Thursday, November 22, 2018

Liang - Vallco will likely generate 1066 students - verifiable source provided

From: Liang-Fang Chao  
Date: Thu, Oct 4, 2018 at 11:50 AM  
Subject: Vallco will likely generate 1066 students - verifiable source provided  
To: City Council <citycouncil@cupertino.org>, City Clerk <CityClerk@cupertino.org>, Cupertino City Manager's Office <manager@cupertino.org>, City of Cupertino Planning Dept. <planning@cupertino.org>

Dear Mayor Paul and Council Members,

Below is a Nextdoor post to provide verifiable source to support my statement made in 10/2 Council meeting that "the total number of students generated from Vallco Tier 2 Plan will be likely 1000 students." At the end, I have provided links to the source document for your reference.

Since Council Member Barry Chang challenged me in the Council meeting without giving me a chance to clarify the source of my numbers, I would like to request that the City Clerk put this email into the meeting record of 10/2 Council meeting. This email also includes some text of the comment I made on 10/2, so it should be included in the meeting packet.

In the future, I hope each of the Council Members has the courtesy to allow the public speaker to respond in case you want to challenge the speaker on the content of their speech. In fact, the Council allowed Hung Wei to come up to clarify that she does indeed support Vallco Tier 2 plan. Please provide the same courtesy for all other speakers for fairness.

Thank you.

Liang Chao

================================================================================
(Other Nextdoor members request that I start a new post with this information. So, here it is. I've edited a bit for clarify. The comment was originally posted under thread "Vallco Questions: What's Approved? How Did We Get Here? What Next?")

My comment in 10/2 Council meeting stated that the total number of students generated from Vallco Tier 2 Plan will be likely 1000 students. Of course, I can provide verifiable source for my number, as I always do. I wanted to provide it at Council meeting, but Council Member Barry Chang refused to give me a chance to respond. Instead, he calls up FUHSD Superintendent Polly Bove to comment. Poly said Vallco Tier 2 Plan will generate 174 students.(and later said approximately 200).

(Of course, I was making comment as an individual, not a school board member, at the meeting and here on Nextdoor too.)

For completeness, here are some points made in my public comment made on 10/2: [Begin 10/2 Comment] This project will add enough office for 10,000 more workers, 2668 units, up to 14 stories tall. With no real park and no schools, even though I will likely generate 1000 students. As far as know, the city has not notified the school district after you've decided to increase the housing units from 800 to 2400 units. The city has not involved anyone from the school district in the negotiation for the community benefits.

You all know what families care about most here in Cupertino is schools. Yet, you've managed to hold the schools hostage in your benefits package. If any subcontractor sues Sand Hill, you
would take away $5 million dollars from schools, not from your empty shell city hall or empty shell performing art center. Let's not just look at the millions we will get. Let's look at millions we have to spend to build more classrooms, more freeway expansions, millions to complete empty-shell Performing Art Center and empty-shell City Hall.

Let's not just look at a few units that might be available for teachers. How about the 1700 CUSD teachers and staff who currently commute to Cupertino? How about other current Cupertino workers who commute to Cupertino? Their commute time has doubled in the past few years. With 10,000 more workers to compete for housing and highway capacity, their commute time will likely double or triple.[End 10/2 Comment]

In order to negotiate a good deal for the school district, the city and the district should use a realistic number, based realistic data. When there is a possible range, the city and district should of course use a higher student-generation number for a better negotiation position. It is just irresponsible to artificially reduce the number of students generated. For whose benefits?

The number of housing units in Vallco Tier 2 Plan is 2668. The SGR (student-generation-rate) is 0.32 for CUSD. => 853 students for CUSD. The SGR is 0.08 for FUHSD => 213 students. Together, the total is 1066 students. I said “1000 students” in the Council meeting.

Both of the SGRs I used come from the latest Demographer’s reports from CUSD and FUHSD.

