

## Lisa Maletis-Massey

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**From:** City of Cupertino Planning Dept.  
**Sent:** Thursday, April 16, 2020 9:00 AM  
**To:** Benjamin Fu; Chad Mosley; David Fung; Dianne Thompson; Jon Robert Willey; Kitty Moore; Liang Chao  
**Cc:** Lisa Maletis-Massey; David Stillman; Roger Lee; Gian Martire  
**Subject:** FW: ERC Meeting Apr 16, 2020 - Public Comment  
**Attachments:** Gmail - Re\_Regnart Creek Trail \_ Mitigation Request 20\_0415.pdf; VW Cupertino Minutes 20\_0204.pdf

Additional written comments for today's meeting:



### Beth Ebben

Deputy Board Clerk  
Planning Division  
BethE@cupertino.org  
(408) 777-3297



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**From:** garywong@ix.netcom.com <garywong@ix.netcom.com>  
**Sent:** Wednesday, April 15, 2020 11:41 PM  
**To:** City of Cupertino Planning Dept. <planning@cupertino.org>  
**Subject:** ERC Meeting Apr 16, 2020 - Public Comment

**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.

My name is Gary Wong, a 20 year resident of Cupertino and President of Campo De Lozano HOA, whose homes are adjacent to the Regnart Creek Trail.

There are several issues outstanding that merit serious consideration prior to approving the Mitigated Negative Declaration for Regnart Creek Trail. 100% design is incomplete and such design has not been shared with residents nor Council Members and release of such design information has not been scheduled. It seems premature to proceed without having 100% design known and details of the pending items can alter the MND report's review and recommendations.

Due to time constraints, let me identify several of the outstanding issues:

1. Bridge placement and impact. According to Valley Water - Cupertino minutes, Valley Water is to provide written concurrence with the bridge location and confirmation that no hydraulic modeling is required. We have not seen confirmation that this has been received from Valley Water, and a change in placement could have material changes to the MND. This information was not in place at the time of distribution of the MND.
2. Relocating the Access Ramp, required concrete work thereof and sediment containment has not been addressed nor finalized in the MND.
3. For over 9 months, we have spoken and written to staff about discussing with Valley Water the possibility of obtaining a foot of land between the Lozano and Valley Water property lines to mitigate the impact of the Regnart Creek Trail on our homes and communities. We were assured by City staff that they will do so. Having reviewed all of the meeting minutes

between Cupertino and Valley Water, no where is our request mentioned. This is critically important because our homes are the most impacted along the trail, with one section bisecting our property on the west side and the southern part of the Trail bordering less than 20 feet from our front doors. Thus, we are impacted on 2 of 4 sides of our property. Council members have stated often that the most challenging sections of the Trail should be addressed first. We have come to learn that mitigation issues for our homes have been ignored and to this day neither we nor the City have written details for a mitigation plan.

**See letter dated April 15, 2020 from the Board of Valley Water, attached hereto.** Valley Water states that it is willing to issue to Cupertino an encroachment permit to mitigate noise, traffic and privacy to us. It seems that such mitigation should be included in MND, as it is silent on our community and for the other homes on the trail. To proceed or approve the MND without detailing these mitigation measures is a material omission and an incomplete report. What if such mitigation measure included a 9 foot wall with lighting, similar to East Estates Drive? What would be the aesthetic impact of such mitigation or disturbance to habitat? .AB 2341 allows for individual and subjective opinions to constitute substantive evidence of a fair argument, thus is must be addressed and not ignored.

In concluding, the mitigation measures should be defined and detailed before the MND is approved or recommended for approval.

Thank you.

Gary Wong  
President, Campo De Lozano HOA

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**Re: Regnart Creek Trail \_ Mitigation Request**

1 message

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**Board of Directors** <board@valleywater.org>  
To: "mgarywong@gmail.com" <mgarywong@gmail.com>

Wed, Apr 15, 2020 at 2:41 PM

**Sent on behalf of Chair Hsueh:**

Dear Mr. Wong,

Thank you for your April 4, 2020 letter regarding the City of Cupertino's potential use of Valley Water property to provide noise and traffic mitigation for the existing public access trail in front of your homes. In order for Valley Water to deed out land, the land must be surplus to its needs. Valley Water's property in front of your homes is required for maintenance and construction access, and existing landscaping was installed under a revocable permit so that it may be removed when necessary.

However, I understand your concerns about increased public use of the trail and impacts to your privacy and security. To address these concerns, there is also an option for Valley Water to issue an encroachment permit to the City for installation of noise and traffic mitigation features. These features, like the existing landscaping on Valley Water property, must be removable when access to the creek is necessary.

To apply for a permit, or to further explore the option for a land transfer, the City must submit a written request to the Community Projects Review Unit, to the attention of Ms. Usha Chatwani. The request should include a detailed explanation of the proposed noise and traffic mitigation measures, as well as an analysis of alternative locations for these measures (such as adjacent private property).

If you have any further questions for us, please contact Ms. Chatwani at [UChatwani@valleywater.org](mailto:UChatwani@valleywater.org) or 408-630-2731,

Thank you again for your email.

Sincerely,



Nai Hsueh

Chair, Board of Directors

Santa Clara Valley Water District

C-20-0050

Begin forwarded message:

**From:** Gary Wong <[mgarywong@gmail.com](mailto:mgarywong@gmail.com)>  
**Date:** April 4, 2020 at 5:52:54 PM PDT  
**To:** Nai Hsueh <[NHsueh@valleywater.org](mailto:NHsueh@valleywater.org)>  
**Subject:** Regnart Creek Trail \_ Mitigation Request

Ms. Nai Hsueh

Chair Board of Directors

SCVWD Board of Directors  
[5750 Almaden Expressway](#)  
San Jose, CA 95118

RE: Campo De Lozano – Regnart Creek Trail Mitigation

Dear Board Chair Hsueh:

As you recall, our homes are adjacent to Valley Water's Regnart Creek and Cupertino approved a pedestrian/bike trail on the maintenance road used by Valley Water. Due to the close proximity of the Trail to our homes, since August 2019 we asked Cupertino on several occasions, in writing and in person, to raise the question with Valley Water if it would be possible to deed back, buy back or couple negotiations on the land swap with Valley Water the possibility of obtaining one foot of land from our property line. The purpose of the request was to provide flexibility to mitigate the noise and traffic from the trail and to provide privacy and security therefrom.

The land would be behind a row of trees and appears to be of limited use to Valley Water unless Valley Water intends to remove the grown trees. A ten-foot green belt was deeded to Valley Water by the Lozano family in 1961, to provide Valley Water 20 feet from the Creek for flood control and maintenance. A photo is enclosed for reference.

In reading the committee minutes from August until February 2020, between the joint teams of Valley Water and Cupertino, no where is it mentioned that such request has been made nor a response from Valley Water was received. Thus, we are writing directly to Valley Water to inquire whether a proposal would be considered.

We hope you are staying safe during this unprecedented time and thank you for your long and professional representation of our District.

Sincerely,

M. Gary Wong

President

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Santa Clara Valley Water District is now known as:



**Valley Water**

image001.png  
19K

Clean Water • Healthy Environment • Flood Protection



## **MEETING MINUTES**

### **City of Cupertino** **Regnart Creek Trail**

### **Valley Water (VW)** **Regnart Creek Environmental and PS&E Meeting #11**

**Date and Time:** February 4<sup>th</sup>, 2020 – 2:00 p.m.

**Location:** Valley Water Offices, 5750 Almaden Expy San Jose, CA 95118

**Minutes By:** HMH

**Attended By:**

Cody Houston (VW)  
Yvonne Arroyo (VW)  
David Stillman (Cup)

Prashanth Dullu (Cup)  
Jon Cacciotti (HMH)  
Usha Chatwani (VW)

Marlon Aumentado (Cup)  
Gail Seeds (Cup)  
Hilda Garcia (HMH)

<b><u>DISCUSSION</u></b>	<b><u>ACTION</u></b>
<p><b>1. Minutes from Previous Meeting</b></p> <p>a. No discussion.</p> <p><b>2. Relocation of VW Access Ramp</b></p> <p>a. Cody Houston (CH) confirmed the need for a concrete ramp to remove sediment in the creek. The draft permit will be submitted showing approximately 100 square feet increase in concrete within the Ordinary High Water Mark. There exists a risk that regulatory agencies may require compensatory mitigation for this increase in concrete.</p> <p>b. CH to review concrete details of maintenance ramp.</p> <p>c. CH to explore internally whether VW can construct the maintenance ramp with internal crews.</p> <p>d. HMH presented a Land Swap proposal for lands at Wilson park with a 1:1 transfer. HMH inquired whether a no-fee transfer would require appraisals.</p> <p><b>3. Permitting</b></p> <p>a. The draft permit will be submitted showing approximately 100 square feet increase in concrete within the Ordinary High Water Mark.</p> <p>b. Gail Seeds (GS) to review Draft Permit Application prior to submittal.</p> <p>c. Screen Check for Environmental Document was submitted yesterday, 2/3/2020. Public circulation of Environmental Document targeted to begin this Friday, 02/07/2020.</p> <p>d. VW made a comment regarding future concerns with bird nesting on the new structure.</p>	<p>CH to send vehicles specification and turning radius to be used for truck turn/access exhibits at the proposed maintenance ramp.</p> <p>CH to check internally and respond by end of week (02/07/2020) regarding maintenance ramp concrete work.</p> <p>VW and Cup to check internally for staff opinions regarding appraisals for land swap. Response due by 02/11/2020.</p>



