

CC 02-16-21

02-09-2021 Closed
Session Report Out
Statement

Written Comments

Statement Regarding Search for In-House City Attorney

Two years ago, the City Council of the City of Cupertino decided to hire a law firm to provide City Attorney services on a short-term, contract basis after being served by an in-house City Attorney Office for more than sixty years. At that time, the City Attorney's Office was staffed by one deputy city attorney serving as an interim city attorney. The City conducted a competitive search and hired Shute, Mihaly & Weinberger, LLP to provide general and special city attorney services, with Heather Minner appointed as the lead from Shute Mihaly as City Attorney. Heather and her team at Shute Mihaly have accomplished much in the last two years, reestablishing important legal review procedures at the City and assisting staff in accomplishing Council's goals while navigating complex statutory environments.

With legal services running smoothly again, last fall the Council began a review of the structure and economic efficiency of current contract City Attorney services. The City Council believes that Councilmembers and City Staff having full, direct and open access to the City Attorney is a necessary and important part of good governance. It also believes that this has been challenging to achieve economically under a contract City Attorney model, as compared to the in-house City Attorney model. Accordingly, the City will now begin the recruitment process for a full time, in-house City Attorney.

"I am proud of all that the City has achieved in the last two years and am grateful that my firm has been able to support the City in its efforts. We will continue to provide legal services to the City during any transition period and look forward to supporting the City into the future on special projects as needed," said City Attorney Heather Minner. Mayor Darcy Paul thanked Heather and her firm for their service, "Shute Mihaly provided excellent special counsel services to the City for many years before we brought them on as contract City Attorney and we expect to continue a strong relationship with the firm going forward. Heather Minner has done a great job representing Shute Mihaly as City Attorney, and I look forward to seeing her continue to thrive in the municipal law field."

The City's search for an in-house City Attorney will be conducted over the upcoming months.

CC 02-16-21

Study Session #1

Mixed-Use

Developments/High
Density Residential
Guidelines

Written Comments

Lauren Sapudar

From: Lisa Warren <la-warren@att.net>
Sent: Tuesday, February 16, 2021 6:32 PM
To: Kirsten Squarcia; City Council; Deborah L. Feng
Cc: Piu Ghosh; Benjamin Fu
Subject: 2017 letter from Cupertino to San Jose re Stevens Creek urban Village Draft Plan
Attachments: Letter from Cupertino to San Jose May 18 2017 - 2nd one re Urban Village.pdf

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

Hello All,

Attached is the letter I referenced in tonight's study session - Feb 16/2021
Also, please remember that SJ Urban Village plans were 'adopted' prior to State laws that may/will allow for 'above and beyond' (so to speak)

Lisa Warren



OFFICE OF THE MAYOR

CITY HALL

10300 TORRE AVENUE • CUPERTINO, CA 95014-3255

(408) 777-3308 • FAX (408) 777-3333 • planning@cupertino.org

May 18, 2017

City of San Jose

Department of Planning, Building and Code Enforcement

Attn: Lesley Xavier, Senior Planner

200 E. Santa Clara St, 3rd Floor Tower

San Jose, CA 95113-1905

Re: Stevens Creek Urban Village Draft Plan (Plan)

Dear Ms. Xavier:

Thank you for allowing the City of Cupertino the opportunity to comment on the Draft Plan for the Stevens Creek Urban Village. While San Jose desires to create dense urban nodes within the Stevens Creek Urban Village, in the interests of good urban design and consideration for its neighbors in Cupertino, and to ensure context-sensitive development in the areas that abut Cupertino, I hope that the City of San Jose will consider the following comments.

1. **Land Use and Urban Design** – The City of Cupertino envisions Stevens Creek Boulevard to be a walkable, bike-able corridor with active uses located along Stevens Creek Boulevard. To that end, retail commercial frontages, stoops, porches, wide sidewalks – separated from the traffic lanes, bike features, active open spaces, and a landscape easement with shade trees along Stevens Creek Boulevard is encouraged. It is requested that the City of San Jose consider placing land uses similar to those in Cupertino with development standards consistent with those in Cupertino for the properties to the west of I-280.
2. **Heights and Transitions** – The properties within the Plan area to the west of I-280 abut a single family neighborhood to the south and Cupertino's Heart of the City mixed-use area to the west. The single-family neighborhood has a maximum allowable height of 28 feet while the Heart of the City allows a height of 45 feet with a transition of 1.5 feet setback for every foot increase in height from

residential developments at the rear. The differences in allowable height between the San Jose portions and the Cupertino portions could impact the residents of Cupertino adversely.

In addition, a review of the Draft Plan indicates that the maximum allowable height for parcels that abut single family residential neighborhoods in San Jose are either 45 feet or 65 feet. However, it appears that the same consideration has not been made to the single family neighborhoods in the City of Cupertino. It is requested that the City of San Jose consider lowering the proposed 85 foot height to be consistent.

