

May 26, 2026  
City of Cupertino City Council  
10300 Torre Avenue  
Cupertino, CA 95014

**Re:** SummerHill TownHomes at 10268 Bandley Drive (ASA-2025-016, TM-2025-008, TR-2025-033) — Comments on Land Use Compatibility

Dear Mayor and Councilmembers,

We submit the following comments in connection with the above-referenced applications.

**Long-Term Use Compatibility.** Introducing residential uses into a predominantly non-residential corridor is typically undesirable and could create a sensitive interface. Well established existing commercial and industrial operations are characteristics of this part of the City and may not align with typical residential expectations. If the City decides to approve this project, proactive mitigation measures such as enhanced sound attenuation (windows/walls) and ample landscaping buffers (along the side/rear project boundaries), and strategic placement of upper floor residential windows are recommended conditions of approval.

**Construction Period Coordination.** Construction staging, access, and heavy equipment from the project could impact existing adjacent business operations. We recommend requiring a construction management plan as a condition of approval that mandates proactive neighbor notification, defined coordination protocols, and protections for shared access points and the maintenance of existing rights-of-way throughout construction.

**Pre-Occupancy Disclosure.** Future residents, owners, and/or tenants should be formally informed of the existing area's non-residential character before occupancy. Recorded disclosures or CC&R provisions should clearly communicate the operational realities of adjacent uses, not limited to: approved trash/loading areas, permitted uses, hours of activity, delivery schedules, and associated noise levels to set appropriate expectations.

Addressing these matters as conditions of approval will protect incoming residents, preserve the operational continuity of existing businesses, and

support a stable land use environment over time. We appreciate the Commission's consideration on this matter.

Respectfully submitted,

Gary Chao  
Development & Global Transport Services  
🍏 Places  
iPhone 408-828-5770  
gchao@apple.com



April 30, 2026

Mayor and Members of the City Council  
City of Cupertino  
10300 Torre Avenue Cupertino, CA 95014

**Support for Proposed Housing Project at 10268 Bandley Drive**

Dear Mayor and Members of the Council,

On behalf of the Bay Area Council, I write in strong support of the proposed 27-unit townhome development at 10268 Bandley Drive. This project represents exactly the kind of thoughtful, well-located infill housing the region needs to address our ongoing affordability and supply crisis.

The Bay Area Council is a business-sponsored public policy organization representing more than 370 of the largest employers in the Bay Area. Our members employ over 4.5 million workers across the region, and we are deeply committed to expanding housing production at all income levels to keep the Bay Area economically competitive and livable. The Bandley Drive project merits enthusiastic support because it drives this goal forward for several reasons.

First, the location is ideal for new housing. The site sits within an office park surrounded by Apple facilities, meaning residents will be close to thousands of jobs. The site is also remarkably amenity-rich. Future residents will enjoy walkable access (under one half mile) to shopping and restaurants along Stevens Creek Boulevard and De Anza Boulevard, including a Target store less than a quarter mile away. William Faria Elementary and Lawson Middle Schools are both within one mile, and Cupertino Memorial Park along with the Quinlan Community Center sit roughly one half mile from the site. This degree of walkable access to daily needs, schools, and parks is exactly what good infill housing looks like.

Second, the project conforms fully with the city's General Plan and zoning. The site is designated Mixed Use Planned Development, which permits residential density up to 25 dwelling units per acre. The applicant proposes a modest 17 units per acre, well within allowable limits. The 27 townhomes will offer a mix of three-bedroom and four-bedroom layouts in a clean modern architectural style suitable for families. Townhomes are this generation's starter home and we need to build a lot more of them for them to become more affordable.

Third, the project includes meaningful affordability. Five of the 27 homes will be deed-restricted below market rate, with two reserved for median-income households and three for moderate-income households. Cupertino, like the rest of the region, faces an acute shortage of family-sized homes attainable for teachers, nurses, public safety workers, and other middle-income earners. This project helps meet that need.

Fourth, the project takes advantage of AB 130's CEQA exemption pathway, allowing it to move forward efficiently while still meeting all underlying zoning, design, and building code requirements. Streamlined approvals for code-compliant infill housing are essential if Cupertino



is to meet its Regional Housing Needs Allocation and broader state housing goals. While this is not a Housing Element site, the project advances the same objectives by delivering ownership housing in a high-opportunity, transit-served, amenity-rich location.