<p><b>4. New Bridge Location Confirmation</b></p> <p>a. During the December meeting, HMH proposed a revised bridge location near the existing maintenance ramp. VW to provide written concurrence with bridge location and confirmation that no hydraulic modelling is required.</p> <p><b>5. Drainage Confirmation</b></p> <p>a. HMH proposed a drainage concept at the December meeting which sought to drain away from the creek where feasible within existing constraints . CH to review and respond to the proposal. CH indicated that there are isolated locations where he would like to work closer with design.</p> <p><b>6. Joint Use Agreement (JUA)</b></p> <p>a. Last week, VW provided draft JUA to Cup. Cup to review and send back to VW.</p> <p>b. VW sent Cup cost sharing agreement samples today. Land swap will be separate from cost sharing agreement.</p> <p><b>7. Other Items</b></p>	<p>Cup to review draft JUA and sample cost sharing agreements.</p> <p>Cup to send VW CEQA notice of availability.</p> <p>Cup to provide HT Harvey with wet signature and checks for Draft Permit Submittal.</p> <p>VW to send confirmation email for bridge location and hydraulic analysis.</p> <p>VW to review proposed drainage and respond by 02/18/2020.</p> <p>HMH to provide a couple of cross sections at existing ramp location/proposed bridge location, truck turn exhibit at proposed maintenance ramp location, updated land swap exhibit.</p>
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## Lisa Maletis-Massey

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**From:** City of Cupertino Planning Dept.  
**Sent:** Thursday, April 16, 2020 9:01 AM  
**To:** Benjamin Fu; Chad Mosley; David Fung; Dianne Thompson; Jon Robert Willey; Kitty Moore; Liang Chao  
**Cc:** Lisa Maletis-Massey; David Stillman; Roger Lee; Gail Seeds  
**Subject:** FW: Written comments ERC committee Agenda item 3 - Regnart Creek Trail

Additional written comments for today's meeting:



### Beth Ebben

Deputy Board Clerk  
Planning Division  
BethE@cupertino.org  
(408) 777-3297



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**From:** Ilango <ilangog@yahoo.com>  
**Sent:** Thursday, April 16, 2020 1:31 AM  
**To:** City of Cupertino Planning Dept. <planning@cupertino.org>  
**Cc:** Kitty Moore <Kmoore@cupertino.org>; Liang Chao <LiangChao@cupertino.org>; Jon Robert Willey <JWilley@cupertino.org>  
**Subject:** Written comments ERC committee Agenda item 3 - Regnart Creek Trail

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

Dear Chair and Committee members,

I am submitting the following comments on IS/MND as a Cupertino Resident, for consideration by ERC committee.

#### 1. Inadequacies in Noise analysis:

I have submitted comments on IS/MND that the City has not performed adequate noise analysis considering various operational noise profiles. The City in its response provides generic and subjective answers instead of addressing the specific conditions that were omitted in its noise analysis.

The operational noise analysis (IS/MND, Appendix C) did not include the expected traffic profile on the trail, this should be based on the projected number of trail users, number of pedestrians, joggers, bicyclists, bidirectional, peak and average numbers during the day, among other parameters. This should be specific to Regnart Creek trail path considering the path is less than 2 feet from the residential property lines on large sections of the trail, and in sections run in front of properties, side and behind the properties as well.

For example, N number of bicyclists talking and passing on an unpaved decomposed granite path is different than 1 cyclist; N number of kids shouting while walking is different than 1 kid shouting or N people talking. Noise profile for residences in front of the property is different than two feet next to property line and is different when the people are crossing the bridge.

The noise analysis should include projected models based on actual conditions this trail will be subjected to and proper mitigation measures should be provided for residents on various sections behind the trail and in front of the trail. How can the City (lead agency) say that there are no impact when the City is still working with residents on solutions to various sections of the trail even during and after the public review period.

The City should perform proper noise analysis after the design is completed and proper mitigations measures have to be provided before ERC committee can make a determination between MND vs EIR

2. Aesthetic Impact: The section 4.1 and 4.1.2 of IS/MND says there are no impacts to existing visual character, quality of public views of the site and surroundings etc., The city has not yet provided solution and/or is still working on a solution with residents on various sections of the trail. The Aesthetic impact to these solutions will not be known until the solution(s) is/are completed and incorporated in the plans. It is misleading for the MND document to say that there are no aesthetic impacts when the City has not completed the solutions to adjacent residents. Public (including me) was deprived of making comments on the Aesthetic impact as the public was not made aware that the solutions are not complete.

The city should complete the solutions and designs for the fencing, safety, security, privacy, noise issues, and then the City should analyze the environmental impact due to the final solution(s) and present the mitigation measures to the public for review and to the ERC committee before making a determination on MND vs EIR.

3. The City as late as Feb 24th was working on drainage issues and inability to drain away from the channel in all reaches. This means that the drainage plans were not complete and the City was still working with Valley Water on drainage plans during the IS/MND public review period. The impact of drainage on the creek channel and/or the adjacent properties and any mitigation measures cannot be understood until the plans are completed.

The City should complete the drainage plans and do the environmental impact study and present the mitigation measures to the public for review and to the ERC committee before making a determination on MND vs EIR.

As per the Cupertino City Municipal code (2.84.080) the Environmental Review committee makes a determination based on the initial study and environmental impact if the project should be recommend for Negative Declaration or shall require Environmental Impact Review.

Since the design plans are not fully complete (and as of public review period was not complete), I request the ERC committee to require the City (in this case the lead agency) to complete the design plans, complete the solutions to adjacent residents and then study the environmental impact based on the completed plans and provide the mitigation measures



for public review and to ERC committee to make a determination on MND vs EIR. It is premature to approve the MND when the city is still working with the residents and Valley Water on designs/solutions.

Thanks,

Ilango Ganga  
As Cupertino resident

## Lisa Maletis-Massey

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**From:** City of Cupertino Planning Dept.  
**Sent:** Thursday, April 16, 2020 9:01 AM  
**To:** Benjamin Fu; Chad Mosley; David Fung; Dianne Thompson; Jon Robert Willey; Kitty Moore; Liang Chao  
**Cc:** Lisa Maletis-Massey; David Stillman; Roger Lee; Gail Seeds  
**Subject:** FW: ERC Meeting Apr 16, 2020 - Public Comment

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Additional written comments for today's meeting:



### Beth Ebben

Deputy Board Clerk  
Planning Division  
BethE@cupertino.org  
(408) 777-3297



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**From:** Jeonghee Yi <jeonghee.yi@gmail.com>  
**Sent:** Thursday, April 16, 2020 4:00 AM  
**To:** City of Cupertino Planning Dept. <planning@cupertino.org>  
**Cc:** Jeonghee Yi <jeonghee.yi@gmail.com>  
**Subject:** ERC Meeting Apr 16, 2020 - Public Comment

**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 ERC Members:

I understand the Mitigated Negative Declaration for Regnart Creek Trail is going to be discussed for approval during the ERC meeting today. There are many issues with MND but we still do not know how the city's design addresses these issues, since the 100% design is not completed and has not been shared with the residents for the review. Therefore, I urge the committee to defer making any decision on your recommendation until the 100% design is ready for review to see if the outstanding issues are properly addressed. I think it's only appropriate to even review it after the 100% design is available for review.

Let me address some of the issues and concerns with the items on the draft MND and the mitigations in the city's design plan so far.

1. Resident on La Mar Dr abutting the trail are greatly concerned about the impacts to noise, privacy and security due to the increased public use of the trail with only 2 feet of setbacks. I can even hear noise from the Wilson Park during days and nights that's from much greater distance than the trail. Therefore it is expected the level of noise would be much higher from the trail users because it's much closer. At the same time this is a great concern for our privacy because anything we are talking about in our backyard could be heard by the trail users. So far, the city has not provided any acceptable level of mitigations for noise, privacy and security impacts for the residents. Residents are still for the city's solutions to the problems in the 100% design plan.

2. Many of the items in the MND requires specific guidelines to follow to mitigate the environmental impacts. But the currently plan does not or can not follow the guidelines, For example, Item MM BIO-4.1of the draft MND indicates that demolition and construction should avoid between 2/1~8/31 in order to avoid nesting season of birds, yet they are scheduled to happen during the nesting season: 5/15~10/31. We have to review the 100% design plan to figure out the plan is complying with the MND.

3. The city's current plan has already violated some of the items on the MND. For example, for item MM BIO-4.4 on p.6 of the draft MND, the city has already passed the deadline of removing potential nesting substrates before starting the construction for year 2020. The city may have to postpone the start of construction to be postponed to be 2021, or 9/1 after the nesting season. We need to see the updated schedule to see if it's complying with the MND.

These are some of the examples why the review of draft MND is premature at this point. In addition, the unprecedented event of COVID-19 may require some alteration in the 100% design as well as the city's schedule and ability to execute some of items in the draft MND. Therefore, the recommendation should be deferred until after the 100% design plan becomes available for public review.