3. **Density** – In addition to the increased heights that are proposed in the Draft Plan, the proposed densities of the properties to the west of Lawrence are much higher than those adjacent to them. The single family neighborhood to the south of the San Jose properties has a density of 1-5 dwelling units/acre while the mixed use neighborhood to the west has a density of up to 25 dwelling units/acre. Placing developments of up to 95 dwelling units/acre in this portion of the Plan area would not be appropriate. It is requested that the City of San Jose consider keeping the densities within this portion of the Plan area closer to the existing densities.
4. **Parks and Open Space** – The Draft Plan envisions that the properties to the west of I-280 be redeveloped with housing developments with small pocket parks or plazas (privately developed with public access). However, the Plan locates four floating public parks/plazas on the east side of Lawrence Expressway. For access to the closest public open space, residents would have to cross Lawrence Expressway and I-280, with a number of major driveway, on-ramp and off-ramp conflicts. In order to ensure that the redeveloped areas to the west of I-280 have adequate access to public open space, it is requested that the City of San Jose relocate one of the floating parks to this area.
5. **Traffic and Environmental Review** – The traffic network figure does not reflect all the signalized intersections in the vicinity, including those along the street that connects Stevens Creek Boulevard to Lawrence Expressway/SB I-280.

Additionally, since the adoption of the Plan relies on environmental documentation from 2011 with a minor update in 2015 unrelated to this Plan, Cupertino continues to look forward to collaborating with San Jose staff in the development of any required regional environmental mitigation as projects are proposed within the Plan area, including any public transit opportunities along major transportation corridors, such as I-280 and SR-85, and any possible

freeway/expressway interchange redesign at I-280/Lawrence Expressway/Stevens Creek Boulevard.

Thank you in advance for the City of San Jose's careful consideration of these comments, prior to adoption of the Village Plan, in order to improve its interface with the surrounding neighborhood and community and encourage context-sensitive planning and development.

We also request that the San Jose staff collaborate closely with Cupertino residents on the development of area Plans that impact Cupertino residents, e.g. a future De Anza Village Plan should one be developed.

Should you have any questions about the items discussed in this letter, please do not hesitate to contact Aarti Shrivastava, Assistant City Manager at aartis@cupertino.org.

Sincerely,



Savita Vaidhyanathan

Mayor

City of Cupertino

CC: City of San Jose:

Sam Liccardo, Mayor
Chappie Jones, Councilmember, District 1
Sergio Jimenez, Councilmember, District 2
Raul Peralez, Councilmember, District 3
Lan Diep, Councilmember, District 4
Magdalena Carrasco, Councilmember, District 5
Devora "Dev" Davis, Councilmember, District 6
Tam Nguyen, Councilmember, District 7
Sylvia Arenas, Councilmember, District 8
Donald Rocha, Councilmember, District 9
Jhonny Khamis, Councilmember, District 10
Ed Abelite, Planning Commissioner, Chair
Nick Pham, Planning Commissioner, Vice Chair
Shiloh Ballard, Planning Commissioner
Edesa Bit-Badal, Planning Commissioner
Michelle Yesney, Planning Commissioner
Peter Allen, Planning Commissioner
Namrata Vora, Planning Commissioner

Harry Freitas, Director of Planning, Building and Code Enforcement

City of Cupertino:

David Brandt, City Manager

Aarti Shrivastava, Assistant City Manager

Randolph Hom, City Attorney

Timm Borden, Director of Public Works

In Cupertino, “MIXED USE” is really “MIXED USELESS”

- Consider studying what designs actually work

GROUND FLOOR COMMERCIAL – consider

- Specifying a MIN and MAX FAR
- Why have a MAX DEPTH of 60’?
 - Does this limits/prevents grocery stores, big department stores, office supplies, etc.
- Los Gatos style use

CC 02-16-21

Oral
Communications

Written Comments

Lauren Sapudar

From: Alexander Espinosa Pieb <alexander.pieb@gmail.com>
Sent: Saturday, February 13, 2021 12:24 PM
To: City Council
Subject: Plesae Protect the Birds

Follow Up Flag: Follow up
Flag Status: Flagged

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, Vice Mayor, and Councilmembers,

I support Cupertino's plan to protect birds and the environment with a Bird Safe and Dark Skies Ordinance. Hundreds of millions of birds are killed every year. We have lost 30% of the bird population in the US since 1970. Glass and lighting are a deadly combination.

Birds cannot fix this for themselves. People must stop the losses. Thank you for your work on this critical legislation.

