

**From:** [Whitney McNair](#)  
**To:** [City of Cupertino Planning Commission](#); [Santosh Rao](#); [Tracy Kosolcharoen](#); [David Fung](#); [Seema Lindskog](#); [Steven Scharf](#)  
**Cc:** [Gian Martire](#); [City of Cupertino Planning Dept.](#); [City of Cupertino Planning Dept.](#); [todd.mcnaire@comcast.net](mailto:todd.mcnaire@comcast.net); [whitney.mcnaire@comcast.net](mailto:whitney.mcnaire@comcast.net)  
**Subject:** December 9, 2025, Planning Commission Hearing for 20045 & 20065 Stevens Creek Blvd.  
**Date:** Wednesday, December 3, 2025 10:57:32 AM  
**Attachments:** [image.png](#)  
[image.png](#)

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Dear Chair Rao, Vice-Chair Kosolcharoen, and Commissioners Fung, Lindskog, and Scharf:

RE: Application #: DP-2025-002, ASA-2025-004, TM-2025-002, TR-2025-005, & U-2025-007  
Location: 20045 & 20065 Stevens Creek Blvd. (APN: 316-23-095, -096)

We are long-standing homeowners, having resided at 20074 Wheaton Drive for nearly 25 years. We are writing to urge you to consider changes to the proposed 32-unit project, which is located directly behind our home. Although this letter focuses on the 32-unit project, the comments can be applied to the project at 20085 & 20111 Stevens Creek Blvd. The two projects directly abut my neighbors along Wheaton Drive, all of whom are longtime residents.

I have been a city planner for 30 years and have a long history of supporting context-based designed housing projects throughout Cupertino and the region. However, the proposed project does not take into consideration standard planning principles, and more specifically, the residential site planning considerations outlined in the Heart of the City Specific Plan, which aim to address the relationship between commercial properties and existing single-family homes. The changes we are requesting help ensure the project is sensitive to the existing residential uses, meets the intention of the Specific Plan, without impacting unit density or the developer's ability to develop the property.

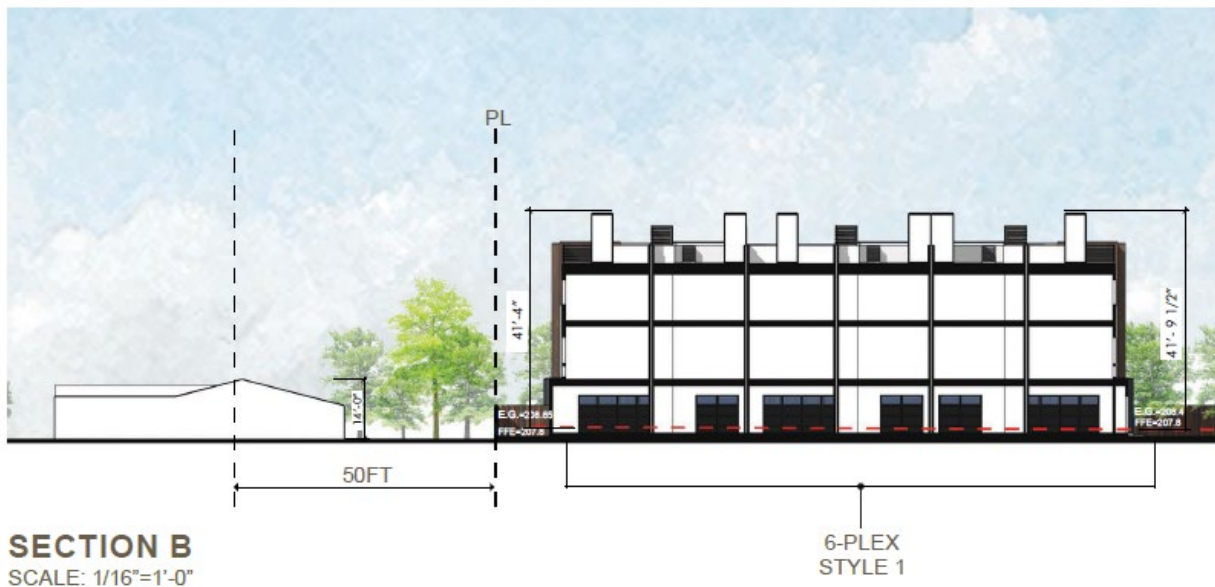
The Heart of the City Specific Plan requires a use permit for housing projects that are not part of the City's Housing Element. This site is not a Housing Element site and, therefore, is subject to a use permit and conditions of approval. That is to say, this is not a by-right development, and the City may impose conditions.