Thanks,

Jeonghee

## Lisa Maletis-Massey

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**From:** Beth Ebben  
**Sent:** Wednesday, April 15, 2020 3:37 PM  
**To:** Benjamin Fu; Chad Mosley; David Fung; Dianne Thompson; Jon Robert Willey; Kitty Moore; Liang Chao  
**Cc:** David Stillman; Lisa Maletis-Massey; Gail Seeds; Roger Lee  
**Subject:** FW: Environmental Review Meeting - Westport Development

From the general mailbox:



### Beth Ebben

Deputy Board Clerk  
Planning Division  
BethE@cupertino.org  
(408) 777-3297



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**From:** Joseph Hauser <cuptjoe2@comcast.net>  
**Sent:** Wednesday, April 15, 2020 1:40 PM  
**To:** City Council <CityCouncil@cupertino.org>; City of Cupertino Planning Commission <PlanningCommission@cupertino.org>; Cupertino City Manager's Office <manager@cupertino.org>; City Attorney's Office <CityAttorney@cupertino.org>; City Clerk <CityClerk@cupertino.org>; Gian Martire <GianM@cupertino.org>; Kitty Moore <Kmoore@cupertino.org>; Chad Mosley <ChadM@cupertino.org>; Darcy Paul <DPaul@cupertino.org>; Benjamin Fu <BenjaminF@cupertino.org>  
**Subject:** Environmental Review Meeting - Westport Development

**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 add this letter to written communications for the Environmental review Committee meeting scheduled for Thursday 4/16/2020. The letter addresses Agenda Item 2. "Westport Development, Environmental Impact Report".

1. The project, being on Stevens Creek between Mary Ave and the entrance to 85/280 will negatively impact access to the main corridor toward the city center, and access to and from Highway 85/280.
2. The area surrounding the proposed project is already a highly-impacted area for the following activities.
  - a The main entrance to De Anza College
  - b Cupertino Senior Citizens Center
  - c The main entrance to Memorial Park where there are numerous city events each year

- d Entrance to two major highways (85 and 280)
- e Access to the city yard facility
- f Access to the city dog park
- g Access to over 300 residential homes
- h Access to a condo complex
- i Access to the Glenbrook Apartments
- j Bicycle path to the Mary Avenue Bridge

3. This project requires several General Plan amendments. (Setbacks, Height restrictions etc.) Why have a general plan if every developer asks for amendments?
4. There is only one other exit area from the area being impacted. Those exits are on to Stelling Ave., and only has one traffic light on Greenleaf and Stelling. Greenleaf has a dangerously sharp S-curve right by Garden Gate Elementary School. The other exits onto Stelling require drivers to try to get onto Stelling when there is a break in the traffic. This is virtually impossible during rush hour. With the additional traffic to be generated by this project, many drivers will find an alternative route through the neighborhood and past Garden Gate School. During rush hour, many parents use Greenleaf to let their children disembark from their cars, or cross streets to the school. This is already dangerous and will only get worse.
5. The proposed height limitation of this project is not in keeping with height limitations along other nearby highway 85 freeway entrances.
6. At times the number of cars in the turn lane from Stevens Creek on to Mary Ave. already exceeds the amount of space allocated, thereby causing backups onto regular traffic lanes. This will only get worse.
7. There are no buildings in this area with heights larger than 2 stories.

I hope the city will take these points into consideration. As a longtime resident of Cupertino, I have witnessed the area becoming a traffic nightmare, and with city promises to better resident's life being largely ignored so that developers can get their way. I am not against reasonable growth, but this project is massive, and does not fit into the area being allocated. It will not only impact the immediate area, but will impact the entire city. Recent events have indicated that residents are mostly fed up with the type of projects the city has approved. I hope this project will be an example of a new attitude by the city.

Thank you.

Joseph Hauser

## Lisa Maletis-Massey

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**From:** City of Cupertino Planning Dept.  
**Sent:** Thursday, April 16, 2020 8:58 AM  
**To:** Benjamin Fu; Chad Mosley; David Fung; Dianne Thompson; Jon Robert Willey; Kitty Moore; Liang Chao  
**Cc:** Lisa Maletis-Massey; David Stillman; Roger Lee; Gail Seeds  
**Subject:** FW: 2020-04-16 Environmental Review Committee Meeting-Agenda Item #2 Oaks/Westport

Additional written comments for today's meeting:



### Beth Ebben

Deputy Board Clerk  
Planning Division  
BethE@cupertino.org  
(408) 777-3297



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**From:** Peggy Griffin <griffin@compuserve.com>  
**Sent:** Wednesday, April 15, 2020 11:29 PM  
**To:** Kitty Moore <Kmoore@cupertino.org>; Cupertino City Manager's Office <manager@cupertino.org>; Chad Mosley <ChadM@cupertino.org>; Darcy Paul <DPaul@cupertino.org>; Benjamin Fu <BenjaminF@cupertino.org>  
**Cc:** City Clerk <CityClerk@cupertino.org>; Gian Martire <GianM@cupertino.org>; City Attorney's Office <CityAttorney@cupertino.org>; City of Cupertino Planning Dept. <planning@cupertino.org>; City Council <CityCouncil@cupertino.org>  
**Subject:** 2020-04-16 Environmental Review Committee Meeting-Agenda Item #2 Oaks/Westport

**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 Chairperson Moore and ERC members,

Please add this letter to written communications for the Environmental Review Committee meeting scheduled for Thursday, 4/16/2020. The letter addresses Agenda Item 2, "Westport Development, Environmental Impact Report".

In the "Westport Development Response to Comments (RTC)" document:

- 1) **P. 2-13, 1<sup>st</sup> bullet on page:** A sign is posted at the "entrance(s) to the job site"
  - a. COMMENT: There should also be one at the intersection of Stevens Creek and Mary Ave for visibility to all commuters and pedestrians.
- 2) **P. 2-14, Noise, NOISE-3 – THIS HAS NOT BEEN ADDRESSED**
  - a. COMMENT1: This item, NOISE-3, refers to noise generated AFTER construction but the mitigation measures referenced as "mitigating" this problem are all construction-related. None of them address the increased daily noise levels of the final completed project. Please note that without mitigation the significance level is a 5!
  - b. COMMENT2: The noise in the AM and PM rush hour period due to cars backed up along Stevens Creek and Mary Ave and cars lined up to leave the premises DO have the potential of substantially increase

noise in the area of the completed project. Nothing addresses this noise issue, especially during AM/PM peak commute hours.

**3) P. 2-14, Transportation and Circulation, TRANS-3**

- a. COMMENT: This item, TRANS-3, refers to transportation and circulation impacts AFTER construction. It states “no impacts” yet the following numbers are presented
  - i. Stevens Creek and Mary
    - 1. AM Delay goes from 31.5 to 49.1 and from LOS C to D! An increase of 17.6 seconds, over 50% increase.
    - 2. PM Delay goes from 34.9 to 46.3 and from LOS C to D! An increase of 11.4 seconds, almost 1/3 more.
  - ii. Stevens Creek NB SR 85 On/Off Ramps
    - 1. AM Delay goes from 30.0 to 47.6 and from LOS C to D! An increase of 17.6 seconds, over 50% increase.
    - 2. PM Delay no change
- b. COMMENT: There’s no mention of a mitigation to try and coordinate De Anza class times to try and reduce congestion during peak AM and PM traffic.

**4) P. 2-15, Utilities and Service Systems, UTIL-1**

- a. COMMENT: One of the mitigation measures for UTIL-1 and UTIL-2 includes increasing the 13.8 mgd limit so the project passes. This mitigation measure should be deleted! It’s not fixing the problem, it’s changing the requirement to avoid a problem!

*If the prior agreement between CSD and the City of Santa Clara that currently limits the permitted peak wet weather flow capacity of 13.8 mgd through the Santa Clara sanitary sewer system were to be updated to increase the permitted peak wet weather flow sufficiently to accommodate, this would also change the impacts of the project to less than significant. If this were to occur prior to the City’s approval of building permits, then Mitigation Measure UTIL-1 would no longer be required to be implemented.*

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**5) P. 3-3, Project Description**

- a. COMMENT: In the first large corrected paragraph, LINE 17, “0.105 mgd” should be rounded up to “0.106 mgd” to match the number used on Page 3-15, paragraph 3, last line.  
LINE 17, “weather flow...is 105,707 gpd or 0.105 mgd.” SHOULD BE 0.106 mgd

**6) Pedestrian safety**

- a. COMMENT: A mitigation measure due to the removal of setbacks and the increased queuing on Mary Ave waiting to get onto Stevens Creek and queuing to get onto Hwy 85, the sidewalks along Mary and Stevens Creek should be wider than normal, allowing pedestrians to be further away from traffic.

Sincerely,  
Peggy Griffin

## Lisa Maletis-Massey

---

**From:** City of Cupertino Planning Dept.  
**Sent:** Wednesday, April 15, 2020 11:55 AM  
**To:** Benjamin Fu; Chad Mosley; David Fung; Dianne Thompson; Jon Robert Willey; Kitty Moore; Liang Chao  
**Cc:** Lisa Maletis-Massey; Gail Seeds; Roger Lee  
**Subject:** FW: Regnart Creek Trail Initial Study/Mitigated Negative Declaration

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

From the general mailbox:



### Beth Ebben

Deputy Board Clerk  
Planning Division  
BethE@cupertino.org  
(408) 777-3308



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**From:** sabari sanjeevi <ssganesh@hotmail.com>  
**Sent:** Wednesday, April 15, 2020 10:54 AM  
**To:** City of Cupertino Planning Dept. <planning@cupertino.org>  
**Cc:** David Stillman <DavidS@cupertino.org>; Devikala@yahoo.com  
**Subject:** Regnart Creek Trail Initial Study/Mitigated Negative Declaration

**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,

**Subject:** Regnart Creek Trail Initial Study/Mitigated Negative Declaration  
**Reference:** Comment 1.1 and Response 1.1

Thanks for taking time and reviewing our concern.

