupertino Public Works Service Center
- De Anza College

As our representative of the Cupertino City Council, we ask that you do the proper thing by us.
Protect Our Safety and Quality of Life! **VOTE NO on this location.** It isn't the right place!

Sincerely,

Erna Trogisch 10-8-25
Sign Date

Erna Trogisch
Print Name

Sign Date

Print Name

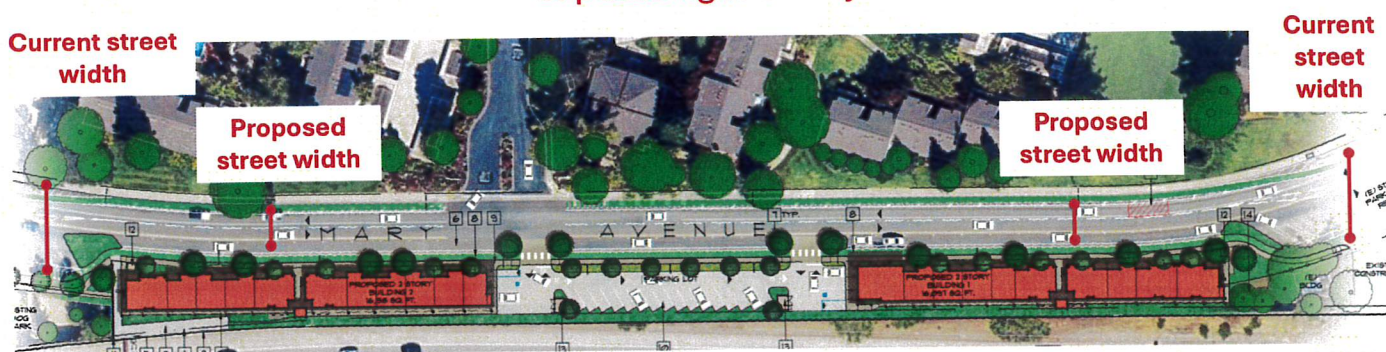
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Sign Date

Print Name Shian Yaw Fu

Print Name HAI YAN Fu

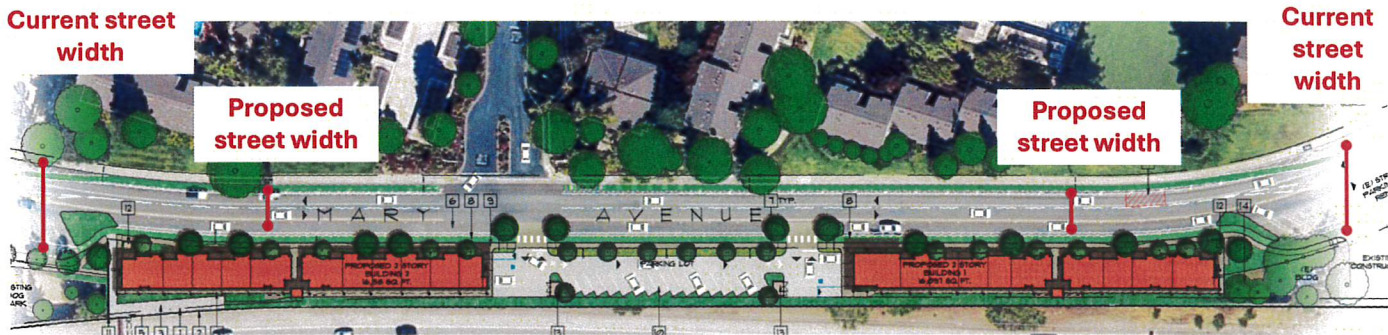
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Gary W. Tietz 10/8/25
Sign Date

Mary Tietz 10/8/25
Sign Date

GARY W. TIETZ
Print Name

Mary Tietz
Print Name

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*what a bad idea. Cupertino can
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Sign

Date

Sign

Date

Print Name

Print Name

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Mario D. D'Ortenzio 10-10-25
Sign Date

MARIO D. D'ORTENZIO
Print Name

Arlene E. D'Ortenzio 10/10/25
Sign Date

Arlene E. D'Ortenzio
Print Name

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Sign Joseph Yee Date 10/9/2025

Joseph Yee
Print Name

Sign Joyce Yee Date 10/9/25

Joyce I Yee
Print Name

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Mehdi Mortazavi
Sign _____ Date _____

Mehdi Mortazavi
Print Name

Shahla Ehsasi
Sign _____ Date _____

Shahla Ehsasi
Print Name

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John Goudey 10/9/25
Sign Date

Carol
Sign Date

John Goudey
Print Name

Carol Goudey
Print Name

21436 Rumford Dr.

✓

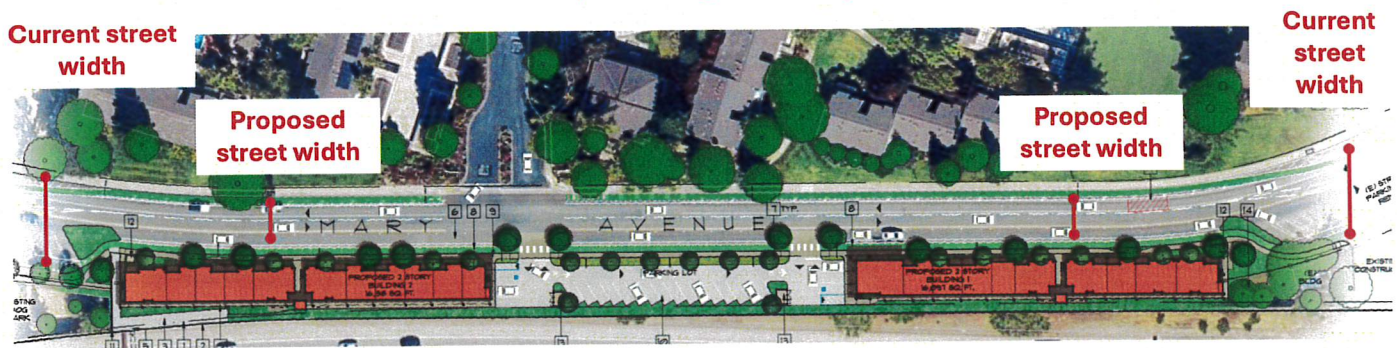
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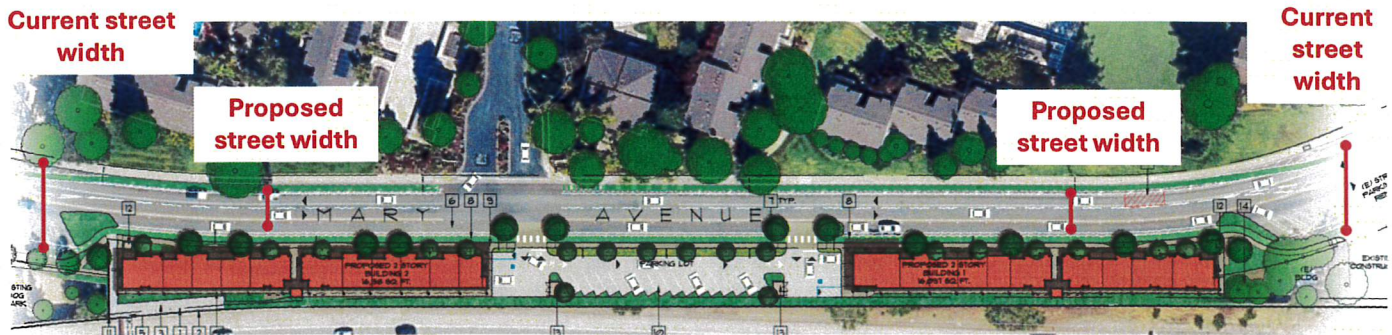
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- Sincerely,

Ellin Walker

10/8/25

Sign

Date _____

Sign

Date _____

Ellis Wilkens

Print Name _____

Print Name _____

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Print Name ELLEN YEE

Sign Stanley Yee Date 10/8/25

Print Name Stanley Yee

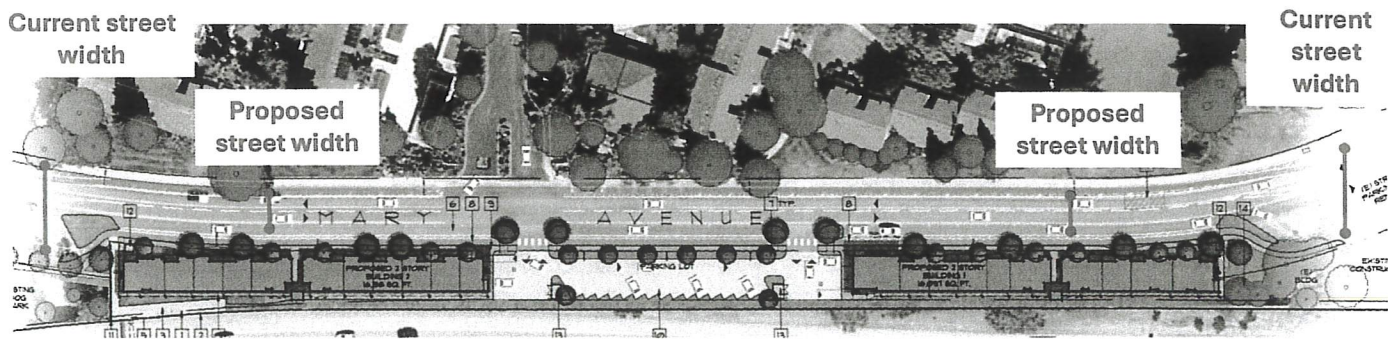
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The project is estimated to remove **19.5 feet, or 26%** of its current width/public-right-of way. ***No community hearing was held for residents to voice their concerns about vacating public right of way to create the parcel from the road.***

This is in the context of **increased traffic and parking usage** by adding 40 housing units + their cars, visitors, service providers, deliveries, etc. AND 5 future adjacent developments.

Mary Ave Villas Project:
Net loss 19.5 ft (26%)
of public right-of-way



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Problems with narrowing traffic, buffer, bike, and pedestrian lanes in an area with diverse users

Safety risks:

1. Increased risk of roadway accidents!
2. Less buffer between bike and traffic lane. Unsafe for families and especially kids
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Even if the fire marshal 'signed off'?

Quality of life impact:

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- Senior Center
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- De Anza College

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Protect Our Safety and Quality of Life! **VOTE NO on this location.** It isn't the right place!

Sincerely,

Sign

Jason Yee

Date

10-8-25

Sign

Date

Print Name

Jason Yee

Print Name

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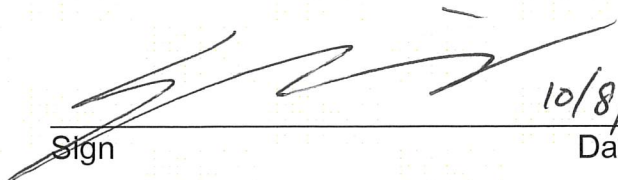
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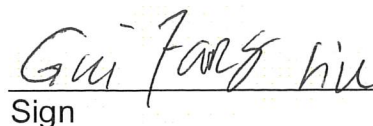
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Sign Date 10/8/2025

ZHONG QING SHANG
Print Name



Sign Date 10/9/2025

GUI FANG LIU
Print Name

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David Hollister 10/9/25
Sign Date

Sign Date

DAVID HOLLISTER
Print Name

HOMEOWNER 10387 MARY AVE
~~Print Name~~ CASA DE ANZA

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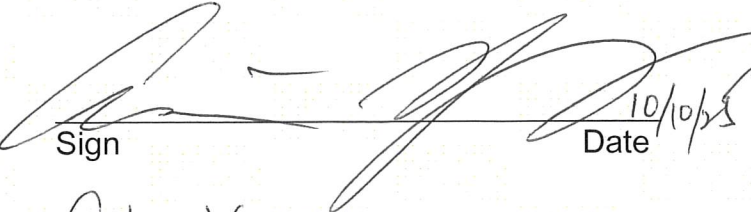
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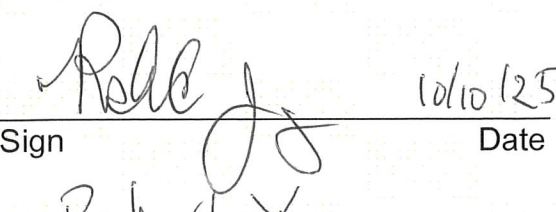
Sincerely,



Sign Date 10/10/25

Candice Yang

Print Name



Sign Date 10/10/25

Richard Yang

Print Name

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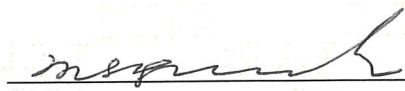
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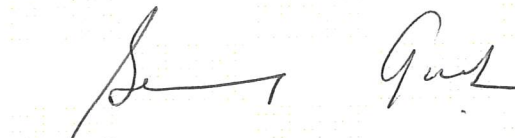
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Sincerely,

 10/08/25
Sign Date


Sign Date

MAHESH GURIKAR
Print Name

SHRIVIDYA GURIKAR
Print Name

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Sign Date Sign Date



Print Name Print Name

Envelop

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Sign Date Sign Date



Print Name Print Name

Envelop

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Mitzy Butte 10/11/25
Sign Date

Mitzy Butte
Print Name

Eric Butte 10-11-25
Sign Date

Eric Butte
Print Name

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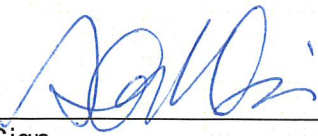
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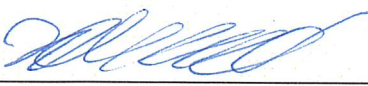
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Alan Wei
Print Name


Sign _____ Date 10/8/2025

Howard Wei
Print Name

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Even if the fire marshal "signed off"?

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Protect Our Safety and Quality of Life! **VOTE NO on this location.** It isn't the right place!

Sincerely,

Christopher Schwab 10/13/2025 Jean E Schwab 10/13/2025
Sign Date Sign Date

Christopher Schwab
Print Name

Jean Schwab
Print Name

Dear Cupertino City Council, City Manager and **PublicComments:**

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Patricia Cepeda 10-10-25
Sign Date

John Cepeda 10-10-25
Sign Date

Patricia Cepeda
Print Name

JOHN CEPEDA
Print Name

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Joshi Anne ^{10/12/25}
Sign Date

JOSHI ANNE
Print Name

Kusuma Anne ^{10/12/25}
Sign Date

KUSUMA ANNE
Print Name

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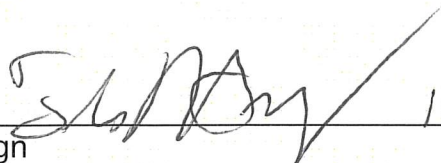
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Sign Date

Thomas Hwang

Print Name



Sign Date

Yaping J. Liao

Print Name

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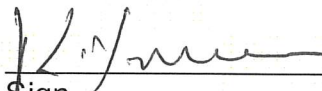
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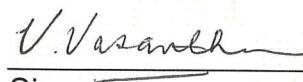
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Sign Date

KARICADA VASANTHARAM
Print Name

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VIJAYA VASANTHARAM
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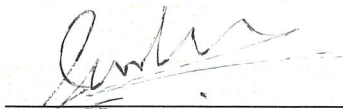
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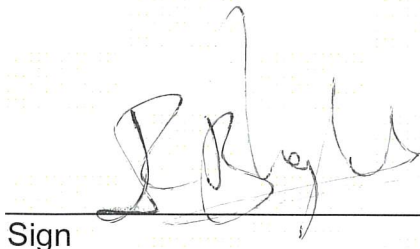
Sincerely,



Sign

10/13/25

Date



Sign

10/13/25

Date

SUSHMA BHAGATWALA

Print Name

DHARMESH BHAGATWALA

Print Name

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Sign Date 10/12/25

SUNIL WADHWANI

Print Name

Sign Date

Print Name

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Sincerely,

Hostiles

Sign

ELIZABETH STILES

Printed Name

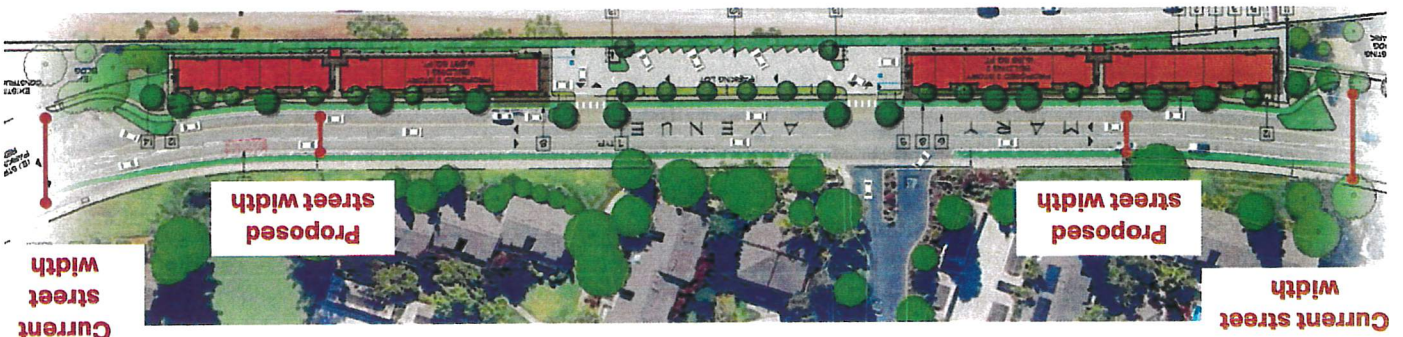
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Sign Date

STEPHEN K. PROFFITT
Print Name

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Sign Date

Arnita M. Proffitt
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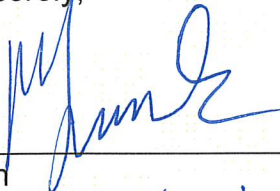
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Sign

10/12/2025

Date

Nikhil Junankar

Print Name


Parvaneh Karakhanian

Sign

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Problems with narrowing traffic, buffer, bike, and pedestrian lanes in an area with diverse users

Safety risks:

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2. Less buffer between bike and traffic lane. Unsafe for families and especially kids
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Even if the fire marshal 'signed off'?

Quality of life impact:

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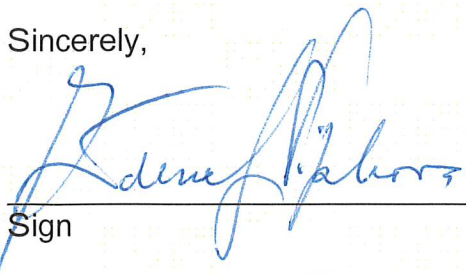
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- De Anza College

As our representative of the Cupertino City Council, we ask that you do the proper thing by us.
Protect Our Safety and Quality of Life! **VOTE NO on this location.** It isn't the right place!

Sincerely,


Sign _____ Date 10/13/25

ZDENA P. PIPKOVA

Print Name

Sign _____ Date _____

Print Name

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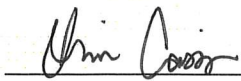
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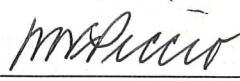
Sign

10/10/25

Date

IRWIN CASIANO

Print Name



Sign

10/12/2025

Date

Victoria Piccio

Print Name

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Vikram Kowshik 10-10-25
Sign Date

VIKRAM KOWSHIK
Print Name

Renu Kowshik 10-10-25
Sign Date

RENU KOWSHIK
Print Name

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Xingqin Lin

Sign

10/10/2025

Date

Xi Yang

Sign

10/10/2025

Date

XINGQIN LIN

Print Name

XI YANG

Print Name

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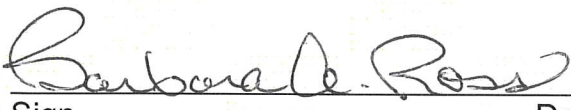
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Sign Date
10-12-2025

Sign Date



Print Name

Print Name

I am losing my faith in CUPERTINO GOVERNMENT.
I do not think you are making a good decision on this.

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Sandy Paddock 10/14/25
Sign Date Sign Date

SANDY PADDOCK
Print Name

Print Name

10469 Mary Ave
CUPERTINO CA 95014.

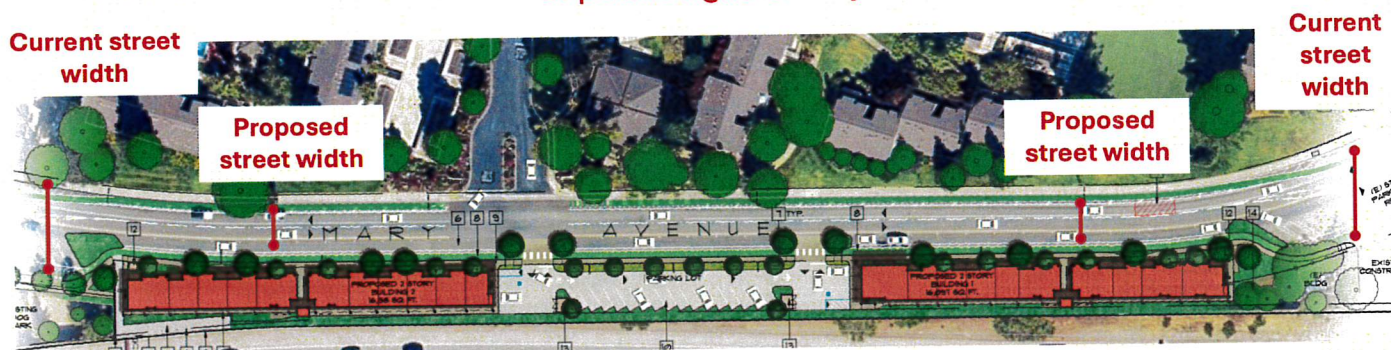
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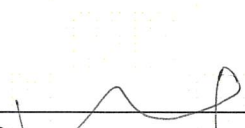
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Sign  10/13/25
Date

Hung-Wei Tsai
Print Name

Sign  10/13/25
Date

Peiching Tomy
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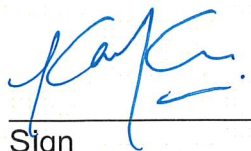
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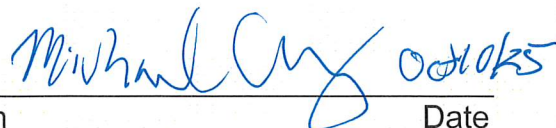
Sincerely,



Sign

10/10/25

Date



Sign

Date

KAH CHANG

Print Name

Michael CHANG

Print Name

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From: [I L](#)
To: [Public Comments](#)
Subject: Mary Ave Housing project
Date: Sunday, October 19, 2025 3:07:37 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,

We are residents at Arroyo Village townhomes and would like to express our concern for the Mary Avenue Housing Project. We would like to vote No as it is already an area with congested parking (especially on weekends) as an overflow from Memorial Park. It is also a main road for commuters and bikers with a lot of children present on the area, thus we are concerned that the reduction in street width will pose a hazard for safety as cars tend to drive quickly in an already curved (poor visibility) street.

Thank you for your attention in this matter. We really appreciate it!

Regards,

Irene Liando

From: [Xinghua Yu](#)
To: [Public Comments](#); [City of Cupertino Planning Commission](#); [City Council](#)
Cc: [Luthern Williams](#); [Caroline Gupta](#)
Subject: In Support of Approving Tessellations" Conditional Use Permit
Date: Friday, October 17, 2025 4:35:55 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 Members,

Our family moved to Cupertino two years ago because of Tessellations, and we couldn't be happier with that decision. The school has become a wonderful part of our lives, offering a truly unique and inspiring learning experience for gifted children like my own. It's easy to see why so many families are drawn to Cupertino for the same reason—Tessellations provides opportunities for learning and growth that are hard to find anywhere else.

From the very beginning, we've been impressed by how thoughtful and community-minded Tessellations is. Our school consistently encourages families to be good neighbors—leaving room around driveways, walking or biking whenever possible (my son loves biking and walking to and from school every day!), and using a well-organized car line system to keep traffic flowing smoothly. They also open their blacktop for parking during school events to minimize any impact on nearby residents. This year, the school thoughtfully staggered the start and end times for the primary and secondary students to keep traffic flowing smoothly during drop-off and pick-up.

Tessellations has also invested significant effort and resources to make the campus beautiful and welcoming—not just for students to feel safe, inspired and excited to learn, but for the whole neighborhood to enjoy. We often see families strolling around the campus or enjoying the playground and the large turf field when school isn't in session. From conversations with neighbors, it's clear the space feels much more vibrant and cared for compared with when Regnart Elementary School was closed before Tessellations moved in.

As a proud Cupertino resident and Tessellations parent, I wholeheartedly support the school's Conditional Use Permit. Tessellations contributes so much to our city—not only by providing an exceptional education but also by attracting engaged, caring, diversified families from across the Bay Area who help strengthen our community.

Thank you so much for considering my perspective. Our family is grateful for the City's dedication to creating a community that values children and education.

Warm Regards,
Xinghua Yu
650-223-5886
1440 Rose Garden Ln,
Cupertino, CA 95014

From: [Santosh Rao](#)
To: [City Clerk](#)
Subject: Fw: Add Cupertino to AB 645 Pilot Program
Date: Wednesday, October 15, 2025 2:04:21 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.

Dear City Clerk,

Would you please include this in written communications for the upcoming city council meeting. Thank you.

Thanks,
Santosh Rao

Begin forwarded message:

On Wednesday, October 15, 2025, 1:37 PM, Santosh Rao <santo_a_rao@yahoo.com> wrote:

[Writing on behalf of myself only as a Cupertino resident]

Subject: Immediate Action Requested: Add Cupertino to AB 645 Pilot Program

Dear Mayor Chao, Councilmember Kapoor, Vice Mayor Squarcia, and Director Mosley,

Cc: State Senator Becker, State Assembly Member Aherns,

I urge you to take immediate action to place an item on the next Cupertino City Council agenda to adopt a resolution requesting that Cupertino be added to the pilot cities under **AB 645**. This step is critical to allow the City to move forward in funding and prioritizing the installation of **speed cameras** at key locations to curb dangerous driving and enhance public safety.