In the latest CUSD demographer’s report by Tom Williams, he derived the SGR number 0.32 from the two recent developments in Cupertino: Nineteen800 and Biltmore Expansion. The FUHSD Demographer’s report by Tom Williams too derives the SGR of 0.08 from the same recent developments. He further stated “Since the student totals are concentrated in the lower grades, the 9-12 SGR eventually should become higher than the current 0.08 amount.”

The 0.17 SGR number quoted by David Fung came from School Impact Analysis, which is a consultant hired by the City for Vallco EIR. In that report, the 0.17 SGR was used for the “Proposed Project” (interior sq.ft. of 800 sq.ft. + 200 non-interior sqft). However, according to the Vallco Tier 2 Developer Agreement, it estimates the average size per unit to be 1250 sq.ft. Plus, the Vallco Specific Plan itself does not set any limit on unit size. Therefore, the average size per unit could be even higher than 1250 sq.ft, since the DA only gave an estimate, not an upper limit.

As we’ve seen in Main Street, done by the same developer, the size of some so-called one-bedroom unit is as big as 1500 sqft or even 1700 sqft with a den, a loft and an office.

The School Impact Analysis, done for Vallco EIR, tried to justify that the Vallco development will be adult oriented and not suitable for families. But there was no reference nor any case study provided. Yet, they just magically reduced the SGR from 0.32 to 0.17 with no supporting data. Why not 0.10 or 0.20? Why 0.17? Off the top of their heads?

Since the School Impact Analysis did not justify their SGR 0.17 with any data at all, I could not use such unverifiable number. Just because some consultant puts it in a report doesn’t make it a verifiable fact.

Some of the reasons the consultant used to justify the lower SGR:

* "The developments include more studios and one-bedroom units", which is not the case since VSP did not give any limit on the number of bedrooms for the 2668 units.

* "The units are relatively small", which is not the case for VSP since there is no unit size limit.

* "Most important, the units will likely be expensive." => This is true though. Then, singles have more incentive to NOT live in Vallco since other cheaper alternatives exist nearby, NOT in Cupertino school district.

* "They lack yards and have limited access to play structures and areas for pre-school children, and lack open spaces with turf for elementary school-age children." => This is true though since VSP provided NO park, just some concrete plaza/walkways as open space. But for some people who grew up in high-density cities elsewhere, this would not discourage them since they value Cupertino schools.

* "There is generally no more than one assigned parking space per unit" => This is true since VSP suggests to provide NO parking space so that a tenant has to pay for extra. Likely, nearby neighborhoods will become parking lot for these tenants. Since there is no viable transit, tenants do still have to own a car, especially those with children.

* "Assumptions have been made about the size of the units, as discussed above, and, as noted above, this is a factor that strongly influences student generation." => And these assumptions made do not match the approved Vallco Specific Plan, which did not provide any unit size limit or bedroom limit. Likely larger units will be in the project to maximize profits.

There, any conclusion in a consultant report is just an “opinion” piece, based on some data and some assumptions. A different consultant might have a different opinion. Some people might blindly trust the conclusion and call these consultants “experts”. Some people would look at the assumptions used and see whether the consultant can back up any of the assumptions used.

I have read enough consultant reports to know what we cannot blindly trust the "conclusion" of a report. It is just irresponsible to blindly trust one so-called "expert" consultant when experts often
disagree with each other. If one person blindly trust the City Staff and the consultants, this person would likely rubberstamp a staff recommendation. Why do we even need such a person on the City Council or Planning Commission? For show?