In the response it was mentioned "Through use of AutoTurn, a software used for vehicle swept path evaluation, it was determined that there is adequate space for a passenger vehicle to reverse out of the driveway into the northbound direction".

But in our daily use of our family van, backing out of the driveway we notice that we are always end up in the middle of the creek/proposed walkway and proposed median island. We are concerned if the software used appropriate sized car for the swept path analysis.



Usually this kind of simulation software takes variety of inputs to run the simulations.

The results are as good as the inputs provided to the software. This kind of software cannot give an yes or no answer. The answer is usually with a list of constraints for both yes and no.

We do not find any reference to the Autoturn's swept path analysis in any published documents. We would like to be informed about the simulation input and the resulting constraints. To be precise, would like to know what kind of passenger vehicles can back out/operate safely.

The above answer (in Response 1.1) did not adequately address our concerns about safety.

Regards

Sabari Sanjeevi

Devikala Natarajan

## Lisa Maletis-Massey

---

**From:** Beth Ebben  
**Sent:** Wednesday, April 15, 2020 11:54 AM  
**To:** Benjamin Fu; Chad Mosley; David Fung; Dianne Thompson; Jon Robert Willey; Kitty Moore; Liang Chao  
**Cc:** David Stillman; Gail Seeds; Roger Lee; Lisa Maletis-Massey  
**Subject:** FW: I support EIR Item #3 - Regnart Creek Trail

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

From the general mailbox:



### Beth Ebben

Deputy Board Clerk  
Planning Division  
BethE@cupertino.org  
(408) 777-3297



---

**From:** Seema Lindskog <[seema3366@gmail.com](mailto:seema3366@gmail.com)>  
**Sent:** Wednesday, April 15, 2020 11:00 AM  
**To:** Kitty Moore <[Kmoore@cupertino.org](mailto:Kmoore@cupertino.org)>; Cupertino City Manager's Office <[manager@cupertino.org](mailto:manager@cupertino.org)>; Chad Mosley <[ChadM@cupertino.org](mailto:ChadM@cupertino.org)>; Darcy Paul <[DPaul@cupertino.org](mailto:DPaul@cupertino.org)>; Benjamin Fu <[BenjaminF@cupertino.org](mailto:BenjaminF@cupertino.org)>  
**Subject:** I support EIR Item #3 - Regnart Creek Trail

**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.

Respected Environmental Review Committee,

I am writing on behalf of the Friends of Regnart Creek Trail group to re-iterate our strong support for the trail and to encourage you to approve the EIR. This trail will be a great asset to the community, especially as social distancing becomes our new normal.

Cities all around the world, and in our own Bay Area, are recognizing that more cycling and walking paths are vital to the health and mobility of their community, especially during a pandemic, and are changing city infrastructure to prioritize them, not just temporarily, but also looking at permanent, long-term improvements.

Here's a relevant article - <https://www.theguardian.com/world/2020/apr/11/world-cities-turn-their-streets-over-to-walkers-and-cyclists>

Thank you for your hard work in support of the city's residents,  
Seema

---

"You must be the change you want to see in the world." - Mahatma Gandhi

## **Lisa Maletis-Massey**

---

**From:** City of Cupertino Planning Dept.  
**Sent:** Thursday, April 16, 2020 9:02 AM  
**To:** Benjamin Fu; Chad Mosley; David Fung; Dianne Thompson; Jon Robert Willey; Kitty Moore; Liang Chao  
**Cc:** Lisa Maletis-Massey; David Stillman; Roger Lee; Gail Seeds  
**Subject:** FW: Regnart Creek Trail -ERC comment

Additional written comments for today's meeting:

--

Beth Ebben  
Deputy Board Clerk  
Planning Division  
BethE@cupertino.org  
(408) 777-3297

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

From: sun.dalvi@gmail.com <sun.dalvi@gmail.com>  
Sent: Thursday, April 16, 2020 8:11 AM  
To: City of Cupertino Planning Dept. <planning@cupertino.org>  
Subject: Regnart Creek Trail -ERC comment

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.

Respected city council members and ERC committee,

I tried working with the city on resolving my concerns regarding noise, privacy and security through the fence options. However, due to the current situation, the city has been pushing out our meeting (understandably) since we cannot meet physically.

Given that basic issues of neighbors abutting the trail have not been resolved, how are we planning to move ahead with ERC approvals?

I ask the city to resolve the basic issues of the most impacted residents before moving any further on this trail.

Regards  
Suraj

## Lisa Maletis-Massey

---

**From:** City of Cupertino Planning Dept.  
**Sent:** Thursday, April 16, 2020 9:00 AM  
**To:** Benjamin Fu; Chad Mosley; David Fung; Dianne Thompson; Jon Robert Willey; Kitty Moore; Liang Chao  
**Cc:** Lisa Maletis-Massey; David Stillman; Roger Lee; Gail Seeds  
**Subject:** FW: Written Comments on Regnart Creek Trail IS/MND - ERC meeting agenda Item 3  
**Attachments:** Yahoo Mail - City of Cupertino, CA\_ Regnart Creek Trail Project Updates.pdf; Mailed Letter.pdf

Additional written comments for today's meeting:



### Beth Ebben

Deputy Board Clerk  
Planning Division  
BethE@cupertino.org  
(408) 777-3297



---

**From:** viji.ilango@yahoo.com <viji.ilango@yahoo.com>  
**Sent:** Wednesday, April 15, 2020 11:45 PM  
**To:** City of Cupertino Planning Dept. <planning@cupertino.org>  
**Cc:** Liang Chao <LiangChao@cupertino.org>; Jon Robert Willey <JWilley@cupertino.org>; Kitty Moore <Kmoore@cupertino.org>  
**Subject:** Written Comments on Regnart Creek Trail IS/MND - ERC meeting agenda Item 3

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

Dear Chair Moore and Committee Members,

I am writing to let you know that the City of Cupertino did not provide a 30 day public review period for Regnart Creek IS/MND. I would like you to pay attention to the following dates.

As per the City's Regnart Creek Trail web page, MND was posted on Feb 7th, 2020 for a period of 30 days until March 8th, 2020.

<https://www.cupertino.org/our-city/departments/public-works/transportation-mobility/bicycle-and-pedestrian-travel/bicycle-transportation-plan-implementation/regnart-creek-trail>

**However, the MND posted on Ca.Gov CEQA page shows the the review period start date as Feb 7th, 2020 and end date as March 9th 2020.**

<https://ceqanet.opr.ca.gov/2020020179/2>

I noticed this date discrepancy and emailed City Staff, David Stillman with good faith on March 7th, that there is an error on the deadline on MND document and City's website. He replied that, "*We won't be closing the comment period until after the final day listed, which is March 9*". When I had sent my email to the staff, I expected the City to own their mistake by acknowledging the error and thereby changing the deadline on the City's website and communicating to the public by extending few more days of public review period. No such thing was done.

I requested to add this date discrepancy as my comment on IS/MND. I am quiet surprised that the City's response to my comment on MND is, "*Because the 30-day comment period ends on a weekend, City practice is to accept comments until 5 PM the following business day*"

In every single communication the City had sent to residents(see below), they had mentioned March 8th as the deadline for submitting the comments and the City now expects the residents to be aware that they could send the comments until 5pm Monday, March 9th. Seriously? Is this how the City covers up their mistakes and say the public is supposed to know that we could send comments until Monday 9th when the experts in the field who posted it did not know about it. It is the responsibility to calculate and document the dates accurately in MND documents and all the notices circulated to public.

The City notified via email to the public on Feb 11th 2020 that, "*Publication of the IS/MND marks the beginning of a 30-day public review and comment period, which began on Friday, February 7, 2020, and will end on Sunday, March 8, 2020*". Please not the date. This was received on the 4th day after it was posted on the website.(see Attachment)- 27 days public review period were given as per email

City sent a notice to the adjacent residents via postal mail regarding the public review. The letter was mailed by the City on Feb 12th and received by residents on Feb 13th (See Attachment). This letter was mailed 6 days after MND was posted on the website.- Only 25 days of public review period were given.

As per law, it is mandatory that 30 day period should be given to public for review and if the deadline falls on a weekend then the the review period ends on the next day.

**"CODE OF CIVIL PROCEDURE - CCP  
PRELIMINARY PROVISIONS**

*( Preliminary Provisions enacted 1872. )*

**12a.**

*(a) If the last day for the performance of any act provided or required by law to be performed within a specified period of time is a holiday, then that period is hereby extended to and including the next day that is not a holiday."*

I am letting this committee know that the City deprived the public of additional days for review and comments. Also, I have read if cities fail to provide 30 day notice, an automatic extension of 180 days apply for public review. I am not an attorney but there are cases won against not providing 30 day review period.

I request the committee to decide if the City of Cupertino provided the required 30 day notice for public review without any subjectivity. I believe the public review period is not met and should be extended. If the committee members are not sure, then I would suggest

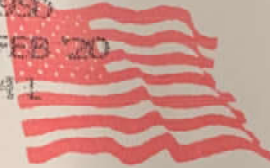
discussing with the City Attorney. Until you are 100% certain that the 30 day review period has been provided to public as per law, I would request you to postpone the decision on MND until such determination is made.