Other cities are not waiting. **Berkeley** has already advanced such a resolution ([Berkeley City Council – April 29, 2025, Item 23](#)), and **Saratoga residents** are preparing a similar request to their council. Cupertino should not fall behind on an issue that directly affects the safety of our residents.

I have already written to **Assemblymember Aherns** urging Cupertino's inclusion and encourage the City to immediately coordinate with **Assemblymember Aherns** and **Senator Becker** to support this effort.

Additionally, I ask that the City **direct staff to accelerate implementation of red-light cameras** as part of Cupertino's Vision Zero program. Red-light running, stop-sign violations, and speeding are all preventable causes of serious collisions. Technology-based deterrence is both effective and overdue.

Please prioritize this without delay. Cupertino residents deserve safer streets now, not years from now if ever while we continue to fund concrete contractors for concrete cinder blocks to do little if anything for deterring bad drivers. Thank you in advance for demonstrating a bias for action and moving this forward now.

Thanks,

San Rao (writing on behalf of myself only as a Cupertino resident)

From: [Steve Proffitt](#)
To: [Public Comments](#)
Subject: Please halt the Mary Ave Villas housing project
Date: Tuesday, October 14, 2025 10:33:39 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.

Dear Cupertino City Council,

As residents of the Garden Gate area since 2008, our family has come to rely on the section of Mary street that connects to Stevens Creek Blvd as our main route to get to Hwy 85 and I-280. This section of road already becomes extremely congested and often dangerous during various festivals held in Memorial Park, and the monthly Flea Market at De Anza College.

This congestion has been made worse over the past couple of years with the new Westport development. Given that Westport still apparently has a high rise with 136 additional units, this congestion and lack of parking during peak times of demand will only get worse.

This new Mary Ave housing project will leave less lane buffers and no bypass/turning lane. This will impact traffic but also create safety concerns for bikers. I am also an avid biker and I am concerned about the safety of cyclists on this road.

Please halt this project.

Best Regards,
Steve and Arnita Proffitt

--

Steve Proffitt
steve.proffitt@gmail.com
(415) 425-7560 cell

From: [Theresa Horng](#)
To: [City Clerk](#)
Cc: [Tina Kapoor](#); [Chad Mosley](#); [David Stillman](#); [City Council](#)
Subject: Fwd: Data-Driven Solutions to Reduce Cupertino's 1,950 Traffic Collisions—Including Pedestrian Violation Risks
Date: Sunday, October 12, 2025 8:45:28 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 Clear:

Please include the below email in written communications for the upcoming city council meeting.

Thanks,
Theresa Horng
Cupertino Resident

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

From: **Theresa Horng** <theresahorng@gmail.com>
Date: Sun, Oct 12, 2025 at 7:28 PM
Subject: Data-Driven Solutions to Reduce Cupertino's 1,950 Traffic Collisions—Including Pedestrian Violation Risks
To: Tina Kapoor <TinaK@cupertino.gov>, David Stillman <DavidS@cupertino.gov>, Chad Mosley <ChadM@cupertino.gov>, Liang Chao <lchao@cupertino.gov>, Kitty Moore <kmoore@cupertino.gov>, <citycouncil@cupertino.gov>

Subject: Data-Driven Solutions to Reduce Cupertino's 1,950 Traffic Collisions—Including Pedestrian Violation Risks

Dear Interim City Manager Tina Kapoor, Transportation Manager David Stillman, Public Works Manager Chad Mosley, Honorable Mayor Chao, Vice Mayor Moore, and Esteemed Members of the Cupertino City Council,

I am writing to urge the City of Cupertino to take decisive, data-informed action to address persistent traffic safety risks on our streets. Between 2018 and 2024, Cupertino recorded **1,950 traffic collisions**, resulting in **47 severe injuries** and **10 fatalities**. The city's own data identifies the leading causes as:

- **Improper Turning** (459 crashes)
- **Unsafe Speed** (455 crashes)
- **Traffic Signal and Sign Violations** (269 crashes)
- **Auto Right-of-Way Violations** (251 crashes)

These collisions are concentrated at signalized intersections along major corridors such as Stevens Creek Boulevard, De Anza Boulevard, Wolfe Road, and Homestead Road. While most incidents involve vehicle-on-vehicle conflicts, **five of the ten fatalities were pedestrians—and several were caused by pedestrian violations**, including unsafe crossings and disregard for signal timing. These tragedies underscore the need for a comprehensive approach that addresses both driver behavior and pedestrian risk.

Targeted Solutions by Collision Cause

1. Improper Turning

- Install **protected left-turn signals** at high-conflict intersections.
- Extend **left-turn green phases** using real-time vehicle detection.

2. Unsafe Speed (Without Lowering Limits)

- Deploy **speed feedback signs** to alert drivers in real time.
- Implement a **safer alternative to signal delay**:
 - Use AI **radar** detect vehicle approach speed.
 - SpeedAlert 18 Radar Message Sign See link: <https://www.youtube.com/watch?v=0LSdbUK88FE>
 - Trigger **driver-facing LED signage** before the intersection with clear warnings such as:
 - “TOO FAST—PREPARE TO STOP”
 - “SLOW DOWN—PEDESTRIAN ZONE AHEAD”
 - See link for the product: <https://www.elancity.net/products/radar-speed-sign-evolis/vision-led-digital/>
 - This preserves predictable signal timing while giving drivers time to adjust safely.

3. Signal and Right-of-Way Violations

- **Expand and optimize existing leading green intervals** at high-conflict intersections.
- Ensure **consistent deployment** across major corridors.
- Improve **intersection lighting and signage visibility**.
- Pilot **roundabouts or curb extensions** where feasible to reduce angle collisions.

Addressing Pedestrian Violation–Related Fatalities

To reduce risk without overburdening compliant pedestrians, I recommend:

1. Smart Detection and Driver Warnings

- Pilot **AI-powered cameras** (e.g., Miovision, Iteris) to detect unsafe pedestrian crossings in real time.
- Integrate with **dynamic LED signage** (e.g., TrafficCalm, Carmanah) to display precise driver alerts such as:
 - “Pedestrian Crossing Against Signal—Slow Down”
 - “Unexpected Crossing Ahead—Prepare to Yield”

2. Visibility and Infrastructure Enhancements

- Install **daylighting** at intersections to improve driver sightlines.
- Add **raised crosswalks** and **high-visibility markings** at mid-block and school-adjacent locations.
- Upgrade **intersection lighting** in known nighttime crossing zones.

3. Behavioral Interventions

- Launch a “**Cross Smart Cupertino**” **campaign** with real crash data and targeted messaging.
- Partner with **schools and senior centers** to promote safe crossing habits.
- Publish **anonymized case studies** of pedestrian fatalities to raise awareness.

Cupertino has already demonstrated a commitment to transparency through its Vision Zero dashboard. Now is the time to act on that data. I urge the city to prioritize these tactical, high-impact upgrades—especially at the top 10 crash-prone intersections—and to publish a timeline for implementation.

Thank you for your continued work on behalf of public safety.

Sincerely,

Theresa Horng

Cupertino Resident

From: [Jennifer Griffin](#)
To: [City Clerk](#)
Cc: grenna5000@yahoo.com; [City Council](#)
Subject: Fwd: Please Protect Cupertino from SB 79
Date: Friday, October 10, 2025 11:49:10 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 City Clerk:

Please include the following as public input for Oral Communications at the Cupertino City Council Meeting. Thank you very much.

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

Subject: Please Protect Cupertino from SB 79
From: Jennifer Griffin <grenna5000@yahoo.com>
Sent: Friday, October 10, 2025, 11:47 AM
To: citycouncil@cupertino.org, cityclerk@cupertino.org
CC: grenna5000@yahoo.com

Dear City Council,

(Please include this email as public comment for the Oral Communications in the Cupertino City Council Meeting)

I am so sad that Governor Newsom signed SB 79 today, October 10, 2025. This shows that the governor is exhibiting poor judgement with this housing bill. It has been a complete mystery since it was introduced by Senator Wiener in January 2025. No one understands what Senator Wiener was trying to do with the bill and now, 24 revisions later, no one still understands what the bill is trying to do.

I think the intent of the bill is to try to fool the public and take advantage of them and waste their Time and frighten them. This is not a responsible way to introduce legislation. As it is now, Senator Wiener has managed to have this bill target six counties in the state, including Santa Clara County. It doesn't even affect San Francisco County, Scott Wiener's own county. If that is not Government overreach, then the definition of it with SB 79 has just be written.

I do not think this bill takes effect until July, 2026. The mayor of Los Angeles and most every city

In the state are against this bill and wrote to the governor and legislature to express their concerns with it. I expect there will be challenges to the bill immediately.

I have contacted Senator Becker's office today and thanked him for doing a vote of No Record on SB 79 during the Senate Floor Vote on SB 79. It shows that Senator Becker is listening to his constituents' concerns. I have heard that he is analyzing the RHNA numbers which I am very Glad to hear. He is concerned about the validity of their actual calculations.

I am very concerned about the future of California with Senator Wiener introducing such irresponsible Bills as SB 79 and our long-term governor actually signing such a notorious bill as SB 79, especially When the bill has had a lot of out-of-state funding.

I would look to the governor to protect California from hidden out-of-state agendas, but I am Now sadly disappointed by the governor signing SB 79. Who knows what dangers from out-of-state Money funders we will be subjected to by the passage of SB 79?

Please do everything you can to protect Cupertino from the fallout from SB 79.

Thank you very much.

Best regards,

Jennifer Griffin

From: [William Shen](#)
To: [Public Comments](#)
Subject: Not to Support Mary Ave Villa Housing Project
Date: Friday, October 10, 2025 12:12:20 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 City Manager,

Please consider our residence voice to stop this Villa housing development project at Mary Ave.

I didn't support the over development project at Vallco either. Hence we selected the current City Council to stop Vallco and this Mary Ave Housing Projects.

Thanks.

William

From: [Michael Chu](#)
To: [Public Comments](#)
Subject: Re: Mary Avenue Housing Project
Date: Wednesday, October 8, 2025 7:50:20 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.

To whom it may concern,

It was brought to our attention that there is a housing project that is being fast tracked for approval without listening to those who it will affect the most, the residents directly connected to the proposed site.

We live at 10447 Anson Ave. and my children regularly travel along Mary Avenue in order to go to school. Right now, thankfully, there is good margin for them to bike safely. However, by building housing in place of the parking spaces would not only narrow the space for them to safely bike, it would also introduce hazards of different people and activities happening which could cause them to get hit or have to swerve into traffic.

This is unacceptable. How would the council feel if one of my kids ended up hurt or dead because of this development??

We also have enough residents here with the apartment buildings and the new development at the corner of Mary and Stevens Creek.

Please stop overdeveloping this space!!

Michael Chu
408-728-4254

From: [j.w](#)
To: [City Council](#)
Cc: [City Clerk](#)
Subject: Request to Prioritize Rebuilding Direct Communication Between City Leadership and Residents Dear [Recipient]
Date: Monday, October 20, 2025 12:02:16 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.

Please include in the public record for this meeting-----

Mayor Chao, Vice-Mayor Moore, Councilmembers Fruen, Mohan and Wang,

We would like to express our concerns about the ongoing lack of direct communication between residents and the City, including the City Council, in recent years.

Before the COVID-19 pandemic, it was common to see the Mayor and City Manager walking around in front of City Hall, engaging openly with residents. The City Manager also maintained open office hours almost daily, and City Hall was accessible — doors were not locked, and transparency was part of the everyday culture.

While we understand that the pandemic required changes, those restrictions have long since ended. Yet, the level of public access and face-to-face communication has not returned to pre-COVID standards. We've even seen news reports raising concerns about public employees holding multiple remote jobs simultaneously, which further undermines public trust.

Most concerning is the fact that some long-term residents have not had an opportunity to meet with city leadership in person for years. This disconnect does not reflect the values or mission of the City to serve its community with transparency, accountability, and accessibility.

We respectfully ask that this issue be treated as **high priority** — and that steps be taken to restore regular, in-person engagement between the City's leadership and its residents.

Thank you for your attention.

Sincerely,

Jenny
Huang family

Problems with narrowing traffic, buffer, bike, and pedestrian lanes in an area with diverse users

Safety risks:

1. Increased risk of roadway accidents!
2. Less buffer between bike and traffic lane. Unsafe for families and especially kids
3. Parked car doors swing into narrow traffic lanes- not safe to exit vehicle
4. No bypass lane or space- stopped cars can clog traffic
 - o Especially when trucks and vehicles are double parked or loading
5. Does it work for City public works trucks (~10 ft wide) and emergency vehicles?
Even if the fire marshal 'signed off'?

Quality of life impact:

1. Narrower pedestrian areas make it difficult and congested for families and Homestead High School cross country runners that use this space daily
2. Narrower bike lanes increases the risk to cyclist
3. Worsened access to/from our homes

Please remember the uniqueness of Mary Ave and its diverse users.

This area connects families, bikers, school kids, commuters between:

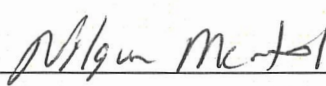
- Memorial Park
- Senior Center
- Garden Gate Elementary School
- Don Burnett Bridge
- Dog Park
- Cupertino Public Works Service Center
- De Anza College

As our representative of the Cupertino City Council, we ask that you do the proper thing by us.
Protect Our Safety and Quality of Life! **VOTE NO on this location.** It isn't the right place!

Sincerely,

 10/14/2025
Sign Date

ATILA MERTOL
Print Name

 10/14/2025
Sign Date

NILGUN MERTOL
Print Name

Dear Cupertino City Council, City Manager and **PublicComments:**

Subject: Concerns of Mary Ave Villas housing project

The project is estimated to remove **19.5 feet, or 26%** of its current width/public-right-of way. **No community hearing was held for residents to voice their concerns about vacating public right of way to create the parcel from the road.**

This is in the context of **increased traffic and parking usage** by adding 40 housing units + their cars, visitors, service providers, deliveries, etc. AND 5 future adjacent developments.

**Mary Ave Villas Project:
Net loss 19.5 ft (26%)
of public right-of-way**



There will be a net removal of 89 parking spots on Both Sides of Mary Avenue.

As it is, current parking spots fill up with Memorial Park Activities, Westport Development, DeAnza College Students. The loss of 89 parking spaces will create enormous hazards to the public.

As a community, we are requesting that this project be abandoned at this location.

This narrow strip of land is **illogical** for high density housing, and there are FIVE future developments that will force more cars looking for parking on Mary Ave:

- (1) The remaining 55% of the big Westport high rise development at Mary Ave & Stevens Creek soon to be built.
- (2) \$85 million approved to add amenities (8 pickleball courts, all abilities playground) to Memorial Park without significant increase in parking capacity
- (3) De Anza College's new Cultural Arts Building
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Protect Our Safety and Quality of Life! **VOTE NO on this location.** It isn't the right place!

Sincerely,

P. Nirmala 10/11/25
Sign Date

Sign Date

Nirmala Paila
Print Name

Print Name

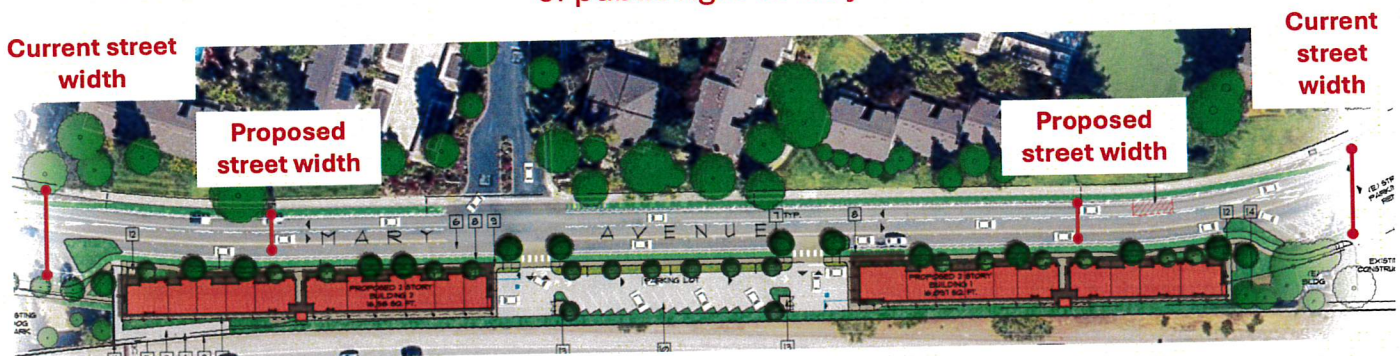
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Dear Garden Gate Neighbors: Sign petition <https://c.org/bMkc8C2gSL>

🚫 HELP STOP the Mary Avenue Housing Project!

Protect Our Neighborhood & Quality of Life– Families, Seniors, and All Residents!



🚧 Dangerous Design & Fast-Tracking

- Proposal for new 40-unit affordable housing for *extremely low income (ELI) and intellectually developmentally disabled (IDD) population*. <https://www.mary-ave-villas.com/>
- The project narrows Mary Ave by 19.5 ft. It builds housing INTO the public street by removing ALL angled parking spots between the Dog Park to Arroyo Townhouses. They provide only 22 on-site parking spots.
- Final Administrative Review (Tina Kapoor) & City Council vote is Oct/Nov 2025 - ACT NOW!



🚗 Traffic & Parking Problems

- **This project removes 89 public parking spots** – Mary Ave can't absorb that.
 - It's removing the parking lane along the Glenbrook side of Mary Ave
 - Did you know that Westport (former Oaks Center) still has a high rise with 136 units left to build?
- No loading zone or short-term parking for delivery/Amazon trucks, service vehicles to assist the IDD population.
- Narrowed Mary Ave lanes means less lane buffers (all traffic & bike lanes impacted), no bypass/turning lane.



Health & Safety Risks – This project will create accidents waiting to happen!

- This road is a busy main artery for school traffic, bikes, families, and company bus pickup.
- This project creates community safety concerns for pedestrians, bikers and cars.



What You Can Do: SPEAK UP, SEND LETTERS & PHOTOS!

✓ **Please Sign the Enclosed Letter and send it in with the self-addressed envelope. ASAP**

✓ We need EVERYONE TO WRITE to the Council at PublicComments@cupertino.gov NOW, BEFORE THEY RUSH THE FINAL APPROVALS.

Mayor Chao said City has only received a dozen letters so far and think that we don't care about this project. Show her and the City Council that we do care! **Make Our Voices Heard!**

1) Tell them that as our representatives in Cupertino, they must do the proper thing for us.

Let them know *how* it will impact you and your quality of life.

2) Tell them to VOTE NO on the lease - this land is NOT appropriate for the project

✓ Join our WhatsApp group (QR code) to keep up to date or volunteer!

✓ Attend City Council meeting en masse (10/7, 10/21) to hold signs, speak at Open Communications. Let your voice be heard!



✓ **Come Attend the Mary Ave Block Party Nov 1, 2025 from 1 – 3 pm.**
Location: proposed housing site on Mary Avenue.

Problems with narrowing traffic, buffer, bike, and pedestrian lanes in an area with diverse users

Safety risks:

1. Increased risk of roadway accidents!
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5. Does it work for City public works trucks (~10 ft wide) and emergency vehicles?
Even if the fire marshal 'signed off'?

Quality of life impact:

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Please remember the uniqueness of Mary Ave and its diverse users.

This area connects families, bikers, school kids, commuters between:

- Memorial Park
- Senior Center
- Garden Gate Elementary School
- Don Burnett Bridge
- Dog Park
- Cupertino Public Works Service Center
- De Anza College

As our representative of the Cupertino City Council, we ask that you do the proper thing by us.
Protect Our Safety and Quality of Life! **VOTE NO on this location.** It isn't the right place!

Sincerely,

Chung Yung Lee 10-8-2025
Sign Date Sign Date

CHUNG YUNG LEE
Print Name Print Name

Dear Cupertino City Council, City Manager and **PublicComments:**

Subject: Concerns of Mary Ave Villas housing project

The project is estimated to remove **19.5 feet, or 26%** of its current width/public-right-of way.

No community hearing was held for residents to voice their concerns about vacating public right of way to create the parcel from the road.

This is in the context of **increased traffic and parking usage** by adding 40 housing units + their cars, visitors, service providers, deliveries, etc. AND 5 future adjacent developments.

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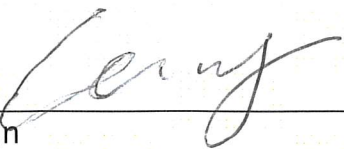
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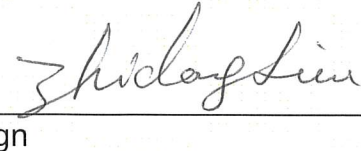
Sincerely,

 10/10/2015

Sign Date

Leyi Zhang

Print Name

 10/10/2015

Sign Date

Zhidong Lin

Print Name

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Sincerely,

Kathleen Finn 10/14/25
Sign Date

Sign Date

Kathleen Finn
Print Name

Print Name

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Protect Our Safety and Quality of Life! **VOTE NO on this location.** It isn't the right place!

Sincerely,

Michael E. Clay 10/15/2025
Sign Date

Sign Date

Michael E. Clay
Print Name

Print Name

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Subject: Concerns of Mary Ave Villas housing project

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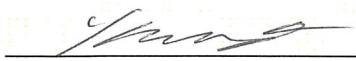
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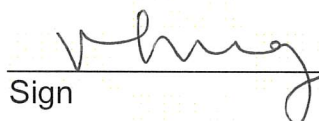
Sincerely,

 10/10/2025

Sign Date

Yvonne Chung

Print Name

 10/10/2025

Sign Date

VICTORIA TUNG

Print Name

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Yao Kuo PAO 10-8-2015 LI Ying Lin 10/8/25
Sign Date Sign Date

YAO KUO PAO
Print Name

LI Ying Lin
Print Name

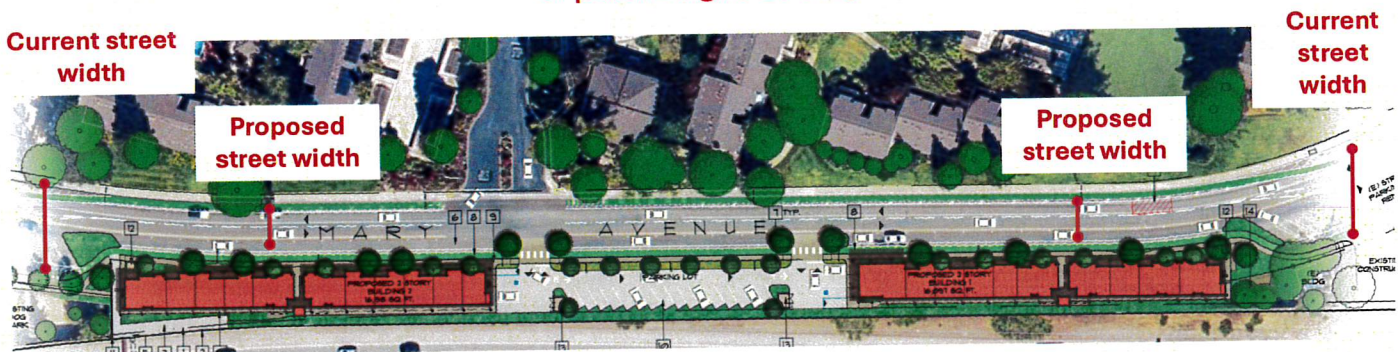
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Mari McGinnies 10/14/2025
Sign Date Sign Date

MARIE MCGINNIES
Print Name

Owner - Casa de Anza

Print Name

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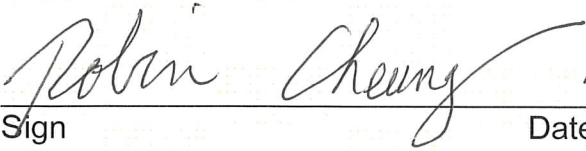
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Sign

Date

Sign

Date

ROBIN CHEUNG

Print Name

Print Name

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Sign Date

Bharat Bhushan

Print Name

Sign Date

Print Name

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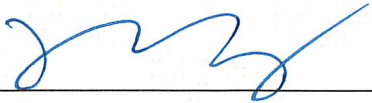
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 10/12/25

Sign Date

Jiu-Shang Yang

Print Name

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Sign Date

PEIWEN WU

Print Name

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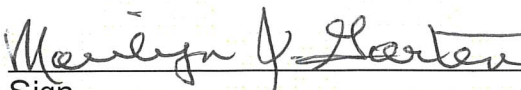
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Sign _____ Date 10/9/25

Marilyn J. Garten 10/9/25
Print Name _____


Sign _____ Date 10/9/25

Robert L. Garten
Print Name _____

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Sign

Date

10/17/25

Sign

Date

TERESA CHAPMAN

Print Name

Print Name

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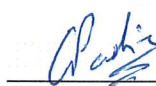
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Sign Date

Mehul Pathak

Print Name

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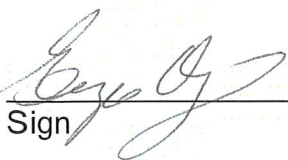
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Protect Our Safety and Quality of Life! **VOTE NO on this location.** It isn't the right place!

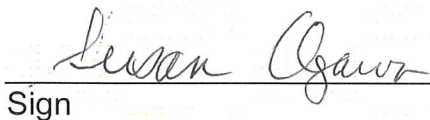
Sincerely,

*Safety 1st for pedestrians,
drivers, bikers, community!*



Sign

10/16/25
Date



Sign

10/16/25
Date

GEORGE OGAWA
Print Name

Susan Ogawa
Print Name

Dear Cupertino City Council, City Manager and **PublicComments:**

Subject: Concerns of Mary Ave Villas housing project

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Protect Our Safety and Quality of Life! **VOTE NO on this location.** It isn't the right place!

Sincerely,



Sign

10/14/25

Date



Sign

Date

Richard Becker

Print Name

Nancy Becker

Print Name

Dear Cupertino City Council, City Manager and **PublicComments:**

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As our representative of the Cupertino City Council, we ask that you do the proper thing by us.
Protect Our Safety and Quality of Life! **VOTE NO on this location.** It isn't the right place!

