

PC 03-28-2023

Item #2

Public Hearing,
19191 Vallico Parkway (DP-
2021-001, ASA-2021-003,
TR-2021-020)

Written Comments

Cyrah Caburian

From: Rhoda Fry <fryhouse@earthlink.net>
Sent: Tuesday, March 28, 2023 11:57 AM
To: City Clerk; City of Cupertino Planning Commission
Subject: Planning Commission 3/28 Agenda #2 New Apple building

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March 28, 2023

RE: Agenda Item #2 New Apple Building

Dear Planning Commission,

- - - Summary of Comments - - -

1. More trees on Tantau if possible
2. Increase bicycle store square footage from 2300 sq ft to 5000 sq ft

- - - Details - - -

Regarding the new Apple building, it is good that they are doing a good job with tree replacement and providing shade on the Vallco Pkwy sidewalks. Would it be possible to do similar on Tantau? I do like that they have selected a different type of tree than surrounding developments. It would also be nice to see as many native trees as practical.

It is perplexing that a small amount of retail square footage entitles developers to raise their roofs from 45 to 65 feet (Apple is going to 58 feet). My understanding is that Apple is considering a bicycle store in its proposed 2300 square foot space, and I think that this is too small for a business to be viable as shown in the following table. I did some very crude measurements of a number of local bike stores using google earth and it seems to me that having a store of approximately 5000 square feet would be preferable in order for there to be room for different types of bikes, accessories, and a repair shop.

1. What will the City do to ensure that a retail tenant shall remain in that location?
2. Will there be sufficient parking in that location?
3. Will there be an area where customers can take bikes for a test ride?

Approximate Square Footage of Bicycle Stores Near Cupertino	
Bicycle Store	Square Feet
Bicycle Outfitter 963, 969, 971, 973 Fremont Avenue Los Altos	> 9000
Bike Connection Palo Alto 2011 El Camino Real Palo Alto, CA 94306	~ 5000
Wheel Away Cycle Center 402 E Hamilton Ave Campbell, CA 95008	~ 4300
Mike's Bikes of Los Gatos 201 N Santa Cruz Ave, Los Gatos, CA 95030	> 5000
Summit Bicycles 111 E Main St Los Gatos, CA 95030	> 4000

Palo Alto Bicycles
171 University Ave, Palo Alto, CA 94301

> 5000

Sincerely,

Rhoda Fry

Cyrah Caburian

From: EAC Chair <eac@scvas.org>
Sent: Tuesday, March 28, 2023 12:50 PM
To: City of Cupertino Planning Commission
Cc: Gian Martire; Shani Kleinhaus; Connie Cunningham
Subject: Public Comment – Item 2: 19191 Vallco Parkway
Attachments: Cupertino 19191 Vallco Parkway_SCVAS.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Chair Scharf and Commissioners,

Please see our questions and comments on this project in the attached letter.

Regards,

Annie Yang

Annie Yang
Environmental Action Committee Chair
Santa Clara Valley Audubon Society
22221 McClellan Rd
Cupertino, CA 95014
eac@scvas.org



March 27, 2023

RE: 19191 Vallco Parkway Project

Dear Chair Scharf and Commissioners,

The Santa Clara Valley Audubon Society (SCVAS) is one of the largest National Audubon Society chapters in California. Our mission is to promote the enjoyment, understanding, and protection of birds and other wildlife by engaging people of all ages in birding, education, and conservation. We appreciate the opportunity to comment on the 19191 Vallco Parkway Project. The Project proposes to develop a 282,320-square-foot office building with a detached 213,080-square-foot parking structure and to remove and replace 113 trees. Not all project plans are available for public review, which limits our ability to comment on the project. We hope the Planning Commission will be able to clarify the following questions:

1. Trees

- a. Many of the trees on the property seem to be newly planted. Were any of these trees initially planted at 19191 Vallco Parkway as mitigation for the loss of trees and/or canopy cover elsewhere?
- b. The Project description proposes that 113 trees will be removed. The arborist report states that 96 trees will be removed. Can the applicant clarify the discrepancy?

2. Dark Sky and Bird Safety

- a. We understand that the building must comply with Cupertino's Bird Safe and Dark Sky Ordinance. Since the Project Description does not provide specific Bird-Safe and Dark Sky implementation details, can the applicant provide information on the anticipated bird safety treatment for the project?

We are concerned as the artist's rendering makes it appear that the glass is untreated and has transparent corners. Effective bird safety measures are especially critical when glass facades are adjacent and face a riparian corridor, such as Calabazas Creek.

- i. The American Bird Conservancy has an updated product database with bird-friendly materials and their associated Threat Factors that provide a measure of the hazard level that glass poses to birds.¹ Can Cupertino ask for, and

¹ <https://abcbirds.org/glass-collisions/products-database/>

is the applicant amenable to, using a Threat Factor lower than 20, and avoiding UV treatments (UV treatments are ineffective)?

