

CC 07-07-20

Study Session #1,
GPA Authorization

Written Comments

Cyrah Caburian

From: Joseph Fruen <jrfruen@gmail.com>
Sent: Tuesday, July 7, 2020 5:34 PM
To: City Clerk; Kirsten Squarcia; City Council; Darcy Paul; Jon Robert Willey; Liang Chao; Rod Sinks; Steven Scharf
Subject: Re: Study session on GPA authorization procedures - 7/7/2020 council meeting

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Mayor Scharf and Members of the City Council:

The GPA authorization procedure adopted in 2015 provides a strong set of standards that are worthy of maintaining. In particular, I highlight the following:

- 1. Improved transparency in the General Plan amendment process.** Our community has debated and clashed over how and when the General Plan should be amended. By maintaining clear points in the year when these amendments might happen, the public remains better aware of when its input is sought.
- 2. Council remains in the driver's seat.** Instead of early input occurring primarily at the staff level, GPA applicants have an open opportunity to see what the policymakers who must ultimately approve or deny a GPA think or want for the community.
- 3. Real opportunities for community benefits to match present needs.** By virtue of receiving early public and council input, GPA applicants are better positioned to craft a community benefits package that *actually suits community preferences as expressed by the community itself*.

Today, please take time to examine how this process can be improved. At present, the system is so discretionary that it inhibits application. You can influence that by making the process more flexible and less of a hard barrier to application. The increased bargaining power that the GPA authorization procedure creates nullifies itself if it means that no or very few applicants ever apply.

Many thanks,

J.R. Fruen
Cupertino resident

Cyrah Caburian

From: Kitty Moore <ckittymoore@gmail.com>
Sent: Tuesday, July 7, 2020 6:03 PM
To: City Clerk
Subject: Study Session

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Honorable Mayor Scharf, Vice Mayor Paul, and Council Members Chao, Willey, and Sinks,

The Planning Commission requested to have the GPA process brought to that commission and an explanation for when the commission may deny a project. It is very unclear.

Best regards,

Kitty Moore

Cyrah Caburian

From: Jennifer Griffin <grenna5000@yahoo.com>
Sent: Tuesday, July 7, 2020 6:10 PM
To: City Clerk
Subject: GPA

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

Dear City Council:

I am glad we are discussing this as it has been a long time. It is good to refresh everyone on this process.

Thank you.

Jennifer Griffin

CC 07-07-20

Oral
Communications

Written Comments

Cyrah Caburian

From: Mattheakis Larry <mattheakis@comcast.net>
Sent: Sunday, July 5, 2020 10:22 PM
To: City Council; City Clerk; Cupertino City Manager's Office
Cc: Marcia Elmer; sean.krepp@gmail.com; greggmahurin@sbcglobal.net; alice_a_chang@yahoo.com
Subject: July 7 Open Communications regarding STR at 20570 Sunrise Drive
Attachments: Sunrise Drive Chronology 7-5-20.docx

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 Mr. Mayor, Council Members, and City Manager Feng,
My name is Larry Mattheakis of Sunrise Drive in Cupertino. I and my neighbors will be speaking and submitting emails to the Council during Open Communications on July 7 to complain about the crime and safety risks of short term rental at 20570 Sunrise Drive. We will be asking the City to immediately revoke the owner's business license for operating a short-term rental at this residence and to stop the owner from all future short-term rental activity on this property. We will present numerous violations based on the current ordinance, but our overriding concern is the continuing pattern of criminal activity by tenants at this short-term rental. This is not a single incident, but a pattern of criminal activity over several years involving tenants with known criminal records, arrest warrants, possession of illegal firearms, drug dealers, stolen cars and underage minors. The residents of Sunrise Drive are fed up and demanding the City restore our sense of safety and peace in the neighborhood. To validate our concerns, we ask the City invite a representative to the meeting from the Sheriff's Department (Sergeant Post) to describe the criminal activity at this address. Enclosed is our chronology of events.

Thank you,
Larry Mattheakis
20612 Sunrise Dr.
Cupertino, CA 95014

Sunrise Drive Chronology

Details of House at 20570 Sunrise Dr., Cupertino

(Compiled by Marcia Elmer, resident at 20612 Sunrise Dr.,
and Sunrise Drive Block Leader)

Date	Action
June 2014	house sold from George Moustakas to 'Cindy'; Cindy does not reside in house
April --, 2016	Drug bust with police;
May 2, 2016	I contacted Cindy on Airbnb. Renters' dog running loose; garbage left on street
October 2016	Car stolen out of garage of house across the street (20571 Sunrise Dr.). This occurred at 9am on a Saturday.
December 2016	Attempted break-in across the street (20571 Sunrise)
July 8, 2018	I complained to Phillip Willkomm, Cupertino Code Enforcement Officer. Many different people staying there on different nights and many (7-15) cars on street, loud and rowdy parties frequently on numerous weekend nights
July 14, 2018	Big party; Dorothy (neighbor) and I talking; Lee (renter) came over. Said rented on Airbnb. Gave me phone number. Just rented for one night for party. Said he was told by Cindy to have people park elsewhere. Wanted to give me his phone number in case we thought party was too loud. I told him to tell Airbnb person this was a violation of city code.
August 4, 2018	Bus unloading 20 people, with their suitcases; each morning bus picked them up and each evening brought them back for next week (I have pictures)
August 12, 2018	Bus loading 20 people, with their suitcases
August 28, 2018	This whole week there were lots of trucks there. About six per night (I have pictures)
Sept. 15, 2018	Large event at house, ~40 people, 17 cars parked on Sunrise Dr, starting early in the morning; phone # of owner is 408-667-5187 and name is Cindy; listing says 'parties are ok, as long as quiet after 10pm'. Sheriff came, but said they had to speak with owner
Nov. 18, 2018	I filed 'Witness Affidavit' with Code Enforcement attesting to 9/15/18 events