Sincerely, *LET RID OF IT. NEVER SHOULD HAVE BEEN PUT IN.*



Sign

10-15-2025

Date

Sign

Date

PAUL BERTUCCIO

Print Name

Print Name

Dear Cupertino City Council, City Manager and **PublicComments:**

Subject: Concerns of Mary Ave Villas housing project

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Sincerely,



10-8-2025

Date

Sign

Date

DAYU QU

Print Name

Print Name

Dear Cupertino City Council, City Manager and **PublicComments:**

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Protect Our Safety and Quality of Life! **VOTE NO on this location.** It isn't the right place!

Sincerely,

Kathy Kwan

Sign

10/10/2025

Date

Sign

Date

Kathy Kwan

Print Name

Print Name

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Sincerely,

Aditya Agrawal

Sign

10/11/25

Date

Miin Yuh Chung

Sign

10/11/25

Date

ADITYA AGRAWAL

Print Name

MIIN YUH CHUNG

Print Name

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Sincerely,

Sign  Date 10-10-25
Print Name Li-hua Wang

Sign  Date 10/14/25
Print Name Albert Wang

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From: [Santosh Rao](#)
To: [City Clerk](#); [Tina Kapoor](#); [Liang Chao](#); [Kitty Moore](#)
Subject: Fw: Federal grants status.
Date: Tuesday, October 21, 2025 3:05:22 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.

Dear City Clerk,

Would you please include the below in written communications for items not on agenda.
Thank you.

Further to the below I urge council to publish a real time dashboard of the status of all grants regardless of source.

Thanks,
San Rao (writing on behalf of myself only as a Cupertino resident)

Begin forwarded message:

On Friday, October 10, 2025, 2:01 PM, Santosh Rao <santo_a_rao@yahoo.com> wrote:

[Writing on behalf of myself only as a Cupertino resident]

Dear Mayor Chao, ICM Kapoor, Director Mosley, Director Alfaro,

When and how can Cupertino residents get an up-to date view of what federal grants were granted to Cupertino for currently active or planned CWP or CIP projects, current status of those federal grants and any impacts from the below changes such as to BUILD and RAISE.

Please consider posting a real-time dashboard of grant funding allocated, project allocated for, grant drawdowns and pending amounts, city funding drawdowns and pending city funds to be drawn, status of grant, status of project. Please in addition consider posting an informational memo on any impacts of the federal shutdown or federal grants being cut to in-flight Cupertino projects.

Thank you.

Thanks,
San Rao (writing on behalf of myself only as a Cupertino resident)

Begin forwarded message:

On Wednesday, September 24, 2025, 7:13 AM, Santosh Rao

<santo_a_rao@yahoo.com> wrote:

[Writing on behalf of myself only as a Cupertino resident]

Dear Mayor Chao, Vice-Mayor Moore and Council,

US DOT is clawing back grants previously issued under the prior federal administration RAISE program and the current federal administration BUILD program.

<https://www.bloomberg.com/news/articles/2025-09-22/trump-cancels-trail-bike-lane-grants-deemed-hostile-to-cars>

Projects that reduce lane capacity or are otherwise hostile to cars are having their grants clawed back.

Please ask for a detailed memo on federal grants that are received by the city, impacts to the currently active or in-flight CWP and CIP due to any changes in federal grants including but not limited to grants from RAISE and BUILD.

We need council to be fiscally responsible and ensure that we are not continuing approvals and funding for projects that we know are causing the loss of federal grants. By continuing to allow these road diet projects we are risking federal grant funding to the city impacting these and other projects.

It's time for council to stay on top of this closely and get ahead of the federal actions that have already hit other areas like San Diego and perhaps are also impacting Cupertino and neighboring cities and our and other neighboring counties.

CC 10-21-2025

Item #2

Recognition of the years of
service for the Cupertino
Rotary Club

Written
Communications

From: [Kathleen Yates](#)
To: [Melissa Robertson](#)
Cc: [Alysa Sakkas](#); [Jeff Moe](#); [Louisa Roberts](#); [City Clerk](#)
Subject: Re: City Council Meeting 10/21
Date: Monday, October 20, 2025 9:50:11 PM
Attachments: [CC Commendation Comments.pptx](#)

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.

Melissa: thank you for this email reminder.
Attached are a few slides I would like to present, in pptx format.

I will be there tomorrow at 6:30 and very much appreciate this recognition of the work of the Rotary Club of Cupertino

Kathy Yates, President
Cupertino Rotary

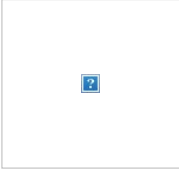
kbyates@sbcglobal.net
408-833-0456

On Oct 17, 2025, at 1:28 PM, Melissa Robertson <MelissaR@cupertino.gov> wrote:

Good afternoon,

Attached is the agenda for October 21, 2025 Cupertino City Council meeting. The meeting will begin at 6:45 PM. Your item (Item 2) is scheduled near the beginning of the meeting. Please plan to arrive at least 15 minutes early to allow time for traffic and parking. Your group is welcome to provide comments for up to 3 minutes in total. Forward any PowerPoint slides that you intend to present, and the City Clerk share their screen during your presentation. Let us know if you have any questions.

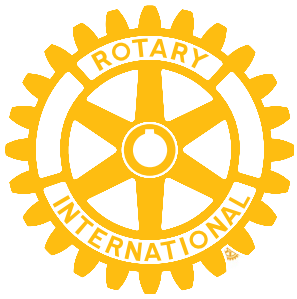
Regards,



Melissa Robertson
Administrative Assistant
City Manager's Office
MelissaR@cupertino.gov
(408) 777-3148



<102125.pdf>



Rotary Club of Cupertino



- Our mission is service
- Fellowship & generosity of members is our fuel
- Healthy communities are the goal



Partnership is Everything

Some of our most important local partners



Sow Goodwill
Harvest Hope



Addressing Important Needs



Key “Avenues of Service”

- Unmet needs of local community (food, housing, family support, companionship)
- Youth development and opportunity (education, leadership training)
- Workforce development (skills development, re-entry opportunities, scholarships for higher education)
- Climate awareness and protection
- International development, relationships, and peace-building

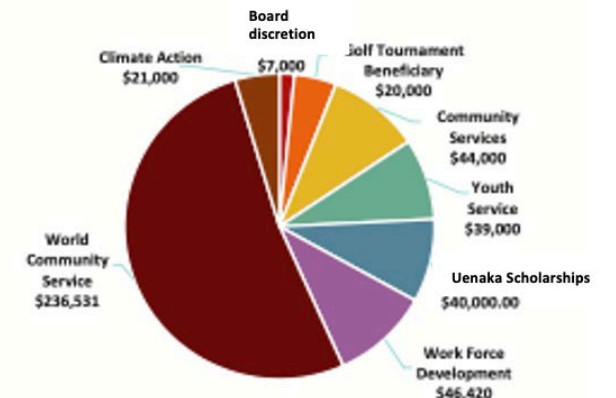
OVER 12,000 VOLUNTEER HOURS SPENT

As significant as the dollars raised, is the amount of time committed by Cupertino Rotarians to accomplish our goals. Cupertino Rotarians spent countless hours organizing and operating fundraising programs, doing hands-on community and youth projects, and traveling to distant countries to visit our international projects. The time commitment of our Rotarians is a testament to our dedication to the Rotary motto of Service Above Self.

Uses of Charitable Funds

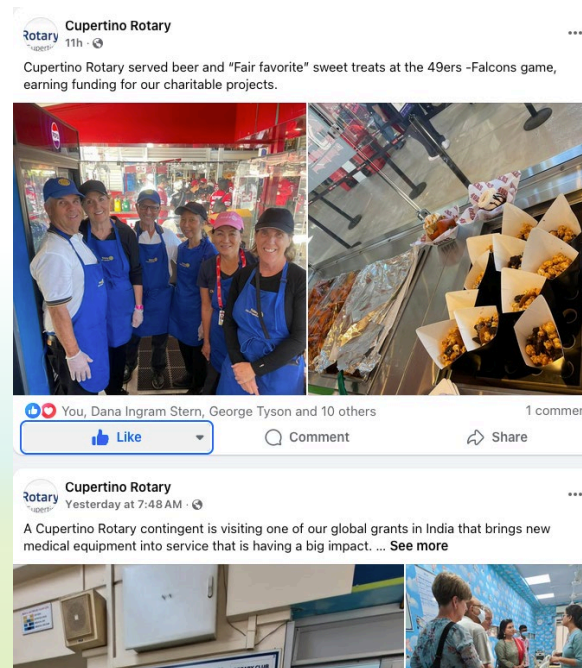
100 percent of the money we raise from our fundraisers goes to charitable causes. The majority is used for a wide variety of International, Community, Youth, Climate Action, and Workforce Development projects championed by our club members. See the breakdown of project areas below.

Charitable Giving: \$453,951
Budgeted in RY 24-25



Join us! All are welcome

- Part of a worldwide network -- 1.2 million strong
- 207 members in Cupertino chapter
- Weekly meetings with inspiring and informative speakers –guests are welcome
- Follow us on Facebook, IG
- www.CupertinoRotary.org



CC 10-21-2025

Item #4

Recognition of Monta
Vista High School for 8th
place in 2025 Math
Olympiad National
Tournament

Written Communications

Thank You City Council!

- Rupal Bhattacha

Thank you CUPERTINO CITY COUNCIL for taking the time
and effort to commemorate our hard work
and achievement!

With best regards,
Renan Babu

Thank you City Council!

- Shriya Patil

Thank you
city council for
taking the time to
recognize us!

Eldina Pan

Thank you for your
recognition!

- Nimal Kumar

Dear Cupertino Council,
Thank you for the recognition!
- Anirudh Sainarayanan

Thank you Cupertino City Council for
taking the time to recognize us!

- Takuji K

Thank you so much for your
support and recognition!
- Harvey Lei



Thank you CUPERTINO CITY COUNCIL for
taking the time to recognize us!

- Ella Yau

Thank you for supporting us! - Alicia Xie

To you!

Thank you for your support!

- Samarth Kushyap

Thank you for
the recognition and
all the support you
give us!

- Pragna Rana

CC 10-21-2025

Item #6

Ratifying Accounts
Payable for periods ending
September 12, 2025 and
September 26, 2025

Written
Communications

From: [Jean Bedord](#)
To: [City Council](#); [Cupertino City Manager's Office](#); [City Attorney's Office](#); [City Clerk](#)
Subject: Agenda Item #6: Legal Services - Legal services, Accounts Payable, Oct. 21, 2025 City Council
Date: Tuesday, October 21, 2025 3:39:39 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.

Please include in the public record for this meeting

Mayor Chao, Vice-Mayor Moore, Councilmembers Fruen, Mohan and Wang,

In reviewing the payment register for September, I am dismayed by the bills for legal services provided by the contract city attorney, Floy Andrews of Aleshire & Wynder, both this month and previous months. Here's the amounts:

- * \$ 22,858.50 February services paid in March - partial month after Chris Jensen left
- * \$ 74,775.60 March services paid in April
- * \$150,495.50 April services paid in July
- * \$113,650.20 May services paid in July
- * \$134,907.65 June services paid September (this month's payment register)
- * ????
- * ????
- * ????

*** \$496,687.35 of known expenses for legal services slightly over 4 months of legal work.** This does not include the \$20,000 for the private investigator hired to investigate the former city manager (insufficient evidence). At this rate, the contract city attorney's firm will **bill over \$1 million to the city of Cupertino for legal services.**

Mayor Chao is responsible for signing off on these legal bills; she is also responsible for scheduling meetings which the interim city attorney attends on billable time. Here are some of the contributors to these excessive billings:

- * Overly long council meetings
- * Numerous closed sessions, even if the item is an just an update
- * Special meetings, such as the Measure A endorsement letter
- * Questionable legal advice, i.e. the jurisdictional authority over DeAnza College and their purchase of the McClellan Terrace Apartments, and Builder's Remedy projects.
- * Excessive redaction of PRAs (Public Record Action)

Council members should be provided with the Monthly Billing Summary on a more timely basis than Accounts Payable. I urge **Vice-Mayor Moore and other members of council to more closely examine the cost of legal services by Aleshire & Wynder**, providing feedback to Mayor Chao on how these could be reduced.

Resident concerned about fiscal responsibility,
Jean

CC 10-21-2025

Item #9

Planning Commission
Resolution
Recommendation to City
Council

Written Communications

RESOLUTION NO. 2025-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
CUPERTINO RECOMMENDING THAT THE CITY COUNCIL ADOPT
AN ORDINANCE TO AMEND MULTIPLE CHAPTERS OF THE
MUNICIPAL CODE TO MAKE MINOR TEXT EDITS
FOR IMPROVED CLARITY AND CONSISTENCY

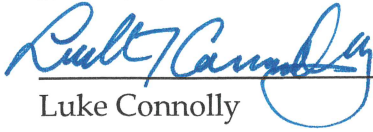
The Planning Commission recommends that the City Council:

1. Determine that Project is exempt under the requirements of the California Quality Act of 1970, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment. CEQA applies only to projects which have the potential of causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the amendments to the City Code would have no or only a de minimis impact on the environment. The foregoing determination is made by the City Council in its independent judgment.
2. Adopt the proposed amendments to the Municipal Code as indicated in Exhibit A with the following modifications:
 - Remove proposed amendments unrelated to SB 450 compliance, minor text edits to correct typos, updated references, and ensuring internal Code consistency.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Cupertino this 9th day of September, 2025, by the following roll call vote:

AYES: COMMISSIONERS: Rao, Kosolcharoen, Lindskog, Scharf, and Fung
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

ATTEST:



Luke Connolly
Assistant Director of Community
Development

APPROVED:



Santosh Rao
Chair, Planning Commission

ORDINANCE NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
CUPERTINO RECOMMENDING THAT THE CITY COUNCIL ADOPT
AN ORDINANCE TO AMEND MULTIPLE CHAPTERS OF THE
MUNICIPAL CODE TO MAKE MINOR TEXT EDITS
FOR IMPROVED CLARITY AND CONSISTENCY**

The City Council of the City of Cupertino finds that:

1. WHEREAS, the City Council desires to have objective standards applicable to projects that are clear and understandable to ensure orderly development; and
2. WHEREAS, the Ordinance amends the City's Municipal Code as set forth in Exhibit A to clarify the development standards to be applied to two-lot subdivisions and duplex development, and to clarify existing standards within the Municipal Code to better align with internal policies and practices ; and
3. WHEREAS, the Ordinance is consistent with the City's General Plan and the public health, safety, convenience, and general welfare; and
4. WHEREAS, in the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment. CEQA applies only to projects which have the potential of causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the amendments to the City Code would have no or only a de minimis impact on the environment. The foregoing determination is made by the City Council in its independent judgment; and
5. WHEREAS, following necessary public notices given as required by the procedural ordinances of the City of Cupertino and the Government Code, the Planning Commission held a public hearing on September 9, 2025 to consider the Ordinance; and
6. WHEREAS, on September 9, 2025, by Resolution 2025-15, the Planning Commission recommended on a unanimous vote that the City Council adopt the proposed Municipal Code Amendment to clarify development standards; and
7. WHEREAS, on October 7, 2025, upon due notice, the City Council has held at least one public hearing to consider the Municipal Code Amendment; and
8. WHEREAS, the City Council of the City of Cupertino is the decision-making body for this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUPERTINO DOES ORDAIN AS FOLLOWS:

SECTION 1: Adoption.

The Cupertino Municipal Code is further amended as set forth in Exhibit A.

SECTION 2: Severability and Continuity.

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of such portion, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Cupertino Municipal Code, these provisions shall be construed as continuations of those provisions and not as an amendment to or readoption of the earlier provisions.

SECTION 3: California Environmental Quality Act.

Determine that Project is exempt under the requirements of the California Environmental Quality Act (CEQA) of 1970, and CEQA Guidelines (collectively, "CEQA") subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment. CEQA applies only to projects which have the potential of causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the amendments to the City Code would have no or only a de minimis impact on the environment. The foregoing determination is made by the City Council in its independent judgment.

SECTION 4: Effective Date.

This Ordinance shall take effect thirty days after adoption as provided by Government Code Section 36937.

SECTION 5: Publication.

The City Clerk shall give notice of adoption of this Ordinance as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be prepared by the City Clerk and published in lieu of publication of the entire text. The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the Ordinance listing the names of the City Council members voting for and against the ordinance.

INTRODUCED at a regular meeting of the Cupertino City Council on October 7, 2025 and **ENACTED** at a regular meeting of the Cupertino City Council on October 21, 2025 by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Liang Chao, Mayor City of Cupertino	_____ Date
ATTEST: _____ Kirsten Squarcia, City Clerk	_____ Date
APPROVED AS TO FORM: _____ Floy Andrews, City Attorney	_____ Date

EXHIBIT A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO TO AMEND MULTIPLE CHAPTERS OF THE MUNICIPAL CODE TO MAKE MINOR TEXT EDITS FOR IMPROVED CLARITY AND CONSISTENCY

The sections of the Cupertino Municipal Code set forth below are amended or adopted as follows:

*Text added to existing provisions is shown in bold double-underlined text (**example**) and text to be deleted is shown in strikethrough (~~example~~). Text in existing provisions is not amended or readopted by this Ordinance. Text in italics is explanatory and is not an amendment to the Code.*

Chapter 14.15

1. Update to Section 14.15.020 (A) (1) – Table 14.15.020 to reflect that a Landscape Documentation Package is required for projects with a landscape area of equal to or greater than 2,500 square feet, consistent with CCR Title 23, § 490.1:

Type of Permit	Total Landscape Area	Requirement
Building Permits		
New home in R1, RHS, A1 or R2 Zones	< 500 s.f.	Prescriptive Compliance Application (Appendix A) - Informational only
	500 s.f. - 2, 500 <u>499</u> s.f.	Prescriptive Compliance Application (Appendix A) or Landscape Documentation Package (Sec. 14.15.050)
	<u>> ≥</u> 2,500 s.f.	Landscape Documentation Package (Sec. 14.15.050)
Planning Permit or Grading Permit		
New home in R1, RHS, A1 or R2 Zones	<500 s.f.	Prescriptive Compliance Application (Appendix A) - Informational only
	500 s.f. - 2, 500 <u>499</u> s.f.	Prescriptive Compliance Application (Appendix A) or Landscape Documentation Package (Sec. 14.15.050)
	<u>> ≥</u> 2,500 s.f.	Landscape Documentation Package (Sec. 14.15.050)

Commercial, industrial, office, multiple-family residential, townhome, public and institutional projects	$\leq \leq 2,500$ s.f.	Prescriptive Compliance Application (Appendix A) or Landscape Documentation Package (Sec. 14.15.050)
	$\geq \geq 2,500$ s.f.	Landscape Documentation Package (Sec. 14.15.050)
Any landscape installation or rehabilitation project	$\leq 2,500$ s.f.	Prescriptive Compliance Application (Appendix A) - Informational only
	$\geq \geq 2,500$ s.f.	Landscape Documentation Package (Sec. 14.15.050)
New and rehabilitated cemeteries	>0 s.f.	Water Budget Worksheet (Appendix B) Landscape and Irrigation Maintenance Schedule (Sec. 14.15.120) Landscape Installation Report (Sec. 14.15.130)
Existing and established landscapes, including cemeteries	>1 acre	Water Budget Worksheet (Appendix B) Audit of Established Landscapes (Sec. 14.15.150)

Chapter 14.18

2. Reorder Chapter 14.18 to improve readability:

Existing	Proposed
14.18.010 Purpose.	14.18.010 Purpose.
14.18.020 Definitions.	14.18.020 Definitions.
14.18.0 34 0 Actions Prohibited.	14.18.030 Protected Trees.
14.18.0 41 8 0 Retention Promoted.	14.18.040 Actions Prohibited.
14.18.0 53 0 Protected Trees.	14.18.050 Penalty.
14.18.0 20 6 0 Plan of Protection.	14.18.060 Exemptions.
14.18.0 71 5 0 Heritage Tree Designation.	14.18.070 Application and Approval Authority for Tree Removal Permit.
14.18.0 81 6 0 Heritage Tree List.	14.18.080 Action by Director.
14.18.0 91 7 0 Heritage Tree Identification Tag.	14.18.090 Notice and Posting.
14.18.1 09 0 Recordation.	14.18.100 Tree Replacement.
14.18.1 41 0 70 Application and Approval Authority for Tree Removal Permit.	14.18.110 Review, Determination and Findings.
14.18.1 20 8 0 Action by Director.	14.18.120 Notice of Action on Permit - Appeal.
14.18.1 30 9 0 Notice and Posting.	14.18.130 Retroactive Tree Removal Permit.
14.18.140 Tree Management Plan.	14.18.140 Tree Management Plan.
14.18.1 50 6 0 Exemptions.	14.18.150 Heritage Tree Designation.
14.18.1 60 0 Tree Replacement.	14.18.160 Heritage Tree List.
14.18.1 73 0 Retroactive Tree Removal Permit.	14.18.170 Heritage Tree Identification Tag.
	14.18.180 Retention Promoted.

14.18.1 81 <u>92</u> 0 Review, Determination and Findings. 14.18.1 92 <u>20</u> Notice of Action on Permit - Appeal. 14.18.2 01 <u>10</u> Protection During Construction. 14.18.2 12 <u>20</u> Protection Plan Before Demolition, Grading or Building Permit Granted. 14.18.2 20 <u>05</u> 0 Penalty.	14.18.190 Recordation. 14.18.200 Plan of Protection. 14.18.210 Protection During Construction. 14.18.220 Protection Plan Before Demolition, Grading or Building Permit Granted.
--	--

3. Update Section 14.18.100 (previously Section 14.18.160) - Replacement Tree Guidelines for consistency with Section 14.18.030.

Diameter of Trunk Size of Removed Tree (Measured 4½ feet above grade)	Replacement Trees
Up to 12 inches*	One 24" box tree
Over 12 inches and up to 36 18 inches Over 18 inches and up to 36 inches	Two 24" box trees or One 36" box tree
Over 36 inches	One 36" box tree
Heritage tree	One 48" box tree
* Does not apply to R1, A1, A, RHS, and R2 zones except <u>to approved development trees(s), and approved required-privacy protection plantings</u> trees in R-1 zones.	

4. Modify Section 14.18.200 (B) (previously Section 14.18.060 (B)) to clarify standards and ensure consistency with Zoning Ordinance:

B. Privacy planting in R-1 zoning districts shall be maintained by the property owner of the lot on which the privacy planting specimens are located. Landscape planting maintenance includes irrigation, fertilization, and pruning, as necessary, to yield a growth rate expected for a particular species. Where existing privacy plantings are approved for removal or dies, replacement privacy trees must be planted it must be replaced within thirty days with-in the same location, size and with the same species, and of the same size as the tree(s) being replaced, unless the location, species, or size is determined to be infeasible by the Director of Community Development. If an alternative location is proposed due to infeasibility of replanting in the same location, as determined by the Director, the alternative location must continue to provide screening of the privacy viewshed, as defined in Section 19.28.120 (C) (2) (a), described in Ordinance No. 1799 (privacy protection) and its appendix. The affected property owner, with privacy protection planting on his or her lot, is required to maintain the required planting and shall be required to comply with Section 14.18.100.

5. Update references in Section 14.18.020 to reflect re-ordered sections:

N. "Protected tree" means any class of tree specified in Section 14.18.0~~53~~30.

P. "Specimen tree" means any class of tree specified in Section 14.18.0~~53~~30 ~~(B)~~.

T. "Tree removal permit" means a permit for tree removal of any protected trees pursuant to Section 14.18.0~~53~~30.

6. Update references in Section 14.18.040 (B) (previously Section 14.18.030 (B)) to reflect re-ordered sections:

B. It is unlawful to remove any protected tree in any zoning district without first obtaining a tree removal permit as required by Section 14.18.~~1407~~0, unless a permit is not required per Section 14.18.~~1506~~0.

7. Update references in Section 14.18.030 (previously Section 14.18.050) to reflect re-ordered sections:

Except as otherwise provided in Section 14.18.1~~73~~0, the following trees shall not be removed without first obtaining a tree removal permit:

8. Update references in Section 14.18.150 (B) (previously Section 14.18.070 (B)) to reflect re-ordered sections:

B Application. In addition to requirements of Section 14.18.~~1407~~0, an application for a heritage tree designation shall include:

9. Update references in Section 14.18.190 (previously Section 14.18.100) to reflect re-ordered sections and to make timelines consistent with current processes:

Heritage trees~~s~~, privacy plantings~~s~~, and approved development trees are required to be retained as part of an application under Section 14.18.0~~53~~30C. and Section 14.18.0~~53~~30D. and shall have retention information placed on the property deed via a conservation easement in favor of the City, private covenant, or other method as deemed appropriate by the Director. The recordation shall be completed by the property owner prior to final map or ~~final~~ building permit ~~inspectionissuance~~, or at a time as designated by the Director of Community Development when not associated with a final map or ~~final~~ building permit ~~inspectionissuance~~.

10. Update references in Section 14.18.070 (previously Section 14.18.110) to reflect re-ordered sections:

No person shall directly or indirectly remove or cause to be removed any protected tree without first obtaining a tree removal permit, unless such tree removal is exempt per Section 14.18.~~1506~~0. An application for a tree removal permit shall be filed with the Department of Community Development and shall contain the following information based on the size and type of the protected tree:

...

c. Notice and posting per Section 14.18.~~1309~~0.

...

B. Maximum tree removal cap. In the R1, A1, A, RHS, and R2 zones, an applicant may remove up to six mature specimen trees or five percent of mature specimen trees on the property (whichever is greater) with a single-trunk between twelve and twenty-four inches (multi-trunk between twenty-four and forty-eight inches) within a thirty-six month period. The thirty-six month period will start from the date of the approved tree removal permit. Applications requesting to remove additional trees within a thirty-six month period will require an arborist report and notification per Section 14.18.~~1309~~0.

...