Alexander Espinosa Pieb
Cupertino Resident

Lauren Sapudar

From: Connie Cunningham <cunninghamconniel@gmail.com>
Sent: Saturday, February 13, 2021 7:30 PM
To: City Council
Subject: Bird-safe Design and Dark Skies Ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

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

Subject: Bird-safe Design and Dark Skies Ordinance

Dear Mayor, Vice-mayor, and Councilmembers,

Happy Lunar New Year!

I support Cupertino's plan to protect birds and the environment with a Bird-safe Design and Dark Skies Ordinance. Hundreds of millions of birds are killed every year. We have lost 30% of the bird population in the US since 1970. **Glass and lighting are a deadly combination.**

Birds cannot fix this for themselves. People must stop the losses. Thank you for putting this important work on the City Work Program.

I urge you to approve this critical ordinance when it comes forward for your review on March 16, 2021.

Stay well,

Connie Cunningham

I have lived in Cupertino over 33 years.

I have been a member of Audubon for over a decade.

Lauren Sapudar

From: Connie Cunningham <cunninghamconniel@gmail.com>
Sent: Tuesday, February 16, 2021 7:44 PM
To: City Council
Subject: Copy of my remarks with LINK from Oral Communications

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.

Feb 2, 2021 Oral Communications

Good evening Mayor, Vice Mayor and Council Members,

Thank you for this time to speak.

Happy Lunar New Year!

I am speaking tonight to describe to the Council and the many viewers on line how many migrating birds pass through or winter here in Cupertino. There are many migrating birds, including the American Robin, Cedar Waxwing, Golden-crowned Sparrow, Ruby-Crowned Kinglet, Western Tanager, White-crowned Sparrow, Yellow-rumped Warbler, and the Hooded Oriole. Please note that birds migrate at night. Understanding this fact makes it clear why Dark Skies standards are critical.

All these birds travel long distances, arriving at their destinations tired, in need of a place to rest, food to eat, and water. Cities need to offer them safe passage. To that end, limiting reflective glass and clear glass that birds cannot see is, also, critical.

I will show photographs and migration patterns for two birds: Golden-crowned Sparrow and Ruby-crowned Kinglet

1. Golden-crowned Sparrow -- 7 inches long and flies 2,572 mi Distance from Nome, Alaska, to Cupertino

Golden Crowned Sparrow migration link

<https://ebird.org/science/status-and-trends/gocspa/abundance-map-weekly>

Golden-crowned Sparrow, found only in far western area of North America.

Breeds in Alaska then, in winter, flies to California,

I see them every year in my neighborhood

2. Ruby-crowned Kinglet, 4 inches long (hummingbird) and Breeds, also, in Alaska to Canada

Then, also, flies south thru the US including, Cupertino, and to Mexico.

Ruby-crowned Kinglet migration link

<https://ebird.org/science/status-and-trends/ruckin/abundance-map-weekly>

Widespread throughout the US; Breeds in Alaska, in Canada and in US mountains;

Winters in the west, the south, and in Mexico.

One of my favorite photos in my personal collection is this Ruby-crowned Kinglet.

I want our grandchildren to be able to see these birds!

Collisions with glass occur wherever birds are active.

Migratory and young birds are more vulnerable. They are unfamiliar with the area.

Glass and lighting are a deadly combination.

Cupertino's leadership to protect birds and the environment with a Bird Safe-Dark Skies Ordinance is desperately needed.

We have lost 30% of the bird population in the US since 1970. Birds cannot fix this for themselves. People must stop the losses.

Thank you, City Council, for your work on this critical ordinance.

I urge you to approve the Bird-safety Design and Dark Skies Ordinance when it comes to Council.

Sincerely,

Connie Cunningham

Lived here 34 years and Audubon Society Member for a decade.

Cupertino City Council

Mr Mayor and City Council Members: My name is John Ennals and I am a Cupertino home owner living in the Oakdell Ranch neighborhood, on the banks of Stevens Creek. I am accompanied tonight by Dan Marshall, a fellow neighbor who shares my desire for the council to act.

I am already impacted by Climate Change: my flood insurance policy premium has risen significantly this year, and my fire insurance was recently cancelled by Nationwide. Yes, cancelled. My agent has spent the last two weeks unsuccessfully looking for a replacement, but has warned me the price could increase by a factor of Five.

- I am encouraged that Cupertino has a Climate Action Plan, and indeed a Sustainability Commission and staff.
- I am also pleased that our City of Cupertino passed Resolution No. 18-094 on September 18, 2018, declaring a climate emergency and calling on the State of California, the United States, and all governments worldwide to initiate an emergency mobilization effort to mitigate climate change, stop rising greenhouse gas emissions, and immediately initiate an effort to safely draw down carbon from the atmosphere.
- However, we are here tonight to request you sign an endorsement regarding how the nation can address the climate change emergency you have identified. We, as a nation, are woefully behind on responding to this emergency declaration. I am sure you will agree that the best efforts of the Sustainability Commission and staff in promoting low carbon practices, by the city and its residents, are not going to solve the problem without some help from the wider government.