| Heart of the City Specific Plan | Proposed Project | Requested Changes |
|---------------------------------|------------------|-------------------|
|                                 |                  |                   |

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| <p>Building forms shall be such that buildings adjacent to residentially developed parcels shall be stepped back or terraced or have adequate setback so that privacy is maintained. Buildings requiring terracing shall have a 1.5:1 setback-to-height ratio.</p>   | <p>A vertical 43', 3-story, 4-bedroom unit plus a roof deck, 13' from the property line.</p> <p>There is no terracing, sensitivity to privacy, or an adequate setback-to-height ratio.</p> | <p>Require the units along the rear property line (units 26 and 27) to be reduced to 2 stories, providing the required terracing for privacy. Additionally, prohibit a roof deck.</p>  |
| <p>The minimum rear setback shall be equal to one and one-half (1.5) times the height of the building with a minimum setback of 20'.</p> <p>Based on the design, the project should be setback approximately 60'.</p>  | <p>The project proposes a rear setback of only 13.4'</p>   | <p>The proposed project utilizes a combination of narrower units with a tandem two-car garage (14') and wider units with a standard two-car garage (21'). We request that buildings 4 &amp; 5 be redesigned with the narrower tandem garages, reducing the building footprint by approximately 21'. This would allow for a rear setback of approximately 34' (13' + 21').</p>  |
| <p>Adjacent to developed residential properties, attractive screen fencing or walls shall be provided along the side or rear property lines to screen buildings; a minimum of 5' planting area shall be established within and adjacent to the fence or wall with evergreen trees planted at a minimum spacing of 25' on center.</p> | <p>Only two 24" box Laurus Saratoga (Saratoga Laurel) will be planted to screen building 4, unit 26.</p>   | <p>A double row of evergreen screen trees should be planted across the entire rear property line to provide maximum screening, at a minimum spacing of 25' on center, even in the areas designated "private yard." Trees should be required to be maintained for the life of the project, even if they are located in a private yard. Only the homes on the end facing the rear property line have private yards. Consider making the landscape setback at the rear of the site common property to be maintained by the HOA.</p> |
|  |  |  |

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|---|--|---|
| Where a commercial and residential property share a common property line, the sound wall separating the uses shall have a minimum height of 8'. The sound wall may be taller than 8'. | <p>The project proposes to keep the existing 6' soundwall across the rear property line, but build a new 8' soundwall on the interior property line.</p> <p>For reference, the mixed-use project at the corner of Blaney and Stevens Creek installed an 8' soundwall along the rear property line as a condition of the project.</p> | Build a new 8' soundwall to match the proposed soundwall along the interior property line. Require the developer to replace any landscaping damaged on the adjacent properties as a result of the construction. |
|   | Clear windows facing the existing single-family homes  | Require windows facing the rear property line to be opaque.   |

### Proposed Section



The proposed section provides a sense of the project's scale in relation to the adjacent single-story, single-family homes. We've personally invested in solar panels on our south-facing roof that will be directly impacted by the proposed development should the proposed changes not be implemented. Impacts to our solar installation and the ability to generate solar power have a direct financial impact on us.

- We request a solar analysis to show the impact of the proposed housing on our ability to generate solar energy.
- We request that the Commission impose the requested changes as conditions of approval to the building design noted above.

It is worth noting that Dividend Homes has a similar development with similar site characteristics in Palo Alto, called Acacia:

<https://www.dividendhomes.com/communities/acacia/>. In this case, the developer chose to design a more context-sensitive project - something they chose not to do here. The project is located near El Camino Real with adjacent single-family homes along one property line. Here, Dividend Homes increased the setback and built two-story units along the property line shared with single-family homes (designated as units with a "2"). Below is a copy of the site plan for that project. We are requesting that they have the same respect for the adjacent homeowners here in Cupertino.