1. The Director of Community Development shall have the final review and determination on applications for protected tree removals in accordance with Section 14.18.~~1208~~0; except for heritage tree removals and tree removals in conjunction with development applications. The Director of Community Development may refer the application to the Planning Commission ~~another approval authority~~ for a report and recommendation.

11. Update references in Section 14.18.080 (previously Section 14.18.120) to reflect re-ordered sections:

Upon receipt of a complete tree removal permit application, the Director of Community Development or his or her authorized representative will:

- A. Review the application pursuant to Section 14.18.~~181~~0;
- B. At the Director's discretion, conduct a site visit, within fourteen days, to inspect the tree(s) for which removal is requested. Priority of inspection shall be given to those requests based on hazard or disease; and
- C. Send notices or schedule a hearing in accordance with requirements in Section 14.18.~~1309~~0 and Chapter 19.12.

12. Update references in Section 14.18.090 (previously Section 14.18.130) to reflect re-ordered sections:

- A. Notice and posting shall be provided as indicated in Sections 19.12.030 and 19.12.110F for the following tree removal permits:
 - 1. Mature specimen trees with single trunk over twenty-four inches DBH or for multi-trunk over forty-eight inches DBH;
 - 2. Heritage trees;
 - 3. Privacy planting trees;
 - 4. Approved development trees; and
 - 5. Mature specimen trees exceeding the maximum tree removal cap (Section 14.18.~~1107~~0B).
- B. Where approval of a tree removal permit that is subject to the notice and posting requirements of this section is granted by the City, the property owner shall retain the posted notice on site until the tree is removed.
- C. Specimen trees with single trunk under twenty-four inches DBH or multi-trunk under forty-eight inches DBH, and trees listed under exemptions in Section 14.18.~~1506~~0 do not require notice or posting.

13. Update references in Section 14.18.140 to reflect re-ordered sections:

7. Notice and posting to residence, Section 14.18.~~1309~~0.

...

C. Recordation. The property owner shall have retention information placed on the property in accordance with Section 14.18.1~~09~~0, referring to the approved tree management plan, upon approval.

14. Update references in Section 14.18.060 (B) (previously Section 14.18.150 (B)) to reflect re-ordered sections:

B. The following circumstances warrant the removal of trees prior to securing a permit from the City; however, a tree removal permit application, with no application fees or noticing required, must be filed within five working days as described in Sections 14.18.1~~73~~0. Tree replacements may be required in conjunction with approval of this tree removal permit (Section 14.18.1~~60~~0):

- 1. Removal of a protected tree in case of emergency caused by the hazardous or dangerous condition of a tree, requiring immediate action for the safety of life or property, including but not limited to, (e.g., a tree about to fall onto a principle dwelling due to heavy wind velocities, a tree deemed unsafe, or a tree having the potential to immediately damage existing or proposed essential structures), but only upon order of the Director of Community Development, or any member of the sheriff or fire department. However, a subsequent application for tree removal must be filed within five working days as described in Sections 14.18.~~1107~~0 through 14.18.~~1208~~0. The Director

of Community Development will approve the retroactive tree removal permit application and may require tree replacements in conjunction with the approval. No application fee or other approval process shall be required in this situation.

2. Dead trees, as determined by the Director of Community Development prior to removal. However, a subsequent application for a tree removal must be filed within five working days as described in Section 14.18.11070 through 14.18.12080. The Director of Community Development will approve the retroactive tree removal permit application and may require tree replacements in conjunction with the approval. No application fee or other approval process shall be required in this situation.

15. Update references in Section 14.18.100 (previously Section 14.18.160) to reflect re-ordered sections:

1. The approval authority may impose the following replacement standards for approval of each tree to be removed in conjunction with an approved tree removal permit, unless deemed otherwise by the approval authority. Table 14.18.1600A may be used as a basis for this requirement.

Table 14.18.1600A - Replacement Tree Guidelines

16. Update references in Section 14.18.110 (D) (previously Section 14.18.180 (D)) to reflect re-ordered sections:

D. The approval authority may require tree replacement(s) or accept a tree replacement in-lieu fee per Section 14.18.1600 in conjunction with a tree removal permit.

17. Update references in Section 14.18.220 (previously Section 14.18.210) to reflect re-ordered sections:

A. A plan to protect trees described in Section 14.18.2010 shall be submitted to the Director of Public Works and to the Director of Community Development prior to issuance of a demolition, grading or building permit. The plan shall be prepared and signed by a licensed landscape architect or arborist certified by the International Society of Arboriculture and shall be approved by the Director of Community Development. The Director of Community Development shall evaluate the tree protection plan based upon the tree protection standards contained in Appendix A at the end of this chapter.

18. Update references in Section 14.18.050 (previously Section 14.18.220) to reflect re-ordered sections:

Violation of this chapter is deemed an infraction unless otherwise specified. Any person or property owners, or his or her agent or representative who engages in tree cutting or removal without a valid tree removal permit is guilty of an infraction as outlined in Chapter 1.12 of this code and/or may be required to comply with Sections 14.18.1~~60~~0 and 14.18.1~~73~~0.

19. Update references in Chapter 14.18 Appendix A to reflect re-ordered sections:

The purpose of this appendix is to outline standards pertaining to the protection of trees described in Section 14.18.2~~0~~10 and Section 14.18.2~~12~~0 of Chapter 14.18. The standards are broad. A licensed landscape architect or International Society of Arboriculture certified arborist shall be retained to certify the applicability of the standards and develop additional standards as necessary to ensure the property care, maintenance, and survival of trees designated for protection.

20. Update references in Chapter 14.18 Appendix B to reflect re-ordered sections:

REFERENCE PHOTOS OF SPECIMEN TREES PROTECTED IN ACCORDANCE WITH
SECTION 14.18.0~~53~~0B

21. Update Section 14.18.030 (C) (previously Section 14.18.050 (C)) for clarification of applicability:

C. Approved development trees(s), including trees on properties in a Planned zoning designation.

22. Update references in Section 14.18.070 (A) (2) (b) (previously Section 14.18.110) to clarify review requirements:

b. An arborist report from an arborist certified by the International Society of Arboriculture, subject to third-party peer review under the direction of the City at the applicant's cost, or a deposit for preparation of an arborist report by a City contracted arborist.

Chapter 18.20

23. Add Section 18.20.180 to incorporate relocated standards for Ministerial Approval of Urban Lot Splits from the Zoning Ordinance:

18.20.180 Subdivision Standards for Two-Lot Subdivisions in Single-Family Residential Zones.

A. <u>Lot Configuration</u>	
1. <u>Single-Family Residential Zones (R1)</u>	a. <u>No more than two new, non-curved property lines may be added to create a new lot.</u> b. <u>Existing interior lots or pie shaped lots with either (i) 60 feet or more street frontage, or (ii) more than 75 feet of street frontage and a lot depth of up to 145 feet, shall result in a street frontage that is between 40-60% of the existing street frontage of the lot being subdivided. Resulting lots shall have a side-by-side orientation and shall not create a landlocked parcel.</u> c. <u>Existing interior lots or pie shaped lots with more than 75 feet of street frontage and a lot depth of more than 145 feet, may be subdivided in one of the following ways:</u> i. <u>Resulting lots shall have a street frontage that is at least 40% of the existing street frontage of the lot being subdivided. Lots shall have a side-by-side orientation and shall not create a landlocked parcel; or</u> ii. <u>One of the resulting lots shall be a flag lot with access to the street. The buildable area of the flag lot shall span the entire distance between the two side property lines that intersect with the front property line of the lot being subdivided.</u> d. <u>Existing interior lots or pie shaped lots with less than 60 feet of street frontage shall result in one flag lot with access to the street. The buildable area of the flag lot shall span the entire distance between the two side property lines that intersect with the front property line of the lot being subdivided.</u> e. <u>Existing flag lot subdivision shall result in lots in the same orientation as the existing lot (i.e., the existing front lot line must be the front lot line of the future lots and the existing rear lot line shall be the rear lot line of the future lots) and that are between 40-60% of the lot width of the lot being subdivided.</u> f. <u>Corner lots shall be subdivided in a manner that splits the existing street side property line to create at least one front lot line on that frontage.</u>
2. <u>Residential Hillside Zones (RHS)</u>	a. <u>Up to two new property lines may be added to create a new lot and shall follow the contours of the property.</u>

	b. <u>Each resulting lot shall share one common driveway. If an existing driveway or curb cut exists, a new driveway or curb cut location shall not be approved.</u> c. <u>If in an area where direct sanitary sewer connection is unavailable, a percolation test completed within the last five years, or if the percolation test has been recertified, within the last 10 years, must be provided.</u> d. <u>Building pads shall be identified on the flattest portion of a lot, closest to an existing driveway. Where no driveway exists, building pads shall be identified on the flattest portion of the lot, closest to the access road unless doing so would result in a combined grading total greater than that required for siting elsewhere on the lot.</u> e. <u>No new or expanded structures shall encroach upon any existing public or private utility easements.</u> f. <u>A cumulative total of 1,250 cubic yards, cut plus fill (including grading for building pad, yard areas, driveway, all other areas requiring grading, and basements), except if the original lot that was subdivided has already performed prior grading, then the amount of grading that has previously occurred shall be reduced from the maximum grading quantity allowed cumulatively on the two resulting lots.</u>
--	--

24. Modify Section 18.20.170 (H) to reference proposed Section 18.20.180:

H. Objective Subdivision Standards for Ministerially Approved Lot Splits. In addition to any applicable objective subdivision standards in this Title or the Subdivision Map Act and the requirements of Government Code Section 66411.7, a lot split approved pursuant to this Section must, to the maximum extent permissible under Government Code Section 66411.7, comply with the objective standards including but not limited to objective standards for urban lot splits set forth in Sections 18.20.180, 19.28.060, and 19.40.050.

Chapter 18.52

1. Add Section 18.52.030 (B) (4) to reference proposed Section 18.20.180

B. Lot Configuration.

4. In addition to the requirements of this Chapter, Hillside Subdivisions for two-lot subdivisions shall also apply the standards of Section 18.20.180.

Chapter 19.08

25. Update Section 19.08.030, to add "Balcony" definition:

"Balcony" means a horizontal platform that is:

- 1. Either recessed or projected out from the walls of a building; and**
- 2. Above the first floor; and**
- 3. Without support from the ground or floors directly below; and**
- 4. Surrounded by a rail, balustrade, or parapet on at least one side; and**
- 5. Accessible from the building's interior; and**
- 6. Not directly accessible from the ground.**

In the event of a conflict between this definition and the requirements of State law (e.g. California Building Code), the requirements of State law shall prevail. The definition of balcony does not include decks or exterior corridors.

26. Update Section 19.08.030, "Bay Window" definition:

"Bay window" means a projecting window element that is not an extension of the floor area and does not incorporate any useable space for seating or other purposes.

Additionally, a bay or projecting window shall:

Be a projection of windows, not walls;

Be cantilevered no more than twenty-four inches, **horizontally**, from an exterior wall;

Be a minimum of twenty-four inches from the finished floor;

Not create a projection of the floor;

Not occupy more than 50% of an **interior exterior** wall face.

These limitations do not apply to bay windows which have been counted towards floor area and meet required setbacks.

27. Update Section 19.08.030, to add "Deck" definition:

"Deck" means a platform other than a balcony that is:

- 1. Either freestanding or attached to a building, and**
- 2. Supported by the ground, pillars, posts, walls, or floors below, and**
- 3. Accessible from interior building space.**

A deck may be located at ground level or on higher floors, and may be surrounded by railings, balustrades or similar structures for safety purposes.

28. Update Section 19.08.030, "Floor Area" definition:

"Floor area" means the total area of all floors of a building measured to the outside surfaces of exterior walls, and including the following:

1. Halls;
2. ~~Base of s~~Stairwells at each floor;
3. ~~Base of e~~Elevator shafts at each floor;
4. Services and mechanical equipment rooms;
5. Interior building area above fifteen feet in height between any floor level and the ceiling above;
6. Residential basements in the A, A1, R1 and RHS zoning districts with lightwells that do not conform to Section 19.28.070(I);
7. Residential basements in the R1 and RHS zoning districts on projects pursuant to Government Code section 65852.21
8. Residential garages;
9. Substantially enclosed Roofed arcades, plazas, walkways, porches, breezeways, porticos, courts, and similar features ~~substantially enclosed by exterior walls~~;
10. Substantially enclosed balconies and decks above the first floor;
11. Sheds and accessory structures.

"Floor area" shall not include the following:

1. Residential basements in the R1 and RHS zoning districts with lightwells that conform to Section 19.28.070(I);
2. Required lightwells;
3. Attic areas;
4. Parking facilities, other than residential garages, accessory to a permitted conditional use and located on the same site;
5. Roofed arcades, plazas, walkways, porches, breezeways, porticos, courts and similar features not substantially enclosed by exterior walls.

29. Update Section 19.08.030, to add "Front Entry Porch" definition:

"Front Entry Porch" means outdoor steps, stairs, and/or a raised platform less than 50 square feet in area, located immediately adjacent to the primary entry of a building for the purpose of providing pedestrian access from the outdoor ground elevation to a building interior. If the platform portion of a front entry porch (not including steps) is more than 50 square feet or has a proportionately greater width than its height, the structure is considered a porch.

30. Update Section 19.08.030, to clarify the definition of "Height, Entry Feature":

"Height, Entry Feature" means a vertical distance measured parallel to the natural grade to the top of the wall plate. Entry features shall be limited to a maximum height of fourteen feet.

31. Update Section 19.08.030, "Lot" definition:

"Lot" means a parcel or portion of land separated from other parcels or portions by description, as on a subdivision or record of survey map, or by metes and bounds, for purpose of sale, lease or separate use.

1. "Corner lot" means a lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.
2. "Flag lot" means ~~an interior~~ lot with a long, narrow portion of the lot, or parcel of land not otherwise meeting the requirement of this title for lot width that consists entirely of and provides the sole means of vehicular connection between the buildable area of the lot and an abutting street.
3. "Interior lot" means a lot other than a corner lot or a flag lot.
4. "Key lot" means the first lot to the rear of a corner lot, the front line of which is a continuation of the side lot line of the corner lot, and fronting on the street which intersects or intercepts the street on which the corner lot fronts.
5. "Pie-shaped lot" means an interior lot, that is not a flag lot, where the front lot line abuts a cul-de-sac, and a) is at least 20% shorter than the rear lot line or b) has five or more lot lines.

32. Update Section 19.08.030, "Lot area" definition:

"Lot Area" means:

1. **"Gross lot area" means the area of a lot measured horizontally between boundary lot lines.**
2. **"Net Lot area" means the area of a lot measured horizontally between boundary lot lines, but excluding a portion of a flag lot providing access to a street and lying between a front lot line and the street, and excluding any portion of a lot within the lines of any natural watercourse, river, stream, creek, waterway, channel or flood control or drainage easement and excluding any portion of a lot acquired, for access and street right-of-way purposes, in fee, easement or otherwise.**

33. Update Section 19.08.030 to add "Porch" definition:

"Porch" means outdoor steps, stairs, and/or a raised platform, located immediately adjacent to an entrance to a residential structure for the purposes of providing pedestrian access from the outdoor ground elevation to a building interior and/or private, recreational open space. A porch differs from a front entry porch or a front entry feature, which has a proportionately greater height than its width and is less than 50 square feet in area.

34. Update Section 19.08.030, “Setback Line” definition:

"Setback line" means a line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side, or rear yard, or the boundary of any public right-of-way or private ~~road~~street, whether acquired in fee, easement, or otherwise, or a line otherwise established to govern the location of buildings, structures or uses. Where no minimum front, side, or rear yards are specified, the setback line shall be coterminous with the corresponding lot line, or the boundary of any public right-of-way or private road, whether acquired in fee, easement, or otherwise, or a line otherwise established to govern the location of buildings, structures or uses.

35. Update Section 19.08.030, “Useable Rear Yard” definition to make spelling of usable consistent:

"Useable rear yard" means that area bounded by the rear lot line(s) and the rear building line extended to the side lot lines. The side yard adjacent to a proposed minor addition (e.g., addition equaling ten percent or less of the principal structure) may be included in calculation of usable rear yard area.

36. Revise Appendix C of Chapter 19.08 to correct spelling of sight:

Appendix C: Cupertino Standard Detail 7-6 Sidewalk ~~Sight~~Triangle (Sidewalk Clearance at Driveways).

Chapter 19.12

37. Update Section 19.12.020 (A) to reference correct sections:

A. In the A, A1, R-1 and RHS Zones, the following activities:

1. Conditional uses in accord with Chapter 19.20, Chapter 19.24, Chapter 19.28, and Chapter 19.40;
2. Removal of protected trees identified in Chapter 14.18;
3. Projects in R-1 zones identified in Section 19.28.040;
4. Height Exceptions identified in Section 19.24.0~~75~~50(B)(3);
5. Hillside Exceptions identified in Section 19.44~~0~~0.070, Section 19.40.050, and Chapter 19.48;
6. Parking Exceptions identified in Chapter 19.124;
7. Fence Exceptions identified in Chapter 19.48;
8. Variance to all other zoning regulations.

38. Update portions of Table 19.12.030 to reference correct sections:

Type of Permit or Decision ^{A, B}	Administrative Review ^{A,B}	Arts and Culture Commission	Planning Commission	City Council	Public Hearing/ Public Meeting/ Comment Period ^C	Noticing Radius ^D	Posted Site Notice	Expiration Date ^E	Chapter/ Findings
Development Agreements	-	-	R	F	PH	CA. Govt. Code 65867	Yes	-	19.144.1 2 <u>1</u> 0
Development Permits									
Major ^{F, H}	-	-	F/R	A ¹ /F	PM	19.12.110/ 300'	Yes	2 Years	19.156.0 5 <u>4</u> 0
Minor ^G	F	-	A ¹	A ²	PM		Yes	2 Years	
Conditional Use Permits									
Major ^{F, H, I}	F	-	A ¹ /F/R	A ¹ / A ² /F	PH	CA. Govt. Code 65905	Yes	2 years	19.156.0 5 <u>4</u> 0
Hillside Exception/ Height Exception/ Heart of the City Exception ^I	-	-	F	A ¹	PH	19.12.110/300'	Yes	2 years	19.40.080, 19.24.0 7 <u>5</u> 0, 19.136.090
Variance	F	-	A ¹	A ²	PH	CA. Govt. Code 65905	Yes	2 years	19.156.0 6 <u>5</u> 0
Parking Exceptions ^I	F	-	FA ¹	A ¹ /A ²	Varies ^M	19.12.110/ Adjacent/ 300' ^N	Yes	1 year	19.124.0 5 <u>6</u> 0
Protected Trees									
Tree Removal	F	-	A ¹	A ²	CP	Adjacent, unless exempt	Yes, unless exempt	1 year	14.18.1 8 <u>1</u> 0

39. Clarify language of footnote K of Table 19.12.030:

Minor Architectural and Site Approval application - single family home in a planned development zoning district; minor building architectural modifications; landscaping, signs ~~and or~~ lighting for new development; permanent supportive housing with up to 6 units subject to by-right processing as required by Government Code Section 65650 et seq.; redevelopment or modification in such zones where review is required; and minor modifications of duplex and multi-family buildings.

40. Add Section 19.12.080 (D) and (E) to clarify the City's policy for inactive permits and demolition of residential units:

D. Expiration of Application. If an applicant does not provide the information and materials necessary for a pending application to be deemed complete and/or consistent, pursuant to state law, within 180 calendar days after notification of incompleteness or inconsistency the application shall be deemed withdrawn. The Director may grant one 180 calendar day extension upon written request by the applicant, submitted prior to the expiration of the first 180-day period. After expiration of the application and extension, if granted, a new application, including fees, plans, exhibits, and other materials will be required to commence processing of any project on the same property.

E. Demolition of Residential Units.

- a. **No permit shall be issued for the demolition of a residential unit, unless building permit plans for a replacement project have been approved and issued; or**
- b. **Where demolition of a residential unit is required to allow for the recordation of an approved tentative map, no permit shall be issued for the demolition of a residential unit, unless building permit plans for a replacement project are ready for issuance following recordation of the associated map. Demolition of a residential unit to comply with Code Enforcement action may be permitted.**

41. Update Section 19.12.110 (D) (1) in accordance with SB1214 (CCG Section 65103.5):

- D. Notice of Comment Period: For projects requiring notice of a comment period, notice shall be mailed in accordance with 19.12.110A(2) and A(~~53~~), fourteen calendar days prior to the date of action on the application.
1. For permits issued pursuant to Chapter 19.28, Single Family Residential, the mailed notice shall include a copy of the site plan and elevation plans of the proposed project, **unless plans contain protected information, as defined by California Government Code Section 65103.5.**

Chapter 19.16

42. Update Section 19.16.060 to remove reference to the incorrect section:

Whenever it is found, ~~pursuant to Section 19.28.050,~~ that a lot or site is divided by a boundary between districts, the provisions of the zoning regulations applicable within each district shall apply only to the portion of this site situated in each separate district.

Chapter 19.28

43. Update Section 19.28.060 to clarify objective language and update standards for single-family residential design to reflect changes to State law made through SB450:

	R1-5	R1-6, 7.5, 8, 10, 20, etc., and R1-6e	R1-a
A. Minimum net lot area ¹	i. 5,000 square feet	ii. the number multiplied by 1,000 square feet	iii. 10,000 square feet
	iv. For lots created under the provisions of Government Code Section 64411.7, each of the resulting lots shall have a lot area of at least 40% of the original lot being subdivided, with no lots less than 1,200 square feet.		
B. Minimum lot width (at the front setback line)	i. 50 feet	ii. 60 feet	iii. 75 feet
	iv. For lots created pursuant to provisions Government Code Section 64411.7: a. No more than two new, non-curved property lines may be added to create a new lot. b. Existing interior lots or pie shaped lots with either (i) 60 feet to 75 feet of or more street frontage, or (ii) more than 75 feet of street frontage a lot depth of up to 145 feet shall result in lots width. Resulting lots shall have a street frontage that is between 40-60% of the lot width existing street frontage of the lot being subdivided. Resulting lots shall have a side-by-side orientation and shall not create a landlocked parcel. c. Existing interior lots or pie shaped lots with more than 75 feet of street frontage and a lot depth of more than 145 feet, may be subdivided in one of the following ways: i. Resulting lots shall have a street frontage that is at least 40% of the existing street frontage of the lot being subdivided. Lots shall have a side-by-side orientation and shall not create a landlocked parcel; or ii. One of the resulting lots shall be a flag lot with access to the street. The buildable area of the flag lot shall span the entire distance between the two side property lines that intersect with the front property line of the lot being subdivided. d. Existing interior lots or pie shaped lots with less than 60 feet of street frontage shall result in one flag lot with access to the street. The buildable area of the flag lot shall span the entire distance between the two side property lines that intersect with the front property line of the lot being subdivided. e. Existing flag lot subdivision shall result in lots in the same orientation as the existing lot (i.e., the existing front lot line must be the front lot line of the future lots and the existing rear lot line shall be the rear lot line of the future lots) and that are between 40-60% of the lot width of the lot being subdivided. f. Corner lots shall be subdivided in a manner that splits the existing street side property line to create at least one front lot line on that frontage.		

	R1-5	R1-6, 7.5, 8, 10, 20, etc., and R1-6e	R1-a
<u>BC</u> . Landscaping	i. See Chapter 14.15, Landscape Ordinance ii. At least 50% of the front yard of any project approved pursuant to Chapter 19.28.150 shall be occupied by non-hardscape landscaping		iii. Landscaping plans are required for all additions or new homes. The purpose of the landscaping is to beautify the property and to achieve partial screening of building forms from the street and adjacent properties. Generally, the landscaping may include shrubbery, hedges, trees, or lattice with vines on fences iv. At least 50% of the front yard of any project approved pursuant to Chapter 19.28.150 shall be occupied by non-hardscape landscaping
<u>CD</u> . Development proposed on building pads/graded area with slopes equal to or greater than 20%			
1. Total site grading (cut plus fill) ^{2,3}	i. 2,500 cubic yards maximum. ii. Projects that exceed the maximum quantity shall require Architectural and Site Approval per Section 19.28.040(<u>HG</u>). iii. For projects proposed pursuant to Government Code Sections 64411.7 and/or 65852.21, the Total site grading shall be limited to 2,500 cubic yards for the entire site as calculated prior to subdivision. For projects proposed pursuant to Government Code Sections 64411.7 and/or 65852.21, the Flat yard area created by grading areas that are sloped more than 10% shall be limited to 2,500 square feet, not including the driveway, as calculated prior to any subdivision.		
2. Fences	See Chapter 19.48, Fence Ordinance		
<u>D. Development on properties with an average slope greater than 10% shall comply with Sections 19.40.050 (F), (G), and (I) and Sections 19.40.060(E), (H), (I) and (J).</u>			
E. Development (structures, improvements, or grading)			
1. On actual slopes ≥ 30%	i. Limited to 500 square feet <u>and subject to the requirements of Sections 19.40.050 (F), (G), and (I) and Sections 19.40.060(E), (H), (I) and (J).</u> ii. Development greater than 500 square feet shall be subject to a Hillside Exception by the Planning Commission in accordance with section 19.40.080 of the RHS Ordinance. No Hillside Exception is permitted on lots developed pursuant to Section 19.28.150.		

