

PC 2-10-2026

Oral
Communications

Written
Communications

Lindsay Nelson

From: Louis Mirante <lmirante@bayareacouncil.org>
Sent: Monday, February 9, 2026 4:28 PM
To: City of Cupertino Planning Commission; Emi Sugiyama
Subject: Support - Linda Vista Project
Attachments: Cupertino - 10857 Linda Vista.pdf

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Dear City of Cupertino Planning Commission,

Please see the attached support letter for the SummerHill Homes Linda Vista Project from the Bay Area Council. If you should have any questions about our letter, please don't hesitate to let me know.

Best,
Louis



Louis Mirante

Senior Vice President of Public Policy, Housing
Phone: (510) 908-0537 | **Email:** lmirante@bayareacouncil.org
The Historic Klamath, Pier 9, The Embarcadero, San Francisco
www.bayareacouncil.org





February 9, 2026

City Council and Planning Commission
City of Cupertino
10350 Torre Ave
Cupertino, CA 95014

Support for 10857 Linda Vista Drive Residential Condominium Project

Dear City of Cupertino,

I write on behalf of the Bay Area Council to express our strong support for the proposed residential development at 10857 Linda Vista Drive. The Bay Area Council has worked since 1945 to make the Bay Area the best place to live and work, and few types of projects help that goal more than projects like this one, which provide homeownership options and new housing supply amid a stark regional shortage.

The Bay Area is experiencing an unprecedented housing shortage that continues to drive up costs, deepen inequities, and threaten the long-term economic competitiveness of our region. Projects like this one are essential to meeting local and regional housing goals while providing meaningful community benefits.

The proposed development would deliver 51 townhome-style condominium homes designed to be compatible with the surrounding neighborhood and offer family-sized four-bedroom floor plans. This type of homeownership-focused housing is especially rare in today's market and directly advances the Bay Area's urgent need for more attainable ownership opportunities.

Importantly, the project includes 10 below-market-rate homes targeted toward median and moderate-income families, ensuring that working households have an opportunity to remain in the community and benefit from stable, wealth-building homeownership.

In addition to delivering needed housing, the project will generate substantial fiscal and civic benefits, including \$2.2 million in park fees, \$569,000 in school impact fees, and an estimated \$48,000 in annual net benefit to the City's General Fund. The project also commits to incorporating public art along the frontage, enhancing the public realm and neighborhood character.

This development reflects the kind of thoughtful, community-serving housing investment that cities need in order to meet Regional Housing Needs Allocation requirements, implement certified Housing Elements, and expand opportunities for first-time homebuyers in highly desirable neighborhoods.

The Bay Area Council urges the City of Cupertino to support and approve the proposed project at 10857 Linda Vista Drive. This development represents a meaningful step toward



addressing our housing crisis, expanding homeownership opportunities, and delivering tangible community benefits.

Thank you for your leadership and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Louis Mirante'.

Louis Mirante
Senior Vice President of Public Policy
Bay Area Council
lmirante@bayareacouncil.org

Lindsay Nelson

From: Connie Cunningham <Swim5am@comcast.net>
Sent: Tuesday, February 10, 2026 10:46 AM
To: City of Cupertino Planning Commission
Cc: Piu Ghosh (she/her); Gian Martire
Subject: 2026-02-10 PC Agenda Item #2 San Fernando Court, please deny Tree Removal and Excessive Grading

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2026-02-10 Planning Commission Agenda Item 4

Dear Chair Rao, Vice Chair and Commissioners, My name is Connie Cunningham. I am a 38 year resident. I am Chair, Housing Commission, speaking for myself only.

Cupertino has a priceless gem — Blackberry Farm Preserve. Hundreds of people have spoken in favor of the preserve on many different occasions over the years. It is a gem, but it must be protected and maintained. I walk in the preserve every month with friends to enjoy the wonder of nature. Trees, wildlife, birds. To keep it that way, the City must continue to make decisions that protect it.

I add my voice to that of the Santa Clara Valley Bird Alliance, as written by Shani Kleinhaus, PhD, Environmental Advocate:

"Please deny the proposed removal of protected native oak trees, and the request for a Hillside Exception to allow extensive grading on steep slopes adjacent to Blackberry Farm Park and the Stevens Creek corridor.

We urge the Planning Commission to deny these discretionary approvals and require a revised project that preserves mature trees, minimizes grading, and avoids impact to public parkland and wildlife habitat, consistent with the City's Municipal Code, General Plan, and Parks and Recreation System Master Plan."

Sincerely,
Connie Cunningham

PC 2-10-2026

Item No.4
Mary Avenue

Written Communications

Eva Momoki

From: Aditya Agrawal <aditya_lucknowi@yahoo.com>
Sent: Monday, January 26, 2026 11:39 PM
To: City of Cupertino Planning Commission
Subject: Strong Objection to Mary Ave villas

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Hi,

I am a resident of Cupertino for more than 25 yrs and I am extremely disappointed in the way Mary Ave villas project is being pushed through inspite of heavy resident opposition.

In more sane times, this would never have been the case.

I am starting to strongly suspect about the real motive of the vested interests and who stands to benefit from this project really. I don't think it's the current residents to whom the city administration should be answerable to. Is it the Rotary club? Or the newly hired, highly paid city manager ? Or the new mayor?

Please listen carefully to the public opposition and stop this project before the anger boils over and we in the opposition start legal proceedings to investigate abnormalities in the way this is being pushed forward. It would be shame if that's the path a city like Cupertino had to take instead of resolving this through respectful dialog.

Thank you
Aditya Agrawal

From: [Rhoda Fry](#)
To: [City of Cupertino Planning Commission](#)
Subject: 1/27/2026 Planning Commission Agenda #4 concerned about vacation of Mary ave property vacation
Date: Monday, January 26, 2026 1:24:13 PM

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Hi Planning Commission,
Regarding 1/27/2026 Planning Commission Agenda #4 concerned about vacation of Mary ave property vacation.
Question, what happens if the non-profit fails and one or both buildings are sold to for-profits?
In that case, Cupertino would need to be paid fair market value for the vacated portion and for the other portion.
Please make sure that we protect Cupertino's financial interests here.
Thanks,
Rhoda Fry

From: [Maresh Gurikar](#)
To: [City of Cupertino Planning Commission](#); [City Clerk](#); [Luke Connolly](#)
Subject: Mary Avenue
Date: Monday, January 26, 2026 9:54:22 PM

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Dear City Clerk,
Please add this to written comments for tomorrow's Planning Commission meeting.
Thank you.

To
Members of Planning Commission,

I am a resident of the Gardengate neighborhood. I oppose the proposal to change the configuration of the Mary Avenue so residential units can be built on the narrow strip of city land between Mary Avenue and Hwy 85.

This piece of land is unsuitable for this project.
It will eliminate number of parking spaces and also pose a hazard to both the traffic on Mary Avenue and to the residents of proposed units.

The city should not vacate this land.
The residents of Gardengate neighborhood oppose this proposal to vacate city owned land.

Please do not approve any change to current configuration of Mary Avenue.

Thank you,
Maresh Gurikar

Eva Momoki

From: Joshua Safran <jsafran@strategylaw.com>
Sent: Tuesday, January 27, 2026 11:53 AM
To: Piu Ghosh (she/her); City of Cupertino Planning Commission
Cc: Santosh Rao; Tracy Kosolcharoen; David Fung; Seema Lindskog; Steven Scharf; Kirsten Squarcia; City Clerk; Cupertino City Manager's Office; City of Cupertino Planning Dept.; fandrews@awattorneys.com; City Attorney's Office
Subject: Demand Letter to Planning Commission of Cupertino (January 27, 2026) re Agenda Item #4 of PC Agenda of January 27, 2026
Attachments: Demand Letter to Planning Commission of Cupertino (January 27, 2026).pdf

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

Dear Chair Rao and Members of the Planning Commission:

Please find attached correspondence addressed to you of today's date regarding Agenda Item #4 of the Planning Commission's Agenda of January 27, 2026, for consideration by the Planning Commission and inclusion in the public record.

All the best,

STRATEGYLAWLLP

Joshua Safran, Esq.

One Almaden Boulevard, Suite 700

San Jose, California 95113

Phone: 510.384.7627

Email: jsafran@strategylaw.com

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STRATEGY LAW, LLP

One Almaden Boulevard, Suite 700 San Jose, CA 95113
P: (408) 478-4100 F: (408) 295-4100 www.strategylaw.com

January 27, 2026

JOSHUA SAFRAN, ESQ.
jsafran@strategylaw.com

City of Cupertino
Planning Commission
c/o Community Development Department
10300 Torre Avenue
Cupertino, CA 95014

By Email (piug@cupertino.gov; planningcommission@cupertino.gov)

Request for Denial of Proposed Resolution Finding General Plan Consistency for Mary Avenue Right-of-Way Vacation (APN 326-27-053)

Dear Chair Rao and Members of the Planning Commission:

Please be advised that our firm has been retained as counsel for the Garden Gate Coalition for Mary Avenue Safety, an unincorporated association of residents and community members directly adversely affected by the proposed Mary Avenue development. This letter is submitted in connection with the Planning Commission's January 27, 2026 consideration of a proposed resolution finding that the vacation of a portion of the public right-of-way within APN 326-27-053 is consistent with the City of Cupertino General Plan.

Our request is intentionally limited at this time to the scope of the Commission's action under Government Code section 65402(a): whether the proposed public right-of-way vacation is consistent with the General Plan and whether the action may properly be approved without environmental review.

For the reasons set forth below, the Commission should decline to adopt the proposed resolution.

I. The Proposed Resolution Lacks the Findings and Substantial Evidence Required to Support a Right-of-Way Vacation Consistency Determination

The staff report and draft resolution assume, rather than demonstrate, that vacating an existing public right-of-way is consistent with the General Plan simply because the Housing Element identifies the site as a "priority housing site." That is not the legal standard.

A right-of-way vacation is a permanent abandonment of a public asset. Even where housing is contemplated, the City must demonstrate, with substantial evidence, that the vacation itself furthers General Plan policies governing transportation, circulation, access, and public infrastructure, not merely housing supply in the abstract.

Here, the record contains, for example, no analysis of:

1. Whether the right-of-way is no longer necessary for present or future public use;

Request for Denial of Proposed Resolution Finding General Plan Consistency for Mary Avenue Right-of-Way Vacation (APN 326-27-053)

Page 2

2. How the vacation affects circulation, multimodal access, emergency access, or public parking;
3. Whether the General Plan's transportation and mobility policies are satisfied by permanently relinquishing the right-of-way; or,
4. Whether the vacation forecloses reasonable alternative public uses of the right-of-way independent of the proposed development.

The proposed resolution recites conclusions without findings and incorporates no evidence demonstrating that the abandonment of the right-of-way itself is consistent with the General Plan. A conclusory statement of consistency is insufficient as a matter of law.

II. Procedural Deficiencies Preclude a Lawful Consistency Determination at This Time

The Planning Commission's authority under Government Code section 65402(a) presupposes that the action under review is sufficiently defined to permit a meaningful consistency determination. That is not the case here.

The proposed vacation is being advanced in isolation from the specific design, circulation configuration, and operational consequences that necessarily flow from it. Without a defined vacation configuration tied to an approved circulation plan, the Commission cannot meaningfully assess General Plan consistency.

In addition, the City has failed to meaningfully solicit or incorporate community review, input, or involvement specifically regarding the proposed abandonment of public right-of-way. The absence of targeted outreach or engagement on the vacation decision further undermines the adequacy of the record and deprives the Commission of information necessary to exercise its independent judgment on General Plan consistency.