For these reasons, the Bay Area Council respectfully urges the City of Cupertino to approve the proposed development at 10268 Bandlely Drive. We commend the applicant for delivering a project that is well-designed, well-located, and fully consistent with community and regional goals. Thank you for your consideration.

Sincerely,

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

Louis Mirante

Senior Vice President of Public Policy

[lmirante@bayareacouncil.org](mailto:lmirante@bayareacouncil.org)

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**Additional Park on Bandley Drive SummerHill Homes, ASA-2025-016, TM-2025-033, TR-2025-008**


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**From** Lily Teacher <lilyworkmail@gmail.com>

**Date** Tue 5/5/2026 3:11 PM

**To** Gian Martire <gianm@cupertino.gov>; City of Cupertino Planning Dept. <planning@cupertino.org>

**Cc** Peter Wilson <pdw12@mac.com>

 1 attachment (42 KB)

Prometheus Real Estate Group Develops Franco Park With City of Cupertino.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 Cupertino Planning Commission,

We are writing to strongly encourage the inclusion of a small public playground park in the building plans for the 27 SummerHill townhomes on Bandley Dr.

There is currently no park within walking distance of our home on Greenleaf Dr. and Beardon Dr. With so many new residents expected, the need for safe outdoor green space for young children and family dogs will only increase.

Our home is also adjacent to a parking lot for the Villages at Cupertino apartment buildings. This parking lot is where many children play, which is unsafe and also very noisy. In fact, we would appreciate it if you could allow the fence between the parking lot and the single-family houses to be taller and more dense to help with noise abatement. A nearby, fenced playground would provide an essential, safe alternative to playing in parking lots and streets.

There is also strong local precedent for this type of thoughtful planning. In 2011, Franco Park on E. Homestead Rd. was created in partnership with Prometheus Real Estate Group by converting a tennis court at the Markham Apartments into a public neighborhood park. A similar approach here could create a meaningful, well-used fenced playground park for the entire neighborhood.

Prometheus Real Estate Group Develops  
Franco Park With City of Cupertino  
prnewswire.com



Thank you for your time and consideration.

Best wishes,

Lily and Peter Wilson  
Cupertino, CA

# Prometheus Real Estate Group Develops Franco Park With City of Cupertino

Cupertino's newest park adjoins Markham Apartments

[Prometheus Real Estate Group](#)

SAN FRANCISCO, Feb. 17, 2011 /PRNewswire/ -- The city of Cupertino unveils a new city park developed in partnership with [Prometheus Real Estate Group Inc.](#)

Franco Park adjoins Prometheus' [Markham Apartments](#), on the corner of Homestead Road. At a little over a half acre, the park has been nearly three years in the making and was developed along with the addition of 116 residential units at Markham Apartments. Named in memory of PW Market owner Joey Franco, Franco Park features a modern play structure and manicured lawns.

Cupertino Mayor Gilbert Wong performed the ribbon cutting ceremony January 22, under sunny skies with children standing by ready to play in the new park. "Cupertino is very famous for its schools and Apple Computer for high-tech," said Wong. "The quality of life is also very important in the community. You can have good jobs, good schools, but you need amenities, like libraries and parks. This is a great partnership that we can work together with a private company like Prometheus and the city to build a public park," said Wong.

"Franco Park is an excellent example of how a public private partnership can

result in an absolute win win for everyone--for the City, our residents at [Markham Apartments](#) and the greater community of citizens in Cupertino," said Executive Vice President, Jonathan Moss. "We are grateful to the City of Cupertino for its collaborative efforts in creating a very special place for generations to come."