	R1-5	R1-6, 7.5, 8, 10, 20, etc., and R1-6e	R1-a
	iii. <u>In all cases, the following shall apply:</u> a. <u>Change in grade elevation shall be limited to the minimum extent necessary to ensure adequate drainage and access as demonstrated by a grading and drainage plan prepared by a registered civil engineer.</u> b. <u>Split level designs shall be used to avoid additional change in grade elevation.</u> c. <u>Unless otherwise required by the City Engineer, spoils shall be balanced on site and shall match the existing grading and drainage pattern of the site.</u> d. <u>Unless required by the City Engineer, development shall not result in a finished floor more than 36 inches above finished grade.</u>		
2. For projects proposed pursuant to Government Code Sections 64411.7 and/or 65852.21	i. Unless required by the City Engineer or to meet Fire Code requirements, grading activity on lots with an average slope of: a. Less than five percent shall not result in a change in grade elevation by more than 12 inches from existing natural grade. b. Between five and ten percent shall not result in a change in grade elevation by more than 24 inches from existing natural grade. c. Ten percent or more shall not result in a change in grade elevation by more than three feet from existing natural grade. ii. <u>In all cases, the following shall apply:</u> a. <u>Change in grade elevation shall be limited to the minimum extent necessary to ensure adequate drainage and access as demonstrated by a grading and drainage plan prepared by a registered civil engineer.</u> b. <u>Split level designs shall be used to avoid additional change in grade elevation.</u> c. <u>Unless otherwise required by the City Engineer, spoils shall be balanced on site and shall match the existing grading and drainage pattern of the site.</u> d. <u>Unless required by the City Engineer, development shall not result in a finished floor more than 36 inches above finished grade.</u>		
F. On-site improvements	All properties shall provide a 4.5 foot wide pathway, a 4.5 foot wide planting strip, curb and gutter, curb cut, AC pavement, and underground utilities at the street as follows: <u>1. i.</u> Detached pathway when a property on either side of the subject property has a detached pathway; <u>2. ii.</u> Monolithic pathway when a property on either side of the subject property has a monolithic pathway		

	R1-5	R1-6, 7.5, 8, 10, 20, etc., and R1-6e	R1-a
	3. iii. When properties on either side of the subject property do not have a pathway, a pathway that matches the pre-dominant pattern of pathways on the street, as determined by the City Engineer, shall be provided, unless the subject property has a “semi-rural” designation adopted by City Council resolution. 4. iv. The City Engineer shall adopt any objective standard necessary to implement the requirements of this paragraph.		
G. <u>Curb Cuts</u> Driveways for developments pursuant to Government Code Section 64411.7 or 65852.21	1. For interior lots with a street frontage of 35 feet or less, no more than a one-car wide driveway curb cut shall be permitted. A distance of at least 22 feet shall be provided between two, one-car wide curb cuts, else, a shared driveway with curb cut, no more than a two-car curb cut, may be provided. 2. Unless subject to subsection (3) below, for interior or pie shaped lots with a street frontage of more than 35 feet: a maximum of a two-car driveway curb cut is permitted provided a distance of at least 22 feet is provided between existing and proposed driveway flares, else the driveway curb cut shall be limited to a one-car driveway curb cut. 3. When an Urban Lot Split <u>subdivision</u> results in a flag lot, the two resulting lots shall share vehicular access off of the access area of the resulting flag lot, unless one of the lots is an new interior lot with <u>at least 50 feet of minimum</u> street frontage of 50 feet. The access area shall be a minimum of 20 feet and a maximum of 25 feet in width, comprising a minimum 16-foot drive aisle and a minimum 2-foot wide landscaping planter on either side. A maximum two-car driveway curb cut is permitted at the right of way. No other curb cuts shall be permitted. 4. Where a shared driveway (not through a flag lot) is proposed: i. No additional curb cuts shall be permitted. ii. 50% of the width of the shared driveway curb cut shall be on each property. iii. A maximum two car curb cut shall be permitted. 5. Where shared driveway access through a flag lot is required and would provide access to new development, the driveway access for front lot shall be located in the rear 50% of the property. 6. On lots where an existing residence is retained on the site of an urban lot split or development pursuant to Government Code Section 65852.21 <u>subdivision</u>, an existing curb cut of not more than 18 feet in width may remain when providing exclusive access to the existing residence. 7. A maximum 18’ wide car curb cut is allowed when a two-car curb cut is permitted. 8. A maximum 12’ wide curb cut is allowed when a one-car curb cut is permitted.		

	R1-5	R1-6, 7.5, 8, 10, 20, etc., and R1-6e	R1-a
	9. When shared access is proposed, a covenant, necessary for appropriate ingress and egress easements, shall be recorded prior to final parcel map recordation. 10. A maintenance agreement shall be recorded to ensure shared maintenance of any shared access easements, stormwater treatment, landscaping, and private utilities, prior to final parcel map recordation.		
<u>H. Driveways</u>	1. <u>When a subdivision results in a flag lot, the access area shall be a minimum of 20 feet and a maximum of 25 feet in width, comprising a minimum 16-foot drive aisle and a minimum 2-foot-wide landscaping planter on either side.</u> 2. <u>Where shared driveway access through a flag lot is required and would provide access to new development, the driveway access for the front lot shall be located in the rear 50% of the property.</u> 3. <u>A one-car driveway shall be a minimum of 10 feet in width and a maximum of 12 feet in width.</u> 4. <u>A two-car driveway shall be a maximum of 20 feet in width. Any third or more driveway spaces shall be in tandem.</u> 5. <u>Subparagraphs 3 and 4 do not apply to the flag lot access area.</u> 6. <u>When shared access is proposed, a covenant, necessary for appropriate ingress and egress easements, shall be recorded prior to final parcel map recordation.</u> 7. <u>A maintenance agreement shall be recorded to ensure shared maintenance of any shared access easements, stormwater treatment, landscaping, and private utilities, prior to final parcel map recordation.</u>		
<u>HI. Easement and Covenants required for subdivisions pursuant to Government Code Section 64411.7</u>	1. Utility easements shall be recorded prior to final parcel map recordation. 2. A covenant necessary for maintenance of stormwater treatment facilities shall be recorded prior to final map recordation.		
<u>J. Public Improvements</u>	<u>If no dedication was required for the creation of a lot, any future development project shall include a dedication to accommodate the predominant public right-of-way, as determined by the City Engineer, abutting the corresponding lot line and frontage improvements, including curb, gutter and sidewalk, which shall be installed by the applicant at his or her expense.</u>		
Notes: 1. Lots, which contain less area than required by its zoning designation, but not less than 5,000 square feet, may nevertheless be used as building sites, provided that all other applicable requirements of this title are fulfilled.			

	R1-5	R1-6, 7.5, 8, 10, 20, etc., and R1-6e	R1-a
2.	Maximum grading quantity includes grading for the building pad, yard areas, driveway, and all other areas requiring grading, but does not include basements. The graded area shall be limited to the building pad area to the greatest extent possible. Grading quantities for multiple driveways are divided equally among the participating lots, e.g. two lots sharing a driveway will divide the driveway grading quantity in half. The divided share will be charged against the grading quantity allowed for that lot development.		
3.	All cut and fill areas shall be rounded to follow the natural contours and planted with landscaping that meets the following requirements: i. A landscape plan shall be prepared that addresses measures to prevent soil erosion and to screen cut and fill slopes. ii. A tree planting plan shall be prepared for the site which will screen grading areas, and residential structures, to the greatest possible extent, as well as to reintroduce trees on barren slopes which were denuded by prior agricultural activities. iii. Landscape improvements shall meet the requirements as established in the Landscape Ordinance, Chapter 14.15. iv. Landscape improvements shall be installed prior to final occupancy unless such installation is impracticable, in which case, the applicant shall post a bond, cash, or other security to ensure installation within an 18-month period from occupancy. All such landscape areas shall be properly maintained.		

(Continued on next page)

44. Update Section 19.28.070 (B), 19.28.070 (I), and 19.28.070 (J) (3) and add Section 19.28.070 (L) and 19.28.070 (M) to clarify objective language and update standards for single-family residential design to reflect changes to State law made through SB450:

B. Maximum Floor Area Ratio	1. 45% of the net lot area, <u>however, a housing development project on a lot having a slope 30% or greater shall not exceed the floor area allowed under Chapter 19.40.</u>
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I. Basements	
1. Number, size, and volume of lightwells	<u>a.</u> Shall be the minimum required by the California <u>Residential</u> Building Code for egress, light, and ventilation, <u>unless the basement area is counted towards floor area</u>, except that in the case of a single-story house with a basement, one lightwell may be up to 10 feet wide and 10 feet long. <u>b. Lightwells with stairs are not permitted, except that one lightwell with stairs is allowed if it is the primary means of access to an independent basement residential unit which is separated from any other residential unit. The lightwell with stairs is limited to the minimum size required for light and ventilation or egress per the Residential Building Code.</u>
2. Minimum setback for lightwell retaining walls	<u>s and basements</u>
<u>a. Front Yard</u>	<u>Same as underlying zoning district</u>
<u>ab.</u> Side yard	5 feet
<u>bc.</u> Rear yard	10 feet
3. Lightwell railings	Maximum height of <u>3three</u> feet, <u>six inches</u> . The <u>fence</u> <u>railing</u> shall be located immediately adjacent to the lightwell.
4. Lightwell screening	Lightwells that are visible from a public street shall be screened by landscaping.
5. Root barrier measures	The perimeter of <u>theall</u> basements and <u>all</u> lightwells <u>s retaining walls</u> shall be treated and/or reinforced with the most effective root barrier measures as determined <u>by an ISA certified Arborist in conjunction with recommendations from a certified Structural Engineer</u> <u>by the Director of Community Development.</u>

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3. First Floor <u>and</u> <u>Second Floor</u>	a. The maximum exterior wall height and building height on single-story structures and single-story sections of two-story structures must fit into the building envelope defined by:
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Building Envelope s	i. A 10 foot high vertical line from natural grade measured at the property line; and ii. A 25 degree roof line angle projected inward at the 10 foot high line referenced above; b. Notwithstanding the building envelope, a gable end of a roof enclosing an attic space may have a maximum wall height of 17 feet to the peak of the roof as measured from natural grade, or up to 20 feet with a Minor Residential permit subject to Chapter 19.12. c. <u>Second-story building envelope: All the maximum exterior wall height and building height on two-story sections of two-story structures must fit into the building envelope defined by:</u> i. <u>A 16-foot-high vertical line from natural grade measured at the property line; and</u> ii. <u>A 25-degree roof line angle projected inward at the 16-foot-high line referenced above.</u>
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<u>L. Refuse, recycling, and other containers</u>	1. <u>A minimum 8-foot by 3-foot space per unit, not visible from the street, shall be provided in an interior yard behind a fence.</u> 2. <u>This area shall not be concurrent with any emergency access pathway required by the Fire Department.</u>
<u>M. Outdoor Lighting</u>	1. <u>Shall comply with the requirements of Chapter 19.102.</u>

45. Update Section 19.28.070 (C) to remove a reference altered by the adoption of Ordinance 23-2254:

C. Maximum second to first floor ratio	1. No limit; a. See Sections 19.28.040(D) and (E)(1) for permitting requirements. Homes subject to design review shall comply with the design review principles in Section 19.28.110(C).
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46. Update Section 19.28.070 (E) (3) (a) (i) to make consistent use of the spelling of usable:

- i. May be reduced to 10 feet, with a Minor Residential Permit, subject to Chapter 19.12, if, after the reduction, the useable rear yard area is not less than 20 times the lot width as measured from the front setback line.

47. Update Section 19.28.070 (F) (2) (a) (i) and 19.28.070 (F) (2) (b) (i) to revise a reference altered by the adoption of Ordinance 23-2254:

2. Side yard

a. Interior Lot	25 feet combined (no side yard setback shall be less than 10 feet) i. See Section 19.28.040(ED)(2) for permitting requirements. Homes subject to design review shall comply with the design review principles in Section 19.28.110(C).
b. Corner lot	25 feet combined side yard setback (no side yard setback shall be less than 10 feet)
i. Interior Side	10 feet but not less than 20 feet from the rear property line of an adjacent single family dwelling iA. See Section 19.28.040(ED)(2) for permitting requirements. Homes subject to design review shall comply with the design review principles in Section 19.28.110(C).

48. Revise language in Table 19.28.090 (C) to clarify standards:

C. Maximum second to first floor area ratio	1. 40% of the existing or proposed first floor area <u>or 750 square feet, whichever is greater</u> , except as follows: a. A second floor may be at least 750 square feet in area ba. In no case shall a second floor be more than 1,100 square feet in area.
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49. Update Table 19.28.090 (J) (3) to revise a reference altered by the adoption of Ordinance 23-2254:

3. Entry feature height	See Single-Family Residential Design Guidelines, Section 19.28.110(A)(67)
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50. Add Section 19.28.090 (M) and (N) to update standards for single-family residential design to reflect changes to State law made through SB450:

<u>M. Refuse, recycling, and other containers</u>	1. <u>A minimum 8-foot by 3-foot space per unit, not visible from the street, shall be provided in an interior yard behind a fence.</u> 2. <u>This area shall not be concurrent with any emergency access pathway required by the Fire Department.</u>
<u>N. Outdoor Lighting</u>	1. <u>Shall comply with the requirements of Chapter 19.102.</u>

51. Update Section 19.28.110 (A) to clarify objective language and update standards for single-family residential design to reflect changes to State law made through SB450:

Any new single-family residential house or addition to an existing house shall be **generally** consistent with the adopted single-family residential guidelines in Sections 19.28.110(A) and (B).

- A. Single-Family Residential Design ~~Guidelines~~Standards for all projects.^{1, 2}
1. There shall not be a three-car wide driveway curb cut.
 2. No more than fifty percent of the front elevation of a house shall consist of garage area, ~~unless doing so would result in an area that could not accommodate the minimum required setbacks and enclosed parking area. the lot is not wide enough to accommodate.~~
 3. ~~a. In the R1-a zone, t~~The maximum width of a garage on the front elevation shall be twenty-five feet, which will accommodate a two-car garage. Additional garage spaces shall be provided through the use of a tandem garage or a detached accessory structure at the rear of the property.²
 4. Usable living area, ~~not including any architectural feature, porch, or patio,~~ shall be a minimum of two feet closer to the street ~~than the garage, unless a side entering garage with curved driveway is provided or the lot is not wide enough to accommodate living area adjacent to the garage, while garages should be set back more.~~
 5. All roofs shall have at least a one-foot overhang.
 6. Air conditioning units and similar mechanical equipment such as generators, sump pumps, heating, and ventilation equipment should be ground-mounted and screened from public view, or underground, and shall meet accessory structure setbacks and adhere to the requirements of Chapter 10.48 of the Municipal Code. Mechanical, heating, or cooling equipment or associated piping installed on the roof shall be screened from the public right away, except in R1-e zones where roof top equipment is not allowed.
 7. ~~A~~porches, patio, or other front entry feature is required are encouraged.
 - a. The feature shall be oriented to face the street and shall include a front entry door also oriented to face the street.
 - b. If duplexes are proposed on corner lots, the entrances to the two units shall be on different street frontages, except that if the corner lot fronts a major collector, both the entrances may be located on the minor collector or neighborhood street.
 - c. If a front porch (not a front entry feature) is proposed, the porch shall be proportionately greater in width than in height.
 - d. Porches, patios, and other entry features shall have detailing that emphasizes the base and have caps for posts and fence elements of the feature.
 - e. In the R1-a zone, the following porch design guidelines apply²:
 - i. When viewed from the street, a porch shall appear proportionately greater in width than in height. A porch differs from an entry element, which has a proportionately greater height than its width.
 - ii. Structural supports shall be designed such that the appearance is not obtrusive or massive.

- iii. The use of large columns or pillars is discouraged.
 - iv. The eave height for a front **entry** porch shall not be significantly taller than the eave height of typical single-story elements in the neighborhood.
 - v. Porch elements shall have detailing that emphasizes the base and caps for posts and fence elements.
- f. In R1-6e and R1-a zones, entry features shall not be higher than fourteen feet from natural grade to plate.²
8. Third car garage spaces shall be set back as follows:
- a. On lots when the garage is visible from the street: parking shall be provided in tandem or in a detached accessory structure at the rear of the property.
 - b. On flag lots or on side-oriented garages located at the rear of the principal unit: a third parking space may be on the same wall plane as the other two parking spaces.
9. Garage doors for no more than two car spaces shall be visible from the public right of way.
10. All garage doors shall be recessed a minimum of six (6) inches from the surrounding building wall and shall include trim of at least one and a half (1.5) inches in depth.
11. Where the garage faces the side yard, but is visible from the street, the garage shall incorporate a window on the street front facade so that it appears to be a habitable portion of the house. The window style must be the same as the windows on the habitable dwelling unit(s).
12. Private Open Space: Each unit must provide at least 15% of the unit floor area as private open space on the first floor, with no dimension less than 10 feet. Private open space shall not be located in the required front yard setback area.
13. Exterior and/or uncovered stair access shall not be allowed to the second floor.
14. Detached structures on a lot must use the same architectural style and materials as the primary residence.
15. Except in R1-e zones, the elevation facing a street shall incorporate at least four architectural features, such as bay windows or an entry feature, and/or elements of architectural interest, such as wall insets or offsets, planters, railings, trellises, a combination of roofing elements (e.g., hip and gable roofs), dormers, change in architectural materials, quoins, accent tiles, or a prominent accent window inset greater than six inches. Windowsills, door or window trim, and roofing materials do not count as one of the features.
16. Gable ends and Dutch gable ends taller than thirty inches shall include at least one element of architectural interest such as:
- a wall offset with corbels, brackets, or change in materials;
 - louvered wood or metal vents;
 - clay or terracotta tile vents;

- accent tile decoration;
- medallion decoration;
- metal grille;
- a change in architectural materials;
- incorporation of corbels;
- decorative gable pediments;
- eyebrow trellises or pergola structurally attached to the building; or
- windows/glazing.

17. Stone veneer or accent materials used as a wainscot on a street facing façade shall be wrapped around to the side façade and end at a logical terminus, such as a fence line or a chimney or at an interior corner. Stone veneer or any other siding material wrapped on columns shall terminate at the floor or ground, as applicable.

52. Update Section 19.28.120 to make intent language consistent with Section 19.28.070 (G):

To mitigate privacy impacts and the visual mass and bulk of new two-story homes and additions, tree and/or shrub planting is required. The intent of this section is to provide substantial screening of views into neighboring residential side or rear yards within three years of planting, in order to protect the privacy of adjoining properties.

53. Update Section 19.28.120 (A) to clarify objective language and update standards for single-family residences in response to the changes to State law made through SB450:

A. Applicability. These requirements shall apply to new two-story homes, second-story decks, two-story additions, modifications to the existing second-story decks and/or new windows on existing two-story homes that increase privacy impacts on neighboring residents.

1. These requirements shall not apply to:

- Skylights;
- Windows with sills more than five feet above the finished second floor;
- Obscured, non-openable windows;
- Windows with permanent exterior louvers to a height of five feet above the second floor;
- Non-operable windows with obscure glass to a height of five feet above the second floor;
- Windows which do not have views into a neighboring side or rear yard or that face a street or a non-residential zoning district; and
- When waivers have been obtained from all affected property owners.

54. Update Section 19.28.120 (C) (1), (2), and (6) to clarify objective language, to make language consistent with the requirements for landscaping outlined in Chapter 14.18, and update standards for single-family residences in response to the changes to State law made through SB450:

1. Front Yard Tree Planting.

- a. The tree shall be twenty-four-inch box or larger low to moderate water using tree that typically grows to a mature height of more than 30 feet, planted at-with a minimum height of six feet, as measured from adjacent grade. California native trees are preferred.
- b. The tree shall be planted in front of new second stories in the center 50% of the front yard setback area.
 - i. In the R1-a zone, the tree shall be placed to where views from second story windows across the street are partially mitigated.
- c. The Director of Community Development may waive the front yard tree or allow the tree to be planted outside of the center 50% of the front yard setback area based on a report from an internationally-certified arborist citing unavoidable conflict with existing mature tree canopies onsite or in the public right-of-way.
- d. An existing mature tree in the front yard that is or can typically grow to a height of 30 feet or more and is located in the center 50% of the front yard can be used as the front yard tree, subject to an ISA certified arborist certifying that the tree is in good health.
- e. A covenant shall be recorded to identify the front yard tree as a Protected Tree and notifying current and future property owners to retain and maintain the tree in good health.

2. Privacy Planting.

- a. New trees and/or shrubs are required on the applicant's property in an area bounded by a thirty-degree angle on each side window jamb, and a 180-degree angle from each corner of a balcony or second story deck, modified by the angle created between the furthest corner of the balcony or deck and the corresponding corner of the second story portion of the structure, as shown in the City's Privacy Protection Requirements Handout.
- b. The following is required for all side and rear yard-facing second story windows in the R1-6e zone:
 - i. Cover windows with exterior louvers to a height of five feet above the second floor; or
 - ii. Obscure glass to a height of five feet above the second floor; or
 - iii. Have a windowsill height of five feet minimum above the finished second floor.

- c. The Planning Division shall maintain a list of allowed privacy planting trees and shrubs. The list includes allowed plant species, minimum size of trees and shrubs, expected canopy or spread size, and planting distance between trees.
 - i. In the R1-a zone, the minimum height of privacy trees at the time of planting shall be twelve feet.
 - ii. In the R1-a zone, privacy planting shall have a minimum setback from the property line equivalent to one-quarter of the spread noted on the City list.
 - d. The trees and/or shrubs shall be planted prior to issuance of a final occupancy permit.
 - e. Windows or other openings in the wall with a side yard setback less than 10 feet or a rear yard setback of less than 25 feet shall have a minimum windowsill height of more than five feet or shall have obscure glass and be inoperable with a fixed pane(s).
 - f. The minimum planter width required for privacy planting shall be three feet. Emergency access paths shall not be concurrent with areas designated as privacy planting planters.
6. Replacement. Privacy planting in R-1 zoning districts shall be maintained by the property owner of the lot. Where required planting is approved for removal ~~removed~~ or dies, replacement trees must be planted ~~it must be replaced~~ within thirty days with privacy tree(s) in the same location, size and with the same species, and of the same size as the tree(s) being replaced, unless the location, species, or size is determined to be infeasible by the Director of Community Development. If an alternative location is proposed due to infeasibility, as determined by the Director, the tree(s) must be relocated to continue screening of the privacy viewshed, as defined in Section 19.28.120 (C) (2) (a), unless a waiver is obtained from the affected neighbor, of similar size as the tree(s) being replaced, unless it is determined to be infeasible by the Director of Community Development.

55. Update Section 19.28.150 to clarify objective language and update standards for ministerial approval of up to two units to reflect changes to State law made through SB450:

E. Objective Zoning and Design Standards for Ministerially Approved Housing Development Projects in the R-1 District. In addition to any applicable objective zoning standards, objective subdivision standards, and objective design review standards in the Municipal Code, a housing development project approved pursuant to this Section must comply with all applicable objective zoning and design standards to the maximum extent permissible under Government Code Section 65852.21, including but not limited to the following standards for ministerial development projects:

1. Development Standards (Gov. Code, § 65852.21)	a. Except as otherwise provided herein, uUnits shall not exceed 800 square feet per unit and shall comply with Paragraph B, above; <u>or</u> b. The floor area of the larger unit in a duplex development proposed pursuant to this Section shall be no more than 200 square feet greater than the smaller unit of the duplex development. c. Notwithstanding subparagraph (a), development pursuant to this Section may have a maximum Floor Area Ratio of up to 45% of the net lot area, and a maximum Lot Coverage of 45% of the net lot area plus an additional 5% for roof overhangs, patios, porches, and other similar features not Substantially Enclosed, if it complies with the requirements of Paragraph B and subparagraphs 2 through 16 of this Paragraph; provided, however, that a housing development project on a lot having a slope 30% or greater shall not exceed the floor area allowed under Chapter 19.40. However, under no circumstances shall the size of any ministerially approved unit exceed 2,000 square feet of living space. <u>b. Units exceeding 800 square feet may be permissible if compliant with the following:</u> <u>i. Cumulative Floor Area Ratio and Lot Coverage of the applicable zoning district (i.e. R1, R1-a, R1-e, or R1-i); and</u> <u>ii. The requirements of Paragraph B; and</u> <u>iii. Subparagraphs 2 through 16 of this Paragraph.</u> cd. If the site has been occupied by a tenant in the last three years, no more than 25% of the exterior walls alteration or demolition of an existing unit shall occur<u>be demolished</u>. e. If no dedication was required for creation of the lot, the project shall include a dedication to accommodate the predominant public right of way, as determined by the City Engineer, abutting the corresponding lot line and frontage improvements, including curb, gutter and sidewalk shall be installed by the applicant.
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2. Second to First Floor Area Ratio:	<u>a.</u> The ratio of the second story to first story floor area shall not exceed 50<u>66</u>% <u>in all R1 zoning districts except the R1-a district.</u> except that: <u>i.</u> In all R1 zoning districts except the R1-a district: <u>1.</u> The ratio of the second story to first story floor area may exceed 50%, up to a maximum of 66%, if a combined first-story side setback of 15 feet (with no first-story side setback less than five feet), second-story side setbacks of at least 15 feet each, a rear setback of 20 feet on the first story and a rear setback of 25 feet on the second story are provided. <u>b. ii.</u> In the R1-a zoning district: <u>See Section 19.28.090 (C).</u> <u>1.</u> The maximum ratio of the second story to first story floor area is 40% but no larger than 500 square feet, except where allowed below; <u>2.</u> A second floor may exceed 500 square feet, but shall not in any case exceed 1,100 square feet, if first-story side setbacks of at least 10 feet each, a combined second-story side setback of 35 feet (with no second-story side setback less than 15 feet), and a rear setback of 20 feet for the first story and 40 feet for the second story are provided. <u>b.</u> Interior areas (measured from the finished floor to the top of the roof rafters) with heights greater than 16 feet shall be double counted as floor area as follows: <u>i.</u> For one-story homes, the floor area shall be double counted as first floor area. <u>ii.</u> For two-story homes, the floor area shall be counted once each for first and second floor area.
<u>3. Interior Areas</u>	<u>a. See Section 19.28.070 (D)</u>
<u>3. 4.</u> Setbacks:	a. Minimum first-story front setback is 20 feet, unless otherwise required in a tract map or zoning map except that: <u>i.</u> In the R1-a zoning district, the required minimum setback is 30 feet. <u>ii.</u> <u>Garages with up to two parking spaces shall be set back two additional feet from the face of the living area of the unit, not including a front entry feature or porch.</u> <u>iii.</u> <u>Third car garage spaces:</u> <u>1.</u> <u>On lots when the garage is visible from the street: parking shall be provided in tandem or in a detached accessory structure at the rear of the property.</u> <u>2.</u> <u>On flag lots or on side-oriented garages located at the rear of the principal unit: a third parking space may be on the same wall plane as the other two parking spaces.</u> b. Minimum second-story front setback is 25 feet except that: <u>i.</u> In the R1-a zoning district, the required minimum setback is 30 feet.