Homes in the North Blaney neighborhood are designed with privacy in mind. The main living space, kitchen, living room, and primary bedroom all face the rear yard, minimizing the impact on adjacent neighbors. The proposed project - 43' in height, 13' from the rear property line with its primary living space on the second and third stories, with an added roof deck - will directly impact our primary living space.

It is vital to provide housing throughout the region to a wide range of prospective owners and renters. The residents will be part of an existing community, one that we've been proud to be part of for nearly 25 years. However, the project should be designed in a manner that is sensitive to all adjacent properties. Maximizing the financial benefit to the developer should not outweigh the concerns of longtime residents who have vested financial interests of their own. The project's design doesn't take into account the sensitivities of the adjacent properties, nor does it comply with the site planning standards outlined in the existing Specific Plan.

The requested changes fall within the purview of the Planning Commission and should be requirements of the use permit.

We thank you for considering these modest changes to the proposed project, which aim to ensure that all Cupertino residents enjoy well-intentioned and thoughtfully designed housing.

Whitney & Todd McNair  
20074 Wheaton Drive

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

There are two SB 330 projects on Stevens Creek Blvd. being considered for the Planning Commission meeting on December 9, 2025. These are Agenda Item # 2 (10085 Stevens Creek Blvd. [https://linkprotect.easdas.com/url/?a=https%3a%2f%2fetal.ec=E.1.MtmYTKbPXWwB66AqdY8GrCmbwzbhKqUqgR\\_Nh4q8Y1lp0DuleY7A94AaiTzd9vL0mZ\\_qS5\\_gbm2Y0g5hyP6Lm5j9nwa13rFu2n\\_6GQy94qbBCLcsCZj6n&typo=1](https://linkprotect.easdas.com/url/?a=https%3a%2f%2fetal.ec=E.1.MtmYTKbPXWwB66AqdY8GrCmbwzbhKqUqgR_Nh4q8Y1lp0DuleY7A94AaiTzd9vL0mZ_qS5_gbm2Y0g5hyP6Lm5j9nwa13rFu2n_6GQy94qbBCLcsCZj6n&typo=1)) and Agenda Item # 3 (10045 Stevens Creek Blvd. [https://linkprotect.easdas.com/url/?a=https%3a%2f%2fetal.ec=E.1.F7aAZ\\_Ni\\_U9U9BLBEKE4pY3K60mOcVpyFJZSCLPbS7hzgl\\_kAN06kM7tBKCHfayfn5ddTEjNhSbw-PHh9ZgaKAspB2rBfSK95GG5ElcFUs&typo=1](https://linkprotect.easdas.com/url/?a=https%3a%2f%2fetal.ec=E.1.F7aAZ_Ni_U9U9BLBEKE4pY3K60mOcVpyFJZSCLPbS7hzgl_kAN06kM7tBKCHfayfn5ddTEjNhSbw-PHh9ZgaKAspB2rBfSK95GG5ElcFUs&typo=1)).

1. How many street trees are being considered for removal from these two projects? The Heart of the City stipulates a 35 foot setback from Stevens Creek Blvd. with street trees. Is this being honored?
2. Is the building massing consistent with the Heart of the City concept idea of stepping the Second and third storeys back to have a pleasant, unimposing presence in the tree-lined Avenue effect of Heart of the City?
3. Are the projects providing enough setbacks from adjacent neighbors that the buildings Will not intrude on the neighbors? There have been problems in previous SB 330 projects where the back of the proposed projects were mere feet from surrounding neighbors, causing Privacy and noise issues for neighbors. This has precipitated the potential need to close adjacent Streets due to privacy concerns.
4. Will there be disruption to traffic on Stevens Creek Blvd. by the projects being planned on These sites? How is the traffic flow from these two sites being handled as it exits and enters From Stevens Creek Blvd? If bike barriers are installed along Stevens Creek Blvd. in front of These two projects, will this affect the traffic flow exiting these complexes onto Stevens Creek Blvd. and traffic entering the complexes from Stevens Creek Blvd.? There has been significant Traffic issues at the Shane Company store across Stevens Creek Blvd. from these two projects.
5. How many students will be generated by these two projects and what schools will they attend?
6. How many active retail businesses will be impacted by these projects and can these businesses be relocated in Cupertino?
7. Can the retail stay on-site at the projects until the projects are built? This will help the retailers To remain longer and it can help the city keep its businesses taxes. The retailers will have time to look for new retail sites in Cupertino. The city should require the businesses to not be evicted until The projects are ready to be built. This way the retail stays at the location, even if the projects are never built.