Put differently, the Commission is being asked to bless the abandonment of public right-of-way before the City has established what public functions will be eliminated, modified, or displaced as a result. That sequencing deprives the Commission, and the public, of the ability to evaluate consistency with adopted transportation and public access policies.

More broadly, state law governing the vacation of public rights-of-way contemplates a defined public process, including notice, community participation, and express findings that the right-of-way is unnecessary for present or prospective public use before it may be abandoned. *See, e.g.,* Streets and Highways Code sections 8312 and 8320–8324. Those determinations and procedures have not yet occurred here. In the absence of a completed vacation process and the associated findings, the Commission is being asked to assess General Plan consistency based on assumptions about future conditions that have not been lawfully established, further underscoring that the requested determination is premature on the current record.

III. The Claimed CEQA Exemption Is Improper Because the Vacation Is an Integral Part of a Larger Project and Cannot Be Segmented

The staff report asserts that the Commission's action is either not a "project" or is exempt under CEQA Guidelines section 15061(b)(3). That conclusion is legally flawed.

The proposed right-of-way vacation is not a standalone administrative action. It is a necessary predicate to the development project and would permanently alter the physical environment by eliminating public right-of-way and enabling private development in its place. As such, it is an integral component of a larger discretionary project.

CEQA prohibits piecemealing or segmenting a project into smaller actions to avoid environmental review. Approving a General Plan consistency finding and right-of-way vacation now—while deferring environmental review to later project approvals—constitutes improper segmentation.

At a minimum, the Commission must acknowledge that the vacation is part of a single, unified project and that environmental review must consider the whole of the action. The record does not support a finding that "it can be seen with certainty" that the vacation has no possibility of causing a physical change in the environment.

IV. Conclusion

The Planning Commission is not being asked today to approve or deny housing. It is being asked to make a legally defensible determination regarding the abandonment of public right-of-way and its consistency with the General Plan.

Because the current record lacks required findings, substantial evidence, and a lawful CEQA basis, and because the action is improperly segmented from the broader project, the Commission should decline to adopt the proposed resolution.

This letter is submitted without prejudice to, and shall not be deemed to waive, any claims, objections, arguments, or remedies available to the Garden Gate Coalition for Mary Avenue Safety under CEQA, state law, local ordinance, or common law. All such rights and remedies are expressly reserved.

Thank you for your attention to this important matter.

Very truly yours,

STRATEGY LAW, LLP



Joshua Safran, Esq.

Request for Denial of Proposed Resolution Finding General Plan Consistency for Mary Avenue Right-of-Way Vacation (APN 326-27-053)

Page 4

cc: Santosh Rao, Planning Commission Chair (srao@cupertino.gov)
Tracy Kosolcharoen, Planning Commission Vice-Chair (Tkosolcharoen@cupertino.gov)
David Fung, Planning Commissioner (dfung@cupertino.gov)
Seema Lindskog, Planning Commissioner (slindskog@cupertino.gov)
Steven Scharf, Planning Commissioner (SScharf@cupertino.gov)
Kirsten Squarcia, City Clerk (kirstens@cupertino.gov; cityclerk@cupertino.gov)
Pamela Wu, City Manager (CityManager@cupertino.org)
Benjamin Fu, Director of Community Development (planning@cupertino.gov)
Floy Andrews Interim City Attorney (fandrews@awattorneys.com;
cityattorney@cupertino.gov)

From: [Walter Li](#)
To: [Public Comments](#); [City Clerk](#); [Luke Connolly](#); [City Council](#); [Santosh Rao](#); [Tracy Kosolcharoen](#); [David Fung](#); [Seema Lindskog](#); [Steven Scharf](#)
Subject: The City Has No Legal Authority to Give Public Streets to Private Developers
Date: Tuesday, January 27, 2026 12:30:35 PM

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Dear City Council and City Staff,

I am writing to formally object to the City’s attempt to include public street parking areas and portions of a public avenue in a private development proposal. This action is not only inappropriate — it is legally impermissible.

A public street is not ordinary “city land.” Under California law, a street or parking lane is a public right-of-way held in trust for the public, not a municipal asset that can be handed to private developers. The City has no authority to convert a right-of-way into private development land unless it first meets strict state-law requirements — requirements that have not been met.

The controlling law is the California Streets & Highways Code, Sections 8300–8363, which governs any attempt to abandon, repurpose, or transfer a public street. These statutes impose mandatory obligations on the City, including public findings that the street is unnecessary for present or future public use. No such findings have been made, and no lawful process has occurred.

Until the City complies with state law — which it has not — the right-of-way remains protected public property. It cannot be merged into a developer’s site plan, used to satisfy private project requirements, or treated as a bargaining chip in negotiations.

Attempting to do so raises serious concerns about favoritism, misuse of public assets, and violation of the City’s fiduciary duty to its residents. Public streets exist for public use, not for private enrichment.

I request that the City immediately remove all public right-of-way areas from the development proposal and provide a written explanation of the legal authority the City believes it has to include public streets in a private project. If no such authority exists — and none appears to — the City must halt this action.

Residents expect transparency, fairness, and compliance with state law. Anything less undermines public trust.

Sincerely,

Walter Li
Long Time Cupertino Resident
408-781-7894

Eva Momoki

From: Paul Krupka <paul@pkrupkaconsulting.com>
Sent: Tuesday, January 27, 2026 2:28 PM
To: City of Cupertino Planning Commission; Public Comments
Cc: Brian Avery; Lina Meng
Subject: Public Comment – January 27, 2026 – Mary Avenue Public Right-of-Way
Attachments: Cupertino PC re Mary Avenue Villas 012726.pdf

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Dear Planning Commission Members:

Please accept and consider my attached public comment letter during your deliberations on January 27, 2026.

Thank you!

Sincerely,

Paul Krupka

Paul J. Krupka, PE
(he/him/his)
KRUPKA CONSULTING
Trusted Advisor | Transportation
650.504.2299
paul@pkrupkaconsulting.com

krupka.

krupka.

January 27, 2026

by email only > planningcommission@cupertino.gov & publiccomment@cupertino.gov

Planning Commission Members
City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014

RE: Public Comment – January 27, 2026 – Mary Avenue Public Right-of-Way

Dear Planning Commission Members:

I am supporting Brian Avery, owner of the Glenbrook Apartments, and Lina Meng, a neighbor, both of whom represent the Garden Gate Neighborhood Group, in providing transportation advisory services and a professional opinion on the Mary Avenue Villas Project. Please see my attached letter to the City Council Members, dated December 11, 2025, which presents my opinion that the Mary Avenue Villas Project will have a significant impact on parking, for which appropriate mitigations have not been adequately studied.

I appreciate your consideration.

Sincerely,
KRUPKA CONSULTING

Paul Krupka

Paul Krupka, P.E.
Owner

Attachment

Cc: Brian Avery (with attachment)
Lina Meng (with attachment)

KRUPKA CONSULTING

431 Yale Drive | San Mateo, CA | 94402
650.504.2299 | paul@pkrupkaconsulting.com | pkrupkaconsulting.com

krupka.

December 11, 2025

City Council Members
City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014

by email only > publiccomment@cupertino.gov

RE: Public Comment – Special Meeting on December 12, 2025 – Study Session on the Mary Avenue Project (“Project”)

Dear City Council Members:

I am supporting Brian Avery, owner of the Glenbrook Apartments, and Lina Meng, a neighbor, both of whom represent the Garden Gate Neighborhood Group, in providing transportation advisory services and a professional opinion on the Mary Avenue Villas Project. I offer the following information and comments for your consideration.

Qualifications

I am a registered Civil Engineer and Traffic Engineer in California and have over 40 years of diverse experience across all phases of project delivery, including preliminary assessment, conceptual planning, feasibility analysis, design, and construction. I have demonstrated expertise in transportation, traffic, and transit planning, engineering, and design related to transit-oriented development, transit facilities, parking facilities, roadway and highway improvements, large and small development projects, neighborhood, community, downtown, city, subarea, county, and sub-regional plans, and transit and highway corridors.

Comments

I have visited the Project site and surroundings, observed traffic and parking activities, surveyed peak parking occupancy on Mary Avenue and at Memorial Park, and reviewed recent photographic evidence of related parking conditions during Memorial Park events. I have reviewed the [Transportation Study for Proposed Affordable Housing Project on Mary Avenue](#) (Hexagon Transportation Consultants, Inc., November 13, 2025, the Memorial Park Specific Plan (City of Cupertino, February 2024), including the Memorial Park Parking Study (City of Cupertino, January 2024), the Westport Mixed-Use Project Environmental Impact Report Addendum No. 1 (PlaceWorks, December 2024), and information on current and planned development at De Anza College.

The Project will have a significant impact by removing 89 spaces of public on-street parking on Mary Avenue (95 spaces with recommended Project changes in the aforementioned [Transportation Study](#)), amid heavy observed demand for this parking (upwards of 60 percent occupied) during many major events at Memorial Park. This 37+% reduction in on-street parking supply will affect residents who rely on it, spreading parking demand further into residential neighborhoods. This impact was documented in the formal Project application in April 2025. It was acknowledged in the aforementioned Transportation Study. Still, it was seemingly dismissed with this simple conclusion – “With the Project, there would be 152 on-street

KRUPKA CONSULTING

431 Yale Drive | San Mateo, CA | 94402

650.504.2299 | paul@pkrupkaconsulting.com | pkrupkaconsulting.com

parking spaces..., which would still provide enough spaces to meet the anticipated parking demand...along the project frontage.” The anticipated parking demand noted was only 37 spaces, which reflects a non-Memorial Park event condition.

My peak parking occupancy survey on Saturday, November 1, 2025, found a demand of 42 spaces (17% occupied (42/241)) on Mary Avenue (total parking supply of 241 spaces). The photographic evidence I cited above indicated a demand of approximately 140 spaces (58% occupied) during Memorial Park events. **With the Project, this level of demand would equal 96% of the total parking supply (146 spaces).**

Other approved and planned developments will exacerbate this significant impact.

- **Memorial Park enhancements**, intended to serve existing and new patrons, *will increase parking demand in the neighborhood and on Mary Avenue*. While the aforementioned parking study did not include Mary Avenue, it cited “Maintain Current Parking Configuration along Mary Avenue” as a recommended management strategy.
- **Completion of the Westport Mixed-Use Project** will reduce residential and retail areas, associated vehicle trips, and the total parking supply, but *will require accommodating the resulting parking demand off-site along Mary Avenue*.
- **The replacement of the Flint Center at De Anza College** will enhance opportunities for public and on-campus entertainment and *increase public reliance on off-site parking on Mary Avenue*.

Conclusion

The project's significant impact has not been adequately studied to determine appropriate mitigations.

It is in your community's best interests that you strongly consider doing so.

I appreciate your consideration.

Sincerely,
KRUPKA CONSULTING



Paul Krupka, P.E.
Owner

Cc: Brian Avery
Lina Meng

Eva Momoki

From: H Krishnapriyan <h.krishnapriyan@gmail.com>
Sent: Tuesday, January 27, 2026 3:41 PM
To: City of Cupertino Planning Commission; City Clerk; Luke Connolly; City Council; Public Comments
Subject: Concerns regarding the proposed construction on Mary Avenue Parcel(APN 324-27-053)

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 had written earlier in November last year regarding this proposed construction. I write again to express my family's concern regarding this. The area is a busy artery serving residents in this area in getting to the expressways, to schools and access to Memorial park. Narrowing of the road and the loss of parking spaces in the area will have a big impact on the safety and convenience of the residents.

I request that these concerns be addressed before any action is taken.