REFERENCE:
Latest CUSD Demographer's Report:
https://drive.google.com/file/d/1ix3ShUL27Hc946hslPdHLq8Hqo_1Be-O/view?usp=sharing
Latest FUHSD Demographer's Report:
https://drive.google.com/file/d/1WEfhAVsuAepMEqE1AA1fOsgo-hcMu5ykv/view?usp=sharing

Tuesday, November 20, 2018

**Ignatius - Rod Sinks and Geoff Paulsen Should Resign Since They Have Lost People's Trust**

From: Ignatius Y. Ding  
Date: Tue, Nov 20, 2018 at 9:17 PM  
Subject: Copy of Oral Communication Presented at the Council Meeting Tonight  
To: Grace Schmidt CMC (City Clerk) <graces@cupertino.org>  
Cc: Cupertino City-Council <citycouncil@cupertino.org>, Acting City Attorney Rocio Fierro <RocioF@cupertino.org>, Amy Chan (Acting) <manager@cupertino.org>

Ignatius Y. Ding, 41-year resident of Cupertino (5-min. Presentation)

Tonight, I am delivering a message from a group of 24 individuals here with me tonight: We are here because, as you know, during the referendum signing period, Council man Rod Sinks & Planning Commissioner Geoff Paulsen authorized a message be distributed on a Sand Hill door hanger.

Without the proper disclosure (that is for identification purposes only), anyone reading it would assume that it was from the City Council directly. That amounts to abuse of power.

In addition to the authorizing developer’s deceptive campaign, both of you also authorized its distribution and that distribution was done by paid thugs/disrupters. They were antagonistic and demeaning.

They slandered and insulted our volunteers. They jeered at our residents. One of them made fun his Chinese accent, mocked when he started shaking, there were also incidents of body shaming two of the female residents. Some were bullied, publicly humiliated, intimidated, and physically harassed by shadowing too closely. Some were surrounded without a way out. You will hear from a few tonight.

We have witnesses and videos to prove if need be. We had to endure the constant bullying for 3 weeks in order to exercise our legal right to referendum. We hold you both personally responsible for its distributed and therefore their bullying.

Your authorization and approval of this type of activity from a Council member and from the Chair of our Planning Commission is an utter disgrace to the city of Cupertino.

The Sheriff told us he would report the incident to the City Council and ordinance. I have no reason to believe he did not.

**In addition to that, we have this e-mail between you and Peter Pau (e.g. one dated 10/19/14)**

The other item, that we’d like to bring to your attention, is the “tort claim” from Mr. Randy Hom -- where he accused you of wrongful termination because he’s voiced his disagreement with SB 35 as compliant. (Show the “Government Tort Claim” here)

Rod Sinks refused to establish objective standards on the Vallco parcels, resulting in the terrible SB-35 plan by Sand Hill Property.

Rod Sinks tried to eliminate the Library Commission at the request of Sand Hill Property who did not want a Better Cupertino participant on the Commission. He also tried to eliminate the Public Safety Commission.

Because of these offenses, the breath of public trust and your continuing collusion with the developer to orchestrate the suppression of the constitutional rights of the residents to submit Referendum petition to place the Vallco project for a public vote — thereby **you both have violate your oath to**
A (former) mayor, like Rod Sinks, needs to be an ethical, honest, leader. Even though the mayor doesn't really have any more power than any other council member, he or she is the spokesperson for the City. The rotation is not set in stone. Barry Chang was once denied the mayor position despite it being his turn because of his behavior.

---

**Jon - Council Members and Staff Members Named in the City Attorney's Tort Claim Should be Put on Administrative Leave Immediately**

From: Jon  
Sent: Wednesday, October 24, 2018 2:01 PM  
To: Darcy Paul; Steven Scharf; Acting City Attorney Rocio Fierro  
Subject: Immediate Actions Needed, Re: City of Cupertino, CA: Understanding the Possible Process Paths for Vallco

Mayor Paul,  

I received the below city e-mail this morning which intends to outline the possible paths for the Vallco development. But at this time, with the information that has come to light in the last two days, and attached, about possible collusion between three Councilmen, city staff, and Sand Hill, I respectfully ask that you immediately suspend all activity pertaining to Vallco. And I believe it is disengenious to the residents of Cupertino to allow the city staff to continue to publish information about Vallco that can be confusing and deceiving considering what we are now hearing. As such, I believe the fate of Vallco will clearly be affected by the revelations that have come to light, and Vallco's future will clearly not be a case of "business as usual".  