- This endorsement will direct our government representatives to favor solutions that promote putting a price on carbon. We will continue to be a leader in joining a number of other local governmental bodies offering similar recommendations.

Why do I believe this action is necessary?

I believe a sustained effort is necessary to effectively address climate change. Legislation that puts a price on carbon generates market forces that are more durable and less likely to be reversed under different party leadership of our country.

Market forces can produce effects far faster than regulation, and we have little time to act. They will spur actions and innovations that we may not have thought of. Business is much more open to market actions than regulation, as demonstrated by the US Chamber of Commerce recent support for carbon pricing.

Why does Cupertino City Council need to address this issue?

The voice of a city is many times more effective than the voice of individual citizens. Several bills to address climate change were introduced in the last congress, and we expect a reintroduction of those bills in the near future. Giving direction to our representatives in support of appropriate legislation is very useful to them in making their decisions.

The exact wording of the our proposed endorsement is contained in resident Dan Marshall's presentation which follows mine.

Thank you for your attention.

URGENT REGARDING CELL TOWERS – PLEASE!

- 1 – Create a 100' setback between ANY antenna installation and residences.
- 2 – Require 5G antennas to be 500' apart from ANY OTHER antenna.
DO NOT restrict it to the same carrier!
- 3 – Only grant limited time, 3-5 yr provisional permits.
- 4 – Location of proposed sites – put them on city website.
Current isolated notifications is a tactic!
Does the City know how/what Verizon is doing to address concerns?
There's no public record of any interaction!

Dan Marshall 3 minute Presentation Cupertino City Council 2/16/21

My friend John Ennal explained why Cupertino should endorse a National Climate Policy.

I am going to explain why the Cupertino City Council should endorse a Carbon Fee and Dividend solution?

First, what is a Carbon Fee and Dividend solution?

A carbon fee is money charged at the source on all fossil fuels. You may have heard this as "put a price on carbon"

Just as cigarette taxes decreased use of cigarettes, a carbon fee will decrease use of fossil fuels.

The fee is scheduled to go up every year, so all of us will consider the increasing cost of carbon as we consider decisions such as which car to buy.

What happens to the money that's collected?

It is distributed to all of us citizens. Everyone gets the same dividend every month.

If you live in a small house and ride the bus, the money you receive will exceed your increased fuel costs. This is how the policy promotes environmental justice.

A border adjustment eliminates unfair advantages enjoyed by trading partners who don't charge carbon fees.

Why is this better than Cap and Trade, Regulation, or Green New Deal?

- 1) It's attractive to both conservatives and liberals. Once established it will last, like social security.
- 2) It will take effect very quickly. Regulations such as the clean power plan can get tied up in legal battles.
- 3) It is understandable
- 4) It is simple, yet it permeates all uses of fossil fuels from plastics to airplanes.
- 5) It doesn't hurt those living paycheck to paycheck - in fact it helps them.
- 6) It is effective. Decisions all of us make will be influenced by the understanding that there is a steady increasing price on carbon.

Lauren Sapudar

From: Dan Marshall <danmarshall22@gmail.com>
Sent: Saturday, February 13, 2021 2:44 PM
To: City Clerk
Subject: Fwd: At the Feb 16 city council meeting we intend to ask the Council to endorse a climate change proposal

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

FYI, I sent this to CityCouncil@Cupertino.org. I wasn't certain whether you were included in the CityCouncil@Cupertino.org distribution list.

Dan Marshall

408-859-6628

[See a two minute video about a promising approach to addressing climate change.](#)
[Or an even clearer nine minute one created by a high school senior.](#)

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

From: Dan Marshall <danmarshall22@gmail.com>
Date: Fri, Feb 12, 2021 at 8:05 PM
Subject: At the Feb 16 city council meeting we intend to ask the Council to endorse a climate change proposal
To: <citycouncil@cupertino.org>
Cc: John Ennals <djsennals@gmail.com>, Andre Duurvoort <AndreD@cupertino.org>, Gilee Corral <gileec@cupertino.org>, <ASanks@cupertino.org>

Hello City Council members,
Thank you for your service to our city.

At the Feb 16 meeting my friend John Ennals and I plan to use 3 minutes each to ask you to endorse a statement which will be sent to our Congressman and two Senators. The message is stating that our city supports passing a bill to address climate change at the federal level.

A draft of the endorsement statement is [here](#) in case you would like to consider it before the meeting. The document's permissions should permit you to insert comments if you wish.