Regards,
H. Krishnapriyan
21251 Gardena Drive
Cupertino CA 95014

Lindsay Nelson

From: Shaun Fong <shaun.fong@gmail.com>
Sent: Monday, February 9, 2026 6:13 PM
To: City of Cupertino Planning Commission; City Clerk; Luke Connolly; City Council; Public Comments
Subject: General Plan Conformance Must Be Evaluated in Light of State Law Governing Vacation of Public Right-of-Way

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Dear Planning Commissioners,

I submit this comment solely for the purpose of General Plan conformance review with respect to the proposed vacation of a public right-of-way (ROW).

While the Planning Commission's assigned role is to evaluate consistency with the City's adopted General Plan, California law requires that General Plan conformance determinations be made in light of controlling state statutes, which supersede local plans where applicable. A General Plan consistency finding cannot be made in isolation from these statutory requirements.

In particular, when considering the proposed vacation of a public ROW, the Commission must account for the following state-law framework as part of its General Plan conformance analysis:

1. Subdivision Map Act (Government Code §§ 66410–66499.58)

The Subdivision Map Act establishes statewide requirements governing streets and access that directly inform General Plan consistency findings, including:

- **Section 66424**, which requires subdivisions to comply with local ordinances and general plans, confirming that General Plan conformance must be evaluated within the Act's legal structure;
- **Section 66473.5**, which addresses legal access requirements that underlie General Plan circulation assumptions; and
- **Section 66499.20a**, which requires that streets shown on subdivision maps be properly dedicated or already public, reinforcing that public ROW status is foundational to plan consistency.

2. Streets and Highways Code (Sections 8300–8368)

State law expressly governs the vacation of public streets and highways. These statutes directly affect whether a proposed ROW vacation can be consistent with the General Plan's circulation and public infrastructure policies, including:

- **Section 8324**, which mandates petition, notice, public hearing, and legislative approval; and
- **Section 8333**, which provides that a vacation is not effective until the ordinance or resolution is recorded.

Until these statutory requirements are satisfied, the ROW remains public and must be evaluated as such for General Plan purposes.

3. Government Code Section 27281 (County Recorder Law)

This provision confirms that only instruments affecting title to real property may be recorded. A public ROW does not constitute private real property unless and until it has been lawfully vacated. This legal status directly affects whether a General Plan consistency determination regarding the removal or conversion of public land can be made.

4. Planning and Zoning Law (Government Code §§ 65300–65763 and § 65860)

These statutes require that land-use actions, including those affecting streets and rights-of-way, be consistent with the General Plan—particularly the Circulation and Land Use Elements. A proposed ROW vacation that conflicts with these elements, or relies on assumptions inconsistent with state law, cannot be found to conform to the General Plan.

Accordingly, a lawful General Plan conformance determination concerning the vacation of a public right-of-way must consider whether the proposed action is permissible under controlling state law. Where applicable state-law requirements governing the existence, use, or vacation of a public ROW have not been satisfied, the Planning Commission cannot make a valid finding of General Plan consistency.

This comment is intentionally limited to the issue of General Plan conformance as it relates to the proposed vacation of a public right-of-way.

Thank you for your careful consideration and for ensuring that General Plan consistency findings are grounded in applicable California state law and fully supported by the record.

Respectfully,
Shaun Fong

Lindsay Nelson

From: Chak Hau <chakhau@gmail.com>
Sent: Monday, February 9, 2026 6:59 PM
To: City of Cupertino Planning Commission; City Clerk; Luke Connolly; City Council; Public Comments
Subject: State law requirements for a public right-of-way vacation

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Dear Members of the Planning Commission,

I am submitting this comment for the public record regarding the Planning Commission's review of General Plan consistency for the proposed vacation of a public right-of-way (ROW).

While the Commission's role is to assess consistency with the City of Cupertino's General Plan, these determinations must comply with applicable state law. California statutes governing public streets, access, and land use are controlling and must be satisfied to support a General Plan consistency finding.

In evaluating this proposal, the following state-law considerations are directly relevant:

1. **Statewide Requirements (Subdivision Map Act):** Under Government Code §§ 66410–66499.58, subdivision approvals and street actions must comply with the General Plan's statutory framework. This includes requirements for legal access (§ 66473.5) and the legal significance of public ROW status in land-use planning (§ 66499.20a).
2. **Public ROW Vacation (Streets and Highways Code):** Sections 8300–8368 exclusively govern the vacation of public streets. Specifically, Section 8324 requires proper notice and legislative approval, while Section 8333 mandates that a vacation is not legally effective until recorded. Without compliance, the ROW remains public and must be treated as such in any consistency analysis.
3. **Legal Status and Recordation (Government Code § 27281):** A public ROW does not become private property until lawfully vacated. This distinction is critical when determining if the removal of public land aligns with General Plan objectives.
4. **Planning and Zoning Law Consistency:** Government Code §§ 65300–65763 requires that actions affecting infrastructure be consistent with the Circulation and Land Use Elements. A vacation that conflicts with these elements—or relies on assumptions that bypass state law—cannot be found consistent with the General Plan.

In summary, a valid consistency determination must account for whether the proposed ROW vacation is authorized under state law. If statutory requirements are not met, a finding of General Plan conformance cannot lawfully be made.

Thank you for ensuring that these findings are fully supported by the administrative record and applicable law.

Respectfully,

Chak Hau
Garden Gate, Cupertino Resident

Lindsay Nelson

From: Mahesh Gurikar <mgurikar@yahoo.com>
Sent: Monday, February 9, 2026 7:08 PM
To: City of Cupertino Planning Commission; City Council; City Clerk; Luke Connolly; Public Comments
Subject: Mary Avenue - Right of Way vacation

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Dear Members of the Planning Commission,

Please include the following in the public record, limited specifically to the Planning Commission's review of General Plan consistency concerning the proposed vacation of a public right-of-way (ROW).

Although the Commission's role is to assess consistency with the City of Cupertino's adopted General Plan, such determinations must be made within the bounds of applicable state law. California statutes governing public streets, access, and land use are controlling and cannot be disregarded or assumed satisfied for purposes of a General Plan consistency finding.

In evaluating whether the proposed ROW vacation conforms to the General Plan, the following state-law considerations are directly relevant and must be addressed:

1. Statewide Requirements Governing Streets and Access (Subdivision Map Act)

2. Statutory Control of Public Right-of-Way Vacation (Streets and Highways Code)

The vacation of public streets and rights-of-way is governed exclusively by the Streets and Highways Code (Sections 8300–8368). These provisions directly affect whether a proposed ROW vacation can be consistent with the General Plan.

3. A public ROW does not become private property until it is lawfully vacated in accordance with state law. This legal distinction bears directly on whether removal or conversion of public land can be assumed for General Plan purposes.

4. Consistency Requirements Under Planning and Zoning Law

A valid General Plan consistency determination regarding a public right-of-way vacation must account for whether the proposed action is authorized under controlling state law. Where statutory requirements governing the existence, use, or vacation of a public ROW have not been satisfied, a finding of General Plan conformance cannot lawfully be made.

This comment is intentionally limited to General Plan consistency considerations related to the proposed ROW vacation.

Thank you for your attention to this matter and for ensuring that General Plan findings are fully supported by applicable state law and the administrative record.

Respectfully,
Mahesh Gurikar

Lindsay Nelson

From: Connie Cunningham <Swim5am@comcast.net>
Sent: Tuesday, February 10, 2026 10:21 AM
To: City of Cupertino Planning Commission
Subject: 2026-02-10 PC Agenda Item Mary Avenue Villas

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2026-02-10 Planning Commission Agenda Item Mary Avenue Villas

Dear Chair, Vice Chair and Commissioners,

My name is Connie Cunningham. I am a 38 year resident. I am Chair, Housing Commission, speaking for myself only.

I support the Mary Avenue Villas Project.

I have spoken many times about this project at City Council. This project has been on the City Council Priority List for many years. When I was first appointed to the Housing Commission, then Mayor Scharf put ELI Housing for IDD on the Priority List. Thank you to him, and to other City Councils who have moved this project forward over the intervening years.

I am impressed with how the applicant has designed a project that balances the needs of the City of Cupertino: 1) Housing for ELI and LI residents, 2) road way use of Mary Avenue, 3) pedestrians, 4) bike paths and 5) parking. The plan carefully accounts for all the issues that have been raised over the past years and to the present day. Although it is difficult to change an existing area, the applicant has shown remarkable design skill and dedication to the concept of community. This plan will build homes for 40 people. A significant City goal in addition to building homes for all its residents, is the goal to prevent homelessness. These homes will prevent homelessness for people who rely on their aging parents for support.

I urge you to approve the recommended actions for finding the Project to be consistent with the General Plan.

Recommended Action

1. Adopt a Resolution (Attachment 1) finding that the Mary Avenue public right-of-way vacation (APN 326-27-053) is consistent with the General Plan.
2. Adopt a Resolution (Attachment 2) finding that the location, purpose, and extent of the disposition of the Mary Avenue project site (APN 326-27-053) is consistent with the General Plan.

Sincerely,

Connie L. Cunningham

Lindsay Nelson

From: Connie Cunningham <Swim5am@comcast.net>
Sent: Tuesday, February 10, 2026 10:30 AM
To: City of Cupertino Planning Commission
Cc: Piu Ghosh (she/her); Gian Martire
Subject: 2026-02-10 PC Agenda Item Mary Avenue Villas

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2026-02-10 Planning Commission Agenda Item Mary Avenue Villas

Dear Chair, Vice Chair and Commissioners,

My name is Connie Cunningham. I am a 38 year resident. I am Chair, Housing Commission, speaking for myself only.

I support the Mary Avenue Villas Project.

I have spoken many times about this project at City Council. This project has been on the City Council Priority List for many years. When I was first appointed to the Housing Commission, then Mayor Scharf put ELI Housing for IDD on the Priority List. Thank you to him, and to other City Councils who have moved this project forward over the intervening years.

I am impressed with how the applicant has designed a project that balances the needs of the City of Cupertino: 1) Housing for ELI and LI residents, 2) road way use of Mary Avenue, 3) pedestrians, 4) bike paths and 5) parking. The plan carefully accounts for all the issues that have been raised over the past years and to the present day. Although it is difficult to change an existing area, the applicant has shown remarkable design skill and dedication to the concept of community. This plan will build homes for 40 people. A significant City goal in addition to building homes for all its residents, is the goal to prevent homelessness. These homes will prevent homelessness for people who rely on their aging parents for support.

I urge you to approve the recommended actions for finding the Project to be consistent with the General Plan.

Recommended Action

1. Adopt a Resolution (Attachment 1) finding that the Mary Avenue public right-of-way vacation (APN 326-27-053) is consistent with the General Plan.
2. Adopt a Resolution (Attachment 2) finding that the location, purpose, and extent of the disposition of the Mary Avenue project site (APN 326-27-053) is consistent with the General Plan.

Sincerely,

Connie L. Cunningham

Lindsay Nelson

From: Joshua Safran <jsafran@strategylaw.com>
Sent: Tuesday, February 10, 2026 10:50 AM
To: Piu Ghosh (she/her); City of Cupertino Planning Commission
Cc: Tina Kapoor; Cupertino City Manager's Office; Kirsten Squarcia; Lauren Sapudar; City Clerk; Benjamin Fu; City of Cupertino Planning Dept.; fandrews@awattorneys.com; City Attorney's Office
Subject: Objection to Proposed February 10, 2026 Planning Commission Action (Item #4) re Mary Avenue Right-of-Way Vacation and Property Disposition (APN 326-27-053)
Attachments: Demand Letter to Planning Commission of Cupertino (February 10, 2026).pdf

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Dear Chair Rao and Members of the Planning Commission,

Please find attached our Objection to Proposed February 10, 2026 Planning Commission Action (Item #4) re Mary Avenue Right-of-Way Vacation and Property Disposition (APN 326-27-053), addressed to you for your consideration and inclusion in the public record.

