

CC 12-01-20

Study Session #1
Climate Action
Plan 2.0

Written Comments

Cyrah Caburian

From: Shiv Shah <shiv.v.shah@gmail.com>
Sent: Tuesday, December 1, 2020 4:18 PM
To: City Clerk
Subject: Non toxic bicycle oil and car chargers for todays city council study session

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, I am Shiv, a student at Cupertino High School and a member of Silicon Valley Youth Climate Action.

As we know, our earth is quickly becoming uninhabitable. I am planning on moving up to Washington or British Columbia for college because I do not want wildfires taking away another 2.5 months from me. The firefighters are saying the fires will get worse for 20 years. After hearing that, I was imagining myself as a fat couch potato when I grow up telling my fat children that once upon a time when the air was clean I was strong enough to compete at track and field meets and bike up mountains. I even had trouble getting my homework done and even playing videogames because of the wildfire smoke this year.

I understand that the climate crisis is a big problem that requires big solutions, but what frustrates me is that there is so much we can do with the technology that we already have. Getting our 2 local bike shops to use non toxic bicycle oil and grease is something that can be done very easily. I personally use oil from Green Oil by Simon Nash from Britan. I am willing to go out of my way to buy oil from a small company in a different country because I know it will be beneficial for my health and safety. Since their oil is plant based, I do not have to worry about washing my hands for 5 minutes with a lot of soap after touching the chain on my bicycle, especially when I am outside where I don't have a place to wash my hands. More importantly when the oil washes off or drips off my chain, it will get into the stevens creek, and eventually into the water I drink. Many urban cities already have unsafe amounts of PTFE in their water supplies so we need to do everything we can to keep more of it from getting into our waters. Some may argue that we can install filtration systems to remove the PTFE, but no filtration system is 100% effective, and that is a step away from an ideal world where the water is clean enough that we do not need a filter.

Another problem I would like to talk about is car chargers. Although I believe we need to and we can make the sell of new gasoline cars illegal by 2028 based on new and upcoming technologies, I think our city should wait a year or two before installing chargers in our cities. Right now, figuring out what type of charger to use is complicated because Tesla drivers will not want to use non tesla chargers because they are slower and may be more expensive, and non tesla drivers can not even use tesla chargers. Additionally, I have read about people damaging their car batteries because they used a charger that was not specifically designed for their car. Standardizing charging is in the brainstorming agenda for the state advocacy team of Sillicon Valley Youth Climate Action, and once we can find a solution to make sure every charger can work with every car, then we can start making charging widespread.

Please feel free to reach out if you have any further questions. Thank you.

From, Shiv Shah

Cyrah Caburian

From: Connie Cunningham <cunninghamconniel@gmail.com>
Sent: Tuesday, December 1, 2020 7:34 PM
To: City Council
Subject: December 1, 2020 Cupertino City Council, Study Session, Agenda Item 1 Climate Action Plan 2.0

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December 1, 2020 Cupertino City Council,

Study Session, Agenda Item 1 Climate Action Plan 2.0

Dear Mayor, Vice-Mayor and Councilmembers:

On October 15, I joined my voice with that of Shani Kleinhaus, Ph.D., Environmental Advocate for Santa Clara Valley Audubon Society to speak at the Sustainability Commission. The topic was the Climate Action Plan 2.0 initial draft goals and vision statement, including environmental justice.

Particularly interested in California EO B-55 (2018) that added goal of Carbon neutral economy-wide.

Andre Duurvoort's, Staff report that night was excellent. The Staff report advised that they planned to use a social justice and equity lens to create the draft Plan. It was good to hear that CAP 2.0 will be discussed with residents over the next year beginning with this study session tonight. I was very pleased to see that the Staff Report tonight includes subparagraph

d. Resilience and Adaptation: Establish climate adaptation measures such as green infrastructure and protecting biodiversity that keeps Cupertino residents and businesses safe, productive, and happy while climate risks accelerate.

Also, it states: "As an illustrative example, the Cupertino urban tree canopy study identifies 1,983 acres of additional plantable space. A rough estimate of the negative emissions from doubling the urban tree canopy would remove approximately 6,300 tonnes of CO₂e per year from the air."^{[11](#)}

I am speaking, also, on behalf of those who cannot speak: Birds. They live within the boundaries of our City and provide us with joy and a window into nature. We who live in the City can speak.

As evidence for the interest in our wildlife, the FY2019-20 City Work Plan Project entitled the Dark Sky/Lights Out Policy and Bird Safe Design Guidelines will be heard later this evening under Agenda Item 11.

I agree with this Climate Action Plan 2.0 vision and goals. I agree that climate change impacts all wildlife and biodiversity and they need to be included in all planning.

I urge the Council to provide input and direction that supports this Climate Action Plan 2.0. Although there is no deadline to update, doing it as soon as possible will be great leadership. Fast, aggressive. Reduction targets-harmonious, financially feasible, robust public engagement process.

Sincerely,

Connie Cunningham

Lived in Cupertino for 33 years. Member, Santa Clara Valley Audubon Society

Cyrah Caburian

From: City of Cupertino Written Correspondence
Subject: FW: Study Session Item
Attachments: Vice Mayor Paul on Study Session Item.pdf

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

From: Darcy Paul <DPaul@cupertino.org>
Sent: Tuesday, December 1, 2020 6:47 PM
To: Kirsten Squarcia <KirstenS@cupertino.org>; Andre Duurvoort <AndreD@cupertino.org>
Cc: Deborah L. Feng <DebF@cupertino.org>
Subject: Study Session Item

See attached.

Darcy Paul
Vice Mayor
City Council
DPaul@cupertino.org
(408) 777-3195

Cupertino City Council Meeting

December 1, 2020

Study Session Item: Vice Mayor Paul's Comments, Requested Follow-ups and Question

Recycling

With respect to a zero-waste policy of 80% diversion from landfills, how do we go a little bit deeper into this and work to ensure that the supposedly recyclable waste that is diverted doesn't end up in a huge field of plastic waste somewhere? I would like our staff to come back and give us some recommendations for how we as a jurisdiction can get behind efforts to do something useful with supposedly recyclable material that is not in fact being recycled but only, in effect, is being diverted to essentially being garbage elsewhere. This is important because as we're learning in real time, environmental effects are not localized. Emissions produced in one place affect the climate generally, and for a much more widespread area.

Similarly, plastic waste, can make its way into the ecosystem through the food chain and science is rapidly but not yet completely understanding the mechanisms of precisely how this occurs. But we do know that plastics are getting into the food that we ingest. For our part, I'd like to make a request that in the future we receive tangible suggestions with regard to what we as a jurisdiction can do to help facilitate the effective diversion of recyclable materials. Understanding what is happening right now is important. How this waste is treated in the future has a significant impact on potential future pollutants, for instance, even if we select a method that employs recycling. It is also a matter of policy choices as far as where we place the emphasis in our waste management contracts. We have an ideal opportunity right now to re-envision that, given that we are considering a long-term waste management contract.

I suggest the following reading materials to give an initial sense of where certain plastic wastes, for instance, are being considered for large-scale efforts to address this problem:

Resources

Frontline's "Plastic Wars" (gives a sense as to where a lot of the plastic actually goes):

<https://www.youtube.com/watch?v=-dk3NOEgX7o>

On a local jurisdiction (San Francisco) with regard to how they're doing on recycling – but keep in mind the qualifiers, and I encourage our staff to press on the details of purportedly recyclable plastics:

<https://www.sfpublishpress.org/despite-recycling-success-s-f-s-zero-waste-goal-remains-elusive/>

One growing field relating to plastic-waste use – building materials:

<https://www.bbc.com/future/article/20200819-why-plastic-waste-is-an-ideal-building-material>

Another possibility for plastic-waste use – recycling for fuel:

<https://resource-recycling.com/plastics/2020/08/05/brightmark-seeking-2-4-billion-pounds-of-us-mixed-plastics/>

Equity

I think that the draft vision statement points are fine and workable. My working focus will be on innovation. But I think that equity is also particularly important and I wanted to say a few words about it here. Environmental equity is frequently discussed in more widely-publicized stories in the context of how the locations of more socioeconomically disadvantaged populations tend to be the places where major polluters like refineries and emissions-heavy factories are located. In Cupertino, we have a very racially diverse population but the economic disparity is not nearly as pronounced as in some places that receive more publicity with regard to having major polluters within or near their borders. Still, interestingly enough, we do in fact have significant pollution within our sphere of influence and near our borders. Is there equity involved here that ties to the, as the draft vision statement states, quote, multiracial character of Cupertino end quote? I bring this up because considering this issue, which is in reality not something that our community character is wont to do, has considerable utility not just for this issue, but for other issues as well. Is equity at play, for instance, when we are unfairly singled out with respect to other issues, or if we end up getting severely depleted funding for our children's education with respect to what our community is putting into the tax base? I'd like an honest and clear-minded consideration of this issue for the sake of our community, for equity's sake, but, ultimately, for efficacy's sake. Understanding that there is no one size fits all approach to equity is at least as important as not being defensive or incomplete about how we approach the very nuanced and subtle variations of how equity is ultimately reflected insofar as being accurate and fair about where the inequities are in how we as a community are treated and how we treat the various stakeholders with an interest in what we do. I do feel that we as a community get treated differently by a lot of the various stakeholders involved. The basic question is, what are the contours of that treatment and its effects upon us? That starting point of understanding how these types of inequities are operating will help us as a community receive fair treatment, and put us in a better position to do what we do well, which is approach problems effectively and then conduct outreach in order to engage the broader community effectively.

Question:

Re: Zero waste community target date of 2035

What does staff (i.e., Public Works) think about carbon neutrality in our city facilities by 2030?

Cyrah Caburian

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Please feel free to reach out if you have any further questions. Thank you.

From, Shiv Shah

CC 12-01-20

Oral
Communications

Written Comments

Cyrah Caburian

From: Kendra Rosenberg <kendra@knrds.com>
Sent: Monday, November 30, 2020 3:45 PM
To: City Council; Kirsten Squarcia
Subject: Agenda Item for Dec. 01, 2020 City Council meeting
Attachments: KNRDS_Council Letter_Cheung-Wang_2020 0630.pdf; 10490 San Felipe Road - ADU Request-signed.pdf; _10490 San Felipe_CC Petition.pdf

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Hi Council Members,

We would like to request the addition of an agenda item for tomorrow's City Council meeting.

We have a project located at 10490 San Felipe Way. We are looking to add an ADU, and the most logical space is within the existing (legally permitted) full-height crawl space.

We are asking that this placement of ADU be considered for this specific property.

We would like to request a time slot for the Designer (Kendra Rosenberg of KNR Design Studio) to speak, as well as an additional time slot for the Family (Yuan-Chin Wang & Angela Cheung) to speak.

I have attached a site plan and possible ADU floor plan to help explain the requested scope of work.

Best,
Kendra

(Please note: We have previously sent a request, but have not heard back yet. As it is the day before the meeting, and I cannot find anything specific on the agenda to confirm anything, I am re-sending the request.)

--

Kendra Rosenberg
KNR Design Studio
kendra@knrds.com
650-308-8745

Dear Members of the Council,

I, and my husband Yuan-Chin Wang, am writing to respectfully request the consideration of allowing an ADU to be built in our existing, legal/permitted crawl space.