Thanks,  
Viji



CITY HALL  
10300 TORRE AVENUE  
CUPERTINO, CA 95014-3202

SAN JOSE  
CA 950  
12 FEB '20  
PM 4:1



NEOPOST

FIRST-CLASS MAIL

02/12/2020

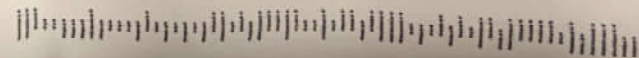
US POSTAGE \$000.50<sup>0</sup>



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95014-310495





## City of Cupertino, CA: Regnart Creek Trail Project Updates

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From: City of Cupertino (webmaster@cupertino.org)

To: ilangog@yahoo.com

Date: Tuesday, February 11, 2020, 04:54 PM PST

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# CITY OF CUPERTINO

### Regnart Creek Trail Project Updates

Date: 02/11/2020 4:53 pm

#### Initial Study/Mitigated Negative Declaration & Notice of Intent

The City of Cupertino, as the Lead Agency, has prepared an Initial Study for the Regnart Creek Trail in compliance with the California Environmental Quality Act (CEQA). The Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from the implementation of the proposed Regnart Creek trail project. The Regnart Creek Trail Initial Study/Mitigated Negative Declaration (IS/MND) and Notice of Intent (NOI) are now available for public review. Publication of the IS/MND marks the beginning of a 30-day public review and comment period, which began on **Friday, February 7, 2020**, and will end on **Sunday, March 8, 2020**. The Regnart Creek Trail IS/MND and NOI are available to view/download on the [project webpage](#) and at the Public Works Department counter. Written comments concerning the environmental review contained in the IS/MND during the 30-day public review period should be sent to:

City of Cupertino  
Department of Public Works  
10300 Torre Avenue

Cupertino, CA 95014  
Contact: David Stillman, Transportation Manager  
408-777-3249; DavidS@cupertino.org

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## Lisa Maletis-Massey

---

**From:** City of Cupertino Planning Dept.  
**Sent:** Thursday, April 16, 2020 1:02 PM  
**To:** Lisa Maletis-Massey  
**Subject:** FW: Oral comments ERC committee Agenda item 3 - Regnart Creek Trail - Apr 16, 2020

Here is another one



### Beth Ebben

Deputy Board Clerk  
Planning Division  
BethE@cupertino.org  
(408) 777-3297



---

**From:** Ilango <ilangog@yahoo.com>  
**Sent:** Thursday, April 16, 2020 10:01 AM  
**To:** City of Cupertino Planning Dept. <planning@cupertino.org>  
**Cc:** Liang Chao <LiangChao@cupertino.org>; Kitty Moore <Kmoore@cupertino.org>; Jon Robert Willey <JWilley@cupertino.org>  
**Subject:** Oral comments ERC committee Agenda item 3 - Regnart Creek Trail - Apr 16, 2020

**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 read this during the oral comments for ERC committee public hearing agenda item #3 - Regnart Creek Trail. Thanks.

=====

Dear Chair and Committee members,

I am making these oral comments on IS/MND for Regnart Creek Trail project as a Cupertino resident. I had earlier sent written comments with more details (see attached below), I request the ERC committee to consider my comments during the public hearing before making a determination.

Summary of my key points are:

1. The noise analysis made in the study is not adequate as documented in my comments to IS/MND. Among other points, the City has not performed operational Noise analysis with the projected traffic profile models specific to the Regnart Creek trail. The City has previously implied that many hundreds of users will be using this trail. The aggregate noise generated by these noise sources should be included in the study and mitigation measures provided to adjacent residential units before proceeding further on MND.

2. Aesthetic impact study not complete: The City is still working with adjacent residents and in the process of coming up with solutions for addressing security, safety, privacy, noise issues. The Valley Water has indicated recently that they are willing to work with the City in providing solutions to mitigate the adverse effects to residents. The City Council has given clear direction 6 months ago to work with the residents to find solutions and provide mitigation measures, however the City has failed to provide complete solution in designs at the time of posting the IS/MND for public review. The City needs to complete the designs with proper solutions working with VW and then analyze the environmental impact before bringing this forward to ERC.

3. Design plans not complete: The City still is working with VW on some of the issues such as drainage plans at the time of public review of IS/MND, so the designs were incomplete.

Hence I request ERC committee to postpone the determination of MND vs EIR and require the City to complete the designs in entirety including solutions to adjacent residents and other outstanding issues like drainage, bridge, maintenance ramp and study the environmental impact to the channel and adjacent residential properties based on the final plans and bring back the environmental impact and mitigation measures for public review and to ERC committee for further determination on MND vs EIR.

On a final note, I do not understand the urgency in bringing this non-emergency unpaved trail project for public hearing during the pandemic situation where the public is not able to broadly participate during the shelter in place order. Why can't the City wait to fully complete the designs and bring it back when the shelter in place order is lifted in the next few weeks. Stay safe.

Thanks,  
Ilango Ganga  
Cupertino Resident

----- Forwarded Message -----

**From:** Ilango <[ilangog@yahoo.com](mailto:ilangog@yahoo.com)>

**To:** [planning@cupertino.org](mailto:planning@cupertino.org) <[planning@cupertino.org](mailto:planning@cupertino.org)>

**Cc:** Kitty Moore <[kmoore@cupertino.org](mailto:kmoore@cupertino.org)>; Liang Chao <[liangchao@cupertino.org](mailto:liangchao@cupertino.org)>; Jon Robert Willey <[jwilley@cupertino.org](mailto:jwilley@cupertino.org)>

**Sent:** Thursday, April 16, 2020, 01:30:30 AM PDT

**Subject:** Written comments ERC committee Agenda item 3 - Regnart Creek Trail

Dear Chair and Committee members,

I am submitting the following comments on IS/MND as a Cupertino Resident, for consideration by ERC committee.

1. Inadequacies in Noise analysis:

I have submitted comments on IS/MND that the City has not performed adequate noise analysis considering various operational noise profiles. The City in its response provides generic and subjective answers instead of addressing the specific conditions that were omitted in its noise analysis.

The operational noise analysis (IS/MND, Appendix C) did not include the expected traffic profile on the trail, this should be based on the projected number of trail users, number of pedestrians, joggers, bicyclists, bidirectional, peak and average numbers during the day, among other parameters. This should be specific to Regnart Creek trail path considering the path is less than 2 feet from the residential property lines on large sections of the trail, and in sections run in front of properties, side and behind the properties as well.

For example, N number of bicyclists talking and passing on an unpaved decomposed granite path is different than 1 cyclist; N number of kids shouting while walking is different than 1 kid shouting or N people talking. Noise profile for residences in front of the property is different than two feet next to property line and is different when the people are crossing the bridge.

The noise analysis should include projected models based on actual conditions this trail will be subjected to and proper mitigation measures should be provided for residents on various sections behind the trail and in front of the trail. How can the City (lead agency) say that there are no impact when the City is still working with residents on solutions to various sections of the trail even during and after the public review period.

The City should perform proper noise analysis after the design is completed and proper mitigations measures have to be provided before ERC committee can make a determination between MND vs EIR

2. Aesthetic Impact: The section 4.1 and 4.1.2 of IS/MND says there are no impacts to existing visual character, quality of public views of the site and surroundings etc., The city has not yet provided solution and/or is still working on a solution with residents on various sections of the trail. The Aesthetic impact to these solutions will not be known until the solution(s) is/are completed and incorporated in the plans. It is misleading for the MND document to say that there are no aesthetic impacts when the City has not completed the solutions to adjacent residents. Public (including me) was deprived of making comments on the Aesthetic impact as the public was not made aware that the solutions are not complete.

The city should complete the solutions and designs for the fencing, safety, security, privacy, noise issues, and then the City should analyze the environmental impact due to the final solution(s) and present the mitigation measures to the public for review and to the ERC committee before making a determination on MND vs EIR.

3. The City as late as Feb 24th was working on drainage issues and inability to drain away from the channel in all reaches. This means that the drainage plans were not complete and the City was still working with Valley Water on drainage plans during the IS/MND public review period. The impact of drainage on the creek channel and/or the adjacent properties and any mitigation measures cannot be understood until the plans are completed.

The City should complete the drainage plans and do the environmental impact study and present the mitigation measures to the public for review and to the ERC committee before making a determination on MND vs EIR.

As per the Cupertino City Municipal code (2.84.080) the Environmental Review committee makes a determination based on the initial study and environmental impact if the project

should be recommend for Negative Declaration or shall require Environmental Impact Review.

Since the design plans are not fully complete (and as of public review period was not complete), I request the ERC committee to require the City (in this case the lead agency) to complete the design plans, complete the solutions to adjacent residents and then study the environmental impact based on the completed plans and provide the mitigation measures for public review and to ERC committee to make a determination on MND vs EIR. It is premature to approve the MND when the city is still working with the residents and Valley Water on designs/solutions.

Thanks,

Ilango Ganga  
As Cupertino resident

## Lisa Maletis-Massey

---

**From:** City of Cupertino Planning Dept.  
**Sent:** Thursday, April 16, 2020 1:03 PM  
**To:** Lisa Maletis-Massey  
**Subject:** FW: Public Comment - ERC April 16 Agenda item 3

And another one...