	c. Minimum first- and second-story side and rear setbacks shall be four feet each; provided, however, that: i. No setbacks shall be required for an existing structure or for a structure constructed in the same location and to the same dimensions as an existing structure. ii. No new or expanded structures shall encroach upon any existing public or private utility easements. iii. No setback shall be required from a shared new side lot line between the two new lots created pursuant to an Urban Lot Split under Government Code Section 66411.7 when: 1. More than one new primary dwelling unit is approved concurrently with an Urban Lot Split; and 2. Units with a zero-foot setback are developed concurrently; and 3. All other side yard setbacks are a minimum of five feet on the first story and 10 feet on the second story; and 4. The entirety of wall faces along the shared property line are structurally attached; and 5. Structures along the new shared property line are no more than zero feet or less than four feet. iv. The required building envelope shall not apply to the portions of structures with a zero-foot setback. d. Corner Triangle: No portion of a structure shall be located within a corner triangle, provided that in no case shall a side yard setback of more than four feet be required. e. Detached primary residential structures: Detached structures located on the same lot shall have a setback of five feet as measured between the eaves of the two structures.
<u>54.</u> Maximum height:	a. Principal Dwelling units are limited to 28 feet in height and no more than two stories except that: i. In R-1 Zoning Districts with "i" suffix, buildings shall be limited to one story (not to exceed 18 feet). b. First-story building envelope: <u>See Section 19.28.070 (J) (3)</u> All the maximum exterior wall height and building height of single-story structures and single-story sections of two-story structures must fit into the building envelope defined by: i. A 9-foot-high vertical line from natural grade measured at the property line; and ii. A 25-degree roof line angle projected inward at the 9-foot-high line referenced above; Notwithstanding the first story building envelope, a gable end of a roof enclosing an unfinished attic space may have a maximum wall height of 13 feet to the peak of the roof as measured from natural grade.

	c. Second-story building envelope: See Section 19.28.070 (J) (3) All the maximum exterior wall height and building height on two-story sections of two-story structures must fit into the building envelope defined by: i. A 15-foot high vertical line from natural A 25-degree roof line angle projected inward at the 15-foot high line referenced above, grade measured at the property line; and ii. A 25-degree roof line angle projected inward at the 15-foot high line referenced above. d. Notwithstanding subsections (b) and (c) above, portions of the structures developed utilizing the provisions of subsection (43)(c) above, do not have to meet the first story or second story building envelope requirements.
65. Basements:	Not allowed. Allowed, subject to the requirements outlined in Section 19.28.070 (I).
76. Landscaping and Privacy Protection:	<u>a.</u> Landscaping: All proposed landscaping shall meet the requirements of Chapter 14.15 of the Municipal Code. <u>b.</u> Front Yard Tree Required: Shall be provided in the same manner as required pursuant to Section 19.28.120. i. A 24-inch box California native tree that typically grows to a mature height of more than 30 feet is required for all two-story homes and must be placed in the center 50% of the front yard. ii. An existing mature tree in the front yard that is or can typically grow to a height of 30 feet or more and is located in the center 50% of the front yard can be used as the front yard tree, subject to an ISA-certified arborist certifying that the tree is in good health. iii. A covenant shall be recorded to identify the front yard tree as a Protected Tree and notifying current and future property owners to retain and maintain the tree in good health. <u>c.</u> Privacy Protection Planting: for windows from second story windows shall be provided<u>required</u> in the same manner as required pursuant to Section 19.28.120, except as provided below: i. Windows or other openings in the wall with a side yard setback less than 10 feet shall have a minimum windowsill height of five feet one inch or shall have obscure glass and be inoperable with a fixed pane(s). ii. Windows or other openings in the wall with a rear yard setback less than 25 feet shall have a minimum windowsill height of five feet one inch, or shall have obscure glass and be inoperable with a fixed pane(s). iii. Subsections (a) and (b) do not apply to skylights or windows which do not have views into an adjacent side or rear yard or that face a street or a non-residential zoning district.

	iv. Minimum planter width required for privacy planting shall be three feet. Emergency access paths shall not be concurrent with areas designated as privacy planting planters.
87. Private open space:	Each unit must provide at least 15% of the unit floor area as private open space on the first floor, with no dimension less than 10 feet. Private open space shall not be located in the required front yard setback area. See Section 19.28.110 (A) (12).
8. Permitted yard encroachments:	a. Front entry features, but not porches, may encroach into a required front yard setback up to three feet. b. <u>Architectural features</u> Mmay extend into a required yard a distance not exceeding three feet. c. No architectural feature, or combination thereof, whether a portion of a principal or accessory structure, may extend closer than three feet to any property line. d. Architectural features may not exceed 50% of the wall they are on, as measured from the interior wall surfaces.
9. Second story decks, balconies, or similar features	Not Allowed <u>Minor Residential Permit required consistent with Section 19.28.070 G.</u>
10. Design Standards:	<u>a. See Sections 19.28.060, 19.28.070, and 19.28.110 (A).</u> a. Entry features: i. A maximum of one entry feature per unit is allowed and no more than one entry feature per structure shall be allowed. ii. The entry feature shall be oriented to face the street and shall include a front entry door also oriented to face the street. iii. Maximum entry feature height is 14 feet as measured from natural grade to the top of the plate. iv. If a duplex with attached units is proposed, a proposed entry feature may incorporate two entrance doors for the two units. One of the entrance doors or a common opening into a shared entry portal shall be oriented to face the street. v. If duplexes are proposed on corner lots, the entrances to the two units shall be on different street frontages, except that if the corner lot fronts a major collector, both the entrances may be located on the minor collector or neighborhood street. b. If a front porch (not a front entry feature) is proposed, the porch shall be proportionately greater in width than in height. i. Porch elements shall have detailing that emphasizes the base and have caps for posts and fence elements of the porch. c. Exterior and/or uncovered stair access shall not be allowed to the second floor.

- d. All new structures proposed in the R1-e zoning district shall meet the building design requirements in Section 19.28.080 and shall meet the Eichler design guidelines.
- e. In the R1-a zoning district, the second story shall not cantilever over a first story wall plane.
- f. In addition to standards outlined in subsections (1) — (9) above, development on properties with an average slope greater than 10% shall comply with Section 19.40.050 (F), (G), and (I) and Section 19.40.060(E), (H), (I) and (J).
- ~~g. Windows and doors shall either:~~
 - ~~i. Have a minimum three and one half inch in width by three quarter inch in depth trim when protruding from the wall or~~
 - ~~ii. Be inset a minimum of three inches from the exterior finish of the structure. If recessed, the primary siding material shall cover the recessed edge faces and wrap toward the interior face of the window glazing or door by not less than two inch depth.~~
- h. All garage doors shall be recessed a minimum of six (6) inches from the surrounding building wall and shall include trim of at least one and a half (1.5) inches in depth.
- i. Roof overhangs or building eaves shall be a minimum of 12 inches in width.
- j. Detached structures on a lot must use the same architectural style and materials.
- k. Where the garage faces the side yard, but is visible from the street, the garage shall incorporate a window on the street front facade so that it appears to be a habitable portion of the house. The window style must be the same as the windows on the habitable dwelling unit(s).
- ~~l. Enclosed living area shall be closer to the street than garage space. Garages shall be set back as identified in subparagraph (3) above.~~
- m. No more than fifty percent of the front elevation of a house shall consist of garage space.
- n. The maximum width of a garage on the front elevation shall be 24 feet for a two-car garage.
- o. Garage doors for no more than two car spaces shall be visible from the public right of way.
- p. Outdoor lighting shall comply with the requirements of Chapter 19.102.
- q. The elevation facing a street shall incorporate at least four architectural features, such as bay windows or an entry feature, and/or elements of architectural interest, such as wall insets or offsets, planters, railings, trellises, a combination of roofing elements (e.g., hip and gable roofs), dormers, change in architectural materials, quoins, accent tiles, or an accent window inset greater than six inches. Windowsills, door or window trim, and roofing materials do not count as one of the features.

	r. Gable ends and dutch gable ends taller than thirty inches shall include at least one element of architectural interest such as: • a wall offset with corbels, brackets or change in materials; • louvered wood or metal vents; • clay or terracotta tile vents; • accent tile decoration; • medallion decoration; • metal grille; • a change in architectural materials; • incorporation of corbels; • decorative gable pediments; • eyebrow trellises or pergola structurally attached to the building or • windows/glazing. s. Stone veneer or accent materials used as a wainscot on a street facing façade shall be wrapped around to the side façade and end at a logical terminus, such as a fence line or a chimney or at an interior corner. t. Stone veneer or any other siding material wrapped on columns shall terminate at the floor.
11. Accessory buildings/structure:	a. Allowed pursuant to the requirements of Chapter 19.100, except that Accessory Dwelling units or Junior Accessory Dwelling units shall not be permitted on any lot in the R-1 zoning district if a lot split has been approved pursuant to Section 18.12.170 and one or more unit(s) hasve been approved for construction pursuant to this Section 19.28.150 on each resulting lot. b. Limited to one story (not exceed 15 feet). c. Accessory Dwelling Units shall meet subsections (1) and (2) above and shall additionally be in compliance with the regulations of Chapter 19.112. d. Air conditioning units and similar mechanical equipment such as generators, sump pumps, heating, and ventilation equipment shall be ground-mounted and screened from public view or underground and shall meet accessory structure setbacks and adhere to the requirements of Chapter 10.48 of the Municipal Code.
12. Fences:	Shall comply with the requirements of the Chapter 19.48 of the Municipal Code.
1213. Refuse, recycling, and other containers	a. See Section 19.28.070 (L) and 19.28.090 (M). A minimum 8-foot by 3-foot space per unit, not visible from the street, shall be provided in an interior yard behind a fence.

	b. This area shall not be concurrent with any emergency access pathway required by the Fire Department.
1314 . Parking	a. Units shall have at least one off-street parking space, except that parking requirements shall not be imposed in either of the following instances: i. The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in Public Resources Code Section 21155(b) Code, or of a major transit stop, as defined in Public Resources Code Section 21064.3. ii. There is a car share vehicle located within one block of the parcel. b. Each pParking space(s) shall be provided in an enclosed garage encompassing a 10' by 20' space for each space, unobstructed (i.e., by walls, appliances, etc.) between six inches from finished floor up to six feet from finished floor. c. When additional enclosed parking space(s) is/are provided, the space(s) shall meet the requirements of Chapter 19.124.
1415 . Driveway and curb cuts:	a. A one-car driveway shall be a minimum of 10 feet in width and a maximum of 12 feet in width. b. A two-car driveway shall be a maximum of 20 feet in width. Any third or more driveway spaces shall be in tandem. c. Subparagraphs a and b do not apply to the flag lot access area. d. When a two-car curb cut is permitted, a maximum 18' foot wide curb cut shall be allowed. e. When a one-car curb cut is permitted, a maximum 12' foot wide curb cut shall be allowed. <u>Subject to the requirements of Sections 19.28.070 (G) and 19.28.070 (H).</u>
1516 . Short Term Rentals Prohibited:	No residential unit created pursuant to this Section may be rented for a term of 30 days or less.

Chapter 19.36

56. Update Table 19.36.070 (C) (3) to make consistent use of the spelling of usable:

	Projects with up to four units		Projects with five or more units	
3. Rear-yard	20 feet or 20% of the lot depth, whichever is greater. Main building may encroach as close as 10 feet to rear lot line if a useable rear-yard setback area of not less than twenty times the width of the lot is maintained.	20 feet or 20% of the lot depth, whichever is greater.	20 feet or 20% of the lot depth, whichever is greater. Main building may encroach as close as 10 feet to rear lot line if a useable rear-yard setback area of not less than twenty times the width of the lot is maintained.	20 feet or 20% of the lot depth, whichever is greater. Additional 10 feet for floors more than one story higher than any adjacent primary residential structures.

57. Edit Table 19.36.070 (G) to use correct spelling of sight:

G. Corner Triangle and Sidewalk Sigh te Triangle	Shall remain free and clear of all buildings or portions thereof
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Chapter 19.38

58. Edit Table 19.38.070 (F) to use correct spelling of sight:

F. Corner Triangle and Sidewalk Sigh te Triangle	Shall remain free and clear of all buildings or portions thereof.
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Chapter 19.40

59. Update Section 19.40.040 (A) to make requirement for information clearer:

A. Site Plans that show topographical information at contour intervals not to exceed ten feet and a horizontal map scale of one inch = two hundred feet or larger and identify all areas with slopes of thirty percent or more.

60. Update Section 19.40.050 (B) (5), 19.40.050 (E) (1), 19.40.050 (F) (1) and (2), and 19.40.050 (I) through (K) to clarify objective language and update standards for residential hillside

projects to reflect changes to State law made through SB450 and to correct landscaping standards reference:

B. Minimum Lot Area	
5. Lots created and/or developed pursuant to Government Code Section 64411.7 and 65852.21	a. Each resulting lot shall be at least 40% of the size of the original lot being split. b. <u>Each resulting lot shall share one common driveway. If an existing driveway or curb cut exists, a new driveway or curb cut location shall not be approved.</u> c. <u>Up to two new property lines may be added to create a new lot and shall follow the contours of the property.</u> d. <u>If in an area where direct sanitary sewer connection is unavailable, a percolation test completed within the last five years, or if the percolation test has been recertified, within the last 10 years, must be provided.</u> e. <u>Building pads shall be identified on the flattest portion of a lot, closest to an existing driveway. Where no driveway exists, building pads shall be identified on the flattest portion of the lot, closest to the access road unless doing so would result in a combined grading total greater than that required for siting elsewhere on the lot. In those cases, building pads shall be sited so as to result in the minimum required grading to develop two units of up to 800 square feet each.</u> f. <u>b.</u> No side or rear setbacks shall be required for an existing structure or for a structure constructed in the same location and to the same dimensions as an existing structure. g. <u>No new or expanded structures shall encroach upon any existing public or private utility easements.</u>
E. Site Grading	
1. Maximum Grading Quantity	a. Cumulative total of 2,500 cubic yards, cut plus fill. Includes: grading for building pad, yard areas, driveway and all other areas requiring grading. Excludes: basements b. All cut and fill shall be rounded to contour with natural contours and planted with landscaping which meets the requirements in Section 19.40.050-GE. c. <u>For each of the lots developed or created pursuant to Government Code Sections 64411.7 and 65852.21, a cumulative total of 1,250 cubic yards, cut plus fill (including grading for</u>

	<u>building pad, yard areas, driveway, all other areas requiring grading, and basements), except if the original lot that was subdivided has already performed prior grading, then the amount of grading that has previously occurred shall be reduced from the maximum grading quantity allowed cumulatively on the two resulting lots.</u> i. Unless required by the City Engineer or to meet Fire Code requirements, grading activity on lots with an average slope of: A. Less than five percent shall not result in a change in grade elevation by more than 12 inches from existing natural grade. B. Between five and ten percent shall not result in a change in grade elevation by more than 24 inches from existing natural grade. C. Ten percent or more shall not result in a change in grade elevation by more than three feet from existing natural grade. <u>c.</u> In all cases, the following shall apply: <u>i.</u> Changes in grade elevation shall be limited to the minimum extent necessary to ensure adequate drainage and access as demonstrated by a grading and drainage plan prepared by a registered civil engineer. <u>ii.</u> Split level designs shall be used to avoid additional changes in grade elevation. <u>iii.</u> Unless otherwise required by the City Engineer, spoils shall be balanced on site and shall match the existing grading and drainage pattern of the site. <u>iv.</u> Unless required by the City Engineer, development shall not result in a finished floor more than 36 inches above finished grade. <u>d.</u> Shall be limited to the building pad area to the greatest extent possible.
2. Graded Area	a. Shall be limited to <u>within 50 feet of</u> the building pad area, <u>unless additional grading is required for emergency access, as determined by the Fire Department, or for utilities, as determined by the applicable service provider or the City Engineer to the greatest extent possible.</u> b. For lots developed or created pursuant to Government Code Sections 64411.7 and 65852.21, graded areas are limited to within 50 feet of the building pad area.

3. Common Driveways	Grading quantities shall be divided equally among the participating lots. E.g., two lots sharing a driveway shall divide the driveway grading quantity in half. The divided share will be charged against the grading quantity allowed for that lot development.
4. Flat Yard Area	a. Limited to a maximum of 2,500 square feet, excluding driveways. b. For a two-lot subdivision, lots developed or created pursuant to Government Code Section 64411.7, limited to a maximum of 1,250 square feet per lot, excluding driveways, except as further limited by subsection (I).
5. Soil Erosion and Screening of Cut and Fill Slopes Plan	A licensed landscape architect shall review grading plans and shall, in consultation with the applicant and the City Engineer, submit a plan to prevent soil erosion and to screen cut and fill slopes.
F. Landscaping	
1. Tree Planting Plan	Shall be prepared by a licensed landscape architect to: a. Screen the residential structures to the greatest possible extent from the following prominent intersections. For projects pursuant to Government Code Section 65852.21, n No more than 50% of the visible wall face surface area shall be visible from the following prominent intersections: - Foothill Boulevard and Cristo Rey Drive - Foothill Boulevard and Alpine Way - Bellevue and Carmen Road - Linda Vista Drive and Hyannisport Ave - Hyannisport Ave and Bubba Road - Rainbow Ave and Weymouth Drive. A visual simulation from each of the intersections above shall be provided to indicate compliance.
2. Landscape Requirements	a. Reintroduce trees on barren slopes which were denuded by prior agricultural activities. b. Must comply with the Chapter 14.15, Landscaping Ordinance and Wildland Urban Interface Fire Area (WUIFA) requirements. c. At least 50% of the front yard area shall be landscaped (i.e., not hardscaped)
I. Development on Slopes of $\geq 30\%$	a. Hillside Exception required for all grading, structures, and other development > 500 square feet, except that on lots developed or created pursuant to Government Code Sections 64411.7 and 65852.21, grading, building pads for structures

	and other development is limited to a maximum of 500 square feet for each lot. b. If the lots developed or created pursuant to Government Code Sections 64411.7 and 65852.21 have no areas with slopes less than 30% that can accommodate up to two units of 800 square feet each, grading for building pads for structures is limited to 800 square feet. No other development shall be permitted on such lots (e.g., development for flat yard area), unless required by the City Engineer.
J. Trail Linkages and Lots Adjoining Public Open Spaces Site Plan	a. Site plan must identify trail linkages as shown in the General Plan Trail Plan, on and adjacent to the site. b. If a trail linkage is identified across a property being developed, development shall not take place within that area unless approved through the exception process, except that on lots developed or created pursuant to Government Code Sections 64411.7 and 65852.21, no development may occur in an area where a trail linkage is identified on the property. c. For lots adjoining Public Open Spaces, driveways and buildings shall be located as far as feasible from the Public Open Space and designed in a manner to minimize impacts on the Public Open Space, except that on lots developed or created pursuant to Government Code Sections 64411.7 and 65852.21, no development may occur within 50 feet of a Public Open Space unless doing so would preclude the development of up to two units of 800 square feet each.
K. Views and Privacy	It is not the responsibility of City Government to ensure the privacy protection of the building permit applicant or owners of surrounding properties that may be affected by the structure under construction. However, the Director of Community Development may confer with the building permit applicant to discuss alternate means of preventing privacy intrusion and preserving views except that for lots developed or created pursuant to Government Code Sections 64411.7 and 65852.21, privacy protection planting, as required pursuant to Section 19.28.120, is required for views from the second story into adjoining side or rear yards. Windows or other openings in the wall with a side yard setback less than 15 feet or a rear yard setback less than 25 feet shall have a minimum windowsill height of five feet one inch or shall have obscure glass and be inoperable with a fixed pane(s).

61. Update Table 19.40.060 (A) to address inadvertent changes to standards for lots less than 10,000 square feet in size and to reflect changes to State law made through SB450:

A. Floor Area Ratio (FAR)	
1. Maximum Allowable Development	a. Except as otherwise provided herein, a ministerially approved housing development project approved pursuant to this Section shall not exceed 800 square feet per unit. b. Notwithstanding Paragraph (a), a ministerially approved housing development approved pursuant to this Section may have a floor area as calculated in subsection (c) below, if it complies with the requirements of this Section; provided, however, that if the housing development is on a parcel created by a ministerial lot split under Chapter 18.20.170, the maximum allowable floor area for the original lot shall be allocated to each resulting lot equal to the proportionate size of each resulting lot to the original lot. However, under no circumstances shall the size of ministerially approved units exceed 2,000 square feet of living space. c. For projects not subject to ministerial approval under Paragraph (a) or (b), maximum allowable development shall be the lesser of: i. 6,500 square feet; or ii. <u>For lots with a net lot area of less than 10,000 square feet, 45% of the net lot area times the slope adjustment factor pursuant to Section 19.40.060(A)(2)*; or</u> <u>*Formula = (0.45 x Net lot area) x (Slope adjustment factor)</u> iii. <u>For lots with a net lot area of greater than or equal to 10,000 square feet, 4,500 square feet plus 59.59 square feet for every 1,000 square feet over 10,000 square of net lot area, times the slope adjustment factor pursuant to Section 19.40.060(A)(2)**</u> <u>**Formula = (4,500 + ((Net Lot Area - 10000)/1000) (59.59)) x (Slope Adjustment Factor)</u>

62. Update Table 19.40.060 (A) (2) (c) to clarify slope adjustment factor for slopes exceeding 30%:

c. Average slope > 30%	Allowable floor area shall be reduced by a constant 30%	>30%	30.00%
	Slope adjustment factor=(1- 0.3) = <u>0.7</u>		

63. Update Sections 19.40.060 (D), 19.40.060 (F) (1), 19.40.060 (H), and 19.40.060 (L) to clarify objective language and update standards for ministerial approval of up to two units to reflect changes to State law made through SB450:

D. Second and Third Story Decks and Patios-Balconies Minimum Setbacks

1. Front Yard	-	17 feet	17 feet
2. Side Yard	-	15 feet	15 feet
3. Rear Yard	-	20 feet	20 feet
4. Lots developed pursuant to Government Code Section 65852.21	Not allowed.		
F. Permitted Yard Encroachments			
1. Extension of a Legal Non-conforming Wall Plane for structures not located within a prominent ridgeline site line	a. Where a building legally constructed according to existing first floor yard and setback regulations at the time of construction encroaches upon present required first floor setbacks, one encroaching side of the existing structure may be extended along existing building lines. b. Only one such extension shall be permitted for the life of the building. c. Encroachments into a required yard which are the result of the granting of a variance may not be further extended. d. Further encroachment into a required setback is not allowed; i.e., a non-conforming setback may not be further reduced. e. In no case shall any wall plane of a first-story addition be placed closer than three feet to any property line. f. Shall not apply to properties developed or created pursuant to Government Code Section 65852.21 and 64411.7.		
G. Accessory Structures (including attached patio covers)	a. As allowed by Chapter 19.100, Accessory Buildings/Structures b. Lots created and developed with two units pursuant to Government Code Sections 64411.7 and 65852.21 may not develop an Accessory Dwelling Unit or Junior Accessory Dwelling Unit. Air conditioning units and similar mechanical equipment such as generators, sump pumps, heating, and ventilation equipment shall be ground-mounted and screened from public view or underground, and shall meet accessory structure setbacks and adhere to the requirements of Chapter 10.48 of the Municipal Code.		
H. Design Standards			
1. Building and Roof Forms	a. Natural Contours	Building shall follow as closely as possible the primary natural contour of the lot.	
	b. Building Mass and Roof Pitches	The main building mass shall be on the upslope side of the building and the roof pitches shall trend downslope.	

	c. Second Story Dormers	Permitted within the second story setbacks as long as they are minor in shape and size.
	d. Downhill Elevation of main structure	Shall have a minimum of four offset building and roof elements to provide varied building forms to produce shadow patterns which reduce the impact of visual mass.
	e. High Wall Planes	Wall planes exceeding one story or 20 feet in height, whichever is more restrictive, shall contain architectural elements in order to provide relief and to break up expansive wall planes.
	<u>f. Roof Overhangs</u>	<u>Roof overhangs or building eaves shall be a minimum of 12 inches in width</u>
2. Colors	a. Natural Earth Tones	All structures on the lot shall use natural earth tone and/or vegetation colors which complement the natural surroundings. Natural earth-tone and vegetation colors include natural hues of brown, green and shades of gray.
	b. Reflectivity Value	Shall not exceed 60 on a flat surface
3. Outdoor Lighting	All outdoor lighting shall meet the requirements in Chapter 19.102.	
4. Garages	All projects shall strive to attain, except that <u>ministerially approved</u> projects pursuant to Government Code Section 65852.21 shall attain, the following standards: a. No more than 50% of the façade visible from the right of way shall comprise the garage. b. A two car garage face shall not exceed 24 feet in width and a one car garage face shall not exceed 12 feet in width. c. Garages visible from the right of way shall be setback a minimum of two feet from the livable areas of the home except if only the garage and/or the entrance to the home, and no other livable portions of the home, are accessible from the street level. d. Third car spaces shall be provided in tandem or shall be provided in a detached accessory structure. e. <u>All garage doors shall be recessed a minimum of six (6) inches from the surrounding building wall and shall include trim of at least one and a half (1.5) inches in depth.</u>	

	f. <u>Where the garage door faces the side yard, but the garage itself is visible from the street, the garage shall incorporate a window on the street front facade so that it appears to be a habitable portion of the house. The window style must be the same as the windows on the habitable dwelling unit(s).</u> g. <u>Garage doors for no more than two car spaces shall be visible from the public right of way.</u>
5. Entry Features	All projects shall strive to attain, except that ministerially approved projects pursuant to Government Code Section 65852.21 shall attain, the following standards: a. Only one entry feature shall be permitted per structure and only one entry feature shall be visible from the public street. b. Duplexes shall have entrances to each unit on different building frontages. c. Entry features shall be limited to 14 feet in height from the natural grade to the top of wall plate.
6. Uncovered/ exterior staircases	Not allowed.
7. <u>Basements</u>	<u>Allowed, subject to the requirements outlined in Section 19.28.070 (I).</u>
8. <u>Detached Structures</u>	<u>Detached structures on a lot must use the same architectural style and materials.</u>
9. <u>Architectural Features</u>	<u>The elevation facing a street shall incorporate at least four architectural features, such as bay windows or an entry feature, and/or elements of architectural interest, such as wall insets or offsets, planters, railings, trellises, a combination of roofing elements (e.g. hip and gable roofs), dormers, change in architectural materials, quoins, accent tiles, or an accent window inset greater than six inches. Windowsills, door or window trim, and roofing materials do not count as one of the features.</u>
10. <u>Gable and Dutch Gable Ends</u>	<u>Gable ends and Dutch gable ends taller than thirty inches shall include at least one element of architectural interest such as:</u> • <u>a wall offset with corbels, brackets or change in materials;</u> • <u>louvered wood or metal vents;</u> • <u>clay or terracotta tile vents;</u> • <u>accent tile decoration;</u> • <u>medallion decoration;</u> • <u>metal grille;</u> • <u>a change in architectural materials;</u> • <u>incorporations of corbels;</u> • <u>decorative gable pediments;</u>

	• <u>eyebrow trellises or pergola structurally attached to the building or</u> • <u>windows/glazing.</u>
11. <u>Accent Materials</u>	a. <u>Stone veneer or accent materials used as a wainscot on a street facing façade shall be wrapped around to the side façade and end at a logical terminus, such as a fence line or a chimney.</u> b. <u>Stone veneer or any other siding material wrapped on columns shall terminate at the floor or ground, as applicable.</u>
12. <u>Private Open Space</u>	<u>Each unit must provide at least 15% of the unit floor area as private open space on the first floor, with no dimension less than 10 feet.</u>
13. <u>Refuse, recycling, and other containers</u>	a. <u>A minimum of an 8 foot by 3 foot space per unit, not visible from the street, shall be provided in an interior yard, behind a fence.</u> b. <u>This area shall not be concurrent with any emergency access pathway required by the Fire Department.</u>
L. Off-street Improvements	For lots developed pursuant to Government Code Section 65852.21, u Upon development of <u>any newly subdivided the</u> lot, appropriate public right of way dedications shall be made to accommodate the predominant width of the street and street improvements shall be installed to the Public Works Departments standards.