I have lived in this area since I was two years old. I attended John Muir Elementary, Miller Junior High, and Lynbrook High School. I grew up shopping at Vallco, eating at Cupertino village, and taking summer classes at De Anza college. My husband and I started looking for our "forever home" in 2015 when I became pregnant with our first child. I knew I wanted to stay in this area -- so much so that my husband teased me for not really being open to considering houses in other locations. With the high quality of life and amazing schools, I've always known I wanted to raise my family here. We moved into our home at 10490 San Felipe Road just a few weeks before welcoming our son, Aston, in late 2015. Since then, we have added two girls to our family -- Aston is now 4, Karly is 2, and Haley is 10 months old.

We have been very lucky to have family nearby, and it is the top reason we want to have the ADU. My parents live in Saratoga, and have been an invaluable help as we raise our three young children. My husband and I both work full-time in tech, and his career in particular has required late night customer events and international business trips, so my parents often help with staying with me when my husband is out of town or working late. My husband's parents live in LA, but frequently come up to visit not only us but his sister and her family, who live in nearby Los Altos. His parents more recently have considered moving up here, not only to be closer to their children and grandchildren, but also for the additional support. My mother-in-law was diagnosed with Alzheimers about five years ago, and her condition has accelerated in recent years. In LA, my father-in-law is solely responsible for her, so they are looking for at least extended stays with us so we can lend help.

With the new ADU rules, we thought we had found a great solution. However, a separate detached ADU would consume a significant portion of our backyard, reducing the space for our children to play. It would also be on the downhill side of the house and close to our neighbors, which would be more disruptive to them.

We are lucky enough to have a full height significant "crawl space" beneath our house. Our crawl space has 8' clearance in most places, and up to 10' in some areas. There are existing walls and floors already in place. This seems an ideal location for the ADU: it is closer than a separate structure, more space efficient for the property, and much more cost effective for our family, since the primary structure already exists. We would simply be finishing the interior areas and making the space habitable.

We worked with our designer and developed an ADU floor plan. However, after being reviewed by a member of the Cupertino Planning/Building staff, we have been informed that it will not be allowed as it would make the crawl space into a third floor, which Cupertino does not permit.

The new ADU rules of California make exceptions for ADUs built into existing attics. We are asking the Council to consider that this is a comparable situation, and would be highly beneficial for all parties involved.

We sincerely appreciate your time and consideration.

Respectfully,

Angela Cheung & Yuan-Chin Wang

A large, stylized handwritten signature in black ink, likely belonging to Angela Cheung.A smaller, more compact handwritten signature in black ink, likely belonging to Yuan-Chin Wang.





DESIGN STUDIO

650-308-8745 | knrds.com

June 30, 2020

City of Cupertino - CITY COUNCIL
Cupertino City Hall
10300 Torre Avenue
Cupertino, CA 95014-3202
408-777-3200
citycouncil@cupertino.org

TO: Steven Scharf, Mayor
Darcy Paul, Vice Mayor
Rod Sinks, Councilmember
Liang Chao, Councilmember
Jon Willey, Councilmember
CC: Lauren Sapudar, Executive Assistant to City Manager and City Council
Gian Martire, Senior Planner, Planning Division - gianm@cupertino.org

RE: **10490 San Felipe Way - Potential ADU**
APN: 342-44-023
ZONE: R1-10

Dear Respected Members of the Council:

I am writing on behalf of my clients, Angela Cheung and Yuan-Chin Wang, to request the consideration of allowing an ADU to be built in an existing, legal/permitted crawl space.

The City of Cupertino has a somewhat unique situation where a series of houses were built with significant "crawl spaces" underneath - spaces that are not basements, as they are not fully underground, but they are tall enough to walk around in and even be habitable (as they meet the minimum building code requirement of 6'-8" height). Houses zoned in Cupertino's "Hillside zones" are allowed to have three stories, but "flat zones" are not. However, some of the houses in the flats are basically three stories with these existing crawl spaces.

As it stands now: these crawl spaces in the flats may not be developed for any purpose beyond very basic storage, resulting in significant unusable potential square footage where these instances occur. As land and housing in this area is at a premium, this seems a tragic waste of potential.

As I am sure you already know, California passed sweeping reforms for allowing and encouraging ADUs to be built throughout the state. In the January Memorandum from the Governor's office¹, they wrote:

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit ... within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph

(A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) **(i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.**

(ii) A local agency shall allow at least one accessory dwelling unit within an existing Multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.²

¹ DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, DIVISION OF HOUSING POLICY DEVELOPMENT,
Gavin Newsom, Governor
2020 W. El Camino Avenue, Suite 500 Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453

www.hcd.ca.gov

MEMORANDUM

January 10, 2020

<https://www.hcd.ca.gov/policy-research/AccessoryDwellingUnits.shtml> - See under: "New! New laws effective January 1, 2020", click on the live link for "Accessory Dwelling Unit Technical Assistance memo (PDF)".

(https://www.hcd.ca.gov/community-development/housing-element/docs/ADU_TA_Memo_Final_01-10-20.pdf)

² ATTACHMENT A, GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2 (AB 881, AB 68 and SB 13 Accessory Dwelling Units) - 65852.2

Strikethrough text removed by KNRDS for clarity, shown as ellipses. Emphasis added by KNRDS.

The new California rules clearly state attics and basements can be converted into ADUs. Logically, these existing “crawl spaces” of 6’-8” or more should qualify.

Furthermore, utilizing existing crawl spaces would achieve the following:

- There would be less site coverage/developed area, allowing more natural re-percolation of groundwater.
- There would be less long-term disruption to the neighbors; a new ADU could be as close as 4’ to the property line. This alternative would maintain main house distances between residences.
- The energy efficiency of the dwelling would be significantly improved, as a direct result of being within existing building structure. Power, water, and other utilities are readily available.
- The cost for the client would be significantly reduced, as the primary structure already exists.
- Decreased time and neighborhood impact of construction; as the projects do not start “from scratch”, they would have shorter durations of construction when compared to stand-alone ADUs.
- Decreased long-term visual and noise impact to the neighborhood.

We understand that changing the City’s guidelines for building out these crawl spaces may be cause for concern to the Council, and we support the continued prohibition of third floors still applying in general. We are only asking that exceptions be made in the instances of proposed ADUs.

We sincerely appreciate your time and consideration.
If you have any further questions, please feel free to contact me.

Sincerely,



Kendra Rosenberg
KNR Design Studio
kendra@knrds.com
650-308-8745

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All drawings and written material appearing herein constitute original and unpublished work of KNR Design Studio and may not be duplicated, used, or disclosed without written consent.

ABBREVIATIONS

& x DIA. % #	And By Diameter Percent Pound [or] Number	DFR DIA DH DIFF DIM DISP DIV DMPF DMPR DN DR DW DWG DWR	Door Frame Diameter Double Hung Diffuser Dimension Disposal Divider Damp-proofing Damp-proofing Down Door Dishwasher Drawing Drawer	GA GALV GB GDR GEN GFCI GL GR GRP GSM GUT GYP GYP BD	Gauge Gallon Galvanized Grab Bar Guard Rail Generator Ground Fault Circuit Interrupter Glass Grading Group Galvanized Sheet Metal Gutter Gypsum Gypsum Board	MC MECH MED MEMB MFR MH MIN MIR MISC MLDG MLWK MTD MTO MTG MTL MW MWP	Medicine Cabinet Mechanical Medium Membrane Manufacturer Manhole Minimum Mirror Miscellaneous Molding Millwork Mounted Mounting Metal Removable Microwave Membrane Waterproofing	QT QTL QTR QTY QUAL	Quart Quarry Tile Quarter Quantity Quality	STL STOR STRUC SYS	Steel Storage Structural System
A AC ADDL AD A.F.F. APPROX ARCH AV	Architectural Air Conditioning Unit Additional Area Drain Above Finish Floor Approximate (ly) Architect (ural) Audio Visual	DFR DIA DH DIFF DIM DISP DIV DMPF DMPR DN DR DW DWG DWR	Door Frame Diameter Double Hung Diffuser Dimension Disposal Divider Damp-proofing Damp-proofing Down Door Dishwasher Drawing Drawer	GA GALV GB GDR GEN GFCI GL GR GRP GSM GUT GYP GYP BD	Gauge Gallon Galvanized Grab Bar Guard Rail Generator Ground Fault Circuit Interrupter Glass Grading Group Galvanized Sheet Metal Gutter Gypsum Gypsum Board	MC MECH MED MEMB MFR MH MIN MIR MISC MLDG MLWK MTD MTO MTG MTL MW MWP	Medicine Cabinet Mechanical Medium Membrane Manufacturer Manhole Minimum Mirror Miscellaneous Molding Millwork Mounted Mounting Metal Removable Microwave Membrane Waterproofing	QT QTL QTR QTY QUAL	Quart Quarry Tile Quarter Quantity Quality	STL STOR STRUC SYS	Steel Storage Structural System
BD BLDG BLKG BLW BM B/M BOF BP BR BSMT BTW B.U.R.	Board Building Blocking Below Beam Bench Mark Bottom of Footing Base Plate Bedroom Basement Between Built-Up Roof	E (E) EA EL E/ELEC ELEV EMER ENG EQ EQUIP EQUIV ESMT EXIST EXT	East Existing Each Elevation Electrical Elevator Emergency Engineer Equal Equipment Equivalent Easement Existing Exterior	HPLAM HB HDR HDWD HDW HOR HT HTG HVAC	High Pressure Laminate Hose Bib Header Hardwood Hardware Horizontal Height Heating Heating Ventilation Air Conditioning	O/ OC OFF OH OPNG OVFL OVH	Over On Center Office Opposite Opening Overflow Overhead	S S (x) D. A - Architectural C - Civil E - Electrical L - Landscape M - Mechanical P - Plumbing S - Structural	See (x) Drawings	U.O.N. UTIL VAP BAR VENT VERT VEST V.I.F.	Unless Otherwise Noted Utility Vapor Barrier Ventilator Vertical Vestibule Verify In Field
C CAB CARP CEM CER CL CLG CLO CLR COL CONC CSMT C/SWK CT CTR	Civil Cabinet Carpet Cement Ceramic Center Line Ceiling Closet Clear Column Concrete Casement Casework Ceramic Tile Center	FD FF FGL FIN FXT FL FLASH FLOOR F.O. FR FRF FRM FSH FSTNR FT FTG FTR FURN FURR	Floor Drain Finish Floor Fiberglass Finish Fixture Floor Flashing Fluorescent Face of Fireproofing Fire Rated Framing Fire Sprinkler Head Fastener Foot [or] Feet Footing Fire Treated Furnace [or] Furniture Furring	JB JST JT L LAU LBR LD LF LH LIB LIN LONG	Junction Box Joist Joint Kitchen Landscape Laundry Lumber Linear Diffuser Linear Foot Left Hand Library Linear Longitudinal	PERF PERM PERP PL PLAS PLAM PLBG PLYWD PNT POT PREFAB PREFIN PROJ PS CONC PT PVC	Perforated Permanent Perpendicular Plate Plastic Laminate Plaster Plywood Plywood Paint Potable Prefabricated Prefinished Project Prestressed Concrete Post Tension [or] Pressure Treated Point Polyvinyl Chloride	SB SC SCHED SCOW SD SF SHT SHTG SIM SL SPEC SPKLR SS SSSL ST STD	Splash Block Solid Core Schedule Solid Core Wood Smoke Detector [or] Storm Drain Square Feet Sheet (ing) Sheathing Similar Slope Specification Sprinkler Speaker Sanitary Sewer Stainless Steel Street Standard	W WJ WPTH WC WD WIN WP W/Q WR WS WSCOT WT	West With Width Water Closet Wood Window Waterproof (ing) Without Water Resistant Weatherstripping Wainscot Weight

DRAWING SYMBOLS

Drawing No. System

Sheet Number

Discipline Designator

Reference Symbol

Title

Reference Number

Scale

Exterior Elevation Identification

Reference Number

Sheet Number

Section Identification

Reference Number

Sheet Number

Detail Identification

Reference Number

Sheet Number

Interior Elevation Identification

Drawing Number

Sheet Number

Datum Point

108 Room Number

101-1 Window/Skylight Symbol

101-A Door Symbol

M-101 Millwork Symbol

DW-1 Appliance Symbol

Appliance Type

Item Number

108-V Fixture/Fitting Symbol

Item Number

Louwer Symbol

Item Number

2 Accessory Symbol

Revision Cloud

Revision Number

Earth

Gravel, Rockfill

Brick

Concrete

Sand, Mortar, Plaster, Gyp. Bd.