May 2019—Nov. 2019	For sale, off and on for this period in 2019. Didn't sell.
June 10, 2020	Multiple suspicious vehicles on Sunrise Dr., some occupied, 2 stolen vehicles per the Sheriff
June 17, 2020	Party with ~50 underage minors, alcohol; Sheriff came around 10pm, detained some, called parents to pick up; at 11:30, criminals came, Sheriff determined there were stolen cars, drugs, guns and felony arrests
June 18, 2020	<p>Cindy came to meet with us and Sheriff (Sergeant Post and other deputies); Cindy said it was Airbnb's responsibility, said she cares about the neighborhood, would only rent to long-term renters going forward.</p> <p>"Long-term renter" who drove white SUV apparently left; Weird that he never spoke with any of us.</p>
June 22, 2020	I spoke with Phillip Willkomm, Cupertino Code Enforcement. The city is 'going to look into' and he couldn't say anything more specific. He couldn't say anything about the 'cease and desist' order and what might happen next. He said that Cindy was cited and fined previously.
June 26, 2020	<p>I spoke with Officer Patel and got case # for 6/18 police report; I ordered the police report from the Records department.</p> <p>Different cars parked there—van with curtains</p> <p>Approx. 11pm, man peeing in front of a Sunrise Dr residence caught on Ring camera. Same man went to another Sunrise Dr front door and caught on Ring camera video.</p>
June 27, 2020	5-6 cars in driveway and on street; Family going into house with two 3 year old little girls;
June 30, 2020	Sheriff determined renter in the house had outstanding warrant and arrested a felon from Morgan Hill. Person was wanted for felony burglary.

Cyrah Caburian

From: Gregg Mahurin <greggmahurin@sbcglobal.net>
Sent: Monday, July 6, 2020 12:26 PM
To: City Clerk
Subject: Air BnB problem on Sunrise Drive

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 elected officials

I have lived and ran a business in Cupertino with my wife and daughters on Sunrise Drive for over 27 years. The majority of those years have been great. However in the past few years we have seen a severe change in the safety and quality of life in our neighborhood. Because of the Air BnB at [20570 Sunrise Drive on our street](#) we have had Increase crime and issues.

1. People break into our homes, steal our possessions in some cases while the resident was in the home.
2. There have been multiple felony arrests for burglary, possession of a loaded illegal gun.
3. Garbage left in our yards.
4. Stolen cars parked on our street in front of our houses.
5. People urinating on our porches.
6. I have had to ask people to move from in front of my house at ALL hours of the night because they were loudly partying while they waited for the PARTY HOUSE to open.
7. There have been drugs and minors present all of which can be verified by the sheriffs reports which have been sent to the city.

If it were not for the due diligence of our sheriffs department the problems and the crimes would have escalated even worse. We shouldn't have to live in fear in our own neighborhood. The owner of the Air BnB has broken laws and promises and you the city have done nothing. The owner of the property has promised to make changes only to have another party the next week at her rental which she is supposed to live in by law to rent as an Air BnB but does not. I ask that you do your job as our elected officials and close this down. We ask that you do this for the safety of the citizens you were elected to serve.

Regards

Gregg D Mahurin

Sent from my iPhone

Cyrah Caburian

From: Alice Chang <alice_a_chang@yahoo.com>
Sent: Tuesday, July 7, 2020 1:42 PM
To: City Clerk; City Council; Deborah L. Feng; Liang Chao
Cc: lls.gbs@gmail.com; marciaelmer@gmail.com; mattheakis@comcast.net; sean.krepp@gmail.com; greggmahurin@sbcglobal.net; alexia.tang@gmail.com; ssamptur@yahoo.com
Subject: Submission of multiple comments for 07-07-20 City Council Meeting

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

For: City Council Meeting on 7/7/20

Dear Cupertino City Leaders,

We are residents on Sunrise Drive in Cupertino and we wish to enter into the record that we are concerned about our safety due to recurring crime stemmed from the short term rental located on 20570 Sunrise Dr. We wish to address the City Council during the Open Public Comment time on the July 7th meeting. Below is a compilation of submissions from numerous neighbors on Sunrise Drive. For those of us who are present at the meeting, we request we each read our own submission:

From: Larry Mattheakis

Mr. Mayor, members of the Cupertino City Council, my name is Larry Mattheakis at 20612 Sunrise Drive. Today, you will be hearing from me and many other residents of Sunrise Drive to complain about a short-term rental at 20570 Sunrise Drive. We are asking the City today to immediately revoke the owner's business license at 20570 Sunrise Drive for operating a short-term rental at this address and to stop the owner from all future short-term rental activity at this property. This is due to serious safety issues due to criminal activity.

You will hear today that the owner of this short-term rental has made numerous violations of the current ordinance. In particular, the ordinance says that the property owner or main property leaseholder must be the primary resident at the property and be onsite during the lease period. We have never seen the property owner living at this address. The current ordinance also says that the total number of transient guests must be limited to two (2) or fewer and that all transient rentals must be an incidental use of the residence. We have witnessed up to 20 or more people residing at this address for overnight stays, which is in clear violation of the current ordinance. It is also clear that the transient rentals are not an incidental use- they are, in fact, the only use of this residence.

But the most important reason we are here today are the numerous incidents of criminal activity at this address by the tenants of the short-term rental, which are well documented by the Sheriff's Department. In short, the tenants at this short-term rental have been a threat to the public safety of all residents in Cupertino and in particular to the residents of Sunrise Drive.

This is not a single criminal incident, but rather it is a pattern of criminal activity over several years, which the sheriff can confirm. The short-term tenants at this address have included criminals with known arrest warrants and in possession of illegal firearms, drug dealers, and underage minors.

This must stop now, and the residents of Sunrise Drive are asking the City Council to restore our sense of safety and peace in our neighborhood. Thank you.

From: Marcia Mattheakis

Chronology: Details of House at 20570 Sunrise Dr., Cupertino (Compiled by Marcia Elmer, resident at 20612 Sunrise Dr., and Sunrise Drive Block Leader)

Date:

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April --, 2016 Drug bust with police;

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October 2016 Car stolen out of garage of house across the street (20571 Sunrise Dr.). This occurred at 9am on a Saturday.