### Beth Ebben

Deputy Board Clerk  
Planning Division  
BethE@cupertino.org  
(408) 777-3297



---

**From:** Jennifer Shearin <shearin.jen@gmail.com>  
**Sent:** Thursday, April 16, 2020 9:47 AM  
**To:** City of Cupertino Planning Dept. <planning@cupertino.org>  
**Subject:** Public Comment - ERC April 16 Agenda item 3

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

For Oral Communication/Public Comment Agenda Item 3 Regnart Creek Trail

Dear Planning Commission Members,

I am a 10+ year resident of Cupertino and a Bicycle-Pedestrian Commission member, though I write to you today solely as a resident.

Two considerations have become clear in the current pandemic: (1) how important caring about our community above our our personal interests is, and (2) how important good governance is.

The first of these determines whether the Regnart Creek Trail *should* be built for the benefit of all residents. This consideration was debated and decided definitively by the City Council in September of last year. I will not further in this letter the discussions of improved property values, benefits to schoolchildren, connection to other bike facilities, and increased walking and biking recreational possibilities, all of which have been shown.

The second is a key consideration in the decision to be made today by the ERC. The city staff and consultants have made an exhaustive review of environmental issues, including responding clearly and to any and all questions raised by the opposing residents who back to the trail. This work which culminated in a recommendation for a Mitigated Negative Declaration was clearly thorough and scientific. I consider good governance in this instance to approve the staff recommendation as written and forward it onto the City Council for a hearing. I urge you to do so today.

One final note is that as a resident that has a wooden fence that personally backs to the Farmer's Market parking lot as well as only a hundred or so feet from the busy Creekside Park, I can attest that even the much greater noise of residents enjoying park recreational activities such as soccer games is not a disturbance in my backyard. The results of the careful and scientific noise study by the City Staff consultants for the Regnart Creek Trail confirm this.

I urge you to approve the recommendation made by the staff today based on sound, data-driven evidence and study.

Thank you for your consideration, and for your hard work on behalf of the City of Cupertino.

Best Wishes,

Jennifer Shearin



## Lisa Maletis-Massey

---

**From:** City of Cupertino Planning Dept.  
**Sent:** Thursday, April 16, 2020 1:04 PM  
**To:** Lisa Maletis-Massey  
**Subject:** FW: Regnart Creek Trail - move the proposed section along the south side of Library Field  
**Attachments:** Regnart Creek Trail-Library Field map of area..pdf

And one more.....



### Beth Ebben

Deputy Board Clerk  
Planning Division  
BethE@cupertino.org  
(408) 777-3297



---

**From:** Peggy Griffin <griffin@compuserve.com>  
**Sent:** Thursday, April 16, 2020 11:42 AM  
**To:** City of Cupertino Planning Dept. <planning@cupertino.org>; City Council <CityCouncil@cupertino.org>  
**Cc:** City Clerk <CityClerk@cupertino.org>; Cupertino City Manager's Office <manager@cupertino.org>  
**Subject:** Regnart Creek Trail - move the proposed section along the south side of Library Field

**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 and Planning Commission Members,

I request that the Regnart Creek Trail be modified to MOVE the section of the path along the south side of the Cupertino Library field to be along the south side of Pacifica Ave. This would require cyclists ride along Pacifica to make a clean left turn directly onto the trail along the east side of the Cupertino Library field.

This change would be safer for:

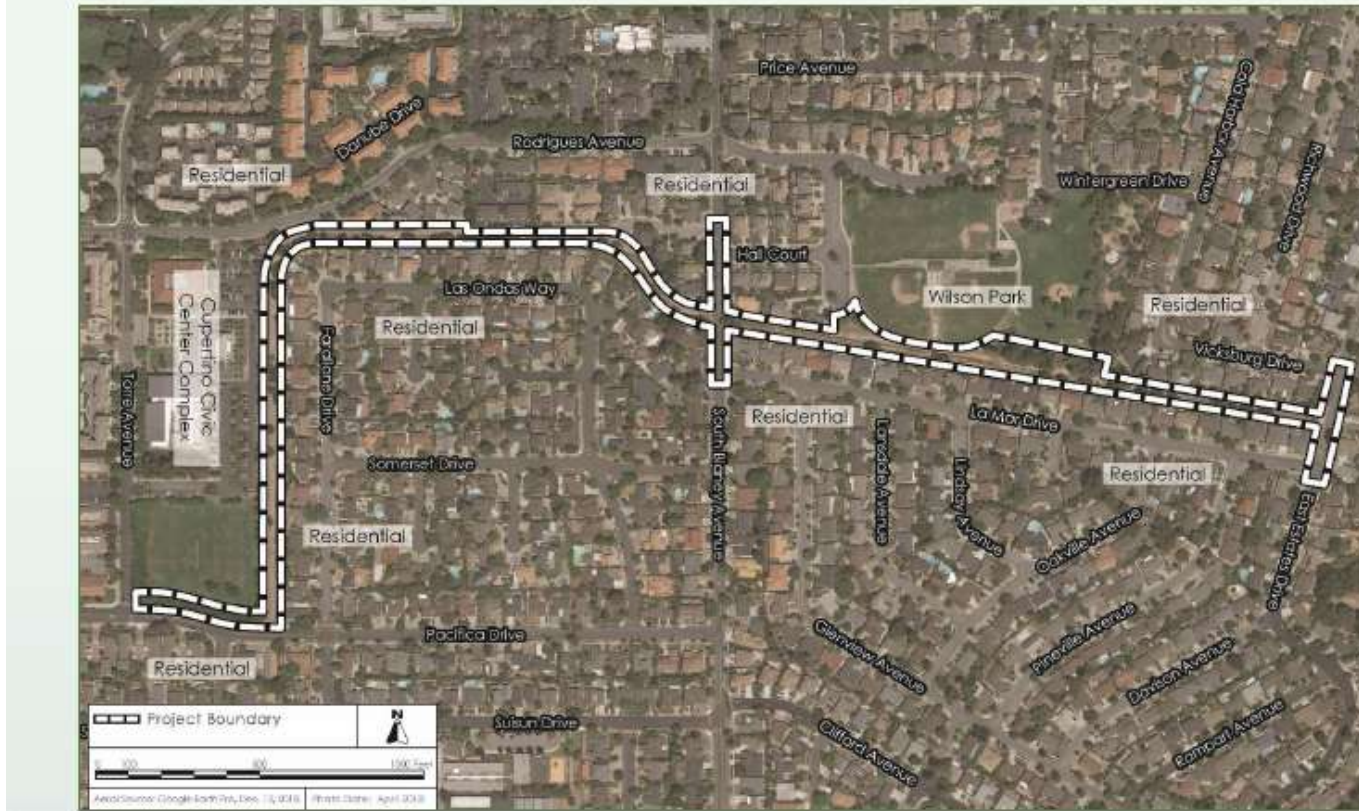
- Pedestrians crossing Torre Ave.
- Cars turning left and right off of Torre Ave. because it would reduce the number of “things” happening at this intersection.
- Cars driving on Pacifica because they would not have to watch for turning cars, pedestrians AND bikes doing a left turn then sudden right turn to get onto the trail.
- A car coming from Blaney Ave along Pacifica that is turning right onto Torre behind a bike that plans to enter the proposed section of the trail would slam on their brakes if the bike suddenly slows to turn right onto the trail. It's not safe for both cyclist AND the motorist.

This proposed section DOES NOT MAKE SENSE! Cyclists coming from De Anza Blvd are already on the right side of the street. Having them turn left further down makes it much clearer what the cyclists intends to do.

REQUEST: Move the section of the Regnart Creek Trail on the south of the Cupertino Library Field to be along the south side of Pacifica Ave.