Stone (including Marble)

Insulation

Masonry Unit

Metal (omit lines on thin material)

Finish Wood

Wood Framing

Wood Blocking

Plywood

Backer Board

Property Line

Setback Line

Center Line

2'-0"

2'-0"

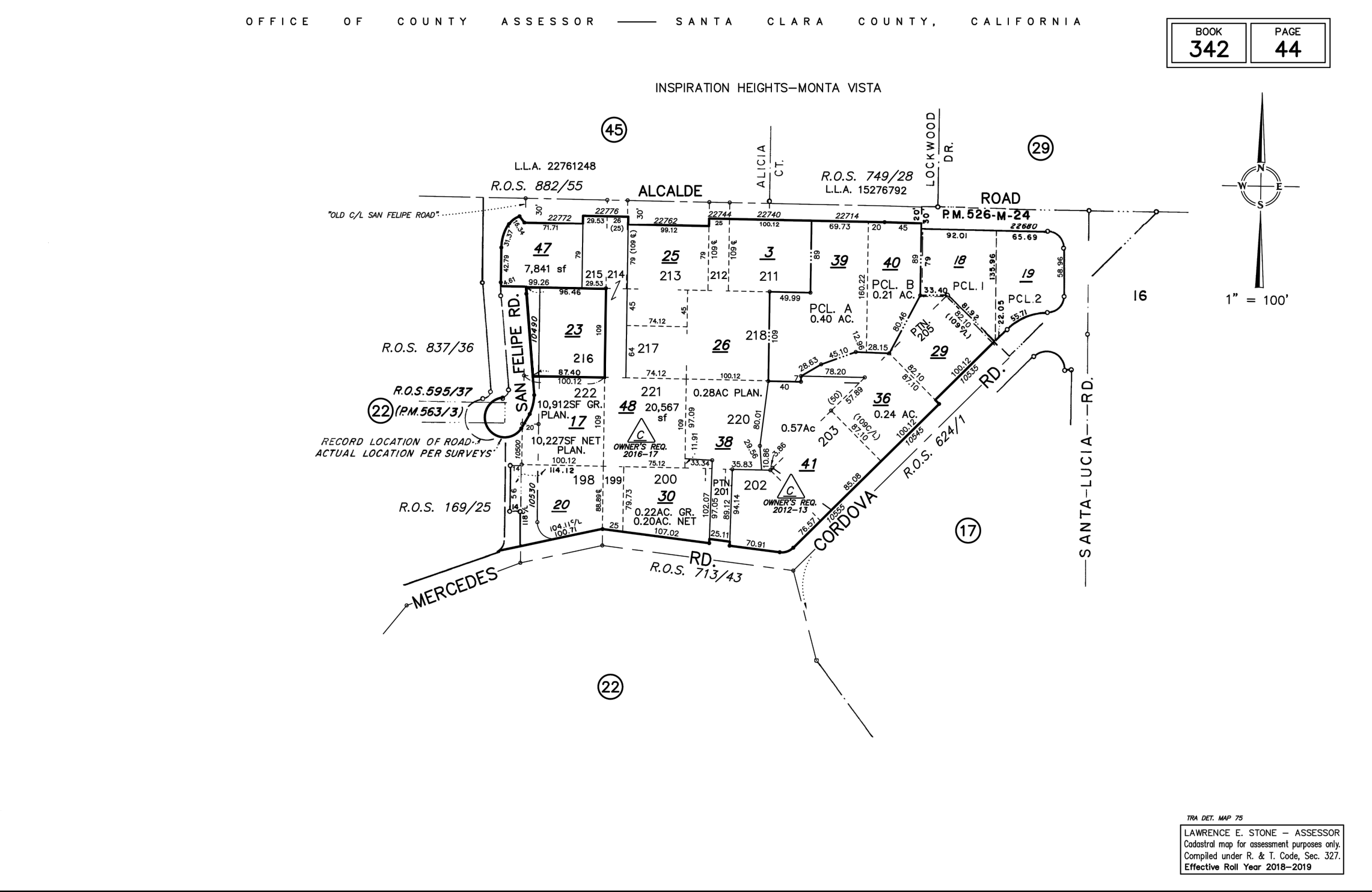
2'-0"

Dimensions

Center Line Dimension

Face of Finish Dimension

PARCEL MAP



GENERAL NOTES

- KNR Design Studio is referred to as the "Designer".
- All work is to be performed in accordance with all governing codes, ordinances, and regulations.
- General Contractor shall coordinate with applicable utility companies when rerouting electrical, telephone, cable TV, gas, water, sanitary sewer services, or any other utility.
- General Contractor shall be responsible for coordination and execution of the work shown or implied in the construction documents and is responsible for construction means, methods, and procedures.
- General Contractor shall coordinate all facets of his work and all trades involved to avoid conflict in the location, installation, and construction of all items of work as indicated on the construction documents. If any work is to be installed by the Owner directly, allowances for the Owner's work must be made. Coordinate with Designer.
- General Contractor shall leave the job site "broom clean" at the end of each working day. All materials shall be stored in a neat and safe place to avoid accidents.
- In case of any discrepancy in the contract documents, consult the Designer before proceeding.
- No dimensions shall be taken by scaling from the drawings. Details take precedence over general sections or floor plans. If dimensions must be clarified, consult the Designer. Refer to the Cover Sheet for dimensioning standards.
- Verify all dimensions on the job site prior to ordering or manufacturing.
- General Contractor shall review all architectural drawings including finish plans, electrical plans, and mechanical plans before framing. Coordinate recessed light fixture locations, shafts, and HVAC ductwork prior to framing. It is imperative that framing member locations do not conflict with locations of recessed light fixtures.
- General Contractor shall install all appliances specified and all new equipment according to manufacturer's instructions. All guarantees, instruction booklets, and information regarding new equipment shall be handed directly to the Owner in one manila envelope at the time of substantial completion. Contractor shall verify that every piece of equipment and every appliance is in perfect working order and that information about all warranties and guarantees is made known to the Owner.
- The installer of each major unit of work is required to inspect the substrate and conditions to receive work and shall report all unsatisfactory conditions to the General Contractor and not proceed until satisfactory conditions are attained.
- For mounting heights not clearly outlined in the plans or schedules, coordinate with the Designer. Designer shall confirm all electrical device and light fixture locations before Contractor pulls wire.
- Provide solid blocking as necessary for wall mounted shelves, fixtures, fittings, and accessories even when work is to be done by Owner directly. Coordinate work and locations with Owner / Designer.
- All fastening devices to be concealed, unless otherwise shown.
- Weatherstrip all exterior doors and windows.
- Caulk or otherwise seal around all openings to limit infiltration, including but not limited to: Exterior joints around windows and door frames, between sole plates and floors and between exterior wall panels.
- General Contractor shall verify that all work on the exterior of the project is watertight. All joints exposed to the elements shall be tested for water tightness prior to substantial completion.
- All construction sites must comply with applicable provisions of the CFC Chapter 14 and Standard Detail and Specification SI-17.
- Minimum 65% of construction waste to be recycled or salvaged per 2016 CALGreen 4.408.1.
- Water efficiency plumbing fixtures in new kitchen/bathrooms:

Type of Fixture	Maximum Flow Rate
Water Closet (Toilet)	1.28 gallons/flush
Showerhead	2.0 gallons/minute at 80 psi
Faucet - Bathroom	1.2 gallons/minute at 60 psi
Faucet - Kitchen	1.8 gallons/minute at 60 psi (average)
- ADU to comply with 2020 California ordinances.

GENERAL INFO

OWNERS:	Angela Cheung & Yuan-Chin Wang 10490 San Felipe Rd. Cupertino, CA 95014 (408) 891-9490 acheung1022@gmail.com
PROJECT ADDRESS:	10490 San Felipe Rd. Cupertino, CA 95014 Santa Clara County
APN:	342-44-023
ZONE:	R110
OCCUPANCY:	R-3
CONSTRUCTION TYPE:	V-B
LOT SIZE:	10,028.0 SF
MAX FLOOR AREA (45% of lot):	4,512.6 SF
EXISTING SECOND FLOOR:	1,815.7 SF
EXISTING FIRST FLOOR:	2,063.2 SF
EXISTING GARAGE:	633.7 SF
EXISTING CRAWL SPACE:	2,041.9 SF
(N) ADU WITHIN (E) CRAWL SPACE:	828.9 SF
Fire Sprinklers Required:	No
Trees to be Removed:	0 (none)

SHEET INDEX



Kendra Rosenberg 650-308-8745
kendra@knrds.com knrds.com

681 DRISCOLL CT. PALO ALTO, CA 94306

Cheung-Wang
RESIDENCE

10490 San Felipe Rd.
Cupertino, CA 95014

APN: 342-44-023

Accessory Dwelling Unit (ADU)

PROJECT TEAM

DESIGNER:
KNR DESIGN STUDIO
KENDRA ROSENBERG
681 DRISCOLL CT.
PALO ALTO, CA 94306
(650) 308-8745
KENDRA@KNRDS.COM

STRUCTURAL:
BKG
RYAN BILLANTE
1600 EL CAMINO REAL, UNIT C
SAN CARLOS, CA 94070
(650) 489-9214
RYAN@BKGSE.COM

TITLE 24:
A PLUS GREEN ENERGY SERVICES
JAMES BLOMQUIST
41 C HANGAR WAY
WATSONVILLE, CA 95076
(831)728-5503
JIM@APGES.COM

CODE COMPLIANCE

2019 California Building Code
2019 California Residential Code
2019 California Plumbing Code
2019 California Mechanical Code
2019 California Electrical Code
2019 California Energy Code
2019 California Green Building Standards
2019 California Fire Code

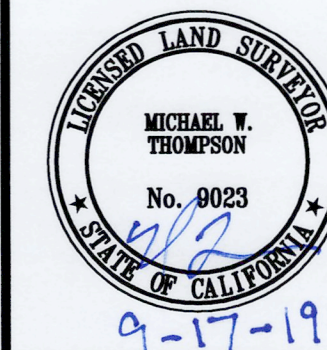
PROJECT DESCRIPTION

REMODEL INTERIOR EXISTING CRAWL SPACE TO MAKE HABITABLE ADU.

NO ADDED EXTERIOR SQUARE FOOTAGE; ENTIRE REMODEL IS WITHIN (E) STRUCTURE. EXISTING CRAWL SPACE HAS 7'-9" TO 10'-0" EXISTING CEILINGS, AND PAVED FLOORINGS WHERE ADU SHALL BE BUILT.