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Nov. 18, 2018 I filed 'Witness Affidavit' with Code Enforcement attesting to 9/15/18 events

May 2019—Nov. 2019 For sale, off and on for this period in 2019. Didn't sell.

May 16, 2020 - Residents on 20640 Sunrise Drive discovered their car on the property's curved driveway was broken in. Exact day was uncertain since the residents did not step out after Wednesday that week during Covid.

June 3, 2020 Arrest on Sunrise drive around 11pm, four sheriff cars came with K9 unit and searched the car. Another car left on location at 1:40am 6/4, also searched but left in place, and only towed on 6/8 after Alice reported the abandoned/stolen car to police (Officer Harper).

June 10, 2020 Multiple suspicious vehicles on Sunrise Dr., some occupied, 2 stolen vehicles per the Sheriff

June 17, 2020 Party with ~50 underage minors, alcohol; Sheriff came around 10pm, detained some, called parents to pick up; at 11:30, criminals came, Sheriff determined there were stolen cars, drugs, guns and felony arrests

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June 27, 2020 5-6 cars in driveway and on street; Family going into house with two 3 year old little girls;

June 30, 2020 Sheriff determined renter in the house had outstanding warrant and arrested a felon from Morgan Hill. Person was wanted for felony burglary.

From: Sean Krepp

20584 Sunrise STR Next Door Neighbour

Mr. Mayor, members of the Cupertino City Council, my name is Sean Krepp at 20584 Sunrise Drive, a direct next door neighbour to the STR at 20570 Sunrise Drive. I am asking the City today to immediately revoke the owner's business license at 20570 Sunrise Drive for operating a short-term rental at this address and to stop the owner from all future short-term rental activity at this property. This is due to serious safety issues due to repeated criminal activity.

In the words of Santa Clara Sheriff Dept Sergeant Post, "Of all the STRs in Cupertino this is by far the worst". I was so concerned with what I saw on June 17th in that house that I sent a very graphic email to the City. As a result, we will be upping our patrolling and surveillance of this house."

On June 17th, Santa Clara Sheriff officer O'Sullivan visited our home for the 3rd time in 2 weeks as part of his investigations related to criminal activity associated with 20570 STR guests. During that evening we were hosting a friend in our backyard for a BBQ and were shocked to learn that the STR renter was an 18 year old man (who had checked in with a 17 year old girl) and had most likely jumped the rear fence when the arrests began around 11.30 pm. We share a fence with the STR and wondered what would have happened if a gun wielding youth had jumped into our yard, would we be victims of an '[Orinda Party Mansion](#)' style shooting?

Our guest's car alarm also went off that night around 11 pm when many youth were heading toward the party house and as we went out to see what was going on, a 17 year old was walking away from my guest's vehicle and said, 'I have nothing to do with that alarm, I am 17 years old and just walking home.'

Later I went out to the street after the arrests and I learned from officers on the scene that there were 5 arrests (one for a gun felony, two for drugs), there were two stolen cars at the scene and that underage girls as young as 14 years old were found unclothed locked in one of the bedrooms.

On June 18th our community took action and we decided to engage with Cindy the homeowner to request immediate change. The block set up a WhatsApp group to discuss what we would like Cindy to change and on June 18th we (Marcia our block leader and I) requested (on behalf of the block and in the presence of officers Post and O'Sullivan) three things:

[1] Stop the STR and do a long-term rental given that her STR guests have caused high security concerns

[2] While she looks for a long-term renter she installs a camera at the door so she can stop large groups / parties from happening.

[3] While she looks for a long-term renter she screens her STR guests more stringently and/or raises her rates to stop her place from attracting criminals / youth parties.

On June 27th I followed up with Cindy to see if she had made any changes. The short answer was that she had CHANGED NOTHING and after further discussions with neighbours it became clear that many attempts had been made to ask her to change but she had been continuously violation of the STR code, the community had had many conversations with Phil the City Code compliance officer and that Cindy had previously taken no action. Specifically on the three item we requested, here is the current state:

[1] On item #1 she had 'rented to a long-term renter' but it turned out he was a former De Anza student renter of hers who just parked and covered his car in the driveway. Clearly NOT a real long-term renter as he is not on the property.

[2] On item #2 I was setting up my security cameras last week to protect my home and family (wife, daughter 10 and son 14) and in doing so had purchased an extra Nest Hello camera. I offered to sell it to her with my employee discount. No response.

[3] On item #3 there was an arrest of a felon who was on premise on June 28th and since then there have been numerous parties with folks coming and going at all hours.

Given that Cindy does not reside on the premise, is in repeated violation of the city ordinance, has not negotiated in good faith with the local community, continues to rent to criminals and the City compliance office has not followed up on repeated complaints from residents on Sunrise Drive, the City must take action and immediately revoke the STR license. We are not opposed to well run STRs or long-term renters, but when a business is poorly run and constantly in violation of code and is putting our life and property at high risk, it must be terminated.

And with regards to the new STR proposal to be discussed under item 8 in today's agenda. I suggest the City consider putting stronger provisions in place for the monitoring and enforcing of code compliance. The City currently employs 1 compliance officer to cover all 400 STRs among other compliance activities (homeless encampments etc). I would seriously like to see some language in the ordinance to the effect of: **'all STRs which have a reported code violation with an open criminal case associated with activities on its premise will be suspended and by the City (within 1 business day), until the STR owner shows proof that they are in compliance with the STR code, if not the City will levy fines until the STR comes into compliance'**.

Frankly, we need to be proactive in protecting Cupertino communities and not just have a wait and see approach to allowing criminal operations to run out of STRs in otherwise peaceful communities.