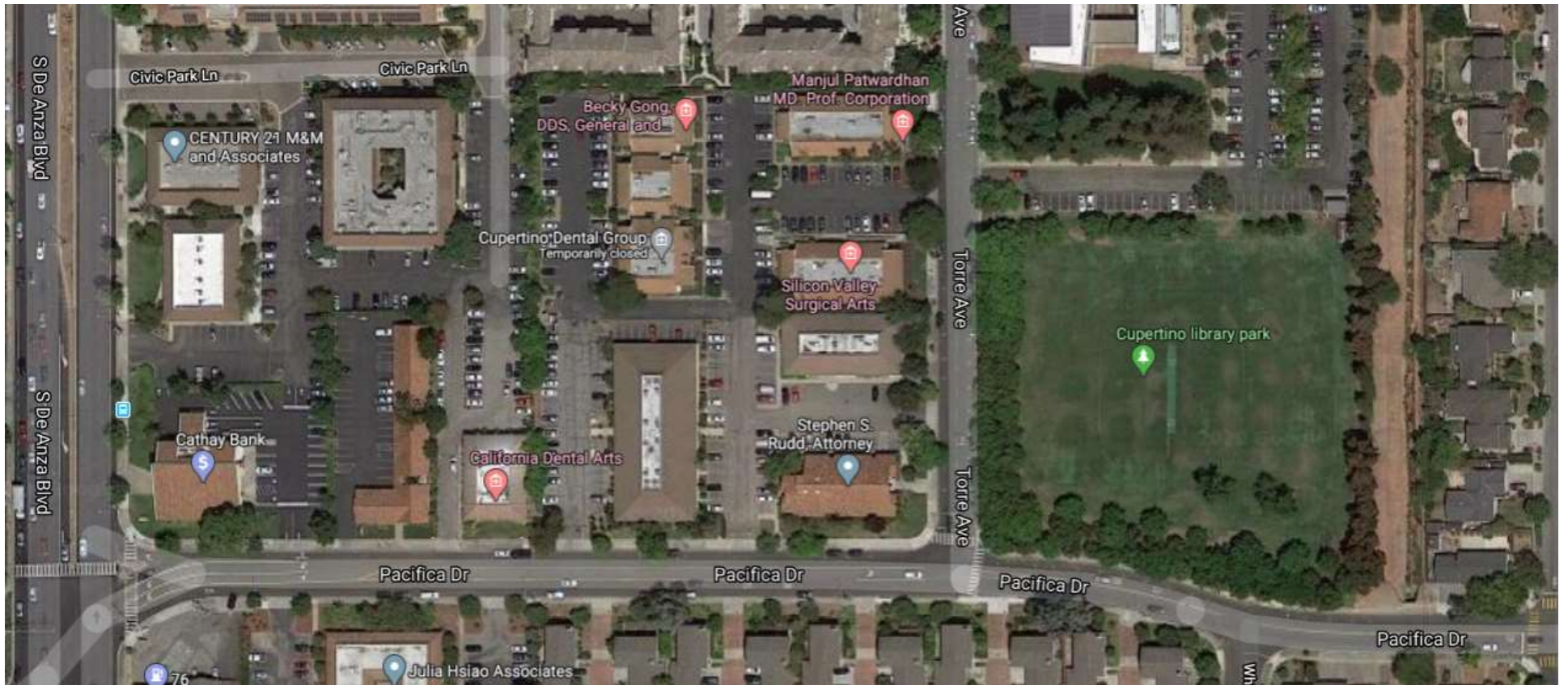
Sincerely,  
Peggy Griffin

## Project Map



NOTE: Removing the section of the trail starting at Torre Ave along Pacifica Ave would

- Eliminate the need to remove magnificent trees on the south side of the Library Park field
- Eliminate the reduction of the size of the Library Park field which is one of the few parks on the East Side of Cupertino!
- Improve bike safety because it eliminates the need for a cyclist coming from De Anza Blvd to do a left turn followed by an immediate right to get on the field.
- Improves pedestrian safety because it reduces the things happening at the intersection of Torre and Pacifica i.e. pedestrians crossing, cars turning in all directions.





## Lisa Maletis-Massey

---

**From:** City of Cupertino Planning Dept.  
**Sent:** Thursday, April 16, 2020 4:18 PM  
**To:** Benjamin Fu; Chad Mosley; David Fung; Dianne Thompson; Jon Robert Willey; Kitty Moore; Liang Chao  
**Cc:** Lisa Maletis-Massey; David Stillman; Roger Lee; Gail Seeds  
**Subject:** FW: Comment for Initial Study for Regnart Creek Bike Path

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

From the general mailbox:



### Beth Ebben

Deputy Board Clerk  
Planning Division  
BethE@cupertino.org  
(408) 777-3297



---

**From:** Liang-Fang Chao <lfchao@gmail.com>  
**Sent:** Thursday, April 16, 2020 2:57 PM  
**To:** City of Cupertino Planning Dept. <planning@cupertino.org>  
**Cc:** Liang Chao <LiangChao@cupertino.org>  
**Subject:** Comment for Initial Study for Regnart Creek Bike Path

**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 add this to the public comment for Regnart Creek Bike Path.

I do wish to get responses to my questions. Thanks.

This is an important project for the City that hopefully will be used by many people/.

Thus, we do need to make sure that the project impacts are assessed and sufficient mitigation measures are proposed to mitigate identified significant impacts. And we do need to ensure that proper measures are used to assess the project impact.

This is a basic standard for a CEQA study that should apply to all city projects.

1. How will the crane reach the bridge (12 feet by 44 feet) at Wilson Park to remove it? Where would the bridge be placed in the mean time? Would there be any impact on the Wilson Park in terms of vegetation/landscaping?
2. The response to residents' comment about motorized bikes was that no gasoline powered bikes would be allowed. How about electric bikes? Would they be allowed on the trail?

3. This project will provide essential connections to allow students (& residents) from Monta Vista to travel to Cupertino Library, Creekside Park and even Main Street (as the project description promises at some point) or more students (& residents) in the Civic Center area to travel to Cupertino High and Main Street. Thus, we would expect increased pedestrian and bike traffic in the areas immediately adjacent to the proposed project. Thus, such impact should be assessed under CEQA.

The IS did not study the impact; thus no mitigation measures have been considered, on the following impact areas:

3.1. Crosswalks at Pacific & Torre. - There will be more bike and pedestrian traffic crossing Pacific at Torre and crossing Torre at Pacific. Whether existing crosswalk is safe enough for the increased ped/bike traffic? It needs to be assessed.

3.2. Crossing at Rodrigues Trailhead into the proposed Regnart Creek Trail.

- Some student attending Eaton will likely cross Rodrigues at the Trail head there (without any pedestrian crosswalk today) in order to access the proposed trail as a shortcut to Eaton. What would be the impact on transportation & public safety there?
- Some students attending Lawson will likely cross Rodrigues at the trail head there (without any pedestrian crosswalk today) in order to get to the north side of Rodrigues to ride east bound along Rodrigues to reach Lawson. What would be the impact on transportation & public safety there?

3.3. Crossing at S Blaney: the impact on transportation & public safety is addressed as a part of the proposed project with raised crosswalk, bulb outs, and better signaling.

3.4. Crossing at E. Estate : the impact on transportation & public safety is addressed as a part of the proposed project.

3.5. Crossing at Phil over Miller Ave. - Some students will travel to Cupertino High from the proposed bike trail through Creekside Park. What would be the impact on transportation & public safety there?

The staff's comment at the ERC was that there are existing facilities in those crossings; thus, they don't think the impact would be significant. However, there will be increased pedestrian and bicycle traffic on these existing facilities as a result of the proposed project. Therefore, the IS should assess the impact and determine if they are significant. If so, the IS should propose mitigation measures. The IS should not ONLY consider new facilities included in the project.

Thus, this IS has neglected to include these impacts, which would be direct transportation & public safety impact on existing facilities of the proposed project.

4. The noise level is measured at 6 feet from the property line. The IS did not mention at all why the noise level is ONLY measured at 6 feet from the property line. Please include the rationale. If it were an industry standard, as the staff pointed out at ERC, please point out the source of such standard. This is a 10-foot wide trail. Please explain why the middle of the trail would be 6 feet from the property line.

4.1 Would the middle of the trail be 6 feet from the property line for residents on Lozano Lane and De Palma Lane?

The noise impact to some residents might be an increase more than 5 decibels due to the proposed project. Thus, it's important to measure them differently so that we could provide different mitigation measures if necessary. Since the trail is not 12 feet wide near Lozano Lane and De Palma Lane, please provide that the noise impact to residents at Lozano Lane and De Palma Lane separately.

4.2 In a bi-directional bike trail, people are more likely to walk or bike near the edge of the trail to keep a distance from bike traffic from the opposite direction. When the 10-foot bike trail is right next to a creek with somewhat steep descent to the creek bed, more likely bicyclists biking along the creekside would bike closer to the center of the trail; thus pushing bicyclists and pedestrians traveling along the neighboring property to walk/bike closer to the property line. Even if the industry standard is to consider the average noise, the average would likely NOT be at 6 feet from the property. The average would likely be 4 feet to 5 feet from the property in the 10-foot wide trail, abutting a creek with a railing at 11 feet from the property line.

Thus, please justify in the IS why the 6 feet from the property line is used.

4.3. The noise level to distance is not linear. It's logarithmic. Thus, we cannot simply measure noise using the average distance from the property line as the noise source. We must should the average noise level instead.

For example, we know "For every doubling of distance from the noise source, the sound pressure level decreases with 6 decibels". ([https://www.engineeringtoolbox.com/voice-level-d\\_938.html](https://www.engineeringtoolbox.com/voice-level-d_938.html)). At 2 feet away, the noise is X; then at 4 feet away, the noise would be X-6 and at 8 feet away, the noise level would be X-12.

For a 10-foot trail, let's take the average noise level between the 2-foot and 8-foot distance from the property line. Then, the average noise level would be  $X + X-12 / 2 = X-6$ . Thus, the average noise level would be about the same level as noise measured at 4 feet from the property line, NOT 5 feet, which is the "average distance" of 2 feet and 8 feet, not a point with average noise level.

Thus, please provide more accurate measures for noise assessment.

4.4 The IS is supposed to measure "project-generated noise level increase", according to the IS:

"To determine the effect of the **project-generated noise level increase**, the hourly average noise levels due to project operation, which as stated above would be less than 45 dBA Leq, is conservatively assumed to occur every hour within a 24-hour period. Under this assumption, the estimated community noise equivalent level would be below 52 dBA CNEL. With ambient noise levels of 52 to 54 dBA CNEL, the proposed project would increase noise levels by up to three dBA CNEL (assuming activities 24 hours per day)"

I am confused by the terms used in the above paragraph, which refers to existing condition and which refer to impact of the proposed project?

4.4.1. What's the existing condition? "ambient noise levels of 52 to 54 dBA CNEL".

4.4.2. How was the existing condition measured? Based on surveys?

"Based on the survey, the community noise equivalent level along the proposed trail alignment ranges from 52 to 54 dBA CNEL."