Dan Marshall

408-859-6628

CITY OF CUPERTINO
RESOLUTION NO. XXX (2021)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
IN SUPPORT OF A CARBON FEE AND DIVIDEND NATIONAL POLICY
TO ADDRESS CLIMATE CHANGE

WHEREAS, greenhouse gas (GHG) emissions from human activities, including the burning of fossil fuels, are causing rising global temperatures; and

WHEREAS, climate.nasa.gov says that 19 of the Earth's 20 warmest years on record have happened since 2001; and

WHEREAS, climate.nasa.gov says that the global atmospheric concentration of carbon dioxide (CO₂) exceeded 414 parts per million (ppm) in November 2020, the highest level in 650,000 years; and

WHEREAS, fire.ca.gov reports that in 2020 California experienced almost 10,000 fires destroying 4.2 million acres and 7 of the 20 most deadly fires in California history have been since 2017; and

WHEREAS, in Cupertino we can, and are, taking local steps to reduce global warming; but

WHEREAS, national policy is required to achieve the substantive change required; and

WHEREAS, [Climate Leadership Council](#) says that 3,500 US Economists (including 4 former chairs of the Federal Reserve, 28 Nobel Laureate Economists, 15 Former Chairs of the Council of Economic Advisers) have endorsed a national climate policy including a carbon tax with the revenues returned to citizens; and

WHEREAS, The [IPPC Special Report, Global Warming of 1.5°C](#) (pg 377) says "Explicit carbon prices remain a necessary condition of ambitious climate policies", though additional measures likely will be necessary. (IPCC is the Intergovernmental Panel of the United Nations, focused on Climate Change); and

WHEREAS, The [US Chamber of Commerce announced 1/19/21](#), "'Clearly, there is consensus favoring a market based approach as opposed to a command and control regulatory approach. That is clearly the preferable path.'"; and

WHEREAS, the Cupertino City Council demonstrated the city's commitment to addressing climate change when they approved [Cupertino's Climate Action Plan](#) in 2015 as a strategy to put Cupertino on the path to achieve a 15% reduction in carbon emissions by the year 2020, 49% reduction by 2035 and 83% by 2050; and

National Carbon Fee and Dividend on Fossil Fuels to address Climate Change

WHEREAS, the Cupertino City Council passed Resolution No. 18-094 on September 18, 2018, declaring a climate emergency and calling on the State of California, the United States, and all governments worldwide to initiate an emergency mobilization effort to mitigate climate change, stop rising greenhouse gas emissions, and immediately initiate an effort to safely draw down carbon from the atmosphere; and

WHEREAS, a national carbon fee will benefit the economy, human health, the environment, and national security as a result of correcting market distortions, reducing toxic pollutants, reducing the outflow of dollars to oil-producing countries, and improving the energy security of the United States; and

WHEREAS, a phased-in carbon fee on GHG emissions 1) is an efficient, transparent, and enforceable mechanism to drive an effective and fair transition to a renewable energy economy, 2) will incentivize manufacturers, businesses, and consumers throughout the economy to produce and use less fossil fuel, and 3) will stimulate investment in alternative-energy; and

WHEREAS, equal monthly dividends (or "rebates") from the funds generated by the carbon fee paid to every American household can help ensure that families and individuals can afford the energy they need during the transition to a GHG-free economy, and these dividends also will stimulate the economy; and

WHEREAS, enacting a national carbon fee would make the United States a leader in mitigating climate change and in the clean energy technologies of the 21 century, and would incentivize other countries to enact a similar carbon fee, reducing global GHG emissions; and

WHEREAS, a national carbon fee, starting at a low rate and increasing steadily over future years, is a market-based solution that would minimally disrupt the economy while sending a clear and predictable price signal to businesses to develop and use non-carbon-based energy resources; and

WHEREAS, a fee on fossil fuels can be assessed once, as far upstream as possible in the economy as practical, or at the port of entry to the United States, for efficient administration; and

WHEREAS, border adjustments levied on carbon-based products imported from countries without comparable carbon pricing, and refunds to exporters, will help level the playing field and maintain the competitiveness of United States' businesses in global markets; and

WHEREAS, a national carbon fee can be implemented quickly and efficiently, and respond to the urgency of the climate crisis, because the federal government already has in place mechanisms, such as the Internal Revenue Service, needed to implement and enforce the fee, and already collects taxes from fossil fuel producers and importers; and

National Carbon Fee and Dividend on Fossil Fuels to address Climate Change

WHEREAS, Columbia University's Center on Global Energy Policy released [a report](#) in Nov 2019 analyzing the impacts of a Carbon Fee and Dividend Policy; and

WHEREAS, Columbia's report says Compared to 2005 levels, implementing a Carbon Fee and Dividend policy leads to economy-wide net GHG emissions reductions of 36–38 percent by 2030, which exceeds the US commitments to the Paris Agreement over this period; and

WHEREAS, if 100% of the carbon fee revenue is returned to households in equal shares, approximately two-thirds of Americans will break even or come out ahead, as their dividends will match or exceed direct and indirect price increases due to the fee, protecting lower and middle income households; and