All the best,

Joshua

STRATEGYLAWLLP

Joshua Safran, Esq.

One Almaden Boulevard, Suite 700

San Jose, California 95113

Phone: 510.384.7627

Email: jsafran@strategylaw.com

The information in this e-mail and any attachments is confidential, and may be subject to the attorney-client or work product privilege. If you are not the intended recipient, any review, disclosure, distribution, or use of such information is strictly prohibited. If you have received this e-mail in error, please destroy it and notify the sender immediately.

STRATEGY LAW, LLP

One Almaden Boulevard, Suite 700 San Jose, CA 95113
P: (408) 478-4100 F: (408) 295-4100 www.strategylaw.com

February 10, 2026

JOSHUA SAFRAN, ESQ.
jsafran@strategylaw.com

City of Cupertino
Planning Commission
c/o Community Development Department
10300 Torre Avenue
Cupertino, CA 95014

By Email (piug@cupertino.gov; planningcommission@cupertino.gov)

Objection to Proposed February 10, 2026 Planning Commission Action Mary Avenue Right-of-Way Vacation and Property Disposition (APN 326-27-053)

Dear Chair Rao and Members of the Planning Commission:

Our firm represents the Garden Gate Coalition for Mary Avenue Safety. This letter supplements and modifies our January 27, 2026 correspondence submitted in advance of the Planning Commission's then-scheduled hearing on the proposed Mary Avenue right-of-way vacation and related General Plan consistency determinations.

As the Commission is aware, the January 27 meeting was cancelled, and on February 3, 2026, the City Council proceeded to approve the Mary Avenue project notwithstanding the absence of the Planning Commission findings required under Government Code section 65402. Our firm submitted a letter in advance of, and I delivered remarks at, the February 3 Council meeting explaining why that sequencing was unlawful and how the necessary findings had not been made.

The Staff Report now before the Commission for February 10, 2026, proposes that the Planning Commission retroactively adopt General Plan consistency determinations for actions that the City Council has already approved. That approach is legally defective and compounds, rather than cures, the procedural and substantive deficiencies previously identified.

For the reasons summarized below, the Planning Commission should decline to take the proposed actions.

I. The Planning Commission Cannot Lawfully Make Post-Hoc Consistency Determinations After City Council Approval

Government Code section 65402 establishes a mandatory sequencing requirement: the Planning Commission must determine General Plan consistency before the legislative body may approve the disposition of public property or vacation of public right-of-way.

Objection to Proposed February 10, 2026 Planning Commission Action – Mary Avenue Right-of-Way Vacation and Property Disposition (APN 326-27-053)

Page 2

Here, the City Council approved the project on February 3, 2026, without the required Planning Commission determinations. The Commission is now being asked to ratify that approval after the fact.

Nothing in section 65402 authorizes retroactive findings. Allowing post-hoc determinations would nullify the statute's purpose, which is to ensure that General Plan consistency is evaluated independently and prior to final approval. Once the Council has acted, the Commission's role is no longer advisory or preliminary, rather, it is being reduced to an impermissible after-the-fact validation exercise.

The Commission should not participate in a process that attempts to cure a jurisdictional defect by reversing the order mandated by state law.

II. The Proposed Findings Remain Unsupported by Substantial Evidence

Even setting aside the fatal sequencing problem, the proposed resolutions continue to assume, rather than demonstrate, that vacating an active public right-of-way and disposing of public land is consistent with the General Plan merely because the site appears in the Housing Element.

As explained in our January 27 letter, General Plan consistency requires an analysis of the specific action under review, not a generalized appeal to housing policy goals. The record still lacks substantial evidence addressing, among other things:

1. Whether the Mary Avenue right-of-way is unnecessary for present or future public use;
2. The impacts of eliminating on-street parking and circulation capacity adjacent to Memorial Park and freeway infrastructure;
3. Consistency with General Plan transportation, access, safety, and mobility policies independent of housing supply objectives; and
4. Whether the vacation forecloses reasonable alternative public uses of the right-of-way.

The Staff Report's reliance on Housing Element designation alone is legally insufficient to support a finding that abandonment of public infrastructure is consistent with the General Plan.

III. CEQA Deficiencies Cannot Be Cured Through a Belated Planning Commission Action

The Staff Report again asserts that the right-of-way vacation is not a separate project under CEQA and is exempt as part of the broader housing development. That conclusion remains flawed.

Objection to Proposed February 10, 2026 Planning Commission Action – Mary Avenue Right-of-Way Vacation and Property Disposition (APN 326-27-053)

Page 3

The vacation of public right-of-way is a discretionary governmental act that permanently alters the physical environment and enables private development. It is an integral component of a larger project and cannot be segmented to avoid environmental review.

Moreover, the City Council has already relied on a Notice of Exemption that fails to accurately describe the full scope of the City's actions, including the street vacation and disposition of public land. A belated Planning Commission consistency determination cannot retroactively legitimize an invalid CEQA process or cure improper project segmentation.

IV. The Commission Should Decline to Act on an Incomplete and Unlawful Record

Fundamentally, the Planning Commission is being asked to make findings that should have preceded City Council approval, based on a record that remains legally and evidentially deficient.

The Commission is not obligated and, indeed, is not authorized to rescue an approval that was granted prematurely. The appropriate course is to decline to adopt the proposed resolutions and to require that the City reset the process, complete the necessary analysis, and comply with the sequencing and findings requirements imposed by state law.



For all of these reasons, the Planning Commission should decline to take the proposed actions on February 10, 2026.

This letter is submitted without prejudice to, and shall not be deemed to waive, any claims, objections, arguments, or remedies available to the Garden Gate Coalition for Mary Avenue Safety under CEQA, state law, local ordinance, or common law. All such rights and remedies are expressly reserved.

Thank you for your consideration.

Very truly yours,

STRATEGY LAW, LLP



Joshua Safran, Esq.

**Objection to Proposed February 10, 2026 Planning Commission Action – Mary Avenue
Right-of-Way Vacation and Property Disposition (APN 326-27-053)**

Page 4

cc: Tina Kapoor, City Manager (Tinak@cupertino.gov; citymanager@cupertino.gov)
Kirsten Squarcia, Interim Deputy City Manager (kirstens@cupertino.gov;)
Lauren Sapudar, Acting City Clerk (LaurenS@cupertino.gov; cityclerk@cupertino.gov)
Benjamin Fu, Director of Community Development (BenjaminF@cupertino.gov;
planning@cupertino.gov)
Floy Andrews, Interim City Attorney (fandrews@awattorneys.com;
cityattorney@cupertino.gov)

Lindsay Nelson

From: Kieran Hau <kieranshou@gmail.com>
Sent: Tuesday, February 10, 2026 3:55 PM
To: City of Cupertino Planning Commission; City Clerk; Luke Connolly; City Council; Public Comments
Subject: Public Comment on General Plan Consistency – Proposed Mary Avenue ROW Vacation

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Dear Planning Commissioners,

I am submitting this comment for inclusion in the public record in connection with the Planning Commission's review of General Plan consistency for the proposed vacation of a public right-of-way (ROW).

While the Commission's role is limited to determining whether a proposed action is consistent with the City's adopted General Plan, that determination must be made within the framework of applicable state law. Under California law, General Plan consistency findings cannot be divorced from statutory requirements that govern the existence, use, and disposition of public streets and rights-of-way.

Accordingly, in evaluating whether the proposed ROW vacation conforms to the General Plan, the Commission must consider the following state-law constraints:

1. Subdivision Map Act (Government Code §§ 66410–66499.58)

The Subdivision Map Act establishes statewide standards governing access, circulation, and streets that directly inform General Plan assumptions. Relevant provisions include:

- Section 66424, which requires subdivision-related actions to comply with applicable general plans within the Act's statutory framework;
- Section 66473.5, which addresses legal access requirements fundamental to circulation planning; and
- Section 66499.20a, which requires streets shown on subdivision maps to be properly dedicated or already public, underscoring the legal significance of existing public ROWs.

2. Streets and Highways Code (Sections 8300–8368)

The vacation of public streets and rights-of-way is governed exclusively by the Streets and Highways Code. These statutes directly affect whether a proposed ROW vacation can be consistent with General Plan circulation and infrastructure policies. In particular:

- Section 8324 requires notice, public hearing, and legislative approval; and
- Section 8333 provides that a vacation does not take effect until the adopting action is recorded.

Until these requirements are satisfied, the ROW remains public and must be evaluated as such for purposes of General Plan consistency.

3. Government Code Section 27281 (Recordation of Property Interests)

Government Code section 27281 confirms that only instruments affecting title to real property may be recorded. A public right-of-way does not constitute private property unless and until it has been lawfully vacated. This legal status bears directly on whether assumptions regarding the removal or conversion of

public land may be relied upon in a General Plan consistency finding.

4. Planning and Zoning Law (Government Code §§ 65300–65763, including § 65860)

The Planning and Zoning Law requires that land-use actions affecting streets and public infrastructure be consistent with the General Plan, particularly the Circulation and Land Use Elements. A proposed ROW vacation that conflicts with those elements, or that relies on assumptions inconsistent with state law, cannot be found consistent.

In sum, a valid General Plan consistency determination concerning a public right-of-way vacation must consider whether the proposed action is authorized under controlling state law. Where the statutory prerequisites governing the existence or vacation of a public ROW have not been met, the Planning Commission cannot lawfully conclude that the proposed action conforms to the General Plan.

This comment is intentionally limited to the issue of General Plan consistency as it relates to the proposed vacation of a public right-of-way.

Thank you for your attention to this matter and for ensuring that General Plan findings are grounded in applicable state law and supported by the administrative record.

Respectfully,
Kieran
Cupertino Resident

Lindsay Nelson

From: Paul Krupka <paul@pkrupkaconsulting.com>
Sent: Tuesday, February 10, 2026 3:54 PM
To: City of Cupertino Planning Commission
Cc: Lina Meng; Brian Avery
Subject: Public Comment | 02-10-26 | Item #4 Mary Avenue Public Right-of-Way
Attachments: Public Comment 02-10-26 Item #4 Mary Avenue Public Right-of-Way.pdf

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Dear Planning Commission Members:

Please accept and consider my attached public comment letter during your deliberations on February 10, 2026.

Thank you!

Sincerely,

Paul Krupka

Paul J. Krupka, PE
(he/him/his)
KRUPKA CONSULTING
Trusted Advisor | Transportation
650.504.2299
paul@pkrupkaconsulting.com

krupka.

krupka.

February 10, 2026

by email only > planningcommission@cupertino.gov

Planning Commission Members
City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014

RE: Public Comment – February 10, 2026 – Item #4: Mary Avenue Public Right-of-Way

Dear Planning Commission Members:

I am supporting Brian Avery, owner of the Glenbrook Apartments, Lina Meng, a neighbor, and the Garden Gate Neighborhood Group in providing transportation advisory services and a professional opinion on the Mary Avenue Villas Project. This letter documents my opinion that 1) the vacation of the Mary Avenue public right-of-way and the disposition of the Mary Avenue project site *are not consistent with the General Plan*, and 2), regarding Environmental Impact, *certain Project impacts contradict finding d) “approval of the project would not result in any significant effects relating to traffic...”*.

I offer the following information and comments for your consideration.

Qualifications

I am a registered Civil Engineer and Traffic Engineer in California and have over 45 years of diverse experience across all phases of project delivery, including preliminary assessment, conceptual planning, feasibility analysis, design, and construction. I have demonstrated expertise in transportation, traffic, and transit planning, engineering, and design related to transit-oriented development, transit facilities, parking facilities, roadway and highway improvements, large and small development projects, neighborhood, community, downtown, city, subarea, county, and sub-regional plans, and transit and highway corridors. Finally, I have authored and managed dozens of transportation and circulation studies supporting development and disposition agreements and environmental impact reports for transportation improvements and development projects of all sizes and types.