"The ambient noise levels measured at LT-2, ST-1, and ST-2 represent the existing conditions at these residences, which range from 44 to 57 dBA Leq during daytime hours."

So, the "community noise equivalent level" is determined from "44 to 57 dBA Leq during daytime hours"? How's that determined?

4.4.3 How's the "project-generated noise level" measured?

This seems to be the estimation: "Under this assumption, the estimated community noise equivalent level would be below 52 dBA CNEL." But I couldn't figure out how that's determined.

"At a distance of 6 feet from the property line, talking or laughing would generate noise levels of 61 to 66 dBA assuming no attenuation from a property line fence."

=> How do you get "52 dBA CNEL" from "61 to 66 dBA"?

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This site shows a helpful table with this general rule: "For every doubling of distance from the noise source, the sound pressure level decreases with 6 decibels".

[https://www.engineeringtoolbox.com/voice-level-d\\_938.html](https://www.engineeringtoolbox.com/voice-level-d_938.html)

#### Talking with

- a normal voice approximates to a sound pressure level of 70 dB
- a raised voice approximates to a sound pressure level of 76 dB
- a very loud voice approximates to a sound pressure level of 82 dB
- a shouting voice approximates to a sound pressure level of 88 dB

at a distance of 1 ft (0.3 m).

For every doubling of the distance from the noise source the sound pressure level decrease with 6 decibels:

Distance		Voice Level (dB)			
(ft)	(m)	Normal	Raised	Very Loud	Shouting
1	0.3	70	76	82	88
3	0.9	60	66	72	78
6	1.8	54	60	66	72
12	3.7	48	54	60	66
24	7.3	42	48	54	60

In social settings people often talk with normal voice levels at distances ranging 1 to 4 metre. In such cases background noise levels should not exceed 55 to 60 dB(A).

In outdoor play and recreational areas people often communicate with raised or very loud voices at distances 5 to 10 metre and the background noise should not exceed 45 to 55 dB(A).



## Lisa Maletis-Massey

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**From:** City of Cupertino Planning Dept.  
**Sent:** Friday, April 17, 2020 1:51 PM  
**To:** Lisa Maletis-Massey; David Stillman; Roger Lee  
**Subject:** FW: written communication, 4/16/2020, Environmental Review Committee meeting, Agenda Item 3, "Regnart Creek Trail"

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Technically, these concerns have already been stated during the meeting and are part of the record. Still, since we have to re-open the "Written Communications" packet to add the one from ERC Member Chao, might as well add this one too.



### Beth Ebben

Deputy Board Clerk  
Planning Division  
BethE@cupertino.org  
(408) 777-3297



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**From:** Liana Crabtree <lianacrabtree@yahoo.com>  
**Sent:** Friday, April 17, 2020 10:22 AM  
**To:** City of Cupertino Planning Dept. <planning@cupertino.org>; Liang Chao <LiangChao@cupertino.org>; Kitty Moore <Kmoore@cupertino.org>  
**Subject:** written communication, 4/16/2020, Environmental Review Committee meeting, Agenda Item 3, "Regnart Creek Trail"

**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 Representatives of the Environmental Review Committee:

If not too late, please add my comment to the written communication for Agenda Item 3, "Regnart Creek Trail" for the 4/16/2020 Environmental Review Committee meeting.

During oral public comment for Agenda Item 2, I expressed the concern that the driveway back up study for the home located closest to the proposed trail crosswalk on South Blaney did not appear to study vehicles that will back INTO driveways. The image of the study shared during the meeting appears to only consider a sedan-size vehicle backing out of a driveway to head south on Blaney.

However, Blaney is a busy street and many residents (some with vehicles longer than a standard sedan) choose to back into their driveways. The driveway back up study does not appear to show if a vehicle approaching the driveway from the south would need to enter the crosswalk (before crossing the median) in order to back into the driveway. Please consider the proximity of the crosswalk to all adjacent home driveways if residents were to back into their driveways.

As for extending the trail to clip the southern edge of Library Field, this idea is both unnecessary and problematic:

(1) The existing sidewalk is 5 feet wide. Trees planted in the southernmost row in Library field are located between 7 and 8 feet from the edge of the sidewalk. The edge of Library Field has a visible rise relative to the sidewalk and roots from all trees are visible at the ground surface and within just a few feet from the edge of the sidewalk. How would the path be widened to 10 feet without excavating and damaging the roots of all trees included in this southernmost row?

(2) The plan to connect the McClellan Road protected bike lane to the proposed Regnart Creek Trail is unclear. In Cupertino, children age 12 and under are allowed/encouraged to ride their bicycles on the sidewalk. However, there is no southern crosswalk across De Anza from McClellan to Pacifica. If the Regnart Creek Trail project compels the excision of the southern edge of Library Field to accommodate a 10 foot trail path, doesn't the need for the wider path begin at the northeast corner of De Anza at Pacifica, where the only McClellan/Pacifica/De Anza east-west crosswalk terminates? Are we compelled to widen the existing northern sidewalk along Pacifica to Torre, so the McClellan/Regnart Creek Trail connection advertised today becomes more reality and less, maybe, marketing?

Finally, I do feel that residents' concerns about the proposed Regnart Creek Trail continue to be "voiced but not heard". It's not that the project is terrible; it's just not terribly compelling. Where do the serious collisions and near misses affecting pedestrians and cyclists occur in Cupertino? Bollinger, Stevens Creek, De Anza, Finch, Blaney--not the roads relieved by the proposed Regnart Creek Trail. The trail project offers nice-to-have utility minus the funding sufficient to extend the wall, lighting, paving, and fencing that exists today for residents living along open portion of the (lovely!) trail from Creekside Park to East Estates Drive.

Unfortunately, my observation, when residents flag real challenges related to safety, access, equity, and priority affecting this project proposal, they are too often ignored, patronized, or gaslit. I understand the utility and appeal of a paved, illuminated, and fenced trail that would allow pedestrian and bike access from Rodrigues and Pacifica to Civic Center Plaza, but it's harder to see value (relative to costs) in the east-west segments of the proposed trail.

We have a finite amount of money--and less money on the other side of the pandemic--please, let's spend it on projects addressing priority needs and having broad support.

Sincerely,

Liana Crabtree  
Cupertino resident  
representing myself only

## Lisa Maletis-Massey

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**From:** City of Cupertino Planning Dept.  
**Sent:** Saturday, April 18, 2020 3:17 PM  
**To:** Lisa Maletis-Massey  
**Subject:** FW: Oral Communications 2020-4-14

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Sorry. These came in during the meeting.

Did I already forward them to you? They need to be part of the "communications" items



### Beth Ebben

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**From:** Connie Cunningham <cunninghamconniel@gmail.com>  
**Sent:** Tuesday, April 14, 2020 6:41 PM  
**To:** City of Cupertino Planning Dept. <planning@cupertino.org>  
**Subject:** Oral Communications 2020-4-14

**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 sending this via email but do want to speak during Oral Communications

2020-4-14 Planning Commission

Oral Communications

Good evening Chair, Vice-Chair, Commissioners and City Staff, and everyone that is on Zoom in the audience.

Thank you for everything you are doing to flatten the curve of COVID-19 in our area.

Unemployment has been sudden and with an uncertain end. A big question is how to help those who are unemployed due to COVID-19. If you have wondered how you could be of help, consider this idea:

If we want our hairdressers/ barbers, as well as house cleaners and yard workers to make it to the other side of this economic downturn, we have a way to help them directly.

I am talking to my friends about paying their hairdressers/barbers, as well as house cleaners and yard workers even though these workers must shelter-in-place like the rest of us and cannot provide their usual services. They are closed for business, and who knows if or when they will be able to re-open?

In addition, You may have a favorite small restaurant where you have dined many times. You are afraid they may go out of business. You, like me, may be afraid to even get take-out because you are in a high-risk category. One idea is to write a check to that small business owner for the amount of an average meal you have enjoyed there. If you want to dine there after the downturn is over, it is something you can do to help tide that business over.

I have read a quote during these trying COVID-19 times that we may not be able to help everyone, but everyone can help someone.

If your own income has not been impacted by loss of job or wages, reach out to your own service providers. Pay them what you would normally pay them, or as much as you can. This crisis will end - we will get through it together.

## Lisa Maletis-Massey

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**From:** City of Cupertino Planning Dept.  
**Sent:** Saturday, April 18, 2020 3:18 PM  
**To:** Lisa Maletis-Massey  
**Subject:** FW: Vidyarambh pre-school : comments on conditional use permit hearing

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

The other one....

Sorry. These came in during the meeting.

Did I already forward them to you? They need to be part of the "communications" items



### Beth Ebben

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(408) 777-3297



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**From:** Easwaran Raman <easwaran.394@gmail.com>  
**Sent:** Tuesday, April 14, 2020 6:12 PM  
**To:** City of Cupertino Planning Dept. <planning@cupertino.org>; Gian Martire <GianM@cupertino.org>  
**Subject:** Vidyarambh pre-school : comments on conditional use permit hearing

**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 the members of the Cupertino city planning commission

I am sending this note regarding the Vidyarambh preschool proposal and will try to attend the meeting today.

My children attended Vidyarambh family child care when it operated in Arata way, Cupertino. I am excited at the prospect a larger Vidyarambh preschool project in Cupertino. I believe this will be a good addition to the community and provide more choice to parents looking for a good quality dependable preschool.

regards,  
Easwaran Raman