- b. The Dark Sky Ordinance requires that the Correlated Color Temperature (CCT) of outdoor lighting not exceed 3000 Kelvin. This CCT still retains a large blue light component, which is unhealthy to humans and ecosystems. Newer recommendations as well as increased product availability supports using lower CCT for outdoor lighting. Is the applicant amenable to using CCT of 2700 or less, especially within 300 feet of the riparian corridor?
- c. Can the applicant provide detail on the creek corridor? For example, what is the width of the creek setback, and what structures and activities are permitted in the setback?

Thank you for your consideration. Please do not hesitate to contact us if you have questions.

Respectfully,

Annie Yang

Cupertino Resident
Environmental Action Committee Chair
Santa Clara Valley Audubon Society
22221 McClellan Rd
Cupertino, CA 95014
eac@scvas.org

Cyrah Caburian

From: Connie Cunningham <cunninghamconniel@gmail.com>
Sent: Tuesday, March 28, 2023 2:40 PM
To: City of Cupertino Planning Commission
Subject: 23-3-28 PC Agenda Item 2, 19191 Vallco Parkway by Apple, Inc.

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.

Subject: Agenda Item 2, Consider the proposed development at 19191 Vallco Parkway Project by Apple, Inc.

Good evening, Chair Scharf and Commissioners,

My name is Connie Cunningham, Housing Commissioner, speaking for myself only.

Thank you for this opportunity to speak on the Apple project at 19191 Vallco Parkway.

Thank you for this Staff Report. The Senior Planner advised that he or the applicant could respond to questions on the Bird-safe Dark Skies Ordinance at this meeting.

I am pleased that the applicant plans to abide by the ordinance, and the project is conditioned in the Development Permit.

The Santa Clara Valley Audubon Society (SCVAS) letter addresses several issues. I hope that are clarified this evening.

I hope the Commission can answer another question this evening. Calabazas Creek runs along the western side of the property. Also, there is the Junipero Serra Channel that runs along the northern side of the property.

Can the applicant provide detail on the creek corridor and, also, on the channel?

For example, what is the width of the creek setback, and what structures and activities are permitted in the setback?

Please provide the width of the channel setback, and what structures and activities are permitted in the setback?

Thank you for your attention to these questions.

Sincerely,
Connie Cunningham (self only)

PC 03-28-2023

Item #3

Public Hearing,
FY 2023-2024 Capital
Improvement Program
General Plan
Conformance

Written Comments

Cyrah Caburian

From: Rhoda Fry <fryhouse@earthlink.net>
Sent: Tuesday, March 28, 2023 12:54 PM
To: City Clerk; City of Cupertino Planning Commission
Subject: Planning Commission 3/28 Agenda #3 CIP

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission,

I am hesitant about approving Capital Improvement Projects (CIP) at this time given Cupertino's economic uncertainty.

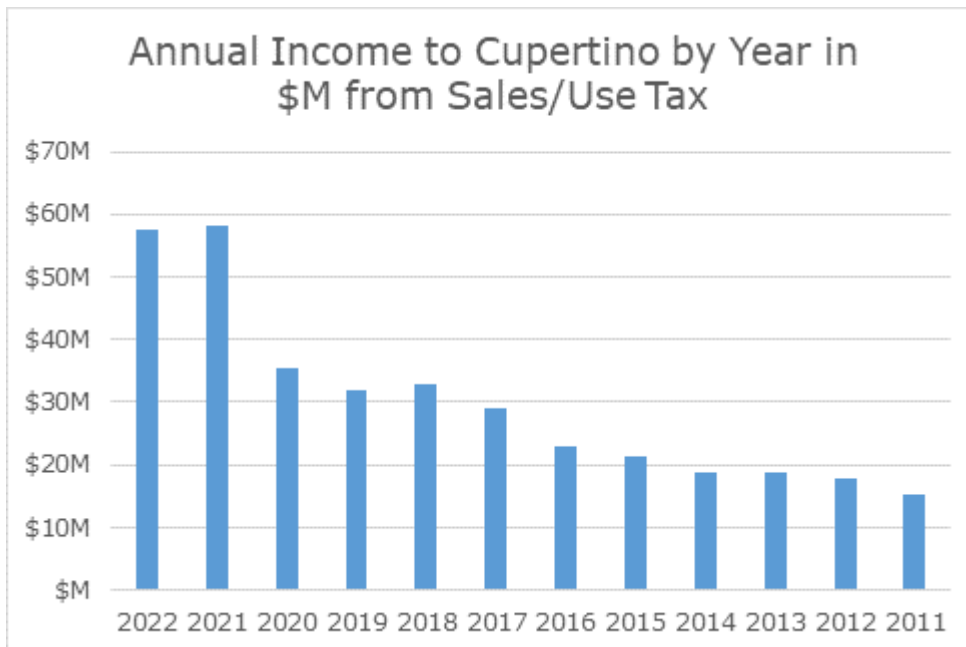
Last month, in February, our City received ZERO money in sales tax revenue when the 4-year average has been \$6.75M. According to yesterday's Cupertino Audit Committee, the State previously disbursed too much money to Cupertino and is now making adjustments. Per the meeting, the 0 revenue in February is unrelated to the anticipated audit of one of Cupertino's major sales-tax revenue sources. Additionally, the Audit Committee did receive a letter from the City Attorney yesterday pertaining to the audit.