Preparation

I have visited the Project site and surroundings, observed traffic and parking activities, surveyed peak parking occupancy on Mary Avenue and at Memorial Park, reviewed recent photographic evidence of related parking conditions during Memorial Park events, developed parking estimates, and read many comments and concerns expressed by Garden Gate Neighborhood Group members and other residents. I have reviewed the Transportation Study for Proposed Affordable Housing Project on Mary Avenue (Hexagon Transportation Consultants, Inc., November 13, 2025, the Memorial Park Specific Plan (City of Cupertino, February 2024), including the Memorial Park Parking Study (City of Cupertino, January 2024), the Westport Mixed-Use Project Environmental Impact Report Addendum No. 1 (PlaceWorks, December 2024), and information on current and planned development at De Anza College.

KRUPKA CONSULTING

431 Yale Drive | San Mateo, CA | 94402
650.504.2299 | paul@pkrupkaconsulting.com | pkrupkaconsulting.com

Comments

Mary Avenue Is Not Underutilized Right-of-Way – The Mobility Element of the General Plan defines Mary Avenue as a Neighborhood Connector. The street is actively used, as set forth in the Mobility Element of the General Plan, providing parking, access, and circulation for the residential neighborhood and serving as a crucial linkage to Memorial Park in line with these Goals.

- M-2 Promote improvements to city streets that safely accommodate all transportation modes and persons of all abilities
- M-3 Support a safe pedestrian and bicycle street network for people of all ages and abilities
- M-5 Ensure safe and efficient pedestrian and bicycle access to schools while working to reduce school-related congestion
- M-6 Promote innovative strategies to provide efficient and adequate vehicle parking

Therefore, the vacation of the Mary Avenue right-of-way is inconsistent with the General Plan, and it follows that the location, purpose, and extent of the disposition of the Mary Avenue project site are not consistent with the General Plan.

Approval of the Project Will Create a Deficiency - These comments from my February 3, 2026, letter to the City Council (attached) established my opinion that *the Project's impact - reduction in parking supply - creates an unsustainable deficiency that affects residents and visitors alike.*

The parking evaluation (in the Transportation Study) describes typical conditions on Mary Avenue during three weekdays and one weekend day in April 2025. It documents the Project's parking impact on Mary Avenue - a net loss of 89 spaces of public on-street parking, plus the recommended removal of six additional spaces to address a deficiency in driveway sight distance, resulting in a total net loss of 95 spaces on Mary Avenue. This 39% reduction in on-street parking supply will directly affect residents who rely on it, spreading parking demand further into residential neighborhoods. It is surprising to me that the analyst simply notes that there "...would still be enough spaces to meet the anticipated parking demand along the Project frontage."

The parking evaluation does not address the parking conditions on Mary Avenue during a major festival at Memorial Park, when the street is effectively inundated with festival parking. *This is insufficient, given that six major festivals and numerous other events are held at Memorial Park each year, and affected residents have voiced significant concerns to City staff and officials about the Project's impact in this light. Additional study is required to provide findings that inform the reader, City staff, other review agencies, and decision-makers about the Project's impact on parking and potential improvements to address it.*

I reviewed photographic evidence of parking conditions on Mary Avenue during major festivals and events at Memorial Park on Saturday, August 23, 2025 (Summer Concert Series), Friday, August 29, 2025 (Movies in the Park), September 13, 2025 (Silicon Valley Fall Festival) Saturday, September 20, 2025 (Heritage India Faire Festival), and Saturday, October 29, 2025 (Bay Area Diwali Festival). The sample photos below provide drivers' views of vehicles parked end-to-end on Mary Avenue, from Stevens Creek Boulevard to Lubec Street, during the Saturday, August 23, 2025 event.



A major festival at Memorial Park has a dramatic effect on parking conditions on Mary Avenue without the Project. *The Project's impact - reduction in parking supply - creates an unsustainable deficiency that affects residents and visitors alike. Further study and development of alternative improvements are necessary to enable a fully informed decision on the Project.*

I developed estimates of parking occupancy during two festivals cited in my above comments – August 23, 2025, and September 13, 2025, which found between 140 and 229 vehicles parked on Mary Avenue. The following tables present these estimates, along with the existing parking conditions from the Transportation Study and the with-Project conditions. *It is clear that festival parking inundates Mary Avenue under existing conditions, and the Project's impact - reduction in parking supply by 95 spaces - overloads the system with demand meeting and exceeding supply and creates an unsustainable deficiency.*

ESTIMATED PROJECT PARKING IMPACT TYPICAL AND FESTIVAL CONDITIONS			
FESTIVAL: SUMMER CONCERT SERIES, SATURDAY, AUGUST 23, 2025			
CONDITION	PARKING SUPPLY	PARKED VEHICLES	OCCUPANCY
TYPICAL EXISTING	241	37	15%
TYPICAL EXISTING WITH PROJECT	146	37	25%
FESTIVAL EXISTING	241	229	95%
FESTIVAL WITH PROJECT	146	229	157%
Sources: Typical Conditions - Transportation Study Festival Condition - Krupka Consulting			

ESTIMATED PROJECT PARKING IMPACT TYPICAL AND FESTIVAL CONDITIONS			
FESTIVAL: SILICON VALLEY FALL FESTIVAL, SATURDAY, SEPTEMBER 13, 2025			
CONDITION	PARKING SUPPLY	PARKED VEHICLES	OCCUPANCY
TYPICAL EXISTING	241	37	15%
TYPICAL EXISTING WITH PROJECT	146	37	25%
FESTIVAL EXISTING	241	140	58%
FESTIVAL WITH PROJECT	146	140	96%
Sources: Typical Conditions - Transportation Study Festival Condition - Krupka Consulting			

The Transportation Study did not consider large, wide vehicles, which frequent Mary Avenue to and from the Service Center and provide routine waste and recycling services. The vehicles involved are 10 to 12 feet wide and often encroach on adjacent travel and parking lanes, as shown in the photo below. This reduces safety and is especially critical to the northbound lane, which is currently 11.5 feet wide. The southbound lane, which is 14 feet wide, accommodates these larger vehicles with less encroachment. *The Project calls for two 11-foot lanes, which will create additional conflicts with large vehicles and exacerbate safety issues.*



Similarly, the Transportation Study did not consider the necessary door swing required for access to parked vehicles, which encroaches on the adjacent travel lane, causes conflicts, and reduces safety. The photo below is an example. *The Project calls for 11-foot lane widths, which will create additional conflicts with street traffic and exacerbate safety issues.*



These Project impacts contradict finding d) “approval of the project would not result in any significant effects relating to traffic...” and require further study and development of alternative improvements to enable a fully informed decision on the Project.

Other Approved and Planned Developments Will Exacerbate this Project Deficiency: The following nearby projects will increase parking demand, affecting Mary Avenue.

- **Memorial Park enhancements**, intended to serve existing and new patrons, will increase parking demand in the neighborhood and on Mary Avenue. The following observations underscore parking conditions at the park.
 - Observations on November 13, 2025, during the Silicon Valley Fall Festival, indicated that only 34 of the 256 off-street parking spaces (13%) at Memorial Park were available to festival visitors, given that most parking areas were used for food vendors (including loading and unloading, portable restrooms, handwashing, and preferential parking).
 - The only other Park-adjacent residential streets (Christensen Drive, Lauretta Drive, and Ann Arbor Court) are not accessible to Park visitors as they require permits from 7:00 a.m. to 10:00 p.m. daily.
 - Notably, the Memorial Park Parking Study (for the Memorial Park Specific Plan) did not include Mary Avenue, even though it provides parking for Memorial Park, and it cited “Maintain Current Parking Configuration Along Mary Avenue” as a recommended management strategy.
 - Three phases of work are involved in implementing the Park Concept, and the suggested timeline, depending on available funding, is as follows: Phase 1 can be completed in 0 to 5 years, Phase 2 in 6 to 10 years, and Phase 3 in 11 to 15 years.
- Completion of the **Westport Mixed-Use Project**, which involves a 36-month buildout period, will reduce residential and retail areas, associated vehicle trips, and the total parking supply, *but will require accommodating the resulting retail parking demand off-site along Mary Avenue*. As a condition of approval, the applicant must update the site plan to add at least 20 on-site parking spaces before building permits are issued.
- **The replacement of the Flint Center at De Anza College** will enhance opportunities for public and on-campus entertainment and increase public reliance on off-site parking on Mary Avenue. This Foothill-De Anza Community College District Measure G project is generally defined below based on publicly available information.
 - Uses: College events, performing arts | cultural events, and community rentals | regional events.
 - Spaces: Primary performance/event space with approximately 1,000 seats; Secondary performance/meeting space with approximately 300 seats.
 - Expected Parking Demand: 1 parking space per 4 fixed seats. For 1,000 seats, 250 parking spaces. The idea is to use the existing on-site parking supply and improve parking and circulation to suit the project.
 - Cost: \$30 million.
 - Development Program and Timeline: Not stated.

I appreciate your consideration.

Sincerely,
KRUPKA CONSULTING

Paul Krupka

Paul Krupka, P.E.
Owner

Attachment

Cc (with Attachment): Brian Avery, Lina Meng

krupka.

February 3, 2026

City Council Members
City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014

RE: Public Comment – Regular Meeting on February 3, 2026 – Mary Avenue Villas Project

Dear City Council Members:

I am supporting Brian Avery, owner of the Glenbrook Apartments, and Lina Meng, a neighbor, both of whom represent the Garden Gate Neighborhood Group, in providing transportation advisory services and a professional opinion on the Mary Avenue Villas Project (“Project”). I write today to offer my comments on the Transportation Study for Proposed Affordable Housing Project on Mary Avenue (Hexagon Transportation Consultants, Inc., November 13, 2025) (“Transportation Study”). This letter presents my summary qualifications, notes on preparation, comments on this document, and a conclusion.

Qualifications

I am a registered Civil Engineer and Traffic Engineer in California and have over 40 years of diverse experience across all phases of project delivery, including preliminary assessment, conceptual planning, feasibility analysis, design, and construction. I have demonstrated expertise in transportation, traffic, and transit planning, engineering, and design related to transit-oriented development, transit facilities, parking facilities, roadway and highway improvements, large and small development projects, neighborhood, community, downtown, city, subarea, county, and sub-regional plans, and transit and highway corridors.

Preparation

I have visited the Project site and surroundings, observed traffic and parking activities, surveyed peak parking occupancy on Mary Avenue and at Memorial Park, and reviewed recent photographic evidence of related parking conditions during Memorial Park events. I have reviewed the Transportation Study, the Memorial Park Specific Plan (City of Cupertino, February 2024), including the Memorial Park Parking Study (City of Cupertino, January 2024), the Westport Mixed-Use Project Environmental Impact Report Addendum No. 1 (PlaceWorks, December 2024), and information on current and planned development at De Anza College.

Comments on the Transportation Study

The parking evaluation describes typical conditions on Mary Avenue during three weekdays and one weekend day in April 2025. It documents the Project’s parking impact on Mary Avenue - a net loss of 89 spaces of public on-street parking, plus the recommended removal of six additional spaces to address a deficiency in driveway sight distance, resulting in a total net loss of 95 spaces on Mary Avenue. This 39% reduction in on-street parking supply

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will directly affect residents who rely on it, spreading parking demand further into residential neighborhoods. It is surprising to me that the analyst simply notes that there "...would still be enough spaces to meet the anticipated parking demand along the Project frontage."