64. Update Section 19.40.090 to clarify objective language and update standards for ministerial approval of up to two units to reflect changes to State law made through SB450:

Objective Zoning and Design Standards for Ministerially Approved Housing Development Projects. In addition to any applicable objective zoning standards, objective subdivision standards, and objective design review standards in the Municipal Code, a housing development project approved pursuant to this Section must comply with all applicable objective zoning and design standards to the maximum extent permissible under Government Code Section 65852.21, including but not limited to the standards for ministerial development projects in Section 19.40.050 and 19.40.060 and the following:

1. Basements	Not a Allowed, <u>subject to the requirements outlined in Section 19.28.070 (I).</u>
2. Balconies, decks, or other similar structures	Not a Allowed, <u>subject to the setback requirements outlined in Section 19.40.060 (D).</u>
3. Design Standards	a. <u>See Section 19.40.060.</u> a. Windows and Doors shall either: i. Have a minimum three-and-one-half inch in width by three-quarter inch in depth trim when protruding from the wall or

	ii. — Be inset a minimum of three inches from the exterior finish of the structure. If recessed, the primary siding material shall cover the recessed edge faces and wrap toward the interior face of the window glazing or door by not less than two-inch depth. b. — All garage doors shall be recessed a minimum of six (6) inches from the surrounding building wall and shall include trim of at least one and a half (1.5) inches in depth. c. — Roof overhangs or building eaves shall be a minimum of 12 inches in width. d. — Detached structures on a lot must use the same architectural style and materials. e. — Where the garage faces the side yard, but is visible from the street, the garage shall incorporate a window on the street front facade so that it appears to be a habitable portion of the house. The window style must be the same as the windows on the habitable dwelling unit(s). f. — Garage doors for no more than two car spaces shall be visible from the public right of way. g. — The elevation facing a street shall incorporate at least four architectural features, such as bay windows or an entry feature, and/or elements of architectural interest, such as wall insets or offsets, planters, railings, trellises, a combination of roofing elements (e.g. hip and gable roofs), dormers, change in architectural materials, quoins, accent tiles, or an accent window inset greater than six inches. Windowsills, door or window trim, and roofing materials do not count as one of the features. h. — Gable ends and dutch gable ends taller than thirty inches shall include at least one element of architectural interest such as: ○ — a wall offset with corbels, brackets or change in materials; ○ — louvered wood or metal vents; ○ — clay or terracotta tile vents; ○ — accent tile decoration; ○ — medallion decoration; ○ — metal grille; ○ — a change in architectural materials; ○ — incorporations of corbels; ○ — decorative gable pediments; ○ — eyebrow trellises or pergola structurally attached to the building or ○ — windows/glazing.
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	i. Stone veneer or accent materials used as a wainscot on a street facing façade shall be wrapped around to the side façade and end at a logical terminus, such as a fence line or a chimney. j. Stone veneer or any other siding material wrapped on columns shall terminate at the floor.
<u>4. Private Open Space</u>	<u>Each unit must provide at least 15% of the unit floor area as private open space on the first floor, with no dimension less than 10 feet.</u>
<u>5. Refuse, recycling, and other containers</u>	a. <u>A minimum 8 foot by 3 foot space per unit, not visible from the street, shall be provided in an interior yard behind a fence.</u> b. <u>This area shall not concurrent with any emergency access pathway required by the Fire Department.</u>
<u>4. Setbacks</u>	a. <u>See Section 19.40.060.</u> b. <u>Detached structures: Detached structures located on the same lot shall have a setback of five feet as measured between the eaves of the two structures.</u>
<u>56. Parking</u>	a. Units shall have at least one off-street parking space, except that parking requirements shall not be imposed in either of the following instances: - The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in Public Resources Code Section 21155(b) Code, or of a major transit stop, as defined in Public Resources Code Section 21064.3. - There is a car-share vehicle located within one block of the parcel. b. Parking space(s) shall be provided in an enclosed garage encompassing 10' by 20' space for each space, unobstructed (i.e., by walls, appliances, etc.) between six inches from <u>the</u> finished floor up to six feet from <u>the</u> finished floor. c. When additional enclosed parking space(s) is/are provided, the space(s) shall meet the requirements of Chapter 19.124.

Chapter 19.44

65. Update Section 19.44.020 (A) to correct reference:

A. The requirements of this chapter, unless waived or modified in accord with Section 19.44.0980, must be met with respect to all real properties intended to be developed as, or

converted to, a single-family residential cluster development as described in this chapter, including the conversion of existing apartment houses to condominiums.

Chapter 19.46

66. Edit Table 19.46.070 (G) to use correct spelling of sight:

G. Corner Triangle and Sidewalk Sigh te Triangle	Shall remain free and clear of all buildings or portions thereof.
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Chapter 19.60

67. Update Section 19.60.050 to correct references:

- A. Land Use Criteria. Unless otherwise provided by a conditional use permit, the following regulations shall apply to all users governed by this chapter.
- 3. The activity must be conducted entirely within a building or enclosed patio or atrium except for:
 - b. Vehicular parking including the parking of business related vehicles that comply with the sign, off-street parking, and noise regulations;
 - c. Outdoor seating for restaurants in accordance with the requirements of Section 19.60.0430.
 - d. Special promotional events undertaken by permitted businesses;
 - e. The display of merchandise in front of stores must be displayed under a roof overhang or canopy and must be displayed in an organized, neat, and safe fashion, in accordance with the requirements of Section 19.60.0430.

Chapter 19.100

68. Update Section 19.100.030 (B) (1) (b) to clarify the applicability of the attached accessory structure setbacks:

b. Attached accessory buildings/structures	Must meet all site development regulations, including setbacks, height and lot coverage regulations applicable to principal dwellings in the applicable zone, <u>unless a separate setback standard is provided in subsection (d) through (g) below.</u>
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69. Update Section 19.100.030 (D) (2) (b) to make consistent use of the spelling of usable:

b. Maximum lot coverage	30% of the useable rear yard area
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70. Add Section 19.100.030 (B) (2) (I) to update standards for accessory structures to reflect changes to State law made through SB450:

<u>1. Architectural style</u>	<u>Detached structures on a lot must use the same architectural style and materials as the primary residence.</u>
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Chapter 19.102

71. Edit Section 19.102.020 (D) to clarify applicability of standards:

D. New or replacement glass windows, doors, or features	Section 19.102.030(A), (B), and (D), apply only to the new exterior glass windows, doors, or features
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Chapter 19.104

72. Update Section 19.104.100 (L) to correct an internal reference:

L. Window Signs. Window signs subject to the limitations in Sections 19.104.150 and 19.104.2980. One "OPEN" sign not exceeding two square feet and of any material may be placed in a window without penalty towards window coverage limitations;

73. Update Section 19.104.140 to clarify standards:

Commercial & Industrial	• One sign per business with exterior frontage • One additional for: - Businesses with no ground sign and adjacent to more than one street or shopping center driveway; or - Sign directed to interior of project and not visible from any public right-of-	• 1 s.f. per linear ar ft of store frontage on which sign is located. • 70% of store frontage maximum • Length = total combined length of each row of sign copy • Minimum area = 20 s.f.	200 s.f.	• No more than one wall sign per frontage • Shall not project above the roof or top of parapet, unless it is an integral part of the face of an architectural projection. • No projecting wall sign shall extend into a public right-of-way more than twelve inches. Any projecting sign shall have a vertical clearance of at least fifteen feet above a private or public vehicular roadway, alley, driveway, or parking area, and at least eight feet above a sidewalk, pedestrian mall, or landscaped area.	CDD	Meets Design Criteria in Section 19.104.220
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	way- ; <u>or</u> - Single tenant building pad with more than 5,000 s.f.					
Office & Institutional	• One sign per business with exterior frontage • One additional for: - Businesses with no ground sign and adjacent to more than one street or major shopping center driveway-;<u>or</u> - Sign directed to interior of project and not visible from any public right-of-way.	• 1 s.f. per linear ft. of business frontage on which sign is located. • 70% of business frontage maximum • Length = total combined length of each row of copy	40 s.f.	Same as above	CDD	Same as above

74. Update Section 19.104.150 (C) to correct an internal reference: 14.24.050

C. Logos, Symbols, or Insignia	All except residential districts	Same as Sec. 14.24.050 <u>19.104.140</u>	9 s.f.	Same as Sec. 19.104.140	• Illuminated - CDD • Not illuminated - exempt	Shall meet Design Review Criteria in Sec. 19.104.220 and restrictions in Sec. 19.104.190
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75. Edit Table 19.104.160 to use correct spelling of sight:

Use/ Zoning	Number	Size Allowed Area & Length	Location Maximum Height	Review Authority	Review Criteria
		Double faced signs: Area of larger face of sign = Total Sign Area		No portion of any sign over three feet in height shall be located within a corner triangle or sidewalk sign<u>ghte</u> triangle.	

Chapter 19.124

76. Update reference in Section 19.124.030 (I) to parking exception approval authority:

I. Tandem, Valet, and Other Special Parking Arrangements	Tandem, Valet, and other special forms of parking may be approved per Section 19.124.0 650 <u>C</u> .
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77. Revise language in Section 19.124.040 to clarify intent and applicability of standard.

N.	Landscape Requirements	Applicable to all new centers and centers with a twenty-five percent or greater increase <u>or decrease</u> in floor area or a twenty-five percent or greater change in floor area resulting from <u>a</u> use permit or architectural and site approval within twelve months shall be required to meet the following minimum landscape requirements. However, the Planning Commission and/or City Council may recommend additional landscaping.
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Chapter 19.132

78. Update Section 19.132.050 to refer to Conditional Use Permit findings:

Written findings regarding the granting or denial of any conditional use permit subject to this chapter shall be made by the Planning Commission in accordance with Chapter 19.156 and shall be based on substantial evidence in light of the entire administrative record.

CC 10-21-2025

Item #12

Approve July 1, 2025
through June 30, 2028
MOU for CEA/IFPTE Local
21

Written
Communications

From: [Santosh Rao](#)
To: [City Council](#); [Tina Kapoor](#); [City Clerk](#); [Kristina Alfaro](#)
Subject: Please pull agenda item 12 from consent calendar.
Date: Thursday, October 16, 2025 10:21:41 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.

[Writing on behalf of myself only as a Cupertino resident]

Subject: Request to Pull Agenda Item 12 from Consent Calendar and Conduct Staffing Review

Dear Mayor Chao, Vice-Mayor Moore, and Cupertino City Council Members,

I respectfully request that you pull Agenda Item 12 from the consent calendar for public discussion. Since negotiations on this topic have taken place in closed session, the public deserves a transparent discussion before any action is taken.

The proposed increases have a direct and compounding impact on residents because of the cost recovery policy adopted by the prior Council majority. Over the past two years, residents have already faced double-digit percentage increases in various city fees, which is unsustainable. A further 5 percent increase is deeply concerning, especially in an economic climate where many in the private sector have gone years without salary adjustments.

I want to be clear that I fully support our field workers and union employees. They are the backbone of our city, and their dedication keeps Cupertino running efficiently. However, if compensation adjustments are to be made, they must be cost neutral to the city.

To achieve this, I urge the Council to initiate reductions in force (RIFs) at the upper administrative levels, where significant savings can be realized. Our current organizational structure, with both a Director and an Assistant or Deputy Director for many departments, creates costly redundancies that collectively amount to more than \$600,000 annually in compensation. For a workforce of fewer than 200 employees, this level of administrative overhead is disproportionate and inefficient.

I ask the Council to:

1. Pull Agenda Item 12 from the consent calendar for open discussion.
2. Add to a future agenda a study session to review city staffing levels, with a focus on reducing top-heavy administrative costs.
3. Evaluate opportunities to consolidate departments and eliminate duplicative leadership roles.

Cupertino should streamline operations, improve accountability, leadership productivity, responsiveness and ensure that resources are directed toward front-line employees and resident services rather than leadership overhead.

In summary, I support fair and sustainable compensation for our field and front-line employees, but this must be balanced through a leaner leadership structure at the top. Reducing redundancy at the top will allow the city to honor its commitments to workers without imposing further burdens on residents.

Thank you for your consideration and your continued commitment to fiscal responsibility and transparent governance.

Thanks,

San Rao (writing on behalf of myself only as a Cupertino resident)

From: [Santosh Rao](#)
To: [City Clerk](#); [Tina Kapoor](#); [Liang Chao](#)
Subject: Fw: Please pull agenda item 12 from consent calendar.
Date: Tuesday, October 21, 2025 3:02:48 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 Clerk,

Please include the below in written communications for item 12. Thank you.

Dear Mayor Chao, Vice-Mayor Moore,

I hope one of you will pull item 12 from consent calendar.

Just a note that last meeting request to pull an item from consent calendar was not supported. Residents should be able to pull items from consent calendar.

I urge you to further modify the council procedures manual to go back to the procedures that existed prior to 2023 when residents could pull an item from consent calendar without need a supportive council member. Envision a scenario in future perhaps where all 5 council members are unsupportive of a resident or resident faction and those residents can never pull an item from consent calendar.

Thanks,
San Rao (writing on behalf of myself only as a a Cupertino resident)

Begin forwarded message:

On Thursday, October 16, 2025, 10:21 AM, Santosh Rao <santo_a_rao@yahoo.com> wrote:

[Writing on behalf of myself only as a Cupertino resident]

Subject: Request to Pull Agenda Item 12 from Consent Calendar and Conduct Staffing Review

Dear Mayor Chao, Vice-Mayor Moore, and Cupertino City Council Members,

I respectfully request that you pull Agenda Item 12 from the consent calendar for public discussion. Since negotiations on this topic have taken place in closed session, the public deserves a transparent discussion before any action is taken.

The proposed increases have a direct and compounding impact on residents because of the cost recovery policy adopted by the prior Council majority. Over the past two years, residents have already faced double-digit percentage increases in various city fees, which is unsustainable. A further 5 percent increase is deeply concerning, especially in an economic climate where many in the private sector have gone years without salary adjustments.

I want to be clear that I fully support our field workers and union employees. They are the backbone of our city, and their dedication keeps Cupertino running efficiently. However, if compensation adjustments are to be made, they must be cost neutral to the city.

To achieve this, I urge the Council to initiate reductions in force (RIFs) at the upper administrative levels, where significant savings can be realized. Our current organizational structure, with both a Director and an Assistant or Deputy Director for many departments, creates costly redundancies that collectively amount to more than \$600,000 annually in compensation. For a workforce of fewer than 200 employees, this level of administrative overhead is disproportionate and inefficient.

I ask the Council to:

1. Pull Agenda Item 12 from the consent calendar for open discussion.
2. Add to a future agenda a study session to review city staffing levels, with a focus on reducing top-heavy administrative costs.
3. Evaluate opportunities to consolidate departments and eliminate duplicative leadership roles.

Cupertino should streamline operations, improve accountability, leadership productivity, responsiveness and ensure that resources are directed toward front-line employees and resident services rather than leadership overhead.

In summary, I support fair and sustainable compensation for our field and front-line employees, but this must be balanced through a leaner leadership structure at the top. Reducing redundancy at the top will allow the city to honor its commitments to workers without imposing further burdens on residents.

Thank you for your consideration and your continued commitment to fiscal

responsibility and transparent governance.

Thanks,

San Rao (writing on behalf of myself only as a Cupertino resident)

From: [Rhoda Fry](#)
To: [Public Comments](#)
Subject: Item 12 - contract cea
Date: Tuesday, October 21, 2025 12:41:34 PM

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Dear City Council,

Please pull this item from the agenda. I understand that the City has a tentative agreement, however, I think that the public would benefit from an open discussion on this item. At a time where there are pay-cuts and job-cuts in the private sector and the cost of living continues to escalate for Cupertino residents, the fees that the City is charging its residents also continue to rise. The fees will undoubtedly continue to rise as we continue to pay more in wages to City employees. The public needs to understand the justification for the city-employee wage-increases and associated costs that will ultimately trickle down to an increase in fees to its residents. This is an important issue that I think should be presented during a council meeting to retain transparency rather than being summarily approved on consent.

Thank You Very Much,
Rhoda Fry

CC 10-21-2025

Item #13

Study Session to review Arts
& Culture Commission's
recommendation
standards in the Municipal
Code

Written Communications

From: [Jean Bedord](#)
To: [City Council](#); [Cupertino City Manager's Office](#); [City Clerk](#)
Cc: [Gian Martire](#); [City of Cupertino Arts & Culture Commission](#)
Subject: Agenda Item #13: Arts & Culture Commission Recommendations, Oct. 21, 2025 City Council
Date: Monday, October 20, 2025 3:54:21 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.

Please include in the public record for this meeting

Mayor Chao, Vice-Mayor Moore, Councilmembers Fruen, Mohan and Wang,

The proposed revisions to the Public Art Program are long overdue. I urge Council to approve the changes recommended by the Arts & Culture Commission and move expeditiously to implement them in light of the new developments currently in the pipeline. While the community benefits from an assessment for public art, **forcing developers to place the art on their actual property often makes no sense**. Locations may lack foot traffic, have poor visibility from the street, or simply lack a suitable area to place the art. The current Ordinance does allow an Art-in-lieu fee, but this carries a penalty. The standard fee is 1%, but an in-lieu fee is 1.25%. It would make sense to have small developers pool their fees to develop an Art Master Plan and plan for art pieces that can actually be enjoyed by the public.

The Forum at Rancho San Antonio is a prime example of the **current misguided policy**. In 2018, The Forum retirement community received approval to add 53 villas to the existing community. It is organized **as an HOA and couldn't afford to pay the extra penalty for Art-in-lieu** so per ([ASA-2021-008](#)), they were required to provide art on the site. However, the general public is unlikely to visit the 52 acre site, and there is no obvious location for any large piece of art. Staff and the Forum administrators looked at alternative locations for months and months before settling on an island at the entrance, with no parking and no signs. Nearby San Antonio Park doesn't allow signs; Maryknoll Mission is private property and doesn't allow signs on church property.

This piece of art was estimated to cost \$161,209 and is quite attractive. However, it's **basically invisible to the general public as well as residents**, since the main building is at least a quarter mile away from the entrance. This is the view seen driving into The Forum - I didn't even know where the artwork was located, though I often visit friends at The Forum.



View toward the hills. Note that garage doors face the art piece, so it is not visible from a living area.



View driving out of The Forum . Note that my car is illegally parked since there are no parking spaces, though there is a bike lane.



Isn't it time to stop wasting public art money?

Sensible government advocate,
Jean Bedord

From: [Jessica Kwong](#)
To: [Public Comments](#)
Subject: PUBLIC COMMENT - AGENDA ITEM #13 - CITY COUNCIL MEETING 10/21/25
Date: Friday, October 17, 2025 10:20:35 AM
Attachments: [SVCreates letter in support of art-in-lieu policy.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 have attached SVCreates' public comment on the City Council meeting agenda item #13 for 10/21/25. For ease of access, the body of the letter reads:

As the arts council of Santa Clara County and designated state-local partner of the California Arts Council, SVCreates has been happy to assist the City of Cupertino's Arts and Culture Commission in developing a recommendation for an art-in-lieu fee policy to establish a Public Art Fund.

We support this recommendation and applaud the City of Cupertino for its public art program. The art-in-lieu policy offers the City and the Commission the opportunity to serve the community through arts projects that best meet the needs of local residents, and it provides clear guidance and accountability for use of the funds.

Thank you,

Jessica Kwong

Community Engagement Manager

SVCREATES

255 N. Market St., Suite 210, San Jose, CA 95110

408.998.2787 x219 | www.svcreates.org



Elevating Silicon Valley's Creative Culture

CC 10-21-2025

Item #13

Study Session to review Arts
& Culture Commission's
recommendation
standards in the Municipal
Code

Written Communications

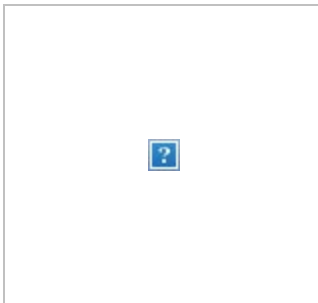
From: [Kiran V. Rohra](#)
To: [City Clerk](#)
Cc: [Gian Martire](#)
Subject: Re: City council meeting 10/21
Date: Tuesday, October 21, 2025 2:29:41 PM
Attachments: [City Council Mtg 21OCT2025 Arts & Culture.pptx](#)

Hello,

Pl see attached my slide presentation I'd like to use in my speaking time this evening for item #13.

I hope it can be displayed at that time by the City Clerk. I will not be having it on my device.

Thank you.



Kiran V. Rohra

Arts and Culture Commissioner Chair
KRohra@cupertino.gov



From: Kiran V. Rohra <KRohra@cupertino.gov>
Sent: Tuesday, October 21, 2025 7:58 AM
To: Gian Martire <GianM@cupertino.gov>
Cc: City Clerk <CityClerk@cupertino.gov>
Subject: City council meeting 10/21

Hi Gian,

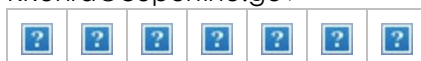
For the City Council meeting today for agenda item #13, I'll attend and would like to speak as Arts and Culture Commission Chair.

I'll have a few slides and will email them before 3 pm today.

Thank you.

Kiran V. Rohra

Arts and Culture Commissioner Chair
KRohra@cupertino.gov



Cupertino City Council Meeting

10/21/2025, Agenda item #13



Kiran V. Rohra

Arts and Culture Commissioner Chair

KRohra@cupertino.gov





STUDY SESSION:

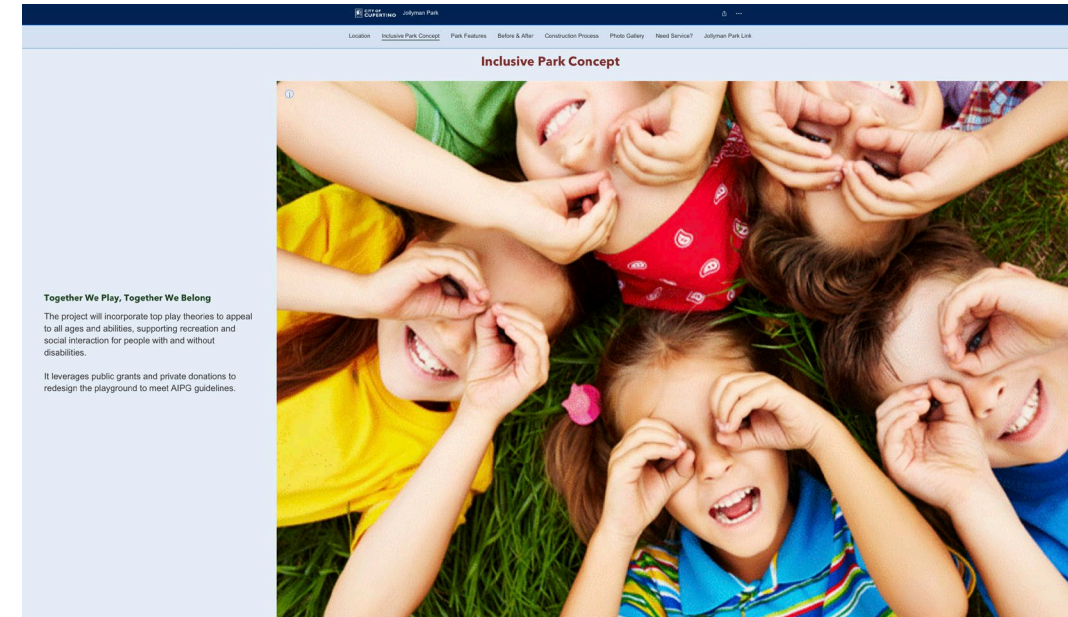
13.

Subject: Study session to review the Arts & Culture Commission's recommendation to the Municipal Code standards for art in public and private development, including the standards in the Municipal Code and developing an Art-in-lieu fee policy. (Application No. MCA-2025-003; Applicant: City of Cupertino; Location: City-wide)

Recommended Action: Conduct the study session and provide feedback to Staff.