## About Prometheus

[Prometheus Real Estate Group](#) is the largest private owner of multi-family properties in the [San Francisco Bay Area](#) with a growing portfolio of more than 18,000 metropolitan-area apartments in the [Seattle](#), [Portland, Ore.](#), and [Los Angeles](#) communities. Since its inception in 1965, [Prometheus Real Estate Group](#) has specialized in the acquisition, development and management of high quality residential and commercial properties throughout the Western United States. Prometheus has a long history of award-winning approaches to development, management and general excellence. Recent recognition includes: [2010 MHN Best Property Management Company](#) of the Year, three Gold Nugget Awards and one [Grand Award](#) from the Pacific Coast Builder's Conference, First Place in Customer Service and Experience from *For Rent Magazine*, a California Landscape Association Trophy Award, a Rosey Award from the Portland Advertising Federation and the Multi-Housing News Design Excellence Award. For more information, visit <http://prometheusreg.com>, [Facebook](#), [Twitter](#), or [Linkedin](#).

SOURCE Prometheus Real Estate Group

**From:** Jack Farrell <[jack@yesinmybackyard.org](mailto:jack@yesinmybackyard.org)>  
**Sent:** Monday, May 11, 2026 10:03 AM  
**To:** Gian Martire <[gianm@cupertino.gov](mailto:gianm@cupertino.gov)>  
**Subject:** Letter of Support for 10268 Bandlely Drive

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

Good morning,

Please find attached YIMBY Law's letter of support for Item 2 of the 5/12/26 Planning Commission hearing.

Sincerely,

**Jack Farrell** *he/him*

Research Attorney

267-218-1147



[Check out everything we achieved in 2025!](#)



May 11, 2026

City of Cupertino  
10300 Torre Avenue  
Cupertino, CA 95014

Re: Proposed Housing Development at 10268 Bandle Drive

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

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

Dear Cupertino Planning Commission,

The California Housing Defense Fund (“CalHDF”) submits this letter to remind the City of its obligation to abide by all relevant state laws when evaluating the proposed 27-unit housing development project at 10268 Bandle Drive, which includes 5 median- and moderate-income units. These laws include the Housing Accountability Act (“HAA”), the Density Bonus Law (“DBL”), and AB 130.

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

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

Finally, the project is exempt from state environmental review pursuant to AB 130 (Pub. Res. Code, § 21080.66). Caselaw from the California Court of Appeal affirms that local governments err, and may be sued, when they improperly refuse to grant a project a CEQA exemption or streamlined CEQA review to which it is entitled. (*Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890, 911.)

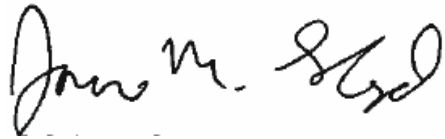
As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: it will increase the city’s tax base; it will bring new customers to local businesses; and it will reduce displacement of existing residents by reducing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

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

Sincerely,

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

Dylan Casey  
CalHDF Executive Director

A handwritten signature in black ink, appearing to read 'James M. Lloyd', with a long horizontal flourish extending to the right.

James M. Lloyd  
CalHDF Director of Planning and Investigations

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**From:** Cathy Helgerson <cathyhelger@gmail.com>

**Sent:** Monday, May 11, 2026 1:27 PM

**To:** Tracy Kosolcharoen <Tkosolcharoen@cupertino.org>; sscharf@cupertino.gor; David Fung <dfung@cupertino.org>; Seema Lindskog <slindskog@cupertino.org>; Santosh Rao <SRao@cupertino.gov>; Piu Ghosh (she/her) <piug@cupertino.org>; Gian Martire <gianm@cupertino.org>; Nicky Vu <NickyV@cupertino.gov>

**Cc:** Kitty Moore <kmoore@cupertino.org>; Liang Chao <liangchao@cupertino.org>; Sheila Mohan <smohan@cupertino.org>; J.R. Fruen <jrfruen@cupertino.org>; R "Ray" Wang <rwang@cupertino.gov>

**Subject:** 10268 Bandley Drive Public Hearing

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

Hello ALL,

My name is Cathy Helgerson. I live at 20697 Dunbar Drive, Cupertino, Ca. I have lived at this address for 46 years and still counting. I have come to this meeting to voice my objections to this build at 10268 Bandley Drive, Cupertino, Ca. The development of 27 three story townhome condominiums, including 5 affordable units, with associated site improvement, to replace a commercial office building on a 1.55-acre site, located mid-block on Bandley Drive between Mariani Avenue and Lazaneo Drive. The Planning Commission has scheduled a public hearing to review this possible build at Bandley Drive in Cupertino. My concerns are many and I will try and cover most of them in this e-mail.