The parking evaluation does not address the parking conditions on Mary Avenue during a major festival at Memorial Park, when the street is effectively inundated with festival parking. *This is insufficient, given that six major festivals and numerous other events are held at Memorial Park each year and affected residents have voiced significant concerns to City staff and officials about the Project's impact in this light. Additional study is required to provide findings that inform the reader, City staff, other review agencies, and decision-makers about the Project's impact on parking and potential improvements to address it.*

I reviewed photographic evidence of parking conditions on Mary Avenue during major festivals and events at Memorial Park on Saturday, August 23, 2025 (Summer Concert Series), Friday, August 29, 2025 (Movies in the Park), September 13, 2025 (Silicon Valley Fall Festival) Saturday, September 20, 2025 (Heritage India Faire Festival), and Saturday, October 29, 2025 (Bay Area Diwali Festival). These sample photos provide drivers' views of vehicles parked end-to-end on Mary Avenue, from Stevens Creek Boulevard to Lubec Street, during these events.



Based on my review, I estimated that approximately 140 vehicles are parked on Mary Avenue during a major festival at Memorial Park. The following table presents this estimate, along with the existing parking conditions from the Transportation Study and the with-Project conditions.

ESTIMATED PROJECT PARKING IMPACT TYPICAL AND FESTIVAL CONDITIONS			
CONDITION	PARKING SUPPLY	PARKED VEHICLES	OCCUPANCY
TYPICAL EXISTING	241	37	15%
TYPICAL EXISTING WITH PROJECT	146	37	25%
FESTIVAL EXISTING	241	140	58%
FESTIVAL WITH PROJECT	146	140	96%
Sources: Typical Conditions - Transportation Study Festival Condition - Krupka Consulting			

A major festival at Memorial Park has a dramatic effect on parking conditions on Mary Avenue without the Project. *The Project impact - reduction in parking supply - creates an unsustainable deficiency that affects residents and visitors alike. Further study and development of alternative improvements are necessary to enable a fully informed decision on the Project.*

Other approved and planned developments will exacerbate this Project deficiency.

- **Memorial Park enhancements**, intended to serve existing and new patrons, will increase parking demand in the neighborhood and on Mary Avenue. Notably, the Memorial Park Parking Study did not include Mary Avenue, even though it provides parking for Memorial Park, and it cited “Maintain Current Parking Configuration along Mary Avenue” as a recommended management strategy.
- Completion of the **Westport Mixed-Use Project** will reduce residential and retail areas, associated vehicle trips, and the total parking supply, *but will require accommodating the resulting parking demand off-site along Mary Avenue.*
- **The replacement of the Flint Center at De Anza College** will enhance opportunities for public and on-campus entertainment and increase public reliance on off-site parking on Mary Avenue.

Conclusion

The Project creates an unsustainable deficiency that requires further study and development of alternative improvements to allow a fully informed public review and decision-making process.

I appreciate your consideration.

Sincerely,
KRUPKA CONSULTING



Paul Krupka, P.E.
Owner

Cc: Brian Avery
Lina Meng

From: [Lina](#)
To: [Piu Ghosh \(she/her\)](#); [City of Cupertino Planning Commission](#)
Cc: [Tina Kapoor](#); [Kirsten Squarcia](#); [Lauren Sapudar](#); [Benjamin Fu](#); [City Clerk](#); [City Council](#); [Joshua Safran](#); [Public Comments](#)
Subject: PUBLIC COMMENTS - Feb 10, 2026 Planning Commission Meeting - Agenda Item #5
Date: Tuesday, February 10, 2026 4:34:00 PM
Attachments: [PC Letter Feb 10 Garden Gate Coalition.pdf](#)

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

February 10, 2026

Dear Chair Rao and Members of the Planning Commission:

Re: Objection to Proposed February 10, 2026 Planning Commission Action on Mary Avenue Right-of-Way Vacation and Property Disposition (APN 326-27-053)

Please see the attached letter from the Garden Gate Coalition For Mary Ave Safety for public records.

February 10, 2026

To: piug@cupertino.gov, planningcommission@cupertino.gov

From: Garden Gate Coalition of Mary Ave Safety

Dear Chair Rao and Members of the Planning Commission:

**Re: Objection to Proposed February 10, 2026 Planning Commission Action
Mary Avenue Right-of-Way Vacation and Property Disposition
(APN 326-27-053)**

The Planning Commission should decline to adopt the proposed resolutions due to direct inconsistencies with the General Plan, incomplete project study, and procedural failures that have subverted a thorough review of public safety and circulation.

From a neighborhood perspective, Garden Gate neighbors have genuinely attempted to provide insight and recommendations to mitigate safety, circulation, parking, and traffic issues anticipated with the Mary Ave Villas project. Working with a land use attorney, we sent a detailed email containing over 20 recommendations and questions for Tina Kapoor and City Staff on September 22, 2025. (See Appendix B) While ultimately some of our suggestions were considered, City staff minimized and dismissed most of our questions and concerns during the joint meeting on September 18, 2025.

Similarly, at the August 11, 2025 Mayor Chat event, when asked about ways to preserve some of the width of Mary Ave, Orrin Mahoney responded that they had already reviewed many plan versions previously, but could not change the building dimensions unless they removed the bike lane. Such alternative architectural or design plans were not presented to the Public or at City Council Mary Ave Study Sessions.

Now that we are reviewing conformance with the General Plan, our unaddressed concerns reveal numerous inconsistencies with the General Plan.

General Plan Inconformity Summary

General Plan Element & Policy	Mandatory Mandate (Policy Requirement)	Project Conflict (Substantial Evidence)	Resulting Inconformity
Mobility Element (Policy M-1.2)	Maintain a safe and efficient circulation and transportation network for all users.	Removal of 89–95 spaces projected to cause a 96% to >100% parking occupancy rate during peak event conditions.	Functional Failure: The project intentionally creates a state of functional failure on a primary thoroughfare, violating the mandate for an "efficient" network.

General Plan Element & Policy	Mandatory Mandate (Policy Requirement)	Project Conflict (Substantial Evidence)	Resulting Inconformity
<p>Infrastructure Element (Policy INF-2)</p>	<p>Public infrastructure must support community needs anticipated in Vision 2040.</p>	<p>Documented peak demand exceeding future Mary Ave capacity when 87% of Memorial Park's internal lots are closed for regional festivals.</p> <p>Cumulative infrastructure pressures: Memorial Park Improvements 8 new pickleball courts, new all-abilities park, new De Anza College Creative Arts Center and potential Health Clinic (link)^{6,7} Hexagon study Recommendation #6 to “maintain current Parking Configuration along Mary Avenue.” (link)</p>	<p>Asset Depletion: The City is vacating infrastructure (ROW) that is factually necessary to support the 22-acre Memorial Park, a primary civic asset identified in the General Plan, and neighboring De Anza College.</p>
<p>Land Use Element (Policy LU-27.8)</p>	<p>Protect residential neighborhoods from visually intrusive and hazardous traffic impacts.</p>	<p>Hundreds of 8–10 foot wide municipal repair trucks (75+ trips/day) use this road. Lane narrowing to 11 feet creates "off-tracking" and "sideswipe" risks.</p>	<p>Hazardous Exposure: The plan introduces safety risks to a residential corridor (Glenbrook/Casa De Anza) without required mitigation, violating neighborhood protection policies.</p>
<p>Mobility Management (Strategy M-3.1)</p>	<p>Monitor and manage cumulative impacts of development on the transportation network.</p>	<p>The City's analysis ignores the 19-space on-site parking deficit from the neighboring Westport Project, which will naturally rely on Mary Avenue for overflow. (See May 20 2025 report directing future retail staff and Westport residents/visitors to use off site parking, Uber, Concierge driver services).⁸</p>	<p>"Piecemealing": By ignoring "reasonably foreseeable" cumulative projects, the City has failed to perform the comprehensive analysis required for a conformity finding.</p>

Evidence details:

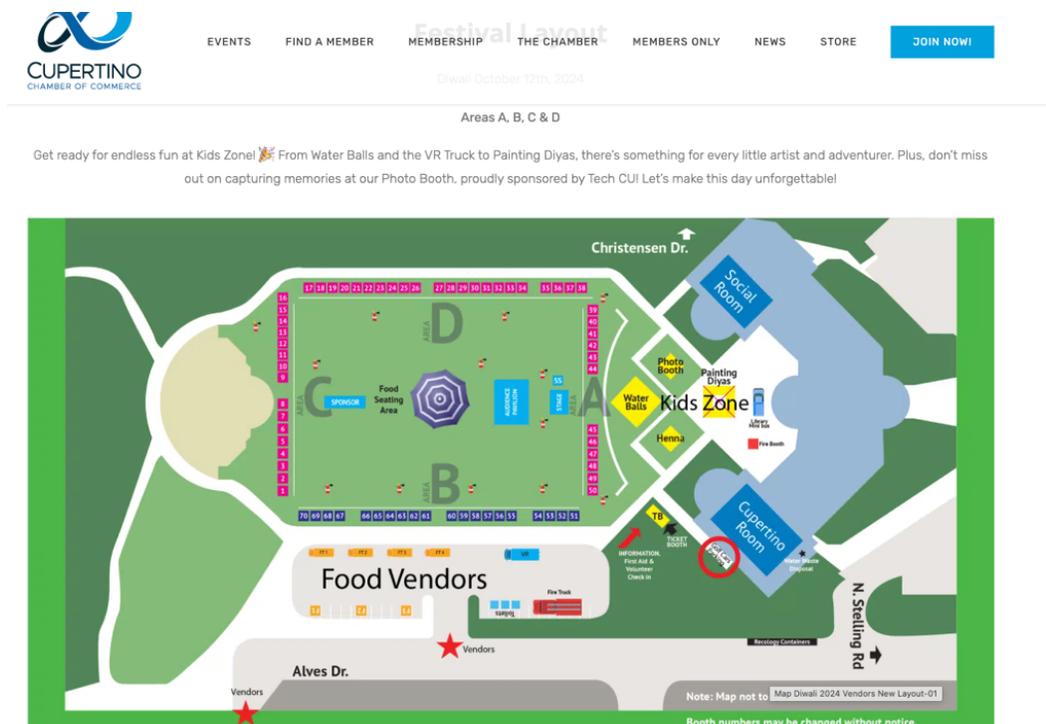
1. Direct Inconsistency with General Plan Mobility Element (Policy M-1.2)

- A. **Functional Failure of the Network:** General Plan Policy M-1.2 requires maintaining a "safe and efficient" circulation network. *New* analysis (February 2026) from Krupka Consulting indicates that removing these 89–95 spaces will push parking occupancy to >100% during peak regional events (See Appendix A for list).¹
- B. **Loss of Essential Park Infrastructure:** Public comments (Sept 14, 2025) show that during major festivals, **87% of Memorial Park's designated parking lots are closed** for vendors, making Mary Avenue the primary and often **sole** public access route and parking outlet.² Parking is further shunted to Mary Ave due to restricted permit-only parking daily from 7am-10pm along the only other residential streets flanking Memorial Park (i.e. Christensen, Laretta Dr, Anne Arbor Ave).²

Here is an example Memorial Park map for the Diwali Festival (Oct 11, 2025) where the parking lots are marked for use by vendors. This setup is commonly described during Memorial Park Events in the Parking study for the Memorial Park Specific Plan.³

CITY OF CUPERTINO MEMORIAL PARK PARKING STUDY

It should be noted that parking was severely limited within the park and along Alves Drive during the festival so these numbers reflect parking used for VIPs, vendors, food trucks, and general closures.



Reference: <https://cupertino-chamber.org/bay-area-diwali/#:~:text=The%2023rd%20Annual%20Bay%20Area,understanding%20that%20promotes%20economic%20prosperity.>

- C. **Cumulative future impacts and GP Infrastructure Element (Policy INF-2):** Projected increased traffic and parking on Mary Ave to and from De Anza College after addition of a planned 25,000 sq ft medical center to be built in De Anza College's Parking Lot B.⁷ This parking displacement may be compounded by the Sunday Farmer's market and Saturday flea market.