WHEREAS, continued widespread use of fossil fuels and impacts due to climate change pose a present and growing risk to the residents of Cupertino; and

WHEREAS, a nation-wide, revenue-neutral carbon fee will significantly mitigate those risks and promote the health, safety, and prosperity of communities in Cupertino, across the United States, and around the world; and

WHEREAS, The city of Cupertino is particularly exposed to climate change related increased risk of wildfire on our hillside properties; and

WHEREAS; The city of Cupertino is also exposed to increased risk of heavy rain events that will cause flooding along our creeks, Stevens and Calabazas, due to climate change.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUPERTINO, CALIFORNIA, HEREBY RESOLVES that:

1. The City Council urges the Congress of the United State to enact, without delay, a revenue neutral fee on carbon-based fossil fuels.
2. The fee should be collected once, as far upstream in the economy as practical, or at the port of entry into the United States.
3. The fee rate should start low and increase steadily and predictably with the goal of reducing carbon dioxide emissions in the United States to 80 percent below 1990 levels by 2050,
4. All fee revenue should be returned to households to protect low and middle income Americans from the impact of rising prices due to the fee.
5. The international competitiveness of the United States businesses should be protected by using border tariffs and fee refunds.
6. In accordance with California Environmental Quality Act (CEQA) Guidelines section 15378 (b)(5), participating in the effort is an administrative activity that will not impact the environment and is therefore not a project subject to CEQA.

National Carbon Fee and Dividend on Fossil Fuels to address Climate Change

RESOLUTION NO. 111 (2021) adopted by the City Council of the City of Cupertino, California, at a regular meeting held on MMM DD, YYYY, by the following vote of the City Council:

AYES: Council Members Name, Name, Name, Name

NOES: Council Members Name, Name, Name, Name

ABSENT: None

ATTEST

Clerk Name: City Clerk

Mayor Name: Cupertino City Mayor

Lauren Sapudar

From: Shani Kleinhaus <shani@scvas.org>
Sent: Tuesday, February 16, 2021 11:37 AM
To: City Clerk
Subject: Audubon Presentation for tonight CC

Follow Up Flag: Follow up
Flag Status: Flagged

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

Dear Kirsten,

Please find 3 slides that I would like to present to Council tonight here for ORAL COMMUNICATIONS?

https://drive.google.com/file/d/1KR_0fA1cKrH072aQUuJNukz3hn-Gf0Gs/view?usp=sharing
https://drive.google.com/file/d/1KR_0fA1cKrH072aQUuJNukz3hn-Gf0Gs/view?usp=sharing

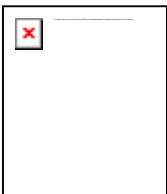
In addition can you tell me if it is possible to show this video?

<https://ebird.org/science/status-and-trends/gocspa/abundance-map-weekly>

Thank you,

Shani

Shani Kleinhaus, Ph.D.
Environmental Advocate
Santa Clara Valley Audubon Society
22221 McClellan Rd.
Cupertino, CA 95014
650-868-2114
advocate@scvas.org