From: Dorothy Blanco (assisted by daughter Linda Blanco Stephens)
20571 Sunrise Drive

Dear Cupertino City Leaders,

I have lived in my Cupertino home on Sunrise Drive since 1951, which makes me a Cupertino resident for nearly 70 years. I am 93-years-old and have raised my children and grandchildren in my home on Sunrise Drive and have experienced our city's highs and our city's lows.

We are now amidst an all time low due to the negligence of our city and the woman who owns 20570 Sunrise Drive, who has put me and my neighborhood at significant risk. Regarding the aforementioned property, the owner has rented her property to various individuals via AirBnB over the years. This has raised significant concern among neighbors starting as early as 2016 due to the quality of renters and questionable activity that has taken place in that home and in our neighborhood, which is where this all begins.

Around 2016, I began to notice some unusual activity at 20570 Sunrise Drive. There seemed to be people rotating in and out of the home, some staying a few nights and other staying longer periods of time. My guess is that hundreds of people had rotated through that home. In a historically quiet and safe neighborhood, in

October 2016, my car was stolen right out of my garage during broad daylight and, in December 2016, someone broke into my home. This is not a coincidence.

Over the next several years, my family and I notified the code enforcement regarding activities in that home, including partitioning off various parts of the house and renting "rooms," an incident when a large private bus unloaded 25+ people into the home where they resided for the weekend, and also notifying the police that the owner does not live on the property. After numerous contacts with code enforcement, they came out to the home and made her take down the partitions throughout the home and, at the time, the owner was noted to be uncooperative with this process.

The circumstances have escalated over the past year.. My family and I have called the police on numerous occasions regarding activity in the 20570 residence. Recent activities include: arrests for criminal activity, parties with drugs and alcohol and underaged minors, possession of ILLEGAL firearms, arrest warrants, stolen vehicles, and drug possession. Please refer to police reports for a detailed description of events.

After voicing significant concern to the Sheriff's Department, they held an informal meeting with the owner of 20570 (who does not reside on the property) and many of my neighbors to discuss our concerns. Many neighbors openly voiced their concern to the owner, who adamantly denied any responsibility for recent events. She has outright lied to me when my family and I have confronted her about these issues and even lied to authority.

We are kindly telling the city to please close down this property and remove the owner's ability to rent this property.

To further emphasize the seriousness of the situation, I DO NOT FEEL SAFE IN MY OWN HOME. Due to the recent events (April 2020-present), I am currently residing with my daughter and son-in-law (who also live in Cupertino) due to concern for my own safety. Do not mistake my 93-year-old age for weakness, I am a strong advocate for this city and my neighborhood.

I have seen a lot in my day and have always found Cupertino a place that I am proud to call home. Please help restore my affection for our city. Thank you for your consideration. Dorothy Blanco, 20571 Sunrise Drive

From: Trevor Stephens and Lara Dubuc

(grandson of Dorothy Blanco and his girlfriend, currently residing at 20571 Sunrise Drive since mid-April)

Dear City Officials,

While we have not been in this residence long, we certainly have felt the ramifications of the AirBnB property across the street at 20570 Sunrise Drive. We moved into Trevor's grandmother's house in mid-April as she had moved into her daughter, Linda's, home. We wanted to ensure the house was occupied and safe.

In mid-May, we started to notice a flurry of activity across the street. Every couple of days, a new group of individuals would be moving into the house. What struck us strange is that this was clearly a short term rental, but we were under a strict shelter in place order.

Memorial Day Weekend brought groups of people to the house for parties. No masks, no social distancing. Clearly not following shelter in place orders. All day and all night. The real issue was the people sitting in their cars for hours on end, watching the neighborhood. Lara took trash to the trashcan one night only to feel intimidated by a strange man sitting in his car. He stayed in that car for at least 2 hours.

Then came the stolen cars found on the street. Two Prius' had been dropped on our and neighboring streets. Coincidental at best.

Then came the underage high school graduation party on Wednesday night, June 17 with drugs, guns and alcohol. Where in a span of 10 minutes, ~40 kids showed up to the house at 20570 Sunrise Drive. I am so thankful for the immediate response from the Cupertino Sheriff Department to come break the party up. We found out the address had leaked online and random people were showing up. While standing there with the police, a couple of cars drove through that seemed to be looking for the party but also did not seem like high schoolers. They had stolen license plates. At about 11:30 that night, we witnessed a drug and gun arrest across the street, complete with drawn guns pointed at suspects who were in possession of a loaded gun with the serial numbers filed off. Felony gun charges are quite serious. This was the tipping point for me. I can't even begin to imagine what type of drunk driving car arrests/accidents could have stemmed from this, or what type of drug and gun activity would have started if this party had continued.

We also have Ring video footage of a man walking on to our porch to the front door at 11:30 PM on Friday Night, June 26th.

And then just last weekend a woman was arrested again at this house for having an outstanding warrant for felony burglary.

We thought living in this Cupertino neighborhood would be safe and quiet. It has turned out to be quite the opposite. We are on alert every single night. We are extremely concerned with the lack of support from AirBnB. Thankfully the police have been absolutely wonderful and are keeping us safe. But they shouldn't have to do that. This place needs to be shut down. It is a serious concern of us and our families and neighbors.

Cindy has shown to be uncooperative and unwilling to protect her neighborhood. We request that the city take the required action to keep their residents safe and stop any future harm from happening. Thank you, Trevor Stephens and Lara Dubuc

From: Shu & Tim Chiun

Dear Mayor & City Council Members,

We are greatly concerned about the safety on Sunrise Drive due to the STR property on our residence street. The STR activities on 20570 Sunrise Drive have significantly changed the character of the neighborhood which is one and the most important of the City's STR requirements.

We have been a resident on Sunrise Drive for 24 years. Sunrise Drive used to be a peaceful street. For the past four to five years since 20570 Sunrise Drive was turned into an STR property, we have noticed:

- (1) significantly more cars parked on the street, and virtually different cars everyday,
- (2) the STR property becomes a place where people from various and unknown backgrounds hold parties and create noise and problems, and
- (3) there were numerous incidents that the police had to be involved, especially in the middle of the nights, about criminal activities and noise complaints, all originated from the STR property.