Furthermore, as Mayor, again, with the revelations that have come to light, I believe you have a duty to put the three referenced councilmen and the associated city staff on immediate Administration Leave until an investigation has determined that they can or can not return to work.  

I am an engineer, not a lawyer, so I have done my best at describing what I believe needs to be done immediately. Ethics and Democracy requires that these events be taken extremely seriously and actions taken quickly. The residents deserve that.

Sincerely,  
Jon Willey  
Cupertino Resident  

From: webmaster@cupertino.org <webmaster@cupertino.org> on behalf of City of Cupertino <webmaster@cupertino.org>  
Sent: Wednesday, October 24, 2018 9:31 AM  
To: jonbobw@hotmail.com  
Subject: City of Cupertino, CA: Understanding the Possible Process Paths for Vallco
Understanding the Possible Process Paths for Vallco
Post Date: 10/24/2018
What happens if there is or isn’t a referendum on the Specific Plan? What are the "process paths" for the Specific Plan and the SB 35 project? How are they different in terms of City review? This flowchart helps demonstration the outcomes based on possible decisions and actions.
For more information, see www.cupertino.org/vallco.

Liang - City Council is Responsible for the Potential Misconduct of City Manager

From: Liang-Fang Chao
Date: Wed, Sep 19, 2018 at 12:37 PM
Subject: Compliance of SB 35 and the Removal of City Attorney
To: City Council <citycouncil@cupertino.org>, City Clerk <CityClerk@cupertino.org>, City Attorney's Office <CityAttorney@cupertino.org>, <manager@cupertino.org>

Below is my speech last night regarding the compliance issue of SB 35 and the City Attorney.

The City Manager is responsible on determining the ministerial approval of a SB 35 application. But you, the City Council, is ultimately responsible for the conduct of your employee, the City Manager. If the City Manager approved the Vallco SB 35 application without following the General Plan, it is your responsibility to look into the conduct of the City Manager.

Subject: Vallco SB 35 plan does NOT comply with the General Plan since they have NO entitlement without an approved Specific Plan

Dear Mayor Paul and Councilmembers.

I’d like to comment on the compliance issue of the SB 35. I have confirmed with the City Attorney that this topic should fall under Oral Communication for non-agenda items. Any SB 35 project must comply with the General Plan and the Municipal Code. The existing General Plan, which you approved in December 2014, clearly states that the office and residential allocations do not apply until a Vallco Specific Plan is approved with a list of agreed upon community benefits. It is not your intention to give away the office and residential allocation without any benefits. For that very reason, the Housing Element even includes Scenario B where there is zero housing at Vallco. However, in the SB 35 application, Sand Hill has claimed the entitlement of 2 million sqft office space and 2400 housing units, when the Vallco Specific Plan doesn’t exist yet. It clearly does not comply with the General Plan.

The former City Manager David Brandt has somehow allowed a noncompliant SB 35 project to pass, which in fact gives away billion-dollar-worth of entitlement for free to the Developer, when it should be contingent on an approved Specific Plan. David Brandt retired soon after this action.

At the same time, the City Attorney Randy Hom was silently removed from office in May 2018 when the City Attorney is the only other person who could oversee the compliance of SB 35 application. Why has Randy Hom been removed without any explanation? Why has the City not even started to recruit new City Attorney when we are facing the largest development project in the history of Cupertino?
I urge the Council to take immediate action to look into the former City Manager, who is responsible for an action that likely gave away billions-dollar-worth of development rights. I urge the City Council to give Cupertino residents a sufficient explanation on why City Attorney Randy Hom was removed in the first place and why we continue to pay his salary 4 months later today.

By not taking any action on the compliance issue of SB 35, the City Council is in fact admitting that the General Plan was poorly written so that you would willingly allow Sand Hill to claim a billion-dollar-worth provisional allocation as entitlement without providing any community benefits. Do you admit that YOU are the ones who give away billions-dollar-worth of development rights for free, not the former City Manager?