Harmful Impacts of Light Pollution

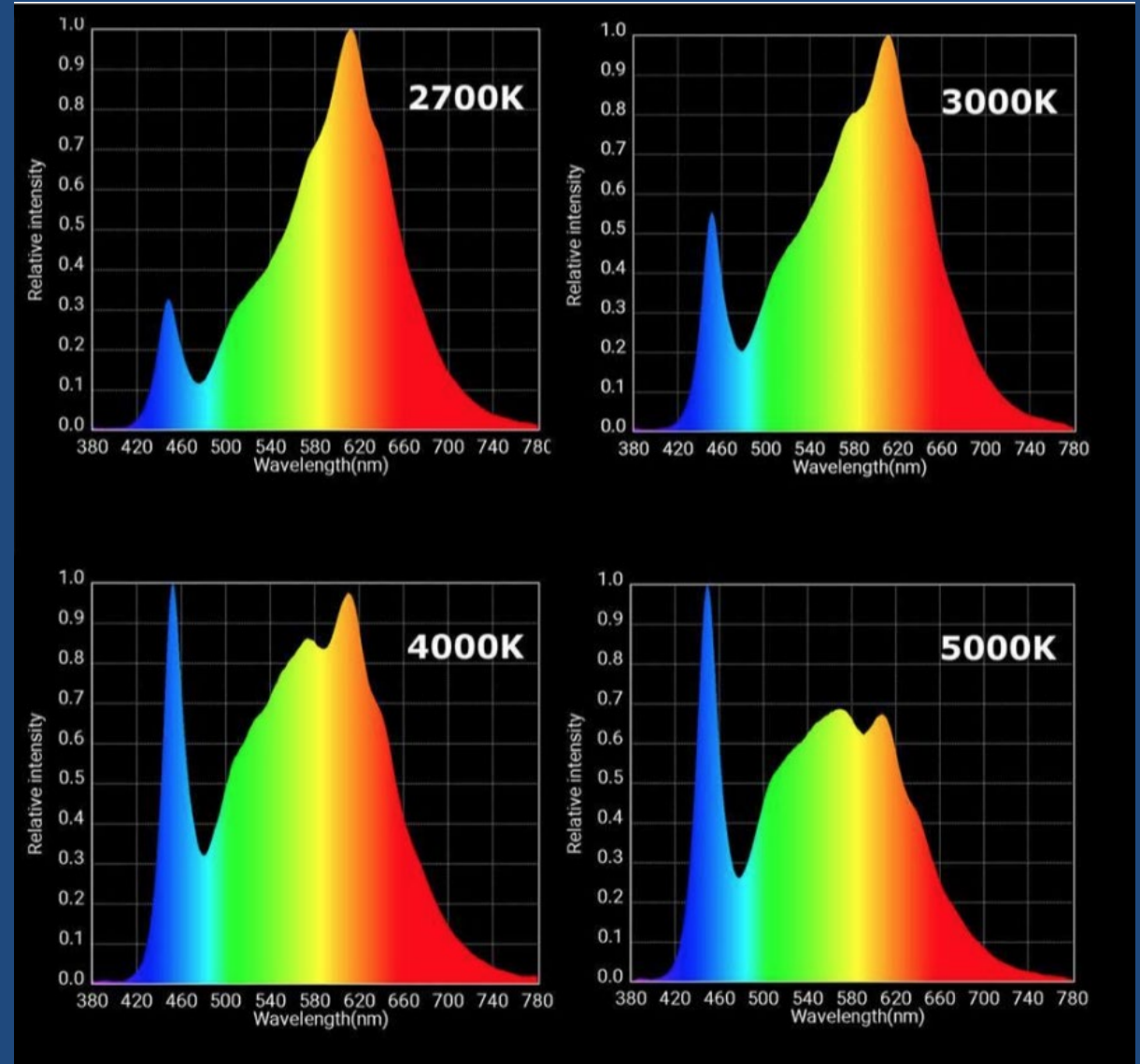
- Pervasive impacts to Ecosystem health, plants and animals
- Physical and mental health, sleep, growth
- Dark sky /Astronomy
- Waste of Energy



Light: Spectrum and Heat

The damage caused to biological organisms by “Cold” light is greater than “Warm” light”

Dark Sky Assoc.
recommends no more than 3000K, Softlight research suggests 2700K is healthier





Lauren Sapudar

From: Connie Cunningham <cunninghamconniel@gmail.com>
Sent: Tuesday, February 16, 2021 4:27 PM
To: City Council
Subject: Oral Communications Feb 2, 2021 City Council

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.

February 2, 2021 Oral Communications, City Council Meeting

Dear Mayor Paul, Vice Mayor Chao and Cupertino Council Members,

My name is Connie Cunningham

Lived her 34 years

Santa Clara Valley Audubon Society Member for a decade.

I am speaking tonight to support the many migrating birds that pass through or winter in Cupertino.

I will show photographs and migration patterns for two of them, the Golden-crowned Sparrow and the Ruby-crowned Kinglet. There are many more of these, including the American Robin, Cedar Waxwings, White-crowned Sparrows, and Yellow-rumped Warbler.

Golden-crowned Sparrow 7 inches long

Flies 2,572 mi

Distance from Nome to Cupertino

Breeds in Alaska including the Aleutian Islands then in winter flies to California, including

Cupertino

I see them every year in my neighborhood.

Ruby-crowned Kinglet , 4 inches long and flies

Breeds in Alaska to Canada

Then flies south thru the US including, Cupertino, and to Mexico.

Across the US

One of my favorite photos in my personal collection is this Ruby-crowned Kinglet in Cupertino.

Migrating birds as well as young birds are most likely to run into glass or be distracted by bright night lights.

Glass and lighting are a deadly combination.

I urge you to approve the Bird-safety Design and Dark Skies Ordinance when it comes to Council.

Sincerely, Connie Cunningham

CC 02-16-21

#16

Use Permit
Modification (M-
2020-002)

Written Comments

Lauren Sapudar

From: Kirsten Squarcia
Sent: Tuesday, February 16, 2021 9:06 PM
To: City Clerk
Subject: FW: M-2020-002 Catherine Che

Written comm for item #16



Kirsten Squarcia

City Clerk
City Manager's Office
KirstenS@cupertino.org
(408) 777-3225



From: catherine chen <catherinechen01@gmail.com>
Sent: Tuesday, February 16, 2021 3:48 PM
To: City Clerk <CityClerk@cupertino.org>
Cc: catherinechen01@gmail.com
Subject: Re: M-2020-002 Catherine Che



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.