We strongly think that the STR on 20570 Sunrise Drive knowingly violates the city regulations all the time solely for its own profits, and jeopardizes the safety of the Cupertino residents, especially those on Sunrise Drive and the neighboring streets.

We used to open garage door, besides the windows, in hot days all day and and sometimes forget to close in the evening. We just said "oops" the next morning. Now, we cannot afford the "oops" anymore. Every night, we have to triple-check that the doors and the windows are securely locked before we go to sleep.

With the existence of this particular STR property, the character of this neighborhood has completely changed; there are rising levels of worries, fear, and angers from the neighbors. We hereby request that the City revoke the STR license of the property before the situation further worsens. Thank you very much.

From: Annita Liao

Dear Mayor & City Members,

I am greatly concerned about the Marijuana use on 20570 Sunrise Drive due to the STR activities. I live on Rodrigues Avenue with small portion of sharing fence in my backyard. When a happy party threwed with Marijuana there, I suffer severe allergy for days. Today I have rashes while yesterday there was party at 20570 Sunrise Drive. For long, I do my best not go inside my backyard for my health. I once called the police and the answer was they can't do anything. My neighbors either do not use marijuana or only use Marijuana indoors to respect the other people's right of fresh air. STR should not change the character of the neighborhood so much. I hope STR regulation can minimize the impact to neighbors. Thank you very much.

From: Gregg D Mahurin

Dear elected officials

I have lived and ran a business in Cupertino with my wife and daughters on Sunrise Drive for over 27 years. The majority of those years have been great. However in the past few years we have seen a severe change in the safety and quality of life in our neighborhood. Because of the Air BnB at 20570 Sunrise Drive on our street we have had increased crime and issues.

People break into our homes, steal our possessions in some cases while the resident was in the home. There have been multiple felony arrests for burglary, possession of a loaded illegal gun. Garbage left in our yards. Stolen cars parked on our street in front of our houses. People urinating on our porches.

I have had to ask people to move from in front of my house at ALL hours of the night because they were loudly partying while they waited for the PARTY HOUSE to open. There have been drugs and minors present all of which can be verified by the sheriffs reports which have been sent to the city.

If it were not for the due diligence of our sheriff's department the problems and the crimes would have escalated even worse. We shouldn't have to live in fear in our own neighborhood. The owner of the AirBnB has broken laws and promises and you the city have done nothing. The owner of the property has promised to make changes only to have another party the next week at her rental which she is supposed to live in by law to rent as an AirBnB but does not. I ask that you do your job as our elected officials and close this down. We ask that you do this for the safety of the citizens you were elected to serve. Regards, Gregg D Mahurin

From: Jin Jan

Dear Cupertino city councilmen,

We have lived on Sunrise drive with our children for 23 years. The street is such a peaceful, friendly neighborhood, but not until many criminal cases happened at the short-term rental house located at 20570 Sunrise drive.

We are very concerned about our living safety and have felt uncomfortable even a police patrolling is enforced along Sunrise drive. Please city council members can address our concern in the meeting and provide a solution to ease our anxiety. Also, due to the related disorderly conduct, we would like to remind the city council on possible security impacts on our neighboring Faría elemental school, business stores, banks, and shopping areas around Spouts and Range 99. Thanks for your attention. Best Regards, Jin Jan

From: Raymond Chong,
20668 Sunrise Drive

Dear Cupertino city leaders, I have lived on Sunrise Drive for 29 years. I am perplexed as to why the city is unable to enforce its own rules for short term airbnb rentals despite repeated offenses over several years on 20570 Sunrise Drive as documented by the Sheriff's department and by code enforcement, most recently escalating to several criminal and potentially dangerous situations. While I understand that there might be many pressing issues that you have to deal with, I urge that you fulfill your duty to me and my neighbors by putting a complete stop to this continuing dangerous escalations due to this short term rental by legally revoking the property owners ability to rent it out on a short term basis. I do not wish this to further escalate to shootings in my neighborhood or lawsuits with the city. Thank you for your immediate action. Sincerely, Raymond Chong, 20668 Sunrise Drive.

From: Alexia and Jared
20641 Sunrise Dr

Dear Cupertino Council Members,

My husband and I recently moved to Sunrise Drive to start our family. My husband grew up in Cupertino and has always described it as a safe city. However, since the first two months we started living here, we were woken up late at night by teenagers parked outside of our house, speaking loudly for over an hour and disturbing the neighborhood before heading to a party. We also noticed suspicious individuals loitering on our street and discovered that our neighbor's cars were broken in to. We've also heard sirens due to several arrests that occurred and learned that there were guns, burglars and drug dealers. All the above issues were brought forth by the STR property at 20570 Sunrise Dr due to the owner's extreme lack of care to whom she should or should not rent to, which severely exposed our neighborhood to danger. We do not wish to head down that path any further.

We are here to seek for your attention and immediate action to put an end to all the foreseeable risks. Please revoke her ability to conduct short term lease and help us restore our neighborhood's safety. Thank you! Alexia & Jared from 20641 Sunrise Dr

From: Eric Zhang

Dear city officials,

Our family moved to Sunrise Drive in Cupertino about two years ago. We built our house here and expected to become a long term Cupertino resident. Cupertino's safe environment is one of the main reasons we moved to this community. However, we were shocked to know, just in the past several months, there were multiple occasions of criminal activities and arrests occurred in our neighborhood. As parents of three young kids, we are very concerned about the STR on our street, which brought about these events in the past and potentially causes even bigger troubles in the future. In the past few years, quite a few families with young children moved to Sunrise Drive. The last thing we want is for our children living in an unsafe block. I am writing this email to call for city taking proper and immediate action to protect the safety of your Cupertino residents and restore the peacefulness of the street. Regards, Eric Zhang

From: Alice Chang

Dear Cupertino City Leaders,

My family has been living on Sunrise Dr for over 20 years. I ask you to take immediate action to stop the recurring crime that has plagued our street due to the STR on 20570 Sunrise Dr. The owner of the STR has been making significant profit by ignoring our safety on the street and breaking city ordinance repeatedly. We

also believe the city has been collecting tax from the STR and therefore should be accountable for harm caused by the lack of enforcement of this business. Meanwhile, the neighborhood on Sunrise Drive has been paying the price of property damage and bodily harm, and the taxpayers of Cupertino have been paying the additional dollars for the police arrests and increased patrols. I understand this may not have come to your attention earlier, but now it has. So starting today, please enforce the law and have the owner of the STR bear the cost of her actions, not the neighbors on Sunrise Dr or the taxpayers of Cupertino. Thank you.