PROPOSED AS AN ALTERNATIVE TO USING EXTERIOR PROPERTY SPACE TO CONSTRUCT A NEW ADU. POSIT THAT SINCE AN ATTIC ADU WOULD BE ALLOWED - WITHOUT BEING PROHIBITED DUE TO CREATING A 3-STORY STRUCTURE - A CRAWL SPACE ADU SHOULD BE ALLOWED FOR THE SAME REASON.

A0.0



LEA & BRAZE ENGINEERING, INC.
CIVIL ENGINEERS • LAND SURVEYORS
REGIONAL OFFICES:
ROSEVILLE
PUEBLO
HAYWARD, CALIFORNIA 94545
(510) 887-4066
WWW.LEABRAZE.COM

10490 SAN FELIPE ROAD
CUPERTINO
CALIFORNIA

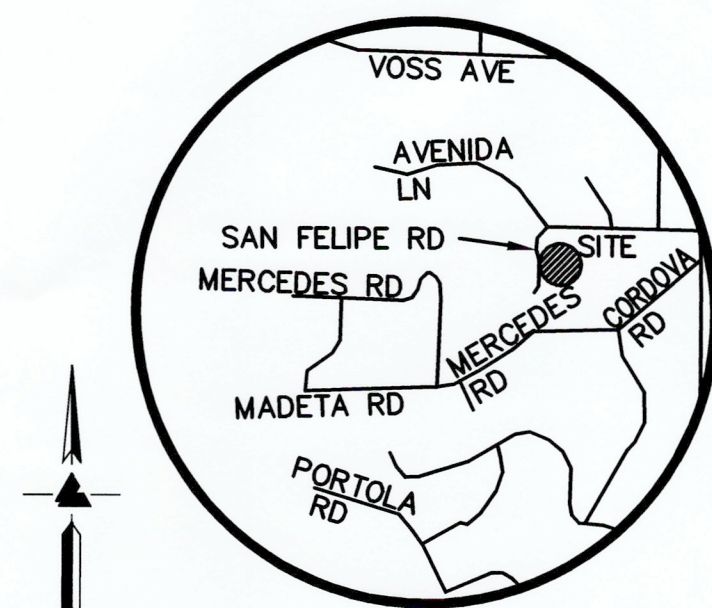
SANTA CLARA COUNTY
APN: 342-44-023

TOPOGRAPHIC
SURVEY

REVISIONS	BY
JOB NO:	2190905
DATE:	9-6-19
SCALE:	1"=10'
FIELD BY:	ES
DRAWN BY:	DDR
SHEET NO:	

SU1

1 OF 1 SHEETS



VICINITY MAP
NO SCALE

BENCHMARK

CITY OF CUPERTINO BENCHMARK 402
BRASS DISK, LOCATED ON TOP OF
NORTHEAST CURB RETURN AT THE
INTERSECTION OF STEVENS CANYON
ROAD AND RANCHO DEEP CLIFF DRIVE.
ELEVATION = 462.93'
(NAVD 88 DATUM)

EASEMENT NOTE

EASEMENTS SHOWN PER TITLE REPORT
ISSUED BY CORNERSTONE TITLE COMPANY
ORDER NUMBER CU-5278
DATED JULY 7, 2015

SITE BENCHMARK

SURVEY CONTROL POINT
MAG AND SHINER SET IN ASPHALT
ELEVATION = 483.52'
(NAVD 88 DATUM)

FEMA FLOOD NOTE

PROPERTY COMPLETELY OUT OF
SPECIAL FLOOD HAZARD AREA (SFHA)
PER CURRENT FLOOD INSURANCE RATE
MAP.

LANDS OF BROWNE

EXCLUSIVE EASEMENT
FOR THE BENEFIT OF
22766 ALCALDE ROAD
RIGHT-OF-WAY, INSTALL POWER,
DRAINAGE, SEWER AND PIPELINE,
RIGHT TO PLANT VEGETATION
NO STRUCTURE OR LIVING THING
TO EXCEED 14' HEIGHT
DOC.# 10359870
(EXCEPTION #12)

LANDS OF
DHAMDHERE

LANDS OF CHEUNG
& WANG
8,926± SQ.FT. GROSS
0.20± ACRES GROSS

LANDS OF
COALSON

NOTES

ALL DISTANCES AND DIMENSIONS ARE
IN FEET AND DECIMALS.

UNDERGROUND UTILITY LOCATION IS
BASED ON SURFACE EVIDENCE.

BUILDING FOOTPRINTS ARE SHOWN TO
FINISHED MATERIAL (STUCCO/SIDING)
AT GROUND LEVEL.

FINISH FLOOR ELEVATIONS ARE TAKEN
AT DOOR THRESHOLD (EXTERIOR).

ALL RETAINING WALLS ARE CONCRETE
RETAINING WALLS, UNLESS NOTED
OTHERWISE.

LEGEND AND NOTES

---	BOUNDARY LINE
---	EASEMENT
x	FENCE LINE
---	FLOW LINE
SS	SANITARY SEWER LINE
A/C	AIR CONDITIONING UNIT
AD	AREA DRAIN
BOL	BENCHMARK
BOL	BOLLARD
BW	BOTTOM RETAINING WALL
CATV	CABLE TV UTILITY BOX
CB	CATCH BASIN
EB	ELECTRICAL BOX
EM	ELECTRICAL METER
FF	FINISH FLOOR
FL	FIRE HYDRANT
FL	FLOW LINE
GM	GAS METER
INV	INVERT
ICV	IRRIGATION CONTROL VALVE
M	MULTI-TRUNK TREE
RCP	REINFORCED CONCRETE PIPE
RP	ROOF PEAK
SSCO	SANITARY SEWER CLEAN-OUT
SSMH	SANITARY SEWER MAINTENANCE HOLE
SDMH	STORM DRAIN MAINTENANCE HOLE
TC	TOP OF CURB
TW	TOP OF RETAINING WALL
TOS	TOP OF SLAB
VCP	VITRIFIED CLAY PIPE
WM	WATER METER
WV	WATER VALVE
XXX.XX	SPOTGRADE
ASPHALT	ASPHALT
CONCRETE	CONCRETE
GRAVEL	GRAVEL
LAWN	LAWN

PUBLIC ROADWAY AND UTILITIES
DOC.# 7980511
(EXCEPTION #8)

NEIGHBORING
DRIVEWAY
ACCESS

NEIGHBORING
DRIVEWAY
ACCESS

NEIGHBORING
DRIVEWAY
ACCESS

10.00' PUBLIC UTILITY
AND APPURTENANCES
EASEMENT
DOC.# 8893813
(EXCEPTION #10)

NEIGHBORING
DRIVEWAY
ACCESS

SSMH
RIM=487.90
INV=479.40

PUBLIC ROADWAY
AND UTILITIES
DOC.# 8130250
(EXCEPTION #9)

20.00' R.O.W.
PER 837-M-36

NEIGHBORING
DRIVEWAY
ACCESS

NEIGHBORING
DRIVEWAY
ACCESS

NEIGHBORING
DRIVEWAY
ACCESS

NEIGHBORING
DRIVEWAY
ACCESS

NEIGHBORING
DRIVEWAY
ACCESS

NEIGHBORING
DRIVEWAY
ACCESS

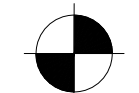
NEIGHBORING
DRIVEWAY
ACCESS

NEIGHBORING
DRIVEWAY
ACCESS

NEIGHBORING
DRIVEWAY
ACCESS

NEIGHBORING
DRIVEWAY
ACCESS

NEIGHBORING
DRIVEWAY
ACCESS

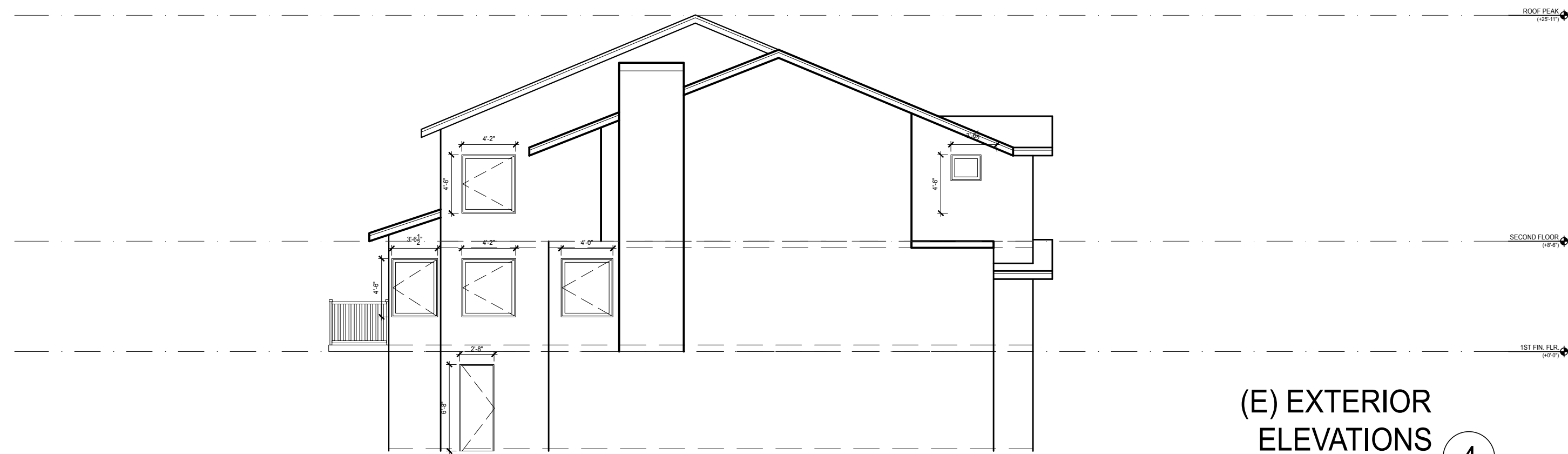


APN: 342-44-023

Accessory Dwelling Unit (ADU)

[illegible]