Best regards,

Jennifer Griffin

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**From:** J. Su <[jsu\\_us@yahoo.com](mailto:jsu_us@yahoo.com)>

**Sent:** Monday, December 8, 2025 1:42 AM

**To:** City of Cupertino Planning Dept. <[planning@cupertino.gov](mailto:planning@cupertino.gov)>

**Subject:** comments on project of 20085 project

**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 Planner

I am a residence on Wheaton Dr. and got the said project design plan from the developer and have concerns about it because it would affect our life quality seriously. My main concerns are:

1. Privacy: the buildings look too tall, 40+ feet, and too close to our backyard fence, (by the plan picture, it looks like barely about 1/3 of the distance of my house to the fence). The tenants from the higher units would be easily looking through our house window.
2. Life quality: It would block sunshine, especially in winter, and the wind flow, especially in summer. And we just signed a contract with Tesla to install solar panel on our roof and worried that it may be affected.
3. Security: not like backyard fence shared with a single house or a business, this project would have so many units and tenants. And our fence is kind of low; one could easily get over it even without a ladder. Depends on the tenant's quality it could be a security concern.

I have heard from my neighbors who all have all the same concerns, and some have more. I don't know how much our opinion could do. But for your consideration, below are my thoughts that may be help in solving the problem.

1. Instead to make all building the same height make the buildings that face Stevens Creek Blvd taller, and the buildings next to our backyard lower. I noticed there is a newly developed residential community on Stevens Creek close to freeway 85 where there is a Five story building face Stevens Creek and all the other behind only Three stories. I think the same idea could be used in this project as well, for example, to build Four or more story buildings in front and Two stories behind.
2. By the current plan the most north buildings are too close to the fence, it should require a much bigger setback distance between the building and our backyard fence.
3. All the windows, if any, facing our backyard should be designed taller enough so that the tenant would not be able to look down and view easily inside of our house. The best would be no window at all on the higher

floors like my current neighbor's 2 story house where no windows on the side facing our house.

Thank you very much in advance if you could take our concerns into your kind consideration and help keeping our normal life would not be affected too much and so badly.

Jerry Su

**From:** [Jennifer Griffin](#)  
**To:** [City of Cupertino Planning Commission](#)  
**Cc:** [grenna5000@yahoo.com](mailto:grenna5000@yahoo.com); [City Council](#)  
**Subject:** Cumulative Impacts of Successive SB 330 Projects on Stevens Creek Blvd.  
**Date:** Tuesday, December 9, 2025 10:37:47 AM

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Dear Planning Commission:

(Please consider the following input as public input for Agenda Item Number 2 (10085 Stevens Creek Blvd. Et al.) and Agenda Item Number 3 (10045 Stevens Creek Blvd. Et al.) on the Planning Commission Agenda for the 12/9/25 Planning Commission meeting).

There are already two SB 330 projects in progress for Stevens Creek Blvd, the Staples SB 330 Project and the United Furniture SB 330 Project. Now we have two more SB 330 Housing Projects being proposed, 10085 Plus Stevens Creek Blvd. and 10045 Plus Stevens Creek Blvd. All of these housing projects are being proposed In a fairly short sequence of distance on Stevens Creek Blvd.

There is a concept called Cumulative Impact which can be a very serious consequence of this many projects Being proposed for such a short distance of roadway. One project (Staples) might disrupt local traffic patterns etc. This could be mitigated by studying adjacent traffic patterns and taking appropriate action By adding traffic signals or adding crosswalks etc. to help reduce the impacts on adjacent roadways or intersections.

This type of mitigation gets more complicated when you have another project introduced (United Furniture) That can potentially not only affect its local traffic patterns, but also the traffic patterns of the first project (Staples). The impact to traffic grows cumulatively. Then you add a third project (10085 Plus) and a fourth Project (10045 Plus) and now you have many levels of cumulative impact. The ability to mitigate the Effects of these projects on traffic become more and more difficult.