From: Seetharam Samptur, Sravanthi Kanala, Pablo Montes, Shuyi Tang, Zheng Yang, Vickie Peng, Randy Yin, ChunSheng Yang, Jing Yin, Julin Jan, Sadas Shankar, Changxun Wu, Cheng Dai

I live on Sunrise Drive in Cupertino and I support my neighbors' statements.

Cyrah Caburian

From: Idean95014@comcast.net
Sent: Tuesday, July 7, 2020 6:24 PM
To: Lauren Sapudar
Cc: City Clerk
Subject: Oral Public Comments

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

Hi Lauren - I'll try to speak from my iPad this evening during open mic time.... not sure how this works technically, so I thought I'd forward to you my comments in case you could read them for me. Should take less than 2 minutes.... thx!

Dear Mayor Scharf and fellow Council -

On behalf of Walk-Bike Cupertino, we thank you for continuing to fund the active BP projects in Cupertino. And we are so glad to see McClellan Road Phase II starting next month.

We also Thank you for your patience and extended efforts to address the Regnart Creek Trail resident's concerns in a constructive and empathetic manner.

Security and privacy are always at the top of anyone's list. You certainly are taking reasonable extra steps to mitigate concerns and we thank you for it.

Many of us recall the angst and contention 10 years ago regarding the Scenic Circle Bridge. Now the residents love it, it's enjoyed by the immediate neighborhood and is viewed as a broader neighborhood amenity. No privacy or security issues there.

Now pending is the work on the Linda Vista Trail. We feel the Scenic Circle experience has made the Linda Vista implementation much easier.

City staff has worked closely with the residents to listen and mitigate their safety and security concerns - now the community is looking forward to its implementation. Another pending success story in making it easier and safer to walk and bike in Cupertino.

Thank you for your efforts!

Larry Dean
Walk-Bike Cupertino

Cyrah Caburian

From: Peggy Griffin <griffin@compuserve.com>
Sent: Tuesday, July 7, 2020 7:19 PM
To: City Council; Deborah L. Feng
Cc: City of Cupertino Planning Commission; City Clerk
Subject: Westport Project - Needs 3rd party analysis of need for BMR Distribution Waiver NOW!

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

Dear Mayor Scharf and City Manager Feng,

I spoke regarding this during Oral Communications tonight but I am putting my request in writing. Please add this to the Written Communications.

REQUEST: Please insist on a 3rd party analysis of whether the BMR Distribution requirement waiver is actually necessary.

IMPORTANT: It needs to be done before it's presented to the Planning Commission and City Council.

BMR units do not need to all be senior housing!

Thank you,
Peggy Griffin

CC 07-07-20

#2,

Civic Center
Parking Analysis &
Recommendations

Written Comments

Cyrah Caburian

From: Liana Crabtree <lianacrabtree@yahoo.com>
Sent: Tuesday, July 7, 2020 8:42 AM
To: Steven Scharf; Darcy Paul; Liang Chao; Rod Sinks; Jon Robert Willey; Cupertino City Manager's Office
Cc: City Clerk
Subject: Written Communication, 7/7/2020 Council Meeting, Agenda Item 2, "Civic Center Parking"

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

Honorable Mayor Scharf, Vice Mayor Paul, Council Members Chao, Sinks, and Willey and City Manager Feng:

While I serve as a library commissioner and this letter will include references to actions and documents submitted to Council by the Library Commission in the past, my comments are my own and are not to be attributed to the Library Commission.

Please accept this letter as written communication for the 7/7/2020 Council Meeting, Agenda Item 2:

"Subject: Presentation on Civic Center Parking Analysis and Recommendations
Recommended Action: Provide input on the recommended actions to reduce parking demand and to increase and manage parking supply at the Civic Center"

Comments

(1) I support the Staff recommendation to preserve Library Field as the treasured open space the community appreciates today. No "carve outs", "cut throughs", or trimming to accommodate more parking. Furthermore, I encourage Council to recognize Library Field as a city park at its earliest opportunity.

(2) For the scope of the Cupertino City Center Parking Study ("Parking Study"), I feel the Library Commission could have helped focus the scope of the study to include options to improve the management and efficiency of the existing parking supply and use of real estate already dedicated to parking use. The objectives of the parking analysis described in the staff report appear to identify "increase parking supply" as predetermined conclusion:

"The purpose of the analysis is to:

- 1) Assess existing parking demands
- 2) Recommend solutions to increase parking supply
- 3) Evaluate and recommend methods to discourage parking vehicles at the Civic Center"

Could the community also be served by an omitted item 4), "Assess flow in, through, and out of Civic Center destinations to improve access to the area and management of existing and anticipated uses"?