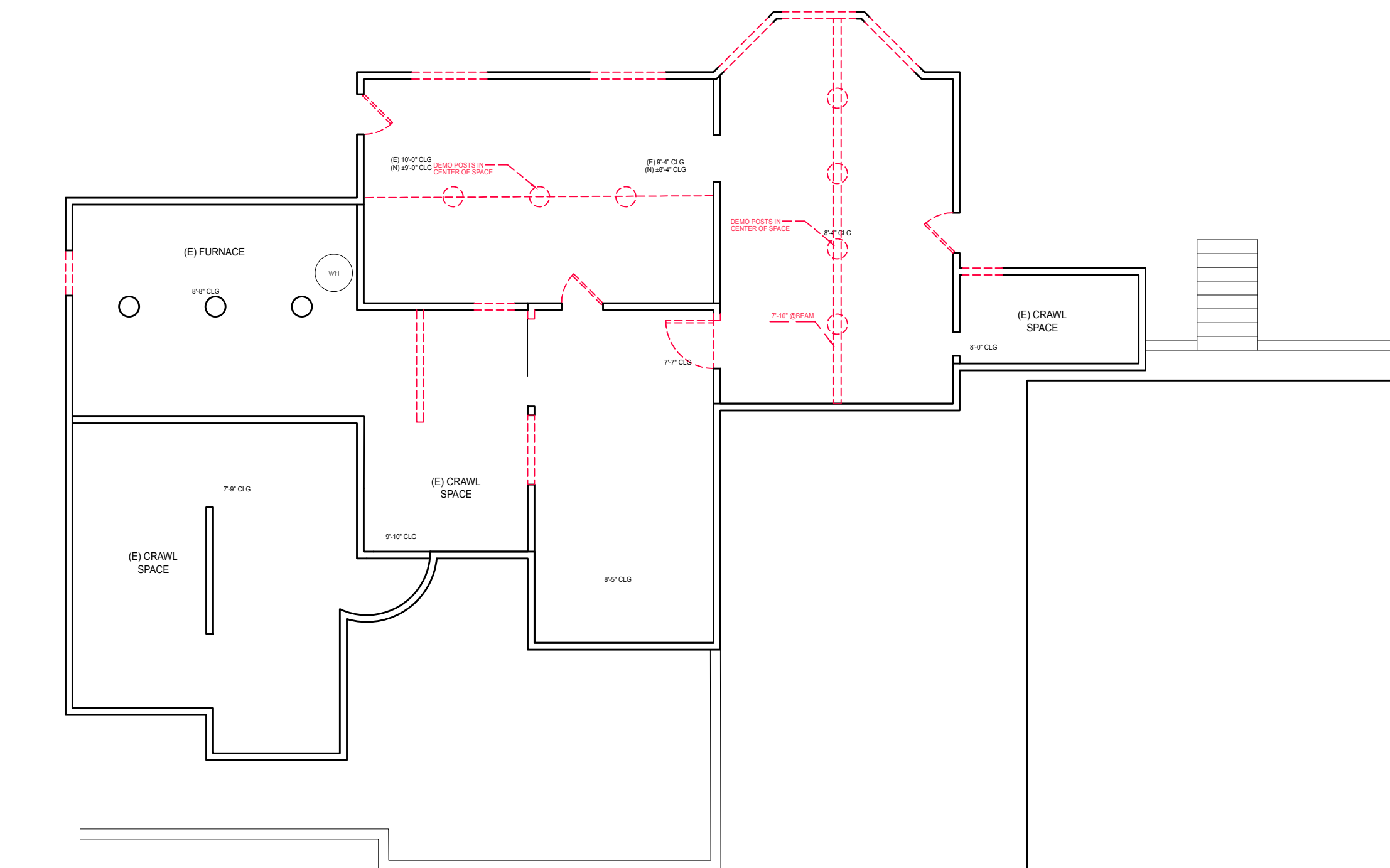
AS1.1



(E) EXTERIOR ELEVATIONS

SCALE: 1/8" = 1'-0"

4



DEMO BASEMENT PLAN

SCALE: 1/8" = 1'-0"

3

(E) FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

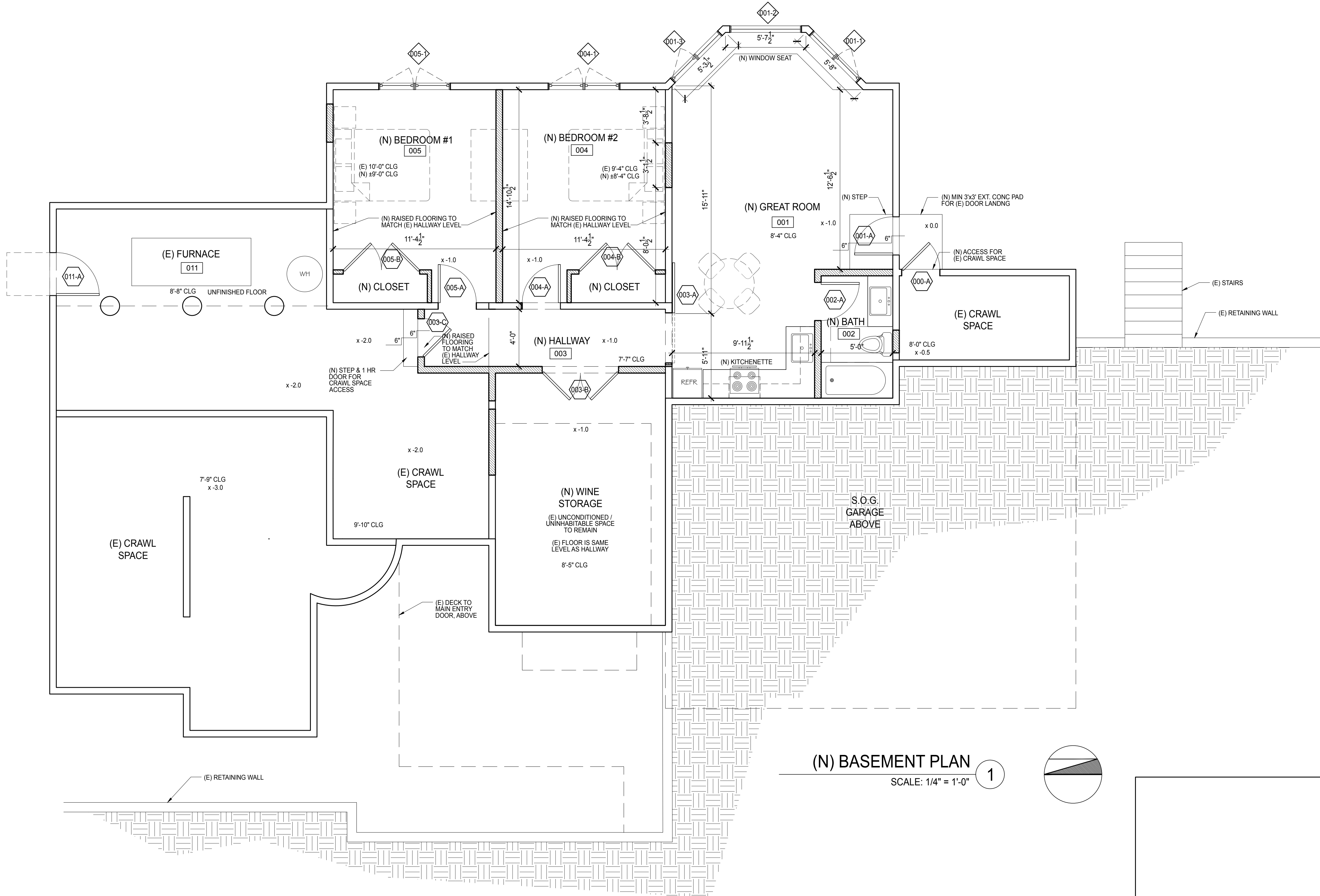
2

[illegible]

AD1.1

APN: 342-44-023

Accessory Dwelling Unit (ADU)



Cheung-Wang
RESIDENCE

10490 San Felipe Rd.
Cupertino, CA 95014

APN: 342-44-023

Accessory Dwelling Unit (ADU)

WALL TYPES

- (E) WALL (AS NOTED):
(E) MIN 2x4 WD. STUDS @ 24" MAX O.C. (S.S.D.)
PROVIDE INSULATION PER TITLE 24 CALCS &
NOTES. EXTERIOR SURFACE: 3-COAT STUCCO, O/
SELF-FURRING METAL LATH, O/ WP BUILDING
PAPER/WRAP, O/ PLYWD. SHEATHING (S.S.D.).
INTERIOR SURFACE MIN. 1/2" TYPE "X" GYP. BD.
U.O.N. GYP. SHEATHING SHALL BE ATTACHED W/
DRYWALL SCREWS, STAGGER ALL JOINTS.
PROVIDE SOLID BLOCKING AS REQUIRED.
- (N) EXTERIOR WALL (U.O.N.):
(N) MIN 2x6 WD. STUDS @ 16" MAX O.C. (S.S.D.)
PROVIDE INSULATION PER TITLE 24 CALCS &
NOTES. EXTERIOR SURFACE: 3-COAT STUCCO, O/
SELF-FURRING METAL LATH, O/ WP BUILDING
PAPER/WRAP, O/ PLYWD. SHEATHING (S.S.D.).
INTERIOR SURFACE MIN. 1/2" TYPE "X" GYP. BD.
U.O.N. GYP. SHEATHING SHALL BE ATTACHED W/
DRYWALL SCREWS, STAGGER ALL JOINTS.
PROVIDE SOLID BLOCKING AS REQUIRED.
- (N) INTERIOR WALL (U.O.N.):
(N) MIN 2x4 WD. STUDS @ 24" MAX O.C. (S.S.D.)
WIDTH AS SHOWN, MIN. 1/2" TYPE "X" GYP. BD.
BOTH SIDES, ATTACHED W/ 6d WALLBOARD NAILS
AT 7" O.C. W/ END JOINTS ON NAILING MEMBERS.
STAGGER ALL JOINTS. PROVIDE SOLID BLOCKING
AS REQUIRED.
- 1 HR. RATED INTERIOR PARTITION:
MIN 2x4 WD. STUDS @ 24" MAX O.C. (S.S.D.)
WIDTH AS SHOWN, 5/8" TYPE "X" GYP. BD. BOTH
SIDES, ATTACHED W/ 6d WALLBOARD NAILS AT 7"
O.C. W/ END JOINTS ON NAILING MEMBERS.
STAGGER ALL JOINTS. PROVIDE SOLID BLOCKING
AS REQUIRED.

BATH NOTES

- SHOWERS AND SHOWER TUB COMBINATIONS SHALL BE PROVIDED WITH INDIVIDUAL CONTROL VALVES OF THE THERMOSTATIC MIXING OR PRESSURE BALANCE TYPE.
 - GLAZING FOR SHOWER DOORS & ENCLOSURES SHALL BE FULLY TEMPERED & PASS THE TEST REQ. OF ANSI Z9.1, MIN. 22" WIDE DOOR, TYP.
 - SHOWER COMPARTMENTS AND WALLS ABOVE BATHTUBS WITH INSTALLED SHOWER HEADS SHALL BE FINISHED WITH A SMOOTH, NONABSORBENT SURFACE TO A HEIGHT NOT LESS THAN 72 INCHES ABOVE DRAIN INLET, TYP.
 - WATER RESISTANT GYPSUM BOARD SHALL NOT BE USED WHERE THERE WILL BE DIRECT EXPOSURE TO WATER, OR IN AREAS OF HIGH HUMIDITY, PER CRC R702.3.8.1. USE CEMENTITIOUS BACKER BOARD AT SHOWER AND BATH AREAS, TYP.
 - ALL TOILETS SHALL BE MAX 1.28 GPF
 - ALL LAVATORY SINKS SHALL BE MAX 1.5 GPM
 - ALL SHOWER HEADS SHALL BE MAX 2.0 GPM
- EXHAUST FAN: MIN 50 CFM, ENERGY STAR W/ HUMIDITY CONTROL
FAN.1

No.	Date	Issues and Revisions
	07/13/20	City Council Petition

Project CHEUNG-WANG RESIDENCE

Date 13 JUL 2020

Scale 1/4" = 1'-0"