It is of utmost importance that adequate traffic studies on Stevens Creek Blvd. be calculated and analyzed before any more SB 330 projects are built along Stevens Creek Blvd. There is another proposed SB 330 Project for Stevens Creek Blvd. which would be a fifth large housing project proposed on less than a mile Of Stevens Creek Blvd. frontage in the busy Historic Cupertino Downtown Shopping Corridor. This Corridor is heavily used by much of the population of Cupertino and other cities. It has been called The Cross Roads for over one hundred years. There are many streets that cross Stevens Creek Blvd. and their traffic loads could be affected by too much cumulative impacts of too many SB 330 Housing Projects on Stevens Creek Blvd. in just one mile.

The SB 330 bill says housing projects are subject to CEQA review and CEQA review involves traffic impacts. This type of potential cumulative impact from so many SB 330 housing projects does not lend itself To ministerial review of these projects from CEQA.

Thank you.

Best regards,

Jennifer Griffin



**From:** [ED HSIAO](#)  
**To:** [City of Cupertino Planning Commission](#)  
**Subject:** Concerns Regarding 20045 & 20065 Stevens Creek Blvd Proposal  
**Date:** Tuesday, December 9, 2025 10:41:03 AM

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Dear Planning Commission,

My name is Ed Hsiao, and I am a homeowner at 20054 Wheaton Drive, where my family and I have lived for 35 years. Our home sits directly behind the proposed Dividend Homes development on Stevens Creek Boulevard, and I am writing to share concerns about the current site plan—particularly the height of Buildings 4 and 5 at 20045 & 20065 Steven Creek Blvd., and the limited setback distance between these buildings and the Wheaton Drive property line.

After reviewing the project documents, I am concerned that these two buildings are positioned far too close to the backyards of the existing homes on Wheaton Drive. As currently designed, they would stand approximately 43 feet tall and three stories high, which would significantly impact the privacy and daily living environment of residents whose yards would be directly overlooked.

I respectfully request that the Planning Commission consider requiring a greater setback from the Wheaton Drive properties—ideally a minimum of 40 feet, which is approximately where the existing building on the site is currently situated, and a reduction in height to two stories, consistent with the height of the existing buildings. These adjustments would help the project better integrate with the established neighborhood and preserve the privacy that current homeowners have relied on for decades.

Thank you for your time and consideration.

Sincerely,

Ed Hsiao

Homeowner, 20054 Wheaton Drive  
Cupertino, CA



**Dec 9, 2025**

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

**Re: Proposed Housing Development at 20045-20065 Stevens Creek Blvd.**

**By email: [planningcommission@cupertino.gov](mailto:planningcommission@cupertino.gov); [srao@cupertino.org](mailto:srao@cupertino.org);  
[Tkosolcharoen@cupertino.gov](mailto:Tkosolcharoen@cupertino.gov); [dfung@cupertino.gov](mailto:dfung@cupertino.gov); [slindskog@cupertino.gov](mailto:slindskog@cupertino.gov);  
[SScharf@cupertino.gov](mailto:SScharf@cupertino.gov);**

**CC: [piug@cupertino.gov](mailto:piug@cupertino.gov); [CityAttorney@cupertino.gov](mailto:CityAttorney@cupertino.gov); [CityManager@cupertino.gov](mailto:CityManager@cupertino.gov);  
[CityClerk@Cupertino.gov](mailto:CityClerk@Cupertino.gov); [planning@cupertino.gov](mailto:planning@cupertino.gov);**

Dear Cupertino Planning Commission,

The California Housing Defense Fund ("CalHDF") submits this letter to remind the City of its obligation to abide by all relevant state laws when evaluating the proposed 32-unit housing development project at 20045-20065 Stevens Creek Blvd, which includes three median-income units and three moderate-income units. These laws include the Housing Accountability Act ("HAA"), the Density Bonus Law ("DBL"), Housing Element Law, AB 130, and California Environmental Quality Act ("CEQA") guidelines.