2. Inconsistency with Infrastructure and Safety Elements

- A. **Operational Hazards for Large Vehicles:** The neighborhood has documented fleets of **up to 10 foot wide municipal repair trucks** that use Mary Avenue daily (75+ trips per day) to and from the Public Works Service Center at 10555 Mary Avenue. Narrowing the traffic lanes to 11 feet while introducing parallel parking creates documented risks of "**off-tracking**" and "**shy distance**" hazards that the City has failed to study or mitigate.



Lina <lina.lang41@gmail.com>

Follow-up to meeting: Requests for Traffic Circulation and Parking Analysis for Mary Ave Villas

Lina <lina.lang41@gmail.com>

Fri, Sep 26, 2025 at 9:10 AM

To: Tina Kapoor <TinaK@cupertino.gov>, Chad Mosley <ChadM@cupertino.gov>, FloyA@cupertino.gov, Gian Martire <GianM@cupertino.gov>, Benjamin Fu <BenjaminF@cupertino.gov>, Luke Connolly <LukeC@cupertino.gov>, MichaelW@cupertino.gov

Cc: Brian Avery <brianbavery@gmail.com>, Sblend Sblendorio <sblend.sblendorio@hogefenton.com>

Dear Tina and City Staff,

This email is a follow-up to our previous correspondence regarding the Traffic Report and mitigation suggestions. We would like to elaborate on a few key points for your consideration:

3. Re-evaluation of Lane Narrowing: We request that the traffic engineer reassess the appropriateness of narrowing the traffic lanes to 11 feet and the buffer lanes given the site's proximity to the Public Works Service Center. Should the traffic lane adjacent to the parking lane be wider? Are the proposed, narrowed buffer lanes a safe width?

- Approximately 16 Public Works vehicles per hour, including utility trucks, boom trucks, garbage trucks, and semi-trucks with trailers (some up to 10 feet wide), travel through Mary Avenue. (Data: neighbor observation)
- Vehicle Sweep and Turning Radii: Will wide vehicles, such as a 10-foot-wide garbage truck or a semi-truck with a trailer, be able to safely navigate an 11-foot travel lane without encroaching on the 8-foot parking lane? What is the "shy distance" between the traffic lane and parked vehicles, and is it sufficient to prevent sideswipes?
- Off-tracking: How will off-tracking—where the rear wheels of a large vehicle follow a tighter path than the front wheels—impact this single-direction lane, particularly at curves? Could it cause trucks to cross into the adjacent parking lane, potentially damaging parked cars?

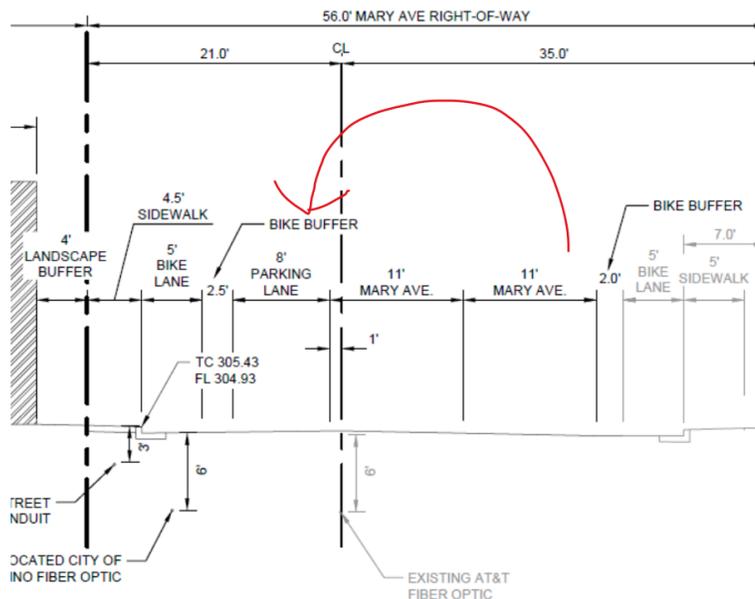
-
- Operational Safety: Will there be enough room for a passenger car to safely pass a stopped utility or garbage truck? Is there a risk of creating bottlenecks that could lead to driver frustration and unsafe maneuvers?



Semi-truck with trailer: up to 10 feet wide. Parked cars are seen on Mary Ave parked into the buffer lane, appearing to avoid the traffic lane.

- B. **General Plan Consistency (Policy LU-27.8):** This policy focuses on protecting residential neighborhoods from intrusive development impacts. Approving a vacation that brings traffic noise directly to the bedrooms of Glenbrook Apartments violates these neighborhood protection standards.

Replacing Glenbrook parking lane with traffic lane brings traffic noise directly next to bedrooms of Glenbrook Apartments



- C. **Failure to Protect Neighborhood Safety (Policy LU-27.8) Unaddressed Mitigations:** Neighbors submitted over 20 detailed safety recommendations on September 22, 2025. City staff dismissed all but one. (Appendix B) Approving a design with known, unstudied safety flaws is a prejudicial abuse of discretion.

3. Factually Unsupported "Unnecessary for Public Use" Finding

Under **Streets and Highways Code § 8324**, a vacation requires a finding that the street is "unnecessary for present or prospective public use".

- **Contradictory Record:** Draft Resolution 1 (Vacation) explicitly admits the land is "being utilized for on-street parking". However, Draft Resolution 2 (Disposition) and the Staff Report attempt to categorize the site as "unused right-of-way".
- **Factual Errors and Omissions in Staff Report:** The Staff Report characterizes the ROW as "underutilized", but photographic evidence and the Krupka Report prove it serves as a critical relief valve for the neighboring 22-acre park and regional festivals attracting 10,000+ visitors.⁴

4. Illegal "Piecemealing" and Procedural Errors

- **Backward Process:** The City Council already approved the building's design (ASA) on February 3, 2026. Moving the land-use findings to the Planning Commission *after* the project is entitled is a "backward" procedure that prevents an objective determination of General Plan conformity. This is already explained in the letter from attorney Joshua Safran on Feb 3, 2026.⁵

I urge Commissioners to vote **No** because the mandatory legal findings for a street vacation cannot be made based on the substantial evidence in the record, and illegal processes having occurred which has introduced bias.

Sincerely,

Lina

Spokesperson for the Garden Gate Coalition for Mary Ave Safety

References:

1. Submitted written comments from Krupta Consulting to Planning Commission, February 10, 2026, pending publication on Cupertino.gov Planning Commission Meeting website

2. CC 09-16-2025 Oral Communications Written Comments, URL:

<https://cupertino.legistar.com/MeetingDetail.aspx?LEGID=4988&GID=341&G=74359C04-A5F0-4CB2-A97A-0032996BB90E#docaccess-d61012efeadfcaa2120db1a71a11f91c4b826d9f4a115b44023f1a2700a0a1dd>, accessed February 9, 2026.

Page 6, Email from LinaLang41@gmail.com dated Sept 14, 2025 07:45:06AM “We need new parking and traffic solutions for Memorial Park events NOW- not appropriate to eliminate 89 parking spots on Mary Ave for Villas”

3. Memorial Park Specific Plan Appendix, Published: February 2024, Page 37.

<https://www.cupertino.gov/Your-City/Departments/Public-Works/Capital-Improvement-Programs-Projects/Memorial-Park-Specific-Plan#docaccess-9b9ac1c91eaa58f4108b1775066f3c1c5456d0d2633094f3e69f64c5d8c36439>

4. CC 2-03-2026 Oral Communications Written Comments, URL:

<https://cupertino.legistar.com/MeetingDetail.aspx?LEGID=5284&GID=341&G=74359C04-A5F0-4CB2-A97A-0032996BB90E#docaccess-85809865497f4558d139e9a2e0548ae842580e1b436113f5a9bd8bd34f21b3de>, accessed February 9, 2026, pages 9-10. Email from Paul Krupka dated Dec 11, 2025 titled “Public Comment – Special Meeting on December 12, 2025 – Study Session on the Mary Avenue Project (“Project”)

5. CC 2-03-2026 Oral Communications Written Comments, URL:

<https://cupertino.legistar.com/MeetingDetail.aspx?LEGID=5284&GID=341&G=74359C04-A5F0-4CB2-A97A-0032996BB90E#docaccess-85809865497f4558d139e9a2e0548ae842580e1b436113f5a9bd8bd34f21b3de>, accessed February 9, 2026, pages 12-26. Email from Joshua Safran, dated Feb 1, 2026 titled “Demand Letter to City Council of Cupertino re Mary Avenue Villas Project (February 1, 2026)”

6. [Measure G Bond Project Update](#)

https://www.deanza.edu/gov/campus_facilities/meetings/2023-10-17.html

7. [Santa Clara County Health Clinic Update](#)

https://www.deanza.edu/gov/campus_facilities/meetings/2023-10-17.html

8. I - Applicant Parking Exhibit . “Cupertino Assisted Living - Project Modification Back Up”

<https://cupertino.legistar.com/LegislationDetail.aspx?ID=7400290&GUID=36CC378D-D4FA-41A8-B618-FD29CD368CE5&Options=&Search=#docaccess-0cd9ab42ebc6105be183d0c50efb1e5336cba9500a15e7c3d0b4f9cab335b568>

Appendix A. Memorial Park Events

Memorial Park Events	Attendance	Reference
https://www.cupertino.gov/Parks-Recreation/Events		
Week 15 (April 7-13): Holi Festival	>10,000	https://www.facebook.c
Week 17 (April 21-27): Cherry Blossom Festival	>10,000; 2 day festival	https://www.cupertinoc
Week 24 (June 9-15): Dilli Haat Festival	>10,000	https://www.youtube.co
Week 25 (June 16-22): Summer Concert Series		
Week 26 (June 23-29): Summer Concert Series		
Week 27 (June 30-July 6): Fourth of July Celebration	>12,000	https://cupertinofacts.o
Week 28 (July 7-13): Summer Concert Series		
Week 29 (July 14-20): Shakespeare in the Park and Summer Concert Series		
Week 30 (July 21-27): Shakespeare in the Park and Summer Concert Series		
Week 31 (July 28-August 3): Shakespeare in the Park and Summer Concert Series		
Week 32 (August 4-10): Summer Concert Series		
Week 33 (August 11-17): Summer Concert Series		
Week 34 (August 18-24): Summer Concert Series		
Week 34 (August 23): Kids N Fun Festival	> 15,000	https://www.facebook.c
Week 37 (September 13): Silicon Valley Fall Fest	> 5,000	https://www.sv-ff.com/
Week 38 (September 15-21): Heritage India Faire Festival		
Week 40 (September 29-October 5): Cupertino Bollywood Neon Dandiya Night		
Week 41 (October 6-12): Bay Area Diwali Festival	> 13,000	https://cupertino-cham
Week 46 November 11, 2025 Veterans Day Ceremony		
Week 49 (December 1-7): Christmas Tree Lighting Ceremony		

Appendix B. Attachment in Letter to Tina Kapoor and City Staff titled “Request of Garden Gate Neighborhood to Analyze Traffic Circulation and Parking for Consideration of Mary Avenue Villas”



Lina <lina.lang41@gmail.com>

Follow-up to meeting: Requests for Traffic Circulation and Parking Analysis for Mary Ave Villas

Lina <lina.lang41@gmail.com>

Mon, Sep 22, 2025 at 7:30 AM

To: Tina Kapoor <TinaK@cupertino.gov>, Chad Mosley <ChadM@cupertino.gov>, FloyA@cupertino.gov, Gian Martire <GianM@cupertino.gov>, Benjamin Fu <BenjaminF@cupertino.gov>, Luke Connolly <LukeC@cupertino.gov>, MichaelW@cupertino.gov
 Cc: Brian Avery <brianbavery@gmail.com>, Sblend Sblendorio <sblend.sblendorio@hogefenton.com>

Dear Tina,

Thank you for meeting with us last Thursday. As discussed, I have attached the requested items for your analysis of traffic circulation and parking for the Mary Ave Villas. At the end of the document, you will also find mitigation suggestions from the Garden Gate neighborhood.