Sheet Floor Plan

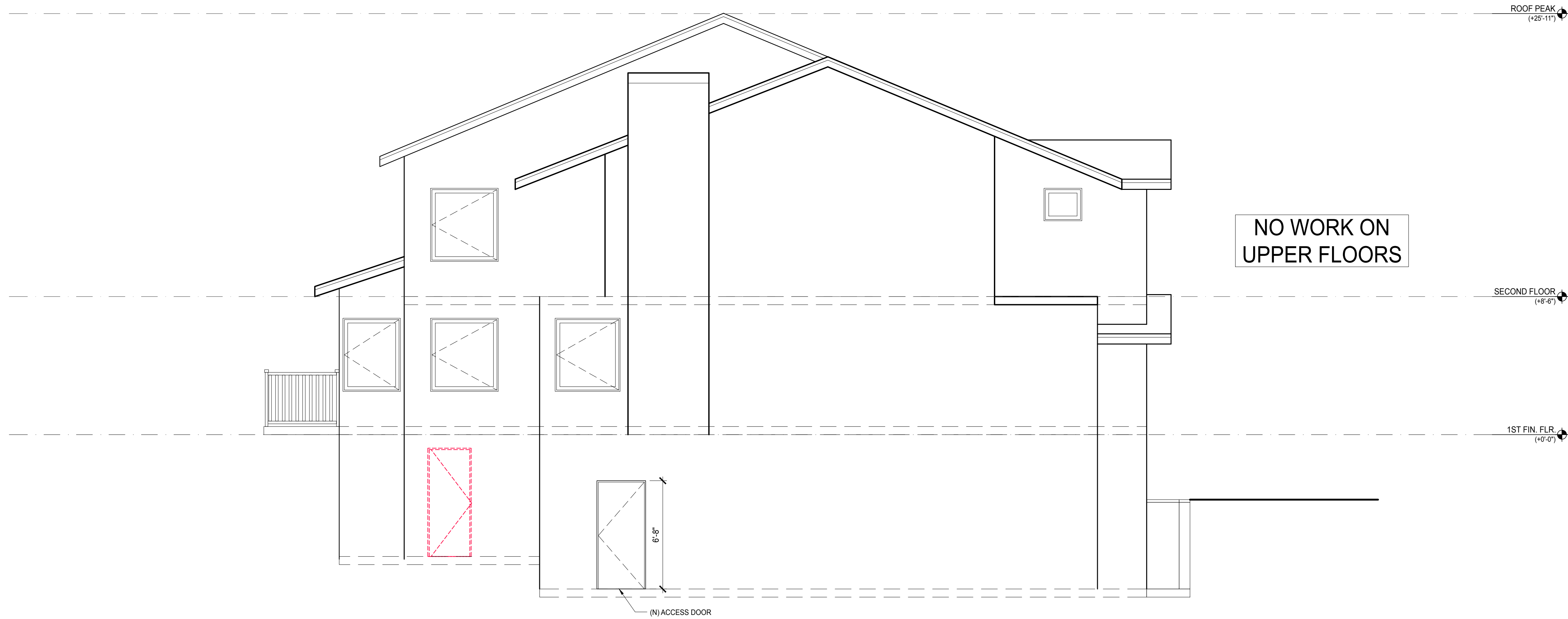
A2.0



APN: 342-44-023

Accessory Dwelling Unit (ADU)

A4.1

[illegible]

CC 12-01-20

#11

Bird-Safe Dark Sky
Municipal Code
Amendment

Written Comments

Cyrah Caburian

From: rmloui <rmloui@gmail.com>
Sent: Saturday, November 28, 2020 8:27 PM
To: City Council
Subject: support bird safe and dark sky ordinance

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,

I recently learned that Cupertino City Council will be considering an ordinance that can prevent bird deaths and protect wildlife and people from disruptive artificial night lights. I would like to voice my opinion that the ordinance for bird-safe design and dark sky techniques is an excellent proposal and should be passed with no hesitation. With the current rapid rate of species loss on this planet, including birds, we must do all that we can to help local bird species survive and flourish. It is always a wonderful sight to see local birds while out walking my dog during the day and to be able to see the beautiful night sky with the stars and the moon when walking my dog after dark.

I feel strongly that it is very important to pass this ordinance for bird safe and dark sky techniques to better the environment for both wildlife and humans alike. It is a win-win for everyone to eliminate or reduce the amount of artificial night lights in Cupertino (and everywhere else on this planet).

Thank you and best regards,
Rachel Loui

Cyrah Caburian

From: Janice L. Ross <jross@stanford.edu>
Sent: Saturday, November 28, 2020 8:33 PM
To: City Council
Subject: support bird safe and dark sky ordinance

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 Members,

I am writing to ask you to please vote to protect wildlife, and especially prevent birddeaths by approving the ordinance that contains bird-safe design techniques.

Equally important is to please, please, vote to protect humans and wildlife from disruptive artificial light at night by approving Dark Sky techniques.

I greatly respect your service to our community and urge you to be a defender of nature and wildlife for all of us.

thank you,
Janice Ross

Cyrah Caburian

From: CYNTHIA CARLEY <cynthiacarley@mac.com>
Sent: Saturday, November 28, 2020 8:40 PM
To: City Council
Subject: support bird safe and dark sky ordinance

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 appreciate local birds and the beauty of the night sky. I encourage you to seriously consider the ordinance that will prevent bird deaths and protect wildlife and humans from disruptive artificial light at night.

Sincerely

Cynthia Carley

Member Loma Prieta Chapter of the Sierra Club

Cyrah Caburian

From: MELINDA MacNaughton <nutrimel@comcast.net>
Sent: Saturday, November 28, 2020 8:58 PM
To: City Council
Subject: protect our birds in Cupertino

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

Please support the ordinance to protect birds in the night sky by implementing an ordinance to reduce or shut of artificial light at night. We already have reduced populations of all animals including birds due to other types of pollution. Let's help reduce more deaths by implementing this very easy strategy.
Thank you!

Melinda MacNaughton
10885 Dryden Avenue
Cupertino, CA

Cyrah Caburian

From: Shani Kleinhaus <shani@scvas.org>
Sent: Sunday, November 29, 2020 9:06 PM
To: City Council
Cc: Piu Ghosh; Erick Serrano; City of Cupertino Planning Dept.; Dashiell Leeds; James Eggers; Matthew Dodder
Subject: 12.1.2020 Agenda Item 11: Bird-Safe and Dark Sky Regulations
Attachments: 11.29.2020 SVCAS SCLP letter to Cupertino.pdf

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

Dear Mayor Scharf and Cupertino City Councilmembers,

The Santa Clara Valley Audubon Society and the Sierra Club Loma Prieta Chapter are pleased to support the proposed glazing and lighting regulations. We have been following this process since its inception and are greatly appreciative of your leadership.

We truly appreciate the work Cupertino staff has invested in this item, and the attention by the Planning Commission. The requirement that non-essential lighting should be turned off at 11PM is especially important, as it allows community and business activities to continue while reducing energy use and unnecessary light pollution to improve human and ecosystem health.

There is an opportunity for the ordinance language to be strengthened and clarified. We have identified five improvements to the language, which are detailed in the attached letter. Please motion to incorporate these changes.

Sincerely,

Shani Kleinhaus, Ph.D., Environmental Advocate, Santa Clara Valley Audubon Society

Dashiell Leeds, Conservation Assistant, Sierra Club Loma Prieta Chapter



SIERRA CLUB
LOMA PRIETA CHAPTER

November 29, 2020

Cupertino City Hall
10300 Torre Ave
Cupertino, CA 95014

RE: 12.1.2020 Agenda Item 11: Bird-Safe and Dark Sky Regulations

Dear Mayor Scharf and Cupertino City Councilmembers,

The Santa Clara Valley Audubon Society and the Sierra Club Loma Prieta Chapter are pleased to support the proposed glazing and lighting regulations in front of you tonight. We have been following this process since its inception and are greatly appreciative of your leadership.

We truly appreciate the work Cupertino staff has invested in this item, and the attention by the Planning Commission. The requirement that non-essential lighting should be turned off at 11PM is especially important, as it allows community and business activities to continue while reducing energy use and unnecessary light pollution to improve human and ecosystem health.

There is an opportunity for the ordinance language to be strengthened and clarified. We have identified five improvements to the language, which are detailed in the following pages. Please motion to incorporate these changes.

Sincerely,

Shani Kleinhaus, Ph.D., Environmental Advocate
Santa Clara Valley Audubon Society

Dashiell Leeds, Conservation Assistant
Sierra Club Loma Prieta Chapter

Summary of our 5 requests:

- 1) Add “human health” to the purpose statement.
- 2) For Bird Safe Design, strengthen the standard compliance treatments to ensure that the treatments are visible to all birds and have enough contrast to provide adequate protection.
- 3) Remove Section B.2.e, which creates a loophole allowing lighting of unlimited brightness in some cases.
- 4) Adjust the color temperature limit to 2,700 Kelvin (from 3,000 Kelvin)
- 5) Direct staff to work with the Santa Clara Valley Audubon Society to create and annually review the list of bird safe treatments.

1) Section 19.102.010 Purpose: **Consider adding the protection of human health to the purpose statement**

Existing language with additions in bold font:

“19.102.010 Purpose

The purpose of this chapter is to regulate design and construction of structures and accessory elements in all zoning districts to protect the natural environment **and human health**, particularly enhancing bird-safety and reducing light pollution. This Chapter establishes regulations to reduce bird mortality from windows or other specific glass features that are known to increase the risk of bird collisions and to reduce light pollution that is known to contribute to bird mortality, the reduced visibility of the night sky, **and negative human health impacts.**”

Rationale:

Light pollution is hazardous to human health and this should be reflected in the purpose statement of this ordinance. Light pollution, especially high-heat light in the blue wavelengths, has been shown to cause circadian disruption. This alters the sleep/wake cycle, core body temperature, hormone regulation and release, and patterns of gene expression throughout the body. Physiological and epidemiological studies implicate this disruption as a contributing cause to breast and prostate cancers, obesity, diabetes, depression, bipolar and other affective disorders.¹

2) 19.102.030 B.2 Fenestration and Glass Requirements, Standard Compliance Treatments: **Please strengthen the standard compliance treatments.**

Existing language with additions in bold font:

“B. Fenestration and Glass Requirements

2. Standard Compliance Treatments: The Planning Division may maintain a list of acceptable bird-safe treatments that may be updated from time to time. The list may include, but not be limited to acceptable treatments, such as opaque glass, window muntins, exterior insect screens, exterior netting, or special glass treatments such as fritting to provide visual cues and reduce the likelihood of bird collisions. **Glass treatments must be visible to all bird species, have high color contrast with the glass, and be applied to the exterior (first) surface of the glass.**”

Rationale:

This modified language ensures that all birds will be able to see the glass treatments. The language regarding contrast and exterior application are sourced from Ottawa’s Bird Safe Design Guidelines, November 2020.² Ottawa’s Guidelines require exterior treatments, stating,

¹ Electric light, particularly at night, disrupts human circadian rhythmicity: is that a problem?. 2015. Richard G. Stevens and Yong Zhu. Philos Trans R Soc Lond B Biol Sci.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4375361/>

² <https://safewings.ca/ottawa-guidelines/>

“treatments applied to interior surfaces of the glass will not adequately address reflectivity issues. They will also be less effective at reducing transparency issues if reflectivity is not addressed.”

For another relevant November 2020 bird-safe document with similar recommendations, see New York’s Bird Friendly Building Design and Construction Requirements Guidance Documents.³

3) Remove Section 19.102.040 B.2.e: which creates a loophole allowing lighting of unlimited brightness.

Existing Language:

“2. Illumination Levels

e. Critical areas of illumination such as stairways, ramps and main walkways may have a higher illumination.”