My home is on the other side of the proposed build further down the road over the wall.

Apple Computer has a Research and Development lab building and has been there for over 30 years and counting. My concern has been that later and who really knows when that there could be additional builds proposed and that maybe more commercial buildings will be taken over by this housing build requirements. Years ago Better Cupertino sent me a photo they made with a 5 story building built right where Apple Computer has their R & D Lab and they mentioned that this build could happen right next to my property over the wall. I was very alarmed over this and got involved in city and county matters over the years.

My fear now is that once the City of Cupertino accepts projects like this one on the other side of Bandle Drive that soon they will start to open up things and could possibly develop the other side of the road. This could be a very serious problem with the people that live next to the wall. Single family homes could be endangered by high rise buildings.

The Bandle Drive Road building project is listed as Residential R-2 Development. The buildings on Bandle Drive are Commercial Buildings and have been for decades. I ask that the zoning be limited to Commercial Buildings and the Residential category zoning be taken out. We need the Commercial Buildings which are very important to the city.

I attended the Economic Development Committee meeting that was just recently formed again. They are looking at adding and encouraging businesses to come to Cupertino to set up businesses. There will be a meeting again in July and I will be attending and I think they will have monthly meetings after that.

We should look at the builds on Stevens Creek Blvd. that the City of Cupertino has approved that will be replacing the Pizza Hut, Staples Store and Fontana's Restaurant. They will be gone which is a real shame. Many people have lost their jobs at Staples Store and complained but no one listened. There is also on the other side of Stevens Creek Blvd. another approved build that will be replacing the Voyager Coffee shop and the Panera Bread this is another build. This building will also replace the Daycare Center and Office Center. The Cupertino small offices at this site are necessary to the city. We need this Daycare Center. This has all been approved. This is all so sad and the public really did not get a chance to stop this terrible tragedy.

My feeling now is that I have to comment by asking the question: how can Cupertino attract any new businesses if in fact there could be a possibility that once they establish themselves and set up their businesses all that would have been in vain. A housing project could come up and they would have to move. Or never to be heard of again. The

question I asked at the Economic Development Committee meeting was how can you think that any business would want to come to Cupertino if they knew that once they got their business established that they may have to move out because of the housing quota requirements. How can the Economic Development Committee even function after that? I am sure they have to look at this great problem.

I pulled off a report on the web titled Major Residential Projects Cupertino, Ca. This report shows a list of housing projects that have been approved or reviewed still pending. It left out some key details that I have contacted staff to see if they can put the details in. These details would include how many units at each location and the date that the projects were approved. This report should also include where we stand with the quota ongoingly. There is a lot of information that needs to be added. The building quota over all of Cupertino at this time is 4,600 units; the city zoning can allow for over 5,800 units exceeding the minimum state requirements by roughly 28%. This could be just for one year. Each year there is a new quota. The SB 330 bill is set for a period of 8 years and the information should be listed for each build on a formal report that goes to the State Senator. We also should take into account the total number of units each quarter.

It should also be noted that the key project, "The Rise" (Formally Vallco), is currently slated to provide 2,669 units of housing that is not listed on the City of Cupertino's Major Projects list. As of April 2025 the City of Cupertino at this site has approved 2,852 units of housing and has 424 additional units under review, totalling 3,267 units of housing. This is roughly 70% of the goal certified between 2023-2031 Housing Element to comply with the State Regional Housing Needs Allocation (RHNA). Of these, approximately 1,880 units must be affordable to lower-income households. How is the quota really decided? Who is in charge of that determination?

I contacted Cupertino's District 13 Senator Josh Becker's office and spoke to Alex Kobayashi who told me that the last count of housing that they had received from Cupertino was 254 units. So it seems they receive a report every year. This is not accurate by any means. I would suggest and it sure would be nice to send out this report quarterly to the Senator and other Senators from other cities. How can the housing requirements be held if the reports are not accurate and up to date? I have to ask when was this housing unit quota established? How are the quotas for every city, especially Cupertino established? The bill established by the Senate only lasts 8 years I guess or does it? Where are we now in the calculations? This should all be public information and it is not.