The HAA provides the project legal protections. It requires approval of zoning and general plan compliant housing development projects unless findings can be made regarding specific, objective, written health and safety hazards. (Gov. Code, § 65589.5, subd. (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would reduce the project's density unless, again, such written findings are made. (*Ibid.*) As a development with at least two-thirds of its area devoted to residential uses, the project falls within the HAA's ambit, and it complies with local zoning code and the City's general plan. Increased density, concessions, and waivers that a project is entitled to under the DBL (Gov. Code, § 65915) do not render the project noncompliant with the zoning code or general plan, for purposes of the HAA (Gov. Code, § 65589.5, subd. (j)(3)). The HAA's protections therefore apply, and the City may not reject the project except based on health and safety standards, as outlined above. Furthermore, if the City rejects the project or impairs its feasibility, it must conduct "a thorough analysis of the economic, social, and environmental effects of the action." (*Id.* at subd. (b).)

**2201 Broadway, PH1, Oakland, CA 94612  
[www.calhdf.org](http://www.calhdf.org)**

CalHDF also writes to emphasize that the DBL offers the proposed development certain protections. The City must respect these protections. In addition to granting the increase in residential units allowed by the DBL, the City must not deny the project the proposed waivers and concessions with respect to building bulk; front, side, and rear setbacks; building forms; lot coverage; parking requirements; mixed-use retail requirements; and common open space requirements. If the City wishes to deny requested waivers, Government Code section 65915, subdivision (e)(1) requires findings that the waivers would have a specific, adverse impact upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. If the City wishes to deny requested concessions, Government Code section 65915, subdivision (d)(1) requires findings that the concessions would not result in identifiable and actual cost reductions, that the concessions would have a specific, adverse impact on public health or safety, or that the concessions are contrary to state or federal law. The City, if it makes any such findings, bears the burden of proof. (Gov. Code, § 65915, subd. (d)(4).) Of note, the DBL specifically allows for a reduction in required accessory parking in addition to the allowable waivers and concessions. (*Id.* at subd. (p).) Additionally, the California Court of Appeal has ruled that when an applicant has requested one or more waivers and/or concessions pursuant to the DBL, the City “may not apply any development standard that would physically preclude construction of that project as designed, even if the building includes ‘amenities’ beyond the bare minimum of building components.” (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 775.)

Finally, the project is exempt from state environmental review pursuant to AB 130 (Pub. Res. Code, § 21080.66), which was signed into law on June 30, 2025 and effective immediately (Assembly Bill No. 130, 2025-2026 Regular Session, Sec. 74, available [here](#)). Caselaw from the California Court of Appeal affirms that local governments err, and may be sued, when they improperly refuse to grant a project a CEQA exemption or streamlined CEQA review to which it is entitled. (*Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890, 911.)

As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: by providing affordable housing, it will mitigate the state’s homelessness crisis; it will increase the city’s tax base; it will bring new customers to local businesses; and it will reduce displacement of existing residents by reducing competition for existing housing. It will also help cut down on transportation-related greenhouse gas emissions by providing housing in denser, more urban areas, as opposed to farther-flung regions in the state (and out of state). While no one project will solve the statewide housing crisis, the proposed development is a step in the right direction. CalHDF urges the City to approve it, consistent with its obligations under state law.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at [www.calhdf.org](http://www.calhdf.org).



**Dec 9, 2025**

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

**Re: Proposed Housing Development at 20085-20111 Stevens Creek Blvd.**

**By email: [planningcommission@cupertino.gov](mailto:planningcommission@cupertino.gov); [srao@cupertino.org](mailto:srao@cupertino.org);  
[Tkosolcharoen@cupertino.gov](mailto:Tkosolcharoen@cupertino.gov); [dfung@cupertino.gov](mailto:dfung@cupertino.gov); [slindskog@cupertino.gov](mailto:slindskog@cupertino.gov);  
[SScharf@cupertino.gov](mailto:SScharf@cupertino.gov);**

**CC: [piug@cupertino.gov](mailto:piug@cupertino.gov); [CityAttorney@cupertino.gov](mailto:CityAttorney@cupertino.gov); [CityManager@cupertino.gov](mailto:CityManager@cupertino.gov);  
[CityClerk@Cupertino.gov](mailto:CityClerk@Cupertino.gov); [planning@cupertino.gov](mailto:planning@cupertino.gov);**

Dear Cupertino Planning Commission,

The California Housing Defense Fund (“CalHDF”) submits this letter to remind the City of its obligation to abide by all relevant state laws when evaluating the proposed 57-unit housing development project at 20085-20111 Stevens Creek Blvd, which includes six median- and five moderate-income units. These laws include the Housing Accountability Act (“HAA”), the Density Bonus Law (“DBL”), Housing Element Law, AB 130, and California Environmental Quality Act (“CEQA”) guidelines.