Valco SB 35 has other issues. It does not comply with the Housing Affordability Act, which require 2 / 3 residential use in the entire square footage. Valco site is still in the hazardous material site list, specifically excluded from qualifying for SB 35. The list goes on.

So, the Valco SB 35 plan is a bluff. It's a result of potential misconduct of the former City Manager. Although SB 35 project only needs ministerial approval by the City Staff, it is the responsibility of the City Council to ensure that the City Staff is following the law. It is the responsibility of the City Council to take action to investigate any misconduct immediately.

Randy - King's Academy contribution to Measure CC campaign?

From: Randy Shingai
Date: Sun, Oct 14, 2018 at 1:46 PM
Subject: King's Academy contribution to Measure CC campaign?
To: Bove, Polly <polly_bove@fuhsd.org>, <bill_wilson@fuhsd.org>, Barbara Nunes <barbara_nunes@fuhsd.org>, <hung_weii@fuhsd.org>, <jeff_moe@fuhsd.org>, Rocklin, Roy <roy_rocklin@fuhsd.org>
CC: Soma McCandless <mccandless_soma@cusdk8.org>, Kristen Lyn <lyn_kristen@cusdk8.org>, Vogel Phylis <vogel_phylis@cusdk8.org>, Liang-Fang Chao <chao_liang@cusdk8.org>, Anjali Kausar <kausar_anjali@cusdk8.org>, <baker_craig@cusdk8.org>

Dear FUHSD leadership,

I went looking at the FPPC filings for the Measure CC committee. There was a Form 497 filed on 10/3/18 that listed 12 contributions totaling $50,000. All contributions of $1,000 or greater in the last 90 days of a local election must be reported on a Form 497 within 24 hours of receipt. To have so many large donations coming in on the same day is unusual. Attached is that Form 497.

The even more disconcerting thing is that there was a $10,000 contribution from The King's Academy. It makes sense that there has to be some value gained from such a contribution.

What value does the King's Academy expect to extract from its $10,000 contribution to the Measure CC campaign?

Thank you,
Randy Shingai
Dear Council Member Sinks,

I have just posted the following on Nextdoor. Some people, distributing Sand Hill flyers with your photos, have been intimidating residents at the Library. If they simply want to distribute flyers, they can easily do it in front of the library entrance, far away from Better Cupertino booth. And they don’t have to yell at people walking by. They can talk to people one on one and have a real conversation, as other people usually do.

You can condone such behavior of course and say you have no responsibility. But do you really?
Or, you could reach out to Sand Hill to ask them to give Cupertino residents the respects we deserve.
Thank you.
Liang Chao.

Dear Council Member Savita Vaidyanathan,

These people collecting photos and videos for a smear campaign by creating disturbance and intimidating Cupertino residents are apparently paid by your supporter, Sand Hill Properties, whether they donated to your campaign or not. They want to smear me so that you could get elected. Do you want to get elected through such smear campaign created by intimidating Cupertino residents?
You can condone such behavior of course and say you have no responsibility. But do you really?
Or, you could reach out to Sand Hill to ask them to give Cupertino residents the respects we deserve.
Thank you.
Liang Chao.

================================
2018-10-07 Cupertino Residents Deserve a Calm Election without Interference (posted on Nextdoor)

This afternoon I stopped by the Library for a little bit to talk to residents in between events and errands. I was so thirsty from a meet-and-greet near N. Portal that I need something to drink. At Better Cupertino booth, someone handed me a juice box and told me that those Sand Hill-paid people who are distributing Rod Sinks door-hangers next the the booth gave them to us. I thought that’s so nice. I went over to thank them. They immediately started shouting something and it ended with “You need to stay 15 feet away.” I was totally confused. I backed away.

Later I saw a resident was videotaping them while talking to them. She seems upset. I walked over to tell the resident: “Just let them be. They are just doing their job. Don’t engage with them.” To my surprise, those Sand Hill-paid people immediately turned their camera to me and started yelling at me: “How can you involve a young child in this? Shame on you.” Then, I noticed that a little girl was clinging to the mom, who is videotaping. The little girl clearly was afraid of the big guy. The brave mom stood there unfettered continue videotaping. Apparently, they have instructions to create disturbance involving Liang Chao to use against me. I backed way while they continue to yell “Shame on you.”