The Library Commission has offered its ideas for Council to consider for improving access to Civic Center destinations without expanding the footprint of the existing parking lot. Find the Library Commission's suggestions here (written communication, Council Meeting, The purpose of the analysis is to:

- 1) Assess existing parking demands
- 2) Recommend solutions to increase parking supply
- 3) Evaluate and recommend methods to discourage parking vehicles at the Civic Center):
<https://cupertino.legistar.com/View.ashx?M=E2&ID=761896&GUID=A1CFD5C4-3556-4158-8926-4846C58EF8F8>

Highlights from the Library Commission's recommendations:

- + PDF pp 3-4, Suggestions for Improving Access to the Cupertino City Center
- + PDF pp 24-26, Suggestions to Address Misuse of Time-limited Parking Stalls in the Civic Center Parking Lot
- + PDF pp 38, "Attachment C" Reconfigured Parking Lot Idea to Accommodate Driver-side Standalone Book Drop and Short Stay Parking (design mock up)

(3) I recognize that City and Library District employees who have roles that face the public most of the time or as needed must be on site for most/all of their work day. However, as a result of social distancing required to preserve public health now and for the foreseeable future, is it reasonable or optimal to expect that all employees who reported to Civic Center workplaces daily in February 2020 will do so in the future, even after the current pandemic resolves? What portion of transportation or parking demand projected from February 2020 or earlier is relevant today?

(4) Civic Center destinations are served by multiple public transit routes, including but not limited to VTA Route 55 (a connector to Caltrain) and VTA Routes 23/523 (connectors to BART), but the Staff recommendations do not include mention of programs to encourage the resident community to use public transit to travel to and from the library. For example, students attending De Anza College, Cupertino High School, and Homestead High School all have public transit options that can transport them from school to Civic Center destinations.

(5) Overall, it seems the Parking Study focuses on solutions for weekday employees and de-emphasizes strategies for addressing weekend and occasional evening need when community visits to Civic Center destinations are likely to be high. I do hope that whatever plan Council adopts will be considerate of encouraging community members to walk, bike, scooter, skateboard, or travel by transit to Civic Center destinations whenever possible.

Sincerely,

Liana Crabtree
Cupertino resident
representing myself only

Cyrah Caburian

From: Peggy Griffin <griffin@compuserve.com>
Sent: Tuesday, July 7, 2020 1:24 PM
To: City Council; Deborah L. Feng
Cc: City Clerk; City of Cupertino Planning Commission
Subject: 2020-07-07 CC Agenda Item 2-Civic Center Parking Numbers don't math

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

Dear Honorable Mayor Scharf, Vice Mayor Paul, Council Members and City Manager Feng,

In reviewing the material for Agenda Item #2-Civic Center Parking I've found 2 issues:

1. Again, the Staff Report has NO PAGE NUMBERS! This makes referencing material difficult and time consuming for all involved. Please insist that page numbers appear on all city documents.
SUGGESTIONS:
 - a. It appears there is a template for city staff reports. Add page numbers to this template and require everyone to update their files to use this template.
 - b. Reject/do not approve/sign off on any staff report that does not have page numbers.
2. Staff Report, page 2 of 9, table of "current availability of parking spaces" the total number of spaces (add up all the numbers) is 308 but the total number of spaces in "Attachment B – Existing Parking Map" is 322 (add up all the zones). This is a difference of 14 spaces!

Q: Which is it, 308 or 322?

Sincerely,
Peggy Griffin

Cyrah Caburian

From: Peggy Griffin <griffin@compuserve.com>
Sent: Tuesday, July 7, 2020 6:20 PM
To: City Clerk
Subject: CC Item #2 Civic Center Parking - slide for Peggy Griffin
Attachments: Modified-Library Commission Parking Lot suggestion.pdf

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Hi Kirsten,

I'd like to speak on Agenda Item #2. Here is the slide I'd like displayed when I speak.

Thank you for your help,
Peggy Griffin

DARK GREEN OVAL – Designate as drop off/pickup for all of Civic Center

- Has seats, visibility to all areas, natural shuttle stop too



Attachment C, not to scale, reconfigured parking lot idea to accommodate [1] driver-side standalone book drop; [2] short stay parking for passenger loading and unloading and use of the automated book return; [3] preserved use of the four existing charging station stalls (4 stalls, location noted in yellow). "Lavender arrow zones" indicate location and flow direction for pull-in, pull-out, short-stay parking.

Note3: The source for the background graphic for the reconfigured parking lot was borrowed from the December 2019 Cupertino Civic Center transportation survey.

15 / 15

LIGHT GREEN OVAL – Make entrance from Torre Ave ONE WAY

- Add additional slanted parking on Library side



Cyrah Caburian

From: Peggy Griffin <griffin@compuserve.com>
Sent: Tuesday, July 7, 2020 8:02 PM
To: City Council; Deborah L. Feng
Cc: City Clerk; City of Cupertino Planning Commission
Subject: CC Agenda Item 2 - Civic Center Parking Analysis and Recommendations
Attachments: Modified-Library Commission Parking Lot suggestion.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 Mayor Scharf, Vice Mayor Paul, Council Members and City Manager Feng,

I support the Staff's recommendation to preserve the Library Field as open space - Not eating away or taking any portion of it for parking.

REQUEST: I'd like to request and encourage the Council move as quickly as possible to make Library Field a much-needed city park.

ATTACHMENT: The drawing attachment was sent to you from the Library Commission many months ago as a possible parking solution. I have 2 possible improvements to this:

1. Move the drop-off/pickup site to be in front of the Civic Center Plaza, as is suggested by the Staff Report.
2. Consider making the entrance on Torre Ave into the Library Parking Lot ONE WAY into the parking lot AND adding slanted parking spaces on the Library side.

Staff Report lists many strategies to decrease strategies. Several comments

- I believe the strategy to "Add 2 secure bike spaces" is not enough. We need more secure bike spaces if you're encouraging the use of bikes. I did not see a total count of current bike spaces both unsecure and secure.
- Host "Cupertino Bike Party" from each of the schools to the Library.
 - o Maybe do a raffle and give away some secure bike locks.
 - o Bike lock rodeo event – how fast you can securely lock your bike
- Whatever changes are done, please take into consideration and plan for the opening where the Regnart Creek Trail will open into the parking lot.