The HAA provides the project legal protections. It requires approval of zoning and general plan compliant housing development projects unless findings can be made regarding specific, objective, written health and safety hazards. (Gov. Code, § 65589.5, subd. (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would reduce the project’s density unless, again, such written findings are made. (*Ibid.*) As a development with at least two-thirds of its area devoted to residential uses, the project falls within the HAA’s ambit, and it complies with local zoning code and the City’s general plan. Increased density, concessions, and waivers that a project is entitled to under the DBL (Gov. Code, § 65915) do not render the project noncompliant with the zoning code or general plan, for purposes of the HAA (Gov. Code, § 65589.5, subd. (j)(3)). The HAA’s protections therefore apply, and the City may not reject the project except based on health and safety standards, as outlined above. Furthermore, if the City rejects the project or impairs its feasibility, it must conduct “a thorough analysis of the economic, social, and environmental effects of the action.” (*Id.* at subd. (b).)

**2201 Broadway, PH1, Oakland, CA 94612  
[www.calhdf.org](http://www.calhdf.org)**

CalHDF also writes to emphasize that the DBL offers the proposed development certain protections. The City must respect these protections. In addition to granting the increase in residential units allowed by the DBL, the City must not deny the project the proposed waivers and concessions with respect to height limits, front, side, and rear setbacks, building form, building bulk, lot coverage, parking requirements, mixed-use retail requirements, and common open space requirements. If the City wishes to deny requested waivers, Government Code section 65915, subdivision (e)(1) requires findings that the waivers would have a specific, adverse impact upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. If the City wishes to deny requested concessions, Government Code section 65915, subdivision (d)(1) requires findings that the concessions would not result in identifiable and actual cost reductions, that the concessions would have a specific, adverse impact on public health or safety, or that the concessions are contrary to state or federal law. The City, if it makes any such findings, bears the burden of proof. (Gov. Code, § 65915, subd. (d)(4).) Of note, the DBL specifically allows for a reduction in required accessory parking in addition to the allowable waivers and concessions. (*Id.* at subd. (p).) Additionally, the California Court of Appeal has ruled that when an applicant has requested one or more waivers and/or concessions pursuant to the DBL, the City “may not apply any development standard that would physically preclude construction of that project as designed, even if the building includes ‘amenities’ beyond the bare minimum of building components.” (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 775.)

Finally, the project is eligible for a statutory exemption from CEQA pursuant to AB 130 (Pub. Res. Code, § 21080.66), which was signed into law on June 30, 2025 and effective immediately (Assembly Bill No. 130, 2025-2026 Regular Session, Sec. 74, available [here](#)). Caselaw from the California Court of Appeal affirms that local governments err, and may be sued, when they improperly refuse to grant a project a CEQA exemption or streamlined CEQA review to which it is entitled. (*Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890, 911.)

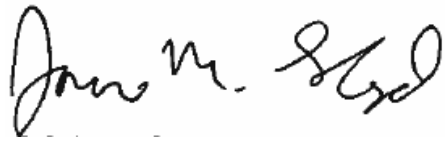
As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: by providing affordable housing, it will mitigate the state’s homelessness crisis; it will increase the city’s tax base; it will bring new customers to local businesses; and it will reduce displacement of existing residents by reducing competition for existing housing. It will also help cut down on transportation-related greenhouse gas emissions by providing housing in denser, more urban areas, as opposed to farther-flung regions in the state (and out of state). While no one project will solve the statewide housing crisis, the proposed development is a step in the right direction. CalHDF urges the City to approve it, consistent with its obligations under state law.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at [www.calhdf.org](http://www.calhdf.org).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dylan Casey', with a long horizontal stroke extending to the right.