The quotas set for housing do not take into account what will happen with the traffic

gridlock. They do not consider the additional resources that the cities will have to take on because of these builds. We will probably need more Sherriffs. I was told we only have 3 as of now. The city has a problem paying them now. What will happen later? Will the city hire their own police?

There are many commercial properties and restaurants that have closed down because of many reasons and it is time to look at these properties with jobs lost. The City needs to take into account what will happen when the traffic problems are way out of control and there is no Mono Rail system. Highways 85, 280 and 101 are overwhelmed by the traffic and at some times backed up considerably. Vallco (Rise) will bring in many people from all over the valley, other states and other countries this will cause traffic and other problems. There was a shooting at the WestGate Shopping Center not long ago that was really scary, and so I do not shop there anymore. The shops are too expensive and most people go there for the food court anyway.

We must look at the big picture. Do we want Cupertino and other cities to become ghettos? People will come here from all over the United States and from other countries. This is already a reality. More people mean more crime, violence, disease, crowding, gridlock traffic problems, more taxes to support the poor and homeless, higher prices, more pollution and many other problems. The projects in New York City started in this way one at a time slowly creating a very sad situation. People used to say they lived in a ghetto and the projects turned into ghetto's. I do not want our great city of Cupertino and other cities to turn into a ghetto nor should anyone.

I will be working on these problems and hope that others will join me. I do not want this 27 three story townhome condominiums project to be approved. Keep Bandley Drive Commercial buildings only no Residential Housing change the zoning. Stop killing good businesses of restaurants, coffee shops, and commercial buildings with these housing projects that are not what the public wants.

I hope that the Planning Commissions and the City Council will listen to my plea. Please do not approve this Bandley Drive housing project. No more residential units on Bandley Drive.

I have sent this e-mail message to the City of Cupertino's City council in hopes that they will listen to my plea.

Thanks you,  
Cathy Helgerson - 408-253-0490

## Lindsay Nelson

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**From:** Rhonda L <rlukich@gmail.com>  
**Sent:** Monday, May 11, 2026 3:25 PM  
**To:** City of Cupertino Planning Commission  
**Cc:** Rhonda Lukich; Gian Martire  
**Subject:** Comments to proposed development, 10268 Bandley Drive

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

To:  
City of Cupertino Planning Commission  
From:  
Rhonda Lukich, Owner/Manager, Boyer Family Partnership I, 20605 Lazaneo Drive  
David Wollenberg, President of The Cortana Corporation, Managing General Partner of Cupertino Industrial Associates, Owner, 10460 Bandley Drive  
Date:  
5/11/26  
Subject:  
Proposed Summerhill Development, 10268 Bandley Drive, Cupertino

Hello,

As the Planning Commission considers Summerhill Development Company's proposed residential project of 27 three story townhomes at 10268 Bandley Drive, I'd like to introduce factors that could potentially have negative impacts on our properties which are adjacent to the project and most importantly, our Tenant. We understand the State's need for more housing and the pressure the City of Cupertino is under to satisfy the State's mandated goals. That being said, this property is first and foremost a commercial business park. When it was developed, back in 1977 there was never any intention of residential housing like this proposed development of fitting into this environment. If this development passes, future residents of these units must be made aware before purchasing that our Tenant is likely to have business related activities that could very well be unappealing to residential housing including evening and overnight noise from generators, air-conditioners and various other commercial related operations, deliveries and potential future remodeling projects.

Factors that should be considered in Summerhill's proposal are:

- 1)  
A construction mgmt. plan should be made available for surrounding properties to review.
- 2)  
No parking on our properties before, during or after construction, into perpetuity.
- 3)  
CC&R's and marketing materials need to include and be clear on the fact that this is a commercial business park first and foremost. Future residents cannot come back and complain to the City about commercial activity and/noise.
- 4)  
CC&R's need to be clear that residents will be restricted from using Tenant's leased property as a passthrough to other streets.
- 5)

Signs need to be installed that designate our parcels as private property and that violators risk being towed.

6)  
CC&R's need to be written to strictly enforce parking restrictions, trash removal, landscape maintenance and keeping their space clean and in an orderly manner.

7)  
Strong HOA needs to have strong enforcement mechanisms in their CC&R's.