Thank you,
Peggy Griffin

DARK GREEN OVAL – Designate as drop off/pickup for all of Civic Center

- Has seats, visibility to all areas, natural shuttle stop too



Attachment C, not to scale, reconfigured parking lot idea to accommodate [1] driver-side standalone book drop; [2] short stay parking for passenger loading and unloading and use of the automated book return; [3] preserved use of the four existing charging station stalls (4 stalls, location noted in yellow). "Lavender arrow zones" indicate location and flow direction for pull-in, pull-out, short-stay parking.

Note3: The source for the background graphic for the reconfigured parking lot was borrowed from the December 2019 Cupertino Civic Center transportation survey.

15 / 15

LIGHT GREEN OVAL – Make entrance from Torre Ave ONE WAY

- Add additional slanted parking on Library side



CC 07-07-20

#8,

Municipal Code
Amendments to
Regulate Short Term
Rentals

Written Comments

July 6, 2020

City of Cupertino, California
10300 Torre Avenue
Cupertino, CA 95014

RE: Proposed Short-Term Rental Guidelines

Mayor Scharf and Members of the Cupertino City Council

On behalf of Expedia Group, a family of travel brands including vacation rental leader Vrbo, I write to express concern over Cupertino's proposed ordinance to regulate short-term rentals.

Expedia Group is proud to work with local jurisdictions across California to support balanced, responsible short-term rental regulations that meet each community's needs, and believe that Cupertino is on the right track. Below are points for your consideration as you work toward balanced, functional regulation of short-term rentals:

1. Cupertino's ordinance should harmonize with State-issued guidelines.

On June 5, 2020, Governor Newsom and the Department of Public Health issued [guidelines under which recreational lodging could reopen in California](#). These guidelines recognize that "hosted stays," as defined in the draft ordinance, present unique health and hygiene risk due to the necessary sharing of space and facilities between STR operators and guests. Meanwhile, vacation rentals ("unhosted stays" in the ordinance) allow a guest to have control over the space, its cleanliness, and its occupancy. Vacation rentals will play an important role as Cupertino's travel and lodging sector recovers.

The draft ordinance, however, favors "hosted stays" by limiting vacation rentals to 60 unhosted nights per year but allowing unlimited hosted stays. We strongly encourage Cupertino to update this provision in light of the state guidelines disfavoring hosted stays and the unique value that vacation rentals provide with regard to health and safety. We respectfully request that the 60-night limit on unhosted rentals be removed.

2. Voter approval is required to shift the responsibility for collecting and remitting TOT onto platforms.

As drafted, Cupertino's proposed ordinance would require platforms to collect and remit TOT generated by short-term rental activity in the city. This provision requires voter approval consistent with Proposition 218, which prohibits a local government from "impos[ing], extend[ing] or increas[ing] any general tax unless and until that tax is submitted to the electorate and approved by a majority vote."

The proposed language would newly “impose” tax liabilities and obligations on platforms by subjecting platforms to tax collection, recordkeeping, enforcement and remittance liabilities for tax owed as a result of short-term residential occupancies the platform facilitates. While Cupertino’s TOT is imposed on “transients” for the privilege of occupancy, tax liability is also imposed on an “operator” if tax is not remitted, whether or not it is collected by the operator from the guest. The proposed language would effectively treat platforms like “operators” for purposes of tax collection, recordkeeping and remittance liabilities. For no other purpose would platforms be considered operators—thus, the proposed amendments “impose” tax liabilities and obligations that do not exist under current law. This can only be done if voter approval is first secured.

Thank you for your consideration and for your leadership during this challenging time. I can be reached for any further questions at rilazaro@expediagroup.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Lazaro'.

Richard de Sam Lazaro
Regional Government Affairs Manager
Expedia Group

CC 07-07-20

#11,

Lawrence/Mitty
Land Acquisition

Written Comments

Cyrah Caburian

From: Idean95014@comcast.net
Sent: Tuesday, July 7, 2020 3:11 PM
To: City Clerk
Subject: Item 11 - Lawrence/Mitty Land Acquisition

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

Dear Mayor Scharf and Fellow Council -

We are very pleased to see this item up for approval at tonight's council meeting. While the timeline of this purchase is a pleasant surprise, it is welcomed. The acquisition will help the city further its mission in making our neighborhoods resident-friendly and provide more opportunity for being outdoors in a safe environment.

Congrats to you in putting together this great move for our city.

Larry Dean
Walk-Bike Cupertino

Cyrah Caburian

From: David Rolnick <daverol@sbcglobal.net>
Sent: Tuesday, July 7, 2020 5:51 PM
To: City Council
Cc: Cupertino City Manager's Office
Subject: Lawrence Mitty Property Purchase

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

Mayor Scharf and Cupertino City Council members,

Please vote NO on the purchase of the Lawrence Mitty property.

- 1) The value of this property has likely declined since the value was last appraised. This property has no suitable usage other than for a jogging path or a homeless tent encampment. It is too close to the Expressway to safely build a park (car noise, car fumes, etc.).
- 2) This adjacent area (freeway onramps and off-ramps) has been inhabited by the homeless. If this property is opened up, I would expect that the local homeless population will move in.
- 3) The property is in the City of San Jose. Why would the City of Cupertino build a park in San Jose? Will San Jose want to collect property taxes from Cupertino?
- 4) In this time of fiscal duress for the city, it seem irresponsible to spend nearly \$3 million dollars to acquire an overpriced, nearly useless, piece of property.

Regards,

David Rolnick

Cyrah Caburian

From: Connie Cunningham (Obama 2012) <coffeewalk7am@gmail.com>
Sent: Tuesday, July 7, 2020 9:04 PM
To: City Council
Cc: City Clerk
Subject: Agenda Item 11 Lawrence Mitty, July 7, 2020 City Council Meeting

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

Agenda Item 11 Lawrence Mitty July 7, 2020 City Council Meeting

Dear Mayor, Vice-Mayor, City Councilmembers and City Manager:

It is very exciting to see this park in the acquisition phase! I support your decision to approve Item 11. Many families in the years ahead will enjoy this park.

Sincerely,

Connie Cunningham
Resident