Due to my case is item #16, I'll be at home using my iPad (not my State Farm email).

Will you please show this one for me (Catherine Chen) 20130 Stevens Creek Blvd., Cupertino, CA?

Thanks.

Catherine Chen
Sent from my iPad



20455 Silverado Avenue
Cupertino, CA 95014
Tel (408) 252-7054
www.cupertino-chamber.org

Anjali Kausar
Chief Executive Officer

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John Tang
San Jose Water Company

February 11, 2021

Cupertino City Council
10300 Torre Avenue
Cupertino, California 95014

RE: Modification to an existing Use Permit (U-2004-01)

Dear Councilmembers,

With this letter the Cupertino Chamber of Commerce wishes to express its support for the modification of conditions for the property concerned.

While the intent of encouraging retail by creating a mixed-use environment in Cupertino is heartily supported, the application of that requirement to this property has proven to be economically infeasible.

The long-term changes in how people do business has battered retail generally and hurt small retail most significantly. Stand-alone small retail survives principally in the form of fast-food franchises.

The property owners well-documented efforts to comply with the existing use permit warrant a modification. The granting of the request does not set precedent as the property is unique. Incorporated into a residential development, this building has distinctive limitations to commercial use of the property. Parking is inadequate for commercial use and, in good faith, the owner has offered the property for commercial use for years without success.

The impracticality of the use of that space for retail is clear to potential customers, potential tenants, and to the property owner. By approving the requested modifications, the planning commission can make this space economically viable.

The Cupertino Chamber of Commerce strongly supports the Draft Resolution recommending that the City Council approve the Use Permit Modification.

Thank you for your most serious consideration of this issue.

Respectfully yours,

Shyam Panchal
President, Board of Directors
Cupertino Chamber of Commerce

From: [Peggy Griffin](#)
To: [Hung Wei](#); [Deborah L. Feng](#); [City Attorney's Office](#)
Cc: [Darcy Paul](#); [Liang Chao](#); [Jon Robert Willey](#); [Kitty Moore](#); [City Clerk](#)
Subject: CC Agenda Item 16 - Council Member Wei should recuse herself
Date: Tuesday, February 16, 2021 2:45:44 AM
Attachments: [Form 460 HW - Preelection 9-20-20 to 10-17-20 Page7.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 Council Member Wei, City Manager and City Attorney,

I think Council Member Wei should recuse herself from voting on City Council Agenda Item 16 scheduled for tonight, February 16, 2021. The applicant, Catherine Chen Insurance Agency was a contributor to Council Member Wei's campaign in September 2020. This agenda item involves a land use decision which has the potential for financial gain to the applicant.

Although I think Council Member Wei would not be influenced by this contribution, it sets a horrible precedent. Allowing elected officials to vote on land use issues involving contributors to their campaigns looks really bad, especially so soon after the election.

Sincerely,
Peggy Griffin

Schedule A (Continuation Sheet) Monetary Contributions Received

Amounts may be rounded
to whole dollars.

SCHEDULE A (CONT.)

Statement covers period		CALIFORNIA FORM 460
from 09/20/2020	through 10/17/2020	
		Page 7 of 14

NAME OF FILER Hung Wei for Cupertino City Council 2020	I.D. NUMBER 1404247
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DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
9/29/2020	Bricklayers & Allied Craftworkers Local No. 3 ID#1244975 [REDACTED] San Leandro CA 94577	<input type="checkbox"/> IND <input checked="" type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		150.00	150.00	
9/29/2020	Catherine Chen Insurance Agency [REDACTED] Cupertino CA 95014	<input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		250.00	250.00	
9/29/2020	Dundee Maples [REDACTED] Cupertino CA 95014	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Not Employed Not Employed	50.00	100.00	
9/29/2020	Kris Wang [REDACTED] Cupertino CA 95014	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Not employed Not employed	200.00	200.00	
10/3/2020	Kevin Chiao [REDACTED] Cupertino CA 95014	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	realtor Kei Realty Corp	100.00	100.00	
SUBTOTAL \$				750.00		

*Contributor Codes
IND – Individual
COM – Recipient Committee
(other than PTY or SCC)
OTH – Other (e.g., business entity)
PTY – Political Party
SCC – Small Contributor Committee

CC 02-16-21

#17

Municode
Amendment,
Transportation
Analysis

Written Comments

Lauren Sapudar

From: Jenny Griffin <grenna5000@yahoo.com>
Sent: Tuesday, February 16, 2021 9:49 PM
To: City Council
Subject: Los

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

Dear city council,

I am very concerned that the public has to keep fighting to understand the nomenclature Of these housing bill changes. I think the public should be able to keep understanding What these changes are trying do. I am not convinced that vmt is better than los.

Thank you,

Jennifer griffin