8)  
A 7' noise barrier wall, preferably concrete, should be installed to protect everyone's interests.

We are hopeful that the incorporation of the above comments into Summerhill's development plans will bring peace of mind for us as owners and Apple. Our priority is to protect our Tenant's rights as they have the right to quiet enjoyment of their buildings.

Thank you for your consideration.

Rhonda Lukich  
David Wollenberg

## Lindsay Nelson

---

**From:** James Lloyd <james@calhdf.org>  
**Sent:** Monday, May 11, 2026 3:26 PM  
**To:** City of Cupertino Planning Commission; Santosh Rao; Tracy Kosolcharoen; David Fung; Seema Lindskog; Steven Scharf  
**Cc:** Piu Ghosh (she/her); City Attorney's Office; Cupertino City Manager's Office; City Clerk; City of Cupertino Planning Dept.  
**Subject:** public comment re item 2 for the 5/12/26 Planning Commission hearing  
**Attachments:** Cupertino - 10268 Bandlely Drive - HAA Letter.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 Cupertino Planning Commission,

The California Housing Defense Fund (“CalHDF”) submits the attached public comment letter in support of item 2 for the 5/12/26 Planning Commission hearing, the proposed 27-unit housing development project at 10268 Bandlely Drive, which includes 5 median- and moderate-income units.

Sincerely,

James M. Lloyd  
Director of Planning and Investigations  
California Housing Defense Fund  
[james@calhdf.org](mailto:james@calhdf.org)  
CalHDF is grant & donation funded  
Donate today - <https://calhdf.org/donate/>



May 11, 2026

City of Cupertino  
10300 Torre Avenue  
Cupertino, CA 95014

Re: Proposed Housing Development at 10268 Bandle Drive

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

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

Dear Cupertino Planning Commission,

The California Housing Defense Fund (“CalHDF”) submits this letter to remind the City of its obligation to abide by all relevant state laws when evaluating the proposed 27-unit housing development project at 10268 Bandle Drive, which includes 5 median- and moderate-income units. These laws include the Housing Accountability Act (“HAA”), the Density Bonus Law (“DBL”), and AB 130.

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

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

Finally, the project is exempt from state environmental review pursuant to AB 130 (Pub. Res. Code, § 21080.66). Caselaw from the California Court of Appeal affirms that local governments err, and may be sued, when they improperly refuse to grant a project a CEQA exemption or streamlined CEQA review to which it is entitled. (*Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890, 911.)

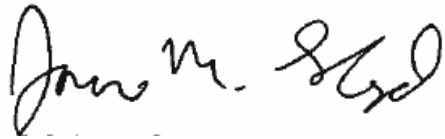
As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: it will increase the city’s tax base; it will bring new customers to local businesses; and it will reduce displacement of existing residents by reducing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

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

Sincerely,

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

Dylan Casey  
CalHDF Executive Director

A handwritten signature in black ink, appearing to read 'James M. Lloyd', with a long horizontal flourish extending to the right.

James M. Lloyd  
CalHDF Director of Planning and Investigations

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**Re: [City of Cupertino] Additional Park on Bandlely Drive SummerHill Homes, ASA-2025-016, TM-2025-033, TR-2025-008**

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**From** Lily Teacher <lilyworkmail@gmail.com>  
**Date** Tue 5/19/2026 6:25 PM  
**To** City of Cupertino Planning Dept. <planning@cupertino.org>  
**Cc** Gian Martire <gianm@cupertino.gov>; Peter Wilson <pdw12@mac.com>

**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 Cupertino Planning Commission,

Since there will be another public hearing on June 2, we would like to add the following feedback regarding the 27 three-story townhome condominiums proposed by SummerHill Homes on 10268 Bandlely Drive.

While we understand Cupertino has been encouraged to build more housing, the City's own General Plan and Community Vision also talk about keeping neighborhoods walkable, livable, and connected to parks and open space.

The area around Bandlely Dr. and the nearby Beardon Dr. and Alves Dr. neighborhoods do not currently have a public park or playground within easy walking distance, and adding so many new homes without nearby recreational space does not seem consistent with those goals.