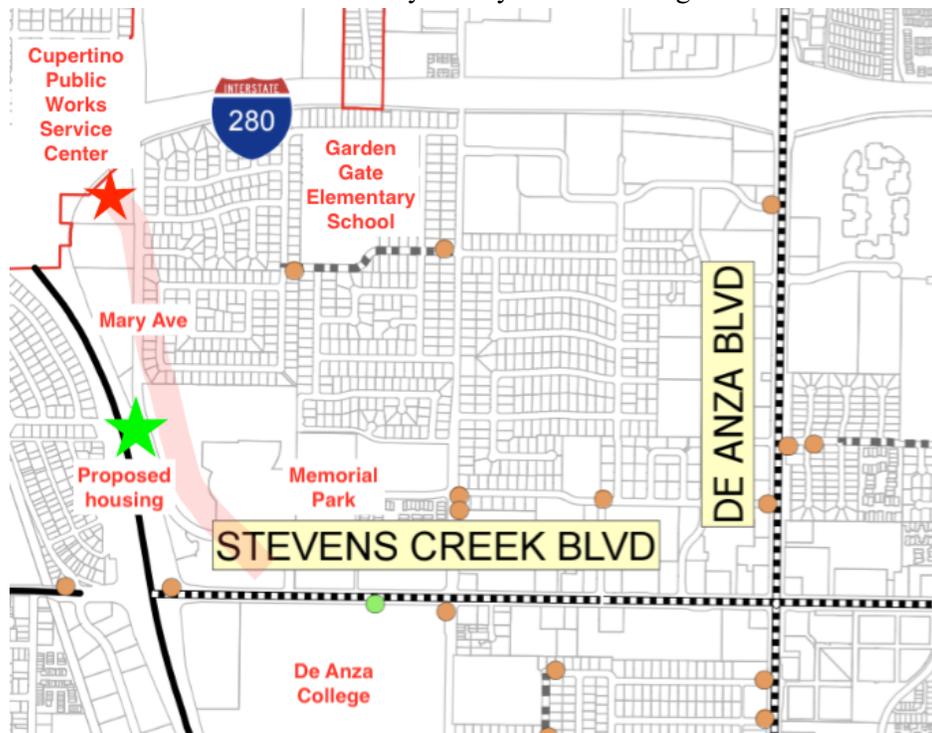
Please let us know when the traffic report is ready so we can proceed with a peer review by our traffic engineering consultant.

Thank you,
 Lina

Request for Traffic and Parking Report - Mary Avenue Villas.docx
 5830K

Questions and Requests for Study

1. Has the traffic study considered the **traffic circulation and parking requirements** on the residential neighborhoods around De Anza College? Given that overflow parking from De Anza College often results on Mary Ave?
2. Will expansion of park amenities require **more parking** and is the study analyzing the additional load on local traffic circulation?
3. Does the addition of 8 pickleball courts increase the need for **more parking** over the existing conditions?
4. Can it comment on the frequency of **wide vehicles** using this road? There is a Service Center at the end of Mary Ave. Wide service vehicles travel daily on Mary Ave to get between Stevens Creek Blvd (a City designated R14-1 truck route) and the City Public Works service center lot which is located at the end of Mary Ave by the Bike Bridge.



<https://www.cupertino.gov/files/assets/city/v/1/departments/documents/public-works/engineering/truck-traffic-restrictions.pdf>

5. For a better capture of typical school day traffic, observe a weekday where Garden Gate school is not closed, i.e. avoid 8/14-8/15, 9/26, 10/2-10, 10/23-24, 11/7. Lots of traffic, including numerous families from Glenbrook, flood Mary Ave in the morning and early afternoon with the bell schedule. This school calendar can assist in your date selection.
<https://gardengate.cusdk8.org/about-us/public-school-calendar>
6. For the weekday traffic and parking assessment, consider observing on a Friday where the neighborhood might receive more overnight or dinner guests.
7. Can the observation dates include multiple scenarios that lead to spillover parking on Mary Ave: the first Saturday of the month (flea market at Dr. Anza College), during a Memorial Park

event/festival (usually on a Saturday) where De Anza Parking is free (Oct 11 Diwali), and one where parking fees are charged.

8. When considering the potential impact of displaced parking from Memorial Park onto Mary Ave, numerous on-site stalls and Alves Street stalls are often not available for public parking (as described above under Current Conditions: Memorial Park). Does the traffic study account for the unavailability of these spaces?
9. During major city events/festivals, parking is near capacity on Mary Ave as it is 1 of 2 residential streets adjacent to Memorial Park with free public street (off-site) parking. The other area consists of the east side of Memorial Park: Christensen Dr, Ann Arbor, and Lauretta Dr. These streets have “permits required” daily restrictions between 7 am-10 pm -- do these cause parking demand to be displaced onto Mary Ave?
10. In the traffic study, quantify or assess the circulation at the **ingress and egress** of Casa de Anza, Glenbrook. The circulation pattern is important and can help position the Villas driveways properly, and optimize traffic and safety on Mary Ave.
11. **Analyze the effectiveness of the listed mitigation suggestions.**
 - A. Can downsizing the project or modifying the configuration of the project improve (or not make worse) existing traffic circulation or parking?
 - B. Can we limit non-resident parking around us and force parking across the street at De Anza College. Allow priority for residents of Westport, Arroyo, Glenbrook, Casa De Anza, the Dog Park, and the Villas. We anticipate greater traffic after future developments at Westport and after Memorial Park renovation/improvements (e.g. adding 8 new pickleball courts, all abilities playground) at Memorial Park– reassess the parking impact.
 - a. Introduce residential parking permits during weekends from 10am-6pm on Mary Ave (in front of housing complexes Glenbrook, Arroyo, Casa De Anza). Strongly consider including Anson Avenue & Millard Lane as we anticipate overflow parking here if Mary Ave parking is restricted. These 2 streets are right off Mary Ave.
 - b. Make Special Event permit requirements more robust. Require a shuttle service, and contracting with De Anza College for formal overflow parking for non City sponsored community events. Can they put up road signs saying “No Event Parking” around Mary Ave, Lubec St, outside Casa De Anza, Arroyo, Glenbrook?
 - c. Heavily enforce parking permits and/or restrictions
 - C. Add a safe, lit crosswalk +/- speed bump on Mary Avenue. Residents need safe access to the parking spots which is only 1 side of the street between 2 housing complexes. Otherwise people will jaywalk. Lots of families in this area so it's extra important for cars to see the crosswalk and go slow here.
 - D. Preserve more of the street's width and public right-of-way.
 - a. Is 11 feet appropriate? Should it be wider given the heavy use for service center dump trucks, utility/service trucks, pickups, street sweepers?
 - b. Can the parking lane be widened to accommodate SUVs, minivans, and room for doorswings? Cars currently park outside the lane, and families have trouble safely exiting the car on the flanking traffic lane.

- c. Reconfigure/narrow/downsize the building to help with mitigation?
- d. Lower priority than the above. Can they widen the sidewalks?– heavy community use by joggers, track team, families, strollers, wagons, etc.
- E. Can they add dedicated short-term parking on the Villas site for visitors and service vehicles? To prevent vehicles from illegally parking and clogging the narrowed traffic lanes?
- F. Retain the existing east parking lane on the Glenbrook side so that traffic and noise is not brought right up to their apartment bedrooms. ~40+ bedrooms would be impacted. The other advantage of this would be the preservation of 10 parking spots. (they are removing 43 stalls on the Glenbrook side and replacing with only 33 on the Villas side).
- G. Ensure adequate access, space, and flow for garbage service trucks. Minimize risk of spilling waste onto streets as we have a severe crow and seagull problem in this area.
- H. Examine the safety of soundwall proximity in setting of minimal setbacks, e.g. earthquake: construction issues
- I. Re-examine the # of IDD units relative to parking needs. What if swap out with more IDD mix- would that help reduce parking strain? Or will the increased weekend visitor traffic and parking be worse for the neighborhood?
- J. Does the traffic engineer think addition of no U-turns and/or 2 sets of double yellow would improve safety on sensitive areas of Mary Ave e.g within 20 feet of Glenbrook and Villas driveways, and at Memorial Park (there have been pedestrian-car accidents)? Cars often stop traffic to turn (often aggressively) into a parking spot on the opposite street side during crowded Memorial Park events and festivals that draw over 10,000 visitors.
- K. Is the driveway location ok positioned directly across the Glenbrook driveway? Traffic engineer question. Can they look at circulation here? More cars exit this rear Glenbrook driveway than the main driveway.

PC 2-10-2026

Item No.5
Active
Transport Plan

Written
Communications

From: [Seema Lindskog](#)
To: [Lauren Sapudar](#); [Kirsten Squarcia](#); [Lindsay Nelson](#)
Cc: [Luke Connolly](#); [Piu Ghosh \(she/her\)](#); [Matt Schroeder](#); [David Stillman](#)
Subject: Feedback on ATP Scoring Criteria and Ranking
Date: Tuesday, February 10, 2026 10:27:26 PM

Hi Lauren, Kirsten, and Lindsay,

Please include this email in the public record for the Planning Commission meeting of Feb 10, 2026.

My recommendation – which was supported unanimously by the Planning Commission this evening – is to rebalance the scoring criteria to reduce the weight on the safety of school routes and on cost effectiveness and increase the weighing on the Vision Zero High Injury Network as well as on the documented serious death and injuries in the accident on Foothill Blvd.

Detailed reasons are below.

- The scoring system puts too heavy a weight on safety on school routes and on cost effectiveness to the detriment of all other criteria, including Safety on the vision zero high injury network. This results in project priorities that are inconsistent with the goals of Vision Zero, Climate Action Plan, Local Road Safety Plan, 2018 VTA Countywide Bicycle Plan and others
- A child died and another was seriously injured on Foothill Blvd. While the ATP does propose sidewalks on Foothill, they are ranked between 121-184, far below much less dangerous locations in the city.
- The cost effectiveness is too high. Bike ped projects are some of the most cost-effective city projects as a high percentage of the cost is covered by grants. The proposed weighing makes it difficult to highly rank any projects outside of paint on the asphalt.
- The ATP prioritization puts too low a weight on the High Injury Network data that is discussed extensively in the Vision Zero Plan. This creates a critical safety issue for residents.
 - The number one most dangerous intersection in Cupertino was ranked 65 in the ATP priorities (DeAnza Blvd. & Homestead Rd.)
 - Nine of the top 20 (45%) most dangerous intersections in the city per the Vision Zero report did not even get included in the ATP
 - The average ATP ranking for the city's top 20 most dangerous intersections was 44.
 - The intersection at September Dr and McClellan is ranked 24 with a score of

70, Rodrigues and Terry Way is ranked 49 with a score of 63. They are both ranked much higher than far more busy and more dangerous intersections.

- De Anza and SCB is ranked 56 with a score of 62
- De Anza and Homestead is ranked 65 with a score of 60
- De Anza and Prospect is ranked 183 with a score of 23,
- De Anza and Rainbow is ranked 201 with a score of 14

Thanks,
Seema



Seema Lindskog

Planning Commissioner

SLindskog@cupertino.gov