The City's Future Revenue Sources are at Risk:

Cupertino receives \$1 for every \$100 spent on taxable goods (1%). Additionally Cupertino has a special arrangement with two companies, Apple and Insight in which every online sale of their products in California (including business – to –business transactions) are treated as though they originated in Cupertino. Cupertino returns 35% of Apple-generated revenue to Apple and I do not know what Cupertino does for Insight. As shown in the chart below using data extracted from the California Department of Tax and Fee Administration (CDTFA), the COVID years gave Cupertino a boost in sales tax revenues. This will come to an end as employers have equipped employees to work at home (I think it will wind up being similar to the Y2K effect and that we will have a dip before returning to normal).

Additionally, our sales-tax revenue is at risk due to an audit by the CDTFA. See comments from our own budget. June 29, 2022 Cupertino City Budget Comments: *The City is currently in the midst of a sales tax audit by the California Department of Tax and Fee Administration (CDTFA). The impact of this audit is unknown, but it has the potential to have a significant impact on the City's sales tax revenue. Once more information is known, staff will provide updates to City Council ... Another risk is the California Department of Tax and Fee Administration (CDTFA) sales tax audit. The CDTFA is auditing one of the City's sales tax revenue sources. The impact of this audit is unknown but has the potential to significantly affect the City's sales tax revenues. Once more information is known, staff will bring updates to Council.* https://apps.cupertino.org/pdf/FY_2022-23_Adopted_Budget.pdf

November 15 2022 Cupertino City Budget Comments: *Due to the uncertainty around a California Department of Tax and Fee Administration (CDTFA) sales tax audit of one of the City's taxpayers, City staff is not recommending any transfers to reserves currently. The impact of this audit is unknown but has the potential to significantly affect the City's sales tax revenues. Staff anticipates bringing recommendations on the use of fund balance to the City Council at mid-year in March 2023 once more information regarding the sales tax audit is available.* <https://www.cupertino.org/home/showpublisheddocument/32377/638041943093670000>



To maintain consistency with the General Plan, you must ensure the City's Fiscal Stability:

The General Plan GOAL LU-8 Fiscal Stability: Maintain a fiscally sustainable city government that preserves and enhances the quality of life for its residents, workers and visitors

Are the following items NEEDS or WANTS?

1. Stevens Creek Blvd./Calabazas Creek Storm Drain Repair (\$420K) - - - ranked high by dept.
I agree that flood-protection is important and have witnessed the benefits that the Monta Vista neighborhood has had from storm-drain projects
2. Fiber Expansion - City Hall Annex (\$320K) - - - ranked high by dept.
What are the consequences of not doing this work? Is there a less costly alternative?
3. Bollinger Road Bike Improvements (\$200K of \$4M over 5 years) - - - ranked low by dept.
Perhaps this should be deferred as there appears to be no urgency.
4. Civic Center Microgrid (\$150K of \$0.9M over 5 years) - - - ranked medium by dept.
Perhaps this should be deferred as there appears to be no urgency.
5. San Tomas Aquino/Saratoga Creek Trail Extension, Feasibility Study (\$150K) - - - ranked low by dept.
Perhaps this should be deferred as there appears to be no urgency.
6. Stevens Creek Bridge Repair (\$100K) - - ranked medium by dept.
I recall that this bridge had been considered for replacement with federal money – now I'm seeing repair. Can you explain further?
If it is going to be replaced anyway, perhaps we should wait? Given the recent rains, what is the status of this bridge?
If it is only slated for repair, we should probably do it – we need to maintain our infrastructure.

Thanks,
Rhoda Fry

Cyrah Caburian

From: Jenny Griffin <grenna5000@yahoo.com>
Sent: Tuesday, March 28, 2023 2:49 PM
To: City of Cupertino Planning Commission
Cc: grenna5000@yahoo.com
Subject: Bollinger Road Lane Closures

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission:

I am very concerned about the attempts to try to make Bollinger Road from De Anza Blvd. to Lawrence Expressway one lane in each direction. This is being proposed as Alternative A:
In the CIP Plan for Bollinger Road in the Attachment 3 in the 2023-2024 5 Year Capitol Improvement Plan for the Planning Commission Meeting on March 28, 2023.

This is a very bad idea as the traffic would be even more congested on Bollinger Road with only One lane on each direction. There is too much volume of traffic on the road now to have It become only one lane. It is also very dangerous to have traffic turning from the middle Of the road with no traffic signals. There could be head on collisions. Also, having only One lane would be dangerous because emergency vehicles would not be able to get Through and this is a main route to Lawrence Expressway.

Alternative B would be a much better plan. This needs to be studied very carefully with the Full cooperation of the affected cities and neighborhoods in both San Jose and Cupertino involved before any decision can be made.

Thank you for your consideration of the safety issues with Alternative A.

Sincerely,

Jennifer Griffin