Rationale:

As written, this language creates a loophole allowing for lighting of unlimited intensity to be used in these areas, potentially adding significant levels of light pollution. If this language were to be removed, critical areas would instead adhere to the brightness threshold outlined in 19.102.040 B.2.C, which establishes a maximum value of ten foot-candles. We believe 10 foot-candles is more than sufficient to light critical areas. For comparison, the light of the full moon is measured at 0.01 foot-candles. Being one thousand times stronger than the light of the full moon, the already established 10 foot-candle limit is more than enough light, if not an excessive amount of light.

4) 19.102.040 B.3: Adjust the color temperature limit to 2,700 Kelvin (from 3,000 Kelvin)

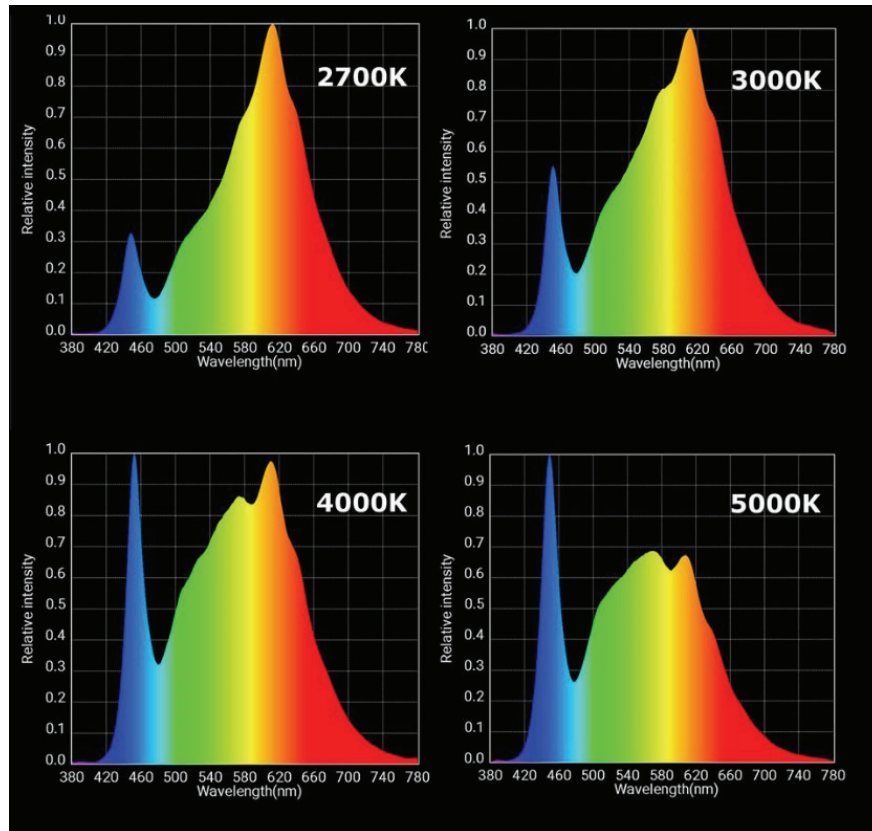
Existing language with additions in bold font:

“3. All light sources shall have a maintained correlated color temperature of **two thousand seven hundred (2,700)** Kelvin or less.”

Rationale:

Correlated color temperature controls, among other things, the wavelength of the emitted light. With LED technology, the peak of the wavelength has shifted from the yellow to blue light spectrum (see picture below). The blue peak is implicated as the most hazardous to human and ecosystem health. To minimize the blue peak, we strongly recommend using 2700 Kelvin to most effectively minimize impacts to human and ecosystem health, and accommodate the neurologically-diverse population.

³ https://www1.nyc.gov/assets/buildings/bldgs_bulletins/bird_friendly_guidance_document.pdf



(Pictured above: 2,700 Kelvin will significantly reduce the intensity of blue light, relative to 3,000 Kelvin)

5) Section 19.102.030 B.2: Direct staff to work with the Santa Clara Valley Audubon Society to create and annually review the list of bird safe treatments.

Rationale:

As bird-safe technology continues to improve, Cupertino should update its list of acceptable bird-safe treatments to accommodate these developments. The Santa Clara Valley Audubon Society stays updated on the latest bird-safe treatments and is eager to assist staff in this process.

Cyrah Caburian

From: mrohde@shpco.com
Sent: Tuesday, December 1, 2020 6:39 PM
To: City Council
Cc: Benjamin Fu; Deborah Sanchez
Subject: SHP Dark Sky and Bird Safe Letter
Attachments: SHP Dark Sky and Bird Safe Letter 12.01.20.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 City Council Members –

See attached an email letter from us at Sand Hill Property Company.

As you know, we own several retail and mixed use projects including:

Main Street Cupertino
Whole Foods Building
And of course... Vallco.

Thanks for your consideration...

Regards,
Mike Rohde

**MAIN st
CUPERTINO** Mike Rohde
General Manager
Main Street Cupertino Management Office
19419 Stevens Creek, Suite 210, Box 2
Cupertino CA 95014
tel: 408.777.3081 fax: 408.725.0370



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SAND HILL PROPERTY COMPANY

December 1, 2020

VIA ELECTRONIC MAIL

To: Cupertino City Council
CC: Deborah Feng, Benjamin Fu

Re: 12-01-20 Proposed Bird Safe & Dark Sky Ordinances

Dear City Council Members:

We understand the Cupertino Bird Safe & Dark Sky Ordinances will be reviewed by City Council this evening and would like to express our concern as it relates to commercial, retail, entertainment and restaurant uses in the City of Cupertino. We believe the proposed ordinance poses numerous risks to the vitality, success and safety of retail, restaurant, and local business establishments throughout the City. While we understand and support the City's broader goals, we ask that tonight's public hearing be continued to allow time for the potential impacts of these proposed ordinances to be reviewed in detail with the business community.

The requirements of these ordinances are especially concerning given the current issues for retail and commercial properties given COVID-19. The pandemic has burdened local businesses, especially retailers, and enforcing additional measures against these businesses is another hurdle for them to overcome. The Dark Sky Ordinance unfairly imposes restrictions on interior and exterior lighting design and operations, potentially handicapping retailers and restaurateurs' ability to operate in evening and nighttime hours. It places restrictions on ambient lighting for outside patio space in restaurants, limits exposure of retail tenants during and after hours of operation and most importantly, poses significant safety concerns for visitors and employees of shopping centers/districts as common areas are prevented from being well lit later in the evening. Limiting retailers' ability to provide outdoor dining and increasing visitor concerns about safety is not helpful regulation for local businesses during COVID-19.

Restaurants, theaters and other entertainment uses that have hours of operation beyond the proposed 11:00 PM hour restriction would operate alongside areas of a shopping center that would be forced to turn off their lights, creating the illusion that all of the center was closed, potentially impacting business. An inviting, well-lit shopping center is key to its productive operation. The Dark Sky Ordinance puts Cupertino's retailers and restaurants at a disadvantage to competitive properties in neighboring cities (i.e. Santana Row or Stanford Shopping Center). A retail center's common area lighting (sidewalks, squares, plazas, paseos, parks, etc.) should be able to remain on as long as businesses are open and lit and permitted events are underway.

The ordinance also conflicts with industry standard light levels, which will further limit the success of businesses in the City. Industry standards fulfill a retailer's expectation that their brand will be accurately presented. For example, the industry standard for color temperature is 6,500 Kelvin, not 3,000. When calibrated to a lesser temperature, a retailer may choose not to present its brand on that display. There should be a commitment to commercial tenants that lighting in retail environments will be based on industry standards with respect to hours of operation, brightness limits, rates of transition, color temperature, and the like.

The ordinances also provide a lack of clarity around definitions and requirements that do not allow retailers or property owners to understand how the new regulation will apply to them. For example, the definition of "glare" is imprecise and therefore becomes a subjective standard. The term "light source" is used throughout the ordinance but is never defined. Security and safety lighting are exempt but no definition of what these entail are included. While this letter is focused on Dark Sky, we think these issues pertain to the proposed Bird Safe ordinance as well.

We believe the City should take further time to study these issues and solicit feedback from those businesses that would be impacted most by the Bird Safe and Dark Sky Ordinances. We know that Cupertino is committed to the ongoing viability of its retail and so urge you to delay a decision on the Dark Sky Ordinance until the retail and commercial community and their patrons have had a chance to understand and provide comment on the impacts of this ordinance.

We believe there are ways to implement dark sky strategies while accommodating retail needs. Overall, we are supportive of the City's efforts to maximize a dark sky environment, subject to commercial requirements, and stand ready to work with staff to optimize this ordinance for all stakeholders.

Sincerely,

Mike Rohde
General Manager
Sand Hill Property Company

Cyrah Caburian

From: Connie Cunningham <cunninghamconniel@gmail.com>
Sent: Tuesday, December 1, 2020 8:00 PM
To: City Council
Cc: Kirsten Squarcia
Subject: Dec 1, 2020, Agenda Item 11, Bird-Safe and Dark Sky Regulations

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 Kirsten, Could you please post the photos of the birds below when I am speaking on this topic, Thanks, Connie!

City Council Meeting December 1, 2020

Agenda Item 11: Subject: Municipal Code Amendments to adopt glazing and lighting regulations to implement the Fiscal Year 2019/20 City Council Work Program items related to Dark Sky and Bird-Safe Design. (Application No. MCA-2019-003and MCA-2019-004; Applicant: City of Cupertino; Location: City-wide)

Mayor, Vice-Mayor and Councilmembers: Thank you for this opportunity to speak.

Our City has been a leader on the behalf of the environment in many ways. These regulations are a natural fit with that leadership.

I commend City Staff, Ellen Yau, Erick Serrano and Piu Ghosh for efforts on behalf of all of us, and their excellent report. These regulations will be effective in reducing harmful effects of glass and lighting.

I am writing to support the City's implementation of Dark Sky and Bird-Safe Design municipal ordinances. These changes will not only protect the birds in our City that bring joy and life to residents, but will, also, protect all humans, since light pollution is detrimental to us as well as wildlife. I have over 30 photos of birds who live in my neighborhood that live and raise their families among us. Some are year round. Some migrate with the seasons.

As a resident who enjoys birds and birdwatching, I share with many residents the desire to protect wild birds since they cannot protect themselves from human impacts.

Why I care: Hundreds of thousands of migratory birds collide with windows every year, including Cedar Waxings, American Robins, Yellow-Rumped Warblers, Crowned Sparrows and Ruby-Crowned Kinglets. These are all birds you can see in my neighborhood. During early COVID pandemic I posted a different wild bird species each day to NextDoor, and many, many, people responded with stories of their own about the wild birds in their yards. This sharing of nature benefited all of us.

Why I care: Light pollution gets worse every year. It affects the biology and health of humans as well as all living things. In birds, this also interferes with migration. They are distracted by artificial light from their natural flight patterns. Other birds that migrate to my neighborhood are the Black-crowned Grosbeak, and the Hooded Oriole.

I urge you to support Cupertino and take the recommended actions.

- 1) Find that the action is exempt from CEQA and,
- 2) Amend the Municipal Code as specified in the report.

Thank you for this time to speak on behalf of those who cannot speak for themselves.

Sincerely,

Connie Cunningham

Lived in Cupertino for 33 years.

Santa Clara Valley Audubon Society Member

Below are photos of just 5 of the 40 birds that I have photographed within 1.5 miles of my home. These are just a few of the migratory birds whose numbers will continue to fall if lighting in cities is not regulated.