What has Cupertino become? Who has hired these people who intentionally want to create situations so that they can use against residents? Better Cupertino booth is at the far corner near the parking lot. They could put their booth anywhere in front of the library. Yet, they choose to set the booth right next to Better Cupertino booth and continues to shout out things to passers-by. They intimidate people who come over to sign the referendum petition.

At the meet-and-greet in N. Portal, some residents stopped by and thanked us to bring the referendum petitions over. They said “We are afraid to go to the Library to sign. It’s scary.”
Who is behind such scaring tactics?

At one point, one of the Sand Hill-paid guy told me that he got a photo of me handing out flyers inside the library. (Does that violate any rule? I am not sure.) It seems they are doing everything they can to smear me with every scrap of evidence they can come up with. Yesterday, I went to the Library too and talked to residents as usual. I was talking to one resident as he walked towards the library entrance. I walked with him with
a Vallco flyer at hand. We stopped at the lobby inside the library as his wife and son went inside. We talked a little bit more. Then, we parted. I continued to go into the library to use the restroom.

The Sand Hill-paid people must have taken a picture of me inside the Library with a flyer. Apparently, they will get paid for such photos. Wow. I feel like a celebrity. Everything I do or say will get videotaped or photographed. How special! What kind of smear campaign will appear in social media? Let's wait and see.

I must ask though. Do we want to tolerate such campaign tactics in Cupertino?

Why can't Sand Hill use facts and reasons to convince people that they have a great project?
Why can't Council Members convince people Vallco Tier 2 Plan is a good project, instead of using the questionable SB 35 as a threat?
Why can't Sand Hill convince voters that the candidates they support will be good for Cupertino? Instead of doing such tricks to smear the candidates they don't like? What has Cupertino become?

I hope to call out to anyone who might be associated with Sand Hill to ask them to respect Cupertino residents.
Give us reasons that the Tier 2 Plan is good for Cupertino.
Get other Cupertino residents to convince us the Tier 2 Plan is a good project, not some hired guns.
Please do not use scare tactics to intimidate Cupertino residents into submission.
We deserve respects, not threats.

Cupertino Residents Deserve a Calm Election without Interference

KM - Question about East Side Office Park Vallco/Soils

From: KM
Date: October 3, 2018 at 8:51:36 PM PDT
To: aartis@cupertino.org, planning@cupertino.org, sscharf@cupertino.org, dpaul@cupertino.org, manager@cupertino.org, cityattorney@cupertino.org
Subject: Question about East Side Office Park Vallco/Soils

All,

Would anyone happen to know what happens if the east side property at Vallco becomes a single tenant office park as mentioned in the Specific Plan Exhibit? It says they can privatize and block off the internal streets.

What I'm wondering is if that then means all 2,668 residential units are then on the west property?

Or is it by 52.5 DU/Ac Density?

My hunch is all 2,668 ends up on the west side.

I also noticed that the other property owners had to follow CMC for parkland requirements while Vallco doesn't. That's pretty abysmal.

Anyway, what happens in the scenario mentioned above?

No one responded to me about pesticide soils testing at Vallco today. I had an interaction with Piu Ghosh who told me to call SCCDEH to see what they do in their HSP mentioned in the FEIR.

That is the WRONG answer from the city when you have residents concerned about stirred up pesticides. Apple Park tested for pesticides at COMMERCIAL levels and then stirred up a dust pile near single family homes.

Valco tests for NOTHING and is trying to pull a demolition permit.
Please look out for the people who live here. It's not like you have to pay for soils testing to ensure the safety of your residents and students ON SITE.

Additionally, Ms. Ghosh told me "we don't have to" contact SCCDEH. And so the city has not done their job...SCCDEH is your CUPA...

Thank you.

Best regards,

KM