Dylan Casey  
CalHDF Executive Director

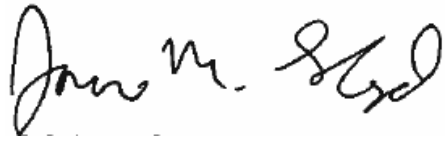
A handwritten signature in black ink, appearing to read 'James M. Lloyd', with a stylized, cursive script.

James M. Lloyd  
CalHDF Director of Planning and Investigations

Sincerely,

A handwritten signature in blue ink, appearing to be 'Dylan Casey', with a stylized, cursive script.

Dylan Casey  
CalHDF Executive Director

A handwritten signature in black ink, appearing to be 'James M. Lloyd', with a stylized, cursive script.

James M. Lloyd  
CalHDF Director of Planning and Investigations

**From:** [Jennifer Griffin](#)  
**To:** [City of Cupertino Planning Commission](#)  
**Cc:** [grenna5000@yahoo.com](mailto:grenna5000@yahoo.com)  
**Subject:** Fwd: SB 330 Moratorium because of Traffic Load Problems on Stevens Creek Blvd.  
**Date:** Tuesday, December 9, 2025 11:53:04 AM

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FYI.

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

**Subject:** SB 330 Moratorium because of Traffic Load Problems on Stevens Creek Blvd.  
**From:** Jennifer Griffin <[grenna5000@yahoo.com](mailto:grenna5000@yahoo.com)>  
**Sent:** Tuesday, December 9, 2025, 11:46 AM  
**To:** [citycouncil@cupertino.org](mailto:citycouncil@cupertino.org)  
**CC:** [grenna5000@yahoo.com](mailto:grenna5000@yahoo.com), [cityclerk@cupertino.org](mailto:cityclerk@cupertino.org)

Dear City Council:

(Please include the following as public input for the Cupertino City Council meeting on Dec. 16, 2025.)

There are an every expanding proliferation of SB 330 Housing Projects on a one mile section of Stevens Creek Blvd. in the Historic Cross Roads Shopping Area of Stevens Creek Blvd.

It has escalated to five large housing projects. SB 330 does not take into account the implications

Of large amounts of its successive projects, especially in one area.

This type of future disaster is teetering on the brink in Cupertino in this one busy section Of Stevens Creek Blvd. There are so many housing projects planned along this corridor that the

City must think very carefully about the implications to traffic movement on Stevens Creek Blvd.

as a whole. We could potentially be shutting down all movement on this section of roadway.

It is becoming apparent that there needs to be some sort of moratorium on any more SB 330 Projects on Stevens Creek Blvd. in Cupertino until adequate traffic studies can be performed to

Study this situation. The city cannot afford to adversely affect traffic flow on Stevens Creek Blvd



Any more than it already is.

SB 330 is a bill that tries to expedite housing construction, but it has potentially been causing a disaster when it allows too many housing projects to be streamlined in one area.

The city needs to be able to adequately study the ramifications of so many housing projects at one time on one heavily utilized section of roadway in the city.

A moratorium on SB 330 projects should be called until the Stevens Creek Blvd. roadway impacts from these SB 330 projects can be studied and the city can decide the best course of action for everyone involved.

The city should have town halls and study sessions on the traffic impacts from so many SB 330 projects

On Stevens Creek Blvd. in the near future to help mitigate and analyze and remedy the ever-expanding situation.

Thank you for your attention to this matter.

Best regards,

Jennifer Griffin

**From:** [Pam Hershey](#)  
**To:** [City of Cupertino Planning Commission](#)  
**Subject:** Agenda 2 and 3  
**Date:** Tuesday, December 9, 2025 4:01:41 PM

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**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 Planning Commission Chair and Commissioners,

A moratorium on SB 330 projects should be called on Stevens Creek Blvd. because the impacts all the projects will have on main road Stevens Creek Blvd at the same time.

Was there a traffic or school studies done on the Town House Projects on Agenda Item #2 and #3?  
10045 Stevens Creek and 10085 Stevens Creek

How many students will be attending the already impacted schools near these two projects? My neighbor has to drive their daughter to Eaton School as Collins does not have any room for her. This will cause more traffic along SCB as the parents will be driving their children to a school that can accommodate them.

Please consider the consequences of the two proposed projects  
With the impact of the neighbors that live within half of a mile from many building projects at this time.

Regards,

Pamela Hershey  
Wheaton Dr.