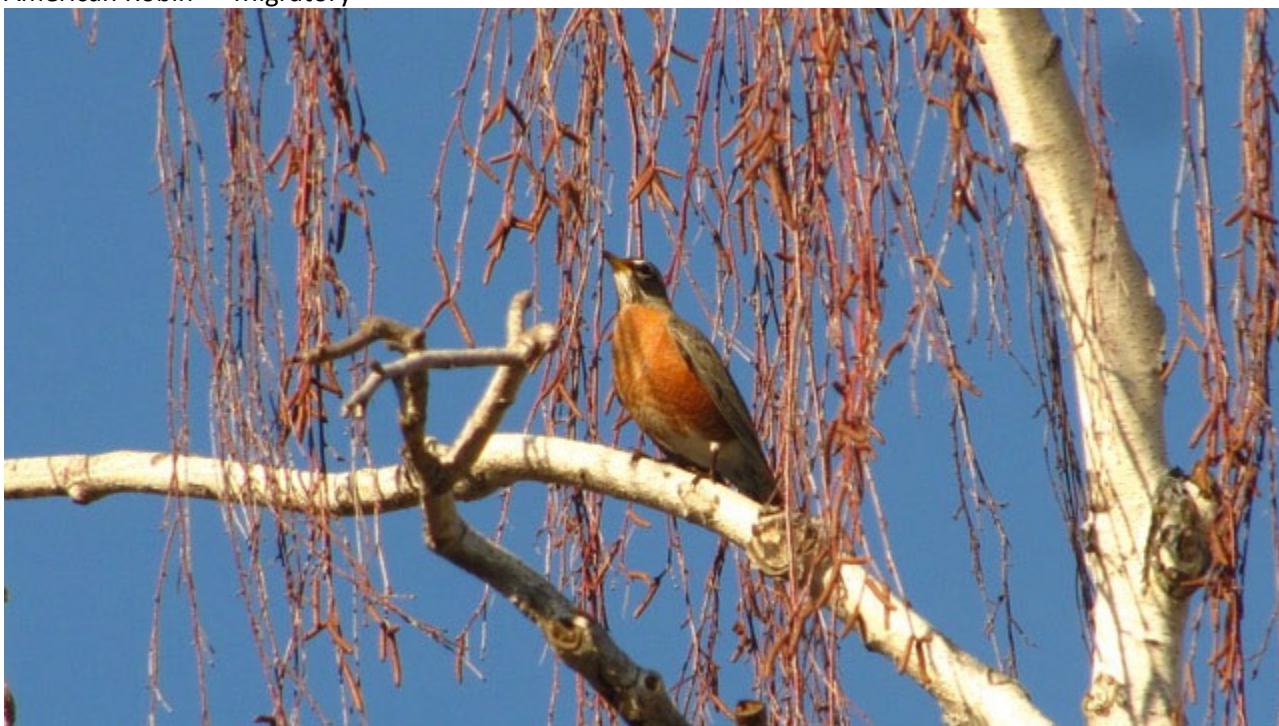
Ruby-Crowned Kinglet—Migratory



Cedar Waxwing—Migratory



American Robin — Migratory



Hooded Oriole — Migratory



White-Crowned Sparrow — Migratory



CC 12-01-20

#12

Community
Funding Grant
Policy Update

Desk Items

Fiscal Policies – Community Funding Grant Policy

PURPOSE

The City of Cupertino currently provides funding to local non-profit organizations in the areas of social services, fine arts and other programs for the general public. The policy provides a framework for the City's Community Funding Grant Program and guides the administration of the program and decision-making process. It also provides guidance on key aspects of the City's Community Funding Grant Program processes including: Eligibility, Evaluation Criteria, Restrictions/Guidelines, and Procedure.

SCOPE

All requests for funding must comply with this policy.

POLICY

~~The City has established the Community Funding Grant Program, subject to availability of funds, with a range of \$70,000 to \$90,000 in total funding available. Community Funding Grants shall not exceed \$20,00 per applicant, per year. During the annual budgeting process, the City Council will determine the organizations to be awarded funds through the amount to appropriate for the Community Funding Grant Program. The Administrative Services Department~~ City Staff shall review applications for completeness and review the qualifications and accuracy approve or deny an applicant's request based upon the eligibility criteria set forth below. ~~Community Grants, subject to availability of funds, shall not exceed \$20,000 per applicant, per year.~~ In all cases, the City reserves the right to reject any and all applications in the event ~~the Administrative Services Department identifies~~ staff identifies a potential conflict of interest or the appearance of a conflict of interest. Submission of an application in no way obligates the City to award a grant and the City reserves the right to reject any or all applications, for any reason, at any time.

Eligibility

To receive consideration for a Community Funding Grant, grant requests must:

- Be made or sponsored by a 501(c)(3) non-profit organization with experienced ~~staff~~ members capable of implementing and managing the program/project/event.
- Identify how the funds will be used to benefit the Cupertino community.
- Be awarded only once per project for one-time, project
- For specific needs, ~~and~~ not ongoing, operational costs.
- Have more than 75% of the requested funds allocated for direct service costs versus administrative costs.
- Be complete and submitted by the application deadline.

Evaluation Criteria

- Impact on and benefit to the Cupertino community
- Community need for the program/project/event
- Alignment with City ~~priorities~~ mission and values
- Uniqueness of the program/project/event

- Qualifications and experience of the organization and its staffmembers
- Reasonable cost
- Demonstrated effort to secure funding from other sources and/or establishing partnerships with other community or city organizations
- Clarity, completeness, and accuracy of grant application
- Past performance and compliance with requirements if a recurring applicant

Applications will be sorted into two categories:

- *New applicants*
- *Past recipients*

Applications in each category will be evaluated using a tiered structure based on the dollar amount requested for award as follows:

- < \$999.99
- \$1,000.00 - \$4,999.99
- \$5,000.00 – \$9,999.99
- \$10,000.00 - \$20,000.00

Restrictions/Guidelines

- —An organization that is applying for multiple grants shall only submit one application.
- Proceeds generated from the funded activity may only be used for the conducted activity.
- If requested, recipients must provide full financial statements for the organization.
- Admission to or participation in the event must be "free of charge" for Cupertino residents unless stated in the application and approved by Parks & Recreation Commission.
- If an applicant makes a grant request directly to a member of the City Council, whether individually or as a group, the Council shall refer the applicant to the Administrative ServicesParks and Recreation Department for a Grant application to be reviewed in accordance with this policy.
- Grant recipients shall acknowledge the City contribution in formal promotional materials and efforts related to the funded activity. Any use of the City logo must be approved by the City's Public InformationCommunications Officer.

Procedure

1. Applicants submit timely and complete grant applications by March-February 1. to the Administrative Services Department for review.
2. The Administrative Services DepartmentCity Staff reviews application for completeness and compliance with eligibility criteria and availability of funds. Staff may seek additional information from applicant as necessary.
3. Eligible a Applications will then be forwarded reviewed by to the Parks and Recreation Commission to be evaluated and sorted into the tiered funding structure. for a recommendation to the City Council regarding grant approval and funding amounts,
3. which typically happens in April. All applicants are strongly encouraged to attend the

~~Parks and Recreation Commission meeting in April. All applicants will be notified and invited to attend the Parks and Recreation Commission Meeting where their applications will be discussed. This meeting typically takes place in Spring.~~

4. City Council will make the final decision on grant amounts for each applicant as part of the budget adoption which typically happens in June. All applicants will be notified and invited to attend the City Council Meeting where their applications will be discussed.
5. Grant recipients shall submit a written report to the ~~Administrative Services~~Parks and Recreation –Department to show proof that the grant funds have been spent in the manner and for the purposes stated on the application, including information about the number of persons served and other results that benefit Cupertino.
 - Due by the 15th business day of July following the Fiscal Year in which grant funds are disbursed.
 - Failure to submit a written report by the July deadline could result in the loss of grant funding eligibility in the future.
 - Applicants will be expected to reimburse the City any funding awarded and not used for their program/project/event.

Fiscal Policies – Community Funding Grant Policy

PURPOSE

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- Grant recipients shall acknowledge the City contribution in formal promotional materials and efforts related to the funded activity. Any use of the City logo must be approved by the City's Communications Officer.

Procedure

1. Applicants submit timely and complete grant applications by February 1.
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3. Applications will then be forwarded to the Parks and Recreation Commission to be evaluated and sorted into the tiered funding structure. All applicants will be notified and invited to attend the Parks and Recreation Commission Meeting where their applications will be discussed. This meeting typically takes place in Spring.
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CC 12-01-20

Council and Staff
Comments and
Future Agenda
Items

Council Comments

Cyrah Caburian

From: City of Cupertino Written Correspondence
Subject: FW: Consider Adopting a Lobbying Activity Ordinance

From: Kitty Moore <ckittymoore@gmail.com>
Date: December 1, 2020 at 10:37:47 PM PST
To: Darcy Paul <dapaul@darcypaul.com>, Liang Chao <LiangChao@cupertino.org>, Jon Robert Willey <JWilley@cupertino.org>
Cc: "Deborah L. Feng" <DebF@cupertino.org>, Kirsten Squarcia <KirstenS@cupertino.org>
Subject: Fwd: Consider Adopting a Lobbying Activity Ordinance

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 Vice Mayor Paul, Council Members Chao and Willey,

Over a year ago I requested that the City Council adopt a lobbyist ordinance and again, over a year later, Vice Mayor brought it up and the issue of community-valued transparency was, from my perspective, dismissed to a date uncertain.

I believe it is urgently needed, and has been, for the City to be transparent to the community. This issue has been put off far too long. Why do Santa Clara, San Jose, and the county have these registration requirements and our own city does not?

Please protect the residents in our community by requiring lobbyists to be identified. This issue has been evaded far too long.

Thank you,

Kitty Moore
Representing myself only

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

From: Kitty Moore <ckittymoore@gmail.com>
Date: Tue, Aug 27, 2019 at 4:56 PM
Subject: Consider Adopting a Lobbying Activity Ordinance
To: <sscharf@cupertino.org>, <liangchao@cupertino.org>, <rsinks@cupertino.org>, <dpaul@cupertino.org>, <jwilley@cupertino.org>
Cc: <cityattorney@cupertino.org>, <manager@cupertino.org>

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

The City of Cupertino has, from time to time, had various public officials lobbied without fair public knowledge. The residents of Cupertino have the right to know who is attempting to influence our local government officials and how these influencers operate.

The City of Santa Clara has the following webpage regarding lobbyist regulations in their city:

<http://santaclaraca.gov/government/departments/city-clerk-auditor/lobbyist-regulations-forms>

The City of Santa Clara adopted the following lobbying activity ordinance No. 1949:

<http://santaclaraca.gov/home/showdocument?id=18860>

Their Ordinance begins:

“WHEREAS, the citizens of Santa Clara have a right to know the identity of interests which attempt to influence decisions of City government, as well as the means employed by those interests;

WHEREAS, complete public disclosure of the full range of activities by and financing of lobbyists and those who employ their services is essential to the maintenance of citizen confidence in the integrity of City government;

WHEREAS, it is in the public interest to ensure that lobbyists do not misrepresent facts, their positions or attempt to deceive a City official through false communications; do not place a City official under personal obligation to themselves or their clients; and do not represent that they can control the actions of any City official; and,

WHEREAS, it is in the public interest to adopt this chapter to ensure adequate and effective disclosure of information about efforts to lobby City government.”

Please review the City of Santa Clara Lobbying Activity Ordinance linked above and consider adopting similar disclosure requirements for our community.

Thank you,

Kitty Moore
Representing myself only