History (ie. why are we having this discussion?)

- Public Storage was the only project since 2009 to pay the art in-lieu fee rather than create public art.
- This prompted a discussion in 2023 (community members + council) on what the process should be for using art in-lieu funds (there was no process / policy).
- In May 2023, Council unanimously approved using the art in-lieu fund for pieces at Jollyman Park All-Inclusive Playground.



Process (Deligence, amount of time and effort ACC put into our unanimous recommendation).

- The Arts and Culture Commission (ACC) had 4 public meetings in 2024 and 2025 to review staff findings, deliberate, and collect public feedback.
- In the review process, Staff provided jurisdiction analysis of Berkeley, Belmont, Redwood City, Sunnyvale, San Mateo, Los Altos, Palo Alto.
- We also received feedback from SVCCreates, the arts organization designated by the Santa Clara County to support arts in local municipalities.





Why the Commission recommends 1.00% and ACC as approver for art in-lieu option:

- a) By not explicitly discouraging art in-lieu fee, we will be able to better allocate resources to where it will have the largest benefit to the community. For example, as currently written, the art in-lieu policy encourages developers to build public art, even if the location is not very accessible + piece is small with marginal benefit to community.
- b) Moving to 1.00% and ACC as approver will bring Cupertino on par with the majority of neighboring municipalities. Currently, Cupertino is the exception.
- c) Public storage was the first project in 15 years to opt for art in-lieu fee. Maintaining the current language could mean we will not have another art in-lieu project for another 15 years.



Why the Commission recommends keeping art fund usage open to both physical art and programming.

- Art in-lieu funds would go into the art fund.
- Council decides how to allocate funds.
- It is advantageous to keep the language in the policy open to include both physical art and other art programming, so that Council has the **option** to use it for other art programming in the future.
- It allows for any partial amount to be allocated, eg. to establish a specific cultural event, or for a visionary undertaking eg. to have an *Art and Culture Center in* Cupertino by leveraging a current city owned site.



Arts and Culture Commission seeks guidance from the City Council

The ACC motivation for art in-lieu policy is to:

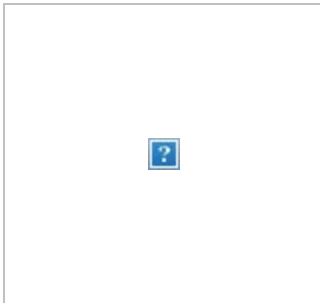
1. provide the most benefit to the community today and in future.
2. bring the decision making for allocation of funds to the City Council and the public.
3. give options on use of art fund in the most impactful way for our community.

Thank You

From: [R "Ray" Wang](#)
To: [Lauren Sapudar](#); [Kirsten Squarcia](#)
Subject: Comments on Art in Lieu Fees
Date: Tuesday, October 21, 2025 3:36:43 PM

Dear City Clerk,

Please note on the record that I support the Planning Commission's Recommendations for Item #13 for Art in Lieu Fees.



R "Ray" Wang

Councilmember

City Council

RWang@cupertino.gov



From: [Rhoda Fry](#)
To: [Public Comments](#)
Subject: Agenda Item #13 - art fees
Date: Tuesday, October 21, 2025 1:07:03 PM

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Dear City Council,

Please uphold the findings of the Planning Commission regarding art-in-lieu fees on item #13.

Also, please make sure that our art commission comprises only of Cupertino residents.

Finally, I am still very upset that City Staff tried to sell our City Council on the idea that binoculars and signage are art.

This was a brazen effort to siphon our art funds to fund the out-of-control budget on the Bubb Park project.

We need to do what we can to prevent this sort of behavior and one way to do that is to have development projects provide their own art rather than having money sit idle in a fund and potentially be mis-allocated.

I just don't like seeing these shenanigans going on in my city.

Thanks,

Rhoda Fry, 40+ year resident

From: [Steven Scharf](#)
To: [Public Comments](#)
Subject: Agenda Item 13 on October 21, 2025, Public Art
Date: Tuesday, October 21, 2025 7:54:49 AM

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Writing for myself.

The current system of charging developers lower fees, if they include public art in their project, versus paying an in-lieu fee should be retained. Residents want the public art, not the money.

If a developer chooses to pay the in-lieu fee for public art then the fees should be used solely for public art, not for other purposes.

A previous council, in 2005, wisely, and unanimously, adopted the present, inclusionary, policy for a reason — they wanted to encourage the inclusion of actual public art as part of development projects, not collect money that might never be used to provide actual art. It's a thoughtful policy that has served Cupertino well and has resulted in some amazing public art at new development projects.

It's like Cupertino's inclusionary affordable housing policy. Unlike some other cities that collect in-lieu fees that are supposed to be used to build affordable housing but are insufficient to build very much of it, Cupertino requires 15-20% affordable housing. We want the actual affordable housing, not the money, and this policy has served Cupertino well.

One excuse for lowering the in-lieu fee is that sometimes the public art that is included in a new project isn't easily viewable by all residents, like the public art up at The Forum. It is true that the primary population that enjoys that art lives or works at The Forum, but that's a reasonable percentage of Cupertino's population. Not all residents use every park in the City either, or take advantage of all the amenities funded by the City, and that's okay.

The other uses of the public art money that the Arts Commission has proposed may certainly be worthy things to do, but they are things that the City can fund from the General Fund should they decide to do so. The fees for public art should be used for public art.

Please continue to support public art in Cupertino by retaining the current policy.

Thank you for your consideration.

Steven Scharf, former Councilmember

From: [Kirsten Squarcia](#)
To: [Patrick Kwok](#)
Cc: [City Clerk](#)
Subject: RE: CITY OF CUPERTINO - File #: 25-14241
Date: Tuesday, October 21, 2025 3:53:16 PM
Attachments: [Resolution No. 05-040 \(Art Program Guidelines for Selection of Public Art\).pdf](#)

Hi Patrick, confirming I will share my screen during your time to speak for item 13 art in Lieu study session.
Regards, Kirsten

Kirsten Squarcia
Interim Deputy City Manager/City Clerk
City Manager's Office
KirstenS@cupertino.gov
(408) 777-3225

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

From: Patrick Kwok <patrickskwok@aol.com>
Sent: Tuesday, October 21, 2025 1:21 PM
To: Kirsten Squarcia <kirstens@cupertino.gov>
Subject: CITY OF CUPERTINO - File #: 25-14241

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please have resolution 05-040 remain on the screen during the discussion see you tonite Sent from my iPhone

RESOLUTION NO. 05-040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO ADOPTING GUIDELINES FOR THE SELECTION OF PUBLIC ART

WHEREAS, the City Council has expressed its support for public art in the community;
and

WHEREAS, the City has acquired public art through direct purchase or commission, as well as in the form of a gift or loan; and

WHEREAS, the City Council wishes to have consistent guidelines for the acquisition, placement, and documentation of future acquisitions.

NOW, THEREFORE, BE IT RESOLVED:

1. That the General Guidelines for the Selection of Public Art are adopted; and
2. Staff and Council members are directed to refer to these guidelines when purchasing and commissioning public art, or when accepting loans and gifts of public art.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino on the 1st day of March 2005, by the following vote:

<u>Vote</u>	<u>Members of the City Council</u>
AYES:	Kwok, Lowenthal, Sandoval, Wang, James
NOES:	None
ABSENT:	None
ABSTAIN:	None

ATTEST:

/s/ Kimberly Smith

City Clerk

APPROVED:

/s/ Patrick Kwok

Mayor, City of Cupertino



City of Cupertino Public Art Program
Guidelines for Selection of Public Art

Prepared by the Cupertino Fine Arts Commission
Adopted by City Council on March 1, 2005
Resolution No. 05-040

City of Cupertino Public Art Program

General Guidelines for Selection of Public Art

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Right of Entry and Indemnification Agreement.....	12
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City of Cupertino Public Art Program General Guidelines for Selection of Art

Purpose

The City of Cupertino Fine Arts Commission desires to create an artistic visual identity for the city by placing artworks in various locations.

The purpose of this public art policy is to provide a process through which the city can accept art work, including loans or gifts of public art. The policy also provides guidance to the city and the Arts Commission for purchasing existing art work and for commissioning artists to create new art work for the city.

Scope

This public art policy applies to the installation of all art work, including that which is loaned to the city for more than three months, donated, purchased, or commissioned by the City of Cupertino for public display. Public art exhibitions under three months' duration are facilitated by the Commission.

Additional people may be chosen by the Commission to form an ad hoc committee to aid in the selection of art for the city, including:

- A. A member of the Fine Arts Commission
- B. A member of a city commission from the area affected (parks, library, etc.)
- C. A professional in the field of arts, which may include a professional artist, art administrator, museum professional, architect, etc.
- D. A person from the community at large

Goals

- A. To develop the criteria for selecting public works of art by developing policies and setting clear guidelines and objectives
- B. To acquire art for the City of Cupertino's temporary and permanent collection of both sited and portable art works, through purchase, competition, loan, donation, and commission
- C. To identify possible funding sources
- D. To identify potential outdoor sites on public lands and inside public buildings that are appropriate for placing completed artworks

Guidelines

The following are guidelines for selecting artists and public art works:

- A. A wide variety of visual media and materials will be considered
- B. Materials used should require minimum maintenance and be maximally resistant to vandalism
- C. Environmental and public liability concerns will be considered in the selection of art
- D. The selection of artists will not be restricted by age, gender, or ethnic background
- E. The artist should have proven ability and experience in designing, producing, managing and installing art work, including large-scale public art work, if necessary
- F. When public funds are used, members of the community surrounding the location of the future art work may be invited to a public forum to discuss the art project in order to foster community appreciation of the art piece
- G. A timeline shall be developed to coordinate and educate parties involved in the project and to structure an overall plan for its completion.

Consultants

It may be desirable to involve the selected artist and/or a public art consultant to work with a project design team at the conceptual phase of architectural planning in order to integrate the art work into the site. If an artist has not yet been selected, a consultant may be asked to offer art options and selection procedures.

The function of the consultant will be to foster communication among people with differing backgrounds (e.g. artist, developer, planner, public works, architect, landscape architect, engineers, attorney, community), and to manage the fabrication and/or installation of the art work.

The consultant will be selected by the Cupertino City Council upon the recommendation of the Fine Arts Commission, and in conjunction with other affected commissions as needed.

Criteria and Conditions for Selection of Art Work

- A. The city shall maintain a responsible collection, maintenance, and de-accession policy and procedure for art works that are accepted as part of the city's Public Art Program.
- B. No acquisition shall be accepted without approval by the City Council. The City of Cupertino may refuse a gift of art for any reason, and in particular if the city cannot provide for the storage, protection, and preservation of the work under suitable conditions, or if the art work does not meet the selection criteria of this document.

- C. Acceptance of art work shall be confirmed by means of an agreement between the donor or artist and the city, including art work that is loaned for a defined period of time with the lender retaining title to the art work
- D. The following criteria shall be used in determining whether an art work is acceptable:
1. Aesthetics: It is deemed to be an art work of lasting aesthetic value that enhances the city's cultural environment by being receptive, respectful, and stimulating, and it contributes to the comprehensive record of visual arts for the community.
 2. Quality: There is an inherent quality in the art work itself (i.e. the City of Cupertino shall not necessarily accept art work based solely on the artist's overall reputation)
 3. Style: An art work shall be compatible in scale, materials, form, and content with its surroundings
 4. Permanence: Consideration shall be given to structural and/or surface soundness, resistance to theft, vandalism, weathering, and maintenance and repair costs
 5. Public Liability: Each art work shall be examined and approved for safety conditions and factors which may bear upon public liability
 6. Variety: The overall Public Art Program shall consider variety in style, scale, and materials
 7. Technical Feasibility: (For purchases or commissions) Each proposed art work shall be examined for convincing evidence of the artist's ability to successfully complete the art work as proposed
 8. Duplication: To assure that the art work will not be duplicated, the artist shall be asked to warrant that the art work is unique and an edition of one, unless stated to the contrary in the contract. (Multiples shall be considered for selection at the city's discretion)
- E. The city shall make no promises to exhibit art work permanently or to maintain art work as the property of the city in perpetuity.

Acquisition Procedures

All potential acquisitions, whether gifts, donations, purchases, commissions, or loans of art to the City of Cupertino must be reviewed by the Fine Arts Commission and approved by the City Council or its designee.

Works of art may not be accepted if the city cannot provide for the display, storage, protection and preservation of the work under conditions that insure its availability to the public, and insure its permanency in the city's collection.

Methods of acquisition shall include the following:

- Direct purchase
- Direct commission
- Gift or Donation
- Temporary Loan
- Permanent Loan
- Competition
- Temporary Exhibit

Gifts

All items accepted as gifts by the City of Cupertino will become the exclusive and absolute property of the City of Cupertino and may be displayed, loaned, retained or disposed of in the best interests of the City of Cupertino.

The City of Cupertino will not, and shall not be required to carry any insurance against loss or destruction of or damage to such item. The City of Cupertino will not be required to exercise greater precautions for the care and the safety of such objects than it exercises with respect to its own property of same or similar nature.

If the City of Cupertino decides not to accept the item and so notifies the owner, the owner has sixty (60) days from the date of notification to reclaim the item. If the item is not reclaimed, the City of Cupertino shall have the right to dispose of such property in any manner it may choose, or to place it in storage at the owner's risk and expense.

The City of Cupertino may require a written order from the owner (or his duly authorized agent or legal representative) before it returns the item described in the agreement.

(See sample Gift Receipt on Page 9)

Title

Title to the works of art acquired for the permanent collection shall be transferred to the city of Cupertino. A contract between the city and artist or agent will be entered for loaned art.

Copyright

Works of art acquired through the acquisition process described above shall require a copyright agreement with the artist prior to acquisition, so that the city can make arrangements to use reproductions of the work for publicity and professional purposes, without infringing on the artist's copyright. Institutions or individuals interested in reproducing works of art in the City of Cupertino collection shall contact the staff liaison to the Fine Arts Commission in writing to request reproduction privileges.

Placement and Exhibition

To ensure excellence in the work's physical embodiment of the principles of design, the involvement of an art professional in aesthetic decision-making is desirable. Sited works will be appropriate to the location, i.e. be proportionate in size and be appropriate for the setting. When making a recommendation to the City Council, the Fine Arts Commission shall take into consideration the site map of proposed city locations for artwork. Sited works may reflect the history and culture of the area.

The following factors will be considered prior to placing art works:

- Visibility
- Lighting
- Public safety
- Traffic patterns (interior, exterior, pedestrian and auto)
- Relationship to existing art work, architecture, and natural features in the vicinity
- Future development plans for the area

(See sample agreements on Page 11-13)

Access

Works of art from the city collection shall be on public view in locations accessible to members of the public during regular business hours, unless other arrangements are agreed upon between the artist and the city.

Preservation and Maintenance

The Fine Arts Commission will conduct regular inspections and inventory all items in the collection to determine their condition and location, in order to identify any needed maintenance or restoration.

Documentation

The Fine Arts Commission, with the assistance of the staff liaison, will develop and maintain the archives and records of the city's collection (see sample Catalogue Form on Page 12)

Information provided by the artist shall include:

- Photographs of work provided by the artist (preferably both digital and film)
- Written description of work provided by the artist
- Care and maintenance recommended by the artist
- Condition of the artwork when received and upon regular inspection
- Financial appraisal of the art work provided by the artist
- Location and date of installation
- A record of the purchase price and all correspondence pertaining to the artwork and its acquisition
- Artist's biography

Information maintained by the city shall include:

- An electronic catalogue entry of each object in the collection, (see sample Catalogue Form in appendix)
- All correspondence between the artist and the city

Insurance

Works of art that are on loan or temporary exhibit are insured as set forth in the contract with the artist or agent. The contract shall provide a full description of the art work, and insurance coverage shall include installation and removal of the art work as well as the period of time when it is to be on loan or exhibit.

Deaccessioning Works of Art

Works of art that are the property of the City of Cupertino shall be deaccessioned or removed following procedures pursuant to Civil Code 980 et seq.

This Civil Code includes Section 985, "Sale of Fine Art", which provides that the artist is due 5% of any proceeds if the art work is sold, and Section 987, "Protection of Fine Art," which protects artwork from destruction or alteration, and extends the legal rights of protection to the artist's heirs or beneficiaries for 50 years after the artist's death.

Funds received by the City from the public sale of art works from the collection shall be directed back to the purchase of works of art for the collection, or for the conservation of objects in the collection.

(See sample Bill of Sale on page 10)



CITY OF CUPERTINO Gift Receipt

Possession of the art work listed on the face of this receipt is accepted by the City of Cupertino subject to the following conditions:

1. All art work accepted by the City of Cupertino will become the exclusive and absolute property of the City of Cupertino and may be displayed, retained, destroyed or disposed of in the best interests of the City of Cupertino.
2. The City of Cupertino will not, and shall not be required to carry any insurance against loss or destruction of or damage to such item. The City of Cupertino will not be required to exercise greater precautions for the care and the safety of such art work than it exercises with respect to its own property of same or similar nature.
3. The undersigned, herein called "Donor," hereby assigns, transfers and gives to the City of Cupertino, herein called "City," its successors and assignees, the rights to the art work described as follows: (Please provide all pertinent information in block letters)

Title _____ Artist's name(s) _____

Materials/media _____ Donor's estimated value _____

Dimensions _____ Weight _____

4. The gift is made by Donor unconditionally and without the reservation of any right, claims or interest in the above described personal property. Donor affirms that he/she owns said artwork and that to the best of his/her knowledge, has good and complete right, title and interest to give it to City. Donor hereby releases City from all liability with respect to any loss or damages to the artwork referred to in this agreement. Donor agrees that City shall not cover such artwork with insurance.

I have read and understand the conditions of the Gift Receipt.

DATE: _____ DONOR SIGNATURE: _____

The City of Cupertino acknowledges receipt of your offer to give the City of Cupertino the item described on this page. Formal notification of action on this offered gift will come after the regular meeting of the Cupertino City Council.

DATE: _____ CITY MANAGER SIGNATURE _____



**CITY OF CUPERTINO
Bill of Sale**

In consideration of the receipt of the sum of _____, the receipt of which is hereby acknowledged, the undersigned _____, residing at _____ [address] in the City of _____, County of _____, State of California, hereby sells, assigns and transfers to _____, residing at _____ [address], in the City of _____, State of California, the following attached _____ [insert description of art], entitled "_____".

Dated _____

Signature

[Acknowledgement]



CITY OF CUPERTINO Art Exhibition Agreement

_____ (Artist) hereby deposits and loans the artwork described on the attached Receipt to the City of Cupertino for exhibition in _____ for the period from _____ to _____ on the following terms and conditions:

Standard of Care: Unless otherwise agreed to by the Artist, the City will exercise the same care with respect to the art referred to on the Receipt for Loan of Art (the "art") as it does in the safekeeping of comparable property of its own.

Photography and Documentation: Unless the City is notified in writing to the contrary, the work(s) may be photographed and reproduced for City's private purposes. The City assumes the right, unless specifically denied by the Artist, to examine the work(s) by all modern photographic means available, and it is understood and agreed that information thus gathered will remain confidential and will not be published without the written consent of the Artist. Artist also recognizes and understands that the exhibition will occur in a public place where public meetings and events will occur that are subject to photography and other video recording as a matter of law, and Artist expressly permits incidental photography or other video recording under such circumstances.

Return of Artwork: Art works accepted by the City on loan will not be returned to anyone other than the Artist except upon receipt of written order from the Artist or Artist's duly authorized agent or legal representative. The Artist shall not remove any of the artwork from the exhibition location during the specified loan period without the written consent of the City. In the case of death or incapacity of the Artist, the legal representative of the Artist is requested to notify the City as soon as possible, giving his or her full name and address in writing.

The City may request the return to the Artist of any property deposited with it by written notice directed to the Artist. If the City, after making reasonable efforts and through no fault of its own, shall be unable to return the art within thirty (30) days of such notice, then the City shall have the absolute right to place the art in storage and to charge removal fees and costs. If, after six (6) months, the art has not been reclaimed, then in consideration for its storage and its efforts to safeguard the artwork during such period, the work(s) shall be deemed an unrestricted gift to the City.

Even if the Artist does not remove the artwork on the date requested or on the date provided by this Agreement, whichever is earlier, the City may proceed to remove the art work from exhibition and install a different exhibition or store the Artist's artwork as provided in the previous paragraph.

Limit of Liability. Artist agrees and understands that Artist has designated the Artist's signed price of each artwork item in the Receipt attached to this Loan Agreement and further agrees and understands that in no event shall the City be liable to the Artist for any amount in excess of the itemized signed price for any damage that may occur to any of the items of art. By accepting the artwork on loan, it is not implied in any way that the City has accepted the signed price as the actual value of the artwork, but only that this establishes the maximum liability of the City in exhibiting or storing the artwork.

The undersigned understands and accepts this agreement.

Artist Signature: _____
Address: _____
Email: _____

Date: _____
Phone: _____
Fax: _____



CITY OF CUPERTINO
Right of Entry and Indemnification Agreement
for Publicly Displayed Artwork

This Right Entry and Indemnification Agreement ("Agreement") is made and entered into this _____ day of _____, 2____, by and between the CITY OF CUPERTINO, a municipal corporation of the State of California ("City") and _____ ("Exhibitor").

RECITALS

WHEREAS, City wishes to encourage activities designed to enhance the aesthetics of the City of Cupertino; and

WHEREAS, City is the owner of certain property located at _____ in the City of Cupertino, County of Santa Clara ("the Premises"); and

WHEREAS, Exhibitor desires to erect a piece of art on a portion of the Premises for the period of _____ to _____;

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

SECTION 1. City grants to Exhibitor permission to enter upon that portion of the Premises outlined in red on Exhibit A, attached hereto, for the purpose of erecting a piece of art entitled _____. The installation of the piece of art shall be at the sole cost and expense of Exhibitor, and such costs shall include any City permit and other fees, which Exhibitor shall pay on demand to City.

SECTION 2. The right of entry granted herein shall be effective as of _____, and shall terminate on _____.

SECTION 3. The piece of art shall be maintained by Exhibitor at all times in a safe, neat, and good physical condition. City shall be the sole judge of the quality of maintenance. If City is not satisfied with the maintenance by Exhibitor, Exhibitor, upon receipt of written notice submitted by the City through its City Manager which states in general terms the manner of required maintenance, shall perform the required maintenance.

SECTION 4. Upon the expiration or earlier termination of this Agreement, Exhibitor, at his sole cost and expense, agrees to immediately remove the piece of art from that portion of the Premises and restore the site of the sculpture on the Premises to its original condition. If the Exhibitor fails to exercise his duties under this Section, City shall have the right to remove the piece of art, store it, and restore the Premises at no cost or liability to City. Exhibitor covenants and agrees to reimburse City for any removal, storage, and/or restoration costs and expenses.

SECTION 5. The parties agree that City shall in no way be responsible for any loss of or damage (including defacement) to the piece of art or for any property belonging to or rented by Exhibitor, its officers, servants, agents, or employees that may be stolen, destroyed or in any way damaged during the erection or maintenance of the piece of art at the site on the Premises.

SECTION 6. Exhibitor agrees to indemnify, defend and hold harmless the City, its officers, agents, servants and employees against any claims or suits for loss or damage to personal property and damage or injury, including death, to any person or persons, arising out of or in connection with the existence, maintenance, use, or location of the piece of art on the Premises, whether or not caused, in whole or in part, by the alleged negligence of officers, agents, servants, employees, contractors, subcontractors, licensees or invitees of Exhibitor or City. Exhibitor agrees to assume all liability and responsibility of City, its officers, agents, servants and employees for those suits or claims. Exhibitor agrees to indemnify City for any injury or damage to the Premises, whether arising out of or in connection with any acts or omissions of Exhibitor or his officers, agents, employees, contractors, subcontractors, licensees, or invitees or caused in whole or in part by the alleged negligence of City's officers, agents, servants, employees, contractors, subcontractors, licensees, or invitees.

SECTION 7. Exhibitors shall obtain and maintain until completion and acceptance of the work required by this Agreement at least all of the minimum insurance requirements required by the City's Risk Manager as specified in Exhibit B, attached hereto, prior to installation of the piece of art. Exhibitor understands and agrees that such insurance amounts may be revised or waived at any time at City's option, and Exhibitor agrees to comply with and provide any insurance revisions requested by City within five (5) days following receipt of notice of those requirements by Exhibitor.

SECTION 8. This Agreement is personal to Exhibitor and is not assignable, and any attempted assignment of this Agreement shall terminate the privileges granted to Exhibitor under this Agreement.

SECTION 9. Exhibitor agrees that if any action, whether real or asserted, at law or in equity, is brought under this Agreement, venue for that action shall lie in the County of Santa Clara, California.

SECTION 10. City and its agents and employees, at all times during the installation and erection of the piece of art, shall have the right of entry and free access to the sculpture site and the right to inspect all work done, labor performed and materials furnished in and about the sculpture site and to inspect all aspects of the installation of the sculpture.

WITNESS THE EXECUTION HEREOF the day and year first herein above written.

APPROVED AS TO FORM:

CITY OF CUPERTINO, a municipal
Corporation



**City of Cupertino
Catalogue of Art and Sculpture**

Description

Title:

Subject Matter &
Description:

Date of Artwork:

Dimensions:

Materials &
Condition:

Location(s):

Artist

Name:

Address:

Telephone:

Fax:

Email:

Website:

Notes:

Acquisition

Date:

Indicate method of acquisition:

- ☐ Direct purchase
- ☐ Direct commission
- ☐ Gift or donation
- ☐ Temporary loan/exhibit
- ☐ Permanent loan

Purchase price, if applicable:

Value (with date of appraisal, if applicable):

City of Cupertino ID number _____

Owner

Name:

Address:

Telephone:

Fax:

Email:

Website:

Notes:

Copyright Status

Maintenance

Recommended care and maintenance, and any special services or supplies necessary.

Condition (indicate the date the art was last inspected):

Images

Attach photographs and/or digital images