Please note that there are already two high density complexes in this area, one on 10193 Beardon Dr., and another, the Villages at Cupertino, on 20875 Valley Green Dr. with many units on Beardon Dr.

Some of the relevant City policies and planning principles include:

\* Cupertino's General Plan Vision 2040 emphasizes maintaining "a high quality of life" and preserving "complete neighborhoods" with access to parks, recreation, and community amenities. The Bandlely Dr. and surrounding Beardon Dr. and Alves Dr. area currently lacks a public park or playground within practical walking distance for residents.

\* The General Plan Guiding Principles state that neighborhoods should provide "convenient pedestrian and bicycle access to parks." The proposed addition of 27 new residential units would increase density in an area already underserved by walkable recreational amenities.

\* Cupertino's planning policies repeatedly encourage "walkable neighborhoods" "pedestrian-oriented," and "livable" development patterns. The project site is located within a largely commercial and office-

oriented district that lacks integrated public open space infrastructure necessary to support a significant increase in residents.

\* The General Plan Land Use policies emphasize balanced mixed-use environments and preservation of community-serving functions within commercial areas. Replacing commercial land with dense townhouse-style residential development without corresponding public amenities appears inconsistent with these objectives.

\* Cupertino's community vision documents stress balancing growth with infrastructure and quality-of-life considerations. Approving additional housing in an area without nearby parks, playgrounds, or meaningful public gathering spaces undermines those adopted planning goals.

\* The City's Recreation and Community Services objectives support equitable access to recreational facilities and open space. Residents in the Bandley Dr., Beardon Dr. and Alves Dr. area remain severely underserved in terms of walkable park access.

We respectfully ask the City to carefully consider whether the SummerHill Homes proposal fits with Cupertino's long-term vision and whether enough attention has been given to walkability, park access, and overall neighborhood quality of life before approving the project.

Thank you once again for your time and consideration.

Best wishes,  
Lily and Peter Wilson  
Cupertino, CA

Links:



Chapter 1  
INTRODUCTION

ch1-intro-12042014  
PDF Document · 419 KB

General Plan Community Vision  
cupertino.gov





## "Community Vision 2040 Guiding Principles

### #1: Develop Cohesive Neighborhoods

Ensure that all neighborhoods are safe, attractive and include **convenient pedestrian** and bicycle **access** to a **"full-service"** of local **amenities such as parks**, schools, community activity centers, trails, bicycle paths and shopping."

On May 7, 2026, at 9:09 AM, Gian Martire (Cupertino Planning Department) <planning@cupertino.org> wrote:

Your request (160636) has been updated. To add additional comments, reply to this email.



**Gian Martire (City of Cupertino)**

May 7, 2026, 9:09 AM PDT

Thank you for your comment letter. I have attached it to the PC staff report.



**Lily Teacher**

May 5, 2026, 3:10 PM PDT

Dear Cupertino Planning Commission,

We are writing to strongly encourage the inclusion of a small public playground park in the building plans for the 27 SummerHill townhomes on Bandlely Dr.

There is currently no park within walking distance of our home on Greenleaf Dr. and Beardon Dr. With so many new residents expected, the need for safe outdoor green space for young children and family dogs will only increase.

Our home is also adjacent to a parking lot for the Villages at Cupertino apartment buildings. This parking lot is where many children play, which is unsafe and also very noisy. In fact, we would appreciate it if you could allow the fence between the parking lot and the single-family houses to be taller and more dense to help with noise abatement. A nearby, fenced playground would provide an essential, safe alternative to playing in parking lots and streets.

There is also strong local precedent for this type of thoughtful planning. In 2011, Franco Park on E. Homestead Rd. was created in partnership with Prometheus Real Estate Group by converting a tennis court at the Markham Apartments into a public neighborhood park. A similar approach here could create a meaningful, well-used fenced playground park for the entire neighborhood.

Prometheus Real Estate Group  
Develops Franco Park With City of  
Cupertino  
prnewswire.com

Thank you for your time and consideration.

Best wishes,

Lily and Peter Wilson  
Cupertino, CA

Attachment(s)

[2019-Q4-PRN-Icon-32-32.png](#)

[Prometheus Real Estate Group Develops Franco Park With City of  
Cupertino.pdf](#)

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